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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1544/86**of 22 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 1355/86 ⁽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 21 May 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 23 May 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽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, 22 May 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 22 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	168,87
10.01 B II	Durum wheat	31,61	220,06 ⁽¹⁾ ⁽²⁾
10.02	Rye	46,32	160,25 ⁽⁶⁾
10.03	Barley	41,18	163,48
10.04	Oats	80,34	161,33
10.05 B	Maize, other than hybrid maize for sowing	—	150,51 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	41,18	48,45 ⁽⁴⁾
10.07 C	Grain sorghum	—	158,63 ⁽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	251,96
11.01 B	Rye flour	80,38	239,89
11.02 A I a)	Durum wheat groats and meal	62,83	354,93
11.02 A I b)	Common wheat groats and meal	26,24	269,32

⁽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 1545/86

of 22 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 1355/86 ⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 21 May 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 23 May 1986.

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

Done at Brussels, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽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 22 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 22 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	0	0	3,03
10.01 B II	Durum wheat	0	4,27	4,27	9,20
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	9,29
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	4,24

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	0	0	5,39	5,39
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	4,03	4,03
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	16,54	16,54
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	12,36	12,36
11.07 B	Roasted malt	0	0	0	14,40	14,40

COMMISSION REGULATION (EEC) No 1546/86

of 22 May 1986

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1201/85⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 436/85⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 436/85, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 435/85⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ speci-

fies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 19 and 20 May 1986 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 23 May 1986.

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

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 124, 9. 5. 1985, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 52, 22. 2. 1985, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 52, 22. 2. 1985, p. 1.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	68,00 ⁽¹⁾
15.07 A I b)	68,00 ⁽¹⁾
15.07 A I c)	60,00 ⁽¹⁾
15.07 A II a)	79,00 ⁽²⁾
15.07 A II b)	95,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : 0,60 ECU/100 kg ;

(b) Turkey : 11,48 ECU/100 kg (*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : 12,69 ECU/100 kg (*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this tariff subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	14,96
07.03 A II	14,96
15.17 B I a)	34,00
15.17 B I b)	54,40
23.04 A II	4,80

COMMISSION REGULATION (EEC) No 1547/86

of 22 May 1986

on the supply of various lots of skimmed-milk powder 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 457/85 of 19 February 1985 laying down implementing rules for 1985 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management⁽²⁾,

Having regard to Council Regulation (EEC) No 232/86 of 27 January 1986 laying down implementing rules for 1986 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management⁽³⁾,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽⁴⁾, as last amended by Regulation (EEC) No 1335/86⁽⁵⁾, and in particular Article 7 (5) thereof,

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 959 tonnes of skimmed-milk powder to be supplied fob, cif or free at destination ;

Whereas, therefore, supply should be effected in accordance with the rules laid down in Commission Regulation (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid⁽⁶⁾, as last amended by Regulation (EEC) No 3826/85⁽⁷⁾; whereas, in particular, the periods and terms for supply and the procedure to be used to determine the costs arising therefrom should be laid down ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The intervention agencies shall, in accordance with the provisions of Regulation (EEC) No 1354/83, supply skimmed-milk powder as food aid on the special terms set out in the Annex.

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, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 54, 23. 2. 1985, p. 1.

⁽³⁾ OJ No L 29, 4. 2. 1986, p. 3.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁵⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽⁶⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁷⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

Notice of invitation to tender (1)

Description of the lot	A
1. Programme :	1986
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 10 February 1986
2. Recipient	UNRWA (*)
3. Country of destination	Lebanon
4. Stage and place of delivery	cif Beirut or cif Lattakia (2)
5. Representative of the recipient (3)	—
6. Total quantity	190 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	German
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83
10. Packaging	20 kilograms according to point 4.1 (1 000 g) of Annex I B to Regulation (EEC) No 1354/83
11. Supplementary markings on the packaging	'TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES'
12. Shipment period	Before 30 June 1986
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) no 1354/83 (*) (7)

Description of the lot	B	C
1. Programme :	1986	
(a) legal basis	Council Regulation (EEC) No 232/86	
(b) purpose	Commission Decision of 10 February 1986	
2. Recipient	UNRWA (*)	
3. Country of destination	Syria	Jordan
4. Stage and place of delivery	cif Lattakia	cif Aqaba
5. Representative of the recipient ⁽³⁾	—	
6. Total quantity	100 tonnes	110 tonnes
7. Origin of the skimmed-milk powder	Community market	
8. Intervention agency	German	
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83	
10. Packaging	20 kilograms according to point 4.1 (1 000 g) of Annex I B to Regulation (EEC) No 1354/83	
11. Supplementary markings on the packaging	'TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / LATTAKIA'	AQABA'
12. Shipment period	Before 30 June 1986	
13. Closing date for the submission of tenders	—	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	—	
(b) closing date for the submission of tenders	—	
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*) (7)	

Description of the lot	D
1. Programme :	1986
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 10 February 1986
2. Recipient	UNRWA (*)
3. Country of destination	Lebanon
4. Stage and place of delivery	cif Beirut or cif Lattakia (?)
5. Representative of the recipient (3)	—
6. Total quantity	58 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	German
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83
10. Packaging	25 kilograms according to point 4.2 of Annex I B to Regulation (EEC) No 1354/83
11. Supplementary markings on the packaging	‘TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES’
12. Shipment period	Before 30 June 1986
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*) (?)

Description of the lot	E	F
1. Programme :	1986	
(a) legal basis	Council Regulation (EEC) No 232/86	
(b) purpose	Commission Decision of 10 February 1986	
2. Recipient	UNRWA (*)	
3. Country of destination	Jordan	Israel
4. Stage and place of delivery	cif Aqaba	cif Ashdod
5. Representative of the recipient (3)	—	
6. Total quantity	90 tonnes	101 tonnes (6)
7. Origin of the skimmed-milk powder	Community market	
8. Intervention agency	German	
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83	
10. Packaging	25 kilograms according to point 4.2 of Annex I B to Regulation (EEC) No 1354/83	
11. Supplementary markings on the packaging	'TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / AQABA' ASHDOD'	
12. Shipment period	Before 30 June 1986	
13. Closing date for the submission of tenders	—	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	—	
(b) closing date for the submission of tenders	—	
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*) (7)	

Description of the lot	G
1. Programme :	1985
(a) legal basis	Council Regulation (EEC) No 457/85
(b) purpose	Commission Decision of 10 December 1985
2. Recipient	} Botswana
3. Country of destination	
4. Stage and place of delivery	
5. Representative of the recipient	Mr S. Mokobi, Director of the Department of Food Resources, Food Resources Depot, c/o Lobatse Station, Lobatse
6. Total quantity	200 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	French
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'TO BOTSWANA — FREE DISTRIBUTION'
12. Shipment period	Before 30 June 1986
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the French intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*)

Description of the lot	H	I
1. Programme :	1985 (reserve)	
(a) legal basis	Council Regulation (EEC) No 457/85	
(b) purpose	Commission Decision of 7 February 1986	
2. Recipient	} Republic of Cap Vert	
3. Country of destination		
4. Stage and place of delivery		
5. Representative of the recipient	cif Praia	cif Mindelo
	Empresa Pública de Abastecimento (EMPA)	
	Praia : CP 104 — Tel. : 249 305 — Telex 54 EMPA CV	
	Mindelo : CP 148 — Tel. : 2369 2781 — Telegrammes EMPA — S. Vicente	
	(Agents at Ports : Agência Nacional de Viagens)	
6. Total quantity	200 tonnes	100 tonnes
7. Origin of the skimmed-milk powder	Community market	
8. Intervention agency	United Kingdom	
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83	
10. Packaging	25 kilograms	
11. Supplementary markings on the packaging	'LEITE DESNATADO EM PÓ / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA À REPÚBLICA DE CABO VERDE'	
12. Shipment period	Before 30 June 1986	
13. Closing date for the submission of tenders	—	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	—	
(b) closing date for the submission of tenders	—	
15. Miscellaneous	The costs of supply are determined by the United Kingdom intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*)	

