

Official Journal

of the European Communities

ISSN 0378-6978

L 115

Volume 29

3 May 1986

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1305/86**of 2 May 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 30 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 3 May 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, 2 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 2 May 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	8,11	177,92
10.01 B II	Durum wheat	31,61	228,46 ⁽¹⁾ ^(?)
10.02	Rye	46,32	166,95 ⁽⁶⁾
10.03	Barley	41,18	169,54
10.04	Oats	80,34	161,89
10.05 B	Maize, other than hybrid maize for sowing	—	160,30 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	5,44	5,44
10.07 B	Millet	41,18	53,70 ⁽⁴⁾
10.07 C	Grain sorghum	—	167,18 ⁽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	26,89	263,69
11.01 B	Rye flour	80,38	248,50
11.02 A I a)	Durum wheat groats and meal	62,83	367,13
11.02 A I b)	Common wheat groats and meal	26,24	281,99

⁽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 1306/86

of 2 May 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 30 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 3 May 1986.

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

Done at Brussels, 2 May 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 2 May 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from Portugal

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 5	1st period 6	2nd period 7	3rd period 8
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

CCT heading No	Description	(ECU/tonne)				
		Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 2 May 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 5	1st period 6	2nd period 7	3rd period 8
10.01 B I	Common wheat, and meslin	0	2,33	2,39	5,13
10.01 B II	Durum wheat	0	0,52	0,52	0,52
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	3,26	3,35	7,18

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	4,15	4,25	9,13	9,13
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	3,10	3,18	6,82	6,82
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1307/86

of 29 April 1986

on the supply of wholly milled long grain rice to the Republic of Ghana as food aid

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

Having regard to Council Regulation (EEC) No 3331/82 of 3 December 1982 on food-aid policy and food-aid management and amending Regulation (EEC) No 2750/75⁽¹⁾, and in particular the first subparagraph of Article 3 (1) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽²⁾, as last amended by Regulation (EEC) No 3768/85⁽³⁾, and in particular Article 25 thereof,

Whereas, by its Decision of 10 December 1985 on the supply of food aid to the Republic of Ghana, the Commission allocated to the latter country 10 000 tonnes of cereals to be supplied cif;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁴⁾, as last amended by Regulation (EEC) No

3826/85⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agency specified in the Annex hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 29 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

1. **Programme :** 1985
2. **Recipient :** Ghana — National Authorizing Officer, att. Ms. Quist, Ministry of Finance & Economic Planning, PO Box M 40, Accra
3. **Place or country of destination :** Ghana
4. **Product to be mobilized :** wholly milled long grain rice (non-parboiled)
5. **Total quantity :** 3 450 tonnes (10 000 tonnes of cereals)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Ente Nazionale Risi, piazza Pio XI, 1, I-Milano (Telex 334 032)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - rice of fair and sound merchantable quality, free from abnormal smell and pests,
 - moisture : 15 %,
 - broken rice : 5 % maximum,
 - chalky grains : 5 % maximum,
 - grains striated with red : 3 % maximum,
 - spotted grains : 1,5 % maximum,
 - stained grains : 1 % maximum,
 - yellow grains : 0,050 % maximum,
 - amber grains : 0,20 % maximum.
10. **Packaging :**
 - in bags :
 - quality of the bags : new jute sacks, minimum weight 600 g,
 - net weight of the bags : 50 kg,
 - marking of the bags in letters at least 5 cm high :
'WHITE RICE — GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO GHANA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Tema
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 19 May 1986
16. **Shipment period :** 1 to 30 June 1986
17. **Security :** 15 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
 2. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Ghana, c/o 'Diplomatic Bag', Berlaymont 1/123, 200, rue de la Loi, B-1049 Brussels.
-

COMMISSION REGULATION (EEC) No 1308/86**of 2 May 1986****amending for the fourth time Regulation (EEC) No 1795/85 fixing countervailing charges on 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 (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 1795/85 ⁽³⁾, as last amended by Regulation (EEC) No 942/86 ⁽⁴⁾, fixed countervailing charges on seeds in respect of a certain type of hybrid maize for sowing;

Whereas, since that time, a significant variation has been recorded in the free-at-frontier offer prices which, under the terms of Article 4 (2) of Commission Regulation

(EEC) No 1665/72 ⁽⁵⁾, requires that these charges be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1795/85 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 May 1986.

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

Done at Brussels, 2 May 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 169, 29. 6. 1985, p. 50.

⁽⁴⁾ OJ No L 87, 2. 4. 1986, p. 22.

⁽⁵⁾ OJ No L 175, 2. 8. 1972, p. 49.

ANNEX

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CCT heading number	Description	Amount of countervailing charge ⁽¹⁾	Country of origin
ex 10.05	Maize :		
	A. Hybrid for sowing :		
	I. Double hybrids and top cross hybrids	0,8 28,5 28,5	Hungary Romania Other countries ⁽²⁾
	II. Three cross hybrids	6,8 10,3 23,4 23,4	Austria Hungary Argentina Other countries ⁽³⁾
	III. Single hybrids	33,7 70,0 100,3 100,3	Austria Canada Hungary Other countries ⁽⁴⁾

⁽¹⁾ The countervailing charge may not exceed 4 % of the customs value. In the case of Spain and Portugal it may not exceed the rate obtained by alignment on the Common Customs Tariff in accordance with the timetable specified in the Act of Accession.

⁽²⁾ With the exception of the United States of America, Canada, Austria and Yugoslavia.

⁽³⁾ With the exception of Canada, the United States of America, Chile, Japan, Yugoslavia and Romania.

⁽⁴⁾ With the exception of the United States of America, Bulgaria, Romania and Yugoslavia.

