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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1025/86**of 9 April 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 the Act of Accession of Spain and Portugal,

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 720/86⁽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 8 April 1986 ;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 720/86 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 10 April 1986.

⁽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 65, 7. 3. 1986, p. 31.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 9 April 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	167,34
10.01 B II	Durum wheat	19,55	214,21 ⁽¹⁾ ⁽²⁾
10.02	Rye	37,69	153,89 ⁽³⁾
10.03	Barley	32,47	158,65
10.04	Oats	72,69	143,24
10.05 B	Maize, other than hybrid maize for sowing	—	149,10 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	32,47	72,69 ⁽⁴⁾
10.07 C	Grain sorghum	—	154,60 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	—	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	—	249,53
11.01 B	Rye flour	68,02	230,70
11.02 A I a)	Durum wheat groats and meal	44,06	345,78
11.02 A I b)	Common wheat groats and meal	—	267,00

⁽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 1026/86

of 9 April 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 the Act of Accession of Spain and Portugal,

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 8 April 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 Annexes 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 Annexes hereto.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 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 I

to the Commission Regulation of 9 April 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from Portugal

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7
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	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
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

ANNEX II

to the Commission Regulation of 9 April 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7
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	6,66	6,66	6,66
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
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	11,85	11,85	11,85	11,85
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	8,86	8,86	8,86	8,86
11.07 B	Roasted malt	0	10,32	10,32	10,32	10,32

COMMISSION REGULATION (EEC) No 1027/86
of 9 April 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 the Act of Accession of Spain and Portugal,

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 743/86 ⁽³⁾, as last amended by Regulation (EEC) No 950/86 ⁽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 amended Regulation (EEC) No 743/86 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 10 April 1986.

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

Done at Brussels, 9 April 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 70, 13. 3. 1986, p. 34.

⁽⁴⁾ OJ No L 88, 3. 4. 1986, p. 6.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 9 April 1986 fixing the import levies on rice and broken rice

CCT heading No	Description	Portugal	(ECU / tonne)	
			Third countries ⁽²⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :			
	B. Other :			
	I. Paddy rice ; husked rice :			
	a) Paddy rice :			
	1. Round grain	—	313,10	152,95
	2. Long grain	—	325,00	158,90
	b) Husked rice :			
	1. Round grain	—	391,37	192,08
	2. Long grain	—	406,25	199,52
	II. Semi-milled or wholly milled rice :			
	a) Semi-milled rice :			
	1. Round grain	13,05	482,94	229,54
	2. Long grain	12,97	613,94	295,08
	b) Wholly milled rice :			
	1. Round grain	13,90	514,33	244,81
	2. Long grain	13,90	658,15	316,72
	III. Broken rice	28,92	162,61	78,30

(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 1028/86

of 9 April 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 the Act of Accession of Spain and Portugal,

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 951/86 ⁽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 Annexes 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 Annexes hereto.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 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 88, 3. 4. 1986, p. 8.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX I

to the Commission Regulation of 9 April 1986 fixing the premiums to be added to the import levies on rice and broken rice from Portugal

CCT heading No	Description	(ECU/tonne)			
		Current 4	1st period 5	2nd period 6	3rd period 7
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

ANNEX II

to the Commission Regulation of 9 April 1986 fixing the premiums to be added to the import levies on rice and broken rice from third countries

CCT heading No	Description	(ECU/tonne)			
		Current 4	1st period 5	2nd period 6	3rd period 7
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 1029/86

of 9 April 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 Act of Accession of Spain and Portugal,

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 1

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

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 9 April 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	37,78	
	(b) Other	35,14	
	(II) Flavoured or coloured sugar		0,3778
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	34,76 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,3778
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	30,15 ⁽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 1030/86

of 8 April 1986

on the classification of goods falling within subheading 73.40 B of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 2055/84⁽²⁾, and in particular Article 3 thereof,

Whereas, in order to ensure uniform application of the nomenclature of the Common Customs Tariff, provision must be made for the classification of a key-ring consisting of a small nickel-plated steel chain approximately 3 cm in length, with, at one end, a ring of the same metal that can be opened and closed and at the other a small protective cover of plastic material (approximately 5 × 2,5 cm) containing a miniature address book, the cover of which bears a promotional message;

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68⁽³⁾, as last amended by Regulation (EEC) No 3679/85⁽⁴⁾, lists within heading No 73.40 other articles of iron or steel and within heading No 48.18, amongst other things, registers, exercise books, note-books, memorandum blocks, order books, receipt books and diaries; whereas these headings may be taken into consideration in classifying the goods in question;

Whereas the key-ring is a composite article; whereas the address book is too small to be of practical use; whereas

the ring and small chain, of nickel-plated steel, give the article, having regard to its normal use, its essential character within the meaning of General Rule 3 (b) for the interpretation of the nomenclature of the Common Customs Tariff; whereas the key-ring should therefore be classified within subheading 73.40 B;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

A key-ring consisting of a small nickel-plated steel chain approximately 3 cm in length, with, at one end, a ring of the same metal that can be opened and closed and at the other a small protective cover of plastic material (approximately 5 × 2,5 cm) containing a miniature address book, the cover of which bears a promotional message, shall be classified in the Common Customs Tariff within subheading:

73.40 Other articles of iron or steel:

B. Other.

Article 2

This Regulation shall enter into force on the 21st 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, 8 April 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 191, 19. 7. 1984, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 351, 28. 12. 1985, p. 2.