Description of the lot	K
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient ⁽²⁾ ⁽³⁾ 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1985 Council Regulation (EEC) No 457/85 Commission Decision of 6 May 1985 ICRC Indonesia cif Jakarta — 10 tonnes Community market Dutch Annex I B to Regulation (EEC) No 1354/83 25 kilograms A red cross 10 × 10 cm and : 'TIM-19 / ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS / FOR FREE DISTRIBUTION / JAKARTA' Before 30 June 1986 — — — The costs of supply are determined by the Dutch intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾ ⁽⁵⁾

Notes :

- (¹) This Annex together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, takes the place of an invitation to tender.
 - (²) See list published in *Official Journal of the European Communities* No C 229 of 26 August 1983, page 2.
 - (³) The successful tenderer shall contact the beneficiary, as soon as possible, in order to determine the necessary shipping documents.
 - (⁴) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (⁵) At the recipient's choice.
 - (⁶) Shipment to take place in containers of 20 feet ; conditions FCL/LCL. Shippers-count-load and stowage (cls).
 - (⁷) The successful tenderer shall give the beneficiaries' representatives, at the time of delivery, a health certificate.
 - (⁸) UNRWA Supply Division — PO Box 70 — A — 1400 Vienna Telex 135310.
 - (⁹) The shipping documents and/certificate of donation must be authenticated by the Indonesian diplomatic representative in the exporting country.
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COMMISSION REGULATION (EEC) No 1548/86

of 22 May 1986

amending Regulation (EEC) No 2923/85 opening a standing invitation to tender
for the export of bread-making wheat held by the German intervention agency

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 1355/86 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 1836/82 of 7
July 1982 ⁽³⁾, as amended by Regulation (EEC) No
3826/85 ⁽⁴⁾, lays down the procedure and conditions for
the disposal of cereals held by intervention agencies ;

Whereas on 14 May 1986 Germany notified the Commis-
sion that it wished to amend the Annex to Regulation
(EEC) No 2923/85 ⁽⁵⁾, as last amended by Regulation
(EEC) No 1321/86 ⁽⁶⁾; whereas it is possible to accede to
that request ;

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

Annex I to Regulation (EEC) No 2923/85 is replaced by
the Annex hereto.

Article 2

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

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

Done at Brussels, 22 May 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 371, 31. 12. 1985, p. 1.

⁽⁵⁾ OJ No L 280, 22. 10. 1985, p. 22.

⁽⁶⁾ OJ No L 117, 6. 5. 1986, p. 8.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	137 230
Niedersachsen/Bremen	373 595
Nordrhein-Westfalen	452 352
Hessen	91 862
Rheinland-Pfalz	125 604
Saarland	5 054
Baden-Württemberg	65 682
Bayern	299 089'

COMMISSION REGULATION (EEC) No 1549/86

of 22 May 1986

on the supply of common wheat flour to the International Committee of the Red Cross (ICRC) 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 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1355/86⁽³⁾, and in particular Article 28 thereof,

Whereas, by its Decision of 6 May 1986 on the supply of food aid to ICRC, the Commission allocated to the latter organization 6 039 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 said 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, 22 May 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 118, 7. 5. 1986, p. 1.

⁽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 :** CICR — Attn. Mme Hock — 17, avenue de la Paix — CH-1211 Genève
3. **Place or country of destination :** Ethiopia
4. **Product to be mobilized :** common wheat flour
5. **Total quantity :** 4 408 tonnes (6 039 tonnes of cereals)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
VIB, Burgemeester Kessenplein 3, NL-6431 KM Hoensbroek (télex 56396)
8. **Method of mobilizing the product :** on the Community market
9. **Characteristics of the goods :**
flour of fair and sound merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process ; the flour shall have the following characteristics :
 - moisture : 14 % maximum (ICC Method No 110)
 - protein content : 10,5 % minimum (N × 6,25 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 180, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - ash content : 0,62 % maximum, referred to dry matter (ICC Method No 104)
10. **Packaging :**
 - in new jute sacks of 370 g, lined with woven polypropylene sacks of 110 g. The top edge of the sacks will be sewn together
 - net weight of the bags : 50 kg
 - marking on the bags :
a red cross 15 × 15 cm followed by, in letters at least 5 cm high :
'ETH-363 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS / FOR FREE DISTRIBUTION / MASSAWA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Massawa
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 3 June 1986
16. **Shipment period :** 20 June to 20 July 1986
17. **Security :** 15 ECU per tonne

Note :

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'.

COMMISSION REGULATION (EEC) No 1550/86

of 22 May 1986

on the supply of common wheat flour to the International Committee of the Red Cross (ICRC) 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 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1355/86⁽³⁾, and in particular Article 28 thereof,

Whereas, by its Decision of 10 February 1986 on the supply of food aid to ICRC, the Commission allocated to the latter organization 1 096 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 said 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, 22 May 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 118, 7. 5. 1986, p. 1.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

1. **Programme :** 1986
2. **Recipient :** CICR — Attn. Mme Hock — 17, avenue de la Paix — CH 1211 Genève
3. **Place or country of destination :** Gaza and Cis Jordan
4. **Product to be mobilized :** common wheat flour
5. **Total quantity :** 800 tonnes (1 096 tonnes of cereals)
6. **Number of lots :** one (in two parts : A : 350 tonnes/Gaza — B : 450 tonnes/Cis Jordan)
7. **Intervention agency responsible for conducting the procedure :**
OBEA, rue de Trèves 82, B-1040 Bruxelles (Télex : 24076)
8. **Method of mobilizing the product :** on the Community market
9. **Characteristics of the goods :**
flour of fair and merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process ; the flour shall have the following characteristics :
 - moisture : 14 % maximum (ICC Method No 110)
 - protein content : 10,5 % minimum (N × 6,25 terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 180, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - ash content : 0,62 % maximum, referred to dry matter (ICC Method No 104)
10. **Packaging :**
 - new woven-polypropylene bags for food use, weighing not less than 120 g, which have been specially treated against the effects of ultraviolet light (in 20-foot containers)
 - net weight of the bags : 50 kg
 - marking on the bags :
 - a red cross 15 × 15 followed by, in letters at least 5 cm high :
 - A : 350 tonnes — 'ISR-26 GA / WHEAT FLOUR / ACTION OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS / FOR FREE DISTRIBUTION / ASHDOD'
 - B : 450 tonnes — 'ISR-26 / WB / WHEAT FLOUR / ACTION OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS / FOR FREE DISTRIBUTION / ASHDOD'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Ashdod
14. **Procedure to be applied in order to determine supply cost :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 3 June 1986
16. **Shipment period :** 20 June to 15 July 1986
17. **Security :** 15 ECU per tonne

Note :

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'.

COMMISSION REGULATION (EEC) No 1551/86**of 22 May 1986****on the supply of common wheat flour to the Republic of São Tomé and Príncipe
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 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1355/86⁽³⁾, and in particular Article 28 thereof,

Whereas, by its Decision of 10 December 1985 on the supply of food aid to São Tomé and Príncipe the Commission allocated to the latter country 1 000 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, 22 May 1986.

For the Commission

Frans ANDRIESSEN

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 118, 7. 5. 1986, p. 1.

⁽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 :** Empresa do Comércio Interno 'ECOMIN' — São Tomé
3. **Place or country of destination :** São Tomé and Príncipe
4. **Product to be mobilized :** common wheat flour
5. **Total quantity :** 730 tonnes (1 000 tonnes of cereals)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/
Main (télex : 411475)
8. **Method of mobilizing the product :** on the Community market
9. **Characteristics of the goods :**
flour of fair and sound merchantable quality, free from abnormal smell and pests, which produces
dough which does not stick during the mechanical kneading process ; the flour shall have the
following characteristics :
 - moisture : 14 % maximum (ICC Method No 110)
 - protein content : 10,5 % minimum (N × 6,25 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 180, including the preparation (agitation) time of 60
seconds (ICC Method No 107)
 - ash content : 0,62 % maximum, referred to dry matter (ICC Method No 104)
10. **Packaging :**
 - in new jute sacks of 370 g, lined with woven polypropylene sacks of 110 g. The top edge of
the sacks will be sewn together
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
'FARINHA DE TRIGO / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA À
REPÚBLICA DEMOCRÁTICA DE SÃO TOMÉ E PRÍNCIPE'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** São Tomé
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 3 June 1986
16. **Shipment period :** 20 June to 10 July 1986
17. **Security :** 15 ECU per tonne

Note :

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'.

