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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 426/86

of 24 February 1986

on the common organization of the market in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

compete with those charged by the major non-member producing countries ;

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

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

Whereas the basic provisions concerning the organization of the market in products processed from fruit and vegetables have been amended a number of times ; whereas, by reason of their number, complexity and dispersal among various Official Journals, these texts are difficult to use, and thus lack the clarity which should be an essential feature of all legislation ; whereas they should therefore be consolidated in a single text, and at the same time certain amendments which experience has shown to be desirable should be made ;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets which may take various forms depending on the product ;

Whereas the producer prices for certain products processed from fruit and vegetables which are of particular importance in the Mediterranean regions of the Community are considerably higher than in non-member countries ; whereas Community products should therefore be made more competitive by adopting the necessary measures to enable them to be sold at prices which

Whereas, to this end, a system of production aid should be introduced enabling the products in question to be manufactured at a price lower than that which would result from the payment of a remunerative price to producers of the fresh products ; whereas this system should be linked to a system of contracts providing both for regular supplies to the processing industries and a minimum price to be paid by processors to producers ;

Whereas, because of the abundant supply of raw materials and the elasticity of processing capacity, there is a danger that granting aid for the production of processed fruit and vegetables might encourage such production to expand considerably from year to year ; whereas, in order to avoid any difficulties in selling processed products, provision should be made for limiting the grant of aid to part of the production ;

Whereas, in view of the link between prices for products intended to be consumed fresh and prices for products intended for processing, provision should be made for minimum producer prices to be determined taking into account the basic prices for fruit and vegetables for consumption as fresh and the need to maintain a sufficient balance between the various uses for fresh products ;

Whereas provision should be made for a monthly increment of the minimum price for certain products intended for processing which can be stored ;

Whereas the amount of aid is to compensate the difference between producer prices within the Community and those of non-member countries ; whereas therefore, provision should be made for a calculation which takes account in particular of changes in the minimum price and includes, where necessary, a flat-rate adjustment for other costs ; whereas minimum import prices should be referred to for the purpose of calculating aid for products subject to such prices ;

⁽¹⁾ Opinion delivered on 21 February 1986 (not yet published in the Official Journal).

Whereas, in the case of a number of products, and in particular those processed from tomatoes, packaging represents a widely varying proportion of the weight of the product; whereas the grant of aid for packaged products may thus result in artificial distortions between different processors; whereas the aid should therefore be calculated on the basis of the raw material processed;

Whereas, in order to facilitate the marketing of the processed products in question and adjust their quality more closely to market requirements, provision should be made for laying down Community quality standards; whereas, pending the adoption of such standards, aid should be made conditional on compliance with current national standards;

Whereas, in respect of dried grapes, account should be taken of the fact that in accordance with usual commercial practice, some of the product must be discarded in order to ensure that the finished product, having regard to its specific characteristics, is of satisfactory quality; whereas, given the present state of the market in dried grapes and dried figs both within the Community and at world level, provision should be made for a limited purchasing system ending at the end of the marketing year;

Whereas, therefore, provision should be made under the said system for the granting of storage aid to the storage agencies and for compensation of any losses to such agencies when selling the products released from store;

Whereas, in the case of certain products in this sector of which the Community is a major importer, a minimum import price system should be introduced in order to encourage greater market stability and to facilitate the proper operation of the aid system, combined with countervailing charges to ensure that minimum prices are observed;

Whereas the common organization of the market in products processed from fruit and vegetables must include a single trading system at the frontiers of the Community with a view to stabilizing the Community market by preventing price fluctuations on the world market from affecting prices within the Community; whereas in this context quantitative restrictions and measures having equivalent effect should be prohibited in trade with non-member countries;

Whereas sugar, glucose and glucose syrup have a direct and substantial effect on the cost price of certain processed products; whereas the trading system for the latter must therefore be brought into line with those for sugar and cereals;

Whereas provisions must therefore be adopted to ensure that a levy is charged on the sugar component incorporated in processed products under conditions similar to those operative under 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 3768/85⁽²⁾; whereas an identical import charge should also be levied on the glucose and glucose syrup components incorporated as sugar substitutes in the processed products concerned;

Whereas this method of calculation calls for frequent alteration to the levy in question; whereas, in view of the particular nature of the products concerned, this levy should be fixed only once a quarter;

Whereas special provisions are necessary for occasions when one of the elements for calculating the levy is not known;

Whereas provision should be made, in respect of certain particularly sensitive products, for the establishment of a system of import licences; whereas, for the proper working of this system, it is necessary to lay down that the issue of import licences must involve the lodging of a security guaranteeing the undertaking to import during the period of validity of the licences;

Whereas, similarly, in respect of sugars incorporated in processed products for export to non-member countries, provision should be made for granting a refund designed to cover the differences between sugar prices prevailing outside and inside the Community; whereas this system should take into consideration that refunds for glucose and glucose syrup are fixed in accordance with the provisions of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽³⁾, as last amended by Regulation (EEC) No 3793/85⁽⁴⁾;

Whereas, to enable processed products without added sugars to have access to the markets of non-member countries, provision should be made for the grant of an export refund; whereas, for products containing added sugars, this general refund should be granted only in cases where the refund in respect of the added sugars contained in the products would not be sufficient to permit their exportation;

Whereas, in the interests of stability in commercial transactions, consideration should be given to allowing those concerned to have the amounts of the levies and refunds fixed in advance; whereas, in the interests of sound administration, provision should be made for the introduction of advance fixing certificates, and for the lodging of a security in respect of these certificates to guarantee the undertaking to import or export during the period of validity of the certificate;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 367, 31. 12. 1985, p. 19.

Whereas provision should also be made, where necessary for the proper functioning of the system outlined above, for regulating or, in so far as the situation on the market requires, prohibiting in whole or in part the use of inward processing arrangements; whereas, moreover, refunds should be so fixed that Community basic products used by processing industries in the Community with a view to export are not placed at a disadvantage by inward processing arrangements which might induce those industries to give preference to basic products imported from non-member countries;

Whereas the measures provided for by this Regulation may prove inadequate in exceptional circumstances; whereas to ensure that in such cases the Community market is not left completely exposed to the disturbances which might result, the Community should be allowed to take any necessary measures swiftly;

Whereas the establishment of a single market would be jeopardized by the grant of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be applied to products processed from fruit and vegetables;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between Member States and the Commission within a management committee;

Whereas the common organization of the market in products processed from fruit and vegetables must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the expenditure incurred by Member States as a result of obligations arising out of the application of this Regulation is to be financed by the Community in accordance with Articles 2 and 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 3769/85⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The common organization of the market in products processed from fruit and vegetables shall cover the following:

CCT heading No	Description
a) ex 07.02	Vegetables (whether or not cooked), preserved by freezing, excluding olives
ex 07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption, excluding olives
ex 07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption, and also excluding olives
08.03 B	Dried figs
08.04 B	Dried grapes
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar
08.11	Fruit provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions) but unsuitable in that state for immediate consumption
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04, or 08.05
08.13	Peel of melons and citrus fruit, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 17.