COMMISSION DECISION No 1031/86/ECSC

of 9 April 1986

prohibiting alignment on offers of steel products originating from certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first and second paragraphs of Article 95 thereof,

Whereas :

Since 1978 the Commission has adopted a series of measures designed to combat the crisis and facilitate restructuring in the steel industry in the Community; whereas these measures are based in particular on a system of monitoring and binding production quotas for the most sensitive products, a system which was extended for 1986 and 1987 by Commission Decision No 3485/85/ECSC⁽¹⁾; whereas, since 1978, the governments of certain third countries have assured the Commission of their cooperation in this respect; whereas by Decision No 527/78/ECSC⁽²⁾, as last amended by Decision No 1835/85/ECSC⁽³⁾, the Commission withdrew the right of Community undertakings to align on offers of certain steel products originating in these third countries;

The arrangements concluded with certain third countries have been renewed for 1986; whereas it is therefore necessary for the Commission to withdraw the right of Community undertakings to align their prices on low-priced offers from these third countries;

The Treaty, and more particularly Article 60 thereof, makes no provision for a prohibition of this nature; whereas prohibition of such alignments is necessary for the functioning of the common market in steel and, in conformity with Article 5 of the Treaty, for the attainment of one of the Community's objectives as defined in Articles 2, 3 and 4; whereas Article 2 of the Treaty calls upon the Community to pursue its objectives in harmony with the general economy of the Member States; whereas the economic and social objectives set out in Article 3 (c), (e) and (g) also necessitate the taking of this Decision;

The general principles regarding intervention by the Commission, as laid down in Article 5 of the Treaty, apply;

Cooperation with certain of the countries in question may cover certain steel products only; whereas it is therefore

necessary to specify the steel products covered by the measure;

Cooperation by the countries concerned applies only for a limited period; whereas the prohibition of alignment must have a time limit;

The arrangements with the third countries may be cancelled or extended to other third countries; whereas the Commission must therefore be able to alter the list of countries involved;

It is necessary that Community undertakings continue to have the right to align on offers originating in those third countries from which the Commission has not obtained this cooperation;

Observance of the prohibition must be assured by penalties; whereas application of the penalties provided for in Article 64 of the Treaty seems appropriate for breaches of price provisions;

Having consulted the Consultative Committee, and with the unanimous assent of the Council of Ministers,

HAS ADOPTED THIS DECISION :

Article 1

Community undertakings are hereby prohibited from aligning their offers on the terms of offers of third country undertakings for products as set out in Annex 1 originating from the countries set out in Annex 2.

The Commission will amend Annexes 1 and 2 if need be.

Article 2

The penalties provided for in Article 64 of the Treaty shall be applicable in the event of infringements of Article 1 of this Decision.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*. It shall apply until 31 December 1986.

The Commission reserves the right to repeal this Decision in whole or in part before that date should market conditions and the interests of Community undertakings so require.

⁽¹⁾ OJ No L 340, 18. 12. 1985, p. 5.

⁽²⁾ OJ No L 73, 15. 3. 1978, p. 16.

⁽³⁾ OJ No 173, 3. 7. 1985, p. 11.

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

Done at Brussels, 9 April 1986.

For the Commission

Karl-Heinz NARJES

Vice-President

ANNEX 1

LIST OF ECSC STEEL PRODUCTS UNDER ARRANGEMENT

(NIMEXE codes)

A. CAST IRON AND ORDINARY STEEL

73.01-10	73.08-07	73.11-41	73.13-47
73.01-21	73.08-21	73.11-50	73.13-49
73.01-23	73.08-25	73.12-11	73.13-50
73.01-25	73.08-29	73.12-19	73.13-64
73.01-27	73.08-41	73.12-21	73.13-65
73.01-31	73.08-45	73.12-51	73.13-67
73.01-35	73.08-49	73.12-71	73.13-68
73.01-41	73.09-00	73.13-11	73.13-72
73.01-49	73.10-11	73.13-16	73.13-74
73.02-01	73.10-12	73.13-17	73.13-76
73.02-09	73.10-14	73.13-19	73.13-78
73.06-10	73.10-15	73.13-21	73.13-79
73.06-20	73.10-17	73.13-23	73.13-82
73.06-30	73.10-18	73.13-26	73.13-84
73.07-12	73.10-42	73.13-32	73.13-86
73.07-21	73.11-11	73.13-34	73.13-87
73.07-24	73.11-12	73.13-36	73.13-88
73.08-01	73.11-14	73.13-41	73.13-89
73.08-03	73.11-16	73.13-43	73.13-92
73.08-05	73.11-19	73.13-45	

B. SPECIALTY STEELS

73.61-20	73.65-81	73.73-26	73.75-23
73.62-10	73.71-21	73.73-29	73.75-33
73.62-30	73.71-23	73.73-33	73.75-43
73.63-29	73.71-24	73.73-35	73.75-53
73.63-72	73.71-29	73.73-36	73.75-54
73.64-20	73.71-51 + 73.71-52	73.73-39	73.75-59
73.64-72	73.72-11	73.73-72	73.75-63
73.65-21	73.72-13	73.74-21	73.75-73
73.65-23	73.72-19	73.74-23	73.75-79
73.65-25	73.72-33	73.74-29	73.75-83
73.65-53	73.72-39	73.74-72	73.75-84
73.65-55	73.73-23	73.75-11	73.75-89
73.65-70	73.73-25	73.75-19	

ANNEX 2

- | | |
|-------------------|-----------------|
| 1. AUSTRALIA | 6. POLAND |
| 2. CZECHOSLOVAKIA | 7. ROMANIA |
| 3. BRAZIL | 8. SOUTH AFRICA |
| 4. BULGARIA | 9. SOUTH KOREA |
| 5. HUNGARY | |

COMMISSION REGULATION (EEC) No 1032/86**of 9 April 1986****amending Regulation (EEC) No 2388/84 on special detailed rules on the application of export refunds in the case of certain preserved beef and veal products**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 18 (5) thereof,

Whereas Commission Regulation (EEC) No 2388/84 ⁽³⁾ laid down that certain preserved products which meet the conditions laid down in that Regulation and are exported to third countries will be eligible for a special refund where they are manufactured under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 ⁽⁴⁾; whereas, in view of the outlets which exist on the markets of third countries, these conditions should be adapted in the manner described below;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the second indent of the first subparagraph of Article 2 of Regulation (EEC) No 2388/84, '80 %' is replaced by '60 %'.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁴⁾ OJ No L 62, 7. 3. 1980, p. 5.

