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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 407/86

of 24 February 1986

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 3793/85⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2956/85⁽⁴⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 21 February 1986;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2956/85 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 25 February 1986.

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

Done at Brussels, 24 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 285, 25. 10. 1985, p. 8.

ANNEX

to the Commission Regulation of 24 February 1986 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	158,60
10.01 B II	Durum wheat	210,46 ⁽¹⁾ ⁽²⁾
10.02	Rye	138,02 ⁽⁴⁾
10.03	Barley	148,68
10.04	Oats	130,40
10.05 B	Maize, other than hybrid maize for sowing	125,90 ⁽³⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	79,27 ⁽⁴⁾
10.07 C	Grain sorghum	135,21 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	236,51
11.01 B	Rye flour	207,71
11.02 A I a)	Durum wheat groats and meal	339,80
11.02 A I b)	Common wheat groats and meal	253,56

⁽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 408/86

of 24 February 1986

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3793/85 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2160/85 ⁽⁴⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 21 February 1986;

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 25 February 1986.

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

Done at Brussels, 24 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1985, p. 11.

ANNEX

to the Commission Regulation of 24 February 1986 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
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	2,08
10.05 B	Maize, other than hybrid maize for sowing	0	13,15	13,15	17,49
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	11,22
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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 409/86

of 20 February 1986

on methods of administrative cooperation to safeguard during the transitional period the free movement of goods between the Community as constituted on 31 December 1985 on the one hand and Spain and Portugal on the other and between those two new Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 50 (1) and 210 (1) thereof,

Whereas, in accordance with the provisions of Articles 50 (1) and 210 (1) of the said Act, methods of administrative cooperation must be determined in order to ensure that goods fulfilling the requisite conditions benefit from the abolition of customs duties and charges having equivalent effect and of quantitative restrictions and measures having equivalent effect;

Whereas customs duties and import charges having equivalent effect have been totally abolished or shall be progressively abolished in trade between Spain and Portugal as well as in trade between these two Member States and the other Member States of the Community;

Whereas it is necessary during the period of application of the transitional measures to be able to distinguish goods according to whether they fulfil the conditions laid down in Articles 9 (2) and 10 of the Treaty in Spain, in Portugal or in the other Member States;

Whereas, for this purpose, account must be taken of the provisions in force and in particular those of Council Regulation (EEC) No 222/77 of 13 December 1976 on Community transit⁽¹⁾, as last amended by the Act of Accession, those of Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure⁽²⁾, as last amended by Regulation (EEC) No 3399/85⁽³⁾, and those of Commission Regulation (EEC) No 2826/77 of 5 December 1977 introducing a Community transit declaration form for use in an automatic or electronic data-processing system⁽⁴⁾, as last amended by the Act of Accession;

Whereas on these grounds it is necessary to provide for use of internal Community transit documents corresponding to those used in the Community before the accession of Spain and Portugal but designated by different symbols;

Whereas the provisions of the Act of Accession regarding trade between Spain and Portugal, as well as the provisions adopted by the Council in implementation of Articles 88 (1) and 256 (1) of the Act of Accession, entail the adoption of special procedures intended to ensure that these provisions are correctly applied;

Whereas provision must also be made for special transitional measures to ensure that goods dispatched before 1 March 1986, either from Spain or Portugal or from the other Member States, can benefit from the abolition of customs duties and charges having equivalent effect and of quantitative restrictions and measures having equivalent effect;

Whereas certain goods will continue to move, after the accession of Spain and Portugal, under cover of the T2 GR document provided for in Commission Regulation (EEC) No 49/81 of 1 January 1981 on methods of administrative cooperation to safeguard during the transitional period the free movement of goods between Greece and the other Member States⁽⁵⁾ as amended by Regulation (EEC) No 2835/82⁽⁶⁾ or under cover of a document having equivalent effect as regards application of the measures laid down in that Regulation; whereas the use of such documents in the cases concerned should be provided for;

Whereas Council Regulation (EEC) No 678/85 of 18 February 1985 simplifying formalities in trade in goods within the Community⁽⁷⁾, Council Regulation (EEC) No 679/85 of 18 February 1985 introducing a specimen declaration form for use in trade in goods within the Community⁽⁸⁾, and Commission Regulation (EEC) No 2855/85⁽⁹⁾ which lays down implementing provisions for these two Regulations, laid down certain provisions regard-

⁽¹⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽²⁾ OJ No L 38, 9. 2. 1977, p. 20.

⁽³⁾ OJ No L 322, 3. 12. 1985, p. 10.

⁽⁴⁾ OJ No L 333, 24. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 4, 1. 1. 1981, p. 1.

⁽⁶⁾ OJ No L 298, 26. 10. 1982, p. 8.

⁽⁷⁾ OJ No L 79, 21. 10. 1985, p. 1.

⁽⁸⁾ OJ No L 79, 21. 10. 1985, p. 7.

⁽⁹⁾ OJ No L 274, 15. 10. 1985, p. 1.

ding the documents which, from 1 January 1988, will replace the documents currently used for the purposes of internal Community transit; whereas those new documents will also replace those provided for in this Regulation,

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

1. This Regulation lays down the methods of administrative cooperation intended to ensure that goods fulfilling the requisite conditions shall benefit in trade between the Community as constituted on 31 December 1985, hereinafter referred to as 'the Community of Ten' on the one hand and Spain and Portugal on the other and in trade between those two new Member States, from the arrangement involving the abolition of customs duties and charges having equivalent effect and the abolition of quantitative restrictions and measures having equivalent effect provided for in the Act of Accession.

2. For the purposes of this Regulation, the Community of Ten shall be regarded as a single Member State.

Article 2

The arrangements referred to in Article 1 (1) shall apply under the conditions laid down by this Regulation to:

(a) goods produced in a Member State including those wholly or partly obtained from products in respect of which import formalities have been complied with in a Member State, and on which have been charged as appropriate:

- customs duties and charges having equivalent effect,
- compensatory amounts as prescribed in Articles 53 and 72 or in Articles 213 and 240 of the Act of Accession,
- levies and other import charges provided for under the common agricultural policy or under specific arrangements applicable to certain goods resulting from the processing of agricultural products

to which they were liable in that Member State, and which have not benefited from a total or partial drawback of such duties, charges, amounts, levies or other import charges;

(b) goods from third countries, in respect of which import formalities have been complied with in a Member State and on which have been charged as appropriate:

- customs duties and charges having equivalent effect,
- levies and other import charges provided for under the common agricultural policy or under specific

arrangements applicable to certain goods resulting from the processing of agricultural products,

to which they were liable in that Member State, and which have not benefited from a total or partial drawback of such duties, charges, levies or other import charges;

(c) goods obtained in a Member State, in the manufacture of which have been incorporated products on which have not been charged:

- customs duties and charges having equivalent effect,
- compensatory amounts as prescribed in Articles 53 and 72 or in Articles 213 and 240 of the Act of Accession,
- levies and other import charges provided for under the common agricultural policy or under specific arrangements applicable to certain goods resulting from the processing of agricultural products

to which they were liable in that Member State, or which have benefited from a total or partial drawback of such duties, charges, amounts, levies or other import charges, provided that any compensatory levy due by virtue of the provisions to be laid down by the Commission, pursuant to Articles 50 (3) and 210 (3) of the Act of Accession, has been charged.