CCT heading No	Description
b) ex 13.03 B	Pectic substances and pectinates
ex 20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard, other than olives
ex 20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid, other than olives
20.03	Fruit preserved by freezing, containing added sugar
20.04	Fruit, fruit peel and parts of plants, preserved by sugar (drained, glacé or crystallized)
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit
ex 20.07	Fruit juices (excluding grape juice and must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit

2. The marketing years shall extend from :

(a) 10 May to 9 May for cherries in syrup, falling within subheading 20.06 B of the Common Customs Tariff ;

(b) 1 July to 30 June for :

- peeled tomatoes, whether or not cooked, preserved by freezing, falling within subheading 07.02 B of the Common Customs Tariff,
- tomato flakes falling within subheading 07.04 B of the Common Customs Tariff,
- tomatoes, prepared or preserved, falling within subheading 20.02 C of the Common Customs Tariff,
- peaches in syrup, falling within subheading 20.06 B of the Common Customs Tariff,
- tomato juices falling within heading No 20.07 of the Common Customs Tariff,
- dried figs falling within subheading 08.03 B of the Common Customs Tariff ;

(c) 15 July to 14 July for Williams pears in syrup, falling within subheading 20.06 B of the Common Customs Tariff ;

(d) 1 September to 31 August for :

- dried grapes falling within subheading 08.04 B of the Common Customs Tariff,
- prunes derived from dried 'prunes d'Ente' falling within subheading 08.12 C of the Common Customs Tariff.

The marketing year for other products shall be laid down, where required, in accordance with the procedure provided for in Article 22. Changes to be made to the marketing years as defined in the first subparagraph may be adopted in accordance with the same procedure.

TITLE I

Production aid

Article 2

1. A system of production aid shall apply to the products listed in Annex I, Part A and obtained from fruit and vegetables harvested in the Community.
2. The Council, acting by a qualified majority on a proposal from the Commission, may decide to amend Annex I, Part A in the light of production and marketing conditions for the products concerned.
3. Where the Community production potential for a product referred to in paragraph 1 is likely to cause a major imbalance between production and market outlets, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate measures, in particular by limiting production aid to a specified quantity. This quantity shall be determined by reference to average Community production in the last marketing years for which accurate figures are available. The quantity may be adjusted in the light of changes in the scope for market outlets of the product in question.

Article 3

1. Production aid shall be granted to processors who have paid producers for their raw materials a price not less than the minimum price under contracts between producers or recognized producers' groups or associations thereof, on the one hand, and processors or processors' groups and associations thereof, on the other hand, legally constituted in the Community.
2. In the case of currants, contracts of the kind referred to in paragraph 1 shall be accompanied by a written undertaking by the grower to withhold from delivery to the processing industry for processing into currants for sale, a quantity not less than a percentage to be determined of the quantity covered by the contract.
3. The Council, acting by a qualified majority on a proposal from the Commission, shall fix the percentage provided for in paragraph 2.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure provided for in Article 22.

Article 4

1. The minimum price to be paid to producers shall, without prejudice to the measures taken pursuant to Article 2 (3), be calculated on the basis of:

- (a) the minimum price applying during the previous marketing year;
- (b) the movement of basic prices in the fruit and vegetable sector;
- (c) the need to ensure normal market outlets of fresh products for the various uses.

2. The minimum price for sultanas, currants and dried figs valid at the start of the marketing year shall be increased each month, starting with the third month of the marketing year and continuing to the end of the marketing year, by a fixed amount corresponding to storage costs.

3. Minimum prices shall be fixed before the beginning of each marketing year.

4. Minimum prices, the monthly increments referred to in paragraph 2 and detailed rules for applying this Article shall be adopted in accordance with the procedures provided for in Article 22.

Article 5

1. The amount of aid shall be so fixed as to enable the Community product concerned to be marketed. In calculating the amount of aid, without prejudice to measures taken pursuant to Article 2 (3), account shall be taken in particular of:

- the amount of aid fixed for the previous marketing year adjusted to take account of changes in the minimum prices referred to in Article 4, the non-member country price and, if necessary, the pattern of processing costs assessed on a flat-rate basis,
- where relevant, the prices at which the Community products are sold on the Community market.

2. However, the third country price factor referred to in paragraph 1 shall be replaced by:

- a price based on the Community market price, the price trend and the outlets available on the Community market, in cases where the volume of imports makes the third country price unrepresentative,
- the minimum import price in cases where such prices are fixed pursuant to Article 9.

3. The aid shall be fixed in respect of the net weight of the processed product. The coefficients expressing the relationship between the weight of raw material processed and the net weight of the processed product shall be defined on a flat-rate basis.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for applying this Article.

5. The amount of aid shall be fixed before the beginning of each marketing year in accordance with the procedure provided for in Article 22. The detailed rules for applying this Article shall be adopted in accordance with the same procedure.

Article 6

1. Aid shall be granted to processors only for processed products which:

- (a) have been produced from raw materials for which the applicant has paid at least the minimum price referred to in Article 4;
- (b) meet minimum Community quality requirements to be laid down.

Until such time as Community requirements come into effect, the products concerned must meet current national requirements.

2. In the case of sultanas and currants, aid shall be paid only to processors who have not processed and subsequently do not process for commercial sale a quantity of sultanas and currants equal to a percentage, to be determined, of the quantity of sultanas and currants bought. Such quantities not processed shall not be eligible for aid.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall fix the percentages referred to in paragraph 2.

4. The minimum quality requirements referred to in paragraph 1 (b) and the other detailed rules for applying this Article shall be adopted in accordance with the procedure provided for in Article 22.

Article 7

1. Common quality standards may be introduced for the products listed in Annex I, Part A intended either for consumption in the Community or for export to non-member countries.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the standards referred to in paragraph 1 and may designate other products to be made subject to quality standards and the standards themselves.

Article 8

1. The agencies or legal or natural persons approved by the Member States concerned, hereinafter called 'storage agencies', shall purchase, during the last two months of the marketing year, sultanas and currants and dried figs produced in the Community during the current marketing year provided that the products comply with quality requirements to be determined. Sultanas and currants shall be purchased up to any limits laid down pursuant to Article 2 (3).