COMMISSION REGULATION (EEC) No 1033/86

of 9 April 1986

re-establishing the levying of customs duties on ball bearings with greatest external diameter not more than 30 mm, falling within heading No ex 84.62, originating in Singapore, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3599/85 apply

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

Having regard to Council Regulation (EEC) No 3599/85 of 17 December 1985 applying generalized tariff preferences for 1986 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of ball bearings with greatest external diameter not more than 30 mm, falling within heading No ex 84.62, originating in Singapore, the individual ceiling was fixed at 1 971 000 ECU; whereas, on 2 April 1986, imports of these products into the

Community originating in Singapore reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Singapore,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 April 1986, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3599/85, shall be re-established on imports into the Community of the following products originating in Singapore:

CCT heading No	Description
ex 84.62 (NIMEXE code 84.62-01)	Ball bearings with greatest external diameter not more than 30 mm

Article 2

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

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

Done at Brussels, 9 April 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1034/86

of 9 April 1986

fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular the first sentence of Article 18 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68 of 28 June 1968⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82⁽⁵⁾, as last amended by Regulation (EEC) No 631/85⁽⁶⁾, and Regulations (EEC) No 1964/82⁽⁷⁾, (EEC) No 74/84⁽⁸⁾ and (EEC) No 2388/84⁽⁹⁾, as amended by Regulation (EEC) No 1032/86⁽¹⁰⁾, lay down the conditions for granting special export refunds for certain cuts of beef/veal and certain preserved beef and veal products;

Whereas Regulations (EEC) No 1226/85⁽¹¹⁾, (EEC) No 1591/85⁽¹²⁾, (EEC) No 2908/85⁽¹³⁾ and (EEC) No 142/86⁽¹⁴⁾ lay down the conditions applying to the export of certain beef and veal held by certain intervention agencies and intended for export;

Whereas it follows from applying these rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas the current market situation in the Community and sales outlets, particularly in non-member countries, leads to the granting of export refunds on adult male bovine animals of a live weight of at least 300 kilograms and other bovines of a live weight of 250 kilograms and over; whereas experience gained in recent years has shown that it is advisable to treat live pedigree breeding animals of a weight of at least 250 kilograms for females and 300 kilograms for males in an identical manner to other bovine animals, while subjecting them to certain special administrative formalities;

Whereas it is necessary to grant refunds for the export to certain destinations of certain fresh or chilled meat listed in the Annex under subheading ex 02.01 A II a) and of certain frozen meat listed in the Annex under subheading ex 02.01 A II b) and of certain other prepared or preserved meat or meat offal listed in the Annex under subheading 16.02 B III b) 1 aa);

Whereas, in view of the wide differences in products falling within subheadings ex 02.01 A II a) 4 aa) and ex 02.01 A II b) 4 aa), the refund should only be granted for cuts in which the weight of bone does not exceed one-third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to the extent necessary to allow this trade to continue, the refund must be fixed at an amount which will cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and salted and dried meat to certain African, Near and Middle East third countries; whereas account should be taken of this situation and refund should be fixed accordingly;

Whereas, in the case of certain other cuts and preserves of meat or offals shown in the Annex under subheading 16.02 B III b) 1 bb), Community participation in international trade may be ensured by granting a refund which takes account of the refund hitherto granted to exporters;

Whereas, in the case of other beef and veal products, a refund need not be fixed since Community participation in world trade in these products is not significant;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 72, 13. 3. 1985, p. 24.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 10, 13. 1. 1984, p. 32.

⁽⁹⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽¹⁰⁾ See page 17 of this Official Journal.

⁽¹¹⁾ OJ No L 125, 11. 5. 1985, p. 10.

⁽¹²⁾ OJ No L 154, 13. 6. 1985, p. 31.

⁽¹³⁾ OJ No L 279, 19. 10. 1985, p. 18.

⁽¹⁴⁾ OJ No L 19, 25. 1. 1986, p. 8.

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⁽¹⁾,
- 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 measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION :

Article 1

The list of products on which the export refund referred to in Article 18 of Regulation (EEC) No 805/68 is granted and the amount of that refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 9 April 1986 fixing the export refunds on beef and veal

(ECU/100 kg)

CCT heading No	Description	Refund
		— Live weight —
ex 01.02 A	Live domestic animals of the bovine species :	
	I. Pure-bred breeding animals :	
	(a) Females, with a live weight equal to or greater than 250 kg :	
	— for export to third countries	80,000
	(b) Males, with a live weight equal to or greater than 300 kg :	
	— for export to third countries	80,000
	II. Other than pure-bred breeding animals :	
	(a) Adult male bovine animals with a live weight equal to or greater than 300 kg :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	80,000
	— For export to certain other Asian third countries ⁽¹²⁾	65,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	65,000
	— For export to Austria, Sweden and Switzerland	30,500
	(b) Other, with a live weight equal to or greater than 250 kg :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	76,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	76,000
	— For export to certain other Asian third countries ⁽¹²⁾	61,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	61,500
	— For export to Austria, Sweden and Switzerland	28,500
		— Net weight —
ex 02.01 A II	Meat of bovine animals :	
	a) Fresh or chilled :	
	1. Carcasses, half-carcasses or 'compensated' quarters :	
	(aa) The front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	114,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	107,500
	— For export to certain other Asian third countries ⁽¹²⁾	88,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	88,500
	— For export to Austria, Sweden and Switzerland	44,500