Article 3

1. Goods to which the arrangements referred to in Article 1 (1) apply shall move under the internal Community transit procedure or, if that procedure is not used, under cover of a document establishing their Community status.

2. Subject to Article 20, goods referred to in paragraph 1 which move under the internal Community transit procedure shall be covered by:

- a T2 or T2 ES or T2 PT document, or
- an International Consignment Note or an International Express Parcels Consignment Note having equivalent effect to a T2 or T2 ES or T2 PT document, or
- a Community Transit Transfer Note having equivalent effect to a T2 or T2 ES or T2 PT document.

3. Subject to Article 20, goods referred to in paragraph 1 which do not move under the internal Community transit procedure shall be covered by:

- a T2L or T2L ES or T2L PT document, or
- a Community movement carnet validated in accordance with the provisions of Council Regulation (EEC) No 3/84⁽¹⁾, or
- a document T2M issued in accordance with the provisions of Commission Regulation (EEC) No 137/79⁽²⁾.

⁽¹⁾ OJ No L 2, 4. 1. 1984, p. 1.

⁽²⁾ OJ No L 20, 27. 1. 1979, p. 1.

TITLE II

PROVISIONS CONCERNING GOODS WHICH MOVE
UNDER THE INTERNAL COMMUNITY TRANSIT
PROCEDURE

Section I

Procedure laid down by Regulation (EEC) No
222/77, Title III.

Article 4

Goods shall, in order to move under the internal Community transit procedure, be covered by :

(a) a T2 declaration :

- when the goods are dispatched from the Community of Ten where they satisfy the conditions laid down in Article 2 (a) or (b),
- when the goods are dispatched from the Community of Ten into which they were originally brought from Spain or Portugal and when, where appropriate,
 - customs duties and charges having equivalent effect,
 - compensatory amounts as prescribed in Articles 53 and 72 or in Articles 213 and 240 of the Act of Accession

to which they were liable have been levied in the Community of Ten and the goods have not benefited from a total or partial drawback of such duties, charges or amounts ;

(b) a T2 ES declaration :

- goods dispatched from Spain
 1. where they satisfy the conditions laid down in Article 2 (a), (b) or (c),
 2. where they were originally brought in from another Member State when, where appropriate :
 - customs duties and charges having equivalent effect,
 - compensatory amounts as prescribed in Articles 53 and 72 of the Act of Accession

to which they were liable, have been levied in Spain and the goods have not benefited from a total or partial drawback of such duties, charges or amounts ;
- goods dispatched to Spain from the Community of Ten where they satisfied the conditions laid down in Article 2 (c).

However, goods falling within Chapters 25 to 99 of the Common Customs Tariff and originally brought into Spain under cover of a T2 PT document or a document having the same effect for the purposes of implementing the arrangements referred to in Article 1 (1), which do not acquire Spanish origin within the

meaning of Council Regulation (EEC) No 802/68 ⁽¹⁾, and of its implementing Regulations may be reconsigned from Spain only under cover of a T2 PT document or a document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1).

(c) a T2 PT declaration :

- goods dispatched from Portugal
 1. where they satisfy the conditions laid down in Article 2 (a), (b) or (c),
 2. where they were originally brought in from another Member State when, where appropriate :
 - customs duties and charges having equivalent effect,
 - compensatory amounts as prescribed in Articles 213 and 240 of the Act of Accession,
 - amounts applied in accordance with the compensatory mechanism referred to in Article 270 of the Act of Accession,

to which they were liable have been levied in Portugal and the goods have not benefited from a total or partial drawback of such duties, charges or amounts ;
- goods dispatched to Portugal from the Community of Ten where they satisfied the conditions laid down in Article 2 (c).

However, goods falling within Chapters 25 to 99 of the Common Customs Tariff and originally brought into Portugal under cover of a T2 ES document or a document having the same effect for the purposes of the provisions of Article 1 (1) which do not acquire Portuguese origin within the meaning of Council Regulation (EEC) No 802/68, and of its implementing Regulations may be reconsigned from Portugal only under cover of a T2 ES document or a document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1).

Article 5

The T2 ES or T2 PT document or the document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1) under cover of which the goods which satisfy the conditions laid down in Article 2 (c) move within the Community, shall bear, in the box provided for the description of the goods, one of the following endorsements :

- I.P. Goods,
- A.F. Varer,
- A.V. Waren,
- Εμπορεύματα Τ.Ε.,
- Mercancías P.A.,
- Marchandises P.A.,
- Merci P.A.,
- A.V. Goederen,
- Mercadorias A.A.,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 1.

followed by the name of the Member State of processing.

Article 6

1. The competent customs authorities shall issue a new T2 document, or a new document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1), for goods which enter Spain or Portugal under cover of a T2 document or a document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1) and which after being placed in Spain or Portugal in temporary storage or in a free zone, in a customs warehouse or under the arrangements for inward processing or processing under customs control, are reconsigned in the unaltered state to another Member State.

2. The competent customs authorities shall issue a new T2 ES document, or a new document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1), for goods which enter a Member State other than Spain under cover of a T2 ES document or a document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1) and which, after being placed in the Member State of reconsignment in temporary storage, in a free zone, in a customs warehouse or under the arrangements for inward processing or processing under customs control, are reconsigned in the unaltered state to another Member State.

3. The competent customs authorities shall issue a new T2 PT document, or a new document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1), for goods which enter a Member State other than Portugal under cover of a T2 PT document or a document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1) and which, after being placed in the Member State of reconsignment in temporary storage, in a free zone, in a customs warehouse or under the arrangements for inward processing or processing under customs control, are reconsigned in the unaltered state to another Member State.

4. The new documents referred to in paragraphs 1, 2 and 3 shall refer to the documents produced on entry of the goods into the Member State of reconsignment and shall contain any special endorsements shown on those documents.

Article 7

1. A T2 ES or T2 PT declaration is a declaration made :

- on a form corresponding, except as regards the content of the spaces reserved for national use and of boxes wholly or partly delineated by dotted lines, to the specimen shown in Annex I or Annex III to Regulation (EEC) No 223/77, accompanied, where appropriate, by one or more sheets corresponding to

the specimens shown in Annex II or Annex IV to the said Regulation, or

- on a form corresponding to the specimen shown in Annex I to Regulation (EEC) No 2826/77.

2. The principal shall indicate whether the internal Community transit declaration is made on a form T2 ES or T2 PT, accompanied, where appropriate, by one or more T2 ES bis or T2 PT bis sheets, by inserting either in typescript or legibly and indelibly handwritten, in the space following the T symbol on these forms, the symbols '2-TWO ES' or '2-TWO PT', as appropriate.

Article 8

Save as otherwise provided in this Regulation, the provisions relating to the internal Community transit procedure laid down in Regulation (EEC) No 222/77 and in the provisions adopted for its implementation shall apply to goods moving under cover of a T2 ES or T2 PT document.

Section II

Simplified procedure applicable to goods carried by rail

Article 9

For the purpose of implementing the provisions of Title IV, Section I of Regulation (EEC) No 223/77 :

1. — The International Consignment Note or International Express Parcels Consignment Note drawn up in respect of goods accepted for carriage by one of the railway authorities of the Member States of the Community of Ten, or
 - the Community Transit Transfer Note drawn up for goods accepted for carriage by one of the national representatives of the transport undertaking in the Community of Ten,

shall be treated as equivalent to a T2 declaration or document as appropriate provided it does not bear the symbol T1 in accordance with Article 42 (2) or 50i (2) and (3) of the aforesaid Regulation, or the symbol T2 ES or T2 PT in accordance with Article 10 (2) or (3).

