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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (ECSC, EEC, Euratom) No 2799/85**of 27 September 1985****amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, submitted after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Justice,

Whereas Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (ECSC, EEC, Euratom) No 1915/85 ⁽²⁾, lay down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities respectively; whereas it is for the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, to amend the Staff Regulations and the conditions of employment;

Whereas, in the light of experience gained in applying the said Staff Regulations and the said conditions of employment and of developments in the Member States, particularly in respect of pensions and social security, the amendments laid down in this Regulation should be made, it being understood that the other questions referred to in the Commission proposal should remain open,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

AMENDMENTS TO THE STAFF REGULATIONS OF OFFICIALS OF THE EUROPEAN COMMUNITIES*Article 1*

The fifth subparagraph of Article 41 (3) is replaced by the following subparagraphs:

'The official shall furnish such written proof as may be required and inform the institution of any facts liable to affect his entitlement.

The allowance and the total remuneration last received, as referred to in the fourth subparagraph, shall be weighted at the rate fixed for the country

inside or outside the Communities where the recipient proves he has his residence.

If the recipient establishes his residence in a country for which no weighting has been fixed, the weighting shall be equal to 100.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient.

Allowances paid in a currency other than the Belgian franc shall be calculated at the exchange rates specified in the second paragraph of Article 63.'

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 180, 12. 7. 1985, p. 3.

Article 2

The fifth paragraph of Article 50 is replaced by the following:

'The fifth to ninth subparagraphs of Article 41 (3) shall apply.'

Article 3

In Article 52 the phrase after the word 'retired' is replaced by the following:

- either automatically on the last day of the month in which he reaches the age of 65,
- or at his own request on the last day of the month in respect of which the request was submitted where he is at least 60 years of age or where he is between 50 and 60 years of age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII.

The second sentence of the second paragraph of Article 48 shall apply by analogy.'

Article 4

In Article 53 the words following the phrase 'the provisions of Article 78 apply' are replaced by 'shall automatically be retired on the last day of the month in which the appointing authority recognizes his permanent incapacity to perform his duties'.

Article 5

Article 73 (4) is deleted.

Article 6

In Article 79:

1. In the first paragraph 'or of age' is inserted after 'irrespective of length of service'.
2. In the second paragraph the phrase 'with the exception of leave on personal grounds for the period during which, pursuant to Article 40 (3), no pension rights have been acquired' is deleted.

3. The following third paragraph is added:

'This amount shall not be less than 42 % of the final basic salary received by the official where death is due to one of the circumstances set out in the second paragraph of Article 78.'

Article 7

The following Article is inserted after Article 79:

'Article 79a

The provisions of Article 79 shall apply *mutatis mutandis* to the widower of an official or of a former official.'

Article 8

In Article 80:

- In the second paragraph 'recipient of' is replaced by 'spouse in receipt of'.
- The first sentence of the fourth paragraph is replaced by the following:

'Where the spouse, not being an official or member of the temporary staff, of an official or of a former official in receipt of a retirement pension or an invalidity pension dies, the children being dependent within the meaning of Article 2 of Annex VII on the surviving spouse shall be entitled to an orphan's pension in accordance with Article 21 of Annex VIII;'

- The following is added to the end of the fifth paragraph:

'and in the event of the death of a former official who left the service before reaching the age of 60 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of sixty'.

Article 9

The following Article is inserted after Article 81:

'Article 81a

1. Notwithstanding any other provisions, notably those concerning the minimum amounts payable to persons entitled to a survivor's pension, the total amount payable by way of survivor's pension plus family allowances less tax and other compulsory deductions to the widow and other entitled persons may not exceed the following:

- (a) in the event of the death of an official having one of the administrative statuses set out in Article 35, the amount of the remuneration which the official would have received in the same grade and step if he had still been in the service, plus any family allowances received by him in that case and less tax and other compulsory deductions;
- (b) for the period following the date on which the official referred to in (a) above would have reached the age of 65, the amount of the retirement pension to which he would have been entitled thereafter, had he been alive, based on the same grade and step at the time of death, plus any family allowances which he would have received, less tax and other compulsory deductions;
- (c) in the event of the death of a former official entitled to a retirement pension or to an invalidity pension, the amount of the pension to

which he would have been entitled, had he been alive, subject to the allowances and deductions referred to in (b);

- (d) in the event of the death of a former official who left the service before reaching the age of 60 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 60, the amount of the retirement pension to which he would have been entitled at the age of 60 had he been alive, subject to the allowances and deductions referred to in (b);
- (e) in the event of the death of an official or a former official entitled, on the day of his death, to an allowance under Article 41 or 50 of these Staff Regulations, Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68, Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72, Article 3 of Regulation (ECSC, EEC, Euratom) No 1543/73, Article 2 of Regulation (ECSC, EEC, Euratom) No 2150/82 or Article 3 of Regulation (ECSC, EEC, Euratom) No 1679/85, the amount of the allowance to which he would have been entitled, had he been alive, subject to the allowances and deductions set out in (b);
- (f) for the period following the date on which the former official referred to in (e) would have ceased to be entitled to the allowance, the amount of the retirement pension to which he would have been entitled on that date, had he been alive and satisfied the relevant age requirements for the grant of pension rights, subject to the allowances and deductions set out in (b).

2. For the purposes of paragraph 1, weightings shall be disregarded, which could affect the various amounts in question.

3. The maximum amount as defined in subparagraphs (a) to (f) above shall be apportioned among the persons entitled to a survivor's pension in proportion to their respective entitlements, paragraph 1 being disregarded for this purpose.