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	97,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	90,500
	— For export to certain other Asian third countries ⁽¹²⁾	81,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	81,000
	— For export to Austria, Sweden and Switzerland	40,500
	(bb) Other :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	155,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	148,500
	— For export to certain other Asian third countries ⁽¹²⁾	120,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	120,500
	— For export to Austria, Sweden and Switzerland	60,500
	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	132,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	125,000
	— For export to certain other Asian third countries ⁽¹²⁾	110,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	110,000
	— For export to Austria, Sweden and Switzerland	55,500
	2. Separated or unseparated forequarters :	
	(aa) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	114,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	107,500
	— For export to certain other Asian third countries ⁽¹²⁾	88,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	88,500
	— For export to Austria, Sweden and Switzerland	44,500

CCT heading No	Description	(ECU/100 kg)
		Refund
		— Net weight —
ex 02.01 A II (cont'd)	(bb) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	97,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	90,500
	— For export to certain other Asian third countries ⁽¹²⁾	81,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	81,000
	— For export to Austria, Sweden and Switzerland	40,500
	3. Separated or unseparated hindquarters :	
	(aa) With a maximum of nine ribs or pairs of ribs :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	196,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	189,500
	— For export to certain other Asian third countries ⁽¹²⁾	152,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	152,500
	— For export to Austria, Sweden and Switzerland	76,500
	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	166,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	159,500
	— For export to certain other Asian third countries ⁽¹²⁾	139,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	139,000
	— For export to Austria, Sweden and Switzerland	70,500
	(bb) With more than nine ribs or pairs of ribs :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	114,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	107,500
	— For export to certain other Asian third countries ⁽¹²⁾	88,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	88,500
	— For export to Austria, Sweden and Switzerland	44,500

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	97,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	90,500
	— For export to certain other Asian third countries ⁽¹²⁾	81,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	81,000
	— For export to Austria, Sweden and Switzerland	40,500
	4. Other :	
	ex aa) Unboned (bone-in)	
	(11) From the carcasses, half-carcasses or 'compensated' quarters of male adult bovine animals ⁽⁸⁾ , excluding the front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	155,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	148,500
	— For export to certain other Asian third countries ⁽¹²⁾	120,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	120,500
	— For export to Austria, Sweden and Switzerland	60,500
	(22) From the forequarters of male adult bovine animals ⁽⁸⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	114,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	107,500
	— For export to certain other Asian third countries ⁽¹²⁾	88,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	88,500
	— For export to Austria, Sweden and Switzerland	44,500
	(33) From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs ⁽⁸⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	196,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	189,500
	— For export to certain other Asian third countries ⁽¹²⁾	152,500

CCT heading No	Description	(ECU/100 kg) Refund — Net weight —
ex 02.01 A II (cont'd)	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	152,500
	— For export to Austria, Sweden and Switzerland	76,500
	(44) Other, the weight of bone does not exceed one-third of the weight of the cut :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	97,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	90,500
	— For export to certain other Asian third countries ⁽¹²⁾	81,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	81,000
	— For export to Austria, Sweden and Switzerland	40,500
	ex bb) Boned, each piece individually wrapped :	
	(11) From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs ⁽⁴⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	280,000
	— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	270,500
	— For export to certain other Asian third countries ⁽¹²⁾	218,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	218,000
	— For export to Austria, Sweden and Switzerland	109,500
	(22) Other, excluding the thin flanks, the shin and the shank ⁽⁷⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	188,500
	— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	178,500
	— For export to certain other Asian third countries ⁽¹²⁾	157,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	157,000
	— For export to Austria, Sweden and Switzerland	79,500
	— For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79 ⁽⁵⁾ , and for export to Canada	80,000

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	b) Frozen :	
	1. Carcasses, half-carcasses or 'compensated' quarters :	
	(aa) The front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	74,000
	— For export to certain other Asian third countries ⁽¹²⁾	74,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	74,000
	— For export to Austria, Sweden and Switzerland	35,500
	(bb) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	106,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	99,500
	— For export to certain other Asian third countries ⁽¹²⁾	99,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	99,500
	— For export to Austria, Sweden and Switzerland	47,500
	2. Separated or unseparated forequarters :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	74,000
	— For export to certain other Asian third countries ⁽¹²⁾	74,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	74,000
	— For export to Austria, Sweden and Switzerland	35,500
	3. Separated or unseparated hindquarters :	
	(aa) With a maximum of nine ribs or pairs of ribs :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	131,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	125,000
	— For export to certain other Asian third countries ⁽¹²⁾	125,000

(ECU/100 kg)

CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	125,000
	— For export to Austria, Sweden and Switzerland	59,500
	(bb) With more than nine ribs or pairs of ribs :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	74,000
	— For export to certain other Asian third countries ⁽¹²⁾	74,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	74,000
	— For export to Austria, Sweden and Switzerland	35,500
	4. Other :	
	aa) Unboned (bone-in), the weight of bone does not exceed one-third of the weight of the cut :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	74,000
	— For export to certain other Asian third countries ⁽¹²⁾	74,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	74,000
	— For export to Austria, Sweden and Switzerland	35,500
	ex bb) Boned or boneless, excluding the thin flanks, the shin and the shank, each piece individually wrapped ⁽⁷⁾ :	
	— For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79 ⁽³⁾ , and for export to Canada	80,000
	— For export to North African, Near and Middle East third countries ⁽¹⁾	121,500
	— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	114,000
	— For export to certain other Asian third countries ⁽¹²⁾	93,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	93,500
	— For export to Austria, Sweden and Switzerland	46,500
	Other boned or boneless :	
	— For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79 ⁽³⁾ , and for export to Canada	80,000