COMMISSION REGULATION (EEC) No 1309/86

of 2 May 1986

fixing the monetary coefficient applicable on imports of dried grapes

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

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

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

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

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

Whereas Commission Regulation (EEC) No 2238/85 ⁽³⁾ as amended by Regulation (EEC) No 2879/85 ⁽⁴⁾, fixes the minimum import price applicable to dried grapes during the marketing year 1985/86 as well as the countervailing charges to be imposed where that price is not observed ; whereas the import prices as set out in Annex II of that

Regulation are calculated as specific percentages of the minimum import price ; whereas as a result the monetary coefficient should apply both to the minimum import prices and the import prices,

HAS ADOPTED THIS REGULATION :

Article 1

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

— for the German mark :	0,972
— for the Dutch guilder :	0,972
— for the Greek drachma :	1,434
— for the Italian lire :	1,080
— for the pound sterling :	1,107
— for the Portuguese escudo :	1,037
— for the Spanish peseta :	1,029
— for the French franc :	1,078
— for the Irish pound :	1,030

Article 2

This Regulation shall enter into force on 5 May 1986.

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

Done at Brussels, 2 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 209, 6. 8. 1985, p. 24.

⁽³⁾ OJ No L 209, 6. 8. 1985, p. 26.

⁽⁴⁾ OJ No L 277, 17. 10. 1985, p. 15.

COMMISSION REGULATION (EEC) No 1310/86

of 2 May 1986

re-establishing the levying of customs duties on gelatin and gelatin derivatives, falling within subheading 35.03 ex B, originating in Brazil, 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 gelatin and gelatin derivatives falling within subheading 35.03 ex B, originating in Brazil, the individual ceiling was fixed at 657 000 ECU; whereas, on 29 April 1986, imports of these products into the Community originating in Brazil 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 Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 6 May 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 Brazil:

CCT heading No	Description
35.03 ex B (NIMEXE code 35.03-91)	Gelatin and gelatin derivatives

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, 2 May 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1311/86

of 2 May 1986

re-establishing the levying of customs duties on diodes, transistors and similar semiconductor devices, light-emitting diodes, electronic micro-circuits and parts, falling within subheadings 85.21 D and E, originating in South Korea, 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 diodes, transistors and similar semiconductor devices, light-emitting diodes, electronic micro-circuits and parts, falling within subheadings 85.21 D and E, originating in South Korea, the individual ceiling was fixed at 3 285 000 ECU; whereas, on 29 April 1986, imports of these products into the Community originating in South Korea reached the ceiling in ques-

tion after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 6 May 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 South Korea:

CCT heading No	Description
85.21 (NIMEXE code 85.21-47, 51, 53, 54, 57, 59, 60, 61, 63, 69, 71, 73, 75, 79, 81, 93, 99)	D. Diodes, transistors and similar semi-conductor devices; light emitting diodes; electronic micro-circuits: E. Parts

Article 2

This Regulation shall enter into forces 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, 2 May 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1312/86

of 2 May 1986

abolishing the countervailing charge on courgettes 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 Commission Regulation (EEC) No 1211/86 of 24 April 1986⁽³⁾ introduced a countervailing charge on courgettes originating in Spain (except the Canary Islands);

Whereas the present trend of prices for these products on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the

provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1211/86 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 May 1986.

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

Done at Brussels, 2 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 108, 25. 4. 1986, p. 50.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1313/86**of 2 May 1986****abolishing the 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 Commission Regulation (EEC) No 1037/86⁽³⁾, as last amended by Regulation (EEC) No 1170/86⁽⁴⁾ introduced a countervailing charge on tomatoes originating in the Canary Islands;

Whereas for this product originating in the Canary Islands there were no prices for six consecutive working

days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of tomatoes originating in the Canary Islands can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1037/86 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 May 1986.

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

Done at Brussels, 2 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 95, 10. 4. 1986, p. 35.

⁽⁴⁾ OJ No L 106, 23. 4. 1986, p. 28.

COMMISSION REGULATION (EEC) No 1314/86**of 2 May 1986****abolishing the 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 Commission Regulation (EEC) No 1224/86⁽³⁾ introduced a countervailing charge on tomatoes originating in Spain (except the Canary Islands);

Whereas the present trend of prices for products originating in Spain (except the Canary Islands) on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No

3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1224/86 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 May 1986.

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

Done at Brussels, 2 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 109, 26. 4. 1986, p. 16.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1315/86
of 2 May 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 1299/86 ⁽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 3 May 1986.

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

Done at Brussels, 2 May 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 114, 1. 5. 1986, p. 75.

ANNEX

to the Commission Regulation of 2 May 1986 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	45,28
	B. Raw sugar	37,79 ⁽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.

COUNCIL REGULATION (EEC) No 1316/86

of 22 April 1986

adopting the application in Portugal of Regulation (EEC) No 797/85 on improving the efficiency of agricultural structures

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Protocol 24 of the Act of Accession provides that, as from the date of accession and in accordance with the objectives of the common agricultural policy, joint action shall be embarked upon comprising a specific development programme adapted to the special structural conditions and specific requirements of Portuguese agriculture :

Whereas such a programme must be accompanied by effective application of the measures provided for in Regulation (EEC) No 797/85 ⁽³⁾ as amended by Regulation (EEC) No 3827/85 ⁽⁴⁾;

Whereas the specific conditions of Portuguese agriculture are at present characterized by a particularly poor structure and some of the conditions laid down in that Regulation are therefore not in keeping with these specific conditions and the specific requirements of Portuguese agriculture ; whereas, accordingly, a number of adjustments to, or derogations from, the Regulation are called for to enable it to be implemented in these specific conditions of Portuguese agriculture, in particular as regards eligibility under the various schemes and the improvements which Portuguese agricultural holdings will be expected to achieve ;

HAS ADOPTED THIS REGULATION :

Article 1

The Commission may, in accordance with the procedure laid down in Article 25 of Regulation (EEC) No 797/85, authorize the Portuguese Republic to apply in fixing the reference income referred to in Article 2 (3) of Regulation (EEC) No 797/85, a corrective factor not exceeding a maximum of 1,7 to the average gross wage of non-agricultural workers in Portugal as a whole.

Article 2

The Commission may, in accordance with the procedure laid down in Article 25 of Regulation (EEC) No 797/85, authorize the Portuguese Republic to apply Article 6 (1) to (4) of that Regulation to groups of holdings even where only two-thirds of the members meet the requirement laid down in Article 2 (1) (a) of that Regulation.