COMMISSION REGULATION (EEC) No 1552/86

of 22 May 1986

re-establishing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, and in particular Protocol No 1 thereto,

Having regard to Article 1 of Council Regulation (EEC) No 3138/85 of 22 October 1985 establishing ceilings and Community supervision for imports of certain goods originating in Yugoslavia (1986) ⁽²⁾,

Whereas Article 1 of the abovementioned Protocol provides that the products listed below, imported under reduced duty rates according to Article 18 of the Cooperation Agreement are subject to the annual ceiling indicated below, above which the customs duties applicable to third countries may be re-established:

(tonnes)		
CCT heading No	Description	Ceiling
73.02	Ferro-alloys : E. Ferro-chromium and ferro-silico-chromium : I. Ferro-chromium : — Of which ferro-chromium containing by weight not more than 0,10 % of carbon and more than 30 % but not more than 90 % of chromium (super-refined ferro-chromium), maximum	1 304 651

Whereas imports into the Community of those products, originating in Yugoslavia, have reached that ceiling; whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

From 26 May to 31 December 1986, the levying of customs duties applicable to third countries shall be re-established on imports into the Community of the following products:

CCT heading No	Description	Origin
73.02	Ferro-alloys : E. Ferro-chromium and ferro-silico-chromium : I. Ferro-chromium : — Of which ferro-chromium containing by weight not more than 0,10 % of carbon and more than 30 % but not more than 90 % of chromium (super-refined ferro-chromium), maximum	Yugoslavia

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, 22 May 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 304, 16. 11. 1985, p. 26.

COMMISSION REGULATION (EEC) No 1553/86**of 22 May 1986****abolishing the countervailing charge on cucumbers originating in Romania**

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 1414/86 of 13 May 1986⁽³⁾ introduced a countervailing charge on cucumbers originating in Romania;

Whereas for this product originating in Romania 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 cucumbers originating in Romania can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1414/86 is hereby repealed.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 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 128, 14. 5. 1986, p. 33.

COMMISSION REGULATION (EEC) No 1554/86

of 22 May 1986

introducing a countervailing charge on aubergines 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 1351/86⁽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 986/86 of 4 April 1986 fixing for the 1986 marketing year the reference prices for aubergines⁽³⁾ fixed the reference price for products of class I for the month of May 1986 at 82,00 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, for aubergines 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 aubergines;

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, 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;

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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 3,75 ECU per 100 kilograms net is applied to aubergines (subheading 07.01 T II of the Common Customs Tariff) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 24 May 1986.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 90, 5. 4. 1986, p. 27.

⁽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, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1555/86
of 22 May 1986
fixing additional amounts for poultrymeat products

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

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by the Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries ⁽³⁾, as last amended by Regulation (EEC) No 1527/73 ⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third coun-

tries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products other than slaughtered poultry and halves or quarters indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

(a) For the purpose of determining the percentage of poultrymeat, weight of any bones shall be disregarded.

COMMISSION REGULATION (EEC) No 1556/86
of 22 May 1986
fixing additional amounts for live and slaughtered poultry

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 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68⁽⁵⁾, the import levies on slaughtered fowls, ducks and geese origi-

nating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69⁽⁶⁾, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70⁽⁷⁾, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72⁽⁸⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁷⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁸⁾ OJ No L 232, 12. 10. 1972, p. 3.

ANNEX

Additional amounts applicable to live and slaughtered poultry and halves or quarters

 $(\text{ECU} / 100 \text{ kg})$ [illegible]

COMMISSION REGULATION (EEC) No 1557/86
of 22 May 1986
fixing additional amounts for eggs in shell

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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾

and (EEC) No 2164/72⁽⁹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (a) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

ANNEX

Additional amounts applicable to certain products listed in Article 1 (1) (a) of Regulation
(EEC) No 2771/75

CCT heading No	Description	Additional amount	Imports affected
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not : A. Eggs in shell, fresh or preserved : I. Poultry eggs : b) Other	ECU/100 kg	Origin : Finland, Norway, Czechoslo- vakia or Sweden
		25,00	

COMMISSION REGULATION (EEC) No 1558/86
of 22 May 1986
fixing the amount of the subsidy 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⁾, and in particular Article 27 (4),

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 1333/86⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 1474/84⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 896/86⁽⁷⁾, as last amended by Regulation (EEC) No 1487/86⁽⁸⁾;

Whereas the target price and the monthly increments in the target price for colza, rape and sunflower seed for the 1986/87 marketing year have been fixed in Regulations (EEC) No 1457/86⁽⁹⁾ and (EEC) No 1458/86⁽¹⁰⁾;

Whereas, in the absence of the target price for the 1985/86 marketing year for colza and rape seed and in the absence of the amount of the monthly increase for June 1986 for colza and rape seed, the amount of the subsidy in the case of advance fixing for June 1986 for colza and rape seed has been obtainable only provisionally on the basis of the target price and the monthly increase as 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 the target price for the 1986/87 marketing year for colza, rape and sunflower seed and the monthly compensatory amount for September and October 1986 for colza and rape, in the case of advance fixing for July, August, September and October 1986 for colza and rape seed and for August and September 1986 for sunflower seed, the amount of the subsidy on these products has been obtainable only on the basis of the target price and the monthly increase as last proposed by the Commission to the Council for the marketing year 1986/87; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the target price for the 1986/87 marketing year and the compensatory amount for September and October 1986 is known;

Whereas estimated production of colza, rape and sunflower seed for the 1986/87 marketing year has not been fixed; whereas the amount, where appropriate, to be deducted from the subsidy in compliance with the system of maximum guaranteed quantities referred to in Article 27a of Regulation No 136/66/EEC could therefore not be determined; whereas the Council fixed by Regulation (EEC) No 1457/86 the target price for sunflower seed for the 1986/87 marketing year on the basis of an oil content of 44 % for which the coefficient of equivalence with seed of other qualities has not been fixed; whereas the amounts of the subsidy should therefore only be applied on a temporary basis and should be confirmed or replaced once the effects of the system of maximum guaranteed quantities for colza, rape and sunflower seed and the coefficient of equivalence of sunflower seed are known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 896/86 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽¹¹⁾ shall be as set out in the Annexes hereto.

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

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 82, 27. 3. 1986, p. 38.

⁽⁸⁾ OJ No L 130, 16. 5. 1986, p. 29.

⁽⁹⁾ OJ No L 133, 21. 5. 1986, p. 12.

⁽¹⁰⁾ OJ No L 133, 21. 5. 1986, p. 14.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

2. The amount of the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86 and Article 12 of Regulation (EEC) No 476/86 shall be as shown in Annex II to this Regulation for sunflower seed harvested in Spain and Portugal.

3. The amount of the subsidy in the case of advance fixing for June 1986 for colza and rape seed will, however, be confirmed or replaced as from 23 May 1986 to take into account the indicative price which is fixed for these products for the 1985/86 marketing year, and the amount of the monthly increase for June 1986 for colza and rape seed.