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	— For export carried out within the framework of Regulation (EEC) No 1226/85, (EEC) No 1591/85, (EEC) No 2908/85 and (EEC) No 142/86: — to North African, Near and Middle East third countries ⁽¹⁾ — to French Polynesia, West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe — to certain other Asian third countries ⁽¹²⁾ — to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland — to Austria, Sweden and Switzerland	190,500 181,000 181,000 181,000 86,000
ex 02.06 C I a) 2	Meat of bovine animals, boned or boneless, salted or in brine, dried or smoked: (aa) Salted and dried: — For export to North, West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe — For export to Switzerland (bb) Salted, dried and smoked: — For export to North African, Near and Middle East third countries ⁽¹⁾ — For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe (cc) in brine: — For export to North African, Near and Middle East third countries ⁽¹⁾ — For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	102,500 60,500 102,500 102,500 102,500 102,500
ex 16.02 B III b) 1	Other preparations and preserves containing bovine meat or offals, except those finely homogenized ⁽⁶⁾ : - ex aa) Uncooked, containing by weight the following percentages of bovine meats (excluding offal and fat): (11) 90 % or more of meat: — For export to North African, Near and Middle East third countries ⁽¹⁾ — For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe — For export to certain other Asian third countries ⁽¹²⁾ — For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland — For export to Austria, Sweden and Switzerland (22) 80 % or more, but less than 90 % of meat: — For export to North African, Near and Middle East third countries ⁽¹⁾ — For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe — For export to certain other Asian third countries ⁽¹²⁾ — For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland — For export to Austria, Sweden and Switzerland	115,500 108,000 108,000 108,000 108,000 102,500 96,000 96,000 96,000 96,000

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 16.02 B III b) 1 (cont'd)	(33) 60 % or more, but less than 80 % of meat :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	77,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	77,000
	— For export to certain other Asian third countries ⁽¹²⁾	77,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	77,000
	— For export to Austria, Sweden and Switzerland	77,000
	(44) 40 % or more, but less than 60 % of meat :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	51,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	51,000
	— For export to certain other Asian third countries ⁽¹²⁾	51,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	51,000
	— For export to Austria, Sweden and Switzerland	51,000
	ex bb) Other, containing by weight the following percentages of bovine meats (excluding offal and fat) :	
	(11) 90 % or more of meat :	
	— For export to third countries	73,000 ⁽⁹⁾
	(22) 80 % or more, but less than 90 % of meat :	
	— For export to third countries	65,000 ⁽¹³⁾
	(33) 60 % or more, but less than 80 % of meat :	
	— For export to third countries	48,500 ⁽¹⁴⁾
	(44) 40 % or more, but less than 60 % of meat :	
	— For export to third countries	32,500
	(55) 20 % or more, but less than 40 % of meat :	
	— For export to third countries	16,000

- (¹) Within the meaning of Commission Regulation (EEC) No 3431/85 (OJ No L 326, 6. 12. 1985, p. 17).
- (²) Within the meaning of this Regulation those destinations mentioned in Article 5 of Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1) to be understood as European third countries.
- (³) The amount of this refund is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82 (OJ No L 4, 8. 1. 1982, p. 11).
- (⁴) The amount of this refund is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 1964/82 (OJ No L 212, 21. 7. 1982, p. 48).
- (⁵) OJ No L 336, 29. 12. 1979, p. 44.
- (⁶) The products which contain a small quantity of visible pieces of meat are also excluded.
- (⁷) Boned cuts which consist, entirely or partially, of thin flanks, shin or shank are ineligible for the refund.
- (⁸) The amount of this refund is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 74/84 (OJ No L 10, 13. 1. 1984, p. 32).
- (⁹) For the products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (OJ No L 221, 18. 8. 1984) the refund is 116 ECU per 100 kilograms net weight.
- (¹²) For the purposes of this Regulation 'certain other Asian third countries' are Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong.
- (¹³) For the products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (OJ No L 221, 18. 8. 1984) the refund is 103 ECU per 100 kilograms net weight.
- (¹⁴) For the products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (OJ No L 221, 18. 8. 1984) the refund is 77 ECU per 100 kilograms net weight.

NB: Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

COMMISSION REGULATION (EEC) No 1035/86

of 9 April 1986

introducing a countervailing charge on tomatoes originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 985/86 of 4 April 1986 fixing for the 1986 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the month of April 1986 at 197,27 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficient fixed in the first indent of Article 1 (2) (a) of Regulation (EEC) No 985/86;

Whereas, for tomatoes originating in Morocco the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 31,26 ECU per 100 kilograms net is applied to tomatoes (subheading 07.01 M of the Common Customs Tariff) originating in Morocco.