Spanish and Portuguese storage agencies shall buy products obtained solely from the 1986/87 and subsequent marketing years.

2. The storage agencies shall purchase the quantities offered at the minimum price applicable at the beginning of the marketing year.

3. The provisions of Article 3 (2) shall apply in respect of currants.

4. The products purchased by the storage agencies shall be disposed of on terms which do not jeopardize the balance of the market and which ensure equal access to the products for sale and equal treatment of purchasers.

For products which cannot be disposed of on normal terms, special measures may be taken.

5. Storage aid shall be granted to storage agencies for the quantities of products which they have purchased and for the actual duration of storage.

6. Financial compensation equal to the difference between the purchase price paid by the storage agencies and the selling price shall be granted to the storage agencies. This compensation shall be reduced in line with any profits resulting from the difference between the purchase price and the selling price.

7. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the general rules for the application of this Article.

8. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 22.

TITLE II

Trade with non-member countries

Article 9

1. A minimum import price for each marketing year shall apply for the products listed in Annex I, part B.

2. Minimum import prices shall be determined having regard in particular to:

- the free-at-frontier prices on import into the Community,
- the prices obtaining on world markets,
- the situation on the internal Community market,
- the trend of trade with non-member countries.

3. Where the minimum import price is not observed, a countervailing charge in addition to customs duty shall be imposed, based on the prices of the main non-member supplier countries.

4. A countervailing charge shall not be levied on imports from non-member countries which are prepared to guarantee, and are in a position so to guarantee, that the price of imports originating in and exported from their territory will not undercut the minimum import price and that deflections of trade will be prevented.

5. The Council, acting by a qualified majority on a proposal from the Commission:

- may decide to amend the list of products for which minimum import prices have been introduced,
- shall adopt general rules implementing this Article, which may, in particular, provide for a system of advance fixing of the minimum import price.

6. Minimum import prices, the amount of the countervailing charge and other detailed rules for the application of this Article shall be adopted in accordance with the procedure provided for in Article 22.

Article 10

1. In addition to customs duty, an import levy shall be charged on the various added sugars contained in the products listed in Annex II and III.

2. Products listed in Annex II shall be considered as containing added sugar. The import levy for such products is 2 % *ad valorem* of the customs value.

3. For 100 kilograms net of the products shown in Annex III the import levy shall be equal to the difference between:

- (a) the average of the threshold prices for one kilogram of white sugar for each month of the quarter for which the difference is being determined, and
- (b) the average of the cif prices for one kilogram of white sugar used in fixing the levies on white sugar, calculated for a period consisting of the first 15 days of the month preceding the quarter for which the difference is being determined and the two months immediately preceding that month, this difference being multiplied by the figure for the product in question appearing in column (1) of Annex III.

No levy shall be charged if the amount at (b) is higher than the amount at (a).

4. The difference provided for in paragraph 3 shall be fixed by the Commission for each quarter of the calendar year.

5. Should the threshold price referred to in paragraph 3 (a) change during a quarter, the Council, acting by a qualified majority on a proposal from the Commission, shall decide whether there is any need to make an adjustment and, if necessary, shall determine the measures to be taken to that end.

6. Should one of the elements to be taken into account in calculating the difference referred to in paragraph 3 not be known by the 15th day of the month preceding the quarter for which the difference is to be determined, the Commission shall proceed to calculate the difference, substituting for the missing element of the calculation the element which was taken into account in calculating the difference applicable for the current quarter.

The difference shall be corrected by the Commission and made to apply not later than the 16th day following the date on which the missing information comes to hand.

The correction shall not be made, however, if the information becomes available only after the beginning of the last month of the quarter in question.

7. 'Added sugars content' for the products listed in Annex III shall mean the reading obtained by using a refractometer, multiplied by 0,93 in the case of products falling within heading No 20.06 of the Common Customs Tariff and by 0,95 in the case of other products and reduced by the figure appearing in column (2) of Annex III.

8. As a derogation from the provisions of paragraph 3, the import levy shall for 100 kilograms net be equal to :

- (a) in cases where the added sugars content per 100 kilograms net weight of a product is three kilograms or more above the content expressed by the figure appearing in column (1) of Annex III, the difference referred to in paragraph 4 multiplied by a figure representing the added sugar content ;
- (b) in cases where the added sugars content per 100 kilograms net weight of a product is two kilograms or more below the content expressed by the figure appearing in column (1) of Annex III, the difference referred to in paragraph 4 multiplied by a figure representing the added sugar content ;

The provisions under (b) shall be applicable only at the importer's request and if the products are accompanied by a declaration from the importer indicating the added sugar content established by the method referred to in paragraph 7.

9. The Council, acting by qualified majority on a proposal from the Commission, may amend Annexes II and III.

10. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 22.

Article 11

1. A refund shall be granted to permit exports to non-member countries of :

- white sugar and raw sugar falling within heading No 17.01 of the Common Customs Tariff,
- glucose and glucose syrup falling within subheadings 17.02 B I and B II of the Common Customs Tariff,
- isoglucose falling within subheading 17.02 D I of the Common Customs Tariff, and
- beet and cane syrups falling within subheading 17.02 D II of the Common Customs Tariff,

used in the products listed in Article 1 (1) (b).

The refund fixed shall be granted on application.

2. For 100 kilograms net of exported product the refund granted shall be equal :

- in the case of raw sugar, white sugar and beet and cane syrups, to the amount of the refund per kilogram of sucrose fixed in accordance with Article 19 of Regulation (EEC) No 1785/81 and with the provisions adopted for its application for the products listed in Article 1 (1) (d) of that Regulation, multiplied by a figure expressing the quantity of sucrose used per 100 kilograms net of finished product,
- in the case of isoglucose, to the amount of the refund per 1 kilogram of dry matter fixed in accordance with Article 19 of Regulation (EEC) No 1785/81 and with the provisions adopted for its application, multiplied by a figure expressing the quantity of dry matter contained in the isoglucose used per 100 kilograms net of the finished product,
- in the case of glucose and glucose syrup, to the amount of the refund per 1 kilogram fixed for each of these products in accordance with Article 16 of Regulation (EEC) No 2727/75 and with the provisions adopted for its application, multiplied by a figure expressing the quantity of glucose or glucose syrup used per 100 kilograms net of finished product.

3. To qualify for the refund the products shall be accompanied by a declaration from the applicant indicating the amounts of sucrose, isoglucose, glucose and glucose syrup used in the manufacture.