The Commission shall at the same time lay down the specific conditions for granting aid to such groups.

Article 3

The Portuguese Republic is hereby authorized to grant to holdings in the autonomous region of Madeira the aid referred to in Articles 4 and 8 of Regulation (EEC) No 797/85 in the case of pig-farming even where the condition laid down in Article 3 (4) of that Regulation with regard to fodder production is not met.

Article 4

By way of derogation from the second subparagraph of Article 14 (1) of Regulation (EEC) No 797/85, the compensatory allowance referred to in that Article may be granted to farmers with at least one hectare of usable agricultural area in mainland Portugal and to farmers with at least ½ ha of usable agricultural area in the autonomous regions of Madeira and the Azores.

Article 5

Aid granted by the Portuguese Republic under this Regulation shall be eligible under Article 26 of Regulation (EEC) No 797/85, on the terms laid down therein.

Article 6

The period of application of the specific conditions laid down in this Regulation shall be limited to three years as from the date of entry into force of the provisions relating to the implementation in Portugal of the measures laid down by Regulation (EEC) No 797/85.

Before expiry of the period of three years, the Council shall decide, on a proposal from the Commission and on the basis of a report on the development of the economic and structural situation in Portugal, to extend the specific conditions referred to by this Regulation if the report shows a need to do so.

Article 7

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

It shall apply with effect from 1 January 1986.

⁽¹⁾ OJ No C 71, 26. 3. 1986, p. 7.

⁽²⁾ Opinion delivered on 18 April 1986 (not yet published in the *Official Journal*).

⁽³⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁴⁾ OJ No L 372, 31. 12. 1985, p. 1.

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

Done at Luxembourg, 22 April 1986.

For the Council

The President

G. BRAKS

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 March 1986

authorizing agreements made in relation to the activities of the Northern Ireland Coal Importers' Association (NICIA)

(86/152/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof,

Having regard to the application filed on 7 April 1982 and the revised applications filed on 8 November 1982 and 10 February 1984 by the Northern Ireland Coal Importers' Association (NICIA),

Whereas :

I. FACTS

1. The Northern Ireland Coal Importers' Association (NICIA) was founded in 1937 by 34 Northern Irish coal importers. Until 1958 the Association, among its other activities, also used to agree the prices to be charged for coal in Northern Ireland. In that year, however, the Association gave an undertaking to the Restrictive Trade Practices Court in Belfast to discontinue this practice, and since then it has played no further part in the prices at which its members sell to their customers.

The Commission first heard of NICIA when the Northern Ireland Consumer Council wrote to it on 16 October 1981 requesting the Commission to investigate competitive conditions on the domestic coal market in Northern Ireland.

2. The application filed on 7 April 1982, the annexed rules and regulations and a memorandum explain-

ing various agreements between the members revealed, *inter alia*, the following facts :

- (a) NICIA's members are coal wholesalers in Northern Ireland who purchase domestic solid fuels for sale in Northern Ireland directly from the British National Coal Board or other producers or who used to do so but are now obliged for reasons connected with the logistics of transporting coal to Northern Ireland to purchase their requirements from importing members.

The Association has 32 members, of which 22 are direct importers and 10 non-importing.

- (b) Applicants for membership must be proposed and seconded by existing members and elected by the Association's Council, for which a two-thirds majority is required. As the two largest members, the Belfast groups Cawoods (headed by Cawoods Fuels (NI) Limited) and Kellys (headed by John Kelly Limited), have four votes each of the 13 votes on the Council, with the other members having only five votes between them, a new member can only be elected with the support of one of the members with four votes.

- (c) On 10 December 1980 Cawoods and Kellys entered into bulk buying contracts for house coal covering the period 1 November 1980 to 31 March 1984 with the National Coal Board, under which they agreed to purchase almost all their requirements of domestic bituminous coal and smokeless fuels including Phurnacite from

the Board. On most types of fuel the NCB granted the two firms an 'alignment' discount off its published prices designed to match, as nearly as possible, the prices of cheaper American imports. During the currency of the agreements this discount varied between £ 6 and £ 16 a tonne (12 to 25 %), depending on the type of fuel and the prevailing exchange rate.

3. On the basis of their bulk buying contracts with the NCB, Cawoods and Kellys entered into subcontracts with 13 importing members of NICIA under which the latter agreed to purchase virtually all their requirements of domestic bituminous coal and smokeless fuels including Phurnacite from Cawoods or Kellys, as the case may be. The subcontractors thereby obtained a share of the NCB contracts at the same prices, including the discount, as Cawoods and Kellys had secured. To keep up their performance record as customers of the NCB, the subcontractors are invoiced individually by the NCB, acting through coal factors (*del credere* agents), for their coal purchases. Only the discount on all coal bought under the contracts is paid to Cawoods and Kellys which distribute it to the subcontracting importers in proportion to their purchases under the subcontract.

Coal is still the main fuel used for domestic heating purposes in Northern Ireland. With only 2 ½ % of the population, it consumes 10 % of all house coal sold in the United Kingdom.

In the year ending 31 March 1982, NICIA members supplied around 80 % of the Northern Ireland market for domestic solid fuels, obtaining 90 % of their requirements from the NCB. The remaining 20 % of the market was supplied by importers outside NICIA, mainly with American coal.

4. The functions of the Association include the following :

- Ascertaining and collating its members' annual requirements of coal and coordinating them with the varying availability of supplies from the National Coal Board. For this purpose discussions are held with the NCB, usually twice yearly.

The reasons for having the Association provide this service are, on the one hand, the differing requirements of individual importers for the various types of house coal produced by the NCB because of differences in their customers'

preferences and, on the other, the natural uncertainties of coal production which make it difficult to foresee how much of the various types will be produced and available in the year ahead. The NCB produces a number of different qualities and sizes of house coal. The amount it produces of each type is not absolutely within the Board's control. Not all the types of coal have a ready market in Northern Ireland as certain types are preferred by consumers and hence by their coal merchants. While the NCB is keen to sell all the coal it produces whatever the type, coal wholesalers endeavour to obtain as much as possible of the types the market demands. The situation is complicated by the fact that after a winter in which consumption in different parts of Britain has varied because of the weather, the NCB as the dominant supplier may limit supplies to some areas in favour of others where stocks have been exhausted.