Article 2

This Regulation shall enter into force on 11 April 1986.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 90, 5. 4. 1986, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1036/86

of 9 April 1986

introducing a countervailing charge on tomatoes originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 985/86 of 4 April 1986 fixing for the 1986 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the month of April 1986 at 197,27 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficient fixed in the first indent of Article 1 (2) (a) of Regulation (EEC) No 985/86;

Whereas, for tomatoes originating in Spain (except the Canary Islands) the entry price calculated in this way, has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾,
- 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 Article 140 (1) provides for a 2 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the first year after accession;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁷⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 32,83 ECU per 100 kilograms net is applied to tomatoes (subheading 07.01 M of the Common Customs Tariff) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 11 April 1986.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 90, 5. 4. 1986, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1037/86

of 9 April 1986

introducing a countervailing charge on tomatoes originating in the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 985/86 of 4 April 1986 fixing for the 1986 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the month of April 1986 at 197,27 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficient fixed in the first indent of Article 1 (2) (a), of Regulation (EEC) No 985/86;

Whereas, for tomatoes originating in the Canary Islands the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecu-

tive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾,
- 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, in accordance with Article 1 (5) of Protocol 2 to the Act of Accession of Spain and Portugal⁽⁷⁾, the Community must apply in its trade with the Canary Islands, for products covered by Annex II to the EEC Treaty, the general arrangements which it applies in its foreign trade;

Whereas, in accordance with Article 4 of the said Protocol, the products, including tomatoes, specified in Annex A to the Protocol, qualify for preferential arrangements, subject to the tariff quota opened by way of Community Regulation (EEC) No 3806/85⁽⁸⁾;

HAS ADOPTED THIS REGULATION:

Article 1

When tomatoes falling within subheading 07.01 M of the Common Customs Tariff and originating in the Canary Islands are imported, a countervailing charge shall be levied, the amount of which shall be fixed at:

- 32,68 ECU per 100 kilograms net weight for quantities within the tariff quota laid down by Regulation (EEC) No 3806/85,
- 33,35 ECU per 100 kilograms, for other amounts.

However this charge shall not be levied on quantities imported into Spain within the tariff quotas laid down by Regulation (EEC) No 3806/85.

Article 2

This Regulation shall enter into force on 11 April 1986.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 90, 5. 4. 1986, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

⁽⁸⁾ OJ No L 367, 31. 12. 1985, p. 44.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1038/86**of 9 April 1986****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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

Having regard to the Act of Accession of Spain and Portugal,

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 syrups and certain other sugar products were fixed by Regulation (EEC) No 889/86 ⁽³⁾, as last amended by Regulation (EEC) No 1005/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 889/86 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 889/86, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 362, 31. 21. 1985, p. 8.

⁽³⁾ OJ No L 82, 27. 3. 1986, p. 23.

⁽⁴⁾ OJ No L 93, 8. 4. 1986, p. 11.

ANNEX

to the Commission Regulation of 9 April 1986 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,4287	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	54,56
	ex II. Other	0,4287	—
	E. Artificial honey, whether or not mixed with natural honey	0,4287	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4287	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	54,56
	IV. Other	0,4287	—

COMMISSION REGULATION (EEC) No 1039/86
of 9 April 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 the Act of Accession of Spain and Portugal,

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 1023/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 to the infor-

mation 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 10 April 1986.

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

Done at Brussels, 9 April 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 94, 9. 4. 1986, p. 39.

ANNEX

to the Commission Regulation of 9 April 1986 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	42,87
	B. Raw sugar	35,45 ⁽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 1040/86

of 9 April 1986

fixing the maximum export refund for white sugar for the 34th 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 the Act of Accession of Spain and Portugal,

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 239/86 ⁽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 34th 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 34th partial invitation to tender for white sugar issued under Regulation (EEC) No 2236/85 is hereby fixed at 38,249 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 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 29, 4. 2. 1986, p. 19.

COMMISSION REGULATION (EEC) No 1041/86
of 9 April 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 the Act of Accession of Spain and Portugal.

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 901/86⁽⁶⁾, as last amended by Regulation (EEC) No 973/86⁽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 8 April 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

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 901/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

Done at Brussels, 9 April 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 82, 27. 3. 1986, p. 55.

⁽⁷⁾ OJ No L 89, 4. 4. 1986, p. 28.

⁽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 9 April 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
11.01 F ⁽²⁾	33,25		
11.02 A VI ⁽²⁾	33,25		
11.02 E II d) 1 ⁽²⁾	57,38		
11.02 F VI ⁽²⁾	33,25		
11.08 A II	74,18		
11.01 G ⁽²⁾		159,80	156,78
11.02 A VII ⁽²⁾		159,80	156,78
11.02 B II d) ⁽²⁾		248,96	245,94
11.02 C VI ⁽²⁾		248,96	245,94
11.02 D VI ⁽²⁾		159,80	156,78
11.02 E II d) 2 ⁽²⁾		282,72	276,68
11.02 F VII ⁽²⁾		159,80	156,78

⁽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.

COMMISSION REGULATION (EEC) No 1042/86
of 9 April 1986
altering the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds⁽³⁾, as last amended by Regulation (EEC) No 2429/72⁽⁴⁾, and in particular the second sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the exchange rates to be applied in agriculture⁽⁵⁾, as last amended by Regulation (EEC) No 505/86⁽⁶⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁷⁾, as last amended by Regulation (EEC) No 1474/84⁽⁸⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the export refunds on oil seeds were fixed by Regulation (EEC) No 892/86⁽⁹⁾;

Whereas, in the absence of the target price for the 1985/86 marketing year for colza and rape seed in the absence of the amount of the monthly increase for May and June 1986 for colza and rape seed, the amount of the refunds in the case of advance fixing for April, May and June 1986 for colza and rape seed has been obtained only provisionally on the basis of the target price and the monthly increase last proposed by the Commission to the Council for the marketing year 1985/86; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1985/86 marketing year is known;

