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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 1592/84**

**of 7 June 1984**

**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 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 1451/82<sup>(2)</sup>, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 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 2543/73<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 Regulation (EEC) No 2157/83<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,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 6 June 1984;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2157/83 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 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 206, 30. 7. 1983, p. 47.

## ANNEX

to the Commission Regulation of 7 June 1984 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| (ECU/tonne)    |                                           |                                      |
|----------------|-------------------------------------------|--------------------------------------|
| CCT heading No | Description                               | Levies                               |
| 10.01 B I      | Common wheat, and meslin                  | 108,31                               |
| 10.01 B II     | Durum wheat                               | 148,51 <sup>(1)</sup> <sup>(2)</sup> |
| 10.02          | Rye                                       | 89,30 <sup>(6)</sup>                 |
| 10.03          | Barley                                    | 83,42                                |
| 10.04          | Oats                                      | 71,83                                |
| 10.05 B        | Maize, other than hybrid maize for sowing | 68,02 <sup>(2)</sup> <sup>(3)</sup>  |
| 10.07 A        | Buckwheat                                 | 0                                    |
| 10.07 B        | Millet                                    | 0 <sup>(4)</sup>                     |
| 10.07 C        | Grain sorghum                             | 91,75 <sup>(4)</sup>                 |
| 10.07 D        | Canary seed ; other cereals               | 0 <sup>(5)</sup>                     |
| 11.01 A        | Wheat or meslin flour                     | 167,45                               |
| 11.01 B        | Rye flour                                 | 141,45                               |
| 11.02 A I a)   | Durum wheat groats and meal               | 244,01                               |
| 11.02 A I b)   | Common wheat groats and meal              | 177,73                               |

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

<sup>(2)</sup> In accordance with Regulation (EEC) No 435/80, 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.

**COMMISSION REGULATION (EEC) No 1593/84****of 7 June 1984****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 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 1451/82<sup>(2)</sup>, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 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 2543/73<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 Regulation (EEC) No 2158/83<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,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 6 June 1984;

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*

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 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 206, 30. 7. 1983, p. 50.

## ANNEX

to the Commission Regulation of 7 June 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

| CCT heading No | Description                               | (ECU/tonne)  |                 |                 |                 |
|----------------|-------------------------------------------|--------------|-----------------|-----------------|-----------------|
|                |                                           | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 |
| 10.01 B I      | Common wheat, and meslin                  | 0            | 0,60            | 0,60            | 0               |
| 10.01 B II     | Durum wheat                               | 0            | 0               | 0               | 2,42            |
| 10.02          | Rye                                       | 0            | 0               | 0               | 0               |
| 10.03          | Barley                                    | 0            | 2,74            | 2,73            | 5,21            |
| 10.04          | Oats                                      | 0            | 0               | 0               | 0               |
| 10.05 B        | Maize, other than hybrid maize for sowing | 0            | 1,20            | 1,20            | 0,62            |
| 10.07 A        | Buckwheat                                 | 0            | 0               | 0               | 0               |
| 10.07 B        | Millet                                    | 0            | 0               | 0               | 0               |
| 10.07 C        | Grain sorghum                             | 0            | 0               | 0               | 0               |
| 10.07 D        | Other cereals                             | 0            | 0               | 0               | 0               |
| 11.01 A        | Wheat or meslin flour                     | 0            | 0,84            | 0,84            | 0               |

## B. Malt

| CCT heading No | Description                                                                          | (ECU/tonne)  |                 |                 |                 |                  |
|----------------|--------------------------------------------------------------------------------------|--------------|-----------------|-----------------|-----------------|------------------|
|                |                                                                                      | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 | 4th period<br>10 |
| 11.07 A I (a)  | Unroasted malt, obtained from wheat, in the form of flour                            | 0            | 1,07            | 1,07            | 0               | 0                |
| 11.07 A I (b)  | Unroasted malt, obtained from wheat, other than in the form of flour                 | 0            | 0,80            | 0,80            | 0               | 0                |
| 11.07 A II (a) | Unroasted malt, other than that obtained from wheat, in the form of flour            | 0            | 4,88            | 4,86            | 9,27            | 9,27             |
| 11.07 A II (b) | Unroasted malt, other than that obtained from wheat, other than in the form of flour | 0            | 3,64            | 3,63            | 6,93            | 6,93             |
| 11.07 B        | Roasted malt                                                                         | 0            | 4,25            | 4,23            | 8,08            | 8,08             |

## COMMISSION REGULATION (EEC) No 1594/84

of 7 June 1984

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 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 1556/84<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 663/84<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 663/84 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>(6)</sup>, as last amended by Regulation (EEC) No 1112/84<sup>(7)</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>(8)</sup>, as last amended by Regulation (EEC) No 664/84<sup>(9)</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>(10)</sup>;

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978<sup>(11)</sup> the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender<sup>(12)</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 application of the rules recalled above to the levy rates indicated by tenderers on 4 and 5 June 1984 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff 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,

HAS ADOPTED THIS REGULATION:

## Article 1

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

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

<sup>(2)</sup> OJ No L 150, 6. 6. 1984, p. 5.

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

<sup>(4)</sup> OJ No L 73, 16. 3. 1984, p. 10.

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

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

<sup>(7)</sup> OJ No L 108, 25. 4. 1984, p. 4.

<sup>(8)</sup> OJ No L 142, 9. 6. 1977, p. 10.

<sup>(9)</sup> OJ No L 73, 16. 3. 1984, p. 11.

<sup>(10)</sup> OJ No L 181, 21. 7. 1977, p. 4.

<sup>(11)</sup> OJ No L 370, 30. 12. 1978, p. 60.

<sup>(12)</sup> OJ No L 331, 28. 11. 1978, p. 6.

*Article 2*

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

*Article 3*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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## ANNEX I

## Minimum import levies on olive oil

(ECU/100 kg)

| CCT heading No | Non-member countries |
|----------------|----------------------|
| 15.07 A I a)   | 61,50 <sup>(1)</sup> |
| 15.07 A I b)   | 61,50 <sup>(1)</sup> |
| 15.07 A I c)   | 57,00 <sup>(1)</sup> |
| 15.07 A II a)  | 69,00 <sup>(2)</sup> |
| 15.07 A II b)  | 92,00 <sup>(3)</sup> |

<sup>(1)</sup> For imports of oil falling within this tariff 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) Spain and Lebanon: 0,60 ECU/100 kg;
- (b) Turkey: 22,36 ECU/100 kg 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 and Morocco: 24,78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries; however, the repayment may not exceed the amount of the tax in force.
- (d) Tunisia: 34,78 ECU/100 kg 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>(2)</sup> For imports of oil falling within this tariff 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 tariff 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)

| CCT heading No | Non-member countries |
|----------------|----------------------|
| 07.01 N II     | 13,53                |
| 07.03 A II     | 13,53                |
| 15.17 B I a)   | 30,75                |
| 15.17 B I b)   | 49,20                |
| 23.04 A II     | 4,56                 |

**COMMISSION REGULATION (EEC) No 1595/84**  
**of 7 June 1984**  
**fixing additional amounts for eggs in shell**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs<sup>(1)</sup>, as last amended by Regulation (EEC) No 3643/81<sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries<sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73<sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation No 54/65/EEC<sup>(5)</sup>, No 183/66/EEC<sup>(6)</sup>, No 765/67/EEC<sup>(7)</sup>, (EEC) No 59/70<sup>(8)</sup> and (EEC) No 2164/72<sup>(9)</sup>, the levies on

imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (a) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 364, 19. 12. 1981, p. 1.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

<sup>(5)</sup> OJ No 59, 8. 4. 1965, p. 848/65.

<sup>(6)</sup> OJ No 211, 19. 11. 1966, p. 3602/66.

<sup>(7)</sup> OJ No 260, 27. 10. 1967, p. 24.

<sup>(8)</sup> OJ No L 11, 16. 1. 1970, p. 1.

<sup>(9)</sup> OJ No L 232, 12. 10. 1972, p. 3.

**ANNEX****Additional amounts applicable to certain products listed in Article 1 (1) (a) of Regulation (EEC) No 2771/75**

| CCT heading No | Description                                                                                                                                                   | Additional amount | Imports affected |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| 04.05          | Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not :<br>A. Eggs in shell, fresh or preserved :<br>I. Poultry eggs :<br>b) Other | ECU/100 kg        | All imports (a)  |
|                |                                                                                                                                                               | 40,00             |                  |

(a) The additional amounts are not applied to products which are imported in accordance with Article 4 (a) of Regulation No 163/67/EEC.

**COMMISSION REGULATION (EEC) No 1596/84****of 7 June 1984****fixing additional amounts for egg products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs<sup>(1)</sup>, as last amended by Regulation (EEC) No 3643/81<sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries<sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73<sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Article 1 of Regulation (EEC) No 990/69<sup>(5)</sup>, the levies on imports of eggs not in

shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 364, 19. 12. 1981, p. 1.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

<sup>(5)</sup> OJ No L 130, 31. 5. 1969, p. 4.

## ANNEX

Additional amounts applicable to certain products listed in Article 1 (1) (b) of Regulation  
(EEC) No 2771/75

(ECU/100 kg)

| CCT heading No | Description                                                                                                                                                                                                                               | Additional amount                                                              | Imports affected                                                                                                      |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 04.05          | Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not :<br>B. Eggs, not in shell ; egg yolks :<br>I. Suitable for human consumption :<br>a) Eggs, not in shell :<br>2. Other<br><br>b) Egg yolks :<br>3. Dried | <br><br><br><br><br><br><br><br><br><br>30,00<br><br><br><br><br><br><br>50,00 | <br><br><br><br><br><br><br><br><br><br>Origin : Czechoslovakia or Finland<br><br><br><br><br><br><br>Origin : Sweden |

## COMMISSION REGULATION (EEC) No 1597/84

of 7 June 1984

fixing additional amounts for live and slaughtered poultry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat<sup>(1)</sup>, as last amended by the Act of Accession of Greece<sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries<sup>(3)</sup>, as amended by Regulation (EEC) No 1527/73<sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68<sup>(5)</sup>, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69<sup>(6)</sup>, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70<sup>(7)</sup>, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72<sup>(8)</sup>, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(2)</sup> OJ No L 291, 19. 11. 1979, p. 17.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

<sup>(5)</sup> OJ No L 107, 8. 5. 1968, p. 7.

<sup>(6)</sup> OJ No L 286, 14. 11. 1969, p. 24.

<sup>(7)</sup> OJ No L 265, 8. 12. 1970, p. 13.

<sup>(8)</sup> OJ No L 232, 12. 10. 1972, p. 3.

## ANNEX

**Additional amounts applicable to live and slaughtered poultry and halves or quarters**

(ECU / 100 kg)

| CCT heading No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Additional amount                                                                      | Imports affected                                                                                                                                                                                                       |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01.05          | Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea-fowls :<br>B. Other :<br>I. Fowls                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 20,00                                                                                  | Origin : Yugoslavia                                                                                                                                                                                                    |
| 02.02          | Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen :<br>A. Whole poultry :<br>I. Fowls :<br>a) Plucked and gutted, with heads and feet, known as '83 % chickens'<br>b) Plucked and drawn, without heads and feet, but with hearts, livers and gizzards, known as '70 % chickens'<br>c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens'<br>II. Ducks :<br>a) Plucked, bled, gutted but not drawn, with heads and feet, known as '85 % ducks'<br>b) Plucked and drawn, without heads and feet but with hearts, livers and gizzards, known as '70 % ducks'<br>c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '63 % ducks'<br>IV. Turkeys :<br>a) Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as '80 % turkeys'<br>b) Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as '73 % turkeys'<br>B. Poultry cuts (excluding offals) :<br>II. Unboned (bone-in) :<br>a) Halves or quarters :<br>1. Of fowls<br>2. Of ducks | 15,00<br>15,00<br>15,00<br>10,00<br>10,00<br>10,00<br>40,00<br>40,00<br>15,00<br>10,00 | Origin : Yugoslavia<br>Origin : Yugoslavia<br>Origin : Yugoslavia<br>Origin : Hungary<br>Origin : Hungary<br>Origin : Hungary<br>Origin : Yugoslavia<br>Origin : Yugoslavia<br>Origin : Yugoslavia<br>Origin : Hungary |

**COMMISSION REGULATION (EEC) No 1598/84**  
**of 7 June 1984**  
**fixing additional amounts for poultrymeat products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat<sup>(1)</sup>, as last amended by the Act of Accession of Greece<sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries<sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73<sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products other than slaughtered poultry and halves or quarters indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(2)</sup> OJ No L 291, 19. 11. 1979, p. 17.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

## ANNEX

**Additional amounts applicable to poultrymeat products with the exception of live and slaughtered poultry and halves or quarters**

*(ECU/100 kg)*

| CCT heading No | Description                                                                                                                                                                                                                                                                                                       | Additional amount                           | Imports affected                                                              |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------|
| 02.02          | Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen :<br>B. Poultry cuts (excluding offals) :<br>I. Boned or boneless :<br>a) Of geese<br>c) Of other poultry<br>II. Unboned (bone-in) :<br>f) Goose or duck paletots | <br><br><br><br>20,00<br>20,00<br><br>25,00 | <br><br><br><br>Origin : Hungary<br>Origin : Hungary<br><br>Origin : Bulgaria |

**COMMISSION REGULATION (EEC) No 1599/84****of 5 June 1984****laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 988/84<sup>(2)</sup>, and in particular Articles 3a (4) and 3d (4) thereof,

Having regard to Council Regulation (EEC) No 991/84 of 31 March 1984 limiting the production aid granted in respect of certain fruit in syrup<sup>(3)</sup>, and in particular Article 2 thereof,

Whereas Regulation (EEC) No 516/77 introduced a system of production aid in respect of the products listed in Annex Ia thereto and obtained from fruit and vegetables harvested in the Community; whereas Regulation (EEC) No 991/84 limited the quantity of certain fruit in syrup which can attract aid;

Whereas in order to ensure uniform application of the system the products which may attract aid should be defined;

Whereas to facilitate the functioning of the system each processor wishing to benefit from the aid system should be known to the authorities; whereas the processors should communicate to the authorities the particulars necessary to ensure the correct functioning of the system;

Whereas the production aid system is based on contracts between producers and processors; whereas the particulars to be included in the contracts for the purposes of the aid system should be specified;

Whereas, in order to ensure regular supplies to processors, such contracts should be concluded before a certain date; whereas, however, in order to ensure maximum effectiveness for this arrangement the contracting parties should be allowed to increase, by

way of an endorsement and within a certain limit, the quantities initially contracted for;

Whereas the Member States may experience procedural difficulties in adopting the necessary measures for the correct application of the production aid system before the last date for the conclusion of certain processing contracts; whereas that is the case for Greece; whereas the last date for the conclusion of such contracts in Greece should be deferred for products to be delivered during 1984;

Whereas, under Article 6 of Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy<sup>(4)</sup>, the time when a transaction is carried out is considered as being the date on which occurs the event, as defined by Community rules or, in the absence of and pending adoption of such rules, by the rules of the Member State concerned, on which the relevant sum becomes due and payable;

Whereas the event in which production aid for processing products becomes due and payable occurs when processing is carried out; whereas, since processing contracts may be for a period of several months, it is difficult to determine the exact date on which each lot was processed; whereas, therefore, in order to ensure uniform application of the system of production aid, the conversion rate applicable at the beginning of the marketing year for each product should be used for calculating the amounts in national currency;

Whereas, because of the connection between production aid and the minimum price payable to the producer, the conversion rate to be applied to that price should be the same as that applicable for production aid;

Whereas the number of applications for aid to be submitted by the processor must be determined according to the processing pattern; whereas aid applications must include all particulars necessary for calculating the amount of aid to be paid to the processor;

<sup>(1)</sup> OJ No L 73, 21. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 103, 16. 4. 1984, p. 11.

