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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 590/85
of 26 February 1985**

**amending Regulation (EEC) No 857/84 laying down general rules for the
application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in
the milk and milk products sector**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products ⁽¹⁾, as last amended
by Regulation (EEC) No 1557/84 ⁽²⁾, and in particular
Article 5c (6) thereof,

Whereas Article 5c of Regulation (EEC) No 804/68
lays down a system for the control of milk production
based on the determination of individual reference
quantities for producers or purchasers of milk and
milk products in accordance with the formula chosen
by the Member State; whereas a levy is payable by the
producer or purchaser in the form of provisional
advances where, for each quarter, he exceeds the
corresponding production or collection figure of a
reference year; whereas the aforesaid individual
reference quantities are determined so as not to exceed
a total quantity guaranteed by the Member State
corresponding to the collection for 1981 plus 1 % or,
for the first year of application of the system, the
collection for that year plus 2 %; whereas, given the
rate of increase in milk production recorded generally
in the last few years, the fixing of such production
thresholds and the amount of the additional levy
applicable oblige producers and purchasers to make
serious efforts to restrain and adapt their production;
whereas, in the first year of application, such adapta-
tion is made more difficult for each producer or
purchaser by belated notification of the individual
reference quantities, due to difficulties generally
encountered with regard to the implementation of the
system in the various Member States;

Whereas, in order to enable those subject to the levy
to adapt more gradually, especially in regions experi-
encing a considerable increase in their milk produc-
tion, the Community mechanisms should be made
less rigorous for the first year of application; whereas
this desired objective may be attained by allowing
Member States to grant, on a temporary basis and
within one region, to producers or purchasers, those
quantities which have not been used by other produ-
cers or purchasers of the same region because of the
drop in deliveries or purchases by the latter as
compared with those of their reference year; whereas
the remaining non-used quantities may be allocated,
likewise on a temporary basis, to producers or purcha-
sers of other regions; whereas in the context of delive-
ries and direct sales, such mechanism can, however, be
implemented only differently; whereas it should be
made possible for the above allocation to be carried
out by using certain differentiation criteria; whereas
these provisions should be limited to the first year in
which the additional levy is applied;

Whereas Article 2(2) of Regulation (EEC) No
857/84 ⁽³⁾ authorizes Member States, for the purpose of
determining the reference quantities of producers or
purchasers throughout their territory under formulas A
and B, to take account of their production or collec-
tion circumstances by considering the production of a
calendar year other than 1981 weighted by a percen-
tage; whereas it is appropriate to provide for the possi-
bility of applying similar provisions for determining
reference quantities in the case of producers of milk
and milk products who sell directly to the consumer;

Whereas, under the terms of Article 5 of Regulation
(EEC) No 857/84, the additional reference quantities
needed in order to provide for the special situation of
certain producers are drawn from a reserve constituted

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 6.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

by each Member State within the guaranteed quantity ; whereas the detailed rules for the constitution of the direct sales reserve should be clarified ;

Whereas certain producers deliver their production in part to a purchaser and in part sell it direct to the consumer ; whereas, having regard to the fluctuations of the respective portions of their two economic activities, there is justification, in order to enable them to meet certain specific marketing needs, for granting them, within the same 12-month period, an increase in one of their reference quantities when an equal part of the other remains unused for the same period ; whereas the increase of one quantity is thus subject to the prior reduction of the other, for the same amount ;

Whereas the application of Article 7 of Regulation (EEC) No 857/84, concerning the transfer of reference quantities in the event of the sale, leasing or inheritance of a holding, may in certain cases result in difficult situations at an economic and social level ; whereas it is therefore appropriate, in order to enable a lessee whose lease on a holding is due to expire to continue milk production elsewhere, that Member States be authorized to place at the disposal of such lessee all or part of the reference quantity corresponding to the holding which he is leaving ; whereas, with the same purpose in mind, comparable provisions should be introduced for the benefit of the departing producer where land is transferred to public authorities or for purposes of public use ;

Whereas Article 12 of Regulation (EEC) No 857/84 provides a definition of the term 'purchaser' for the application of the additional levy scheme ; whereas the said definition does not take sufficient account of the case of very small dairies to be found in certain geographical areas of the Community ; whereas the fixing of a higher amount for the levy under formula B was motivated by the concern to enable dairies to offset increasing deliveries of certain producers automatically against the falling deliveries of others ; whereas such offsetting operations cannot be carried out harmoniously in very small dairies ; whereas, in order to ensure a better equivalence of results, there is justification for considering as purchaser within the meaning of the said Article any group of purchasers carrying out certain operations on behalf of its members when the collection of the latter and the total collection of the group fall below certain thresholds,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 857/84 is hereby amended as follows :

1. The following Article is inserted :

'Article 4a

1. For the first period of 12 months, Member States may allocate the non-utilized reference quantities of producers or purchasers to producers or purchasers in the same region and, if necessary, in other regions.

Such allocation shall be effected in order of priority within the same region, and then as between regions.

2. The provisions of paragraph 1 may be applied by taking account of :

- the level or trend of deliveries of certain categories of persons liable for the levy,
- if appropriate, the trend in deliveries in certain regions.

3. This Article shall also apply to direct sales.

4. Member States shall communicate to the Commission the measures taken for the implementation of this Article'.

2. Article 6 is replaced by the following :

'Article 6

1. Each producer of milk and milk products referred to in Article 5c (2) of Regulation (EEC) No 804/68 shall be assigned a reference quantity corresponding to the direct sales made by the producer during the 1981 calendar year, plus 1 %.

However, Member States may provide that, on their territory, the producer's reference quantity is equal to the quantity of direct sales which he has made during the 1982 or 1983 calendar year, weighted by a percentage.

This percentage may be modified on the basis of the level of sales by certain categories of persons liable for the levy, the trend in sales in certain regions between 1981 and 1983 or the trend in sales by certain categories of persons liable for the levy during the same period, in accordance with the conditions to be determined under the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

2. Subject to the provisions of Article 6a, the total reference quantities assigned in accordance with paragraph 1 may not exceed the quantities set in the Annex.

3. Articles 3, 4 and 7 shall be applied to the producer referred to in this Article in accordance with the rules to be determined under the procedure laid down in Article 30 of Regulation (EEC) No 804/68. For the implementation of Articles 3 and 4, Member States may constitute a reserve within the total quantity set for each of them in the Annex'.

