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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2459/86**of 30 July 1986****amending for the second time Regulation (EEC) No 628/86 authorizing the Kingdom of Spain temporarily to increase import duties on sunflower oil-cake falling within subheading 23.04 B of the Common Customs Tariff**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 75 (5) thereof,

Whereas Commission Regulation (EEC) No 628/86 ⁽¹⁾, as last amended by Regulation (EEC) No 1637/86 ⁽²⁾, authorized Spain, for the period from 1 March to 31 July 1986, to increase import duties on sunflower oil-cake to avoid disturbance of its internal market in such oil-cake in the light of developments on the world market;

Whereas available data on forward delivery prices of sunflower oil-cake show that prices have levelled off at or around the levels of March 1986; whereas, under such

circumstances, the measures should be extended until the end of August;

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

HAS ADOPTED THIS REGULATION:

Article 1

The date '31 July 1986' in Article 1 of Regulation (EEC) No 628/86 is hereby replaced by '31 August 1986'.

Article 2

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

It shall apply with effect from 1 August 1986.

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

Done at Brussels, 30 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 60, 1. 3. 1986, p. 7.

⁽²⁾ OJ No L 144, 29. 5. 1986, p. 25.

COMMISSION REGULATION (EEC) No 2460/86**of 30 July 1986****amending for the third time Regulation (EEC) No 582/86 on transitional measures regarding the control system for prices and the quantities of certain products in the oils and fats sector which are released for consumption in Spain and Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 582/86 ⁽¹⁾, as last amended by Regulation (EEC) No 2283/86 ⁽²⁾, provides, in respect of the price compensation system, for the maintenance until 31 July 1986 of the national control arrangements in force in Spain before accession ;

Whereas, with a view to sound administration, the national price compensation system applicable in Spain before accession should be extended for the period strictly necessary ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In the second subparagraph of Article 1 (1) of Regulation (EEC) No 582/86, '31 July 1986' is replaced by '30 September 1986.'

Article 2

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

It shall apply with effect from 1 August 1986.

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

Done at Brussels, 30 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 30.

⁽²⁾ OJ No L 200, 23. 7. 1986, p. 15.

COMMISSION REGULATION (EEC) No 2461/86

of 30 July 1986

amending for the third time Regulation (EEC) No 583/86 laying down detailed rules for the application of accession compensatory amounts for olive oil

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 473/86 of 25 February 1986 laying down the general rules for the system of accession compensatory amounts for olive oil⁽¹⁾, and in particular Article 7 thereof,

Whereas, with a view to not disturbing Spain's traditional exports by the commencement of a permanent tender for refunds and levies applicable to olive oil exports, under Council Regulation (EEC) No 1650/86⁽²⁾, open until 31 December 1986, the measures provided for in Article 4 (2) of Commission Regulation (EEC) No 583/86⁽³⁾, as last amended by Regulation (EEC) No 2214/86⁽⁴⁾, should be extended beyond 31 July 1986 and until the end of the current year ;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

The date '31 July 1986' in Article 4 (2) of Regulation (EEC) No 583/86 is hereby replaced by '31 December 1986.'

Article 2

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

It shall apply with effect from 1 August 1986.

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

Done at Brussels, 30 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 43.

⁽²⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 31.

⁽⁴⁾ OJ No L 193, 16. 7. 1986, p. 3.

COMMISSION REGULATION (EEC) No 2462/86

of 31 July 1986

amending Regulation (EEC) No 3540/85 laying down detailed rules for the application of special measures for peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1485/85⁽²⁾, and in particular Article 3 (7) thereof,

Whereas Article 2 (2) and (3) of Commission Regulation (EEC) No 3540/85⁽³⁾, as last amended by Regulation (EEC) No 604/86⁽⁴⁾, sets out adjustments to the price payable to the producer which require amending so as to bring them more into line with commercial usage; whereas, in order to avoid the application for one month of different arrangements concerning those adjustments, the arrangements which applied until 30 June 1985 should be extended until the date of entry into force of this Regulation;