<sup>(3)</sup> OJ No L 103, 16. 4. 1984, p. 22.

<sup>(4)</sup> OJ No L 188, 1. 8. 1968, p. 1.

Whereas, in order to ensure correct application of the production aid system, processors must be obliged to keep appropriate records; whereas to prevent irregularities in the application of the system the processor must be subject to any measures of inspection and supervision considered necessary;

Whereas the limitation of production aid as provided for in Regulation (EEC) No 991/84 involves the provision of additional particulars by processors, in order to make possible a fair allocation of quantities between processors; whereas only processors who have communicated such particulars can be taken into consideration when the allocation is made; whereas, in order to allow new processors to receive aid, a certain quantity should be allocated to such processors;

Whereas the measures laid down in this Regulation are intended to replace those of Commission Regulation (EEC) No 1530/78 of 30 June 1978 laying down rules for the application of the system of aid in respect of certain products processed from fruit and vegetables<sup>(1)</sup>; whereas that Regulation should be repealed;

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

HAS ADOPTED THIS REGULATION:

## TITLE I

### Scope of the Regulation

#### Article 1

1. This Regulation lays down detailed rules for the application of the system of production aid provided for in Article 3 of Regulation (EEC) No 516/77.

2. For the purposes of the production aid system:

- (a) 'peaches in syrup' means: whole peaches or pieces of peaches, without peel, having undergone a heat treatment, packed in hermetically sealed containers with a covering liquid of sugar syrup and falling within subheading 20.06 B II a) 7 or 20.06 B II b) 7 of the Common Customs Tariff;
- (b) 'Williams pears in syrup' means: pears of the variety Williams, whole or in pieces, without peel, having undergone a heat treatment, packed in hermetically sealed containers with a covering liquid of sugar syrup and falling within subheading 20.06 B II a) 6 or 20.06 B II b) 6 of the Common Customs Tariff;
- (c) 'cherries in syrup' means: cherries, pitted or not, having undergone a heat treatment, packed in hermetically sealed containers with a covering liquid of sugar syrup and falling within subheading 20.06 B II a) 8 or 20.06 B II b) 8 of the Common Customs Tariff;
- (d) 'prunes' means: prunes obtained from dried plums of the variety 'prunes d'Ente' which have been suitably treated or processed, falling within subheading 08.12 C of the Common Customs Tariff and which are packed in appropriate containers and ready to be offered for human consumption;
- (e) 'dried grapes' means: sultanas and currents which have been suitably treated or processed, falling within subheading 08.04 B of the Common Customs Tariff and which are packed in appropriate containers and ready to be offered for human consumption;
- (f) 'dried figs' means: dried figs, including fig paste, which have been suitably treated or processed, falling within subheading 08.03 B of the Common Customs Tariff and which are packed in appropriate containers and ready to be offered for human consumption;
- (g) 'unprocessed dried grapes' and 'unprocessed dried figs' mean: dried grapes and dried figs which have not been treated in such a way that they are ready to be offered for human consumption;
- (h) 'whole peeled frozen tomatoes' means: peeled tomatoes, of the varieties San Marzano, Roma or similar, preserved by freezing, packed in appropriate containers, falling within subheading 07.02 B of the Common Customs Tariff and where not less than 90 % of the net weight of the tomatoes consists of whole tomatoes which do not show damage which substantially modifies their appearance. This percentage shall be determined after the tomatoes have been thawed;
- (ij) 'non-whole peeled frozen tomatoes' means: pieces of peeled tomatoes of the varieties San Marzano, Roma or similar, or round varieties which are as easy to peel as the said varieties, preserved by freezing, packed in appropriate containers and falling within subheading 07.02 B of the Common Customs Tariff;
- (k) 'preserved whole peeled tomatoes' means: peeled tomatoes of the varieties San Marzano, Roma or similar, having undergone a heat treatment, packed in hermetically sealed containers with or without added water or tomato juice, falling within subheading 20.02 C of the Common Customs Tariff and where not less than 65 % of the weight of the drained tomatoes consists of whole tomatoes which do not show damage which substantially modifies their appearance;
- (l) 'non-whole peeled preserved tomatoes' means: pieces of peeled tomatoes of the varieties San Marzano, Roma or similar, or round varieties which

<sup>(1)</sup> OJ No L 179, 1. 7. 1978, p. 21.

are as easy to peel as the said varieties, having been subject to a heat treatment, packed in hermetically sealed containers with or without added water or tomato juice and falling within subheading 20.02 C of the Common Customs Tariff;

- (m) 'tomato flakes' means: flakes obtained by drying of tomatoes, packed in appropriate containers and falling within subheading 07.04 B of the Common Customs Tariff;
- (n) 'tomato juice' means: juice obtained directly from fresh tomatoes, the juice being strained free from skins, and other coarse parts of tomatoes and having, where applicable after concentration, a dry weight content of less than 12 %, packed in hermetically sealed containers and falling within subheading 20.02 C, 20.07 B II a) 5 or 20.07 B II b) 6 of the Common Customs Tariff;
- (o) 'tomato concentrate' means: the product obtained by concentrating tomato juice, packed in appropriate containers, having a dry weight content of 12 % or more, and falling within subheading 20.02 C of the Common Customs Tariff;
- (p) 'sugar syrup' means: a liquid in which water is combined with sugars and which has a total sugar content determined after homogenization of not less than:
  - 9 % in respect of cherries in syrup, and
  - 14 % in respect of other fruits in syrup.

3. The products referred to in paragraph 2 (a), (b) and (c) shall not include fruit preserved by sugar as defined in heading No 20.04 of the Common Customs Tariff, which are subsequently packed with a covering liquid of sugar, nor shall they include fruit purées and other crushed fruit preparations.

4. The definitions laid down in paragraph 2 shall, until such time as Community standards have come into effect, be without prejudice to any current national quality standards resulting in more restrictive definitions.

## TITLE II

### Communication of information by processors

#### Article 2

1. Processors wishing to benefit from the aid system shall so inform the competent authorities of the Member States not later than 31 March of the year preceding the marketing year within which the aid is to be requested, giving all information requested by the Member States necessary for the management and the appropriate control of the aid system. Member States may decide:

- (a) that the information shall be communicated only by new processors if they have already received the necessary information concerning other processors, and

- (b) that the information communicated shall cover one marketing year, a number of marketing years or an unlimited period.

2. Member States may, in exceptional cases and where there is good reason for doing so, accept communications received after 31 March if that can be done without unfavourable consequences for the production aid system.

3. The date referred to in paragraphs 1 and 2 shall, for the marketing year 1984/85, be replaced by 14 June 1984.

#### Article 3

1. Processors shall inform the competent authorities of the week in which they begin processing each marketing year. Such information shall reach the competent authorities at least five working days before processing begins.

2. The Member States may, in exceptional cases where there is good reason for doing so, accept communications which do not comply with paragraph 1, but in such cases no aid shall be granted for quantities already processed and for which the necessary control of the conditions for obtaining aid cannot be undertaken to the satisfaction of the competent authorities.

#### Article 4

The processors referred to in Article 2 shall each year communicate to the agency designated by the Member States:

- (a) not later than 8 April:

- (i) the quantity of unsold dried figs,
- (ii) the quantity of unprocessed dried figs which were in stock on 1 April of that year, and
- (iii) the quantity of dried figs from the current marketing year which have been processed and sold before 1 April.

The products shall be broken down according to category;

- (b) not later than 8 June:

- (i) the quantity of unsold dried grapes,
- (ii) the quantity of unprocessed dried grapes which were in stock on 1 June of that year, and
- (iii) the quantity of dried grapes from the current marketing year which have been processed and sold before 1 June.

The products shall be broken down according to category;

- (c) not later than 8 July, the quantity of unsold prunes which were in stock on 1 July of that year;
- (d) not later than 31 January, the quantity of other unsold finished products covered by the production aid system which were in stock on 15 January of that year. The quantity shall be broken down according to products carrying a given rate of production aid and, if possible, according to whether or not the products have benefited from aid.

### TITLE III

#### Processing contracts

##### Article 5

1. Any contract referred to in Article 3a of Regulation (EEC) No 516/77, hereinafter referred to as the 'processing contract', shall be concluded in writing. The processing contract may take the form of a commitment to supply between, on one hand, one or more producers and, on the other hand, their recognized group or association, acting as processor.
2. For the purposes of the production aid system 'producer' shall mean any legal or natural person who grows on his holding the raw material intended for processing.
3. The processing contract must specify in particular:
  - (a) the name and address of the producer or the relevant recognized producers' group or association;
  - (b) the name and address of the processor or the relevant processors' group or association;
  - (c) the quantities of raw material to which it relates;
  - (d) the schedule for delivery to the processor;
  - (e) the price to be paid to the other contracting party for the raw materials excluding, in particular, costs connected with packing, loading, transport, unloading and the payment of taxes. Any such amounts shall be indicated separately.
4. Member States may adopt additional provisions in respect of processing contracts, in particular as to time limits, as to conditions for payment of the minimum price and as to damages payable where obligations under contracts are not fulfilled by processor or producer.

##### Article 6

In cases where the producer is also acting as processor, the processing contract referred to in Article 5 shall be considered as concluded when a table indicating:

- the total extent of the area on which the raw material is being cultivated,
  - an estimate of the total harvest,
  - the quantity intended for processing,
  - the schedule for delivery for processing,
- has been drawn up.

##### Article 7

1. Processing contracts shall be concluded:
  - before 5 June in respect of tomatoes to be delivered to the industry during the period 1 July to 15 November,
  - before 15 June in France, Italy and Greece and before 11 July in the other Member States for peaches to be delivered to the industry during the period 1 July to 15 October,
  - before 10 August in respect of Williams pears to be delivered to the industry during the period 15 July to 15 December,
  - before 25 August in respect of dried plums derived from 'prunes d'Ente' to be delivered to the industry during the period 5 September to 31 December,
  - before 31 May in France, Italy and Greece and before 11 July in the other Member States for Bigarreau cherries and other sweet cherries to be delivered to the industry during the period 10 May to 15 September,
  - before 11 July in respect of Morello cherries to be delivered to the industry during the period 10 May to 15 September.

Member States may, however, advance the time limit for concluding contracts for tomatoes.

2. During the delivery periods referred to in paragraph 1, the contracting parties may decide to increase the quantities initially specified in the contract, by means of an endorsement thereto.

Such endorsements shall be inserted not later than:

- 15 September in respect of tomatoes,
- 15 August in respect of peaches in France, Italy and Greece and 1 September in the other Member States,
- 15 September in respect of Williams pears,
- 15 November in respect of dried plums derived from 'prunes d'Ente',
- 15 August in respect of Bigarreau cherries and other sweet cherries,
- 31 August in respect of Morello cherries.

Endorsements shall not cover a quantity exceeding 20 % of the initial quantities envisaged in contracts. However, for dried plums derived from 'prunes d'Ente' and cherries, this limit shall be fixed at 30 %.

3. In cases where the minimum price to be paid to the producer for a specified product has not been published in the *Official Journal of the European Communities* at least 21 days before the relevant date referred to in paragraph 1, the last day for conclusion of contracts for that product shall, by way of derogation from the provisions of paragraph 1, be the 21st day following the publication of the price.

4. Processing contracts in respect of dried grapes and dried figs may be concluded during the whole marketing year for each product. The monthly increase in the minimum price referred to in Article 3b (2) of Regulation (EEC) No 516/77 shall be determined according to the actual day of dispatch from the producer.

5. The dates 5 and 15 June in the first and second indents of paragraph 1 shall, in respect of Greece, be replaced by 30 June for products to be delivered to the industry during 1984.

#### Article 8

1. A copy of each processing contract concluded and of any endorsements shall be forwarded by the processor or his group or association to the agency designated by the Member State in which the raw materials are produced and, where applicable, to the agency of the Member State in which processing is to take place. The copy shall reach the competent authorities not later than 10 working days after the conclusion of the contract.

2. Member States may, in exceptional cases, accept processing contracts and endorsements reaching their authorities at a later date if there is good reason for doing so and where acceptance is consistent with the aim of the aid system and does not render controls impracticable.

#### TITLE IV

##### Raw materials

#### Article 9

Raw materials delivered to processors under processing contracts shall be of sound and fair merchantable quality and suitable for processing. In addition, unprocessed dried figs and dried grapes and dried plums derived from 'prunes d'Ente' shall comply with criteria yet to be determined.

#### TITLE V

##### Conversion rates

#### Article 10

1. For the purposes of Article 6 of Regulation (EEC) No 1134/68, the event creating entitlement to produc-

tion aid shall be considered as occurring on the first day of the marketing year for the product concerned.

2. The conversion rate to be applied to the minimum price, fixed in ECU, shall be the representative rate in force on the first day of the marketing year for the product concerned.