Whereas in the absence of a target price for colza and rape seed for the 1986/87 marketing year, in cases of advance fixing for the months of July, August and September 1986 of the refund on these products, it has been possible only to make a provisional calculation using the target price and the monthly increase proposed by the Commission to the Council for the 1986/87 marketing year; whereas therefore such refund amounts must be applied only provisionally and confirmed or altered when the target price for the 1986/87 marketing year and the amount for the monthly increase for September 1986 are known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 892/86 to the information at present known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71⁽¹⁰⁾, fixed in the Annex to Regulation (EEC) No 892/86 are altered as shown in the Annex hereto.
2. In cases of advance fixing of the refund on colza and rape seed for the months of April, May and June 1986 the amount will however be confirmed or altered with effect from 10 April 1986 on the basis of the target price set for these products for the 1985/86 marketing year and of the amount for the monthly increases applicable in May and June 1986 on colza and rape seed.
3. In cases of advance fixing of the refund on colza and rape seed for the months of July, August and September 1986 the amount will however be confirmed or altered with effect from 10 April 1986 on the basis of the target price set for these products for the 1986/87 marketing year and of the amount of the monthly increase for September 1986.
4. There shall be no refund on sunflower seed.

Article 2

This Regulation shall enter into force on 10 April 1986.

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

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 51, 28. 2. 1986, p. 1.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁸⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁹⁾ OJ No L 82, 27. 3. 1986, p. 31.

⁽¹⁰⁾ OJ No L 75, 30. 3. 1971, p. 16.

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

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 9 April 1986 altering the export refunds on colza and rape seed

(amounts per 100 kilograms)

	Current month (1)	2nd month (1)	3rd month (1)	4th month (2)	5th month (2)	6th month (2)
1. Gross refunds (ECU):						
— Spain	18,870	18,870	18,870	15,320	15,320	15,816
— Portugal	25,00	25,00	25,00	20,84	20,84	21,336
— other Member States	25,00	25,00	25,00	20,84	20,84	21,336
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	61,36	61,36	61,39	51,62	51,62	53,30
— Netherlands (Fl)	69,14	69,14	69,14	58,14	58,14	59,96
— BLEU (Bfrs/Lfrs)	1 136,79	1 136,79	1 136,79	942,72	942,72	958,24
— France (FF)	161,10	161,10	160,71	130,85	130,85	131,74
— Denmark (Dkr)	206,11	206,11	206,11	171,11	171,11	174,75
— Ireland (£ Irl)	18,177	18,177	18,173	14,809	14,809	15,306
— United Kingdom (£)	14,103	14,103	14,103	11,529	11,529	11,664
— Italy (Lit)	34 030	34 027	33 827	27 469	27 469	27 979
— Greece (Dr)	1 460,93	1 460,93	1 422,62	963,38	963,38	919,44
— Spain (Pta)	2 635,58	2 635,58	2 635,58	2 123,03	2 123,03	2 140,10
— Portugal (Esc)	3 705,13	3 705,13	3 705,13	3 079,65	3 079,65	3 154,23

(1) On the basis of the Commission's proposal concerning the indicative price for the 1985/86 marketing year and subject to confirmation by the Council's decision.

(2) Contingent on the Council's decision on prices and related matters for the 1986/87 marketing year.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 25 March 1986

laying down minimum standards for the protection of laying hens kept in battery cages

(86/113/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas eggs are covered by a common organization of the market; whereas the rules on the conditions under which egg production takes place, in particular with regard to the keeping of hens, are of major importance as far as the operation of the market organization is concerned; whereas differences between the rules applied by Member States may lead to distortion of competition which may interfere with the smooth running of the market organization concerned;

Whereas the keeping of laying hens in battery cages is the most widely used means of egg production in the Community and makes a very large contribution to the high productivity of this sector; whereas the fact that this means of housing may, in certain cases, lead to unnecessary and excessive suffering on the part of the animals has led Member States to introduce differing rules with regard to certain aspects of the type of production concerned, in particular the size of the cages;

Whereas there is therefore a need to establish priority parameters and to define common minimum requirements applicable in order to overcome existing problems and enable the market organization to operate more

satisfactorily, in particular with regard to Article 39 of the Treaty, while bearing in mind the need to protect animals;

Whereas provision should be made for introducing Community control measures in order to ensure that the provisions of this Directive are effective;

Whereas, to provide the basis for further Community measures, the studies on poultry protection must be continued, not only as regards the keeping of poultry in battery cages but also in possible alternative systems of housing;

Whereas, in certain Member States, the adjustment of existing structures to the standards laid down by this Directive will entail a reduction in production; whereas such adjustment should therefore be facilitated under the conditions laid down in this Directive without creating structural and market imbalances,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down the minimum standards for the protection of laying hens kept in battery cages.

Article 2

For the purpose of this Directive:

1. 'Laying hens' means adult hens of the species *Gallus gallus* which are kept for egg production.
2. 'Battery cage' means any enclosed space intended for laying hens in a battery system.
3. 'Battery system' means an arrangement of cages beside and/or on top of each other.

⁽¹⁾ OJ No C 125, 17. 5. 1982, p. 183.

⁽²⁾ OJ No C 343, 31. 12. 1981, p. 48.

Article 3

1. Member States shall ensure that from 1 January 1988:

- all newly-built cages for use within the Community,
- all cages brought into use for the first time,

comply at least with the following requirements:

- (a) At least 450 cm² of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available, shall be provided for each laying hen;
- (b) A feed trough which may be used without restriction shall be provided. Its length shall be at least 10 cm multiplied by the number of animals in the cage;
- (c) Unless nipple drinkers or drinking cups are provided, each battery cage shall have a continuous drinking channel of the same length as the feed trough mentioned in point (b). Where drinking points are plumbed in, at least two nipple drinkers or two drinking cups shall be within reach of each cage;
- (d) Battery cages shall be at least 40 cm high over 65 % of the cage area and not less than 35 cm at any point;
- (e) Floors of battery cages must be constructed so as to support adequately each of the forward facing claws of each foot. Floor slope shall not exceed 14 % or 8 degrees. In the case of floors using other than rectangular wire mesh, Member States may permit steeper slopes.