2. — The International Consignment Note or International Express Parcels Consignment Note drawn up in respect of goods accepted for carriage by the Spanish railway authorities, or
 - the Community Transit Transfer Note drawn up for goods accepted for carriage by the Spanish national representative of the transport undertaking

shall be treated as equivalent to a T2 ES declaration or document as appropriate provided it does not bear the symbol T1 in accordance with Article 42 (2) or 50i (2) and (3) of the aforesaid Regulation, or the symbol T2 in accordance with Article 10 (1) or the symbol T2 PT in accordance with Article 10 (3).

3. — The International Consignment Note or International Express Parcels Consignment Note drawn up in respect of goods accepted for carriage by the Portuguese railway authorities, or

— the Community Transit Transfer Note drawn up for goods accepted for carriage by the Portuguese national representative of the transport undertaking

shall be treated as equivalent to a T2 PT declaration or document as appropriate provided it does not bear the symbol T1 in accordance with Article 42 (2) or 50i (2) and (3) of the aforesaid Regulation, or the symbol T2 in accordance with Article 10 (1) or the symbol T2 ES in accordance with Article 10 (2).

Article 10

1. When goods covered by one of the transport documents having equivalent effect to a T2 document pursuant to Article 6 (1) are accepted for carriage by the Spanish or Portuguese railway authorities or the Spanish or Portuguese national representative of the transport undertaking, the office of departure shall add the symbol 'T2', clearly and visibly, in box 25 of the International Consignment Note or the International Express Parcels Consignment Note or in the box of the Community Transit Transfer Note reserved for the customs authorities.

The symbol T2 shall be authenticated by the stamp of the office of departure.

2. When goods covered by one of the transport documents having equivalent effect to a T2 ES document pursuant to Article 4 (b) second indent or 6 (2) are accepted for carriage by the railway authorities of the Member States of the Community of Ten or of Portugal, or by one of the national representatives of the transport undertaking in the Community of Ten or in Portugal, the office of departure shall add the symbol 'T2 ES', clearly and visibly, in box 25 of the International Consignment Note or the International Express Parcels Consignment Note or in the box of the Community Transit Transfer Note reserved for the customs authorities.

The symbol T2 ES shall be authenticated by the stamp of the office of departure.

3. When goods covered by one of the transport documents having equivalent effect to a T2 PT document pursuant to Article 4 (c) second indent or 6 (3) are accepted for carriage by the railway authorities of the Member States of the Community of Ten or of Spain, or by one of the national representatives of the transport undertaking in the Community of Ten or in Spain, the office of departure shall add the symbol 'T2 PT', clearly and visibly, in box 25 of the International Consignment Note or the International Express Transfer Note reserved for the customs authorities.

The symbol T2 PT shall be authenticated by the stamp of the office of departure.

TITLE III

PROVISIONS CONCERNING GOODS THAT DO NOT MOVE UNDER THE COMMUNITY TRANSIT PROCEDURE

Article 11

1. Subject to paragraph 3, where the goods referred to in Articles 4 (a) and 6 (1) do not move under the Community transit procedure, the document used to establish the Community status of the said goods shall be drawn up on a T2L form corresponding to the specimen shown in Annex XI to Regulation (EEC) No 223/77.

2. Subject to paragraph 3

— where the goods referred to in Articles 4 (b) first subparagraph or c) second subparagraph or 6 (2) do not move under the Community transit procedure, the document used to establish the Community status of the said goods shall be drawn up on a T2L ES form,

— where the goods referred to in Articles 4 (b) second subparagraph or (c) first subparagraph or 6 (3) do not move under the Community transit procedure, the document used to establish the Community status of the said goods shall be drawn up on a T2L PT form.

3. Goods moving under cover of a Community movement carnet validated by an office of departure situated in the Community of Ten shall be deemed to be goods falling within the category referred to in Article 4 (a).

Goods moving under cover of a Community movement carnet validated by an office of departure situated in Spain shall be deemed to be goods falling within the category referred to in Article 4 (b) first indent.

Goods moving under cover of a Community movement carnet validated by an office of departure situated in Portugal shall be deemed to be goods falling within the category referred to in Article 4 (c) first indent.

Article 12

1. The forms on which the internal Community transit documents T2L ES and T2L PT are drawn up shall be the forms specified in Article 11 (1), the symbol 'ES' or 'PT' being added to the 'T2L' symbol as appropriate, either in typescript or legibly and indelibly handwritten, when the document is made out. The symbol 'ES' or 'PT' may also be pre-printed on such forms.

2. Articles 2 (2), (5) (a), (6) first two subparagraphs, (9) and (10) and Title V of Regulation (EEC) No 223/77 shall apply to the T2L ES and T2L PT documents.

Article 13

If, in accordance with the provisions of Regulation (EEC) No 137/79, a T2M document is used, the catches concerned shall be deemed to satisfy the conditions laid down in Article 9 (2) of the EEC Treaty in the Member State in which the customs office that issued the booklet of T2M forms used is located.

Article 14

Where, in accordance with the provisions of Commission Regulation (EEC) No 2695/77 of 7 December 1977 determining the conditions under which goods for certain categories of aircraft and ships are eligible upon importation for a favourable tariff arrangement ⁽¹⁾, an air waybill or equivalent document is used, the goods in question shall be deemed to be:

- goods falling within the category referred to in Article 4 (a) where the airport of departure belongs to a Member State of the Community of Ten,
- goods falling within the category referred to in Article 4 (b) first indent where the airport of departure belongs to Spain except airports situated in the Canary Islands or at Melila,
- goods falling within the category referred to in Article 4 (c) first indent where the airport of departure belongs to Portugal.

Article 15

1. Postal consignments (including postal parcels) shall be deemed to fall within:

- (a) the category of goods referred to in Article 4 (a) when the consignments are dispatched from a post office located in the Community of Ten;
- (b) the category of goods referred to in Article 4 (b) first indent when the consignments are dispatched from a post office located in Spain, except post offices located in the Canary Islands or in Ceuta and Melila;
- (c) the category of goods referred to Article 4 (c) first indent when the consignments are dispatched from a post office located in Portugal,

provided that no yellow label of the type shown in Annex XII to Regulation (EEC) No 223/77 is affixed to the packages or the accompanying documents.

2. The competent authorities of the Member State of dispatch must affix the yellow label referred to in paragraph 1, or ensure that it is affixed, to the packages and accompanying documents when:

- (a) the goods are dispatched from a post office located in a Member State and, had they been placed under the Community transit procedure, could not have been covered by a T2, T2 ES or T2 PT declaration;

- (b) the goods are dispatched from a post office located in the Community of Ten or in Portugal and, had they been placed under the internal Community transit procedure, would have had to be covered by a T2 ES declaration in accordance with the provisions of

- Article 4 (b) first subparagraph, second indent, or (c) second subparagraph, or
- Article 6 (2);

- (c) the goods are dispatched from a post office located in the Community of Ten or in Spain and, had they been placed under the internal Community transit procedure, would have had to be covered by a T2 PT declaration in accordance with the provisions of

- Article 4 (b) second subparagraph or (c) first subparagraph, second indent, or
- Article 6 (3).