Instead of holding a large number of separate difficult negotiations, the members of NICIA negotiate jointly with the NCB about their requirements for the coming year. They agree with the Board an approximate programme of deliveries, which is worked out in detail as the year advances, and share the supplies of the various types of coal between them. This coordination is encouraged by the dependence of NICIA members on the NCB as dominant supplier, which means that they cannot obtain supplies of the same fuel at short notice from other sources to make up a shortfall,

- Arranging sufficient shipping space to transport coal ordered by members to Northern Ireland as members require it : In 1981/82 some 60 % of the coal delivered to NICIA members was carried in ships belonging to Cawoods and Kellys. NICIA provides this service through a specially created Shipping Committee. The Committee coordinates shipping arrangements to ensure that the coal available for members in the ports each day is shipped in such a way that all the members receive the amounts they have ordered for the period concerned. In addition, at times of short-term interruptions in supply due to bad weather, strikes, etc., the Committee distributes the coal available in such a way as to reduce each member's deliveries proportionately. Without, through this activity, depriving importers of the right to conclude contracts of carriage with shipping lines or agents independently, the Shipping Committee reduces the transportation problems, resulting from

Northern Ireland's separation from the British mainland by the Irish Sea, which the members would otherwise inevitably experience if they attempted to organize the transport of their supplies individually, and which could have an incalculable effect on competition between them.

On cost grounds the coal is purchased for British ports. Without NICIA's intermediary role, each importer would have to check with the NCB that his order had arrived at the port of loading and book suitable space on a vessel to ensure that his deliveries arrived when he wanted them, bearing in mind tide patterns, and avoid the ship incurring demurrage charges. Even then, especially in the most critical months for supplying Northern Ireland, it could easily happen that voyage times varied because of bad weather, fog, etc. This might cause uncontrollable distortions of competition. The Shipping Committee helps to prevent such distortions of competition.

The Shipping Committee also has a cost-cutting function, in that it can gain for NICIA members the benefit of the lower freight rates that go with larger shiploads, without the high interest charges an individual importer would have to incur for holding large stocks. Through the Shipping Committee, the members can both avoid having to finance large stocks and save on freight charges by, if appropriate, combining several members' orders in larger shiploads,

- Operation of an allocation system at times of emergency shortages, whereby for the duration of the shortage the members' entitlement to the supply available is reduced to their average percentage of the tonnages purchased by all NICIA members from the NCB over the past three years. It is also provided that members managing to obtain supplies from other sources at such times must put them into the general pool for distribution by NICIA among all its members. The subcontracts which Cawoods and Kellys have with other importers contain a clause whereby in the event of supply difficulties the allocation system operated by NICIA would apply.

There are no written agreements on the performance of any of these functions by NICIA.

5. NICIA also plays an active part in the running of the Coal Advisory Service which it operates jointly with the National Coal Board and whose objects are to further the use of solid fuels for domestic

heating purposes by means of advertising and technical advisory and back-up services. NICIA has eight votes on the Executive Committee of the Coal Advisory Service against the National Coal Board's nine.

6. By letter dated 28 March 1983, the Commission's Directorate-General for Competition informed NICIA, stating reasons, that the agreements entered into and the practices engaged in under the auspices of the Association were prohibited by Article 65 (1) of the Treaty and in their present form could not be authorized under Article 65 (2).
7. To meet the Commission's objections, NICIA members amended their agreements in many respects and on 10 February 1984 filed a revised application for authorization. Under the new rules and regulations, the admission of new members is based on objective criteria. A selection procedure liable to have effects restrictive of competition is no longer applied. Membership is now open to any importing wholesaler in Northern Ireland having the necessary knowledge and facilities for carrying on business in the coal trade. The most important of these requirements are minimum sales of 1 000 tonnes per annum (though up to three small firms can become joint members), sufficient financial standing and staff, and suitable facilities for handling, discharging and distribution of coal and capacity to hold adequate stocks. Firms newly entering the business can become provisional ('associate') members for two years (in exceptional cases four years).

Previously Cawoods and Kellys had announced that they would henceforth no longer conclude subcontracts but would offer potential customers NCB coal on the 'best possible commercial terms.'

New contracts effective from 1 February 1984 which Cawoods and Kellys have made with the National Coal Board also no longer provide that they must cover almost all their requirements of bituminous house coal and smokeless fuel from the Board.

The result of these changes is that NICIA's functions are now clearly separated from the commercial policies of Cawoods and Kellys and, apart from its participation in the Coal Advisory Service which it operates jointly with the NCB, consists solely in:

- ascertaining and collating its members' annual requirements of fuel and coordinating them with the varying availability of supplies from the National Coal Board,
- arranging sufficient shipping space to transport coal ordered by members to Northern Ireland according to their requirements,

- distributing the coal available at times of short-term interruptions of supply due to bad weather, strikes, etc., in such a way as to reduce each member's deliveries proportionately,
- operation of an allocation system at times of emergency shortages, whereby for the duration of the shortage the members' entitlements to the supply available is reduced to their average percentage of the tonnages purchased by all NICIA members from the NCB over the past three years and of a scheme whereby members managing to obtain supplies from other sources at such times must put them into a general pool for distribution by NICIA among all its members.

II. LEGAL ASSESSMENT

8. Article 65 (1)

Article 65 (1) of the Treaty provides that all agreements between undertakings, decisions by associations of undertakings and concerted practices tending directly or indirectly to prevent, restrict or distort normal competition within the common market shall be prohibited, and in particular those tending :

- (a) to fix or determine prices ;
- (b) to restrict or control production, technical development or investment ;
- (c) to share markets, products, customers or sources of supply.