#### TITLE VI

##### Applications for aid

#### Article 11

1. The processor shall submit production aid applications to the agency designated by the Member State on whose territory the processing was carried out.

2. In respect of dried figs and dried grapes, the processor shall submit four aid applications for each marketing year:

- (a) the first relating to products processed up to the end of November;
- (b) the second relating to products processed up to the end of February;
- (c) the third relating to products processed up to the end of May;
- (d) the fourth relating to products processed or purchased during the remaining part of the marketing year concerned.

The aid applications referred to in (a), (b) and (c) shall be submitted within 60 days following expiry of the processing period and the aid application referred to in (d) shall be submitted not later than 30 November of the following marketing year.

3. In respect of prunes, the processor shall submit two aid applications for each marketing year:

- (a) the first relating to products processed up to the end of December; and
- (b) the second for products processed during the remaining part of the marketing year concerned.

The first aid application shall be submitted not later than the end of February of the marketing year concerned and the second not later than 30 November of the following marketing year.

4. In respect of each of the other products carrying a given rate of aid, only one aid application shall be submitted each marketing year. The aid application shall reach the designated agency not later than 1 February of the marketing year concerned.

5. However, for the 1984/85, 1985/86 and 1986/87 marketing years, two aid applications for tomato concentrate may be submitted each marketing year:

- (a) the first shall be submitted not later than 1 February of the marketing year concerned and shall include at least 50 % of the production and cover the quantity for which definitive preparation and packing have been completed;
- (b) the second shall be submitted not later than 30 April of the marketing year concerned and shall cover the remaining quantity of the production which has undergone or was intended for further preparation and/or packing.

6. Member States may, in exceptional cases and where there is good reason for doing so, accept aid applications after the time limits provided for by this Article if that can be done without unfavourable consequences for the production aid system.

#### *Article 12*

1. Aid applications shall include:

- (a) the name and address of the applicant;
- (b) the net weight of the finished products broken down according to products for which a given rate of aid is applicable;
- (c) the net weight of the raw material used for the processing of each of the products referred to in (b);
- (d) a declaration in which the processor specifies that a price not less than the minimum price has been paid for the raw materials and that the finished products comply with the quality conditions laid down by the Community or by the Member State in which the processing took place.

2. The aid application shall be accompanied by:

- (a) the invoices for the raw materials duly receipted by the other contracting party and showing that the price he obtained for them was not less than the minimum price, or
- (b) in the case of supply commitments, a declaration by the producer that the processor paid or credited to him a price not less than the minimum price.

3. In respect of dried grapes, the aid application shall be accompanied by a document prescribed by the competent authorities proving that the quantity, referred to in Article 1 (2) of Council Regulation (EEC) No 1277/84<sup>(1)</sup>, which must not be processed for human consumption, has been destroyed, processed for purposes other than human consumption or delivered to agencies approved by the Member States. In

addition, the aid application for currants shall be accompanied by the written undertaking provided for in Article 3a of Regulation (EEC) No 516/77.

4. In cases where Article 11 (5) applies, the first aid application shall, in addition to the particulars referred to in paragraph 1, state the quantity of tomato concentrate intended for packing or further preparation and packing and the quantity of raw materials used for the processing of such tomato concentrate.

The aid application shall also be accompanied by the invoices or the declaration referred to in paragraph 2 relating to tomato concentrate intended for packing or further preparation and packing.

### TITLE VII

#### Checks

#### *Article 13*

1. The processor shall keep records showing at least the following:

- (a) the consignments of raw material purchased and entering his premises each day, indicating which consignments are covered by processing contracts or endorsements and the numbers of any receipts which may be drawn up for these consignments;
- (b) the weight of each consignment and the name and address of the other contracting party;
- (c) the quantities of finished products obtained each day by processing the raw materials, the quantities eligible for aid being shown separately;
- (d) the quantities and prices for products leaving the processor, consignment by consignment, indicating the consignee. The entries in the records may be made by reference to supporting documents when these contain the prescribed particulars.

2. The processor shall retain proof of payment in respect of all raw materials purchased under processing contracts or endorsements.

3. The processor shall be subjected to any measures of inspection or supervision considered necessary and shall keep such additional records as are prescribed by the national authorities to enable them to carry out any checks that they consider necessary.

#### *Article 14*

1. Each marketing year the competent authorities shall examine the processors' records and verify by random checks, in particular:

- (a) that the finished products for which production aid may be claimed comply with the applicable quality standards;

<sup>(1)</sup> OJ No L 123, 9. 5. 1984, p. 25.

- (b) that the quantity of raw material used in the processing corresponds to that indicated in the aid application ;
- (c) that the price paid for the raw materials used in processing the products under (a) is at least equal to the minimum price fixed ; and
- (d) that the raw material complies with the quality requirements laid down.

2. Each marketing year the competent authorities shall also make random checks :

- (a) at the processing plants, on the weight of the raw materials delivered ;
- (b) on the signatures on the invoices referred to in Article 12 (2) and of the correctness of these invoices, for example by bringing together the interested parties.

3. Verifications undertaken pursuant to this Article shall be without prejudice to either subsequent verification by the competent authorities or the possible consequences of applying the provisions in force.

4. Member States shall take all necessary measures to ensure correct application of the production aid system and all necessary steps to prevent and punish fraud in respect thereof.

fresh state and the total quantity of raw materials used for obtaining the products.

2. If a processor has produced the type of products referred to in paragraph 1 but does not apply for aid he shall, if he wishes to obtain aid for similar products in the future, communicate to the agency referred to in Article 11 (1) not later than 1 February of each marketing year :

- the total quantity produced from products of Community origin during the current marketing year, expressed as net weight, and
- the quantity of raw materials used for processing.

Article 11 (6) shall apply to such communications.

3. Where a processor has not made a communication as referred to in paragraph 2 for the marketing year or years used as a reference period for the allocation of quotas, he shall be considered as a new processor as referred to in Article 17.

If a processor has made the communication for one of the marketing years used as a reference period for the allocation, but has made no communication for one of the two following years, or for both years, he shall be considered as not having produced the product concerned during the marketing year or years for which no communication has been received.

## TITLE VIII

### Quotas

#### Article 15

This title lays down detailed rules for the application of the limitations on production aid provided for in Regulation (EEC) No 991/84, hereinafter referred to as quotas.

#### Article 16

1. The aid application for cherries and Williams pears in syrup shall be supported by a statement of the total quantity, expressed as net weight, of :

- (a) Williams pears preserved in syrup,
  - (b) Bigarreau cherries and other sweet cherries preserved in syrup,
  - (c) Morello cherries preserved in syrup,
- produced during the marketing year in question from raw materials of Community origin purchased in the

#### Article 17

Where processors have not produced the products referred to in Article 16 (1) during the period used as a reference period for the allocation of a quota, or where the first subparagraph of Article 16 (3) applies, the aid to such processors, hereinafter referred to as 'new processors', shall be limited to a quantity equal to 2 % of the total quantity of the quota.

The Member State concerned shall determine the quantity thus eligible for aid on its territory and shall allocate it fairly among the new processors. If the quantity has not been allocated, in whole or in part, to new processors the quantity or, where appropriate, the balance remaining, shall be allocated fairly among existing processors.

#### Article 18

Where an undertaking decides not to process, in whole or in part, the quantity allocated to it or where an undertaking has ceased its activities, without being taken over by another undertaking, the Member State shall allocate the quantity so released fairly among the other processors.

## TITLE IX

## Communications to the Commission

## Article 19

Each Member State shall notify the Commission :

- (a) not later than 15 March each year of :
  - (i) the total quantity, expressed as net weight, of finished products other than dried grapes, prunes and dried figs, covered by aid applications ;
  - (ii) the total quantity, of the raw materials declared in the aid applications as having been used for the processing of the products referred to in (i) ;
  - (iii) the total quantity, expressed as net weight, of finished products as referred to in Article 16 (1) which are not covered by aid applications ;
  - (iv) the total quantity of raw materials used in the processing of the products referred to in (iii) ;
  - (v) the total quantity, expressed as net weight, of unsold products as referred to in (i) and (iii) in stock on 15 January of that year ;

the total quantities shall be broken down according to products for which a given rate of production aid has been fixed ;

- (b) not later than 15 April each year of :
  - (i) the total quantity of dried figs from the current marketing year which have been processed and sold before 1 April of that year ;
  - (ii) the total quantity of unprocessed dried figs and the total quantity of unsold processed dried figs in stock on 1 April of that year ;

the quantities shall be broken down according to category ;
- (c) not later than 15 June each year of :
  - (i) the total quantity of dried grapes from the current marketing year which have been processed and sold before 1 June of that year ;
  - (ii) the total quantity of unprocessed dried grapes and the total quantity of unsold processed dried grapes in stock on 1 June of that year ;

the total quantities of dried grapes, processed or not, shall be broken down according to category ;

- (d) not later than 15 July each year of the total quantity of prunes in stock on 1 July of that year ;
- (e) not later than 1 November each year of the estimated harvest of :
  - (i) sultanas,
  - (ii) currants, and
  - (iii) dried figs,

for the current marketing year ;
- (f) not later than 1 November each year of the total quantity of raw materials other than unprocessed dried grapes and dried figs covered by processing contracts or endorsements for delivery during the current marketing year. The products shall be broken down by reference to the finished products to be obtained.

## TITLE X

## Final provisions

## Article 20

Regulation (EEC) No 1530/78 is hereby repealed.

However, it shall remain applicable until the beginning of the 1984/85 marketing year for each product.

## Article 21

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

It shall apply from the beginning of the 1984/85 marketing year for each product.

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

Done at Brussels, 5 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

**COMMISSION REGULATION (EEC) No 1600/84****of 6 June 1984****on the supply of various consignments of cereals and rice to Senegal as food aid**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organi-  
zation of the market in cereals <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1451/82 <sup>(2)</sup>, and in particular  
Article 28 thereof,

Having regard to Council Regulation (EEC) No  
1418/76 of 21 June 1976 on the common organization  
of the market in rice <sup>(3)</sup>, as last amended by Regulation  
(EEC) No 1566/83 <sup>(4)</sup>, and in particular Article 25  
thereof,

Having regard to Council Regulation (EEC) No  
2750/75 of 29 October 1975 fixing criteria for the  
mobilization of cereals intended as food aid <sup>(5)</sup>, as  
amended by Regulation (EEC) No 3331/82 <sup>(6)</sup>, and in  
particular Article 6 thereof,

Having regard to Council Regulation (EEC) No  
1278/84 of 7 May 1984 laying down the implementing  
rules for 1984 for Regulation (EEC) No 3331/82  
concerning food-aid policy and food-aid manage-  
ment <sup>(7)</sup>,

Having regard to Council Regulation No 129 of 23  
October 1962 on the value of the unit of account and  
the exchange rates to be applied for the purposes of  
the common agricultural policy <sup>(8)</sup>, as last amended by  
Regulation (EEC) No 2543/73 <sup>(9)</sup>, and in particular  
Article 3 thereof,

Having regard to the opinion of the Monetary  
Committee,

Whereas on 30 May 1984 the Commission of the  
European Communities decided to grant, under  
Community measures, various quantities of cereals to  
certain non-member countries and beneficiary organi-  
zations ;

Whereas it is necessary to provide for the carrying out  
of this measure in accordance with the rules laid down  
by Commission Regulation (EEC) No 1974/80 of 22  
July 1980 laying down general implementing rules in  
respect of certain food-aid operations involving cereals  
and rice <sup>(10)</sup>, as last amended by Regulation (EEC) No  
3323/81 <sup>(11)</sup> ; whereas it is necessary to specify, for the  
purposes of the Community measures envisaged, the  
characteristics of the products to be supplied and the  
supply conditions which are set out in the Annexes to  
this Regulation ;

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 intervention agencies specified in the Annexes  
hereto shall implement the mobilization and supply  
procedures in accordance with the provisions of Regu-  
lation (EEC) No 1974/80 and with the conditions laid  
down in the Annexes hereto.

*Article 2*

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

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 163, 22. 6. 1983, p. 5.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 89.

<sup>(6)</sup> OJ No L 352, 14. 12. 1982, p. 1.

<sup>(7)</sup> OJ No L 124, 11. 5. 1984, p. 1.

<sup>(8)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(9)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(10)</sup> OJ No L 192, 26. 7. 1980, p. 11.

<sup>(11)</sup> OJ No L 334, 21. 11. 1981, p. 27.

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

Done at Brussels, 6 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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**ANNEX I**

1. **Programme :** 1984
2. **Recipient :** Senegal
3. **Place or country of destination :** Senegal
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 7 000 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Υπηρεσία Διαχείρισεως Αγορών Γεωργικών Προϊόντων — ΥΔΑΓΕΠ (ΥΔΑΓΕΡ), Αχαρνών  
5 (Acharnon), Αθήνα 108 (Athènes / Athen / Athens) (telex 221 734 / 35 / 36)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**  
the common wheat must be of fair and sound merchantable quality and correspond at least to  
the minimum bread-making quality required for intervention (moisture : 14,5 % maximum)
10. **Packaging :**
  - in new bags :
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags : 50 kg
  - marking on the bags in letters at least 5 cm high :  
'FROMENT / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA  
RÉPUBLIQUE DU SÉNÉGAL'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Dakar
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
16. **Shipment period :** 1 to 31 July 1984
17. **Security :** 6 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Senegal, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi,  
B-1049 Brussels.