The goods concerned may benefit from the arrangements referred to in Article 1 (1) only if:

- in the case referred to in (b), a T2L ES document is produced,
- or
- in the case referred to in (c), a T2L PT document is produced.

Article 16

Goods accompanying travellers or contained in their luggage may benefit from the arrangements referred to in Article 1 (1) provided that they are not intended for commercial use:

- (a) if they are declared as goods fulfilling the necessary conditions so to benefit and there is no doubt as to the accuracy of that declaration;
- (b) in other cases, if a T2L, T2L ES or T2L PT document, as appropriate, is produced.

TITLE IV

PROVISIONS CONCERNING TRADE BETWEEN SPAIN AND PORTUGAL

Article 17

1. Goods falling under Chapters 25 to 99 of the Common Customs Tariff, except those falling under Council Regulations (EEC) No 2783/75 ⁽²⁾, (EEC) No 3033/80 ⁽³⁾ and (EEC) No 3035/80 ⁽⁴⁾ and moving under the internal Community transit procedure under cover of

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽⁴⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽¹⁾ OJ No L 314, 8. 12. 1977, p. 14.

a T2 ES or T2 PT document or, where that procedure is not applied, under cover of a document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1) shall not benefit from the arrangements provided for in Article 1 (2) of Protocol No 3 to the Act of Accession unless,

- on entry to Spain the T2 PT document or the document having equivalent effect bears the endorsement 'origin Portugal',
- on entry into Portugal the T2 ES document or the document having equivalent effect bears the endorsement 'origin Spain'.

This endorsement shall follow the description of the goods in the box provided for that purpose and shall be authenticated by the customs office of departure. The originating status of these goods shall be defined by provisions adopted or to be adopted by the Council in accordance with Article 1 (3) of Protocol No 3 to the Act of Accession.

2. Goods moving under cover of one of the documents referred to in Title II, Section II and having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1) as a T2 ES or T2 PT document shall benefit from the provisions laid down in Article 1 (2) of Protocol No 3 to the Act of Accession only on presentation of a T2L ES or T2L PT document bearing the endorsement relating to origin as provided for in paragraph 1, authenticated by the customs authorities. In this case the provisions of Article 42 (4) or 50i (5) of Regulation (EEC) No 223/77 shall not apply.

TITLE V

FINAL PROVISIONS

Article 18

Without prejudice to any special provisions provided for under the common agricultural policy or specific arrangements applicable to certain goods resulting from the processing of agricultural products:

1. Goods in respect of which an AE1 movement certificate or AE2 form has been issued in accordance with the agreements concluded between Spain and the Community and which on 1 March 1986 are either in transit or have been placed in the Community in temporary storage, in a free zone, in a customs warehouse or under the arrangements for processing under customs control before the final date for presentation of the said certificate or form shall benefit from the arrangements referred to in Article 1 (1) without the necessity to produce a T2L or T2L ES document issued retrospectively.
2. Goods in respect of which an EUR 1 movement certificate or EUR 2 form has been issued in accordance with the agreements concluded between Portugal and the Community and which on 1 March 1986 are either

in transit or have been placed in temporary storage, in a free zone, in a customs warehouse or under the arrangements for processing under customs control before the final date for presentation of the said certificate or form, shall benefit from the arrangements referred to in Article 1 (1) without the necessity to produce a T2L or T2L PT document issued retrospectively

3. Goods traded between Spain and Portugal in respect of which an EUR 1 movement certificate or EUR 2 form endorsed with the expression 'EFTA-SPAIN-TRADE' has been issued in accordance with the agreements governing trade between those two countries and which on 1 March 1986 are either in transit or have been placed in the country of destination in temporary storage, in a free zone, in a customs warehouse or under the arrangements for processing under customs control before the final date for presentation of the said certificate or form, shall benefit from the arrangements referred to in Article 1 (1) without the necessity to produce a T2L ES or T2L PT document issued retrospectively.
4. Where the goods referred to in paragraphs 1, 2 and 3 are reconsigned after having been placed in temporary storage, in a free zone, in a customs warehouse or under the arrangements for processing under customs control, they shall move under cover, as appropriate, of a T2, T2 ES or T2 PT document or of a document having equivalent effect for the purposes of implementing the arrangements referred to in Article 1 (1). However, these goods shall no longer benefit from those arrangements after 31 December 1986.

Article 19

Without prejudice to any special provisions that may be laid down in the framework of the common agricultural policy or specific arrangements applicable to certain goods resulting from the processing of agricultural products,

1. Goods traded between Spain and the Community of Ten in respect of which an AE1 movement certificate or AE2 form has not been issued and which on 1 March 1986 are either in transit or have been placed in the Community in temporary storage, in a free zone, in a customs warehouse or under the arrangements for processing under customs control may be covered by:
 - (a) a T2L document issued retrospectively if the goods were exported to Spain from the Community of Ten, where they satisfied the necessary conditions for the issue of the document.

However, a T2L document may not be issued retrospectively for agricultural products covered by a common organization of the market or for certain goods resulting from the processing of agricultural products, in respect of which formalities have been completed before 1 March 1986 with a view to the grant of refunds on export to Spain within the framework of the common agricultural policy;

- (b) a T2L ES document issued retrospectively if the goods were exported to the Community of Ten from Spain, where they satisfied the necessary conditions for the issue of the document.
2. Goods traded between Portugal and the Community of Ten in respect of which an EUR 1 movement certificate or EUR 2 form has not been issued and which on 1 March 1986 are either in transit or have been placed in the Community in temporary storage, in a free zone, in a customs warehouse or under the arrangements for processing under customs control may be covered by:
- (a) a T2L document issued retrospectively if the goods were exported to Portugal from the Community of Ten, where they satisfied the necessary conditions for the issue of the document.
- However, a T2L document may not be issued retrospectively for agricultural products covered by a common organization of the market or for certain goods resulting from the processing of agricultural products, in respect of which formalities have been completed before 1 March 1986 with a view to the grant of refunds on export to Portugal within the framework of the common agricultural policy;
- (b) a T2L PT document issued retrospectively if the goods were exported to the Community of Ten from Portugal, where they satisfied the necessary conditions for the issue of the document.
3. Goods traded between Spain and Portugal in respect of which an EUR 1 movement certificate or EUR 2 form endorsed with the expression 'EFTA-SPAIN-TRADE' has not been issued and which on 1 March 1986 are either in transit or have been placed in the Member State of destination in temporary storage, in a free

zone, in a customs warehouse or under the arrangements for processing under customs control may be covered by:

- (a) a T2L ES document issued retrospectively and bearing, where appropriate, the endorsement relating to origin referred to in Article 17 if the goods were exported to Portugal from Spain, where they satisfied the necessary conditions for the issue of the document;
- (b) a T2L PT document issued retrospectively and bearing, where appropriate, the endorsement relating to origin referred to in Article 17 if the goods were exported to Spain from Portugal, where they satisfied the necessary conditions for the issue of the document.

Article 20

For the purposes of implementing this Regulation, goods moving under cover of a T2 GR document or a document having equivalent effect pursuant to the provisions of Regulation (EEC) No 49/81 shall be assimilated to goods moving under cover of a T2 document or a document having equivalent effect for the purposes of implementation the arrangements referred to in Article 1 (1).