Whereas failure to observe the time limit referred to in Article 3 (5) of Regulation (EEC) No 3540/85 ought to result in the loss of the right to the certificate of purchase at the minimum price; whereas this penalty should be progressive;

Whereas a limit should be fixed to the period of validity of the certificate of purchase at the minimum price, referred to in Article 6 of Regulation (EEC) No 3540/85 and arrangements should be made to deal with old certificates that are still in circulation;

Whereas Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽⁵⁾ entered into force on 1 March 1986; whereas the arrangements referred to in the third subparagraph of Article 12 (1) and in Article 29 (2) of Regulation (EEC) No 3540/85 may be discontinued; whereas definitions should be given of the requirements to be observed in order for Title V of Regulation (EEC) No 2220/85 to be applied;

Whereas Article 16 (3) of Regulation (EEC) No 3540/85 should specify the period within which the declaration of products received is to be lodged by the approved user with the competent authority; whereas that period may extend for more than three months after the products have been received; whereas the particulars provided on the special declaration referred to in paragraph 4 of the abovementioned Article may therefore be indicated on the declaration of products received;

Whereas identification is an administrative act separate from the inspections that must be carried out on the quantities for which aid is requested; whereas the request for identification referred to in Article 17 (2) of Regulation (EEC) No 3540/85 and the certificate referred to in Article 18 of that Regulation are concerned with theoretical quantities calculated on the basis of standard quality; whereas the inspections to be carried out in connection with identified quantities should be set out in Article 28 (2) of that Regulation;

Whereas failure to observe the time limit between identification and usage of the products, as referred to in Article 19 (4) of Regulation (EEC) No 3540/85, should result in a progressive reduction in the aid to be granted; whereas in cases of *force majeure* the obligation resulting from this time limit may be fulfilled in accordance with three procedures that should be specified;

Whereas Article 121 (2) of the Act of Accession laid down an adjustment to the aid for sweet lupins to take account of the activating price applicable in Spain and in the other Member States; whereas it is necessary, in the absence of any system for controlling the origin of products, that aid should be granted only in respect of sweet lupins harvested and used in Spain, or of sweet lupins harvested and used in other Member States, for the period from 1 July 1986 to 31 December 1987;

Whereas Regulation (EEC) No 3540/85 was published in the *Official Journal of the European Communities* on 19 December 1985 and entered into force on 1 January 1986; whereas that Regulation introduced extensive changes in identification procedures; whereas certain operators failed to submit their request for identification in conformity with the new arrangements during the first three months of 1986; whereas, in the interests of fairness, and in view of the fact that the function of the request for identification is primarily administrative, the arrangements formerly in force should be extended;

Whereas Regulation (EEC) No 3540/85 should be amended in consequence;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 7.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 58, 1. 3. 1986, p. 26.

⁽⁵⁾ OJ No L 205, 3. 8. 1985, p. 5.

Whereas certain provisions of Article 1 of this Regulation are, by virtue of their subject matter, applicable with retro-active effect; whereas those provisions that specify progressive penalties should also apply to cases pending;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3540/85 is hereby amended as follows:

1. In Article 2, paragraphs 2 and 3 are replaced by the following:

'2. The price payable to the producer referred to in paragraph 1 shall be for sound, genuine, and merchantable goods in bulk, with moisture and impurity levels corresponding to those of the standard quality, loaded on to the purchaser's vehicle at the farm gate.

Where a producer delivers goods that are not of a quality sufficient for them to be used directly at least in one of the ways referred to in Article 9 (a), the costs of drying and cleaning that it is necessary and sufficient to incur in order for them to be so used, other than those resulting from the losses in weight caused by those operations, shall be settled between the producer and first purchaser and borne by the producer.

In the case of a first purchaser who has taken delivery of goods, which are not sound, genuine and merchantable and who carries out operations enabling them to attain that condition, the price payable for the delivered products must correspond to the price referred to in paragraph 1, for products of the quality referred to in the first subparagraph, less the costs arising from those operations, including costs resulting from any loss in weight that may be involved.