**ANNEX II**

1. **Programme :** 1984
2. **Recipient :** Senegal
3. **Place or country of destination :** Dakar (Senegal)
4. **Product to be mobilized :** maize
5. **Total quantity :** 5 000 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (telex OFIBLE 270 807 F)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
  - (a) maize for human consumption, of sound merchantable quality, free of odour and pests
  - (b) moisture content : 15 %
  - (c) total percentage of matter other than basic cereals of unimpaired quality : 5 %, of which :
    - percentage of broken grains : 2 % ('broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter)
    - percentage of grain impurities : 2 % ('grain impurities' means grains of other cereals, grains damaged by pests and grains of abnormal coloration, the latter being grains which have acquired, through heating, a darkish brown colour on a fairly substantial part of the tegument and of the kernel and are not damaged grains)
    - percentage of sprouted grains : 0,5 %
    - percentage of miscellaneous impurities : 0,5 % ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects)
10. **Packaging :**
  - in new bags :
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags 50 kg
  - marking on the bags in letters at least 5 cm high :  
'MAIS / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE DU SÉNÉGAL'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Dakar
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
16. **Shipment period :** 1 to 31 July 1984
17. **Security :** 6 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Senegal, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

**ANNEX III**

1. **Programme :** 1984
2. **Recipient :** Senegal
3. **Place or country of destination :** Senegal
4. **Product to be mobilized :** broken rice
5. **Total quantity :** 2 000 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Ente nazionale Risi, piazza Pio XI, 1, I-Milano (telex 334 032)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
  - (a) broken rice for human consumption, of sound merchantable quality, free of odour and pests, of at least the standard quality for which the threshold price is fixed
  - (b) — moisture : 15 %  
— pieces of rice : 1,5 % maximum  
— chalky grains : 6 % maximum  
— grains striated with red : 10 % maximum  
— spotted and/or stained grains : 4 % maximum  
— yellow and/or amber grains : 1,175 % maximum
  - (c) tolerance of extraneous matter consisting of :  
— mineral and vegetable inedible substances, provided that they are not toxic : 0,01 %  
— extraneous broken grains or parts thereof, edible : 0,10 %
10. **Packaging :**
  - in bags
  - quality of the bags : new jute sacks of a minimum weight of 600 g
  - net weight of the bags : 50 kg
  - marking on the bags in letters at least 5 cm high :  
'BRISURES DE RIZ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE DU SÉNÉGAL'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Dakar
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 18 June 1984
16. **Shipment period :** 1 to 31 July 1984
17. **Security :** 12 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Senegal, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

## COMMISSION REGULATION (EEC) No 1601/84

of 6 June 1984

opening an invitation to tender for the sale of olive oil held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1101/84 <sup>(2)</sup>, and in particular Article 12 (4) thereof,

Whereas Article 2 (1) of Council Regulation (EEC) No 2754/78 <sup>(3)</sup> provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency has, since the 1975/76 marketing year, bought in large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2041/83 <sup>(5)</sup>, laid down the conditions for the sale by tender of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Italian intervention agency 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender, in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77, for the sale on the

Community market of a quantity of approximately 2 500 tonnes of olive residue oil.

*Article 2*

The invitation to tender shall be published on 8 June 1984.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the head office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender shall be sent without delay to the Commission.

*Article 3*

The first series of tenders must reach AIMA, via Palestro 81, Rome, Italy, not later than 2 p.m. (local time) on 23 June 1984.

*Article 4*

1. Tenders shall be made for an oil of 10° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:
  - below 10° down to 8° acidity:
    - an increase of Lit 2 682 for each degree or fraction of a degree of acidity below 10°,
  - below 8°:
    - an additional increase of Lit 2 280 for each degree or fraction of a degree below 8°,
  - above 10°:
    - a reduction of Lit 2 682 for each degree or fraction of a degree above 10°.

*Article 5*

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

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

<sup>(2)</sup> OJ No L 113, 28. 4. 1984, p. 7.

<sup>(3)</sup> OJ No L 331, 28. 11. 1978, p. 13.

<sup>(4)</sup> OJ No L 348, 30. 12. 1977, p. 46.

<sup>(5)</sup> OJ No L 200, 23. 7. 1983, p. 25.

*Article 6*

The minimum selling price shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

*Article 7*

The olive oil shall be sold by AIMA not later than the seventh day of the month following that during which the tenders were submitted.

*Article 8*

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 13 000 per 100 kilograms.

*Article 9*

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 3 500 per 100 kilograms.

*Article 10*

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, 6 June 1984.

*For the Commission*

Poul DALSAER

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1602/84

of 6 June 1984

opening an invitation to tender for the sale for export of olive oil held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1101/84 <sup>(2)</sup>, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 5/81 of 1 January 1981 laying down the general rules for the system of the accession compensatory amount for olive oil <sup>(3)</sup>, and in particular Article 7 thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78 <sup>(4)</sup> provides that olive oil held by the intervention agencies is to be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency has bought in, since the 1975/76 marketing year, large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2041/83 <sup>(6)</sup>, laid down the conditions for the sale by tender of olive oil; whereas at the present time there exist opportunities for exporting olive oil; whereas, therefore, the said oil should be put up for sale under an invitation to tender, providing that, taking into account the world market, the obligation to export is a delay shorter than the normal six months;

Whereas, in order to avoid any export problem, it shall be precisely stated on the package of the product to be exported in one of the denominations set out in the Annex to Regulation No 136/66/EEC;

Whereas the minimum selling price is so fixed that the Community operators enjoy equal conditions of competition with operators in non-member countries; whereas, accordingly, oil should under this Regulation

qualify neither for the export refund provided for in Article 20 of Regulation No 136/66/EEC nor for the consumption aid provided for in Article 11 of the same Regulation;

Whereas there is an established export trade in olive oil put up in small containers from the Community to the United States of America and to Canada; whereas if oil subject of an award by tender under this Regulation were to be exported in bulk to these two countries, it might well damage this traditional export trade; whereas, to guard against this danger, exportation in bulk should be allowed only to countries other than the United States of America and Canada;

Whereas Article 20 of Commission Regulation (EEC) No 2730/79 of 29 November 1979 laying down common detailed rules for the application of the system of export refunds on agricultural products <sup>(7)</sup>, as last amended by Regulation (EEC) No 519/83 <sup>(8)</sup>, specifies the evidence required to prove importation into non-Community countries;

Whereas Commission Regulation (EEC) No 2566/79 of 15 November 1979 on the country nomenclature for the external trade statistics of the Community and statistics of trade between Member States <sup>(9)</sup> lists the non-member countries of Europe, Africa and the Near and Middle East;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The Italian intervention agency 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale for export of approximately 2 500 tonnes of olive residue oil.

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

<sup>(2)</sup> OJ No L 113, 28. 4. 1984, p. 7.

<sup>(3)</sup> OJ No L 1, 1. 1. 1981, p. 8.

<sup>(4)</sup> OJ No L 331, 28. 11. 1978, p. 13.

<sup>(5)</sup> OJ No L 348, 30. 12. 1977, p. 46.

<sup>(6)</sup> OJ No L 200, 23. 7. 1983, p. 25.

<sup>(7)</sup> OJ No L 317, 12. 12. 1979, p. 1.

<sup>(8)</sup> OJ No L 58, 5. 3. 1983, p. 5.

<sup>(9)</sup> OJ No L 294, 21. 11. 1979, p. 5.

2. The quantities of olive oil awarded shall not be exported to the United States of America or Canada.

3. By derogation of the dispositions of Article 1 of Regulation (EEC) No 2960/77, the oil awarded must be exported within four months of the sale, without having been made edible.

#### Article 2

The invitation to tender shall be made public on 8 June 1984.

Particulars of the lots of oil offered for sale and the places where they are stored shall be displayed at the head office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender referred to above shall be sent without delay to the Commission.

#### Article 3

The tenders must reach AIMA, via Palestro 81, Rome, Italy, not later than 2 p.m. (local time) on 22 June 1984.

#### Article 4

1. Tenders shall be made for an olive residue oil of 10° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

- below 10° down to 8° acidity:  
an increase of Lit 2 682 for each degree or fraction of a degree of acidity below 10°,
- below 8°:  
an additional increase of Lit 2 280 for each degree or fraction of a degree below 8°,
- above 10°:  
a reduction of Lit 2 682 for each degree or fraction of a degree above 10°.

#### Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

#### Article 6

The minimum selling price shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

#### Article 7

The olive oil shall be sold by AIMA not later than the seventh day of each month following that during which the tenders were submitted.

#### Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 13 000 per 100 kilograms.

The security referred to in Article 12 (3) of Regulation (EEC) No 2960/77 shall be Lit 138 000 per 100 kilograms of olive residue oil.

For the purposes of applying the provisions of Article 1 (2), the security referred to in the second subparagraph of this Article shall not be released unless proof is provided that the oil was imported into a non-member country other than the United States of America or Canada, except in cases where it has been destroyed during transport as a result of *force majeure*, or that it has been used for supplies as indicated in Article 5 of Regulation (EEC) No 2730/79.

The Member States may, however, exempt the exporter from producing the documentary evidence, other than the transport document, specified in Article 20 of Regulation (EEC) No 2730/79, in the case of a transaction where there is reasonable certainty of arrival at destination of products for which a declaration of export to a non-member country in Europe, Africa, or the Near or Middle East, listed in Regulation (EEC) No 2566/79, was made.

#### Article 9

The storage charge provided for in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 3 500 per 100 kilograms.

#### Article 10

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, 6 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 1603/84**

of 7 June 1984

**amending for the third time Regulation (EEC) No 1371/81 laying down detailed rules for the administrative application of monetary compensatory amounts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

*Article 1*

Having regard to the Treaty establishing the European Economic Community,

Article 18 of Regulation (EEC) No 1371/81 is hereby replaced by the following:

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States <sup>(1)</sup>, as last amended by Regulation (EEC) No 855/84 <sup>(2)</sup>, and in particular Article 6 thereof,

*'Article 18*

Whereas Commission Regulation (EEC) No 1371/81 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2883/83 <sup>(4)</sup>, and in particular Article 18 thereof, lays down the cases in which monetary compensatory amounts are not applicable;

1. No monetary compensatory amounts shall be granted on imports of products not complying with the terms of Article 9 (2) of the Treaty in any of the cases covered by Chapter I of Council Regulation (EEC) No 918/83 <sup>(1)</sup>.

Whereas Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty <sup>(5)</sup> lays down the cases in which, because of special circumstances, relief from import and export duties is to be granted;

2. Where products fulfilling the terms of Article 9 (2) of the Treaty are exported to another Member State or imported from another Member State, monetary compensatory amounts shall not be applied to operations which fulfil the conditions set out in Chapter I of Regulation (EEC) No 918/83.

Whereas Council Directive 83/181/EEC <sup>(6)</sup> determines the scope of Article 14 (1) (d) of Council Directive 77/388/EEC <sup>(7)</sup> as regards exemption from value added tax on the final importation of certain goods;

3. No monetary compensatory amounts shall be granted on exports to non-member countries in any of the cases covered by Chapter II of Regulation (EEC) No 918/83.

Whereas, in order to achieve a harmonious application of relief from duty on imports and exports and in intra-Community trade with respect to monetary compensatory amounts, Article 18 of Regulation (EEC) No 1371/81 should be amended;

In addition, no monetary compensatory amounts shall be applied to exports to non-member countries of:

Whereas the measures provided for in this Regulation are in accordance with the opinions of the relevant management committees,

- (a) small consignments of a non-commercial character. The conditions of application of this exemption shall be the same as those laid down in Articles 29, 30 and 31 of the said Regulation;
- (b) goods carried in travellers' personal luggage. The conditions of application of this exemption shall be the same as those laid down in Articles 45 to 49 of the said Regulation;
- (c) products for examination, analysis or test purposes. The conditions of application of this exemption shall be the same as those laid down in Articles 100, 102 and 103 of the said Regulation.

4. For the purposes of paragraphs 2 and 3, the limits on the concession for consignments of negligible value, for small consignments of a non-commercial character and for goods carried in travellers' personal luggage shall be the same as those set out in Council Directives 83/181/EEC <sup>(2)</sup>, 74/651/EEC and 69/169/EEC, respectively.

<sup>(1)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(2)</sup> OJ No L 90, 1. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 138, 25. 5. 1981, p. 1.

<sup>(4)</sup> OJ No L 283, 15. 10. 1983, p. 14.

<sup>(5)</sup> OJ No L 105, 23. 4. 1983, p. 1.

<sup>(6)</sup> OJ No L 105, 23. 4. 1983, p. 38.

<sup>(7)</sup> OJ No L 145, 13. 6. 1977, p. 1.

However, for exports to non-member countries of products which are subject to export levies or other export charges imposed under the common agricultural policy or the special arrangements applicable to certain goods processed from agricultural products, the quantities in respect of which no monetary compensatory amount is applicable shall not exceed three kilograms per consignment or traveller.

5. For the purposes of paragraph 2, the document establishing the Community nature of a product being exported to another Member State shall contain in the 'description of goods' box one of the following:

'exempt from MCA — Article 18 of Regulation (EEC) No 1371/81',

'fritaget for monetære udligningsbeløb, jf. artikel 18 i forordning (EØF) nr. 1371/81',

'WAB-Befreiung — Artikel 18 der Verordnung (EWG) Nr. 1371/81',

'απαλλαγή ΝΕΠ — άρθρο 18 του κανονισμού (ΕΟΚ) αριθ. 1371/81',

'franchise MCM — article 18 du règlement (CEE) n° 1371/81',

'franchigia ICM — articolo 18 del regolamento (CEE) n. 1371/81',

'vrijstelling MCB — artikel 18 van Verordening (EEG) nr. 1371/81'.

6. Where paragraph 2 is applied to imports into a Member State, the competent authorities of the

importing Member State shall inform the authorities of the exporting Member State of:

- cases in which the document establishing the Community nature of the product does not include the entry required under paragraph 5,
- cases in which checks under Title XVI and Title XX (C) of Chapter I of Regulation (EEC) No 918/83 show that the conditions for the non-application of monetary compensatory amounts have not been fulfilled.

The checks, other than those referred to in the first subparagraph, to be carried out in the Member State of destination in the cases covered by Chapter I of Regulation (EEC) No 918/83 shall not apply to exports to another Member State.

The competent authorities in the exporting Member State shall determine in such cases which supporting information is to be furnished by the exporter.

7. For the purposes of this Article, the total value of the consignments in question shall be ascertained by taking into account only products which are subject to monetary compensatory amounts.

(<sup>1</sup>) OJ No L 105, 23. 4. 1983, p. 1.

(<sup>2</sup>) OJ No L 105, 23. 4. 1983, p. 38.