The second, third and fourth subparagraphs of Article 82 (1) shall apply to the amounts thus apportioned.

Article 10

The following chapter and Article are added after Article 85:

'CHAPTER 5

SUBROGATION IN FAVOUR OF THE COMMUNITIES

Article 85a

1. Where the death, accidental injury or sickness of a person covered by these Staff Regulations is caused by a third party, the Communities shall, in respect of the obligations incumbent upon them under the Staff Regulations consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.

2. The subrogation provided for by paragraph 1 shall extend *inter alia* to the following:

- continued payment of remuneration in accordance with Article 59 to the official during the period when he is temporarily unfit to work,
- payments effected in accordance with Article 70 following the death of an official or of a former official entitled to a pension,
- benefits paid under Articles 72 and 73 and their implementing rules, relating to insurance against sickness and accident,
- payment of the costs involved in transporting the body, as referred to in Article 75,
- supplementary family allowances paid in accordance with Article 67 (3) and with Article 2 (3) and (5) of Annex VII in respect of a dependent child suffering from serious illness, infirmity or handicap,
- invalidity pensions paid in the event of accident or sickness resulting in permanent invalidity preventing the official from performing his duties,
- survivor's pensions paid in the event of the death of an official or of a former official or the death of the spouse of an official or of a former official entitled to a pension, where the spouse is not an official nor a member of the temporary staff,
- orphan's pensions paid regardless of age to the child of an official or former official where that child is prevented by serious illness, infirmity or handicap from earning a livelihood after the death of the person on whom he was dependent.

3. However, the Communities shall not be subrogated to rights of compensation in respect of purely personal damage such as non-material injury, damages for pain and suffering or compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under Article 73.

4. The provisions of paragraphs 1, 2 and 3 may not be a bar to direct action by the Communities.'

Article 11

Article 105 is repealed.

Article 12

In Annex VIII, Article 4 is replaced by the following :

'Article 4

An official who having previously completed a period of activity in the service of one of the institutions either as an official or as a member of the temporary staff resumes active employment with a Community institution shall acquire further pension rights. He may request that, for the purpose of calculating his pension rights, the whole of the period of service as an official or a member of the temporary staff for which contributions have been paid be taken into account, subject to his repaying any sums paid to him pursuant to Article 12 of this Annex or to Article 39 of the conditions of employment of other servants or received by him by way of retirement pension, plus compound interest at the rate of 3,5 % per annum.

Where the official, being entitled to a retirement pension, does not repay the sums referred to in the first paragraph, a capital sum representing the actuarial equivalent of his retirement pension as at the date on which such pension ceased to be paid to him, plus compound interest at the rate of 3,5 % per annum, shall be paid to him in the form of a deferred retirement pension payable at the age when he ceases to perform his duties.

Where an official, on terminating his service, is entitled to a severance grant, this grant shall be reduced by the amount of the payments made under Article 42 of the conditions of employment of other servants ; where he is entitled to a retirement pension, his pension rights shall be reduced in proportion to the payments made under that Article.'

Article 13

The first paragraph of Article 14 of Annex VIII is replaced by the following :

'The right to receive payment of invalidity pension shall have effect from the first day of the calendar month following the official's retirement under Article 53 of the Staff Regulations.'

Article 14

In the first paragraph of Article 17 of Annex VIII, 'or of age' is added after 'irrespective of length of service'.

Article 15

In the first paragraph of Article 19 of Annex VIII, 'subject to the provisions of Article 22' is added after 'shall be entitled.'

Article 16

In Article 20 of Annex VIII, 'For the purpose of Articles 18 and 19' is replaced by 'For the purpose of Articles 17a, 18, 18a, and 19'.

Article 17

In Article 21 (1) of Annex VIII 'first, second and third paragraphs' is inserted after 'Article 80'.

Article 18

In Annex VIII, Article 23 is deleted.

Article 19

In Annex VIII, Article 27 is replaced by the following :

'Article 27

The divorced wife of an official or a former official shall be entitled to a survivor's pension, as defined in this chapter, provided that, on the death of her former husband, she can justify entitlement on her own account to receive maintenance from him by virtue of a court order or as a result of a settlement between herself and her former husband.

The survivor's pension may not, however, exceed the amount of maintenance paid at the time of her former husband's death, the amount having been adjusted in accordance with the procedure laid down in Article 82 of the Staff Regulations.

The divorced wife's entitlement shall cease if she remarries before her former husband dies. The provisions of Article 26 shall apply if she remarries after her former husband dies.'

Article 20

The first paragraph of Article 28 of Annex VIII is replaced by the following :

'Where the deceased official leaves more than one divorced wife entitled to survivor's pension or one or more divorced wives and a widow entitled to a survivor's pension, that pension shall be divided in proportion to the respective duration of the marriages. The provisions of the second and third paragraphs of Article 27 shall apply.'

Article 21

In Article 30 of Annex VIII :

- 'in active employment' is replaced by 'having one of the statuses listed in Article 35 of the Staff Regulations',
- the second amendment does not affect the English version.

Article 22

This amendment does not affect the English version.

Article 23

The following Article is inserted after Article 31 of Annex VIII:

Article 31a

The spouse or persons recognized as dependants of a former official within the meaning of Article 18a of Annex VIII, or of a former official entitled to an allowance either under Article 50 of the Staff Regulations or under Regulations (EEC, Euratom, ECSC) No 259/58 or (Euratom, ECSC, EEC), No 2530/72 or (ECSC, EEC, Euratom) No 1543/73 or (ECSC, EEC, Euratom) No 2150/82 or (ECSC, EEC, Euratom) No 1679/85 may, if the former official's whereabouts are unknown for more than one year, provisionally receive a survivor's pension to which they would be entitled under this Annex.'