2. Moreover, Member States shall ensure that from 1 January 1995 the minimum requirements laid down in points (a) to (e) of paragraph 1 apply to all battery cages.

Article 4

Member States shall ensure that conditions for laying hens kept in battery cages are in accordance with the general requirements laid down in the Annex.

Article 5

The provisions of the Annex may be amended in accordance with the procedure laid down in Article 8 in order to take account of scientific developments.

Article 6

Member States shall arrange for inspections to be made by the competent authority to ensure that this Directive, including the Annex, is complied with.

Article 7

1. Furthermore, in order to ensure that this Directive is complied with and that it is uniformly applied by the Member States, the Commission shall check on its application on the spot regularly and in an appropriate

manner, in conjunction with the relevant national departments.

2. To that end, Commission experts shall carry out inspection operations jointly with national departments under inspection programmes adopted in cooperation with the competent authorities of the Member State concerned.

Where it is established that this Directive is not being complied with the Commission will inform the relevant national authorities.

The Commission will prepare periodical general reports on the results of the inspections carried out. Those reports shall be communicated to the Member States.

3. The Community shall in an appropriate manner bear the cost of participation by the Commission in the checks provided for in paragraph 1.

4. The general provisions for implementing this Article shall be determined in accordance with the procedure laid down in Article 8. In accordance with the same procedure, a code may be established containing the rules to be followed for the purpose of the checks provided for in paragraph 1 of this Article.

Article 8

1. Where the procedure laid down in this Article is referred to, matters shall without delay be referred by the chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called 'Committee').

2. Within the Committee the votes of Member States shall be weighted as provided in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The Commission representative shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within two days. Opinions shall be delivered by a qualified majority as provided in Article 148 (2) of the Treaty.

4. The Commission shall adopt the measures and apply them immediately where they are in accordance with the opinion of the Committee. If they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal concerning the measures to be adopted.

The Council shall adopt the measures by a qualified majority.

If, within three months of the date on which the proposal was submitted to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and apply them immediately save where the Council has decided by a simple majority against those measures.

Article 9

Before 1 January 1993 the Commission shall submit a report on scientific developments regarding the welfare of hens under various systems of rearing and on the provisions in the Annex, accompanied by any appropriate adjustment proposals.

Article 10

From the date on which this Directive takes effect until the end of the transitional period, national aid intended for the functional extension of buildings housing the battery cages necessary for rearing the same number of hens may be considered compatible with the common market, under Articles 92 to 94 of the Treaty, account being taken also of the depreciation of these buildings.

Article 11

Member States shall bring into force the laws, regulations and administrative provisions required in order to comply with this Directive by 1 July 1987 at the latest. They shall immediately inform the Commission thereof.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 25 March 1986.

For the Council

The President

G. BRAKS

ANNEX

1. The form and type of materials employed for constructing the cages and the construction and characteristics of the latter must be such as to prevent any injury to the animals to the extent possible in the existing state of technology.
 2. The design and size of the cage opening must be such that an adult hen can be removed without causing unnecessary suffering or injury.
 3. The cages must be suitably equipped to prevent the poultry escaping.
 4. All poultry shall have access to adequate, nutritious and hygienic feed each day and to adequate fresh water at all times, except in the case of therapeutic or prophylactic treatment.
 5. Insulation and ventilation of the building must ensure that air velocity, dust level, temperature, relative air humidity and gas concentrations are kept within limits that are not harmful to the poultry.
 6. In the case of artificial lighting, the poultry must have an appropriate resting period each day during which the light intensity must be reduced in such a way that the poultry can rest properly.
 7. It shall be ensured that the hens are cared for by a sufficient number of personnel with adequate knowledge and experience of laying hens and of the production system used.
 8. The flock or group of poultry shall be inspected at least once a day and for this purpose a source of light shall be available which is strong enough for each bird to be seen clearly and, if need be, thoroughly inspected.
 9. Accommodation comprising more than three tiers of cages shall be permitted only if suitable devices or measures make it possible to inspect all tiers without difficulty.
 10. For poultry appearing not to be in good health, including behavioural changes, steps shall be taken to establish the cause and appropriate remedial measures shall be implemented, e.g. treatment, isolation, culling or attention to environmental factors. If the cause is traced to an environmental factor in the production unit which it is not essential to remedy immediately, this should be corrected when the accommodation is emptied and before the next batch of poultry is put in.
 11. All automatic equipment essential for the animals' health and welfare must be inspected at least once daily. Where defects are discovered these must be rectified immediately or, if this is impracticable, appropriate steps taken to safeguard the health and welfare of the animals until the defect has been rectified. Alternative ways of feeding and of maintaining a satisfactory environment must be available for use in the event of a breakdown.

There must be an alarm system to warn the stock-keeper of failure of any essential automated ventilation equipment.
 12. Those parts of the cage which are in contact with the poultry shall be thoroughly cleansed and disinfected every time the cage is emptied and before a new batch of poultry is brought in. While the cage is occupied, the surfaces and all equipment shall be kept satisfactorily clean.
-

CORRIGENDA

**Corrigendum to the information from the Commission concerning the calculation of the
monetary compensatory amounts**

(Official Journal of the European Communities No L 94 of 9 April 1986)

Page 43, Italy, other products :

for: '— 6,6',

read: '— 6,5'.

THE EUROPEAN COMMUNITY — POLITICAL MAP

Member States, Regions and Administrative Units

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(signed on 31 October 1979)

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