The accuracy of the declaration referred to in the first subparagraph shall be subject to control by the competent authorities of the Member State concerned.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for granting refunds.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 22.

Article 12

1. To the extent necessary to enable products listed in Article 1 and not containing added sugar to be exported in economically significant quantities on the basis of prices for those products in the world market, the difference between those prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same throughout the Community. It may be varied according to use or destination.

The refund shall be granted on application.

The refunds shall be fixed at regular intervals in accordance with the procedures laid down in Article 22.

Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refund in the intervening period.

3. Where the refund fixed pursuant to Article 11 is not sufficient to permit exports of the products listed in Article 1 (1) (b), the provisions of this Article shall apply to these products instead of those of Article 11.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down general rules for granting refunds and criteria for fixing the amount of such refunds.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 22.

Article 13

1. The levy referred to in Article 10 and the refunds referred to in Articles 11 and 12 shall be those applicable on the day of import or export.

2. However the levy provided for in Article 10 or the refund provided for in Article 11 applicable on the day on which application for an advance fixing certificate is lodged, shall be applied to a transaction effected during the period of validity of the certificate if the party concerned so requests on the day it applies for the certificate. The levy shall be adjusted on the basis of the threshold price for white sugar in force on the day of import.

3. The Council, acting by a qualified majority on a proposal from the Commission, may decide that the system provided for in paragraph 2 shall also apply to the refunds referred to in Article 12.

4. Detailed rules for the application of paragraphs 1 and 2 shall be adopted as necessary in accordance with the procedure laid down in Article 22.

5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt measures to be applied in exceptional circumstances.

6. Where examination of the market situation reveals difficulties due to the application of the provisions concerning the advance fixing of the levy or of the export refund, or that such difficulties may occur, a decision may be taken, in accordance with the procedure laid down in Article 22, to suspend the application of these provisions for the period strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation, decide, on the basis of all the information available to it, to suspend advance fixing for a maximum of three working days.

Applications for import licences accompanied by applications for advance fixing lodged during the period of suspension shall be rejected.

Article 14

1. The benefit of the advance fixing system for levies or refunds referred to in Article 13 shall be subject to the production of an advance fixing certificate issued by Member States to any applicant for such a certificate irrespective of the place of his establishment in the Community or in respect of products listed in Annex IV, the import licence referred to in Article 15 bearing information as to the advance fixing.

2. The advance fixing certificate shall be valid throughout the Community.

The issue of advance fixing certificates shall be conditional on the lodging of a deposit guaranteeing the commitment to import or export during the period of validity of the certificate; the deposit shall be forfeit in whole or in part if the transaction is not effected, or is only partially effected, within that period.

3. The period of validity of advance fixing certificates, the amount of the deposit and the other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 22.

Article 15

1. Imports into the Community of the products listed in Annex IV shall be subject to production of an import licence which shall be issued by Member States to any applicant for such a licence, irrespective of his place of establishment within the Community. Where the levy referred to in Article 10 is fixed in advance, the advance fixing shall be noted on the licence.

The licence shall be valid throughout the Community.

2. The issue of an import licence shall be conditional on the lodging of a deposit guaranteeing that import will be effected during the period of validity of the licence; except in cases of *force majeure*, the deposit shall be forfeit in whole or in part if the imports are not effected, or are only partially effected, within the period.

3. The Council, acting by a qualified majority on a proposal from the Commission, may decide to amend Annex IV.

4. The period of validity of licences and the other detailed rules for application of this Article which may, in particular, make provision for a time limit for the issue of licences, shall be adopted in accordance with the procedure laid down in Article 22.

Article 16

To the extent necessary for the proper working of the common organization of the market in cereals, sugar and fruit and vegetables, the Council, acting by a qualified majority on a proposal from the Commission, may, in special cases, prohibit, in whole or in part, the use of inward processing arrangements in respect of:

- the products referred to in Article 11 (1), and
- fruit and vegetables

which are intended for the manufacture of the products listed in Article 1.

Article 17

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of the products covered by this Regulation, the tariff nomenclature resulting from application of this Regulation shall be incorporated into the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where the Council, acting by a qualified majority on a proposal from the Commission, decides otherwise,

- the levying of any charge having equivalent effect to a customs duty, and
- the application of any quantitative restriction or measure having equivalent effect,

shall be prohibited in trade with non-member countries.

3. However, for citrus fruit juices falling within heading No ex 20.07 of the Common Customs Tariff, with the exception of grapefruit juice, Member States may maintain the measures which were applicable until 1 January 1975 concerning imports of such products originating in non-member countries, but without making them more restrictive.

4. The potato products referred to in Article 1 shall be excluded from the scope of paragraph 2.

Article 18

1. If by reason of imports or exports, the Community market in one or more of the products specified in Article 1 is exposed or is likely to be exposed to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with non-member countries until such disturbances or the threat thereof has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this paragraph and shall define the cases and the limits within which Member States may take protective measures.

2. Should the situation referred to in paragraph 1 arise, the Commission, acting either at the request of a Member State or on its own initiative, shall decide what measures are necessary and communicate them to the Member States; such measures shall be immediately applicable.

Requests received by the Commission from Member States shall be acted upon within 24 hours of receipt.

3. Any measure taken by the Commission may be referred to the Council by any Member State within three working days of the day on which they were communicated. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question.

TITLE III

General provisions

Article 19

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of, and trade in, the products listed in Article 1.

Article 20

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 22.

Article 21

1. A Management Committee for Products Processed from Fruit and Vegetables (hereinafter called the Committee) shall be established, consisting of representatives of Member States with a Commission representative as Chairman.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 22

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The Chairman shall submit a draft of the measures to be taken.

The Committee shall deliver its opinion on such measures within a time limit to be set by the Chairman according to the urgency of the matter. An opinion shall be delivered by a majority of 54 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if those measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has decided upon for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 23

The Committee may consider any other question referred to it by its Chairman, either on his own initiative or at the request of the representative of a Member State.

Article 24

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Article 25

1. Council Regulation (EEC) No 516/77⁽¹⁾ is hereby repealed.

2. Citations of, and reference to, Regulation (EEC) No 516/77 shall be construed as referring to this Regulation.

Citations of, and references to, Articles of the said Regulation shall be read in accordance with the correlation table in Annex V.