Article 24

This amendment does not affect the English version.

Article 25

In Article 33 of Annex VIII:

- a reference to Article 31a is inserted between the references to Articles 31 and 32,
- 'or pensioner' is replaced by 'or former official'.

Article 26

1. The words 'or former official in receipt of a retirement or invalidity pension' are inserted after the word 'official' or the words 'or that of a former official in receipt of a retirement or invalidity pension' are inserted after 'official's' (as the case may be) in the first subparagraph of Article 21 (1), the third paragraph of Article 22, the first sentence of the first paragraph of Article 24, Article 25, the second paragraph of Article 34, Article 42 and Article 46 of Annex VIII.
2. In Annex VIII:
 - 'the official' is replaced by 'the former official' in the second and third paragraphs of Article 14, Article 15 and Article 43,
 - 'the official' is replaced by 'the former official' in the third paragraph of Article 14 and the second paragraph of Article 18a,
 - 'where an official' is replaced by 'where a former official' in Article 16,
 - 'of an official' is replaced by 'of a former official' in Article 31.

Article 27

The last paragraph of Article 45 of Annex VIII is deleted.

Article 28

Article 47 of Annex VIII is deleted.

CHAPTER 2

AMENDMENTS TO THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE COMMUNITIES

Article 29

A second paragraph is added to Article 13, reading as follows:

'Article 33 of the Staff Regulations shall apply by analogy.'

Article 30

In Article 15:

1. The two current paragraphs become paragraph 1.
2. The following paragraph is added:
 - '2. The provisions of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy to servants within the meaning of Article 2 (a), (c) and (d).'

Article 31

In Article 16, the second paragraph is replaced by the following:

'The paid sick leave provided for in Article 59 of the Staff Regulations shall not, however, exceed three months or the length of time worked by the

member of the temporary staff, where the latter is longer. The leave shall not extend beyond the term of his contract.'

Article 32

The last paragraph of Article 28 is replaced by the following:

'If a member of the temporary staff proves that he cannot obtain cover under any other sickness insurance scheme provided for by law or regulation, he may, on application made at the latest within one month following the expiry of his contract, continue to benefit from the sickness cover provided for in the first paragraph, for a period of

not more than six months after the expiry of his contract. The contributions provided for in Article 72 (1) of the Staff Regulations shall be based on his last basic salary and half thereof shall be charged to him.

The appointing authority may, after obtaining the advice of the institution's medical officer, decide that the one-month time limit within which the application must be made and the six-month limit provided for in the preceding paragraph shall not apply where the person concerned is suffering from a serious or protracted illness contracted during his employment, which he has reported to the institution before the end of the six-month period provided for in the preceding paragraph, on condition that the person concerned undergoes a medical examination arranged by the institution.'

Article 33

The following Article is inserted after Article 28 :

Article 28a

1. A former member of the temporary staff who is unemployed when his service with an institution of the European Communities has been terminated :

- who is not in receipt of a retirement or invalidity pension from the European Communities,
- whose service is not terminated by resignation or by cancellation of the contract for disciplinary reasons,
- who has completed a minimum of six months' service,
- and who is resident in a Member State of the Communities,

shall be eligible for a monthly unemployment allowance under the conditions laid down below.

Where he is entitled to unemployment benefits under a national scheme, he shall be obliged to declare this to the institution to which he belonged, which shall immediately inform the Commission thereof. In such cases, the amount of those benefits will be deducted from the allowance paid under paragraph 3.

2. To be eligible for this unemployment allowance, a former member of the temporary staff shall :

- (a) be registered, at his own request, as seeking employment with the employment authorities of the Member State in which he establishes his residence ;

- (b) fulfil the obligations laid down by the law of that Member State for persons in receipt of unemployment benefits under that law ;

- (c) forward every month to the institution to which he belonged, which shall immediately forward it to the Commission, a certificate issued by the competent national employment authority stating whether or not he has fulfilled the obligations and conditions referred to in (a) and (b).

The allowance may be granted or maintained by the Community, even where the national obligations referred to under (b) have not been fulfilled, in cases of illness, accident, maternity, invalidity or a situation recognized as being similar or where the national authority, competent to meet those obligations, has given a dispensation.

The Commission shall, after obtaining the opinion of a Committee of experts, lay down such provisions as it deems necessary for applying this Article.

3. The unemployment allowance shall be fixed with reference to the basic salary reached by the former member of the temporary staff at the time of the termination of his service. This allowance shall be fixed at :

- 60 % of the basic salary for an initial period of 12 months,
- 45 % of the basic salary from the 13th till the 18th month,
- 30 % of the basic salary from the 19th till the 24th month.

The amounts thus calculated shall neither be less than Bfrs 30 000 nor more than Bfrs 60 000.

The lower and upper amounts referred to above may be examined annually by the Council, upon a proposal from the Commission.

4. The unemployment allowance shall be paid to the former member of the temporary staff for a maximum of 24 months from the date of termination of service. If, however, during that period the former member of the temporary staff ceases to fulfil the conditions laid down in paragraphs 1 and 2, payment of the unemployment allowance shall be suspended. Payment shall be resumed if before the expiry of that period the former member of the temporary staff again fulfils the said conditions and has not acquired the right to national unemployment benefit.