Article 21

With effect from 1 January 1988 the provisions of this Regulation regarding forms shall be adopted where necessary, in accordance with the provisions of Regulations (EEC) No 678/85, (EEC) No 679/85 and (EEC) No 2855/85.

Article 22

This Regulation shall enter into force on 1 March 1986.

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

Done at Brussels, 20 February 1986.

For the Commission
COCKFIELD
Vice-President

COMMISSION REGULATION (EEC) No 410/86

of 24 February 1986

on transitional measures to be adopted on account of the accession of Spain and Portugal, in respect of trade in agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 90 (1) and 257 (1) thereof,

Whereas Commission Regulation (EEC) No 409/86 of 20 February 1986 on methods of administrative cooperation to safeguard, during the transitional period, the free movement of goods in trade between the Community as constituted on 31 December 1985, on the one hand, and Spain and Portugal on the other hand, and in trade between these two new Member States⁽¹⁾, provides, in particular, for transitional measures for goods exported before 1 March 1986 from Spain or from Portugal to the other Member States, or from the other Member States to Spain or to Portugal; whereas these measures raise problems for agricultural products which have attracted export refunds;

Whereas, in the interest of simplification, a system should be applied the basis of which is that operations begun before 1 March 1986 should remain subject either to the provisions operative before that date for trade carried out under the agreements between the Community and Spain and the Community and the EFTA countries, or to the provisions operative for trade between the Community and third countries; whereas, for beef and veal, pigmeat, poultrymeat and eggs, market management considerations require that all products exported from Spain or imported into Spain from the Community as constituted on 31 December 1985 should be subject to the same system of charges;

Whereas, having due regard, in particular, to the import charges in Spain and Portugal before 1 March 1986, speculative movements of certain products may have started; whereas measures should be taken to prevent such products from qualifying for export refunds twice over;

Whereas any refunds on exports to Portugal of products subject to transition by stages shall not exceed the difference between the prices recorded in the Community as constituted on 31 December 1985 and those recorded in Portugal plus any customs duty; whereas advance-fixing certificates applied for before 1 March 1986 shall

no longer apply to exports to Portugal made after that date;

Whereas this Regulation is without prejudice to any special transitional measures adopted in respect of certain products;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of this Regulation, the Community as constituted on 31 December 1985 is hereafter called 'Community of Ten'.

2. This Regulation establishes transitional measures applicable to agricultural products exported before 1 March 1986:

- from Spain or from Portugal to the Community of Ten,
- from the Community of Ten to Spain or to Portugal,
- from Spain to Portugal,
- from Portugal to Spain.

3. Articles 2 to 7 shall not apply to the products referred to in Articles 131 and 259 of the Act of Accession.

Article 2

Agricultural products for which the declaration of export or of placing under one of the procedures referred to in Articles 4 and 5 of Council Regulation (EEC) No 565/80⁽¹⁾ has been accepted in the Community of Ten by 28 February 1986 and which are imported into Spain or Portugal after this date shall be subject:

- (a) in the Community of Ten, to the provisions applicable until 28 February 1986 for the systems of export refunds and monetary compensatory amounts and, where appropriate, export licences and advance fixing certificates, including those on the use in this connection of the T5 control copy referred to in Article 10 of Commission Regulation (EEC) No 223/77⁽²⁾;

⁽¹⁾ See page 5 of this Official Journal.

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽²⁾ OJ No L 38, 9. 2. 1977, p. 20.

(b) in Spain or Portugal, notwithstanding the provisions of Regulation (EEC) No 409/86 :

- to the arrangements applicable to trade between the Community of Ten and Spain on 28 February 1986 if the products in question are accompanied by a movement certificate AE 1 or AE 2,
- to the arrangements applicable to trade between the Community of Ten and Portugal on 28 February 1986 if the products in question are accompanied by a movement certificate EUR 1 or EUR 2,
- to the arrangements applicable to trade with third countries in all other cases.

Article 3

Agricultural products for which the declaration of export has been accepted in Spain or Portugal by 28 February 1986 and which are imported into the Community of Ten after that date shall be subject in the Community of Ten, notwithstanding the provisions of Regulation (EEC) No 409/86 :

- to the arrangements applicable to trade between the Community of Ten and Spain on 28 February 1986 if the products in question are accompanied by a movement certificate AE 1 or AE 2,
- to the arrangements applicable to trade between the Community of Ten and Portugal on 28 February 1986 if the products in question are accompanied by a movement certificate EUR 1 or EUR 2,
- to the arrangements applicable to trade with third countries in all other cases.

Article 4

Agricultural products for which the declaration of export has been accepted in Spain or Portugal by 28 February 1986 and which are imported into Portugal or Spain after that date shall be subject :

- to the arrangements applicable to trade between Spain and Portugal on 28 February 1986 if the products in question are accompanied by a movement certificate EUR 1 or EUR 2 marked 'EFTA-SPAIN TRADE' in accordance with the agreements on trade between the two said countries,
- to the arrangements applicable to trade with third countries in all other cases.

Article 5

Notwithstanding Articles 2 and 3, products within the beef and veal, pigmeat, poultrymeat and egg sectors :

- for which the declaration of export or of placing under one of the procedures referred to in Articles 4

and 5 of Regulation (EEC) No 565/80 has been accepted in the Community of Ten by 28 February 1986 and which are imported into Spain after that date shall be subject in Spain to the arrangements applicable to trade with third countries,

- for which the declaration of export has been accepted in Spain by 28 February 1986 and which are imported into the Community of Ten after that date shall be subject in the Community of Ten to the arrangements applicable to trade with third countries.

Article 6

1. Products referred to in Articles 2, 3 and 5 which, on and after 1 March 1986, are imported into Spain or the Community of Ten and which are accompanied by a movement certificate AE 1 or AE 2, or by a T 2 L or T 2 LES document issued subsequently, shall not be subject to presentation of an import licence.

Where appropriate, the relevant products shall be subject to the presentation of an STM licence.

2. Products referred to in Articles 2, 3 and 5 which, on and after 1 March 1986, are imported into either Portugal or the Community of Ten and which are accompanied by a movement certificate EUR 1 or EUR 2 or by a T 2 L or T 2 LPT document issued subsequently, shall not be subject to presentation of an import licence.

Where appropriate, the relevant products shall be subject to the presentation of an STM licence.

Article 7

1. The products referred to in Annex I for which the declaration of export from Spain to third countries has been accepted during the period from 1 March to 31 August 1986 may qualify for an export refund only if they are of Spanish origin.

2. Products listed in Annex II for which the customs export formalities for export from Portugal to a non-member country are completed between 1 March and 31 August 1986 may qualify for an export refund only if they are of Portuguese origin.

3. Products listed in Annexes I and II which are not of Spanish or Portuguese origin cannot, during the period referred to in paragraphs 1 and 2, be placed in Spain or Portugal under one of the arrangements provided for in Articles 4 and 5 of Regulation (EEC) No 565/80.

Article 8

1. For products subject to the system of transition by stages, certificates fixing refunds in advance applied for before 1 March 1986 may no longer be used for products for which the declaration of export from the Community

of Ten to Portugal has been accepted after 28 February 1986.