3. The following Article is inserted :

'Article 6a

Producers who have two reference quantities, one for deliveries and one for direct sales, may, on request, obtain an increase in one of the reference quantities within a 12-month period to enable them to adapt to changes in their marketing requirements. Any such increase shall be subject to a reduction of the same amount in the other reference quantity during the same 12-month period. This reduction and the related increase shall be entered in the corresponding reserves referred to in Articles 5 and 6.

To be admissible, the producer's request referred to in the first paragraph must contain all the necessary items of information to assess :

- the size of the applicant's dairy farm,
- the total volume of his milk production, deliveries and direct sales of milk and/or milk products,
- the nature and the scope of the change to his marketing requirements'.

4. Article 7 is replaced by the following :

'Article 7

1. Where a holding is sold, leased or transferred by inheritance, all or part of the corresponding reference quantity shall be transferred to the purchaser, tenant or heir according to procedures to be determined.

Where land is transferred to the public authorities and/or for public use, without prejudice to the second subparagraph of paragraph 3, Member States may provide that all or part of the reference quantity corresponding to the holding or to the part of the holding transferred shall be put at the disposal of the departing producer if he intends to continue milk production.

2. Under formula B, where a purchaser replaces, wholly or in part, one or more purchasers, his annual reference quantity shall be established :

- for the end of the current 12-month period, by taking into account all or part of the reference quantities on a pro rata basis of the time still to run,
- for the following period of 12 months, by adopting all or part of the reference quantities of the purchaser or purchasers whom he replaces.

3. Member States may provide that part of the quantities concerned shall be added to the reserve referred to in Article 5 or to that referred to in Article 6 (3), as the case may be.

However, in the case of the transfer of land to the public authorities and/or for public use, Member States may provide that the corresponding reference quantity shall be assigned in full to the reserve referred to in Article 5 or to that in Article 6 (3), as the case may be.

4. In the case of rural leases due to expire, where the lessee is not entitled to an extension of the lease on similar terms, Member States may provide that all or part of the reference quantity corresponding to the holding which forms the subject of the lease shall be put at the disposal of the departing lessee if he intends to continue milk production.

5. The detailed implementing rules for this Article shall be adopted under the procedure laid down in Article 30 of Regulation (EEC) No 804/68'.

5. The following shall be added to Article 12 (e) :

'However, any group of purchasers in the same geographical area which carries out administrative and accounting management operations on behalf of its members shall be regarded as a purchaser, provided that :

- the quantity collected from each member is less than 165 tonnes of milk per day,
- the annual average quantity collected from members is less than 30 tonnes of milk per day, and
- the total quantity collected by the group is less than 1 100 000 tonnes of milk per year'.

Article 2

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

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

Done at Brussels, 26 February 1985.

For the Council

The President

F. M. PANDOLFI

COUNCIL REGULATION (EEC) No 591/85

of 26 February 1985

amending Regulation (EEC) No 804/68 on the common organization of the market in the milk and milk products sector and Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Article 5c (3) of Regulation (EEC) No 804/68⁽²⁾, as introduced by Regulation (EEC) No 856/84⁽³⁾ fixes, for each Member State the total quantity of milk and milk equivalent delivered to undertakings treating or processing milk or other milk products in respect of the period 2 April 1984 to 31 March 1985 and the four subsequent 12-month periods; whereas the said quantity may not be exceeded;

Whereas the Annex to Regulation (EEC) No 857/84⁽⁴⁾ specifies, for each Member State, the total quantity of direct sales of milk and milk equivalent in respect of those same periods; whereas that quantity may not be exceeded;

Whereas the fall in the production of farm butter in Belgium calls for a downward revision of the total quantity of direct sales and to an increase, of the same

amount, in the total quantity of deliveries; whereas it is therefore necessary to correct, for Belgium, the amounts which correspond to the total quantities of deliveries, on the one hand, and of direct sales, on the other,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5c of Regulation (EEC) No 804/68 is hereby amended as follows:

1. In the second subparagraph of paragraph 3, '3 106' for Belgium is replaced by '3 131'.
2. In the third subparagraph of paragraph 3, '3 138' for Belgium is replaced by '3 163'.

Article 2

In the Annex to Regulation (EEC) No 857/84, '505' for Belgium is replaced by '480'.

Article 3

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

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

Done at Brussels, 26 February 1985.

For the Council

The President

F. M. PANDOLFI

⁽¹⁾ Opinion delivered on 15 February 1985 (not yet published in the Official Journal).

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 10.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 13.

COMMISSION REGULATION (EEC) No 592/85

of 7 March 1985

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⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, 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⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 3131/84⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC)

No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

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

Whereas these exchange rates being those recorded on 6 March 1985;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3131/84 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 March 1985.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 293, 10. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 7 March 1985 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	64,83
10.01 B II	Durum wheat	101,24 ⁽¹⁾ ⁽²⁾
10.02	Rye	74,60 ⁽⁶⁾
10.03	Barley	69,58
10.04	Oats	49,01
10.05 B	Maize, other than hybrid maize for sowing	59,26 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	62,22 ⁽⁴⁾
10.07 C	Grain sorghum	64,13 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	104,94
11.01 B	Rye flour	119,42
11.02 A I a)	Durum wheat groats and meal	170,59
11.02 A I b)	Common wheat groats and meal	111,16

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

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

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

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

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

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

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 593/85

of 7 March 1985

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 organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84 ⁽²⁾, 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 agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2222/84 ⁽⁵⁾ and subsequent amending Regulations;

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

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

provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁷⁾,

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

Whereas these exchange rates being those recorded on
6 March 1985;

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 March
1985.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 7 March 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	10,31	10,31	10,31
10.02	Rye	0	0	0	0,74
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	3,68	3,68	3,68
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	7,26	7,26	0
10.07 C	Grain sorghum	0	23,27	23,27	23,27
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 594/85
of 7 March 1985

**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 ⁽¹⁾,
as last amended by Regulation (EEC) No 231/85 ⁽²⁾,
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 origi-
nating in Algeria ⁽³⁾, as last amended by Regulation
(EEC) No 663/84 ⁽⁴⁾, and in particular Article 5
thereof,

Having regard to Council Regulation (EEC) No
1521/76 of 24 June 1976 on imports of olive oil origi-
nating in Morocco ⁽⁵⁾, as last amended by Regulation
(EEC) No 436/85 ⁽⁶⁾, and in particular Article 5
thereof,