5. A former member of the temporary staff who is eligible for the unemployment allowance shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations. The household allowance shall be calculated on the basis of the unemployment allowance under the conditions laid down in Article 1 of Annex VII to the Staff Regulations.

The person concerned shall be obliged to declare any allowances of the same kind paid from other sources to himself or to his spouse; such allowances shall be deducted from those to be paid on the basis of this Article.

A former member of the temporary staff who is eligible for the unemployment allowance shall be entitled, as provided for in Article 72 of the Staff Regulations, to insurance cover against sickness without having to make any contribution.

6. The weighting for the Member State in which a former member of the temporary staff proves that he is resident shall be applied to the unemployment allowance and the family allowances. The weighting applicable to the unemployment allowance shall always be the one resulting from the latest annual revision. These amounts shall be paid by the Commission in the currency of the country of residence; they shall be converted at the exchange rates provided for in the second paragraph of Article 63 of the Staff Regulations.

7. A member of the temporary staff shall contribute a third of the financing of the unemployment insurance scheme. That contribution shall be fixed at 0,4 % of the basic salary of the person concerned, not taking into account the weightings provided for in Article 64 of the Staff Regulations of officials. That contribution shall be deducted monthly from the salary of the person concerned and paid, together with the remaining two-thirds to be borne by the institution, into a Special Unemployment Fund. That Fund shall be common to the institutions and the latter shall pay their contributions to the Commission each month, no later than eight days after the payment of remunerations. All expenditure arising out of the application of this Article shall be authorized and paid by the Commission in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

8. The unemployment allowances paid to a former member of the temporary staff who is unemployed shall be subject to Regulation (EEC, Euratom, ECSC) No 260/68 laying down the conditions and procedure for applying the tax for the benefit of the European Communities.

9. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and the Commission shall cooperate with each other in an effective manner in order to ensure that this Article is properly applied.

10. The detailed arrangements for applying this Article shall be the subject of rules laid down by

mutual agreement between the Institutions of the Communities, after obtaining the opinion of the Staff Regulations Committee, without prejudice to the provisions of the final subparagraph of paragraph 2.

11. One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Commission shall submit a report on the financial situation of the scheme to the Council. Independently of this report, the Commission may submit to the Council proposals adjusting the contributions provided for in paragraph 7 if the application of the scheme so requires. The Council shall act on these proposals in accordance with the conditions laid down in the third subparagraph of paragraph 3.

Article 34

A further paragraph as follows is added to Article 32 :

'The servant may appeal against this decision to the Invalidity Committee provided for in Article 4 (1) of the Staff Regulations.'

Article 35

Article 33 is amended as follows :

1. In the third subparagraph of paragraph 1, 'by 2 % for each year of pensionable service with which he has been credited under Article 11 (2) and (3) of Annex VIII to the Staff Regulations and' shall be inserted after the words 'this rate shall be increased'.

2. The last subparagraph of paragraph 1 is replaced by the following :

'Persons entitled to an invalidity pension shall also be entitled to the family allowances provided for in Article 67 of the Staff Regulations, in accordance with Annex VII to the Staff Regulations; household allowance shall be determined on the basis of the recipient's pension.'

3. In paragraph 4 :

(a) the second subparagraph is replaced by the following :

'If a servant is not re-engaged by the Communities, he shall be entitled, at his own option :

— either to the severance grant provided for in Article 39 calculated on the basis of the actual length of service,

— or, where he is a servant within the meaning of Article 2 (a), (c) or (d) and has reached the age of at least 50, to a retirement pension in accordance with Chapter 3 of Title V of the Staff Regulations and Annex VIII to the Staff Regulations.'

(b) the following third subparagraph is inserted :

'The time during which he received invalidity pension shall be included for the purpose of calculating his retirement pension, without payment by him of arrears of contributions.'

Article 36

In Article 34 :

1. The last sentence of the first paragraph is deleted.
2. The second paragraph is deleted.
3. In the third paragraph, 'in receipt of an invalidity pension or a former servant' is inserted after 'where a former servant', and '(c) or (d)' is replaced by '(a), (c) or (d)'.
4. The following paragraph is added :

'Where the whereabouts of a member of the temporary staff, or of a former member of temporary staff in receipt of an invalidity or retirement pension, or of a former member of temporary staff who left the service before he reached the age of 60 and who has requested that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the age of 60 are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognized as his dependants.'

Article 37

The first paragraph of Article 36 is amended to read as follows :

'The widow of a servant shall be entitled to a widow's pension in accordance with Chapter 4 of Annex VIII to the Staff Regulations. The pension shall be not less than 35 % of the final basic monthly salary received by the servant, nor less than the minimum subsistence figure defined in Article 6 of Annex VIII to the Staff Regulations. Where a servant within the meaning of Article 2 (a), (c) or (d) dies, the amount of the widow's pension shall be increased to 60 % of the retirement pension which the servant would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of his death.'

The third paragraph is deleted.

Article 38

Article 37 is amended as follows :

1. The following paragraph is inserted after the third paragraph :

'In the event of the death of a former member of the temporary staff within the meaning of Article 2 (a), (c) or (d) who left the service before reaching the age of 60 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 60, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same conditions as those set out respectively in the foregoing paragraphs.'

2. In the fourth paragraph, 'or of a former member of the temporary staff in receipt of a retirement or invalidity pension' is inserted after the second occurrence of 'of a member of the temporary staff' ; 'on the latter' is replaced by 'on the surviving spouse', and 'the last paragraph of Article 80' is replaced by 'the fourth paragraph of Article 80'.