Article 26

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 Council

The President

G. BRAKS

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

ANNEX I

PART A

Products referred to in Articles 2 and 7

CCT heading No	Description
ex 08.04 B	Sultanas and currants
ex 07.02 B	Peeled tomatoes, whether or not whole, preserved by freezing
ex 07.04 B	Tomato flakes
08.03 B	Dried figs
ex 08.12 C	Prunes derived from dried 'd'Ente' plums
ex 20.02 C	Peeled tomatoes, whether or not whole
ex 20.02 C	Tomato concentrate
ex 20.02 C	Tomato juice (including passata)
ex 20.06 B II	Peaches in syrup
ex 20.06 B II	Williams pears in syrup
ex 20.06 B II	Cherries in syrup
ex 20.07	Tomato juice

PART B

Products referred to in Article 9

CCT heading No	Description
08.04 B	Dried grapes

ANNEXE II

CCT heading No	Description
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit : B. Other : I. Containing added spirit : d) Peaches, pears and apricots, in immediate packings of a net capacity : 1. Of more than 1 kg : aa) With a sugar content exceeding 13 % by weight : II. Of an actual alcoholic strength by mass not exceeding 11,85 % mas e) Other fruits : 1. With a sugar content exceeding 9 % by weight : aa) Of an actual alcoholic strength by mass not exceeding 11,85 % mas f) Mixtures of fruit : 1. With a sugar content exceeding 9 % by weight : aa) Of an actual alcoholic strength by mass not exceeding 11,85 % mas II. Not containing added spirit : a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg : 2. Grapefruit segments 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids 4. Grapes 5. Pineapples : aa) With a sugar content exceeding 17 % by weight 6. Pears : aa) With a sugar content exceeding 13 % by weight 7. Peaches and apricots : aa) With a sugar content exceeding 13 % by weight 8. Other fruits 9. Mixtures of fruit b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less : 2. Grapefruit segments 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids 4. Grapes 5. Pineapples : aa) With a sugar content exceeding 19 % by weight 6. Pears : aa) With a sugar content exceeding 15 % by weight 7. Peaches and apricots : aa) With a sugar content exceeding 15 % by weight 8. Other fruits 9. Mixtures of fruit

ANNEX III

CCT heading No	Description	(1)	(2)
20.03	Fruit preserved by freezing, containing added sugar : A. With a sugar content exceeding 13 % by weight	20	13
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized) : B. Other : I. With a sugar content exceeding 13 % by weight	57	13
20.05	Jams, fruit jellies, marmalades, fruit puree and fruit pastes, being cooked preparations, whether or not containing added sugar : A. Chestnut puree and paste : I. With a sugar content exceeding 13 % by weight B. Jams and marmalades of citrus fruit : I. With a sugar content exceeding 30 % by weight II. With a sugar content exceeding 13 % but not exceeding 30 % by weight C. Other : I. With a sugar content exceeding 30 % by weight b) other II. With a sugar content exceeding 13 % but not exceeding 30 % by weight	47 55 10 55 10	13 13 13 13 13
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirits : B. Other : I. Containing added spirit : b) Pineapples, in immediate packings of a net capacity : 1. Of more than 1 kg : aa) With a sugar content exceeding 17 % by weight 2. Of 1 kg or less : aa) With a sugar content exceeding 19 % by weight c) Grapes : 1. With a sugar content exceeding 13 % by weight d) Peaches, pears and apricots, in immediate packings of a net capacity : 1. Of more than 1 kg : aa) With a sugar content exceeding 13 % by weight : 22. Other 2. Of 1 kg or less : aa) With a sugar content exceeding 15 % by weight e) Other fruits . 1. With a sugar content exceeding 9 % by weight : bb) Other f) Mixtures of fruit : 1. With a sugar content exceeding 9 % by weight : bb) Other	6 6 9 10 10 10	13 13 13 9 9 9

CCT heading No	Description	(1)	(2)
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit : A. Of a density exceeding 1,33 g/cm³ at 20 °C : II. Apple and pear juice ; mixtures of apple and pear juice : b) Other : — Apple juice 49 11 — Pear juice and mixtures of apple and pear juice 49 13 III. Other : b) Other : — Lemon and tomato juices 49 3 — Other fruit and vegetable juices, including mixed juices 49 13 B. Of a density of 1,33 g/cm³ or less at 20 °C : I. Grape, apple and pear juice (including grape must) ; mixtures of apple and pear juice : b) Of a value of 18 ECU or less per 100 kg net weight : 2. Apple juice : aa) With an added sugar content exceeding 30 % by weight 49 11 3. Pear juice : aa) With an added sugar content exceeding 30 % by weight 49 13 4. Mixtures of apple and pear juice : aa) With an added sugar content exceeding 30 % by weight 49 13 II. Other : b) Of a value of 30 ECU or less per 100 kg net weight : 1. Orange juice : aa) With an added sugar content exceeding 30 % by weight 49 13 2. Grapefruit juice : aa) With an added sugar content exceeding 30 % by weight 49 13 3. Lemon juice : aa) With an added sugar content exceeding 30 % by weight 49 3 4. Other citrus fruit juice : aa) With an added sugar content exceeding 30 % by weight 49 13 5. Pineapple juice : aa) With an added sugar content exceeding 30 % by weight 49 13 6. Other fruit and vegetable juices : aa) With an added sugar content exceeding 30 % by weight 49 13 7. Mixtures : aa) Of citrus fruit juices and pineapple juice : 11. With an added sugar content exceeding 30 % by weight 49 13 bb) Other : 11. With an added sugar content exceeding 30 % by weight 49 13		

ANNEX IV

CCT heading No	Description
ex 07.02 B	Peeled tomatoes preserved by freezing
ex 07.03 E	Mushrooms
ex 07.04 B	Tomato flakes
08.03 B	Dried figs
08.04 B	Dried grapes
ex 08.10 A	Raspberries and strawberries, whether or not cooked, preserved by freezing without added sugar
ex 08.10 D	Cherries, whether or not cooked, preserved by freezing without added sugar
ex 08.11 E	Raspberries, and strawberries and cherries provisionally preserved
08.12 C	Prunes
ex 20.01 C	Mushrooms prepared or preserved by vinegar or acetic acid
20.02 C	Tomatoes, prepared or preserved
20.02 G	Peas, beans in pod, prepared or preserved
ex 20.03	Raspberries, strawberries and cherries preserved by freezing containing added sugar
ex 20.05 C I b) C II and C III	Jams, fruit jellies, marmalades, fruit purées and fruit paste being cooked preparations, whether or not containing added sugar: — made from raspberries and strawberries
ex 20.06 B II a) 7 B II b) 7 aa) 11 B II b) 7 bb) 11	} Peaches, prepared or preserved
ex 20.06 B II a) 7 B II b) 7 aa) 22 B II b) 7 bb) 22 B II c) 1 aa) B II c) 2 bb)	} Apricots, prepared or preserved
ex 20.06 B II a) 8 B II b) 8 B II c) 1 dd) B II c) 2 bb)	} Raspberries, strawberries and cherries, prepared or preserved
ex 20.06 B II a) 6 B II b) 6 B II c) 1 cc) B II c) 2 aa)	} Pears, prepared or preserved
20.07 B II a) 5 B II b) 6	} Tomato juices