4. However, the amount of the subsidy in the case of advance fixing for July, August, September and October

1986 for colza and rape and for August and September 1986 for sunflower will be confirmed or replaced as from 23 May 1986 to take into account the coefficient of equivalence of sunflower seed and, where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza, rape and sunflower seed.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month ⁽¹⁾	2nd month ⁽¹⁾	3rd month ⁽²⁾	4th month ⁽²⁾	5th month ⁽²⁾	6th month ⁽²⁾
1. Gross aids (ECU)						
— Spain	—	—	0,610	0,610	0,586	0,562
— Portugal	—	—	0,000	0,000	0,000	0,000
— Other Member States	30,626	30,626	26,279	26,341	26,806	26,927
2. Final aids						
(a) Seed harvested and processed in :						
— Federal Republic of Germany (DM)	74,40	74,40	64,06	64,33	65,44	66,16
— Netherlands (Fl)	83,83	83,83	72,16	72,46	73,71	74,47
— BLEU (Bfrs/Lfrs)	1 403,08	1 403,08	1 222,47	1 224,61	1 246,39	1 245,82
— France (FF)	203,55	203,55	177,29	177,17	180,46	182,00
— Denmark (Dkr)	254,39	254,39	223,61	224,15	228,12	228,70
— Ireland (£ Irl)	22,524	22,524	19,771	19,784	20,138	20,163
— United Kingdom (£)	17,443	17,443	15,126	15,169	15,459	15,369
— Italy (Lit)	43 032	43 030	39 047	38 990	39 703	39 673
— Greece (Dr)	2 251,06	2 251,06	2 428,46	2 407,70	2 460,92	2 376,16
(b) Seed harvested in Spain and processed :						
— in Spain (Pta)	—	—	0,00	0,00	0,00	0,00
— in a Member State listed at (a) (Pta)	—	—	2 955,90	2 965,16	3 032,84	3 005,06
(c) Seed harvested in Portugal and processed :						
— in Portugal (Esc)	—	—	0,00	0,00	0,00	0,00
— in a Member State listed at (a) (Esc)	—	—	3 802,89	3 797,08	3 867,36	3 749,38

⁽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⁾ Subject to the amount to be deducted in compliance with the system of maximum guaranteed quantities.

ANNEX II
Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month ⁽¹⁾	5th month ⁽¹⁾
1. Gross aids (ECU)					
— Spain	—	—	—	1,720	1,720
— Portugal	—	—	—	0,000	0,000
— Other Member States	40,006	40,006	40,006	39,358	39,358
2. Final aids					
(a) Seed harvested and processed in ⁽²⁾ :					
— Federal Republic of Germany (DM)	96,85	96,85	96,87	95,22	95,22
— Netherlands (Fl)	109,13	109,13	109,13	107,27	107,27
— BLEU (Bfrs/Lfrs)	1 837,42	1 837,42	1 837,42	1 835,77	1 835,77
— France (FF)	268,62	268,62	268,30	270,61	270,61
— Denmark (Dkr)	333,14	333,14	333,14	335,41	335,41
— Ireland (£ Irl)	29,535	29,535	29,532	29,720	29,720
— United Kingdom (£)	23,163	23,163	23,163	23,470	23,470
— Italy (Lit)	56 805	56 802	56 637	59 183	59 183
— Greece (Dr)	3 162,78	3 162,78	3 131,26	3 995,31	3 995,31
(b) Seed harvested in Spain and processed :					
— in Spain (Pta)	—	—	—	109,94	109,94
— in a Member State listed at (a) (Pta)	—	—	—	3 412,31	3 412,31
(c) Seed harvested in Portugal and processed :					
— in Portugal (Esc)	—	—	—	0,00	0,00
— in Spain (Esc)	—	—	—	6 010,04	6 010,04
— in a Member State listed at (a) (Esc)	—	—	—	5 794,10	5 794,10
3. Compensatory aids :					
— in Spain (Pta)	—	—	—	3 225,81	3 225,81
— in Portugal (Esc)	—	—	—	5 752,91	5 752,91

⁽¹⁾ Subject to the amount to be deducted in compliance with the system of maximum guaranteed quantities and the coefficient of equivalence for seed with an oil content of 44 %.

⁽²⁾ For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,037269.

ANNEX III

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current month	2nd month	3rd month	4th month	5th month	6th month
DM	2,150040	2,144570	2,139960	2,135510	2,135510	2,122200
Fl	2,424930	2,422550	2,419310	2,416100	2,416100	2,407070
Bfrs/Lfrs	43,901400	43,919000	43,936300	43,960200	43,960200	43,986600
FF	6,856810	6,859390	6,861540	6,863450	6,863450	6,873050
Dkr	7,955960	7,955180	7,955030	7,956280	7,956280	7,964170
£ Irl	0,707051	0,708945	0,710659	0,712441	0,712441	0,716212
£	0,636410	0,638009	0,639499	0,640915	0,640915	0,644733
Lit	1 475,250	1 481,140	1 486,370	1 491,470	1 491,470	1 508,090
Dr	134,256600	135,78400	137,19930	138,51660	138,51660	142,86130
Pta	136,410900	137,11620	137,67360	138,16390	138,16390	139,77940
Esc	143,676900	145,62620	147,46400	149,50940	149,50940	154,03390

COMMISSION REGULATION (EEC) No 1559/86

of 22 May 1986

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to 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 Regula-
tion (EEC) No 3768/85 ⁽²⁾, and in particular Article 19 (4)
thereof,

Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No 1276/86 ⁽³⁾;

Whereas it follows from applying the rules, criteria and
other provisions contained in Regulation (EEC) No

1276/86 to the information at present available to the
Commission that the export refunds at present in force
should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to Regulation (EEC) No 1276/86 are hereby
altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 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 114, 1. 5. 1986, p. 23.

ANNEX

to the Commission Regulation of 22 May 1986 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
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 :		
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	41,34
	ex II. Other, excluding sorbose	0,4134	—
	E. Artificial honey, whether or not mixed with natural honey	0,4134	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4134	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	41,34
	IV. Other (other than lactose, glucose and malto-dextrine syrups)	0,4134	—

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

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

COMMISSION REGULATION (EEC) No 1560/86**of 22 May 1986****altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 last on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1529/86 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1529/86 to the information known to the Commission that the export refunds

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1529/86 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 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 135, 22. 5. 1986, p. 11.

ANNEX

to the Commission Regulation of 22 May 1986 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	41,34	
	(b) Other	40,79	
	(II) Flavoured or coloured sugar		0,4134
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	38,03 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4134
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	36,58 ⁽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 1561/86

of 22 May 1986

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 May 1986 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 1286/86 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 1286/86 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The rates of refund fixed by Regulation (EEC) No 1286/86 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1986.

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

Done at Brussels, 22 May 1986.

For the Commission

COCKFIELD

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 114, 1. 5. 1986, p. 47.

ANNEX

to the Commission Regulation of 22 May 1986 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Table A

<i>Rate of refund in ECU/100 kg:</i>	White sugar:	41,34
	Raw sugar:	35,95
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$41,34 \times \frac{S^{(1)}}{100}$
	Molasses:	—
	Isoglucose or flavoured or coloured isoglucose syrups:	41,34 ⁽²⁾

Table B

<i>Rate of refund in ECU/100 kg:</i>	White sugar:	41,34 ⁽³⁾
	Raw sugar:	35,95 ⁽³⁾
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$41,34 \times \frac{S^{(1)}}{100}^{(3)}$
	Molasses:	—

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

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

⁽³⁾ This amount must be reduced by the amount of the production refund in force at the time of exportation.

COMMISSION REGULATION (EEC) No 1562/86**of 22 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 1537/86 ⁽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 23 May 1986.

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

Done at Brussels, 22 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 135, 22. 5. 1986, p. 25.

ANNEX

to the Commission Regulation of 22 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	47,95
	B. Raw sugar	40,93 ⁽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 1563/86

of 22 May 1986

fixing the export refunds on 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 the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1027/84 ⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed

from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

Whereas, 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 ⁽⁶⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 23 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 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.
⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽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, 22 May 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 22 May 1986 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	114,38
11.07 A II b)	170,00
11.07 B	198,00

COMMISSION REGULATION (EEC) No 1564/86

of 22 May 1986

fixing the export refunds 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 1355/86⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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⁽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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 23 May 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽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, 22 May 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 22 May 1986 fixing the export refunds on cereals and on
wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin	
	for exports to :	
	— Switzerland, Austria, Liechtenstein, Ceuta and Melilla	86,00
	— zone II b) and the Canary Islands	90,00
	— other third countries	13,00
10.01 B II	Durum wheat	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	5,00 ⁽³⁾
	— other third countries	10,00 ⁽³⁾
10.02	Rye	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	5,00
	— other third countries	10,00
10.03	Barley	
	for exports to :	
	— Switzerland, Austria, Liechtenstein, Ceuta and Melilla	115,00
	— zone II b) and the Canary Islands	120,00
	— Japan	—
	— other third countries	13,00
10.04	Oats	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	—
	— other third countries	—
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 B	Millet	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour :	
	— of an ash content of 0 to 520	127,00
	— of an ash content of 521 to 600	127,00
	— of an ash content of 601 to 900	112,00
	— of an ash content of 901 to 1 100	104,00
	— of an ash content of 1 101 to 1 650	97,00
	— of an ash content of 1 651 to 1 900	87,00