Article 39

The following Article is inserted after Article 38 :

Article 38a

The rules relating to ceilings and apportionment set out in Article 81a of the Staff Regulations shall apply by analogy.'

Article 40

Article 39 is amended as follows :

1. The first subparagraph of paragraph 1 is replaced by the following :
'1. On leaving the service a servant within the meaning of Article 2 (b) shall be entitled to a severance grant calculated in accordance with Article 12 of Annex VIII to the Staff Regulations.'
2. In paragraph 2, '(c) or (d)' is replaced by '(a), (c) or (d)'.
3. The following paragraph is inserted :
'3. A person who became entitled to a retirement pension at the age of 60 or thereafter shall be entitled to the family allowance provided for in Article 67 of the Staff Regulations in accordance with Annex VII to the Staff Regulations ; the household allowance shall be calculated on the basis of the recipient's pension.'

Article 41

Chapter 6 is amended as follows :

1. — Section D is entitled as follows: 'FUNDING OF THE INVALIDITY AND LIFE ASSURANCE SCHEME AND OF THE PENSION SCHEME'.

— Article 41 shall read as follows: 'As regards the funding of the social security scheme provided for in section B and C, the provisions of Article 83 of the Staff Regulations and of Articles 36 and 38 of Annex VIII thereto shall apply by analogy.'

2. After Article 42 the following section is inserted, containing Article 43 which is amended to read as follows:

'Section E

SETTLEMENT OF CLAIMS BY TEMPORARY STAFF

Article 43

Articles 40 to 44 of Annex VIII to the Staff Regulations shall apply by analogy.'

3. After Article 43 the following section is inserted, containing Article 44 which is amended to read as follows:

'Section F

PAYMENT OF BENEFITS

Article 44

Articles 81a and 82 of the Staff Regulations and Article 45 of Annex VIII to the Staff Regulations, concerning the payment of benefits, shall apply by analogy.

Any sums due from a member of the temporary staff to the Communities under this insurance scheme at the date when the benefits are payable shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him in a manner to be determined by the institution referred to in Article 45 of Annex VIII to the Staff Regulations. The deduction may be spread over a number of months.'

4. After Article 44, the following section and Article 44a are inserted:

'Section G

SUBROGATION IN FAVOUR OF THE COMMUNITIES

Article 44a

The provisions of Article 85a of the Staff Regulations, relating to subrogation in favour of the Communities shall apply by analogy.'

Article 42

In Article 49:

1. Paragraph 1 is replaced by the following:

'1. After the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, employment

may be terminated without notice on disciplinary grounds in serious cases of intentional or negligent failure of temporary staff to comply with their obligations. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the servant concerned has been given an opportunity of submitting his defence.

Before his employment is terminated, a member of temporary staff may be suspended, in accordance with Article 88 of the Staff Regulations, which shall apply by analogy.'

2. In paragraph 2, 'In such cases' is replaced by the following:

'Where employment is terminated in accordance with paragraph 1,'.

Article 43

Paragraph 2 of Article 50 is replaced by the following:

'2. In such cases the authority referred to in the first paragraph of Article 6 shall, after hearing the servant concerned, and after the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, declare that his employment is terminated.

Before his employment is terminated, a member of temporary staff may be suspended in accordance with Article 88 of the Staff Regulations, which shall apply by analogy.

The provisions of Article 49 (2) shall apply.'

Article 44

The following Article is inserted after Article 50:

'Article 50a

Without prejudice to Articles 49 and 50, any intentional or negligent failure by a member of the temporary staff or of a former member of the temporary staff to comply with his obligations under these conditions of employment shall render him liable to disciplinary action in accordance with Title VI of the Staff Regulations and where applicable Annex IX to the Staff Regulations, the provisions of which shall apply by analogy.'

Article 45

The following sentence is inserted after the first sentence of Article 59:

'Paid sick leave shall not, however, exceed one month or the length of time worked by a member of the auxiliary staff, where the latter period is longer.'

CHAPTER 3

TRANSITIONAL PROVISIONS

Article 46

1. A person entitled to a pension or allowance whose pecuniary entitlements are reduced by reason of the adoption of this Regulation shall receive an allowance, calculated monthly, equal to the difference between the net amounts received by that person prior to the entry into force of this Regulation and the net amounts received by that person pursuant to the new provisions.

For the purpose of calculating the net amounts received by that person prior to the entry into force of this Regulation, the recipient shall be deemed to have been in the same circumstances with regard to dependants as apply at the time of calculation of the allowance.

For the purpose of calculating the net amounts referred to in the first and second subparagraphs, weightings shall be disregarded.

This allowance shall be weighted and paid in accordance with the conditions laid down in Article 82 (1) of the Staff Regulations.

2. These transitional provisions shall also apply to persons entitled to a survivor's pension under Annex VIII to the Staff Regulations as in force prior to these amendments.

3. These provisions shall apply by analogy to persons entitled under members of the temporary staff.

CHAPTER 4

FINAL PROVISIONS

Article 47

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

However, Article 46 (2) shall take effect from 4 May 1978, and Article 27 from 27 July 1983.

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

Done at Luxembourg, 27 September 1985.

For the Council
The President
R. STEICHEN

COMMISSION REGULATION (EEC) No 2800/85

of 7 October 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 organi-
zation 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 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 import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 2159/85 ⁽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
4 October 1985;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2159/85 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 October
1985.