9. The agreements between the members of NICIA fall within the scope of this provision for the following reasons :

The members are engaged in the distribution of coal in the common market within the meaning of Article 80 of the Treaty. They collaborate closely with one another in the purchase and shipping of domestic solid fuels, thereby relinquishing some of the individual freedom which is a normal feature of competition between undertakings in the same sector. Even without any contractual obligation to do so, all the members have a strong incentive to coordinate their purchasing by using the services provided by NICIA. The reason is that these services are capable of maintaining coal supplies to Northern Ireland, despite difficult conditions, at the standard necessary to face the fierce competition from oil, gas and electricity. Whilst they cannot overcome some inherent disadvantages in using coal as a fuel, the services provided by

NICIA ensure that Northern Ireland is kept supplied with the types of coal consumers there prefer in a manner which is sufficiently reliable to avoid the danger of consumers switching to more convenient fuels. For the sake of such benefits, even the two members who are by far the largest, Cawoods and Kellys, accounting for 40 % and 33 % respectively of all the members' coal purchases from the NCB, forgo the use, whether against one another or against the smaller importers, of all the competitive advantages which their market position and ownership of their own ships give them in obtaining supplies of NCB coal. The smaller importers have even more cause to use these services of NICIA which restrict competition, facing as they do competition not only from other forms of energy but also from their two large rivals in the coal trade.

A further restriction of competition lies in the fact that members have agreed that at times of serious and lasting shortage they will not only allocate supplies between them according to a binding reference system, but will also pool for general distribution among all the members any additional supplies they manage to obtain from other sources. They thus share products.

The agreements between the coal wholesalers who are members of NICIA are therefore prohibited agreements under Article 65 (1).

10. Article 65 (2)

Under Article 65 (2) of the Treaty, the Commission may authorize joint buying or selling agreements in respect of particular products where it finds that :

- (a) such joint buying or selling will make for a substantial improvement in the production or distribution of those products ;
- (b) the agreement in question is essential in order to achieve these results and is not more restrictive than is necessary for that purpose ; and
- (c) the agreement is not liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings within the common market.

If the Commission finds that certain agreements are strictly analogous in nature and effect to those referred to above, having particular regard to the

fact that this paragraph applies to distributive undertakings, it may authorize them also when satisfied that they meet the same requirements.

11. The agreements made in relation to the activities of NICIA are strictly analogous to joint buying agreements. The collective nature of these agreements arises from the fact that under them NICIA ascertains and collates the members' annual requirements, negotiates and agrees them with the NCB and later arranges for and coordinates actual deliveries and arranges shipping space through its Shipping Committee and, if necessary, allocates the deliveries proportionately between the members.
12. The agreements may, however, make for a substantial improvement in the distribution of house coal in Northern Ireland. As Northern Ireland is separated from the mainland of Britain by the Irish Sea, solid fuels can only be supplied there by sea. The varying qualities and quantities of coal available from the National Coal Board coupled with the logistical problems of transporting coal to Northern Ireland, make it difficult for wholesalers to purchase their supplies independently. Without joint buying, consumers could be affected by temporary interruptions of supply. In these circumstances, collective planning of requirements and the allocation and coordinated transport of deliveries assure better and more dependable supplies to the consumer.
13. Although not of itself a restriction of competition, NICIA's involvement in the Coal Advisory Service also contributes, more generally, to improving distribution. In the struggle for market share it has long been customary for the suppliers of the various energy forms to provide consumers with technical advice. In Northern Ireland, with no primary energy carried by pipeline available coal competes with town and bottled gas, heating oil and heavily subsidized electricity. Given the different calorific values and prices of the alternative energies, the differing efficiencies of heating systems and the different degrees of comfort they provide, such direct promotion work is justified.

The service also, for a charge, includes the installation and maintenance of solid-fuel heating appliances, thereby helping to ensure that the fuel is used efficiently.

In so far as such promotional activities are successful, they contribute to improving distribution. Therefore, a favourable view can be taken of

NICIA's involvement in the Coal Advisory Service. On the other hand, it is obvious that the participation in such advisory services of firms holding a dominant position may have damaging consequences on competition. The members of NICIA obtain over 90 % of their house coal from the National Coal Board, which accordingly enjoys a dominant position. NICIA and the National Coal Board cooperate closely in the Coal Advisory Service. Its main aim is to promote the sale and efficient use of solid fuels in the home. It is natural that National Coal Board fuels will tend to receive most attention in the Service. However, that should not be allowed to place fuels supplied by other producers in the Community at a competitive disadvantage. To prevent such damage, an appropriate condition must be attached to the authorization.

14. The NICIA agreements which are strictly analogous to joint buying arrangements are necessary for the said improvement in distribution. The beneficial effects in terms of the supply and maintenance of the market could not be assured without the cooperation between the Northern Irish coal wholesalers and the resultant improvement in their position *vis-à-vis* their dominant supplier. Nor do the agreed restrictions on competition go further than is necessary to obtain the objects of the agreements. In particular, the agreements do not restrict the members' right to deal individually with the National Coal Board or to use the shipping line or system (bulk or container) of their choice.
15. The agreements for which authorization is sought are not liable to give the members of NICIA the power to determine the prices of which coal is sold in Northern Ireland, to control the marketing of coal or to shield them against effective competition from other undertakings within the common market.

Nevertheless, the members of NICIA have a market share of 80 % in Northern Ireland with the two largest alone holding 50 %. Potentially, such a market position could be used by the parties to enter into further agreements restrictive of competition whose effects could upset the conclusion stated in the previous paragraph.

The Commission must ensure that the parties act in accordance with the authorization given by this Decision and with the provisions of the Treaty. For this purpose, the parties and NICIA as a body must be required to inform the Commission immediately whenever a member leaves or a new member

joins the Association or an applicant is refused membership and of all changes and additions to the present agreements, such changes and additions not to be applied before the Commission has declared them to be unobjectionable or has granted authorization under Article 65 (2).

16. It is likely that some members — and indeed non-members — of NICIA will continue to buy their coal from Cawoods and/or Kellys because of the substantial rebates granted to these firms by the National Coal Board in view of their market position and the potential competition from American coal. However, such transactions are no longer connected with membership of NICIA. If, despite the expiry of the subcontracts, Cawoods or Kellys were to use their market position to exercise an anti-competitive influence over members or non-members to whom they resell coal, separate proceedings could be brought against such practices.
17. The agreements for which authorization is sought are of indefinite duration. Nevertheless, the Commission considers it appropriate that the authorization should be limited to 31 December 1990.
18. Subject to the above conditions and time limit, the agreements fulfil the requirements for application of Article 65 (2) and may therefore be authorized.