2. If the holder of a certificate as referred to in paragraph 1 shows to the satisfaction of the competent authorities that it was intended to be used, in whole or in part, for the purposes of exportation to Portugal, the guarantee corresponding to the unused quantities shall be released

on application by the interested parties lodged with the relevant agency not later than 31 March 1986.

Article 9

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, 24 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Sector	CCT heading No	Remarks
Milk and milk products	04.01 04.02 04.03 04.04 ex 23.07 B	Products as specified in Article 1 of Regulation (EEC) No 804/68
Pigmeat	01.03 A II 02.01 A III a) 02.06 B 16.01 16.02 A II 16.02 B III a)	
Beef and veal	01.02 A 02.01 A II 16.02 B III b) 1	
Eggs and poultry	01.05 02.02 04.05 A I 04.05 B I	
Oils and fats	15.07 A 12.01 B	
Fishery products	03.01 B	
Cereals and Rice	10.01 A 10.02 10.03 10.06 B 11.01 11.02 11.07 11.08 A 11.09 17.02 B 21.07 F II 23.02 A 23.03 A I ex 23.07 B	Products as specified in Annex A to Regulation (EEC) No 2727/75
Tobacco	24.01	
Products processed from fruit and vegetables	ex 08.11 E	Cherries tailed, stoned and preserved in a liquid sulphurous solution
	ex 20.04	Cherries, preserved in sugar (drained, glacé or crystallized)
	ex 20.06 A	Hazelnuts (fruit of <i>Corylus avellana</i>), not including mixtures
	ex 20.07	Pure orange juice without addition of other substances

ANNEX II

Sector	CCT heading No	Remarks
Oils and fats	15.07 A 12.01 B	
Fishery products	03.01 B	
Tobacco	24.01	
Products processed from fruit and vegetables	ex 08.11 E	Cherries tailed, stoned and preserved in a liquid sulphurous solution
	ex 20.04	Cherries, preserved in sugar (drained, glacé or crystallized)
	ex 20.06 A	Hazelnuts (fruit of <i>Corylus avellana</i>), not including mixtures
	ex 20.07	Pure orange juice without addition of other substances

COMMISSION REGULATION (EEC) No 411/86**of 24 February 1986****concerning the use of old licence forms for import and export licences and
advance-fixing certificates for agricultural products**

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 3793/85 ⁽²⁾, and in particular Articles 12 (2), 15 (5),
16 (6) and 24 thereof and the corresponding provisions of
the other Regulations on the common organization of
markets in agricultural products,

Whereas the forms in Annex 1 to Commission Regula-
tion (EEC) No 3183/80 ⁽³⁾, have been amended by Regula-
tion (EEC) No 3826/85 ⁽⁴⁾ in order to take into account
the accession of Spain and Portugal; whereas Member
States have large stocks of the earlier version of the
forms; whereas the said version of the forms are still
quite usable; whereas the use of these versions should be
subject to a time limit;

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

HAS ADOPTED THIS REGULATION:

Article 1

Licences, certificates and extracts therefrom made out on
forms corresponding to the specimens given in Annex 1
of Regulation (EEC) No 3183/80 in the version applicable
on 31 December 1985 may be issued until 31 December
1987.

Article 2

This Regulation shall enter into force on 1 March 1986.

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

Done at Brussels, 24 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁴⁾ OJ No L 371, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 412/86
of 24 February 1986
amending Regulation (EEC) No 91/86 on the sale at prices fixed at a standard
rate in advance of certain beef from intervention stocks for processing in the
Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 7 (3) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 91/86⁽³⁾, certain quantities of beef were released from intervention and were put up for sale for processing; whereas further possible outlets for meat held by certain intervention agencies should be taken into account;

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

Article 1

Regulation (EEC) No 91/86 is hereby amended as follows :

1. After the sixth indent of Article 1 (1) an additional indent shall be added :
‘— 500 tonnes of bone-in beef held by the French intervention agency and bought in before 1 December 1984’.
2. Annex I and Annex II are hereby replaced by Annex I and Annex II of this Regulation.

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, 24 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 14, 18. 1. 1986, p. 12.

BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANEXO I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I

Medlemsstat Mitgliedstaat Κράτος μέλος Member State Estado miembro État membre Stato membro Lid-Staat Estado-membro	Produkte Erzeugnisse Προϊόντα Products Productos Produits Prodotti Produkten Produtos	Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Cantidades (toneladas) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (tonelada)	Salgspris (ECU/100 kg) (¹) Verkaufspreise (ECU/100 kg) (¹) Τιμές πώλησας (ECU/100 kg) (¹) Selling prices (ECU/100 kg) (¹) Precio de venta (ECUS/100 kg) (¹) Prix de vente (Écus/100 kg) (¹) Prezzi di vendita (ECU/100 kg) (¹) Verkoopprijzen (Ecu/100 kg) (¹) Preço de venda (ECUs/100 kg) (¹)
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a) Ikke-udbenet kød — Fleisch mit Knochen — Κρέας μη αποστεωμένο — Unboned beef — Carne sin deshuesar — Viande avec os — Carni con osso — Vlees met been — Carne com osso

			A	B
Belgique/België	— Quartiers avant, découpe droite à 8 côtes, provenant des :			
	— Voorvoeten, recht afgesneden op 8 ribben, afkomstig van :			
	Catégorie A, classes R, O / Categoria A classe R, O	130	125,00	135,00
	Catégorie C, classe R / Categoria A classe R	40	125,00	135,00
Bundesrepublik Deutschland	— Vorderviertel, auf 5 Rippen geschnitten, mit Dünung am Vorderviertel eingeschlossen, stammend von :			
	Kategorie A, Klassen U, R	2 171	130,00	140,00
France	— Quartiers avant, découpe à 5 côtes, le caparaçon faisant partie du quartier avant, provenant des :			
	Catégorie C, classes U, R, O	500	135,00	145,00
Irlande	— Forequarters, straight cut at 10th rib from :			
	Steers 1 and 2	2 000	125,00	135,00
Italia	— Quarti anteriori, taglio a 5 costole, il pancettone fa parte del quarto anteriore, provenienti da :			
	Categoria A, classe U, R, O	2 125	117,00	127,00
	— Quarti anteriori, taglio a 8 costole, il pancettone fa parte del quarto anteriore, provenienti da :			
	Categoria A, classe U, R, O	375	122,00	132,00
Nederland	— Voorvoeten, recht afgesneden op 8 ribben, afkomstig van :			
	Stieren, 1e kwaliteit / Categoria A, classe R	1 296	135,00	145,00
	— Voorvoeten, afgesneden op 5 ribben, waarbij de flank, de platte ribben en de naborst aan de voorvoet vastzitten, afkomstig van :			
	Stieren 1e kwaliteit / Categoria A, classe R	1 065	130,00	140,00
United Kingdom Northern Ireland	— Forequarters straight cut at 10th rib, from :			
	Category C, class U, R, O	500	125,00	135,00

b) Udbenet kød (²) — Fleisch ohne Knochen (²) — Αποστεωμένο κρέας (²) — Boned beef (²) — Carne deshuesada (²) — Viande désossée (²) — Carni senza osso (²) — Vlees zonder been (²) — Carne desossada (²)