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

Done at Brussels, 7 October 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 203, 1. 8. 1985, p. 8.

⁽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 October 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	127,79
10.01 B II	Durum wheat	179,10 ⁽¹⁾ ⁽²⁾
10.02	Rye	116,40 ⁽⁶⁾
10.03	Barley	121,16
10.04	Oats	96,74
10.05 B	Maize, other than hybrid maize for sowing	108,31 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	74,96 ⁽⁴⁾
10.07 C	Grain sorghum	123,30 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	192,47
11.01 B	Rye flour	176,52
11.02 A I a)	Durum wheat groats and meal	290,86
11.02 A I b)	Common wheat groats and meal	207,24

⁽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 2801/85

of 7 October 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
2160/85 ⁽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
4 October 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 October
1985.

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

Done at Brussels, 7 October 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 203, 1. 8. 1985, p. 11.

⁽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 October 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 10	1st period 11	2nd period 12	3rd period 1
10.01 B I	Common wheat, and meslin	0	0	0	9,01
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
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	1,35	1,35	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	12,63

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	16,04	16,04
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	11,98	11,98
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 2802/85**of 7 October 1985****amending Regulation (EEC) No 991/79 as regards the tables relating to basic statistical surveys of areas under vines**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines ⁽¹⁾, as last amended by Regulation (EEC) No 3719/81 ⁽²⁾ and in particular Article 4 (2) thereof,

Whereas pursuant to Article 4 (2) of Regulation (EEC) No 357/79 the Member States are to submit the results of the basic surveys in the form of a schedule of tables to be adopted in accordance with the procedure laid down in Article 8 of the said Regulation ;

Whereas this schedule of tables was prescribed by Commission Regulation (EEC) No 991/79 ⁽³⁾ and whereas this schedule should be adapted following the Accession of Greece ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Agricultural Statistics and of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION :

Sole Article

Annex I to Regulation (EEC) No 991/79 is hereby replaced by the Annex hereto.

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

Done at Brussels, 7 October 1985.

For the Commission

Alois PFEIFFER

Member of the Commission

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 124.⁽²⁾ OJ No L 373, 29. 12. 1981, p. 5.⁽³⁾ OJ No L 129, 25. 5. 1979, p. 1.

ANNEX

ANNEX I

TABLE 1

HOLDINGS, CULTIVATED AREA UNDER VINES AND AGRICULTURAL AREA IN USE (AA) BROKEN DOWN BY TYPE OF PRODUCTION AND BY SIZE CLASS

Size class of area under vines (ha)	All			Area under wine-grape varieties					
				Total			For VQPRD production (1)		
	Holdings	AA (ha)	Area under vines (ha)	Holdings	AA (ha)	Area under wine (ha)	Holdings	AA (ha)	Area for quality wines (ha)
	1	2	3	4	5	6	7	8	9
< 0,10									
0,10 — < 0,20									
0,20 — < 0,30									
0,30 — < 0,50									
0,50 — < 1									
1 — < 2									
2 — < 3									
3 — < 5									
5 — < 10 (b)									
10 — < 20 (a) (b)									
20 — < 30 (a) (b)									
≥ 30 (a) (b)									

(a) For geographical units, the use of a single class '≥ 10 ha' is optional for France and Italy.

(b) For geographical units, the use of a single class '≥ 5 ha' is optional for the Federal Republic of Germany, Luxembourg and Greece.

(1) VQPRD: quality wines produced in definite regions.

Size class of area under vines (ha)	Area under wine-grape varieties						Area under table-grape varieties		
	For other wine production								
	Total			Of which for spirits (c)					
	Holdings	AA (ha)	Area for other wines (ha)	Holdings	AA (ha)	Areas for spirits (ha)	Holdings	AA (ha)	Area under table grapes (ha)
	10	11	12	13	14	15	16	17	18

(c) Only for the area where the distillation from wine of certain spirits with 'appellation d'origine' is obligatory.

Size class of area under vines (ha)	Planted rootstock for grafting			Areas for the production of vegetative propagation material for vines					
				Nurseries			Parent vines		
	Holdings	AA (ha)	Area planted (ha)	Holdings	AA (ha)	Area of nurseries (ha)	Holdings	AA (ha)	Area of parent vines (ha)
	19	20	21	22	23	24	25	26	27

Size class of area under vines (ha)	Area under varieties of grapes for drying (2)		
	Holdings	AA (ha)	Area under grapes for drying (ha)
	28	29	30

(2) Optional for all countries except Greece.

TABLE 2

HOLDINGS, CULTIVATED AREA UNDER VINES (a) AND AGRICULTURAL AREA IN USE (AA) BROKEN DOWN BY SIZE CLASS AND BY THE PERCENTAGE OF AA UNDER VINES

2.1. All holdings.

2.2. Holdings whose entire area is devoted to the production of quality wines psr.

2.3. Holdings whose entire area is devoted to the production of other wines.

2.4. Holdings whose entire area is devoted to varieties of table grapes.

2.5. Holdings whose entire area is devoted to varieties of grapes for drying (b).

2.6. Other holdings having areas under vines (c).

Size class of areas under vines (') (ha)	All			Area under vines as percentage of AA					
				> 0 — < 10			10 — < 25		
	Holdings	AA (ha)	Area under vines (ha)	Holdings	AA (ha)	Area under vines (ha)	Holdings	AA (ha)	Area under vines (ha)
	1	2	3	4	5	6	7	8	9

(') See Table 1.