HAS ADOPTED THIS DECISION :

Article 1

The agreements entered into by the Northern Ireland Coal Importers' Association concerning joint buying of solid fuels from the National Coal Board, London, are hereby authorized pursuant to Article 65 (2) of the Treaty until 31 December 1990.

Article 2

The authorization referred to in Article 1 shall be subject to the following conditions :

1. NICIA shall not take part, in connection with its involvement in the Coal Advisory Service, in any activities having the object or effect of arbitrarily placing at a disadvantage fuels from the Community other than those supplied by the National Coal Board.
2. The undertakings concerned shall inform the Commission immediately whenever a member leaves or a new member joins the Association or an applicant is refused membership.
3. The undertakings concerned shall inform the Commission immediately of all planned changes and additions to the agreements. Such changes and additions shall not be put into effect until the Commission has confirmed that they are in conformity with the

authorization given by this Decision or has authorized them under Article 65 (2).

Article 3

This Decision is addressed to the following undertakings :

- National Coal Board
Hobart House
Grosvenor Place
London SW1X 7AE
- Cawoods of Northern Ireland Limited
Cawood House
24 Arthur Street
Belfast
- John Kelly Limited
2 High Street
Belfast BT1 2BH
- John Kelly Limited
Circular Road
Coleraine
County Londonderry
- Howdens Limited
Coal Importers
Bank Quays
Larne
- John Kelly Limited
Governor's Place
Carrickfergus
- John Kelly Limited
Bay Road
Londonderry
- Newbuildings Coal
Victoria Mills
New Buildings
Londonderry
- Lanes (Derry) Limited
15 Bay Road
Londonderry
- Belfast Co-operative Society Limited
20 York Street
Belfast
- James Kingsberry Limited
28 Arthur Street
Belfast
- W. Dalzell & Sons Limited
Circular Road
Coleraine
- Mrs I. Murphy
Red Bay
Cushendall
County Antrim
- L. O'Connor, Esq.
1 Bay Terrace
Glenarriffe
County Antrim

-
- | | |
|---|--|
| — F. V. Harty & Co. Limited
47 Merchants Quay
Newry
County Down | — C & O Milligen
Coal Importers
The Square
Strangford
County Down |
| — Frederick Wolseley Limited
32 Queens Quay
Londonderry | — M. J. O'Rourke & Co. (Newry) Limited
Albert Basin
Newry
County Down |
| — James Perry & Sons
6 Leestone Road
Kilkeel
County Down | — East Downshire Limited
3 The Quay
Dundrum
Newcastle |
| — Robert Neill & Sons Limited
137 Main Street
Bangor BT20 4AH
County Down | — Mr P. Flynn
195 Main Street
Dundrum
Newcastle |
| — Nicholl Morgan Limited
Bay Road
Londonderry | — James Morrow
Coal Importer
Cross Street
Killyleagh |
| — Moore & Dunwoody Limited
37 Merchants Quay
Newry
County Down | — Amalgamated Solid Fuel Importers Limited
The Harbour
Carrickfergus |
| — Hanna Brothers
Suncrest
Dougans Road
Kilkeel
County Down | — Belfast Fuel Company
Dargan Road
Belfast |
| — James McKee & Sons
Coal Importers
114 The Harbour
Kilkeel
County Down | |
| — R. Cousins & Sons
Harbour House
Annalong
County Down | |

Done at Brussels, 21 March 1986.

For the Commission
Peter SUTHERLAND
Member of the Commission

COMMISSION DECISION

of 25 March 1986

exempting Greece from applying to certain species Council Directives 66/401/EEC, 66/402/EEC and 69/208/EEC on the marketing of fodder plant seed, cereal seed and the seed of oil and fibre plants respectively

(Only the Greek text is authentic)

(86/153/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the request submitted by Greece,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 23a thereof,

Whereas seed of hairy vetch, swede, fodder kale, fodder radish, canary grass, spelt, brown mustard, cumin and white mustard is not normally reproduced or marketed in Greece ;

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽³⁾, as last amended by Regulation (EEC) No 3768/85, and in particular Article 23a thereof,

Whereas, as long as those conditions obtain, Greece should be exempted from applying the provisions of the abovementioned Directives to the species in question ;

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽⁴⁾, as last amended by Regulation (EEC) No 3768/75, and in particular Article 22 thereof,

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION :

Article 1

Greece is hereby exempted from applying :

1. Directive 66/401/EEC, with the exception of Article 14 (1), to the following species :

- | | |
|---|-----------------|
| (a) <i>Vicia villosa</i> Roth | — Hairy vetch |
| (b) <i>Brassica napus</i> L. var. <i>napobrassica</i> (L.)
Peterm. | — Swede |
| (c) <i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) | — Fodder kale |
| (d) <i>Raphanus sativus</i> L. ssp. <i>oleifera</i> (DC.) Metzg. | — Fodder radish |

2. Directive 66/402/EEC, with the exception of Article 14 (1), to the following species :

- | | |
|------------------------------------|----------------|
| (a) <i>Phalaris canariensis</i> L. | — Canary grass |
| (b) <i>Triticum spelta</i> L. | — Spelt |

3. Directive 69/208/EEC, with the exception of Article 13 (1), to the following species :

- | | |
|--|-----------------|
| (a) <i>Brassica juncea</i> (L.) Czern. et Coss in Czern. | — Brown mustard |
| (b) <i>Carum carvi</i> L. | — Cumin |
| (c) <i>Sinapis alba</i> L. | — White mustard |

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.⁽³⁾ OJ No 125, 11. 7. 1966, p. 2309/66.⁽⁴⁾ OJ No L 169, 10. 7. 1969, p. 3.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 25 March 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION

of 25 March 1986

liberalizing as from 1 March 1986 trade in seeds and propagating material of certain species between Portugal and the other Member States