		(ECU/tonne)
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	127,00
	— of an ash content of 701 to 1 150	127,00
	— of an ash content of 1 151 to 1 600	127,00
	— of an ash content of 1 601 to 2 000	127,00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 1 300 ⁽¹⁾	311,00 ⁽³⁾
	— of an ash content of 0 to 1 300 ⁽²⁾	294,00 ⁽³⁾
	— of an ash content of 0 to 1 300	263,00 ⁽³⁾
	— of an ash content of more than 1 300	249,00 ⁽³⁾
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	127,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

COMMISSION REGULATION (EEC) No 1565/86

of 22 May 1986

fixing the corrective amount applicable to the refund on cereals

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⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1027/84⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and,

furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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⁽⁷⁾,
- 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 preceding indent and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ 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, 22 May 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 22 May 1986 fixing the corrective amount applicable to the refund on cereals

CCT heading No	Description	(ECU/tonne)						
		Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		5	6	7	8	9	10	11
10.01 B I	Common wheat and meslin for exports to :							
	— China	0	+ 6,00	+ 6,00	— 30,00	— 30,00	— 30,00	— 30,00
	— other third countries	0	0	0	— 36,00	— 36,00	— 36,00	— 36,00
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	— 30,00	— 30,00	— 30,00	— 30,00	—	—
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	— 36,00	— 36,00	— 36,00	—	—
11.01 B	Rye flour	0	0	— 36,00	— 36,00	— 36,00	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	— 36,00	— 36,00	— 36,00	— 36,00	— 36,00
11.02 A I b)	Common wheat groats and meal	0	0	— 36,00	— 36,00	— 36,00	—	—

N. B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 October 1985

on aids granted by the French Government to producers' organizations in the fisheries sector

(Only the French text is authentic)

(86/186/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, as amended by Regulation (EEC) No 3655/84 ⁽²⁾, and in particular Article 28 thereof;

Having given formal notice to the parties concerned to submit their comments in accordance with the provisions of the first subparagraph of Article 93 (2) of the Treaty,

Taking the following considerations into account:

deep-freezing, granted by the FIOM (Fonds d'Intervention et d'Organisation des Marchés des Produits de la Pêche Maritime et des Cultures Marines), and aid to support prices, which is also paid by the FIOM to producers' organizations to compensate their members in part for the inadequate increases in producer prices.

By letters of 20 January and 30 May 1984 from its Permanent Representation, the French Government also forwarded to the Commission a document on the organization, financing, activities and intervention operations of the FIOM. These include aid measures to support the market such as the abovementioned aid for the storage of surpluses by deep-freezing and a measure benefiting producer organizations within the framework of an autonomous withdrawal price support system.

I

Aid for storage of surpluses

NOTIFICATION AND DESCRIPTION OF THE AIDS

Procedure

Under Article 93 (3) of the EEC Treaty, the French Government notified the Commission, by letters of 9 April 1981, 10 July 1981 and 13 April 1982 from its Permanent Representation to the European Communities, of its intention to grant certain aids to sea-fishing undertakings. These include aid for enhancing the value of production, involving aid for the storage of surpluses by

In some ways this aid measure is similar to storage aid as provided for in Article 14 of Regulation (EEC) No 3796/81. It is paid in the form of a premium per kilogram and only where the storage operations are covered by contracts between producers' organizations and processors: such contracts are either intervention agreements or supply contracts. The agreements relate to surpluses withdrawn from the market at the withdrawal price. In return for the aid, the processor undertakes to absorb and process species in quantities not exceeding those laid down in the agreement. The amount of aid is variable and fixed at a flat rate per species, prior to the intervention operation, by reference to the purchase price, the processing and storage costs and the cost price of the processed product, but it cannot under any circumstances be more

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 340, 28. 12. 1984, p. 1.

than half the withdrawal price for the species concerned. The supply contracts are concluded between producers' organizations and one or more processors before the fishing year for a given species. Commitments relate to duration, tonnage, purchase price and the amount of the aid. The prices of products involved in these two types of contract are stabilized or increased by deep-freezing of whole surplus fish, or by deep-freezing, salting, smoking or preserving of fish prepared beforehand.

The FIOM reimburses the producers' organizations 60 % of the amount of the aid (70 % in 1981) paid out by the latter or producers or to processors, and the producers' organization is responsible for the balance. There is no limit on the proportion of total production eligible for the aid.

The French Government justified this aid by the need to prevent the destruction of fishery products of which there was a structural shortfall with possible short-term surpluses.

Aid to producers' organizations under the target price system

The aim of this system is to guarantee a minimum rate of increase in the average price for a certain number of species considered as representative in the various ports.

Each producers' organization chooses a number of representative species (maximum of ten in 1981 and three species in 1982). A target price (*prix d'objectif*) equal to the average price for the previous year or the same period of the previous year, plus a percentage set by the Government is fixed for each of these species. For the three four-month periods of 1981, the said percentages were 15 %, 14 % and 13 % respectively, whilst in 1982 the figure was 10 %. If the real average price is lower than the target price, the producers' organization receives a premium equal to that difference, multiplied by the tonnage of the species landed during the current period or year. This mechanism is applied in respect of each of the representative species, but the overall aid to a producers' organization cannot be greater than the difference between the real turnover for the current period and the 'target turnover', calculated in the same way as the target price, i.e. the turnover for the same period as the previous year plus the 'target percentage'.

The FIOM's contribution to this premium was set at 100 % in the first four-months period of 1981, 80 % in the second and 50 % in the third four-months period of 1981 and in 1982.

The French Government stated that this mechanism was introduced in 1981 to deal with an extremely critical situation in the fishing industry as a result of a very steep rise in operating costs which had not been offset by an increase in the price of fish at the first stage of marketing. The purpose of the scheme was therefore to enable the trading accounts of vessels to be balanced.

Aid to producers' organizations under the autonomous withdrawal price system

This involves support under a national withdrawal system for species not covered by the Community withdrawal arrangements. It is comparable to the system provided for in Article 9 (1) and (3) of Regulation (EEC) No 3796/81. Withdrawal prices for the so-called 'national' species are fixed by the FIOM each year. The producers' organizations which apply these prices must, when products are withdrawn from the market, pay to their members financial compensation equal to the withdrawal price. The FIOM reimburses 50 % of the financial compensation to these producers' organizations. The system covers 29 species.

The aids described above are covered by Articles 92, 93 and 94 of the EEC Treaty by virtue of the provisions of Article 26 of Council Regulation (EEC) No 100/76 ⁽¹⁾ and of Article 28 of Regulation (EEC) No 3796/81.

Examination by the Commission

Aid for the storage of surpluses

Aid to producers' organizations under the target price system

After an initial examination, the Commission found that these aids constitute infringements of the provisions of Council Regulation (EEC) No 100/76, as replaced from 1 June 1982 by Regulation (EEC) No 3796/81 on the common organization of the market in fishery products. They involve autonomous national mechanisms applied in the area covered by the common organization of the market. Within the framework of the latter, the measures considered as most likely to achieve the objectives pursued (such as the application of withdrawal prices by producers' organizations, the fixing of guide and withdrawal prices for certain major species, the granting of financial compensation to producers' organizations which meet certain conditions, the carry-over premium which aims to bring onto the market certain products withdrawn after processing, and private storage aid, as provided for in Articles 9, 10, 12, 13 and 14 respectively of the above-mentioned Regulation) are jeopardized by these national measures introduced unilaterally by France in favour of national producers' organizations and their members only. Consequently, the Commission decided to initiate the examination procedure provided for in Article 93 (2) of the EEC Treaty in respect of these aids, and by letter of 15 June 1982 it gave notice to the French Government to submit its observations.