#### Article 2

This Regulation shall enter into force on 1 July 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

## COMMISSION REGULATION (EEC) No 1604/84

of 6 June 1984

opening an invitation to tender for the levy and/or refund for the export of barley to countries of zones I, II (a), III, IV, V, VI, VII (a), VII (c), the German Democratic Republic and the Iberian Peninsula

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1451/82 <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2747/75 of 29 October 1975 laying down general rules to be applied in the event of the cereals market being disturbed <sup>(3)</sup>, as last amended by Regulation (EEC) No 2560/77 <sup>(4)</sup>, and in particular Article 2 (1) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds <sup>(5)</sup>, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of barley to tender for the export levy provided for in the first indent of Article 2 (1) of Regulation (EEC) No 2747/75 and/or for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas there is demand for barley on certain specific markets; whereas, in order to ensure supply, the invitation to tender for export should be limited to exports to zones I, II (a), III, IV, V, VI, VII (a), VII (c), the German Democratic Republic and the Iberian Peninsula;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export levy, laid down in Commission Regulation (EEC) No 3130/73 <sup>(6)</sup>, as amended by Regulations (EEC) No 278/75 <sup>(7)</sup> and (EEC) No 771/75 <sup>(8)</sup>, and, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 <sup>(9)</sup>, as amended by Regulation (EEC) No 2944/78 <sup>(10)</sup>; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance

with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment to all concerned, it is necessary to make provision such that the periods of validity of licences issued are identical;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. Tenders shall be invited for the export levy provided for in the first indent of Article 2 (1) of Regulation (EEC) No 2747/75 and/or the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to barley for export to countries of zones I, II (a), III, IV, V, VI, VII (a), VII (c), the German Democratic Republic and the Iberian Peninsula, defined in Annex I to Regulation (EEC) No 1124/77.
3. The invitation shall remain open until 27 June 1985. During this period weekly awards shall be made, for which the quantity and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

## Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

## Article 3

The security referred to in Article 3 of Regulation (EEC) No 3130/73 and in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 82.

<sup>(4)</sup> OJ No L 303, 28. 11. 1977, p. 1.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(6)</sup> OJ No L 319, 20. 11. 1973, p. 10.

<sup>(7)</sup> OJ No L 31, 5. 2. 1975, p. 7.

<sup>(8)</sup> OJ No L 77, 26. 3. 1975, p. 13.

<sup>(9)</sup> OJ No L 31, 5. 2. 1975, p. 8.

<sup>(10)</sup> OJ No L 351, 15. 12. 1978, p. 16.

*Article 4*

1. Notwithstanding Article 21 (1) of Regulation (EEC) No 3183/80<sup>(1)</sup>, export licences issued under Article 8 (1) of Regulation (EEC) No 3130/73 or under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

*Article 5*

1. Notwithstanding Article 5 of Regulation (EEC) No 3130/73 and Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to fix a minimum export levy, taking account in particular of the criteria laid down in Article 3 (1) (b) and (d) of Regulation (EEC) No 2747/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such

maximum export refund and to any tenderer who has tendered for an export levy.

Where a minimum export levy is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of levy equal to or greater than such minimum export levy.

*Article 6*

Tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

*Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

*Article 8*

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, 6 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 388, 13. 12. 1980, p. 1.

*ANNEX***Weekly tender for the levy and/or refund for the export of barley to countries of zones I, II (a), III, IV, V, VI, VII (a), VII (c), the German Democratic Republic and the Iberian Peninsula**

(Closing date for the submission of tenders (date/time))

**I**

| 1                  | 2                     | 3                                                       |
|--------------------|-----------------------|---------------------------------------------------------|
| Number of tenderer | Quantity<br>in tonnes | Amount of export levy<br>in national currency per tonne |
| 1                  |                       |                                                         |
| 2                  |                       |                                                         |
| 3                  |                       |                                                         |
| 4                  |                       |                                                         |
| 5                  |                       |                                                         |
| etc.               |                       |                                                         |

**II**

| 1                  | 2                     | 3                                                         |
|--------------------|-----------------------|-----------------------------------------------------------|
| Number of tenderer | Quantity<br>in tonnes | Amount of export refund<br>in national currency per tonne |
| 1                  |                       |                                                           |
| 2                  |                       |                                                           |
| 3                  |                       |                                                           |
| 4                  |                       |                                                           |
| 5                  |                       |                                                           |
| etc.               |                       |                                                           |

**COMMISSION REGULATION (EEC) No 1605/84****of 6 June 1984****on the supply of maize to the Republic of Cape Verde as food aid**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organi-  
zation of the market in cereals<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1451/82<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No  
2750/75 of 29 October 1975 fixing criteria for the  
mobilization of cereals intended as food aid<sup>(3)</sup>, as  
amended by Regulation (EEC) No 3331/82<sup>(4)</sup>, and in  
particular Article 6 thereof,

Having regard to Council Regulation (EEC) No  
1278/84 of 7 May 1984 laying down the implementing  
rules for 1984 for Regulation (EEC) No 3331/82  
concerning food-aid policy and food-aid manage-  
ment<sup>(5)</sup>,

Having regard to Council Regulation No 129 of 23  
October 1962 on the value of the unit of account and  
the exchange rates to be applied for the purposes of  
the common agricultural policy<sup>(6)</sup>, as last amended by  
Regulation (EEC) No 2543/73<sup>(7)</sup>, and in particular  
Article 3 thereof,

Having regard to the opinion of the Monetary  
Committee,

Whereas on 30 May 1984 the Commission of the  
European Communities decided to grant, under

Community measures, various quantities of cereals to  
certain non-member countries and beneficiary  
organizations ;

Whereas it is necessary to provide for the carrying out  
of this measure in accordance with the rules laid down  
by Commission Regulation (EEC) No 1974/80 of 22  
July 1980 laying down general implementing rules in  
respect of certain food-aid operations involving cereals  
and rice<sup>(8)</sup>, as last amended by Regulation (EEC) No  
3323/81<sup>(9)</sup> ; whereas it is necessary to specify, for the  
purposes of the Community measures envisaged, the  
characteristics of the products to be supplied and the  
supply conditions ;

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 intervention agency specified in the Annex hereto  
shall implement the mobilization and supply  
procedures in accordance with the provisions of Regu-  
lation (EEC) No 1974/80 and with the conditions laid  
down in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 6 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 89.

<sup>(4)</sup> OJ No L 352, 14. 12. 1982, p. 1.

<sup>(5)</sup> OJ No L 124, 11. 5. 1984, p. 1.

<sup>(6)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(7)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(8)</sup> OJ No L 192, 26. 7. 1980, p. 11.

<sup>(9)</sup> OJ No L 334, 21. 11. 1981, p. 27.

**ANNEX**

1. **Programme :** 1984
2. **Recipient :** Republic of Cape Verde
3. **Place or country of destination :** Republic of Cape Verde
4. **Product to be mobilized :** maize
5. **Total quantity :** 9 000 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (telex OFIBLE 270 807 F)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
  - (a) maize for human consumption, of sound merchantable quality, free of odour and pests
  - (b) moisture content : 15 %
  - (c) total percentage of matter other than basic cereals of unimpaired quality : 5 %, of which :
    - percentage of broken grains : 2 % ('broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter)
    - percentage of grain impurities : 2 % ('grain impurities' means grains of other cereals, grains damaged by pests and grains of abnormal coloration, the latter being grains which have acquired, through heating, a darkish brown colour on a fairly substantial part of the tegument and of the kernel and are not damaged grains)
    - percentage of sprouted grains : 0,5 %
    - percentage of miscellaneous impurities : 0,5 % ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects)
10. **Packaging :**
  - in new bags :
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags : 50 kg
  - marking on the bags in letters at least 5 cm high :  
'MILHO / DOM DA COMUNIDADE ECONOMICA EUROPEIA A REPUBLICA DE CABO VERDE'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Mindelo (3 500 tonnes); Praia (5 500 tonnes)
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
16. **Shipment period :** 16 September to 15 October 1984
17. **Security :** 6 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Cape Verde, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

## COMMISSION REGULATION (EEC) No 1606/84

of 6 June 1984

on the supply of common wheat flour to the Republic of Gambia as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 1451/82<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid<sup>(3)</sup>, as amended by Regulation (EEC) No 3331/82<sup>(4)</sup>, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management<sup>(5)</sup>,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(6)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(7)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 30 May 1984 the Commission of the European Communities decided to grant, under

Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice<sup>(8)</sup>, as last amended by Regulation (EEC) No 3323/81<sup>(9)</sup>; whereas it is necessary to specify, for the purposes of the Community measures envisaged, the characteristics of the products to be supplied and the supply conditions;

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 intervention agency specified in Annex I hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in Annex I hereto.

*Article 2*

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

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

Done at Brussels, 6 June 1984.

*For the Commission*

Poul DALSAER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 89.

<sup>(4)</sup> OJ No L 352, 14. 12. 1982, p. 1.

<sup>(5)</sup> OJ No L 124, 11. 5. 1984, p. 1.

<sup>(6)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(7)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(8)</sup> OJ No L 192, 26. 7. 1980, p. 11.

<sup>(9)</sup> OJ No L 334, 21. 11. 1981, p. 27.

**ANNEX I**

1. **Programme :** 1984
2. **Recipient :** Gambia
3. **Place or country of destination :** Gambia
4. **Product to be mobilized :** common wheat flour
5. **Total quantity :** 730 tonnes (1 000 tonnes of common wheat)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Intervention Board for Agricultural Produce, Fountain House, 2 Queens Walk, UK-Reading RG1 7QW, Berkshire (telex 848 302)
8. **Method of mobilizing the product :** intervention
9. **Characteristics of the goods :**  
flour of fair and sound merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process ; the flour shall have the following characteristics :
  - moisture : 14 % maximum (ICC Method No 110)
  - protein content : 10,5 % minimum ( $N \times 5,7$  in terms of dry matter ) (ICC Method No 105)
  - Hagberg falling number of at least 180, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
  - ash content : 0,62 % maximum, referred to dry matter (ICC Method No 104)
10. **Packaging :**
  - in new bags
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags : 50 kg
  - marking on the bags in letters at least 5 cm high :  
'WHEAT FLOUR / FOOD AID OF THE EUROPEAN ECONOMIC COMMUNITY TO GAMBIA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Banjul
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 20 June 1984
16. **Shipment period :** 1 to 31 July 1984
17. **Security :** 12 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Gambia, c/o 'Diplomatic Bag', Berlaymont 1/123, 200, rue de la Loi, B-1049 Brussels.

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

| Partiets nummer<br>Nummer der Partie<br>Αριθμός παρτίδων<br>Number of lot<br>Numéro du lot<br>Numero della partita<br>Nummer van de partij | Mængde (t)<br>Menge (t)<br>Τόνοι<br>Tonnage<br>Tonnage<br>Tonnellaggio<br>Hoeveelheid (t) | Lagerindehaverens navn og adresse<br>Name und Adresse des Lagerhalters<br>Όνομα και διεύθυνση εναποθηκευτού<br>Address of store<br>Nom et adresse du stockeur<br>Nome e indirizzo del detentore<br>Naam en adres van de depothouder | Lagerplads<br>Ort der Lagerhaltung<br>Τόπος αποθηκεύσεως<br>Town at which stored<br>Lieu de stockage<br>Luogo di accantonamento<br>Adres van de opslagplaats |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                                                                                                                                          | 1 000                                                                                     | Anglia Agricultural Merchants Ltd,<br>New Forge Warehouse,<br>Clenchwarton Road,<br>West Lynn,<br>Kings Lynn,<br>Norfolk                                                                                                            | New Forge                                                                                                                                                    |

## COMMISSION REGULATION (EEC) No 1607/84

of 6 June 1984

on delivery of common wheat and of maize to Upper Volta as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 1451/82<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid<sup>(3)</sup>, as amended by Regulation (EEC) No 3331/82<sup>(4)</sup>, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management<sup>(5)</sup>,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(6)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(7)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 30 May 1984 the Commission of the European Communities decided to grant, under Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas, pursuant to Article 3 (3) of Council Regulation (EEC) No 2750/75, the goods may be purchased anywhere on the Community market;

Whereas an invitation to tender should be issued for supply of the products delivered unloaded at destination in view of the final use to be made of the goods delivered;

Whereas the provisions of Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-

aid operations involving cereals and rice<sup>(8)</sup>, as last amended by Regulation (EEC) No 3323/81<sup>(9)</sup>, should be applied as far as possible, particularly in respect of the procedure for submission of tenders, since the manner in which the security is lodged must guarantee that the successful tenderer complies with his obligations;

Whereas, however, the specific provisions concerning delivery to destination must be set out; whereas the successful tenderer must thus bear all risk in the goods up to unloading at the stipulated destination; whereas payment can be made only when proof of delivery to the destination is provided;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the period stipulated;

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

1. The intervention agency mentioned in the Annexes hereto is hereby required to implement the mobilization and supply of the products stated in the said Annexes as food aid, subject to the provisions of this Regulation.
2. Supply of the products shall be organized under the tender procedure.
3. The Annexes shall take the place of a notice of invitation to tender. The intervention agency responsible shall make further publications as necessary.

## Article 2

1. For the purposes of the invitation to tender, the following provisions of Regulation (EEC) No 1974/80 shall apply:
  - Article 4, except the provisions of paragraphs 3 (e) and 4 (d) and (e), in respect of submission of tenders,
  - Article 5 in respect of provision of security,
  - Article 6 in respect of opening and reading tenders,
  - Article 8 in respect of comparing tenders.

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 89.

<sup>(4)</sup> OJ No L 352, 14. 12. 1982, p. 1.

<sup>(5)</sup> OJ No L 124, 11. 5. 1984, p. 1.

<sup>(6)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(7)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(8)</sup> OJ No L 192, 26. 7. 1980, p. 11.

<sup>(9)</sup> OJ No L 334, 21. 11. 1981, p. 27.

2. The tender shall indicate the amount of the tender expressed per tonne of product, in the currency of the Member State where the tendering procedure is taking place. The tender must include the cost of fumigation, unloading and warehousing at the final destination.

The tender shall state separately the amount of cost in respect of sea and land transport to the stipulated final destination.

The tender shall indicate the Member State in which the tenderer, in the event of his being declared successful, undertakes to complete the customs export formalities.

3. The tenderer shall carry out his obligations pursuant to this Regulation and the undertakings referred to in Article 4 (4) of Regulation (EEC) No 1974/80, with the exception of points (d) and (e) thereof.

4. The tenderer shall undertake to ship in vessels, listed in the larger classes in recognized classification registers, not more than 15 years old and attested by a competent body as meeting hygiene requirements.

#### *Article 3*

1. Without prejudice to paragraphs 2 and 3, the contract shall be awarded within 48 hours to the tenderer who has submitted the most favourable tender.

2. Where the most favourable tender is submitted by more than one tenderer, the intervention agency shall award the contract to one of those tenderers by drawing lots.