(86/154/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 344 thereof,

Whereas seed of certain species could already be introduced from Portugal into other Member States under Council Decision 85/355/EEC of 27 June 1985 on the equivalence of field inspections carried out in third countries on seed-producing crops ⁽¹⁾, as amended by Decision 85/589/EEC ⁽²⁾, and Council Decision 85/356/EEC of 27 June 1985 on the equivalence of seed produced in third countries ⁽³⁾, as amended by Decision 85/588/EEC ⁽⁴⁾;

Whereas trade in seed of those species between Portugal and other Member States should be permitted to continue, provided that either the conditions laid down in the provisions applicable to Community production or the conditions laid down in the abovementioned Decisions are met;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Trade in seed of the following species listed in Council Directive 66/401/EEC ⁽⁵⁾ from Portugal to other Member States shall be liberalized under the conditions laid down in paragraph 3 as from 1 March 1986:

- | | |
|-----------------------------------|----------------------|
| — <i>Lolium perenne</i> L. | — Perennial ryegrass |
| — <i>Lupinus albus</i> L. | — White lupin |
| — <i>Lupinus angustifolius</i> L. | — Blue lupin |
| — <i>Lupinus luteus</i> L. | — Yellow lupin |

— *Trifolium resupinatum* L. — Persian clover

— *Vicia sativa* L. — Common vetch

— *Vicia villosa* Roth — Hairy vetch

2. Trade in seed of the following species listed in Council Directive 66/402/EEC ⁽⁶⁾ from Portugal to other Member States shall be liberalized under the conditions laid down in paragraph 3 as from 1 March 1986:

- | | |
|--|--------------------------------------|
| — <i>Avena sativa</i> L. | — Oats |
| — <i>Hordeum vulgare</i> L. | — Barley |
| — <i>Oryza sativa</i> L. | — Rice |
| — <i>Triticum aestivum</i> L. emend. Fiori et Paol. | — Wheat |
| — <i>Triticum durum</i> Desf. | — Durum wheat |
| — <i>Zea mays</i> L. except <i>Zea mays</i> convar. <i>microsperma</i> (Koern) and <i>Zea mays</i> convar. <i>saccharata</i> (Koern) | — Maize except popcorn and sweetcorn |

3. For the purposes of paragraphs 1 and 2, the following conditions shall be satisfied:

(a) the seed shall belong to varieties listed either in the Common Catalogue of Varieties of Agricultural Plant Species or in one of the catalogues of varieties established by other Member States under Council Directive 70/457/EEC ⁽⁷⁾,

(b) the seed shall either be intended for certification or be certified

— as basic seed, certified seed (in the cases of *Lolium perenne*, *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Trifolium resupinatum*, *Vicia sativa*, *Vicia villosa* and *Zea mays*) or certified seed of the first generation (in the other cases) in accordance with Directive 66/401/EEC or Directive 66/402/EEC, as is appropriate,

or

— as basic seed, certified seed first generation or (solely in the cases of *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Vicia sativa* and *Vicia villosa*) certified seed second generation in accordance with the appropriate OECD scheme for the varietal certification of seed moving in international trade;

⁽¹⁾ OJ No L 195, 26. 7. 1985, p. 1.

⁽²⁾ OJ No L 372, 31. 12. 1985, p. 48.

⁽³⁾ OJ No L 195, 26. 7. 1985, p. 20.

⁽⁴⁾ OJ No L 372, 31. 12. 1985, p. 47.

⁽⁵⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽⁶⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽⁷⁾ OJ No L 225, 12. 10. 1970, p. 1.

- (c) the field inspection of seed intended for certification, and the official control and certification of seed already certified, shall have been carried out by the Centro Nacional de Protecção da Produção Agrícola, Ministério da Agricultura, Lisbon ;
- (d) the seed and its packages and their marking and sealing shall comply with the provisions laid down either in Directives 66/401/EEC or 66/402/EEC, as is appropriate, or in Part II of the Annexes to Decisions 85/355/EEC and 85/356/EEC.

Article 2

This Decision shall apply until :

- 31 December 1988 with respect to *Lolium perenne*, *Vicia sativa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum* and *Zea mays*,

- 31 December 1991 with respect to the other species listed in Article 1 (1) and (2).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 59/85 of 9 January 1985 on the conclusion of an Arrangement with the United States of America concerning trade in steel pipes and tubes

(Official Journal of the European Communities No L 9 of 10 January 1985)

Page 9, Annex A:

This Annex shall read as follows:

ANNEX A

LIST OF PRODUCTS

PIPES AND TUBES OTHER THAN OCTG				PIPES OCTG	
NIMEXE code	TS USA code	NIMEXE code	TS USA code	NIMEXE code	TS USA code
73.18-02	610.3000	73.19-10	610.4045	73.18-23 (*)	610.3216
73.18-03	610.3100	73.19-30	610.4055	73.18-24 (*)	610.3219
73.18-05	610.3205	73.19-50	610.4245	73.18-42	610.3233
73.18-13	610.3208	73.19-90	610.4255	73.18-67 (*)	610.3249
73.18-15	610.3209		610.4345	73.18-72 (*)	610.3252 (*)
73.18-21	610.3212		610.4355	84.23-25 (*)	610.3256
73.18-22	610.3213		610.4500		610.3258 (*)
73.18-23 (*) (*)	610.3221		610.4600		610.3721
73.18-24 (*) (*)	610.3227		610.4800		610.3722
73.18-26 (*)	610.3231		610.4920		610.3925
73.18-27 (*)	610.3234		610.4925		610.3935
73.18-28 (*)	610.3241		610.4928		610.4025
73.18-32 (*)	610.3242		610.4931		610.4035
73.18-34 (*)	610.3243		610.4933		610.4225
73.18-36 (*)	610.3252 (*)		610.4936		610.4235
73.18-38	610.3254		610.4948		610.4325
73.18-41	610.3258 (*)		610.4951		610.4335
73.18-44	610.3262		610.4953		610.4942
73.18-46	610.3264		610.4955 (*)		610.4944
73.18-48	610.3500		610.4956 (*)		610.4946
73.18-51	610.3600		610.4957 (*)		610.4954
73.18-52	610.3701		610.4966 (*)		610.4955 (*)
73.18-54	610.3704		610.4967 (*)		610.4956 (*)
73.18-56 (*)	610.3711		610.4968 (*)		610.4957 (*)
73.18-58	610.3712		610.4969 (*)		610.4966 (*)
73.18-62 (*)	610.3713		610.4970 (*)		610.4967 (*)
73.18-64	610.3727		610.4976		610.4968 (*)
73.18-66	610.3728		610.5130		610.4969 (*)
73.18-67 (*)	610.3731		610.5160		610.4970 (*)
73.18-68	610.3732		610.5202		610.5221 (*)
73.18-72 (*) (*)	610.3741		610.5204		610.5222
73.18-74 (*)	610.3742		610.5206		610.5226
73.18-76	610.3751		610.5209		610.5240
73.18-78	610.3945		610.5211		610.5242
73.18-82 (*)	610.3955		610.5214		610.5243
73.18-84 (*)			610.5216		610.5244 (*)
73.18-97			610.5229		
73.18-99			610.5230		
			610.5231		
			610.5234		
			610.5236		
			610.5242 (*)		
			610.5244 (*)		
			688.3000		
(*) Plastic covered pipes and tubes for district heating systems covered by TS USA codes other than those indicated are excluded.		(*) Excluded if OCTG.		(*) Covered if OCTG.	
(*) Excluded if OCTG.					