Having regard to Council Regulation (EEC) No
1508/76 of 24 June 1976 on imports of olive oil origi-
nating in Tunisia ⁽⁷⁾, as last amended by Regulation
(EEC) No 436/85, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No
1180/77 of 17 May 1977 on imports into the Commu-
nity of certain agricultural products originating in
Turkey ⁽⁸⁾, as last amended by Regulation (EEC) No
435/85 ⁽⁹⁾, 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 ⁽¹⁰⁾;

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

Whereas Article 3 of Council Regulation (EEC) No
2751/78 of 23 November 1978 laying down general

rules for fixing the import levy on olive oil by
tender ⁽¹²⁾ 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 coun-
tries;

Whereas, with regard to Algeria, the provisions of this
Regulation should be without prejudice to the addi-
tional amount to be determined in accordance with
the agreements between the Community and this third
country;

Whereas application of the rules recalled above to the
levy rates indicated by tenderers on 4 and 5 March
1985 leads to the minimum levies being fixed as indi-
cated 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 indi-
cated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

⁽²⁾ OJ No L 26, 31. 1. 1985, p. 12.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 73, 16. 3. 1984, p. 10.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 52, 22. 2. 1985, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 52, 22. 2. 1985, p. 1.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ 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 March 1985.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	68,50 ⁽¹⁾
15.07 A I b)	74,00 ⁽¹⁾
15.07 A I c)	60,00 ⁽¹⁾
15.07 A II a)	80,00 ⁽²⁾
15.07 A II b)	95,00 ⁽³⁾

⁽¹⁾ 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: 12,69 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.
- (d) Tunisia 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.

^(*) This amount may be increased by an additional amount to be determined by the Community and the third country in question.

⁽²⁾ 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.

⁽³⁾ 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	16,28
07.03 A II	16,28
15.17 B I a)	37,00
15.17 B I b)	59,20
23.04 A II	4,80

COMMISSION REGULATION (EEC) No 595/85

of 7 March 1985

imposing a provisional anti-dumping duty on imports of certain hydraulic excavators originating in Japan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 thereof,

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

Whereas :

A. Procedure

- (1) In May 1984, the Commission received a complaint lodged by the Federation of Manufacturers of Constructing Equipment and Cranes on behalf of Community producers whose collective output constitutes the majority of Community production of the products in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of self-propelled hydraulic excavators, track laying or wheeled with a total operating weight above six tonnes and not exceeding 35 tonnes having a 360° slew capability and equipped with a single bucket, originating in Japan and falling within Common Customs Tariff subheading ex 84.23 A I b) and corresponding to NIMEXE code ex 84.23-11, and commenced an investigation.
- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (3) The majority of the known producers, all exporters and importers and certain dealers made their

views known in writing and certain producers, all exporters and a few importers concerned requested and were granted a hearing.

- (4) No submissions were made by Community purchasers and users of hydraulic excavators.
- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following:

EEC producers :

- Benati SpA, Imola (Italy),
- Fiat Allis Europe SpA, Torino (Italy),
- J. C. Bamford Excavators Ltd, Rochester (United Kingdom),
- Liebherr GmbH, Kirchdorf/Iller (West Germany),
- Poclain SA, Le Plessis-Belleville (France),
- Orenstein und Koppel AG, Dortmund (West Germany),
- Ruston Bucyrus Ltd, Lincoln (United Kingdom),
- H. Weyhausen KG, Delmenhorst (West Germany),
- Yumbo SA, Genas (France).

Non-EEC producers :

- Hitachi Construction Machinery Co. Ltd, Tokyo (Japan),
- Japan Steel Works Ltd, Tokyo (Japan),
- Mitsubishi Heavy Industries, Akashi (Japan),
- Kobelco-Kobe Steel Ltd, Tokyo (Japan),
- Komatsu Ltd, Tokyo (Japan).

Exporters to EEC :

- C. Itoh & Co. Ltd, Tokyo (Japan),
- Tokyo Menka Kaisha, Osaka (Japan).

EEC importers :

- Komatsu Europe NV, Vilvoorde (Belgium),
- Équipco, Bagnolet (France),
- Hitachi BV, Oosterhout (Netherlands),
- C. H. Beazer, Bridgewater, Somerset (United Kingdom),
- Kobemac Ltd, Harewood Forest Works (United Kingdom),
- Tridiam, Woking, Surrey (United Kingdom).

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 201, 31. 7. 1984, p. 3.

EEC dealers

- ECI, Dublin (Ireland),
- P.O. Donnell & Co., Dublin (Ireland).

- (6) The Commission requested and received detailed written submissions from the majority of complainant Community producers, all exporters and importers, and certain dealers, and verified the information therein to the extent considered necessary.
- (7) The investigation of dumping covered the period 1 January 1983 to 31 March 1984.

B. Normal value

- (8) Normal value was provisionally determined on the basis of the domestic prices paid or payable in the ordinary course of trade of those producers who exported to the Community and who provided sufficient evidence and were considered to be representative of the domestic market concerned.
- (9) The preliminary investigation to determine the existence of dumping showed that the prices of certain of the like products by the exporters on their domestic market had been lower than cost of production over an extended period of time. In such cases, the normal value was, therefore, determined either by adjusting the subproduction cost prices (for those companies that sold certain models at prices below cost of production) referred to above in order to eliminate the losses and allow a reasonable profit, based on the firms' performance concerning these models during a representative profitable period, or on the basis of constructed value. The constructed value was determined by adding cost of production and a reasonable margin of profit. The costs of production were computed on the basis of all costs, in the ordinary course of trade, both fixed and variable, in the country of origin, of materials and manufacture, plus a reasonable amount for selling, administrative and other general expenses. A profit margin of 5,2 % was added to these costs and this was considered to be reasonable in the light of the industry's performance during a representative profitable period.

The exporter in question argued that it was a subsidiary of a steel company and claimed, therefore, that a much lower profit margin prevailing in the steel industry should be used. However, this claim was rejected on the ground that for the

purposes of establishing normal value only the profit margins of the industry producing the like product are relevant.

C. Export price

- (10) With regard to exports by Japanese firms to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.
- (11) In those cases where exports were made to subsidiary companies in the Community, export prices were constructed on the basis of the prices at which the imported product was first resold to an independent buyer, suitably adjusted to take account of all costs incurred between importation and resale, including all duties, and of a reasonable profit margin.

D. Comparison

- (12) In comparing normal value with export prices the Commission took account, where appropriate, of differences in conditions and terms of sale affecting price comparability, and allowances were made for differences in physical characteristics, payment terms, selling expenses, commissions and transport where claims in these areas could be satisfactorily demonstrated. All comparisons were made at ex-works level.