Size class of areas under vines (ha)	Area under vines as percentage of AA					
	25 — < 50			50 — < 75		
	Holdings	AA (ha)	Area under vines (ha)	Holdings	AA (ha)	Area under vines (ha)
	10	11	12	13	14	15

Size class of areas under vines (ha)	Area under vines as percentage of AA					
	75 — < 90			≥ 90		
	Holdings	AA (ha)	Area under vines (ha)	Holdings	AA (ha)	Area under vines (ha)
	16	17	18	19	20	21

(a) The area for the production of vegetative propagation material is not taken into account in Table 2.1 to 2.6.

(b) Optional for all Member States except Greece.

(c) 'Other' means holdings not included under holdings 2.2, 2.3, 2.4 and 2.5.

TABLE 3

HOLDINGS AND AREA UNDER WINE-GRAPE VINE VARIETIES BROKEN DOWN BY SIZE CLASS AND BY THE PERCENTAGE OF AREA UNDER WINE-GRAPE VINE VARIETIES FOR PRODUCTION OF QUALITY WINES PSR

Size class of area under vines (1) (ha)	All		Area for the production of quality wines psr as percentage of total area under wine-grape vines					
			0		> 0 — <10			
	Holdings	Area under wine-grape vines		Holdings	Area under wine-grape vines (ha)	Holdings	Area under wine-grape vines	
		All (ha)	Quality wines (ha)				All (ha)	Quality wines (ha)
	1	2	3	4	5	6	7	8

(1) See Table 1.

Size class of area under vines (ha)	Area for the production of quality wines psr as percentage of total area under wine-grape vines					
	10 — <25			25 — <50		
	Holdings	Area under wine-grape vines		Holdings	Area under wine-grape vines	
		All (ha)	Quality wines (ha)		All (ha)	Quality wines (ha)
	9	10	11	12	13	14

Size class of area under vines (ha)	Area for the production of quality wines psr as percentage of total area under wine-grape vines					
	50 — <75			75 — <90		
	Holdings	Area under wine-grape vines		Holdings	Area under wine-grape vines	
		All (ha)	Quality wines (ha)		All (ha)	Quality wines (ha)
	15	16	17	18	19	20

Size class of area under vines (ha)	Area for the production of quality wines psr as percentage of total area under wine-grape vines				
	90 — <100			100	
	Holdings	Area under wine-grape vines		Holdings	Area under wine-grape vines (ha)
		All (ha)	Quality wines (ha)		
	21	22	23	24	25

TABLE 4

**AREA UNDER WINE-GRAPE VARIETIES BROKEN DOWN BY VARIETY AND BY
AGE OF THE VINES, IN HA**

Colour of berry Variety	All	Age class ⁽¹⁾							
		1	2	3	4	5	6	7	8
		< 3	3—9	10—19	20+	20—29	30+	3—5	6—9
	1	2	3	4	5	6	7	8	9
Individual varieties									
Black									
.....									
.....									
.....									
.....									
Sub-total									
White and other colours									
.....									
.....									
.....									
.....									
Sub-total									
Total individual varieties									
Other varieties									
Black									
White and other colours									
Total other varieties									
All varieties									
Black									
White and other colours									
Total all varieties									

⁽¹⁾ — Age classes 1, 2 and 3 are obligatory for all Member States concerned.

— Age class 4 is obligatory when classes 5 and 6 are not provided.

— Age classes 5 and 6 are obligatory for France and Italy, but optional for the other Member States concerned.

— Age classes 7 and 8 concern Italy only and are optional.

TABLE 5

**AREA UNDER WINE-GRAPE VINE VARIETIES BROKEN DOWN BY TYPE OF
PRODUCTION AND BY YIELD CLASS, IN HA**

Geographical unit	All	For production of quality wines psr					
		Total	Yield class (')				
			I	II	III	IV	V
	1	2	3	4	5	6	7

Geographical unit	For production of other wines					
	Total	Yield class (')				
		I	II	III	IV	V
	8	9	10	11	12	13

(') This yield classification (number and limits) will be established subsequently.'

COMMISSION REGULATION (EEC) No 2803/85**of 7 October 1985**

repealing Regulation (EEC) No 2374/85 re-establishing the levying of the customs duties on camphor (natural refined and synthetic) falling within subheading 29.13 B I b), originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3562/84 of 18 December 1984 applying generalized tariff preferences for 1985 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Commission Regulation (EEC) No 2332/85⁽²⁾ re-established, as from 18 August 1985, the levying of customs duties on camphor (natural refined and synthetic), falling within subheading 29.13 B I b), originating in China, to which the preferential tariff arrangements set out in Regulation (EEC) No 3562/84 apply;

Whereas, however, Commission Regulation (EEC) No 2374/85⁽³⁾ concerning the same product was published by error with effect from 25 August 1985, and therefore it is desirable to repeal that Regulation with effect from 25 August 1985,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2374/85 is hereby repealed.

Article 2

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

It shall apply with effect from 25 August 1985.

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

Done at Brussels, 7 October 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 338, 27. 12. 1984, p. 1.

⁽²⁾ OJ No L 218, 15. 8. 1985, p. 27.

⁽³⁾ OJ No L 224, 22. 8. 1985, p. 21.