Aid to producers' organizations under the autonomous withdrawal price system

After an initial examination, the Commission found that this aid measure was liable to constitute an infringement of Regulation (EEC) No 3796/81, which provides for the fixing by producers' organizations of withdrawal prices below which they will not sell products supplied by their

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

members, but does not make provision for a national system with publicly-funded financial compensation to cover the cost of such withdrawals. The Commission therefore decided to initiate in respect thereof the procedure provided for in Article 93 (2) of the EEC-Treaty, and by letter of 27 July 1984 it gave notice to the French Government to submit its observations.

By letter of 31 December 1984 from its Permanent Representation to the European Communities, the French Government informed the Commission of its intention to abolish, from 1985, the FIOM's intervention to support autonomous withdrawal prices for 20 species and to maintain intervention, as a transitional measure, for the nine remaining species, pending an adjustment of the common organization of the markets. After an initial examination, the Commission found that the maintenance of the system concerned in respect of nine species, albeit as a transitional measure and even in the expectation of possible changes to the Community rules, would continue to be incompatible with the common organization of the market. Consequently, the Commission decided to extend the Article 93 (2) procedure, initiated in July 1984, to this new autonomous withdrawal price system and by letter of 15 April 1985 it gave notice to the French Government to submit its observations.

Observations of the parties concerned

Several Member States and professional organizations have forwarded their observations to the Commission. These Member States and some professional organizations share the Commission's opinion. However, one French producers' organization stated that producers' organizations in France had to supplement, with the aid of the FIOM, the Community regulations on the organization of the market, which almost totally ignores French artisanal fishing, and that all the measures were cofinanced by direct contributions from fishermen; it called for an adjustment of the common organization of the market to take account of the specific conditions affecting fishing in each country.

II

OBSERVATIONS OF THE FRENCH GOVERNMENT

Aid for storage of surpluses

Aid to producers' organizations under the target price system

In its reply to the Commission of 29 July 1982, the French Government stated that detailed explanations of these aids had already been provided and that it had no further observations to make. At a later meeting between French and Commission officials, the former stated that the two aid measures concerned would be abolished and that the aid for the storage of surpluses by deep-freezing

would be replaced by the carry-over premium provided for in Article 14 of Regulation (EEC) No 3796/81.

By letter of 29 November 1983, the French Government confirmed that aid to support prices had been abolished from 1 January 1983.

Aids to producers' organizations under the autonomous withdrawal price system

In its replies to the Commission of 2 October and 31 December 1984, the French Government pointed out that the autonomous withdrawal price system should be seen as complementary to the Community system, which compensates withdrawals of only certain species consumed in major quantities, particularly those fished on an industrial scale. The FIOM system primarily covers artisanal fishing.

To avoid discrimination between industrial fishing, which receives compensation from the European Agricultural Guidance and Guarantee Fund (EAGGF), and artisanal fishing, which is of special importance to the economy of certain regions and would be forced to finance these withdrawals on its own, the French Government had introduced this FIOM-financed measure without contravening the spirit of the Community rules or affecting the conditions of competition within the common organization of the market. To the contrary, this measure, it was claimed, was fully in line with the objectives stated in the recitals of the Regulation on the common organization of the market, e.g. the achievement of market stability and the guaranteeing of a fair income to producers.

After comparing the trends in production and trade for five species subject to an autonomous withdrawal price, and in view of the fact that these FIOM-financed measures have not disturbed the conditions of competition, the French Government considers that the measures in question may be considered as compatible with the common market.

Furthermore, these measures are claimed not to have unduly strengthened the competitiveness of producers' organizations in all respects, including organizations handling species subject to the Community price support system, since the producers' organizations concerned engage only in artisanal fishing and consequently deal only in species covered by autonomous aid measures. There would therefore appear to be very slight interference between the two categories of product supported by the EAGGF and the FIOM mechanisms.

In its reply to the Commission of 15 June 1985, the French Government stated that the common organization of the market could not, in its opinion, be considered comprehensive in so far as Annex I to Regulation (EEC) No 3796/81 covered some 15 species only, while these species accounted for only 40 % of the value of French landings. It wished to maintain its assistance towards withdrawals of six species, as it considered that most of them were of importance to the acceding countries as well and that these species should consequently be

included in the Community system. In the meantime provision had been made for a Community system for three of these species under the accession arrangements. The French Government considered a further three species to be regional and wished to continue its aid for withdrawals thereof, but was prepared to support any Commission initiative to achieve further reform of the Community arrangements and accordingly to abolish the aids concerned in accordance with a timetable to be worked out in agreement with the Commission.

III

LEGAL ASSESSMENT

The producers' organizations are one of the main means of implementing the common policy on the market in fishery products. The 1981 amendments to the rules on the common organization of the market (Council Regulation (EEC) No 3796/81) have further reinforced the role assigned to the producers' organizations. Thus a reinforced system of aid has been introduced for the setting up of these producers' organizations. In certain conditions, the Member States are now able to apply the rules governing the producers' organizations to non-members. Further measures, such as the carry-over premiums and the possibility of applying withdrawal prices with a measure of discretion, have been introduced to increase the effect of market stabilization measures taken by the producers' organizations. To encourage producers' organizations to adapt supply more closely to market requirements, the rate of EAGGF financial compensation for withdrawals is reduced if there is an increase in the quantities withdrawn.

Aid for the storage of surpluses

Article 14 of Regulation (EEC) No 3796/81 makes provisions in certain conditions for a carry-over premium for species withdrawn from the market at the Community withdrawal price, which may be returned to the market for human consumption subject to compliance with certain conditions relating to processing and subsequent storage. This premium is granted for only some species of a high commercial value and for quantities not exceeding 15 % of annual landings. The amount of the premium cannot be greater than the technical costs of processing and storage and must not exceed 50 % of the Community withdrawal price. It is subject, moreover, to the conditions laid down in Article 14 (1), and in particular the provision that the products meet certain quality, size and presentation requirements.

French storage aid for the deep-freezing of surpluses is not dependent, however, on any conditions regarding the

quality of the products. Moreover, it was introduced in respect of all species covered by an intervention or supply contract, including species not covered by the Community system, and without any limitation on the quantities involved. This measure therefore constitutes interference with the conditions applying on the market for fishery products in France and is at odds with the objectives of the common organization of the market (in particular the adjustment of supply to market requirements). Furthermore, the quantities affected by this aid are withdrawn from the market only temporarily and consequently increase supply after they are processed, which may have repercussions on the market for these products both in France and throughout the Community and may jeopardize the effect of the measures applicable to these products under the common organization of the market. As a consequence, the fisheries sector in France has a financial advantage over producers in the other Member States, where these products would be withdrawn from the market at a lower price or processed without any contribution from public funds.

Aid to producers' organizations under the target price system

Title III of Regulations (EEC) No 100/76 and (EEC) No 3796/81 makes provision for a price support system based on the need to stabilize prices and thus cope with market situations likely to lead to prices which might cause disturbances on the Community market. A guide price is therefore fixed for most fishery products, taking into account the market trend and the need to avoid the formation of surpluses in the Community, to help to guarantee a fair income to producers and to take the interests of consumers into consideration. This price provides a basis for determining the price level for intervention on the Community market.

The French target price system, which also aims to stabilize prices and helps to support producers' incomes is similar to the Community system. It does not involve a guide price within the meaning of the Community legislation, but a price actually paid to producers, State aid being granted to producers' organizations where the prices observed on the market are too low. Through this aid system, France has introduced an autonomous mechanism to support the prices of fishery products. This has the effect of replacing the Community system. Whereas the latter provides merely for withdrawals to adjust supply to market requirements and thus stabilize prices, the French mechanism replaces market forces by instituting guaranteed prices. In this sense, the very concept of common organization is called into question and supply is increased artificially, with repercussions for the other producers who cannot depend on a similar support mechanism.

Aid to producers' organizations under the autonomous withdrawal price system

Article 9 (1) of Regulation (EEC) No 3796/81 provides that producers' organizations may fix a withdrawal price below which they are not required to sell products supplied by their members. For certain major species a withdrawal price is fixed at Community level (Article 12). If producers' organizations apply the Community withdrawal prices for the products listed in the basic Regulation (Annex I A and D), they receive a financial contribution from the Member State under certain specific and restrictive conditions (Article 13). If producers' organizations fix autonomous withdrawal prices for these products or for any other product listed in Article 1, they can grant an indemnity to their members (Article 9 (1)).