3. If the tenders do not appear to be in line with the prices normally prevailing on the market, the intervention agency may, with the agreement of the Commission, decide not to award the contract.

4. The intervention agency shall communicate the results of the tendering procedure to all the tenderers by letter or telex sent not later than the first working day following the award decision.

#### *Article 4*

1. The successful tenderer shall contract as necessary, at his own expense, for carriage of the goods to the final destination and shall bear all the costs involved, including those of unloading and warehousing at the destination. He shall take out suitable insurance.

2. The successful tenderer shall bear all the risks relating to the goods, in particular of loss or deterioration to which the goods are subject, until they have

effectively been unloaded and delivered to the final destination.

3. The successful tenderer shall communicate as soon as possible to the recipient's representative the date of loading, the means of transport used to consign the goods to the final destination, and the probable date of arrival. He shall immediately send this information to the intervention agency responsible for payment, which shall forward it without delay to the Commission.

The tenderer shall advise the recipient's representative, at least three days in advance, of the probable date of arrival of the goods at the final destination.

#### *Article 5*

1. The intervention agency of the country of shipment shall arrange for a check at the port, before loading, on the quantity, quality and packaging of the goods. Following inspection an attestation shall be issued by the intervention agency. The costs relating thereto shall be borne by the successful tenderer.

The successful tenderer shall provide that intervention agency with the certificate showing that the fumigation has been carried out.

2. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment. The successful tenderer and the recipient's representative shall be invited to take part in the operation.

Two sealed samples shall be kept by the intervention agency until issue by the recipient of the taking-over certificate or until issue of the certificate referred to in Article 6 (2).

3. If the inspection referred to in paragraph 1 gives rise to a dispute, the intervention agency shall arrange for a second inspection by a service different from that mentioned in paragraph 1, the findings of which shall be final. The costs relating thereto shall be borne by the losing party.

4. Where the inspection provided for in the preceding paragraphs reveals that the goods do not satisfy the requirements stipulated, they must be refused and replaced. Where some quantities are missing the successful tenderer must make up the cargo.

#### *Article 6*

1. A taking-over certificate shall be issued by the recipient immediately following unloading at the final destination. It shall state the place and date of taking

over and give a description of the goods taken over in the form given in Annex II and any comments by the recipient.

2. Where the taking-over certificate is not issued for reasons other than a dispute about the goods, proof of delivery may be provided by means of a certificate of the form given in Annex II endorsed by the Community representative in the country of destination.

#### Article 7

1. Payment to the successful tenderer shall be made by the intervention agency of the Member State in which the customs export formalities are completed.

2. The amount to be paid shall be that of the tender plus, where appropriate, the costs referred to in Article 9. It shall be paid in the currency of the Member State which is responsible for payment. For this purpose this amount shall be converted by using:

- where the currencies in question are maintained within a maximum spread at any one time of 2,25 %, the conversion rate resulting from their central rate,
- in other cases, the relationship between the two currencies concerned established by using the latest statement of their spot exchange rates made immediately prior to the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

3. The amount referred to in paragraph 2 shall be paid to the successful tenderer on presentation of the original of the taking-over certificate or a certified copy thereof, or, if this is not available, of the certificate referred to in Article 6 (2).

4. The intervention agency is hereby authorized to make without delay an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of a copy of that document, of the attestation referred to in Article 5 (1) and of the fumigation certificate, and subject to the provision of a security for an amount equal to the initial payment.

The said security shall be provided as laid down in Article 5 (2) of Regulation (EEC) No 1974/80.

#### Article 8

1. The security referred to in Article 2 shall be immediately released to:

- every tenderer whose tender was not successful or was not accepted,
- the successful tenderer in respect of quantities not delivered on account of *force majeure*,
- the successful tenderer in respect of the quantities delivered in accordance with this Regulation and on presentation of the original of the taking-over certificate or a certified true copy thereof or, where appropriate, the certificate referred to in Article 6 (2).

2. The security referred to in Article 7 (4) shall be released immediately when the successful tenderer furnishes the proof in accordance with Article 6 that at least 80 % of the quantity provided for has been delivered in conformity with the conditions laid down in this Regulation.

#### Article 9

If the successful tenderer, for reasons of *force majeure*, has to bear exceptional costs in respect of the delivery made under this Regulation which cannot be covered by insurance, he may receive compensation therefor on production of supporting documents and with the prior agreement of the Commission.

#### Article 10

Except in case of *force majeure* the successful tenderer shall bear all the financial consequences of the non-delivery of the goods under the conditions laid down in this Regulation if the recipient had made delivery possible under such conditions.

The costs resulting from the non-delivery of the goods following a case of *force majeure* shall be borne by the intervention agency responsible for payment.

#### Article 11

Articles 21 and 22 (1) and (2) of Regulation (EEC) No 1974/80 shall apply in the context of this Regulation.

The intervention agency responsible for payment shall, on receipt, send the information referred to in Article 4 (3) to the Commission.

The intervention agency in the country of shipment shall send the Commission, without delay, the results of the inspection referred to in Article 5.

#### Article 12

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, 6 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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**ANNEX Ia**

1. **Programme :** 1984
2. **Recipient :** Upper Volta
3. **Place or country destination :** Upper Volta
4. **Products to be mobilized :** common wheat
5. **Total quantity :** 2 500 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (telex OFIBLE 270 807 F).
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**  
the common wheat must be of fair and sound merchantable quality and correspond at least to the minimum bread-making quality required for intervention (moisture : maximum 14,5 %)
10. **Packaging :** in bulk
11. **Port of shipment :** a Community port
12. **Delivery stage :**  
delivered destination — Grands Moulins Voltaïques (GMV), Banfora, BP 64, telex 8212 UV, via Abidjan
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
15. **Shipment period :** 1 to 31 August 1984
16. **Security :** 6 ECU per tonne

**Note :**

The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Upper Volta, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

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*ANNEX I b*

1. **Programme :** 1984
2. **Recipient :** Upper Volta
3. **Place or country of destination :** Upper Volta
4. **Product to be mobilized :** maize
5. **Total quantity :** 2 500 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (telex OFIBLE 270 807 F).
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
  - (a) maize for human consumption, of sound merchantable quality, free of odour and pests
  - (b) moisture content : 15 %
  - (c) total percentage of matter other than basic cereals of unimpaired quality : 5 %, of which :
    - percentage of broken grains : 2 % ('broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter)
    - percentage of grain impurities : 2 % ('grain impurities' means grains of other cereals, grains damaged by pests and grains of abnormal coloration, the latter being grains which have acquired, through heating, a darkish brown colour on a fairly substantial part of the tegument and of the kernel and are not damaged grains)
    - percentage of sprouted grains : 0,5 %
    - percentage of miscellaneous impurities : 0,5 % ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects)
10. **Packaging :**
  - in new bags :
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags 50 kg
  - marking on the bags in letters at least 5 cm high :  
'MAÏS / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE DE HAUTE-VOLTA'
11. **Port of shipment :** a Community port
12. **Delivery stage :**  
delivered destination — Centre national de stockage et d'approvisionnement de Ouagadougou (CNSAO), BP 1032, Ouagadougou via Abidjan
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
15. **Shipment period :** 1 to 31 July 1984
16. **Security :** 12 ECU per tonne

*Notes :*

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Upper Volta, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

*ANNEX II***TAKING-OVER CERTIFICATE**

Recipient .....

I, the undersigned, .....  
(Name, forename, business name)

acting on behalf of .....

certify that delivery has been taken of the goods listed below:

— Cereals or products .....

— Net tonnage accepted .....

— Packaging .....

in bulk .....

in bags .....

— Number of bags ..... at ..... kg net

marking .....

number of marked empty bags .....

— Place of taking over .....

— Date of taking over .....

The quality of the goods delivered is in accordance with that fixed.

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**COMMISSION REGULATION (EEC) No 1608/84**  
**of 6 June 1984**  
**on delivery of maize to the Republic of Mali as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 1451/82<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid<sup>(3)</sup>, as amended by Regulation (EEC) No 3331/82<sup>(4)</sup>, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management<sup>(5)</sup>,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(6)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(7)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 30 May 1984 the Commission of the European Communities decided to grant, under Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas, pursuant to Article 3 (3) of Council Regulation (EEC) No 2750/75, the goods may be purchased anywhere on the Community market;

Whereas an invitation to tender should be issued for supply of the products delivered unloaded at destination in view of the final use to be made of the goods delivered;

Whereas the provisions of Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-

aid operations involving cereals and rice<sup>(8)</sup>, as last amended by Regulation (EEC) No 3323/81<sup>(9)</sup>, should be applied as far as possible, particularly in respect of the procedure for submission of tenders, since the manner in which the security is lodged must guarantee that the successful tenderer complies with his obligations;

Whereas, however, the specific provisions concerning delivery to destination must be set out; whereas the successful tenderer must thus bear all risk in the goods up to unloading at the stipulated destination; whereas payment can be made only when proof of delivery to the destination is provided;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the period stipulated;

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*

1. The intervention agency mentioned in Annex I hereto is hereby required to implement the mobilization and supply of the product stated in the said Annex as food aid, subject to the provisions of this Regulation.
2. Supply of the products shall be organized under the tender procedure.
3. Annex I shall take the place of a notice of invitation to tender. The intervention agency responsible shall make further publications as necessary.

*Article 2*

1. For the purposes of the invitation to tender, the following provisions of Regulation (EEC) No 1974/80 shall apply:
  - Article 4, except the provisions of paragraphs 3 (e) and 4 (d) and (e), in respect of submission of tenders,
  - Article 5 in respect of provision of security,
  - Article 6 in respect of opening and reading tenders,
  - Article 8 in respect of comparing tenders.

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 89.

<sup>(4)</sup> OJ No L 352, 14. 12. 1982, p. 1.

<sup>(5)</sup> OJ No L 124, 11. 5. 1984, p. 1.

<sup>(6)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(7)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(8)</sup> OJ No L 192, 26. 7. 1980, p. 11.

<sup>(9)</sup> OJ No L 334, 21. 11. 1981, p. 27.

2. The tender shall indicate the amount of the tender expressed per tonne of product, in the currency of the Member State where the tendering procedure is taking place. The tender must include the cost of fumigation, unloading and warehousing at the final destination stated in Annex I.

The tender shall state separately the amount of cost in respect of sea and land transport to the stipulated final destination.

The tender shall indicate the Member State in which the tenderer, in the event of his being declared successful, undertakes to complete the customs export formalities.

3. The tenderer shall carry out his obligations pursuant to this Regulation and the undertakings referred to in Article 4 (4) of Regulation (EEC) No 1974/80, with the exception of points (d) and (e) thereof.

4. The tenderer shall undertake to ship in vessels, listed in the larger classes in recognized classification registers, not more than 15 years old and attested by a competent body as meeting hygiene requirements.

#### *Article 3*

1. Without prejudice to paragraphs 2 and 3, the contract shall be awarded within 48 hours to the tenderer who has submitted the most favourable tender.

2. Where the most favourable tender is submitted by more than one tenderer, the intervention agency shall award the contract to one of those tenderers by drawing lots.

3. If the tenders do not appear to be in line with the prices normally prevailing on the market, the intervention agency may, with the agreement of the Commission, decide not to award the contract.

4. The intervention agency shall communicate the results of the tendering procedure to all the tenderers by letter or telex sent not later than the first working day following the award decision.

#### *Article 4*

1. The successful tenderer shall contract as necessary, at his own expense, for carriage of the goods to the final destination and shall bear all the costs involved, including those of unloading and warehousing at the destination. He shall take out suitable insurance.

2. The successful tenderer shall bear all the risks relating to the goods, in particular of loss or deterioration to which the goods are subject, until they have

effectively been unloaded and delivered to the final destination.

3. The successful tenderer shall communicate as soon as possible to the recipient's representative the date of loading, the means of transport used to consign the goods to the final destination, and the probable date of arrival. He shall immediately send this information to the intervention agency responsible for payment, which shall forward it without delay to the Commission.

The tenderer shall advise the recipient's representative, at least three days in advance, of the probable date of arrival of the goods at the final destination.

#### *Article 5*

1. The intervention agency of the country of shipment shall arrange for a check at the port, before loading, on the quantity, quality and packaging of the goods. Following inspection an attestation shall be issued by the intervention agency. The costs relating thereto shall be borne by the successful tenderer.

The successful tenderer shall provide that intervention agency with the certificate showing that the fumigation has been carried out.

2. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment. The successful tenderer and the recipient's representative shall be invited to take part in the operation.

Two sealed samples shall be kept by the intervention agency until issue by the recipient of the taking-over certificate or until issue of the certificate referred to in Article 6 (2).

3. If the inspection referred to in paragraph 1 gives rise to a dispute, the intervention agency shall arrange for a second inspection by a service different from that mentioned in paragraph 1, the findings of which shall be final. The costs relating thereto shall be borne by the losing party.

4. Where the inspection provided for in the preceding paragraphs reveals that the goods do not satisfy the requirements stipulated, they must be refused and replaced. Where some quantities are missing the successful tenderer must make up the cargo.

#### *Article 6*

1. A taking-over certificate shall be issued by the recipient immediately following unloading at the final destination. It shall state the place and date of taking

over and give a description of the goods taken over in the form given in Annex II and any comments by the recipient.

2. Where the taking-over certificate is not issued for reasons other than a dispute about the goods, proof of delivery may be provided by means of a certificate of the form given in Annex II endorsed by the Community representative in the country of destination.

#### Article 7

1. Payment to the successful tenderer shall be made by the intervention agency of the Member State in which the customs export formalities are completed.

2. The amount to be paid shall be that of the tender plus, where appropriate, the costs referred to in Article 9. It shall be paid in the currency of the Member State which is responsible for payment. For this purpose this amount shall be converted by using:

- where the currencies in question are maintained within a maximum spread at any one time of 2,25 %, the conversion rate resulting from their central rate,
- in other cases, the relationship between the two currencies concerned established by using the latest statement of their spot exchange rates made immediately prior to the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

3. The amount referred to in paragraph 2 shall be paid to the successful tenderer on presentation of the original of the taking-over certificate or a certified copy thereof, or, if this is not available, of the certificate referred to in Article 6 (2).