COMMISSION REGULATION (EEC) No 2804/85
of 7 October 1985
amending Regulation (EEC) No 2753/85 introducing a countervailing charge on
cucumbers originating in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1332/84⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2753/85 of 30 September 1985⁽³⁾ introduced a countervailing charge on cucumbers originating in Spain ;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that

Regulation is amended ; whereas, if those conditions are taken into consideration, the countervailing charge on the import of cucumbers originating in Spain must be altered,

HAS ADOPTED THIS REGULATION :

Article 1

In Article 1 of Regulation (EEC) No 2753/85, '32,36 ECU' is hereby replaced by '63,13 ECU'.

Article 2

This Regulation shall enter into force on 8 October 1985.

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

Done at Brussels, 7 October 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 259, 1. 10. 1985, p. 61.

COMMISSION REGULATION (EEC) No 2805/85
of 7 October 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 1482/85⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1809/85⁽³⁾, as last amended by Regulation (EEC) No 2776/85⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 to the information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 October 1985.

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

Done at Brussels, 7 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 261, 3. 10. 1985, p. 17.

ANNEX

to the Commission Regulation of 7 October 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	46,16
	B. Raw sugar	42,08 ⁽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 2806/85
of 7 October 1985**

**altering the export refunds on syrups and certain other sugar sector products
exported in the natural state**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, as
last amended by Regulation (EEC) No 1482/85⁽²⁾, and
in particular Article 19 (4) thereof,

Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No
2739/85⁽³⁾;

Whereas it follows from applying the rules, criteria
and other provisions contained in Regulation (EEC)

No 2739/85 to the information at present available to
the Commission that the export refunds at present in
force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to Regulation (EEC) No 2739/85 are hereby
altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October
1985.

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

Done at Brussels, 7 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.

⁽³⁾ OJ No L 259, 1. 10. 1985, p. 30.

(2) Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 2807/85**of 7 October 1985****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 last on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1482/85⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 2687/85⁽³⁾, as last amended by Regulation (EEC) No 2777/85⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2687/85, to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 2687/85, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1985.

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

Done at Brussels, 7 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.

⁽³⁾ OJ No L 255, 26. 9. 1985, p. 9.

⁽⁴⁾ OJ No L 261, 3. 10. 1985, p. 18.

ANNEX

to the Commission Regulation of 7 October 1985 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	40,18	
	(b) Other	39,61	
	(II) Flavoured or coloured sugar		0,4018
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	36,96 ⁽¹⁾	
	(b) Other raw sugar	⁽²⁾	

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

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12).

COMMISSION REGULATION (EEC) No 2808/85

of 7 October 1985

altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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 1482/85⁽²⁾, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 October 1985 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 2744/85⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 2744/85 to the

information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EEC) No 2744/85 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1985.

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

Done at Brussels, 7 October 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.

⁽³⁾ OJ No L 259, 1. 10. 1985, p. 44.

ANNEX

to the Commission Regulation of 7 October 1985 altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Table A

<i>Rate of refund in ECU/100 kg:</i>	White sugar:	40,18
	Raw sugar:	36,96
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$40,18 \times \frac{S^{(1)}}{100}$
	Molasses:	—
	Isoglucose or flavoured or coloured isoglucose syrups:	40,18 ⁽²⁾

Table B

<i>Rate of refund in ECU/100 kg:</i>	White sugar:	36,30
	Raw sugar:	33,39
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$36,30 \times \frac{S^{(1)}}{100}$
	Molasses:	—

⁽¹⁾ 'S' represents the weight of sucrose (including invert sugar expressed as sucrose) in 100 kilograms of syrup.

⁽²⁾ Amount of refund for 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 2809/85

of 7 October 1985

altering the import levies 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 Article 14 (4) 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 Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2705/85⁽⁷⁾, as last amended by Regulation (EEC) No 2788/85⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ as amended by Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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⁽¹¹⁾, as last amended by Regulation (EEC) No 855/84⁽¹²⁾,

— 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 these exchange rates being those recorded on 4 October 1985;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹³⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 2705/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1985.

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

Done at Brussels, 7 October 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 256, 27. 9. 1985, p. 21.

⁽⁸⁾ OJ No L 262, 4. 10. 1985, p. 13.

⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 7 October 1985 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	120,39 ⁽¹⁾	118,58 ⁽¹⁾ ⁽²⁾
07.06 A II	123,41 ⁽¹⁾	118,58 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	222,74	216,70
11.02 A III ⁽²⁾	222,74	216,70
11.02 B I a) 1 ⁽²⁾	195,64	192,62
11.02 B I b) 1 ⁽²⁾	195,64	192,62
11.02 B II a) ⁽²⁾	171,24	168,22
11.02 C I ⁽²⁾	205,39	202,37
11.02 C III ⁽²⁾	307,02	300,98
11.02 D I ⁽²⁾	132,03	129,01
11.02 D III ⁽²⁾	125,82	122,80
11.02 E I a) 1 ⁽²⁾	125,82	122,80
11.02 E I b) 1 ⁽²⁾	246,82	240,78
11.02 E II a) ⁽²⁾	233,70	227,66
11.02 F I ⁽²⁾	233,70	227,66
11.02 F III ⁽²⁾	222,74	216,70
11.02 G I	100,90	94,86
11.04 C I	123,41	116,76 ⁽²⁾
11.07 A I a)	236,01	225,13
11.07 A I b)	179,10	168,22
11.07 A II a)	225,17 ⁽⁴⁾	214,29
11.07 A II b)	171,00	160,12
11.07 B	197,48 ⁽⁴⁾	186,60
11.08 A III	237,67	217,12
11.09	576,10	394,76

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

⁽²⁾ In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading ex 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading ex 11.08 A V.

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