To finance these withdrawal measures, producers' organizations create intervention funds fed by contributions assessed on quantities offered for sale or have recourse to an equalization system (Article 9 (3)). These intervention funds do not qualify for any public subsidy, apart from the fact that during the five years following their creation Member States may grant aid to producers' organizations in the form of loans on special terms to cover part of the anticipated costs (Article 6 (4)).

The granting of aid to producers' organizations is governed by Community legislation and is limited by the strict conditions of Article 6 of Regulation (EEC) No 3796/81. Aid from the FIOM to producers' organizations under the autonomous withdrawal price system is not covered by the abovementioned Regulation. The support system organized by the FIOM is a national system which applies concurrently to 29 (and more recently 9) species and which operates in addition to both the optional intervention system at producers' organization level for all species (Article 9 (1) and (3) of Regulation (EEC) No 3796/81) and the withdrawal system for approximately 15 species (Article 13). The rules of application are similar to those laid down by the Community system, but the conditions under which the aid is granted are not as strict.

The granting of this aid has significant effects on the financial status of French producers' organizations. Since withdrawal prices are fixed nationally and guaranteed thanks to a 50 % State subsidy, French producers receive a higher indemnity for quantities withdrawn than others who apply the autonomous withdrawal price system but do not have the financial resources to maintain withdrawal prices at a level markedly above the prices of fish for the production of fish meal.

Moreover, the granting of this aid must inevitably have major effects on the co-responsibility placed on producers' organizations by the organization of the market. According to information on the application of this aid in 1982, producers' organizations may receive both the financial compensation provided for by the Community rules and the financial compensation granted by the FIOM under the national withdrawal price system. The French national system does not reduce the level of compensation as the volume of withdrawals increases, so that under the Community system (Article 13 (3) of Regulation (EEC) No 3796/81) zero compensation is payable if the quantity withdrawn per species exceeds 20 % of annual landings. Consequently, there is no incentive for French producers to adjust supply more closely to market requirements.

The three aid measures involved reinforce the competitiveness of recipient producers' organizations in respect of all their activities, including those covered by the Community system. There is, for example, an undue increase in the maximum amount of launching aids under Article 6 (1) and (2) of Regulation (EEC) No 3796/81, which depends on the value of production.

Furthermore, this competitive advantage has negative effects on the position of producers in other Member States, since approximately 53 % of the French market is covered by French supplies, approximately 23 % by imports from other Member States and approximately 24 % by imports from third countries, while France exports some 23 % of its production about 58 % of which goes to the other Member States (1983 figures).

The common organization of the market in the fisheries sector as adopted by the Council covers all fishery products (Article 1). The introduction of financial intervention measures for certain species means that no such measures should apply to other fishery products. The Member States may therefore no longer set up national support arrangements to supplement Community intervention measures, even for species not covered by the present Community system. Such measures can only be contemplated at Community level if the rules governing the common organization and the single market are to be observed.

The granting of FIOM aid to producers' organizations under the target price system, the autonomous withdrawal price system, and the aid system for the storage of surpluses jeopardizes the proper functioning and runs counter to the objectives of the common organization of the market. As a consequence these aids constitute infringements of Community law.

France set up these illegal arrangements some years ago without giving prior notification to the Commission or waiting for the latter to define its position. Such notification was given only following several clear requests from the Commission. Certain details regarding the application of these aid measures have still not been forwarded, even following requests from the Commission in its formal letters.

IV

Since the measures involved are aid measures financed through State resources and conferring on French producers a competitive advantage over producers in other Member States, they are State aids within the meaning of Article 92 (1) of the EEC Treaty, which states that aids meeting certain criteria are incompatible with the common market.

The prohibition contained in Article 92 (1) of the Treaty cannot be waived by virtue of paragraph 2 of that Article since the derogations provided for are clearly not applicable in this case.

With regard to the derogations provided for in Article 92 (3), the rulings handed down by the Court of Justice of the European Communities have consistently shown that once the Community has legislated for establishment of the common organization of the market in a given sector, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it, having regard to the express provisions of the legislation but also to its aims and objects.

As a result of the foregoing it appears that the three aid measures undermining the common organization of the market in the sector concerned constitute infringements of Community law. Accordingly such measures can under no circumstances qualify for the derogations provided for in Article 92 (3) ⁽¹⁾. Moreover, the three French measures referred to above involve operating aids, which by their very nature are contrary to the common interest within the meaning of Article 92 (3) (c), in this case taking the form of the Council Regulation on the common organization of the market in fishery products.

In order to remedy the competitive disadvantage of producers in other Member States *vis-à-vis* French producers and to ensure compliance with Community law, the

measures concerned must be abolished by the French Government without delay, should this not already have been done.

This Decision is without prejudice to the conclusions which the Commission may draw as regards the recovery of the abovementioned aids from the recipients and as regards the financing of the common fisheries policy by the EAGGF,

HAS ADOPTED THIS DECISION :

Article 1

1. The aid from the FIOM to producers' organizations under a surplus storage system, as granted in France for several years, is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and must be abolished.

2. The aid from the FIOM to producers' organizations under a target price system, as granted in France in 1981 and 1982, is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and must be abolished.

3. The aid from the FIOM to producers' organizations under an autonomous withdrawal price system for species not covered by the Community withdrawal arrangements is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and must be abolished.

Article 2

France shall inform the Commission, within one month from notification of this Decision, of the measures which it has taken to comply with the provisions of Article 1.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 9 October 1985.

For the Commission

Henning CHRISTOPHERSEN

Vice-President

⁽¹⁾ Judgment of the Court of Justice in Case 51/74, *Hulst v. Produktschap voor siergewassen* (1975) ECR 79.
Judgment of the Court of Justice in Case 169/82, *Commission v. Italy*, (1984) ECR 1603.

COMMISSION DECISION

of 13 November 1985

on aids granted by Greece in the form of interest rebates in respect of exports of all products with the exception of petroleum products

(Only the Greek text is authentic)

(86/187/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 93 (2) thereof,

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 1019/84 ⁽²⁾, and in particular Article 22 thereof, and to the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

After having invited the interested parties to submit their comments in accordance with Article 93 (2) of the Treaty and in the light of those comments ⁽³⁾,

Whereas :

I

Articles 92 to 94 of the EEC Treaty have been made fully applicable — by virtue of the provisions of Articles 42 and 43 of the said Treaty — to the majority of products listed in Annex II to the EEC Treaty. By virtue of Article 4 of Regulation No 26 applying certain rules of competition to the production of and trade in agricultural products ⁽⁴⁾, the other products listed in the said Annex are subject only to the provisions of Article 93 (1) and the first sentence of Article 93 (3); the latter products are therefore not affected by this Decision.

II

By telex No 51686 of 2 February 1984, the Commission requested the Greek Government to provide it with information concerning the granting of an aid for the export of cereals, which Greece reportedly introduced in April 1983. A telex reminder was sent on 21 March 1984. The reply sent by Greece by telex on 16 April 1984 was deemed incomplete by Commission staff, who sent a further telex on 19 June 1984 asking for additional infor-

mation and a telex reminder on 24 July 1984. By telex of 10 August 1984, the Greek Government requested a one-month extension of the deadline set so as to be able to draw up its reply, which was finally sent in letter form on 18 October 1984.

The said letter states that :

- the Greek authorities grant an interest rebate of 6 % or 3 % on loans which the authorities grant to cereal exporters (the rate normally applied to exporters being 18,5 %);
- the said aid is paid solely on condition that the amount obtained by the exporters at the time of sale is swiftly repatriated and converted into drachmas;
- this interest rebate is granted in the framework of the general reform of the system of credit set up by the Greek Government which takes the following form :

A. Before April 1983 :

<i>Type of loan</i>	<i>Interest rate</i>
Loans towards working capital	21,5 %
Loans for investments and for undertakings which process agricultural products	18,5 %
Loans for craft undertakings	14,0 %
Loans for prefinancing and financing of exports	10,5 %

B. After April 1983 :

<i>Type of loan</i>	<i>Interest rate</i>
Loans to industry	21,5 %
Loans for undertakings which export processed agricultural products	18,5 %
Loans for craft undertakings	14,0 %

- the reimbursement of 6 % or 3 % (where the loan was granted at a rate of 14 %) was fixed in consideration, firstly of the general increase in interest rates and, secondly, of the average duration of loans intended to finance exports and in the light of the fact that such reimbursement is applicable to exports of all products other than petroleum products;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 4.