E. Margins

- (13) Normal value on a monthly weighted average basis was generally compared with export prices during the corresponding months on a transaction-by-transaction basis. The above preliminary examination of the facts shows the existence of dumping in respect of imports of certain hydraulic excavators originating in Japan, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

These margins vary according to the exporter concerned, the weighted average margin for each of the exporters investigated being as follows:

— Hitachi Construction Machinery Co. Ltd	12,4 %
— Japan Steel Works Ltd	2,9 %
— Kobelco-Kobe Steel Ltd	31,9 %
— Komatsu Ltd	27,6 %
— Mitsubishi Heavy Industries	21,6 %.

- (14) For those exporters who neither replied to the Commission's questionnaire nor made themselves known otherwise in the course of the preliminary investigation, dumping was determined on the basis of the facts available. In this connection the Commission considered that the results of its investigation provided the most appropriate basis for determination of the margin of dumping and that it would constitute a bonus for non-cooperation and would create an opportunity for circumvention of the duty to hold that the dumping margin for these exporters was any lower than the highest dumping margin of 31,9 % determined with regard to an exporter who had cooperated in the investigation. For these reasons it is considered appropriate to use this latter dumping margin for this group of exporters.

F. Injury

- (15) With regard to the injury caused by the dumped imports the evidence shows that imports from Japan of certain hydraulic excavators increased from 276 units in 1980 to 1 127 units in 1983 and 498 units in the first quarter of 1984 with a consequent increase in market share held by the exporting country from 2,4 % in 1980 to 10,4 % in 1983 and to 19,2 % in the first quarter of 1984. On the other hand, the market share of hydraulic excavators from non-member countries other than Japan have decreased from 1,3 % in 1980 to 0,4 % in 1983 and 0,7 % in the first quarter of 1984.
- (16) The sale prices of these imports to the first independent buyer were lower than those required to cover the costs of Community producers and provide a reasonable profit during the period of investigation, the differences being between 15 and 52 % depending on the exporter and the model concerned.
- (17) The impact of the low-priced imports on the Community industry has contributed significantly to the decrease in production from 17 800 units in 1980 to 15 158 units in 1983 and to 3 076 in the first quarter of 1984 and to the decrease of sales from 11 109 units to 9 636 and to 2 063 units in the same periods. The market share held by Community producers consequently fell from 96,3 % in 1980 to 89,2 % in 1983 and to 80,1 % in the first quarter of 1984.
- (18) The evidence available to the Commission shows that there is serious price suppression in the

Community and that prices obtained by Community producers are not sufficient to cover the full cost of production. In many cases, Community producers had to decrease their prices substantially in order to meet the prices of the Japanese exports thus avoiding a further reduction of production which would have resulted in further increases of their unit costs. Community producers had to align on a generally very low and insufficient price level; consequently all complainant Community producers have incurred substantial losses since 1982.

- (19) Plant closures, a decrease of production and a decrease of capacity utilization have severely affected employment in the industry concerned, which has decreased by as much as 50 % between 1980 and 1983.
- (20) The consecutive and continuous entry into the Community market by the five Japanese exporters selling the products in question at dumped prices, in order to gain market share, has been a major source of the problems faced by the Community industry in question during the past few years and this has led certain Community producers to bankruptcy, forced others to cease production and put the rest in a critical financial position.
- (21) In establishing the impact of the dumped imports on the Community industry the Commission has considered the effect of all dumped imports from all companies concerned. Certain exporters argued that the impact of their individual exports should be looked at in isolation and considered not to have caused material injury in view of the low level of their market share in the Community and the time they entered the Community market. In analyzing whether cumulation was appropriate in each case, the Commission considered whether the dumped imports in question contributed to the material injury sustained by the Community industry. In reaching its conclusion, the Commission considered the comparability of the imported products in terms of physical characteristics, the increase in volume of imports from a previous comparable period and the low level of prices attributable to the products of all supplying companies and the extent to which each of the imported products competed in the Community with the like product of the Community industry. On the basis of such analysis the Commission took the view that the dumped imports from the companies concerned

could be considered as contributing to the material injury suffered and that these imports have been made under such conditions that, should the Commission treat any company in isolation, it would be acting in a discriminatory manner against the rest. Accordingly, the Commission concluded that for the purposes of establishing the level of injury sustained by the Community industry, regard should be paid to the effect of the dumped imports cumulated from all exporting companies concerned.

- (22) The Commission also considered whether injury has been caused by other factors such as imports from non-member countries or development in demand. It has been established, however, that market share of imports of the products in question from countries other than Japan fell from 1,3 % in 1980 to 0,4 % in 1983 and 0,7 % in first quarter of 1984. As to development in demand it was established that consumption of hydraulic excavators in the Community decreased from 11 537 units in 1980 to 10 804 units in 1983 and 2 591 units in the first quarter of 1984. But while the Community producers' market share decreased substantially during that period, Japanese exports increased their sales and their market share significantly. The exporters concerned argued that injury to the Community industry had been caused by other factors such as poor productivity and lack of modernization of the plants of the Community producers. This argument was rejected on the grounds that only the data relating to major Community producers were taken into account for the comparison as described under paragraph 16. The plants of these Community producers are comparable to those in the exporting country. In any event, the investigation has shown that a significant part of the price-undercutting by the Japanese exporters on the Community market results from dumping and not from normal competitive advantage.

In these circumstances, the substantial increase in dumped imports and the prices at which they are sold in the Community led the Commission to determine that the effect of the dumped imports of certain hydraulic excavators originating in Japan, taken in isolation, have to be considered as constituting material injury to the Community industry concerned.

G. Community interest

- (23) In view of the particular difficulties facing the Community industry and the absence of any

reaction by or on behalf of Community consumers of the products concerned, the Commission has come to the conclusion that it is in the Community's interest that action be taken.

H. Disclosure

- (24) The exporters concerned were informed of the main findings of the preliminary investigation and commented on them. The evidence and the calculations were re-examined in the light of these comments; adjustments were made where necessary to take account of the exporters' arguments wherever these arguments were justified.