Corrigendum to Council Regulation (EEC) No 60/85 of 9 January 1985 on the restriction of exports of steel pipes and tubes to the United States of America

(Official Journal of the European Communities No L 9 of 10 January 1985)

Page 16, Annex I:

This Annex shall read as follows:

ANNEX I

LIST OF PRODUCTS

PIPES AND TUBES OTHER THAN OCTG				PIPES OCTG	
NIMEXE code	TS USA code	NIMEXE code	TS USA code	NIMEXE code	TS USA code
73.18-02	610.3000	73.19-10	610.4045	73.18-23 (*)	610.3216
73.18-03	610.3100	73.19-30	610.4055	73.18-24 (*)	610.3219
73.18-05	610.3205	73.19-50	610.4245	73.18-42	610.3233
73.18-13	610.3208	73.19-90	610.4255	73.18-67 (*)	610.3249
73.18-15	610.3209		610.4345	73.18-72 (*)	610.3252 (*)
73.18-21	610.3212		610.4355	84.23-25 (*)	610.3256
73.18-22	610.3213		610.4500		610.3258 (*)
73.18-23 (*) (*)	610.3221		610.4600		610.3721
73.18-24 (*) (*)	610.3227		610.4800		610.3722
73.18-26 (*)	610.3231		610.4920		610.3925
73.18-27 (*)	610.3234		610.4925		610.3935
73.18-28 (*)	610.3241		610.4928		610.4025
73.18-32 (*)	610.3242		610.4931		610.4035
73.18-34 (*)	610.3243		610.4933		610.4225
73.18-36 (*)	610.3252 (*)		610.4936		610.4235
73.18-38	610.3254		610.4948		610.4325
73.18-41	610.3258 (*)		610.4951		610.4335
73.18-44	610.3262		610.4953		610.4942
73.18-46	610.3264		610.4955 (*)		610.4944
73.18-48	610.3500		610.4956 (*)		610.4946
73.18-51	610.3600		610.4957 (*)		610.4954
73.18-52	610.3701		610.4966 (*)		610.4955 (*)
73.18-54	610.3704		610.4967 (*)		610.4956 (*)
73.18-56 (*)	610.3711		610.4968 (*)		610.4957 (*)
73.18-58	610.3712		610.4969 (*)		610.4966 (*)
73.18-62 (*)	610.3713		610.4970 (*)		610.4967 (*)
73.18-64	610.3727		610.4976		610.4968 (*)
73.18-66	610.3728		610.5130		610.4969 (*)
73.18-67 (*)	610.3731		610.5160		610.4970 (*)
73.18-68	610.3732		610.5202		610.5221 (*)
73.18-72 (*) (*)	610.3741		610.5204		610.5222
73.18-74 (*)	610.3742		610.5206		610.5226
73.18-76	610.3751		610.5209		610.5240
73.18-78	610.3945		610.5211		610.5242
73.18-82 (*)	610.3955		610.5214		610.5243
73.18-84 (*)			610.5216		610.5244 (*)
73.18-97			610.5229		
73.18-99			610.5230		
			610.5231		
			610.5234		
			610.5236		
			610.5242 (*)		
			610.5244 (*)		
			688.3000		
(*) Plastic covered pipes and tubes for district heating systems covered by TS USA codes other than those indicated are excluded.		(*) Excluded if OCTG.		(*) Covered if OCTG.	
(*) Excluded if OCTG.					

Corrigendum 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

(Official Journal of the European Communities No L 352 of 30 December 1985)

Page 17, Annex I, order No 10.0245, column 3:

for: 'Derivatives of toluidines',

read: 'Halogenated, sulphonated, nitrated and nitrosated derivatives of toluidines'.

This corrigendum replaces item 7 of the corrigendum published in *Official Journal of the European Communities* No L 72 of 15 March 1986, page 47.

Corrigendum to Commission Regulation (EEC) No 1215/86 of 25 April 1986 altering the monetary compensatory amounts

(Official Journal of the European Communities No L 111 of 28 April 1986)

Page 10, Annex 1, Part 4, subheading 02.02 B II e) 1, columns 'United Kingdom' and 'Greece':

for: '5,056' and '3 781,5'

read: '5,856' and '3784,5'.

Corrigendum to Commission Regulation (EEC) No 1304/86 of 30 April 1986 altering the negative monetary compensatory amounts by suspending part of them for pigmeat and eggs and poultry products

(Official Journal of the European Communities No L 114 of 1 May 1986)

On page 85:

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

read: 'Whereas the relevant management committees have not delivered an opinion within the time limit set by their chairmen,'.