⁽³⁾ OJ No C 54, 28. 12. 1985, p. 3.

⁽⁴⁾ OJ No 30, 20. 4. 1962, p. 993/62.

- this measure is purely monetary in nature because it is intended to induce Greek exporters to repatriate the foreign currency they have earned rapidly and to unify the system of interest rates applicable to Greek exports ;
- for these reasons this measure taken by the Greek Government should not be considered as an aid to exports of Greek products.

III

After giving its consideration to this measure, the Commission informed the Greek Government by letter of 4 January 1985 that :

- the interest rebate constitutes in practice an aid to exports which is incompatible with the provisions of Article 92 (1) of the EEC Treaty and with Community law on the common organization of the market in cereals (the amount of the aid came to around USD 10 per tonne of flour and USD 12 per tonne of meal exported) ;
- the argument put forward by the Greek Government that the measure is purely monetary in nature does not alter the fact that in practice the aid can serve to promote exports of Greek products to the detriment of similar products from other Member States and can be assimilated to an aid measure to assist exports which is incompatible with the said Article of the Treaty ;
- if, by granting a rebate of 6 % or 3 % on the interest rate applicable, the Greek Government is striving to attain certain objectives of a monetary nature, this does not mean that it is entitled to resort to measures which are incompatible with other provisions of Community law. This is why, despite the fact that, in the monetary field, the competence of the Member States remains fairly extensive, they are nonetheless not empowered to adopt and apply national measures which are incompatible with other provisions of Community law ;
- it emerges clearly from the reply sent by the Greek Government on 18 October 1984 that the system of interest rebates on export credits applies not only to cereals but all products other than petroleum products ;
- for these reasons, the Commission decided to initiate the procedure provided for in Article 93 (2) of the EEC Treaty with regard to all products covered by the measure in question.

As part of this procedure, the Commission gave notice to the Greek Government, the other Member States and interested parties other than Member States to submit their comments.

IV

By letter of 11 March 1985, the Greek Government replied to the Commission's letter of 4 January 1985 with the following comments :

- the interest rebate in question was due to the general change in the Greek Government's policy as regards interest rates after April 1983. As a result of this change, interest rates to be borne by processing industries which exported their products rose from 10,5 % to 12,5 % ;
- as a result of this increase in interest rates, all Greek exporters now had to bear a greater financial burden than they did before the reform of the general system of credit applicable in Greece ;
- when the new system of financing export credits applicable in Greece since April 1983 was considered as a whole, its effect on the competitiveness of Greek export undertakings could be seen to be neutral.

V

The Greek authorities have failed to fulfil their obligations under Article 93 (3) of the EEC Treaty, firstly by failing to provide notification of the measure in question and secondly by putting it into effect since April 1983 without enabling the Commission to adopt a position in the matter.

This failure has given rise to a particularly serious situation as regards the agricultural sector because the export aid in question essentially constitutes an infringement of the common organizations of the markets and is therefore incompatible with the common market under Article 92 of the EEC Treaty.

The interest rebates (6 % or 3 %) introduced after 1983 by Greece for exports of products other than petroleum products artificially serve to facilitate their sale on Community and non-Community markets since they result in an appreciable reduction in the costs incurred in selling them on foreign markets.

It is to be borne in mind firstly that Greek products constitute an enormous trade flow (in 1982, 46,3 % of the total value of Greek exports of 4 381 million ECU was accounted for by sales to other Member States ; in 1984 the value of exports reached 13,6 % of the gross domestic product) and secondly that exports are the subject of stiff competition between Greek undertakings and those of the other Member States.

Furthermore, by facilitating the creation of new commercial outlets, or at least the maintenance of existing ones, this measure (the impact of which is directly linked to the volume of exports) serves to encourage Greek producers to increase the quantities produced which, thanks partly to economies of scale, will firstly reduce their production costs and secondly, as a consequence of that reduction, increase their competitiveness on all markets.

For these reasons, the aid measure, by making Greek producers more competitive than other producers who do not enjoy such arrangements, is such as to distort competition and affect trade between Member States.

The aid in question therefore satisfies the criteria laid down in Article 92 (1) of the Treaty according to which the aid measures therein described are deemed incompatible with the common market.

The derogations provided for in Article 92 (2) are clearly not applicable to the measures concerned. Those provided for in paragraph 3 of the said Article relate to aid measures taken in pursuit of objectives which are in the interest of the Community and not merely that of specific sectors of the national economy. Such derogations must be interpreted strictly in any examination of an aid programme of a regional or sectoral nature or of an individual case involving the application of general aid schemes.

More precisely, they can only be granted where the Commission is able to ascertain that the aid is necessary in order to achieve one of the objectives referred to in the said Article. To apply such derogations in the case of aid measures which do not involve such a compensating advantage would be tantamount to tolerating damage to trade between Member States and distortion of competition which would not be justified as being in the interest of the Community, and hence unwarranted advantages for certain Member States.

In the case in point, no such compensating advantage can be seen to exist. Indeed the Greek Government was unable to provide and the Commission unable to identify any grounds for establishing that the aid measures in question satisfy the conditions laid down for the application of one of the derogations provided for in Article 92 (3) of the Treaty.

The measures are not intended to promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b) since, owing to the effects which it may have on trade, such a measure is contrary to the common interest.

Even if the new system introduced after April 1983 is more effective than its predecessor in facilitating the repatriation of foreign currency, the measure will not serve to remedy a serious disturbance in the economy of the Member State concerned within the meaning of the same provision.

As regards the derogations provided for in Article 92 (3) (a) and (c) in respect of aid measures intended to encourage or facilitate the economic development of regions and the development of certain activities referred to in (c), it must be said that this measure — as an operating aid — cannot have any lasting beneficial effect on the situa-

tion of the holdings and undertakings benefiting by it since, once the aid ceases to be granted, they will find themselves faced with the same structural situation as that which obtained before the implementation of the State measures.

Consequently, the aid measures must be considered as operating aids for the undertakings concerned, a category of aid to which the Commission has always been opposed as a matter of principle since the granting of such aids is not linked to conditions such as to make them qualify for one of the derogations provided for in Article 92 (3) (a) and (c).

Furthermore, and more particularly as regards aid for the export of products listed in Annex II to the Treaty and subject to the common organization of markets, there are limits to the powers of the Member States to intervene directly in the operation of the common organization of markets involving a common price system, which are henceforth within the exclusive competence of the Community.

To grant aid of this type is to ignore the principle whereby the Member States are no longer empowered to take unilateral action on farmers' incomes in the framework of a common organization of the market by granting aid of this type.

Even if derogation under Article 92 (3) of the Treaty had been conceivable for agricultural products, the infringement which the aid measures under examination constitute in terms of the common organization of markets rules out the application of such a derogation in the case of the said products.

The aid measures in question therefore do not satisfy the conditions which have to be met in order to qualify for one of the derogations provided for in Article 92 of the Treaty and have to be deemed incompatible with the common market and the Greek authorities shall be required to take the steps necessary in order to abolish them.

This Decision is without prejudice to any conclusions which the Commission may draw as regards the recovery of the said aids from beneficiaries and as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS DECISION :

Article 1

The aid in the form of an interest rebate of 6 % or 3 % which, subject to certain conditions, the Greek authorities grant to exporters of agricultural products listed in Annex II to the Treaty, with respect to which Articles 92 to 94 of the Treaty have been made fully applicable by virtue of

Articles 42 and 43 of the Treaty, and to exporters of all other products not listed in Annex II with the exception of petroleum products, is incompatible with the common market under the terms of Article 92 of the Treaty and must be abolished.

Article 2

Greece shall inform the Commission, within one month of receiving notification of this Decision, of the measures with it has taken in order to comply therewith.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 13 November 1985.

For the Commission

Frans ANDRIESEN

Vice-President