I. Undertakings

- (25) Undertakings were subsequently offered by all the exporters in question concerning their exports of certain hydraulic excavators to the Community.
- (26) In view of the urgency that action should be taken and of the fact that more time would be necessary to assess the acceptability of the undertakings, the Commission, after consultation with the Member States, has decided that, for the time being this action should take the form of a provisional anti-dumping duty.
- (27) Certain other Japanese producers of hydraulic excavators who have never exported to the Community expressed an interest in offering a price undertaking regarding future exports. In view of the fact that the Commission's findings could only be considered as preliminary at this stage, and that more time would be necessary to assess price undertakings from potential exporters, it has been decided not to accept them even if they were offered.

In any event, no investigation of these producers was made since. In conformity with the Commission's general practice, the scope of the investigation was limited to those producers and exporters who actually exported to the Community during the investigation period and prior investigation would normally be required before the acceptability of the price undertaking could be assessed. Moreover, for the reasons set out in Council Regulation (EEC) No 3337/84⁽¹⁾ it is not the Commission's general practice to accept price undertakings from potential exporters even if they are offered.

⁽¹⁾ OJ No L 311, 29. 11. 1984, p. 26.

If these potential exporters begin to export to the Community, it may be appropriate to apply the provisions of Articles 14 and 16 of Regulation (EEC) No 2176/84 relating respectively to reviews and refunds of anti-dumping duties.

J. Rate of duty

- (28) Having regard to the extend of injury caused, the rates of anti-dumping duty should correspond to the margin of dumping provisionally established.
- (29) A period should be fixed within which the parties concerned may make their views known and request an oral hearing,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of certain hydraulic excavators with a total operating weight above six tonnes and not exceeding 35 tonnes, track laying or wheeled having a 360° slew capability and equipped with a single bucket, originating in Japan and falling within Common Customs Tariff subheading ex 84.23 A 1 b), corresponding to NIMEXE code ex 84.23-11.
2. The rate of the duty shall be as set out below expressed as a percentage of the price net, free-at-Community-frontier, before duty :

<i>Manufacturers/exporters</i>	<i>Rate of anti-dumping duty</i>
Hitachi Construction Machinery Co. Ltd	12,4 %,
Japan Steel Works Ltd	2,9 %,
Kobelco-Kobe Steel Ltd	31,9 %,
Komatsu Ltd	27,6 %,
Mitsubishi Heavy Industries	21,6 %,
Others	31,9 %.

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

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views and apply to be heard orally by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 7 March 1985.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 596/85

of 7 March 1985

continuing the measures referred to in Regulation (EEC) No 507/82 in respect of measures to promote sales outside the Community of milk products of Community origin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1206/84⁽²⁾, and in particular Article 4 thereof,

Whereas the measures carried out pursuant to Commission Regulation (EEC) No 507/82⁽³⁾ and continued by Regulation (EEC) No 592/83⁽⁴⁾ have proved an effective means of expanding the markets in milk products outside the Community; whereas they should therefore be continued in the medium term;

Whereas the organizations possessing the necessary qualifications and experience should therefore be invited again to propose detailed programmes which those organizations would themselves carry out;

Whereas, as regards the other arrangements, the main provisions of Regulation (EEC) No 507/82 may be repeated, taking into account relevant experience gained;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Under the terms of this Regulation, encouragement shall be given to measures to develop and improve the use and consumption of milk and milk products of Community origin outside the Community through publicity and sales promotion measures with a view to expanding Community trade with the non-member countries concerned.

2. The following shall qualify as measures within the meaning of paragraph 1: seminars and courses designed to provide personnel engaged in marketing

milk and milk products with information and training or to aid such persons in spreading awareness about the consumption of these products.

3. Measures liable to prejudice existing Community trade in milk products with the country concerned shall not be taken into consideration.

4. The measures referred to in paragraph 1 shall be eligible for financing only if they are begun after 1 April 1985; they shall be completed within two years of signature of the contract referred to in Article 5 (3) and in any event before 1 October 1987. In exceptional cases, however, a longer period may be agreed in accordance with Article 5 (2) to ensure maximum effectiveness of the measure concerned.

4. The time limit fixed in paragraph 3 shall not prevent subsequent agreement to an extension of that time limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the competent authority and proves that, due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated.

Article 2

1. The publicity and promotional measures referred to in Article 1 (1):

(a) shall be proposed by Community-based organizations representing the dairy sector in one or more Member States or in the Community;

(b) shall be carried out as far as possible by the organization which has made the proposal. In cases where this organization must use subcontractors, the proposal must include a duly justified request for a derogation;

(c) must:

— make use of the publicity media best suited to ensure maximum effectiveness for the measure undertaken,

— take account of the particular conditions obtaining with regard to the marketing and consumption of Community milk and milk products on the market of the non-member country concerned,

— be of a general nature and, in particular, not brand-orientated,

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 115, 1. 5. 1984, p. 3.

⁽³⁾ OJ No L 61, 4. 3. 1982, p. 15.

⁽⁴⁾ OJ No L 71, 17. 3. 1983, p. 17.

- promote Community milk products without mentioning the country or region of production; however, this condition shall not apply to products whose manufacture is typical of a particular region of the Community,
- expand existing measures, but may not replace them.

2. The Community contribution shall be limited to 75 % of the expenditure incurred for the measures under Article 1 (1).

3. The Commission may, on the basis of a duly justified request, waive the requirements of the fourth indent of paragraph 1 (c), provided that the promotional measures concerned give special prominence to the Community origin of the milk products in question.

4. The financing of general expenses incurred for the measures referred to in Article 1 (1) shall be limited to 2 % of the total approved cost.

Article 3

1. The parties referred to in Article 2 (1) shall be invited to transmit before 1 May 1985, to the competent authority appointed by their Member State, hereinafter called 'the competent authority', detailed proposals concerning the measures referred to in Article 1 (1).

If this deadline is not met, the proposal shall be regarded as null and void.

2. Further details for submission of proposals shall be as set out in the notice from the competent authorities published in *Official Journal of the European Communities* No C 54 of 13 March 1981, page 7.

Article 4

1. Complete proposals shall include:

- (a) the name and address of the party concerned;
- (b) all details concerning the measures proposed, indicating the time required for completion, the expected results and any third parties which may be involved;
- (c) the price net of tax asked for carrying out these measures, expressed in the currency of the Member State on whose territory the party concerned is established, giving an itemized breakdown of this amount and showing the corresponding financing plan;
- (d) the desired form of payment of the Community contribution in accordance with Article 7 (1) (a) or (b);
- (e) the most recent report available on the party's activities unless this is already in the possession of the competent authorities.

2. Proposals shall be valid only where:

- (a) they are submitted by a party fulfilling the conditions laid down in Article 2 (1);
- (b) they are accompanied by an undertaking to comply with the provisions of this Regulation.