ANNEX V

CORRELATION TABLE

Regulation (EEC) No 516/77	This Regulation
Article 1	Article 1
Article 2	Article 10
Article 2a	Article 1 (2)
Article 3	Article 2
Article 3a	Article 3
Article 3b	Article 4
Article 3c	Article 5
Article 3d	Article 6
Article 3e	Article 7
Article 4	Article 8
Article 4a	Article 9
Article 5	Article 11
Article 6	Article 12
Article 7 (1)	Article 11 (3)
Article 7 (2)	Article 10 (8), last subparagraph
Article 8	Article 13
Article 9	Article 14
Article 10	Article 15
Article 11	Article 14 (1)
Article 12	Article 16
Article 13	Article 17
Article 14	Article 18
Article 17	Article 19
Article 18	Article 20
Article 19	Article 21
Article 20	Article 22
Article 21	Article 23
Article 22	Article 24
Annex I Part I	Annex II
Annex I Part II	Annex III
Annex Ia	Annex I
Annex II	Annex IV
Annex IV	Annex V

COMMISSION REGULATION (EEC) No 427/86

of 26 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 25 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 27 February 1986.

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

Done at Brussels, 26 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 26 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	159,97
10.01 B II	Durum wheat	214,68 ⁽¹⁾ ⁽²⁾
10.02	Rye	140,70 ⁽³⁾
10.03	Barley	151,02
10.04	Oats	133,01
10.05 B	Maize, other than hybrid maize for sowing	128,28 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	83,60 ⁽⁴⁾
10.07 C	Grain sorghum	138,70 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	238,65
11.01 B	Rye flour	211,67
11.02 A I a)	Durum wheat groats and meal	346,34
11.02 A I b)	Common wheat groats and meal	255,88

⁽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 428/86

of 26 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 25 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 27 February 1986.

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

Done at Brussels, 26 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 26 February 1986 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 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	13,84	13,84	16,01
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	9,05
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 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 429/86**of 26 February 1986****fixing the import levies on rice and broken rice**

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 3032/85 ⁽³⁾, as last amended by Regulation (EEC) No 363/86 ⁽⁴⁾;

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 Council Regulation (EEC) No 1676/85 ⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3032/85 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 February 1986.

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 290, 1. 11. 1985, p. 5.

⁽⁴⁾ OJ No L 43, 20. 2. 1986, p. 14.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 February 1986 fixing the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)	
		Third countries ⁽¹⁾	ACP or OCT ⁽¹⁾ ⁽²⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	308,88	150,84
	2. Long grain	311,82	152,31
	b) Husked rice :		
	1. Round grain	386,10	189,45
	2. Long grain	389,77	191,28
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	476,93	226,54
	2. Long grain	606,21	291,22
	b) Wholly milled rice :		
	1. Round grain	507,93	241,61
	2. Long grain	649,86	312,58
	III. Broken rice	162,01	78,00

⁽¹⁾ Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

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

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 430/86

of 26 February 1986

fixing the premiums to be added to the import levies on rice and broken rice

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2457/85⁽³⁾, as last amended by Regulation (EEC) No 364/86⁽⁴⁾;

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 Council Regulation (EEC) No 1676/85⁽⁵⁾,
- 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, 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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 February 1986.

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 234, 31. 8. 1985, p. 8.

⁽⁴⁾ OJ No L 43, 20. 2. 1986, p. 16.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 February 1986 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
ex 10.06	Rice :				
	B. Other :				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 431/86

of 26 February 1986

fixing 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 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5

(2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as amended by Regulation (EEC) No 1467/77 ⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾,
- 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 the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

exported in the natural state, shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and

This Regulation shall enter into force on 27 February 1986.

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 26 February 1986 fixing 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	41,41	
	(b) Other	42,14	
	(II) Flavoured or coloured sugar		0,4141
	B. Raw sugar:		
	II. Other:		
	(a) Candy sugar	38,09 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4141
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	37,79 ⁽¹⁾	
	(d) 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), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 432/86

of 26 February 1986

**amending Regulation (EEC) No 2813/85 on an invitation to tender for the refund
on export of wholly milled long grain rice to certain third countries**

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

Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 3768/85 ⁽²⁾, and in particular Article 17 thereof,

Having regard to Council Regulation (EEC) No 1431/76
of 21 June 1976 laying down general rules for granting
export refunds on rice and criteria for fixing the amount
of such refunds ⁽³⁾, and in particular Article 4 thereof,

Whereas, under Commission Regulation (EEC) No
2813/85 ⁽⁴⁾, an invitation to tender was opened for the
refund on export wholly milled long grain rice to certain
third countries; whereas exports of long grain rice carried
out up to the present time in the context of the said
Regulation have not disposed of all the substantial stocks
of rice available; whereas therefore, it is now opportune
to extend the duration of the application of this Regula-
tion, and to increase the quantities foreseen, in order to
take into account the last production estimates and the
impact of Spanish production in the Community;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2813/85 is hereby amended as
follows:

- In the last subparagraph of Article 1 (1), 75 000 tonnes
is replaced by '100 000 tonnes';
- In Article 1 (2), '27 February 1986 is replaced by '19
June 1986';
- In the second paragraph of Article 8, '27 February
1986' is replaced by '19 June 1986'.

Article 2

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

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 266, 9. 10. 1985, p. 8.