Bundesrepublik Deutschland	— Dünung, stammend von :			
	Bullen A	1 087	155,00	165,00
	— Dünung, stammend von :			
	Ochsen A	1 017	155,00	165,00
Danmark	— Ungtyre, 1. kvalitet, Kategori A, klasse R, O :			
	Bryst og slag	400	170,00	180,00
	Øvrigt kød, forfjerdinger	600	230,00	240,00
Ireland	— From steers 1 and 2 / Category C, class U, R, O :			
	Forequarters (excluding cube rolls)	350	230,00	240,00
	Plates and flanks	200	170,00	180,00
	Flanks	150	170,00	180,00
	Shins	100	205,00	215,00
	Shanks	30	205,00	215,00
	Plate	100	170,00	180,00
	Briskets	50	220,00	230,00
	Shins and shanks	20	205,00	215,00
United Kingdom	— From steers / Category C, class U, R, O :			
	Briskets	250	200,00	210,00
	Thin flanks	300	170,00	180,00
	Pony parts	50	200,00	210,00
	Ponies	650	225,00	235,00
	Clod and sticking	300	220,00	230,00
	Flanks (plates)	200	170,00	180,00

- (1) I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.
- (2) Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.
- (3) Σε περίπτωση που η αποθεματοποίηση των προϊόντων αυτών πραγματοποιείται εκτός του κράτους μέλους στο οποίο υπάρχει ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.
- (4) In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.
- (5) En caso de que los productos estén almacenados fuera del Estado miembro al que pertenezca el organismo de intervención, estos precios se ajustarán de acuerdo con lo dispuesto en el Reglamento (CEE) n° 1805/77.
- (6) Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.
- (7) Qualora i prodotti siano immagazzinati fuori dello stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.
- (8) Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.
- (9) No caso de os produtos estarem armazenados fora do Estado-membro de que depende o organismo de intervenção detentor, estes preços serão ajustados conforme o disposto no Regulamento (CEE) n° 1805/77.
- (2) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.
- (3) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.
- (4) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.
- (5) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.
- (6) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.
- (7) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.
- (8) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.
- (9) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.
- (2) Estes preços aplicam-se a peso líquido conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.
- A. Finder anvendelse på kød bestemt til konserverfremstilling i henhold til artikel 1, stk. 1, litra a), i forordning (EØF) nr. 2182/77.
- A. Anwendbar für zur Herstellung von Konserven gemäß Artikel 1 Absatz 1 Buchstabe a) der Verordnung (EWG) Nr. 2182/77 bestimmtes Fleisch.
- A. Εφαρμόζεται στα κρέατα που προορίζονται για την παρασκευή κονσερβών όπως καθορίζονται στο άρθρο 1 παράγραφος 1 στοιχείο α) του κανονισμού (ΕΟΚ) αριθ. 2182/77.
- A. Applicable to meat intended for the manufacture of preserves as specified in Article 1 (1) (a) of Regulation (EEC) No 2182/77.
- A. Aplicables a las carnes destinadas a la elaboración de las conservas contempladas en la letra a) del apartado 1 del artículo 1 del Reglamento (CEE) n° 2182/77.
- A. Applicables aux viandes destinées à la fabrication des conserves visées à l'article 1^{er} paragraphe 1 point a) du règlement (CEE) n° 2182/77.
- A. Applicabili alle carni destinate alla fabbricazione delle conserve di cui all'articolo 1, paragrafo 1, lettera a), del regolamento (CEE) n. 2182/77.
- A. Van toepassing op vlees dat is bestemd voor de vervaardiging van de in artikel 1, lid 1, sub a), van Verordening (EEG) nr. 2182/77 bedoelde conserven.
- A. Aplicáveis à carne destinada ao fabrico de conservas referidas no n° 1, alínea a) do artigo 1º do Regulamento (CEE) n° 2182/77.
- B. Finder anvendelse på kød bestemt til fremstilling af produkter i henhold til artikel 1, stk. 1, litra b), i forordning (EØF) nr. 2182/77.
- B. Anwendbar für zur Herstellung von Erzeugnissen gemäß Artikel 1 Absatz 1 Buchstabe b) der Verordnung (EWG) Nr. 2182/77 bestimmtes Fleisch.
- B. Εφαρμόζεται στα κρέατα που προορίζονται για την παρασκευή προϊόντων όπως καθορίζονται στο άρθρο 1 παράγραφος 1 στοιχείο β) του κανονισμού (ΕΟΚ) αριθ. 2182/77.
- B. Applicable to meat intended for the manufacture of products as specified in Article 1 (1) (b) of Regulation (EEC) No 2182/77.
- B. Aplicables a las carnes destinadas a la elaboración de los productos contemplados en la letra b) del apartado 1 del artículo 1 del Reglamento (CEE) n° 2182/77.
- B. Applicables aux viandes destinées à la fabrication des produits visés à l'article 1^{er} paragraphe 1 point b) du règlement (CEE) n° 2182/77.
- B. Applicabili alle carni destinate alla fabbricazione dei prodotti di cui all'articolo 1, paragrafo 1, lettera b), del regolamento (CEE) n. 2182/77.
- B. Van toepassing op vlees dat is bestemd voor de vervaardiging van de in artikel 1, lid 1, sub b), van Verordening (EEG) nr. 2182/77 bedoelde produkten.
- B. Aplicáveis à carne destinada ao fabrico dos produtos referidos no n° 1, alínea b) do artigo 1º do Regulamento (CEE) n° 2182/77.

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

Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Direcciones de los organismos de intervención — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Direcções dos organismos de intervenção

- BELGIQUE/BELGIË:** Office belge de l'économie et Belgische Dienst voor Bedrijfs-
de l'agriculture leven en Landbouw
rue de Trèves 82 Trierstraat 82
1040 Bruxelles 1040 Brussel
Tél. 02/230 17 40, télex 240 76 OBEA BRU B
- BUNDESREPUBLIK
DEUTSCHLAND:** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (06 9) 1 56 40 App. 772/702, Telex: 04 11 56
- DANMARK:** Direktoratet for markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
Tel. (01) 92 70 00, telex 151 37 DK
- FRANCE:** OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 538 84 00, télex 26 06 43
- IRELAND:** Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- ITALIA:** Azienda di stato per gli interventi nel mercato agricolo (AIMA)
Roma, via Palestro 81
Tel. 49 57 283 — 49 59 261
Telex 613003
- NEDERLAND:** Voedselvoorzienings In- en Verkoopbureau
Ministerie van Landbouw en Visserij
Postbus 960
6430 AZ Hoensbroek
Tel. (045) 22 20 20
Telex: 56 396
- UNITED KINGDOM:** Intervention Board for Agricultural Produce
Fountain House
2, Queens Walk
Reading RG1 7QW
Berks.
Tel. (0734) 58 36 26
Telex 848 302
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 February 1986

accepting undertakings given in connection with the anti-dumping proceeding concerning imports of fibre building board from Finland and Sweden and terminating the investigation

(86/35/EEC)

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 10 thereof,

After consultations within the Advisory Committee as provided for by the above Regulation,

Whereas,

A. Procedure

1. On 9 January 1985, the Commission reopened the anti-dumping proceeding concerning imports of fibre building board of wood originating in Finland and Sweden⁽²⁾, because of the changes in the corporate structures of the exporting companies concerned as set out in the Commission's notice of reopening. The product concerned is fibrebuilding board, with the exception of medium board, falling within heading No ex 44.11 of the Common Customs Tariff and corresponding to NIMEXE code 44.11-10, 20, 91 and 99.
2. The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainant and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

Some Community producers, the exporters concerned and some importers made their views known in

writing. In addition, the Swedish exporter and the legal successor of two of the Finnish exporters concerned requested, and were granted, a hearing.