Article 5

1. Before 1 June 1985 the competent authorities shall:

- (a) examine all proposals submitted and any supporting documents to check that they are in the right form and contain the information required. They shall ensure that the proposals comply with the provisions of Article 4 and shall ask applicants for further details if necessary;
- (b) compile a list of all the proposals received and send it to the Commission together with copies of each proposal and a reasoned opinion indicating whether or not the proposal conforms with the Regulation.

2. After consulting the groups concerned and following examination of the proposals by the Management Committee for Milk and Milk Products in accordance with Article 31 of Council Regulation (EEC) No 804/68⁽¹⁾, the Commission shall establish before 1 August 1985 a list of the proposals selected for financing.

3. The competent authorities shall conclude before 1 October 1985 contracts with those parties whose proposals have been selected in at least two copies and signed by the interested party and the competent authority.

The competent authorities shall for this purpose use the standard form contracts to be provided by the Commission.

4. The competent authorities shall inform each applicant as soon as possible of the decision taken in respect of his proposal.

Article 6

1. The contract referred to in Article 5 (3) and shall:

- (a) include the details referred to in Article 4 (1) or make reference to them;
- (b) supplement those details, where necessary, by additional conditions resulting from the application of Article 5 (1).

2. The competent authority shall forward a copy of the contract and of the list of clauses and conditions to the Commission without delay.

3. The competent authority shall ensure compliance with the agreed conditions by means of on-the-spot checks within the Community.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

Article 7

1. The competent authority shall pay to the party in question, in accordance with the choice indicated in the latter's proposal, either :

- (a) within six weeks of the date of signature of the contract, a single payment on account amounting to 60 % of the agreed Community contribution ; or
- (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract.

However, while a contract is being performed, the competent authority may :

- defer payment of an instalment either wholly or in part where it finds, in particular during the checks referred to in Article 6 (4), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases advance payment of an instalment where the party concerned submits a reasoned request, that he must incur a substantial part of the expenditure significantly earlier than the date laid down for payment of the Community contribution towards such expenditure.

2. The payment of each instalment shall be subject to the lodging with the competent authority of a security equal to the amount of the instalment, plus 10 %.

3. The release of securities and payment of the balance by the competent authority shall be subject to :

- (a) confirmation by the competent authority that the party concerned has fulfilled his obligations as laid down in the contract ;
- (b) transmission to the competent authority of the report referred to in Article 8 (1) and verification of

the details contained in this report by the competent authority.

However, on reasoned request by the party concerned, the balance may be paid after the measure has been completed, and after submission of the report referred to in Article 8, on condition that securities equal to the total amount of the Community contribution, plus 10 %, have been lodged ;

- (c) the competent authority finding that the party concerned, or any third party named in the contract, has spent his own contribution for the purposes laid down.

4. In so far as the conditions set out in paragraph 3 are not fulfilled, securities shall be forfeit. In this event, the amount in question shall be deducted from expenditure declared to the European Agricultural Guidance and Guarantee Fund, Guarantee Section, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for one of the measures referred to in Article 1 (1) shall submit to the competent authority concerned, within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular concerning the evolution of the sales of milk and milk products.

2. On completion of performance of each contract, the competent authority shall send the Commission a statement to this effect and a copy of the final report.

Article 9

This Regulation shall enter into force on the third 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, 7 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 597/85

of 7 March 1985

amending Regulation (EEC) No 2814/84 as regards the amount of the security for import licences for basic cereals in respect of which the levy is fixed in advance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 12 (2) thereof,

Whereas Article 12 (1) (b) of Regulation (EEC) No 2042/75⁽³⁾, as last amended by Regulation (EEC) No 3536/84⁽⁴⁾, determines the amount of the security for licences for products as specified in Article 1 of Regulation (EEC) No 2727/75 and Article 1 of Council Regulation (EEC) No 1418/76⁽⁵⁾;

Whereas Commission Regulation (EEC) No 2814/84⁽⁶⁾ has increased temporarily the level of the securities for import licences for basic cereals in respect of which the levy is fixed in advance; whereas these amounts are currently too small for imports of basic cereals taking into account fluctuations in prices on the world market, monetary movements and the period of validity of the import licences;

Whereas the securities for import licences for basic cereals in respect of which the levy is fixed in advance should therefore again be increased temporarily; whereas it is therefore necessary to amend Regulation (EEC) No 2814/84;

Whereas these provisions do not affect import licences in respect of which the advance fixing of the levy has been requested prior to entry into force of 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

Article 2 of Regulation (EEC) No 2814/84 is hereby replaced by the following:

Article 2

By way of derogation from Article 12 (1) (b) of Regulation (EEC) No 2042/75, for import licences in respect of which the levy is fixed in advance and issued within the meaning of Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽¹⁾ from 8 March to 31 July 1985, the amount of security shall be as follows:

- 16 ECU per tonne for products falling within subheadings and headings 10.01 B I, 10.01 B II, 10.02, 10.03, 10.04, 10.05 B and 10.07 of the Common Customs Tariff,
- 3,63 ECU per tonne for the other products.

(¹) OJ No L 338, 3. 12. 1980, p. 1.

Article 2

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

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

(¹) OJ No L 281, 1. 11. 1975, p. 1.

(²) OJ No L 107, 19. 4. 1984, p. 1.

(³) OJ No L 213, 11. 8. 1975, p. 5.

(⁴) OJ No L 330, 18. 12. 1984, p. 12.

(⁵) OJ No L 166, 25. 6. 1976, p. 1.

(⁶) OJ No L 264, 5. 10. 1984, p. 14.

COMMISSION REGULATION (EEC) No 598/85

of 7 March 1985

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 18 to 24 February 1985

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1063/84 of 16 April 1984 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom during the 1984/85 marketing year ⁽¹⁾, and in particular Article 5 thereof,

Whereas, under Article 3 of Regulation (EEC) No 1063/84, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Commission Regulation (EEC) No 1355/84 of 16 May 1984 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom during the 1984/85 marketing year ⁽²⁾, as amended by Regulation (EEC) No 2018/84 ⁽³⁾, the amounts to be charged on departure from the territory of the United Kingdom of the

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

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 18 to 24 February 1985 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of Regulation (EEC) No 1063/84, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1355/84 which left the territory of the United Kingdom during the week 18 to 24 February 1985 shall be those set out in the Annex.