COMMISSION REGULATION (EEC) No 433/86
of 26 February 1986
fixing certain export refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas Commission Regulation (EEC) No 2214/85⁽⁴⁾ fixed from 2 August 1985 a different refund of 42 ECU per tonne for common wheat for exports to Zone V a) countries as defined in Annex I to Commission Regulation (EEC) No 1124/77⁽⁵⁾;

Whereas during this period applications for export licences for common wheat were lodged in accordance

with the procedure laid down in Article 11 of Commission Regulation (EEC) No 2042/75⁽⁶⁾; whereas those applications have been approved, and the export licences issued following the approval qualify for the refund fixed in advance up to 31 July 1986;

Whereas the conditions obtaining on the world market have changed considerably since that date as a result of strong American competition on certain traditional Community markets; whereas that competition has resulted in a very sharp fall in world prices, which are traditionally dominated by the United States;

Whereas Article 34 of the Third ACP-EEC Convention provides that the Commission will undertake to ensure that refunds can be fixed further in advance for exports to the ACP States in respect of a range of products available in the Community and required by those States; whereas that provision is dictated by the idea of preferential agreements between the Community and the ACP States with a view to ensuring their food security;

Whereas the present situation on the world market leads the Commission to fix high refunds for common wheat, and the ACP States which secured supplies at the beginning of the marketing year at a fixed price for a whole year are not eligible for such refunds in view of the rules for the advance fixing of refunds;

Whereas such a refund can only apply to licences involving advance fixing of the refund with special validity greater than normal and in respect of the supply of certain ACP countries;

Whereas this increase of the refund shall benefit only the import countries;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund fixed in advance for export licences, applications for which were lodged between 2 August and 8 August 1985 with advance fixing of the refund for

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 204, 2. 8. 1985, p. 38.

⁽⁵⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁶⁾ OJ No L 213, 11. 8. 1975, p. 5.

common wheat to be exported to Zone V a) countries as defined in Annex I to Regulation (EEC) No 1124/77 and issued in accordance with the procedure laid down in Article 11 of Regulation (EEC) No 2042/75 shall be increased by 20 ECU per tonne.

2. The increase in the refund referred to in paragraph 1 shall apply only to quantities in respect of which the customs formalities referred to in the first and fourth

indents of Article 22 (1) (b) of Commission Regulation (EEC) No 3183/80 ⁽¹⁾ have been completed as from 7 February 1986.

Article 2

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

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

COMMISSION REGULATION (EEC) No 434/86

of 26 February 1986

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

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

Having regard to Council Regulation (EEC) No 1837/80
of 27 June 1980 on the common organization of the
market in sheepmeat and goatmeat ⁽¹⁾, as last amended by
Regulation (EEC) No 3768/85 ⁽²⁾,

Having regard to Commission Regulation (EEC) No
1633/84 of 8 June 1984 laying down detailed rules for
applying the variable slaughter premium for sheep and
repealing Regulation (EEC) No 2661/80 ⁽³⁾, as amended
by Regulation (EEC) No 3451/85 ⁽⁴⁾, and in particular
Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which
grants the variable slaughter premium, in region 5, within
the meaning of Article 3 (5) of Regulation (EEC) No
1837/80; whereas it is necessary therefore for the
Commission to fix, for the week beginning 3 February
1986, the level of the premium and the amount to be
charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84
stipulates that the level of the variable slaughter premium
is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84
lays down that the amount to be charged on products
leaving region 5 shall be fixed weekly by the Commis-
sion;

Whereas it follows from the application of the rules laid
down in Article 9 (1) of Regulation (EEC) No 1837/80
and in Article 4 (1), (3) and (4) of Regulation (EEC) No

1633/84 that the variable slaughter premium for sheep
certified as eligible in the United Kingdom, and the
amounts to be charged on products leaving region 5 of
the aforesaid Member State during the week beginning 3
February 1986, shall be set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 5, within the meaning of Article 3 (5)
of Regulation (EEC) No 1837/80, for the variable
slaughter premium during the week beginning 3 February
1986 the level of the premium shall be
equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of Regula-
tion (EEC) No 1837/80 which left the territory of region 5
during the week beginning 3 February 1986, the amounts
to be charged shall be equivalent to those fixed in Annex
II hereto.

Article 3

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

It shall apply with effect from 3 February 1986.

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 328, 7. 12. 1985, p. 23.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 3 February 1986

Description	Premium
Certified sheep or sheepmeat	116,683 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
3 February 1986

(ECU/100 kg)

CCT heading No	Description	Amounts		
		A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified at the second, third and fourth indents of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)	C. Products specified at the first indent of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight	Live weight	Live weight
		54,841	27,421	5,484
		Net weight	Net weight	Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :			
	1. Carcases or half-carcases	116,683	58,342	11,668
	2. Short forequarters	81,678		
	3. Chines and/or best ends	128,351		
	4. Legs	151,688		
	5. Other :			
02.01 A IV b)	aa) Unboned (bone-in)	151,688		
	bb) Boned or boneless	212,363		
	Meat of sheep or goats, frozen :			
	1. Carcases or half-carcases	87,512		
	2. Short forequarters	61,258		
	3. Chines and/or best ends	96,263		
02.06 C II a)	4. Legs	113,766		
	5. Other :			
	aa) Unboned (bone-in)	113,766		
	bb) Boned or boneless	159,272		
	Meat of sheep or goats, salted in brine, dried or smoked :			
	1. Unboned (bone-in)	151,688		
ex 16.02 B III b) 2 aa) 11)	2. Boned or boneless	212,363		
	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :			
	— unboned (bone-in)	151,688		
	— boned or boneless	212,363		

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 435/86

of 26 February 1986

fixing the monetary coefficient applicable on imports of dried grapes

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, and in particular Article 9 (6) thereof,

Having regard to Commission Regulation (EEC) No 2237/85 of 30 July 1985 laying down detailed rules for the application of the minimum import price system for dried grapes ⁽²⁾, and in particular Article 4 thereof,

Whereas Article 4 (1) of Regulation (EEC) No 2237/85 provides that the Commission shall fix a monetary coefficient equal to the real monetary gap between the agricultural conversion rate for the currency of a Member State and the central rate, or, where applicable, the market rate when that gap is equal for more than 2,5 percentage points;

Whereas Article 4 (2) of Regulation (EEC) No 2237/85 provides that the monetary coefficient shall be fixed before the commencement of the marketing year and, subsequently, on the first Monday of the months of November, January, March, May and July;

Whereas Commission Regulation (EEC) No 2238/85 ⁽³⁾ as amended by Regulation (EEC) No 2879/85 ⁽⁴⁾, fixes the minimum import price applicable to dried grapes during

the marketing year 1985/86 as well as the countervailing charges to be imposed where that price is not observed; whereas the import prices as set out in Annex II of that Regulation are calculated as specific percentages of the minimum import price; whereas as a result the monetary coefficient should apply both to the minimum import prices and the import prices;

HAS ADOPTED THIS REGULATION:

Article 1

After having converted the minimum import prices and the import prices as set out in Annexes I and II of Regulation (EEC) No 2238/85 into one of the following national currencies by applying the agricultural conversion rate, the resulting amount shall be multiplied by the following coefficient:

— for the German mark:	0,972
— for the Dutch guilder:	0,972
— for the Greek drachma:	1,378
— for the Italian lire:	1,049
— for the pound sterling:	1,107

Article 2

This Regulation shall enter into force on 3 March 1986.