4. The intervention agency is hereby authorized to make without delay an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of a copy of that document, of the attestation referred to in Article 5 (1) and of the fumigation certificate, and subject to the provision of a security for an amount equal to the initial payment.

The said security shall be provided as laid down in Article 5 (2) of Regulation (EEC) No 1974/80.

#### Article 8

1. The security referred to in Article 2 shall be immediately released to:

- every tenderer whose tender was not successful or was not accepted,
- the successful tenderer in respect of quantities not delivered on account of *force majeure*,
- the successful tenderer in respect of the quantities delivered in accordance with this Regulation and on presentation of the original of the taking-over certificate or a certified true copy thereof or, where appropriate, the certificate referred to in Article 6 (2).

2. The security referred to in Article 7 (4) shall be released immediately when the successful tenderer furnishes the proof in accordance with Article 6 that at least 80 % of the quantity provided for has been delivered in conformity with the conditions laid down in this Regulation.

#### Article 9

If the successful tenderer, for reasons of *force majeure*, has to bear exceptional costs in respect of the delivery made under this Regulation which cannot be covered by insurance, he may receive compensation therefor on production of supporting documents and with the prior agreement of the Commission.

#### Article 10

Except in case of *force majeure* the successful tenderer shall bear all the financial consequences of the non-delivery of the goods under the conditions laid down in this Regulation if the recipient had made delivery possible under such conditions.

The costs resulting from the non-delivery of the goods following a case of *force majeure* shall be borne by the intervention agency responsible for payment.

#### Article 11

Articles 21 and 22 (1) and (2) of Regulation (EEC) No 1974/80 shall apply in the context of this Regulation.

The intervention agency responsible for payment shall, on receipt, send the information referred to in Article 4 (3) to the Commission.

The intervention agency in the country of shipment shall send the Commission, without delay, the results of the inspection referred to in Article 5.

#### Article 12

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, 6 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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**ANNEX I**

1. **Programme :** 1984
2. **Recipient :** Republic of Mali
3. **Place or country of destination :** Republic of Mali
4. **Product to be mobilized :** maize
5. **Total quantity :** 15 000 tonnes
6. **Number of lots :**  
one in two parts (part 1 : 7 500 tonnes for Gao / part 2 : 7 500 tonnes for Tombouctou)
7. **Intervention agency responsible for conducting the procedure :**  
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (telex OFIBLE 270 807 F)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
  - (a) maize for human consumption, of sound merchantable quality, free of odour and pests
  - (b) moisture content : 15 %
  - (c) total percentage of matter other than basic cereals of unimpaired quality : 5 %, of which :
    - percentage of broken grains : 2 % ('broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter)
    - percentage of grain impurities : 2 % ('grain impurities' means grains of other cereals, grains damaged by pests and grains of abnormal coloration, the latter being grains which have acquired, through heating, a darkish brown colour on a fairly substantial part of the tegument and of the kernel and are not damaged grains)
    - percentage of sprouted grains : 0,5 %
    - percentage of miscellaneous impurities : 0,5 % ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects)
10. **Packaging :**
  - in new bags :
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags 50 kg
  - marking on the bags in letters at least 5 cm high :  
'MAÏS / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE DU MALI'
11. **Port of shipment :** a Community port
12. **Delivery stage :**  
delivered destination — Centre de stockage de l'OPAM :
  - part 1 : 7 500 tonnes Gao, via Lomé
  - part 2 : 7 500 tonnes Tombouctou, via Lomé
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
15. **Shipment period :** 1 to 31 July 1984
16. **Security :** 6 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Mali, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

ANNEX II

TAKING-OVER CERTIFICATE

Recipient .....

I, the undersigned, .....  
(Name, forename, business name)

acting on behalf of .....

certify that delivery has been taken of the goods listed below :

- Cereals or products .....
- Net tonnage accepted .....
- Packaging .....
  - in bulk .....
  - in bags .....
- Number of bags ..... at ..... kg net  
marking .....
- number of marked empty bags .....
- Place of taking over .....
- Date of taking over .....

The quality of the goods delivered is in accordance with that fixed.

\_\_\_\_\_

## COMMISSION REGULATION (EEC) No 1609/84

of 6 June 1984

on the supply of common wheat to the Islamic Republic of Mauritania as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 1451/82<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid<sup>(3)</sup>, as amended by Regulation (EEC) No 3331/82<sup>(4)</sup>, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management<sup>(5)</sup>,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(6)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(7)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 30 May 1984 the Commission of the European Communities decided to grant, under

Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice<sup>(8)</sup>, as last amended by Regulation (EEC) No 3323/81<sup>(9)</sup>; whereas it is necessary to specify, for the purposes of the Community measures envisaged, the characteristics of the products to be supplied and the supply conditions;

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 intervention agency specified in Annex I hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in Annex I hereto.

*Article 2*

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

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

Done at Brussels, 6 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 89.

<sup>(4)</sup> OJ No L 352, 14. 12. 1982, p. 1.

<sup>(5)</sup> OJ No L 124, 11. 5. 1984, p. 1.

<sup>(6)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(7)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(8)</sup> OJ No L 192, 26. 7. 1980, p. 11.

<sup>(9)</sup> OJ No L 334, 21. 11. 1981, p. 27.

**ANNEX I**

1. **Programme :** 1984
2. **Recipient :** Islamic Republic of Mauritania
3. **Place or country of destination :** Mauritania
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 12 000 tonnes
6. **Number of lots :** three (5 000 tonnes / 5 000 tonnes / 2 000 tonnes)
7. **Intervention agency responsible for conducting the procedure :**  
Bundesanstalt für landwirtschaftliche Markttordnung (BALM), Adickesallee, 40, D-6000 Frankfurt/  
Main (telex 411 475)
8. **Method of mobilizing the product :** intervention
9. **Characteristics of the goods :**  
the common wheat must be of fair and sound merchantable quality and correspond at least to  
the minimum bread-making quality required for intervention (moisture : 14,5 % maximum)
10. **Packaging :**
  - in new bags :
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags : 50 kg
  - marking on the bags in letters at least 5 cm high :  
'FROMENT / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA  
RÉPUBLIQUE ISLAMIQUE DE MAURITANIE'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Nouakchott : 2 × 5 000 tonnes / Nouadhibou : 1 × 2 000 tonnes
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
16. **Shipment period :** 1 to 31 July 1984
17. **Security :** 6 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Mauritania, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi,  
B-1049 Brussels.

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

| Partiets nummer<br>Nummer der Partie<br>Αριθμός παρτίδων<br>Number of lot<br>Numéro du lot<br>Numero della partita<br>Nummer van de partij | Mængde (t)<br>Menge (t)<br>Τόνοι<br>Tonnage<br>Tonnage<br>Tonnellaggio<br>Hoeveelheid (t) | Lagerindehaverens navn og adresse<br>Name und Adresse des Lagerhalters<br>Όνομα και διεύθυνση εναποθηκευτού<br>Address of store<br>Nom et adresse du stockeur<br>Nome e indirizzo del detentore<br>Naam en adres van de depothouder | Lagerplads<br>Ort der Lagerhaltung<br>Τόπος αποθηκεύσεως<br>Town at which stored<br>Lieu de stockage<br>Luogo di accantonamento<br>Adres van de opslagplaats |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                                                                                                                                          | 5 000                                                                                     | Haniel Spedition GmbH<br>vorm. Carl Presser & Co.<br>Hafenstraße 10<br>6450 Hanau/Main 1                                                                                                                                            | Hanau<br>Lager Nr. 109 201                                                                                                                                   |
| 2                                                                                                                                          | 3 855                                                                                     | Anker Schiff.-Ges. mbH<br>Betrieb Kallhafen<br>Südweststraße 19-21<br>2800 Bremen 1                                                                                                                                                 | Bremen<br>Lager Nr. 007 704                                                                                                                                  |
|                                                                                                                                            | 1 145                                                                                     | Spedition und Lagerei Laue GmbH<br>Neue Straße, 17e<br>3353 Bad Gandersheim                                                                                                                                                         | Bad Gandersheim<br>Lager Nr. 088 401                                                                                                                         |
| 3                                                                                                                                          | 1 192                                                                                     | Haniel Spedition GmbH<br>vorm. Carl Presser & Co.<br>Hafenstraße 10<br>6450 Hanau/Main 1                                                                                                                                            | Hanau<br>Lager Nr. 109 201                                                                                                                                   |
|                                                                                                                                            | 808                                                                                       | Roters & Buddenberg GmbH<br>Philosophenweg 19<br>4100 Duisburg                                                                                                                                                                      | Duisburg<br>Lager Nr. 481 001                                                                                                                                |

## COMMISSION REGULATION (EEC) No 1610/84

of 6 June 1984

## on the supply of common wheat to the Republic of Chad as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 1451/82<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid<sup>(3)</sup>, as amended by Regulation (EEC) No 3331/82<sup>(4)</sup>, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management<sup>(5)</sup>,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(6)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(7)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 30 May 1984 the Commission of the European Communities decided to grant, under Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas pursuant to Article 3(2) of Council Regulation (EEC) No 2750/75 intervention products may be utilized;

Whereas an invitation to tender should be issued for supply of the products delivered unloaded at destina-

tion in view of the final use to be made of the goods delivered;

Whereas the provisions of Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice<sup>(8)</sup>, as last amended by Regulation (EEC) No 3323/81<sup>(9)</sup>, should be applied as far as possible, particularly in respect of the procedure for submission of tenders, since the manner in which the security is lodged must guarantee that the successful tenderer complies with his obligations;

Whereas, however, the specific provisions concerning delivery to destination must be set out; whereas the successful tenderer must thus bear all risk in the goods up to unloading at the stipulated destination; whereas payment can be made only when proof of delivery to the destination is provided;

Whereas it must be made clear who is to bear any costs which arise in the event for reasons of *force majeure* the operation in question is not completed within the period stipulated;

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

1. The intervention agency mentioned in Annex I hereto is hereby required to implement the mobilization and supply of the product stated in the said Annex as food aid, subject to the provisions of this Regulation.

2. Supply of the products shall be organized by tendering procedure.

3. Annex I shall take the place of a notice of invitation to tender. The intervention agency responsible shall make further publications as necessary.

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 89.

<sup>(4)</sup> OJ No L 352, 14. 12. 1982, p. 1.

<sup>(5)</sup> OJ No L 124, 11. 5. 1984, p. 1.

<sup>(6)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(7)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(8)</sup> OJ No L 192, 26. 7. 1980, p. 11.

<sup>(9)</sup> OJ No L 334, 21. 11. 1981, p. 27.

*Article 2*

1. Without prejudice to the specific provisions of this Regulation, the provisions of Articles 4, 5, 6 and 7 of Regulation (EEC) No 1974/80 shall apply to the tendering procedure.

2. The tender must include the cost of fumigation, unloading and warehousing at the final destination stated in Annex I.

Tenders shall state separately the amount of cost in respect of sea and land transport to the stipulated final destination.

Tenders shall indicate the Member State in which the tenderer, in the event of his being declared successful, undertakes to complete the customs export formalities.

3. The tenderer shall carry out his obligations pursuant to this Regulation and the undertakings referred to in Article 4 (4) of Regulation (EEC) No 1974/80.

4. The tenderer shall undertake to ship in vessels, listed in the larger classes in recognized classification registers, not more than 15 years old and attested by a competent body as meeting hygiene requirements.

*Article 3*

1. The successful tenderer shall contract as necessary, at his own expense, for carriage of the goods to the final destination and shall bear all the costs involved, including those of unloading and warehousing at the destination. He shall take out suitable insurance.

2. The successful tenderer shall bear all the risks relating to the goods, in particular of loss or deterioration to which the goods are subject, until they have effectively been unloaded and delivered to the final destination.

3. The successful tenderer shall communicate as soon as possible to the recipient's representative the date of loading, the means of transport used to consign the goods to the final destination, and the probable date of arrival. He shall immediately send this information to the intervention agency responsible for payment, which shall forward it without delay to the Commission.

The tenderer shall advise the recipient's representative, at least three days in advance, of the probable date of arrival of the goods at the final destination.

*Article 4*

1. The intervention agency of the country of shipment shall arrange for a check at the port before loading on the quantity, quality and packaging of the goods. Following inspection an attestation shall be issued by the intervention agency. The costs relating thereto shall be borne by the successful tenderer.

The successful tenderer shall provide that intervention agency with a certificate from the organization which undertook fumigation, showing that that operation has been carried out.

2. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment. The successful tenderer and the recipient's representative shall be invited to take part in the operation.

Two sealed samples shall be kept by the intervention agency until issue by the recipient of the taking-over certificate or until issue of the certificate referred to in Article 5 (2).

3. If the inspection referred to in paragraph 1 gives rise to a dispute, the intervention agency shall arrange for a second inspection by a service different from that mentioned in paragraph 1, the findings of which shall be final. The costs relating thereto shall be borne by the losing party.

4. Where the inspection provided for in the preceding paragraphs reveals that the goods do not satisfy the requirements stipulated, they must be refused and replaced. Where some quantities are missing the successful tenderer must make up the cargo.

*Article 5*

1. A taking-over certificate shall be issued by the recipient immediately following unloading at the final destination. It shall state the place and date of taking over and give a description of the goods taken over in the form given in Annex II and any comments by the recipient.

2. Where the taking-over certificate is not issued for reasons other than a dispute about the goods, proof of delivery may be provided by means of a certificate of the form given in Annex II endorsed by the Community representative in the country of destination.

*Article 6*

1. Payment to the successful tenderer shall be made by the intervention agency of the Member State which held the intervention products.

2. The amount to be paid shall be that of the tender plus, where appropriate, the costs referred to in Article 8. It shall be paid in the currency of the Member State which is responsible for payment. For this purpose this amount shall be converted by using:

- where the currencies in question are maintained within a maximum spread at any one time of 2,25 %, the conversion rate resulting from their central rate,
- in other cases, the relationship between the two currencies concerned established by using the latest statement of their spot exchange rates made immediately prior to the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

3. The amount referred to in paragraph 2 shall be paid to the successful tenderer on presentation of the original of the taking-over certificate or a certified copy thereof, or, if this is not available, of the certificate referred to in Article 5 (2).

4. The intervention agency is hereby authorized to make without delay an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of a copy of that document, of the attestation referred to in Article 4 (1) and of the fumigation certificate, and subject to the provision of a security for an amount equal to the initial payment.