Article 2

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

It shall apply with effect from 18 February 1985.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 105, 18. 4. 1984, p. 1.

⁽²⁾ OJ No L 131, 17. 5. 1984, p. 19.

⁽³⁾ OJ No L 187, 14. 7. 1984, p. 46.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during
the week 18 to 24 February 1985

(ECU/100 kg net weight)

CCT heading No	Description	Amount
1	2	3
ex 02.01 A II a) and ex 02.01 A II b)	Meat of adult bovine animals, fresh, chilled or frozen :	
	1. Carcases, half-carcases or 'compensated' quarters	26,26474
	2. Separated or unseparated forequarters	21,01179
	3. Separated or unseparated hindquarters	31,51769
	4. Other :	
	aa) Unboned (bone-in)	21,01179
	bb) Boned or boneless	35,98269
ex 02.06 C I a)	Meat salted, in brine, dried or smoked, of adult bovine animals :	
	1. Unboned (bone-in)	21,01179
	2. Boned or boneless	29,94180
ex 16.02 B III b) 1	Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals :	
	aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	11. Containing 80 % or more by weight of beef meat excluding offals and fat	29,94180
	22. Other	21,01179

COMMISSION REGULATION (EEC) No 599/85
of 7 March 1985
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⁽¹⁾, as
last amended by Regulation (EEC) No 606/82⁽²⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1854/84⁽³⁾,
as last amended by Regulation (EEC) No 564/85⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1854/84 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 Regu-
lation (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 March
1985.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 64, 5. 3. 1985, p. 12.

ANNEX

to the Commission Regulation of 7 March 1985 fixing the import levies on white sugar and
raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	45,82
	B. Raw sugar	39,96 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 600/85

of 7 March 1985

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,
- 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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

Article 2

This Regulation shall enter into force on 8 March 1985.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 7 March 1985 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — Ethiopie (*) — other third countries	12,00 24,50 0
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10,00 20,00
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10,00 20,00
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	31,00 38,00 — 10,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	— —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 B	Millet	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	28,00 28,00 26,00 24,00 23,00 22,00

		(ECU/tonne)
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	28,00
	— of an ash content of 701 to 1 150	28,00
	— of an ash content of 1 151 to 1 600	28,00
	— of an ash content of 1 601 to 2 000	28,00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 1 300 ⁽¹⁾	125,00
	— of an ash content of 0 to 1 300 ⁽²⁾	118,00
	— of an ash content of 0 to 1 300	105,00
	— of an ash content of more than 1 300	99,00
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	28,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ For exports to be made on the basis of a contract awarded following an invitation to tender for the supply of cereals in the context of an emergency aid operation under the Lomé Convention.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 501/85 (OJ No L 60, 28. 2. 1985).

COMMISSION REGULATION (EEC) No 601/85

of 7 March 1985

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1018/84 ⁽²⁾, 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 ⁽³⁾, 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 ⁽⁴⁾, as last amended by Regulation (EEC) No 1027/84 ⁽⁵⁾, 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, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 March 1985.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 7 March 1985 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	15,96
11.07 A II b)	63,16
11.07 B	73,61

COMMISSION REGULATION (EEC) No 602/85

of 7 March 1985

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1025/84⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide 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⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide 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, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1027/84⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Regulation (EEC) No 1077/68⁽⁹⁾, as amended by Regulation (EEC) No 2764/71⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

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 when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product ;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products ; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time ;

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 Regulation (EEC) No 2806/71 ⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC)

No 974/71 ⁽²⁾, as last amended by Regulation (EEC) No 855/84 ⁽³⁾,

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

Whereas 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 the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 March 1985.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 7 March 1985 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund
11.01 C (I)	Barley flour, of an ash content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	70,32
11.01 C (II)	Barley flour not included under No 11.01 C (I)	—
11.01 D (I)	Oat flour, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 1,8 % by weight, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	62,64
11.01 D (II)	Oat flour not included under No 11.01 D (I)	—
11.01 E (I)	Maize flour, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	79,73
11.01 E (II)	Maize flour, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	—
11.01 E (III)	Maize flour not included under No 11.01 E (I) and (II)	—
11.01 F	Rice flour	—
11.02 A III (a)	Barley groats and meal, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	72,66
11.02 A III (b)	Barley groats and meal not included under No 11.02 A III (a)	—
11.02 A IV (a)	Oat groats and meal, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	62,64
11.02 A IV (b)	Oat groats and meal not included under No 11.02 A IV (a)	—
11.02 A V (a)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ⁽¹⁾ ⁽⁷⁾	102,51
11.02 A V (b)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ⁽¹⁾ ⁽⁷⁾	79,73
11.02 A V (c)	Maize groats and meal, of a fat content, referred to dry matter, exceeding 1,3 % by weight but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight ⁽¹⁾ ⁽⁷⁾	68,34
11.02 A VI	Rice groats and meal	—
11.02 B I a) 1 (aa)	Hulled (shelled or husked) barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ⁽²⁾	70,32
11.02 B I a) 1 (bb)	Hulled (shelled or husked) barley not included under No 11.02 B I a) 1 (aa) ⁽²⁾	—
11.02 B I a) 2 (aa)	Clipped oats	—

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund (ECU/tonne)
11.02 B I a) 2 bb) (11)	Hulled (shelled or husked) oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of tegument content not exceeding 0,5 % of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ⁽²⁾	55,68
11.02 B I a) 2 bb) (22)	Hulled (shelled or husked) oats, not included under No 11.02 B I a) 2 bb) (11) ⁽²⁾	—
11.02 B I b) 1 (aa)	Hulled and sliced or kibbled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ('Grütze' or 'Grutten') ⁽²⁾	70,32
11.02 B I b) 1 (bb)	Hulled and sliced or kibbled barley, not included under No 11.02 B I b) 1 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B I b) 2 (aa)	Hulled and sliced or kibbled oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ('Grütze' or 'Grutten') ⁽²⁾	59,16
11.02 B I b) 2 (bb)	Hulled and sliced or kibbled oats not included under No 11.02 B I b) 2 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B II a) (1)	Hulled (shelled or husked) wheat, not sliced or kibbled ⁽²⁾	—
11.02 B II c) (1)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ('gruetze' or 'grutten') ⁽²⁾	85,43
11.02 C III (a)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 1st category ⁽³⁾	93,76
11.02 C III (b)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 2nd category ⁽³⁾	75,01
11.02 C IV	Pearled oats ⁽³⁾	—
11.02 D I	Wheat not otherwise worked than kibbled	22,00
11.02 D II	Rye not otherwise worked than kibbled	38,00
11.02 E I b) 1 (aa)	Flaked barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	70,32
11.02 E I b) 1 (bb)	Flaked barley not included under 11.02 E I b) 1 (aa)	—
11.02 E I b) 2 (aa)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	69,60
11.02 E I b) 2 (bb)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content exceeding 0,1 % but not exceeding 1,5 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	55,68
11.02 E I b) 2 (cc)	Flaked oats not included under Nos 11.02 E I b) 2 (aa) and 11.02 E I b) 2 (bb)	—
ex 11.02 E II c) (1)	Flaked maize, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,7 % by weight	91,12