3. The Commission sought and verified all information it considered necessary and carried out investigations at the premises of the following:

EEC producers:

- GUTEX, H. Henselmann, GmbH & Co, Waldshut-Tiengen, Federal Republic of Germany,
- Hornitex Werke, Horn-Bad Meinberg, Federal Republic of Germany,
- Odenwald Faserplattenwerk GmbH, Amorbach, Federal Republic of Germany,
- Renitex GmbH, Losheim/Saar, Federal Republic of Germany,
- Isoroy SA, Lisieux, France,
- Unalit SA, Saint-Jean-de-Losne, France,
- Legnochimica SpA, Mondovì, Italy,
- Orsa SpA, Mondovì, Italy.

Exporters:

- Ahlström, Oy, Pihlava, Finland,
- Enso-Gutzeit Oy, Heinola, Finland,
- Suomen Kuitulevy Oy, Heinola, Finland,
- Wilh. Schauman Oy, Helsinki, Finland,
- Karlit AB, Karlholmsbruk, Sweden.

Importers:

- Wekapal GmbH, Bad Salzflen Federal Republic of Germany.

The investigation of dumping covered the period from 1 January to 31 December 1984.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 6, 9. 1. 1985, p. 4.

B. Normal value**4. (a) Sweden**

The investigation to determine the existence of dumping has shown that the prices of hardboard, the only kind of fibre building board produced and exported by Karlit AB, sold by that company on its domestic market had, over an extended period of time and in respect of substantial quantities, been lower than the the cost of production. The normal value was therefore determined on the basis of the constructed value. To determine the constructed value, the Commission added the cost of production, including a reasonable amount for selling, administrative and other general expenses, and a reasonable margin of profit.

(b) Finland

For all Finnish exporters. normal values for both kinds of fibre building board here concerned, i.e. hardboard and insulating board, were established on the basis of domestic prices actually paid or payable in the ordinary course of trade for the like product, since these prices were shown to be profitable.

C. Export price

5. Export prices for all exporters concerned were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.
6. The export prices of Karlit AB to the German importer and processor of hardboard which was associated with Karlit AB as of 1 January 1985 did not have to be constructed since the association did not yet exist during the investigation period. Nevertheless, the Commission sought and verified all relevant costs and prices of that importer in view of a possible renewed offer of an undertaking by Karlit AB which, in its terms, would have to take account of such association.

D. Comparison

7. In comparing normal value with export prices the Commission took account, where appropriate, of differences affecting price comparability, in particular quantity discounts and rebates, as well as conditions and terms of sale such as credit terms, transport, insurance, handling and salesman's salaries. Due allowance for such differences was made where claims in these areas could be satisfactorily demonstrated.

All comparisons were made at ex-works level and for each individual transaction.

E. Margins

8. The above examination of the facts shows the existence of dumping in respect of all exporters involved, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.
9. These margins vary according to the exporter, the importing Member State and the type of fibre building board concerned, the weighted average margin for each of the exporters investigated being as follows:

Finland:

- Ahlström Oy: 16,78 % for hardboard;
26,62 % for softboard
- Enso-Gutzeit Oy: 11,5 % for hardboard;
12,12 % for softboard
- Wilh. Schauman Oy: 11,14 % for hardboard;
no exports of softboard

Sweden:

- Karlit AB: 5,4 % for hardboard, no
exports of softboard

F. Injury

10. In 1982, after having carried out anti-dumping investigations concerning imports of fibre building board from various countries, the Commission, by Regulation (EEC) No 1633/82⁽¹⁾ established that dumped imports of fibre building board, including dumped imports from Finland and Sweden, had caused injury to the Community industry concerned and that protective measures were necessary. Consequently, the Commission accepted the undertakings eliminating the injury which were offered by the exporters concerned in the present investigation.
11. While these undertakings have improved the position of the Community fibre building board industry, the situation of this industry is far from being satisfactory. It is still characterized by low capacity utilization, reduced profits and high import penetration. Consequently, the production of hardboard by the Community industry has declined from 520 200 tonnes in 1982 to 465 500 tonnes in 1984, with sales of this industry in the Community decreasing from 412 400 tonnes to 403 800 tonnes over the same period.
12. At the same time, the consumption of hardboard remained relatively stable so that there was a further decrease of the market share held by Community producers within the Community. Furthermore, three Community producers of fibre building board were forced to cease production since 1982 which resulted in a further loss of employment.

⁽¹⁾ OJ No L 181, 25. 6. 1982, p. 19.

13. On the other hand, imports of hardboard from Finland into the Community went up from 38 146 tonnes in 1982 to 42 990 tonnes in 1984 which represents an increase in market share from 4,3 % to 4,8 %. Imports of that product from Sweden into the Community, in spite of decreasing from 118 337 tonnes in 1982 to 112 449 tonnes in 1984, only suffered a minor reduction in market share from 13,3 % to 12,6 % over that period.
14. There is no indication, therefore, that in the absence of protective measures, dumped imports of fibre building board from Finland and Sweden would not again cause material injury to the Community industry.

G. Community interest

15. In view of the serious difficulties still facing the Community industry, the Commission has come to the conclusion that it is in the Community's interest that action be taken, except in the case of Wilh. Schauman Oy, Helsinki, which ceased to produce and export hardboard at the end of 1985.

H. Undertakings

16. The exporters concerned were informed of the main findings of the investigation and commented on them. Undertakings were subsequently offered by Karlit AB, Sweden, concerning their exports of hardboard to the Community, and by Suomen Kuitulevy Oy, the legal successor of the fibre building board divisions of Ahlström Oy, Pihlavan and Enso-Gutzeit Oy, Heinola, concerning their exports of fibre building board to the Community.
17. The effects of the said undertakings will be to ensure that export prices to the Community will be at a level sufficient to eliminate injury to the Community industry. Insofar as price increases are foreseen in

these undertakings they, in no case, exceed the dumping margins found in the investigation. Moreover, it appears that correct operation of these undertakings can be effectively monitored, in particular since the Commission during its investigation did not observe any violations of the undertakings previously in force.

18. In these circumstances the undertakings offered are considered acceptable and the investigation may, therefore, be terminated without the imposition of anti-dumping duties.
19. No objection to this course was raised in the Advisory Committee.

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings given by Suomen Kuitulevy Oy, Heinola, and Karlit AB, Karlholmsbruk, in connection with the anti-dumping investigation concerning imports of fibre building board, with the exception of medium board, falling within Common Customs Tariff heading ex 44.11, corresponding to NIMEXE codes 44.11-10, 20, 91 and 99 originating in Finland and Sweden, are hereby accepted.

Article 2

The anti-dumping investigation referred to in Article 1 is hereby terminated.

Done at Brussels, 21 February 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 330/86 of 14 February 1986 allocating import quotas for 1986 fixed for certain products originating in the United States of America

(Official Journal of the European Communities No L 40 of 15 February 1986)

Page 12, second 'Having regard to...':

for: 'Article 3 (2)',

read: 'Article 2 (2)',

sixth 'Whereas...':

for: 'Article 2 (2)',

read: 'Article 2 (3)'.

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