The said security shall be provided as laid down in Article 5 (2) of Regulation (EEC) No 1974/80.

#### Article 7

1. The security referred to in Article 2 shall be immediately released to:

- every tenderer whose tender was not successful or was not accepted,
- the successful tenderer in respect of quantities not delivered on account of *force majeure*,
- the successful tenderer in respect of the quantities delivered in accordance with this Regulation and on presentation of the original of the taking-over certificate or a certified true copy thereof or, where

appropriate, the certificate referred to in Article 5 (2).

2. The security referred to in Article 6 (4) shall be released immediately when the successful tenderer furnishes the proof in accordance with Article 5 that at least 80 % of the quantity provided for has been delivered in conformity with the conditions laid down in this Regulation.

#### Article 8

If the successful tenderer has to bear exceptional costs in respect of the delivery made under this Regulation which cannot be covered by insurance, he may receive compensation therefor on production of supporting documents and with the prior agreement of the Commission.

#### Article 9

Except in case of *force majeure* the successful tenderer shall bear all the financial consequences of the non-delivery of the goods under the conditions laid down in this Regulation if the recipient had made delivery possible under such conditions.

The costs resulting from the non-delivery of the goods following a case of *force majeure* shall be borne by the intervention agency responsible for payment.

#### Article 10

Articles 21 and 22 (1) and (2) of Regulation (EEC) No 1974/80 shall apply in the context of this Regulation.

The intervention agency responsible for payment shall, on receipt, send the information referred to in Article 3 (3) to the Commission.

The intervention agency in the country of shipment shall send the Commission, without delay, the results of the inspection referred to in Article 4.

#### Article 11

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, 6 June 1984.

For the Commission

Poul DALSGER

Member of the Commission

**ANNEX I**

1. **Programme :** 1984
2. **Recipient :** Republic of Chad
3. **Place or country of destination :** Republic of Chad
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 9 000 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**  
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, Paris 7<sup>e</sup> (tél. 270 807)
8. **Method of mobilizing the product :** intervention
9. **Characteristics of the goods :**  
the common wheat must be of fair and sound merchantable quality and correspond at least to the minimum bread-making quality required for intervention (moisture : 14,5 % maximum)
10. **Packaging :**
  - in new bags :
    - jute sacks of a minimum weight of 600 g, or
    - composite sacks jute/polypropylene of a minimum weight of 335 g
  - net weight of the bags : 50 kg
  - marking on the bags (in letters at least 5 cm high):  
'FROMENT TENDRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE  
À LA RÉPUBLIQUE DU TCHAD'
11. **Port of shipment :** a Community port
12. **Delivery stage :**  
delivered destination — N'Djemena, Lieu de stockage Chagoua, rue de Chagoua (tel. 2837) — via Douala
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 19 June 1984
15. **Shipment period :** 1 to 31 July 1984
16. **Security :** 6 ECU per tonne

**Notes :**

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :  
Commission Delegation in Chad, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

## TAKING-OVER CERTIFICATE

— Date of taking over .....

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

| Partiets nummer<br>Nummer der Partie<br>Αριθμός παρτίδων<br>Number of lot<br>Numéro du lot<br>Numero della partita<br>Nummer van de partij | Mængde (t)<br>Menge (t)<br>Τόνοι<br>Tonnage<br>Tonnage<br>Tonnellaggio<br>Hoeveelheid (t) | Lagerindehaverens navn og adresse<br>Name und Adresse des Lagerhalters<br>Όνομα και διεύθυνση εναποθηκευτού<br>Address of store<br>Nom et adresse du stockeur<br>Nome e indirizzo del detentore<br>Naam en adres van de depothouder | Lagerplads<br>Ort der Lagerhaltung<br>Τόπος αποθηκεύσεως<br>Town at which stored<br>Lieu de stockage<br>Luogo di accantonamento<br>Adres van de opslagplaats |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                                                                                                                                          | 2 528,40                                                                                  | SCAN<br>ZI Saint-Éloi<br>F-58002 Nevers                                                                                                                                                                                             | Les Fouchards (18)                                                                                                                                           |
|                                                                                                                                            | 750,00                                                                                    | AGRI Cher<br>route de la Charité<br>F-18028 Bourges Cedex                                                                                                                                                                           | Sens-Beaujeu (18)                                                                                                                                            |
|                                                                                                                                            | 2 600,00                                                                                  | AGRI Cher<br>route de la Charité<br>F-18028 Bourges Cedex                                                                                                                                                                           | Feux (18)                                                                                                                                                    |
|                                                                                                                                            | 1 900,00                                                                                  | AGRI Cher<br>route de la Charité<br>F-18028 Bourges Cedex                                                                                                                                                                           | La-Chapelle-Molinard (18)                                                                                                                                    |
|                                                                                                                                            | 1 221,60                                                                                  | AGRI Cher<br>route de la Charité<br>F-18028 Bourges Cedex                                                                                                                                                                           | Sancergues (18)                                                                                                                                              |

**COMMISSION REGULATION (EEC) No 1611/84****of 7 June 1984****applying the duty in the Common Customs Tariff to lemons originating in Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2047/70 of 13 October 1970 on imports of citrus fruit originating in Spain<sup>(1)</sup>, and in particular Article 5 thereof;

Whereas Article 7 of Annex I to the Agreement between the European Economic Community and Spain provides for a reduced rate of duty on imports into the Community of certain citrus fruit originating in Spain; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 2047/70;

Whereas, in certain respects, these rules refer to provisions of Regulation No 23 which were incorporated in Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(2)</sup>, as last amended by Regulation (EEC) No 1332/84<sup>(3)</sup>; whereas, in this case, reference should be made to Regulation (EEC) No 1035/72, in accordance with the Table which appears in Annex IV thereto;

Whereas Regulation (EEC) No 2047/70 provides that, where one of the products listed in Article 1 of that Regulation is imported, the duty in the Common Customs Tariff is applied where quotations for that product, converted where necessary to Class I in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of transport costs and import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account

(1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors, the transport costs and import charges other than customs duties are those used for the purpose of calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 (2) of Regulation (EEC) No 2047/70;

Whereas, if the system is to operate normally, it 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 coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,
- 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 application of these rules to quotations recorded for lemons imported into the Community and originating in Spain indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 2047/70 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 9 June 1984, the duty in the Common Customs Tariff shall be applied to fresh lemons (subheading 08.02 C of the Common Customs Tariff), imported into the Community and originating in Spain.

*Article 2*

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

<sup>(1)</sup> OJ No L 228, 15. 10. 1970, p. 2.

<sup>(2)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(3)</sup> OJ No L 130, 16. 5. 1984, p. 1.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 1612/84****of 7 June 1984****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 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 606/82<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Regulation (EEC) No 1506/84<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1506/84 to the information known to the Commission that the basic

amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 1506/84, are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 145, 31. 5. 1984, p. 26.

## ANNEX

to the Commission Regulation of 7 June 1984 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

| CCT heading No | Description                                                                                                                                                            | 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 |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------|
| 17.02          | Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel : |                                                                                                    |                                         |
|                | C. Maple sugar and other syrup                                                                                                                                         | 0,4458                                                                                             | —                                       |
|                | D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :                                                                                          |                                                                                                    |                                         |
|                | I. Isoglucose                                                                                                                                                          | —                                                                                                  | 55,11                                   |
|                | ex II. Other                                                                                                                                                           | 0,4458                                                                                             | —                                       |
|                | E. Artificial honey, whether or not mixed with natural honey                                                                                                           | 0,4458                                                                                             | —                                       |
|                | F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose                                                                   | 0,4458                                                                                             | —                                       |
| 21.07          | Food preparations not elsewhere specified or included :                                                                                                                |                                                                                                    |                                         |
|                | F. Flavoured or coloured sugar syrups :                                                                                                                                |                                                                                                    |                                         |
|                | III. Isoglucose                                                                                                                                                        | —                                                                                                  | 55,11                                   |
|                | IV. Other                                                                                                                                                              | 0,4458                                                                                             | —                                       |

**COMMISSION REGULATION (EEC) No 1613/84****of 7 June 1984****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 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 606/82<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1789/83<sup>(3)</sup>, as last amended by Regulation (EEC) No 1583/84<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1789/83 to the information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 176, 1. 7. 1983, p. 48.

<sup>(4)</sup> OJ No L 151, 7. 6. 1984, p. 33.

**ANNEX**

**to the Commission Regulation of 7 June 1984 fixing the import levies on white sugar and raw sugar**

| CCT heading No | Description                                                                                                | Levy<br>(ECU/100 kg)          |
|----------------|------------------------------------------------------------------------------------------------------------|-------------------------------|
| 17.01          | Beet sugar and cane sugar, in solid form :<br>A. White sugar : flavoured or coloured sugar<br>B. Raw sugar | 44,58<br>37,84 <sup>(1)</sup> |

<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 1614/84****of 7 June 1984****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 Council Regulation (EEC) No 1785/81 of 30 June 1981 last on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 606/82<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 Regulation (EEC) No 1575/84<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1575/84 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1575/84 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 145, 31. 5. 1984, p. 82.

## ANNEX

to the Commission Regulation of 7 June 1984 altering the export refunds on white sugar  
and raw sugar exported in the natural state

(ECU)

| CCT<br>heading<br>No | Description                                    | Amount of refund     |                                                                                                |
|----------------------|------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------|
|                      |                                                | per 100 kg           | per percentage point of<br>sucrose content and<br>per 100 kg net of the<br>product in question |
| 17.01                | Beet sugar and cane sugar, solid :             |                      |                                                                                                |
|                      | A. White sugar ; flavoured or coloured sugar : |                      |                                                                                                |
|                      | (I) White sugar :                              |                      |                                                                                                |
|                      | (a) Candy sugar                                | 39,53                |                                                                                                |
|                      | (b) Other                                      | 38,59                |                                                                                                |
|                      | (II) Flavoured or coloured sugar               |                      | 0,3953                                                                                         |
|                      | B. Raw sugar :                                 |                      |                                                                                                |
|                      | II. Other :                                    |                      |                                                                                                |
|                      | (a) Candy sugar                                | 36,37 <sup>(1)</sup> |                                                                                                |
|                      | (b) Other raw sugar                            | 34,60 <sup>(1)</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.

## COMMISSION REGULATION (EEC) No 1615/84

of 7 June 1984

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 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 1451/82<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 1027/84<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 destination;

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,
- 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;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The 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.

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<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 107, 19. 4. 1984, p. 15.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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**ANNEX**

**to the Commission Regulation of 7 June 1984 fixing the export refunds on malt**

| <i>(ECU / tonne)</i> |        |
|----------------------|--------|
| CCT heading No       | Refund |
| 11.07 A I b)         | 34,58  |
| 11.07 A II b)        | 81,82  |
| 11.07 B              | 95,36  |

**COMMISSION REGULATION (EEC) No 1616/84****of 7 June 1984****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 1451/82<sup>(2)</sup>,

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

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice<sup>(4)</sup>, as last amended by Regulation (EEC) No 1027/84<sup>(5)</sup>, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

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

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend

with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

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

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

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

Whereas it may be altered in the period between fixings;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate,
- 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 preceding indent;

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

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

(<sup>1</sup>) OJ No L 281, 1. 11. 1975, p. 1.  
(<sup>2</sup>) OJ No L 164, 14. 6. 1982, p. 1.  
(<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 107, 19. 4. 1984, p. 15.  
(<sup>6</sup>) OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION:

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

*Article 1*

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

*Article 2*

This Regulation shall enter into force on 8 June 1984.

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

Done at Brussels, 7 June 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

**ANNEX**

to the Commission Regulation of 7 June 1984 fixing the corrective amount applicable to the refund on cereals

| (ECU / tonne)  |                                          |              |                 |                 |                 |                  |                  |                  |
|----------------|------------------------------------------|--------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|
| CCT heading No | Description                              | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 | 4th period<br>10 | 5th period<br>11 | 6th period<br>12 |
| 10.01 B I      | Common wheat, and meslin for export to:  |              |                 |                 |                 |                  |                  |                  |
|                | — China                                  | 0            | + 6,00          | — 34,00         | — 34,00         | — 34,00          | — 34,00          | — 34,00          |
|                | — other third countries                  | 0            | 0               | — 40,00         | — 40,00         | — 40,00          | —                | —                |
| 10.01 B II     | Durum wheat                              | 0            | 0               | 0               | —               | —                | —                | —                |
| 10.02          | Rye                                      | 0            | 0               | 0               | —               | —                | —                | —                |
| 10.03          | Barley                                   | 0            | — 40,00         | — 40,00         | — 40,00         | — 40,00          | —                | —                |
| 10.04          | Oats                                     | 0            | 0               | 0               | —               | —                | —                | —                |
| 10.05 B        | Maize other than hybrid maize for sowing | —            | —               | —               | —               | —                | —                | —                |
| 10.07 C        | Grain sorghum                            | —            | —               | —               | —               | —                | —                | —                |
| 11.01 A        | Common wheat flour                       | 0            | — 35,00         | — 35,00         | — 35,00         | — 35,00          | —                | —                |
| 11.01 B        | Rye flour                                | 0            | — 35,00         | — 35,00         | — 35,00         | — 35,00          | —                | —                |
| 11.02 A I a)   | Durum wheat groats and meal              | 0            | 0               | 0               | 0               | 0                | —                | —                |
| 11.02 A I b)   | Common wheat groats and meal             | 0            | — 35,00         | — 35,00         | — 35,00         | — 35,00          | —                | —                |

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as amended by Regulation (EEC) No 3634/83 (OJ No L 360, 23. 12. 1983).

## **OPENING OF THE HISTORICAL ARCHIVES OF THE EUROPEAN COMMUNITIES**

Rarely can it have been so easy to trace the origins of such a momentous and deep-rooted phenomenon as the construction of Europe. The Community's birth certificate was made out on a particular day and entered in a completely new register. Many of the witnesses to it are still alive and some 30 years on, the great debate that surrounded the Community's birth is firmly entrenched in our memories. The event is not so recent that we cannot call it to mind with the objectivity that comes with time, nor so remote that there is no living memory of it. In fact, the time is just right. The opening of the archives will allow historians to take over from the newswriters, and researchers will be able to certify the evidence.

The Communities intend to record this event with the publication of this guide: its purpose is to inform of the historical context of the European Communities and of the documentary sources in the Communities' archives.

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