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 209, 6. 8. 1985, p. 24.

⁽³⁾ OJ No L 209, 6. 8. 1985, p. 26.

⁽⁴⁾ OJ No L 277, 17. 10. 1985, p. 15.

COMMISSION REGULATION (EEC) No 436/86
of 26 February 1986
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 3768/85 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1809/85 ⁽³⁾, as last amended by Regulation (EEC) No 424/86 ⁽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 27 February 1986.

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 48, 26. 2. 1986, p. 33.

ANNEX

to the Commission Regulation of 26 February 1986 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	48,62
	B. Raw sugar	42,20 ⁽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 437/86

of 26 February 1986

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 3793/85 ⁽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 3768/85 ⁽⁴⁾ and in particular Article 12 (4) thereof,

Having regard to Council Regulation 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 ⁽⁵⁾ 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 Commission Regulation (EEC) No 174/86 ⁽⁶⁾ as last amended by Regulation (EEC) No 383/86 ⁽⁷⁾

Whereas Council Regulation (EEC) No 1027/84 ⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75 ⁽⁹⁾ as regards products falling within subheading 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 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 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 25 February 1986;

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 Commission Regulation (EEC) No 1579/74 ⁽¹⁰⁾ 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 the amended Regulation (EEC) No 174/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 February 1986.

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

Done at Brussels, 26 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 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 22, 29. 1. 1986, p. 7.
⁽⁷⁾ OJ No L 44, 21. 2. 1986, p. 18.
⁽⁸⁾ OJ No L 107, 19. 4. 1984, p. 15.
⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 26 February 1986 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	150,31 ⁽¹⁾	148,50 ⁽¹⁾ ⁽²⁾
07.06 A II	153,33 ⁽¹⁾	148,50 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	276,60	270,56
11.01 F ⁽²⁾	176,28	173,26
11.01 G ⁽²⁾	145,72	142,70
11.02 A II ⁽²⁾	258,74	252,70
11.02 A III ⁽²⁾	276,60	270,56
11.02 A VI ⁽²⁾	176,28	173,26
11.02 A VII ⁽²⁾	145,72	142,70
11.02 B I a) 1 ⁽²⁾	243,52	240,50
11.02 B I b) 1 ⁽²⁾	243,52	240,50
11.02 B II a) ⁽²⁾	214,96	211,94
11.02 B II b) ⁽²⁾	189,74	186,72
11.02 B II d) ⁽²⁾	226,86	223,84
11.02 C I ⁽²⁾	257,98	254,96
11.02 C II ⁽²⁾	227,64	224,62
11.02 C III ⁽²⁾	381,82	375,78
11.02 C VI ⁽²⁾	226,86	223,84
11.02 D I ⁽²⁾	165,56	162,54
11.02 D II ⁽²⁾	146,22	143,20
11.02 D III ⁽²⁾	156,34	153,32
11.02 D VI ⁽²⁾	145,72	142,70
11.02 E I a) 1 ⁽²⁾	156,34	153,32
11.02 E I b) 1 ⁽²⁾	306,66	300,62
11.02 E II a) ⁽²⁾	292,87	286,83
11.02 E II b) ⁽²⁾	258,74	252,70
11.02 E II d) 1 ⁽²⁾	300,25	294,21
11.02 E II d) 2 ⁽²⁾	257,86	251,82
11.02 F I ⁽²⁾	292,87	286,83
11.02 F II ⁽²⁾	258,74	252,70
11.02 F III ⁽²⁾	276,60	270,56
11.02 F VI ⁽²⁾	176,28	173,26
11.02 F VII ⁽²⁾	145,72	142,70
11.02 G I	125,55	119,51
11.04 C I	153,33	146,68 ⁽²⁾
11.07 A I a)	294,52	283,64
11.07 A I b)	222,82	211,94
11.07 A II a)	278,43 ^(*)	267,55
11.07 A II b)	210,79	199,91
11.07 B	243,86 ^(*)	232,98
11.08 A II	242,93	212,10
11.08 A III	309,98	289,43
11.09	707,58	526,24

-
- (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.
- (⁵) 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.
-

COMMISSION REGULATION (EEC) No 438/86

of 26 February 1986

fixing the maximum export refund for white sugar for the 28th partial invitation to tender issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2236/85

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 3768/85⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2236/85 of 29 July 1985 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 372/86⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2236/85, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 28th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 28th partial invitation to tender for white sugar issued under Regulation (EEC) No 2236/85 is hereby fixed at 44,173 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 27 February 1986.

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

Done at Brussels, 26 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 209, 6. 8. 1985, p. 19.

⁽⁴⁾ OJ No L 43, 20. 2. 1986, p. 29.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2019/85 of 17 July 1985 fixing for the 1984/85 marketing year the yields of olives and olive oil*(Official Journal of the European Communities No L 191 of 23 July 1985)*

Page 13, Annex II, Section A, Avellino, point 4:

- for:* '4. Calabritto, Caposele, Senerchia, Carife, Castelbaronia, Flumeri, S. Nicola Bar., S. Sossio Baronia, Scampitella, Trevico, Vallata, Vallesaccarda, Villanova del Battista, Ariano Irpino, Bonito, Castelfranci, Castelvetero sul Calore, Chiusano S. Domenico, Frigento, Gesualdo, Grottaminarda, Lapio, Luogosano, Melito Irpino, Mirabella Eclano, Montemarsano, Montemiletto, Paternopoli, Pietradefusi, S. Angelo Esca, S. Mango sul C., Sturno, Taurasi, Torre le Nocelle, Venticano, Villamaina, Avella, Baiano, Mugnano del Cardinale, Quadrelle, Sirignano, Sperone.'
- read:* '4. Calabritto, Caposele, Senerchia, Carife, Castelbaronia, Flumeri, S. Nicola Bar., S. Sossio Baronia, Scampitella, Trevico, Vallata, Vallesaccarda, Villanova del Battista, Ariano Irpino, Bonito, Castelfranci, Castelvetero sul Calore, Chiusano S. Domenico, Fontanarosa, Frigento, Gesualdo, Grottaminarda, Lapio, Luogosano, Melito Irpino, Mirabella Eclano, Montemarsano, Montemiletto, Paternopoli, Pietradefusi, S. Angelo Esca, S. Mango sul C., Sturno, Taurasi, Torre le Nocelle, Venticano, Villamaina, Avella, Baiano, Mugnano del Cardinale, Quadrelle, Sirignano, Sperone.'
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