(ECU/tonne)

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund
ex 11.02 E II c) (2)	Flaked maize, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	74,04
ex 11.02 E II c) (3)	Flaked maize, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	—
11.02 E II d) 1	Flaked rice	—
11.02 F III	Barley pellets	—
11.02 F IV	Oat pellets	—
11.02 F V	Maize pellets	—
11.02 G I	Wheat germ, whole, rolled, flaked or ground	5,23
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	14,24
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	37,22
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	83,45
11.08 A I	Maize starch ⁽³⁾	60,44
11.08 A II	Rice starch ⁽³⁾	52,12
11.08 A III	Wheat starch ⁽³⁾	—
11.08 A IV	Potato starch ⁽⁶⁾	60,44
11.08 A V	Starches other than maize, rice, wheat, or potato starch ⁽³⁾	—
11.09 A	Dried wheat gluten, of a protein content, referred to dry matter, of 82 % or more by weight ($N \times 6,25$)	—
17.02 B II a)	Glucose and malto-dextrine, other than glucose containing, in the dry state, 99 % or more by weight of the pure product, in the form of white crystalline powder, whether or not agglomerated ⁽⁴⁾	78,83
17.02 B II b)	Malto-dextrine and malto-dextrine syrup; glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product, other than glucose in the form of white crystalline powder, whether or not agglomerated ⁽⁴⁾	60,44
17.02 F II a)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, in the form of powder, whether or not agglomerated	82,59
17.02 F II b)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, other than in the form of powder	57,44
21.07 F II	Flavoured or coloured glucose syrup, and malto-dextrine syrup	60,44
23.02 A I a)	Brans sharps and other residues derived from the sifting, milling or working of maize or rice of a starch content not exceeding 35 % by weight	9,98
23.02 A I b) 2	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content exceeding 35 % by weight, and not having undergone a denaturing process, or of a starch content exceeding 45 % by weight and having undergone denaturing process	9,98
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, of a starch content not exceeding 28 % by weight and of which the percentage which passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or of which the sifted product has an ash content, calculated on dry matter, not exceeding 1,5 % by weight	9,98
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not included under No 23.02 A II a)	9,98
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on dry matter, of 63 % or more by weight ($N \times 6,25$)	30,04

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- (¹) The export refund is paid in respect of maize, groats and meal :
- of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 microns,
 - of which a percentage not exceeding 5 % passes through a sieve with an aperture of 150 microns.
- (²) 'Hulled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (³) 'Pearled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (⁴) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I enjoys the same export refund as the product falling within subheading 17.02 B II.
- (⁵) The export refund is granted on products falling within this subheading which have a starch content of not less than 85 % by weight.
- (⁶) The export refund is granted on products falling within this subheading which have a starch content of not less than 78 % by weight.
- (⁷) The procedure to be followed for the determination of the fatty matter content is as follows :
- the sample has to be crushed so that 90 % or more can pass through a sieve with an aperture of 500 microns and 100 % can pass through a sieve with an aperture of 1 000 microns,
 - the analytical method to be used afterwards is that which is printed in Annex 1 (Method A) to Commission Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
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COMMISSION REGULATION (EEC) No 603/85

of 7 March 1985

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, 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 that Regulation 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⁽³⁾, 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 other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as amended by Regulation (EEC) No 2560/77⁽⁵⁾, provides that, when export refunds on cereal-based compound feedingstuffs are being fixed, only the products normally used in the manufacture of compound

feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 537/83⁽⁷⁾, provides that calculation of the export refund must be based on the average of the refunds granted on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the month of exportation and on the levy applicable to maize; whereas this calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of a quantity of maize which is representative of the usual cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as amended by Regulation (EEC) No 3634/83⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 63, 9. 3. 1983, p. 10.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 360, 23. 12. 1983, p. 21.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient ;

Whereas 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 the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 March 1985.

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

Done at Brussels, 7 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 7 March 1985 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

CCT heading No	Special specification for refund	Nomenclature in simplified wording	Refund
23.07 B I		Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 2743/75, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04 and subheadings 17.02 A and 21.07 F I): Of a milk powder content of less than 50 % by weight and of a cereal products ⁽¹⁾ content by weight:	
	0510	— Exceeding 5 % but not exceeding 10 %	1,70 ⁽²⁾ 2,97 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾
	1010	— Exceeding 10 % but not exceeding 20 %	3,40 ⁽²⁾ 5,93 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾
	2010	— Exceeding 20 % but not exceeding 30 %	6,80 ⁽²⁾ 11,87 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾
	3010	— Exceeding 30 % but not exceeding 40 %	10,20 ⁽²⁾ 17,80 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾
	4010	— Exceeding 40 % but not exceeding 50 %	13,60 ⁽²⁾ 23,74 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾
	5010	— Exceeding 50 % but not exceeding 60 %	17,00 ⁽²⁾ 29,67 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾
	6010	— Exceeding 60 % but not exceeding 70 %	20,39 ⁽²⁾ 35,61 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾
	7010	— Exceeding 70 %	22,25 ⁽²⁾ 38,84 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾

⁽¹⁾ 'Cereal products' means the products falling within Chapter 10 and heading Nos 11.01 and 11.02 (excluding subheading 11.02 G) of the Common Customs Tariff.

⁽²⁾ For exports to Zones A, B, C, D and E specified in Annex II to Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 501/85.

⁽³⁾ Minimum content of maize and/or sorghum exceeding: 0510: 5 %; 1010: 10 %; 2010: 20 %; 3010: 30 %; 4010: 40 %; 5010: 50 %; 6010: 60 %; 7010: 60 %.

In so far as this minimum is observed, these refunds shall, at the request of the party concerned, also apply where the cereal products' content exceeds the maximum specified on the same line.

⁽⁴⁾ For export to other third countries.

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II/84

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