3. The weight to be taken into account for the comparison between the price payable referred to in paragraph 1 and the minimum price, shall be the weight of sound, genuine and merchantable goods delivered to the first purchaser, adjusted in conformity with the method given in Annex I.

For the purposes of this Regulation, 'impurity' shall mean any foreign body, organic or inorganic, not originating from the seeds of the species in question.'

2. In Article 6 (2) the two following subparagraphs, are added:

'In cases where the delivery declaration is not lodged within the time limit referred to in Article 3 (5), the certificate shall be issued after payment by the first purchaser to the agency responsible for supervision of an amount equal to 0,2 ECU per 100 kilograms of the quantity entered on the declaration in question for each working day by which the submission of that declaration is delayed beyond the due date.

The period of validity of the certificate shall be 24 months, starting from the month following that in which it was issued. Certificates issued before 1 August 1986 shall be valid until 31 July 1988.'

3. Article 11 (6) is replaced by the following:

'6. Where the provisions of Article 5a (4) of Regulation (EEC) No 2036/82 are applied, the Member State shall withdraw approval temporarily, for a period proportional to the seriousness of the infringement, in particular when the request for the advance referred to in Article 29 relates to an identified quantity which exceeds, systematically or by a considerable margin, the corresponding quantity for which entitlement to aid has been recognized.'

4. In Article 12 (1), the third subparagraph is deleted.

5. Article 13 (3) is replaced by the following:

'3. Except in cases of *force majeure*, the certificate of aid fixed in advance carries the obligation to lodge the request for identification referred to in Article 17 during its term of validity. The security referred to in Article 12 (1) shall guarantee this obligation.

The principal requirement referred to in Article 20 of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the system of securities for agricultural products⁽¹⁾, which shall apply in respect of the obligation referred to in the first subparagraph, shall be the identification before the time limit concerned of a quantity of product equivalent to between 93 % and 107 % of the quantity shown on the certificate of aid fixed in advance.

The minimum quantity referred to in Article 27 of Regulation (EEC) No 2220/85, above which the security shall be at least partially released, shall be 7 % of the quantity shown on the certificate of aid fixed in advance.

If the quantity identified is 7 % or more but less than 93 % of that indicated on the certificate of aid fixed in advance, the security shall be forfeited in proportion to the difference between 93 % of the quantity indicated on the certificate and the quantity actually identified.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

6. Article 16 is amended as follows :

- (a) In paragraph 3, the following is inserted as the second subparagraph :

'The declaration of products received shall be submitted to the competent agency during the three months which follow the month in which the products concerned have been received. If the approved user fails to submit the declaration of products received by the due date, the competent agency shall deduct 1 % of the aid allowable for the quantities concerned for each working day by which the submission of the declaration is delayed beyond the due date.'

- (b) Paragraph 4 is replaced by the following :

'4. Where the quantities which have entered the undertaking are not intended to be used exclusively therein, the approved user shall indicate on the declaration of products received referred to in paragraph 3 those quantities of products which it has been decided should be used within the undertaking and those which it has been decided should be moved elsewhere.

If the approved user lodges an application for provisional identification in accordance with the provisions of Article 17 (5), the declaration of products received relating to the quantities that are covered by that application shall, where necessary, carry an indication of the identified quantities entered on and divided between the certificate or certificates of aid fixed in advance.'

- (c) In paragraph 6, the first subparagraph is replaced by the following :

'The agency appointed by the Member State in which the products are actually used shall check that the quantity indicated on the certificate of purchase at the minimum price referred to in Article 6 corresponds to that which has entered the undertaking, as shown in the declaration of products received referred to in paragraph 3, and shall also check the validity of the certificate in question on the date when the quantities concerned were received. The quantity which has entered shall be that expressed in adjusted weight.'

7. Article 17 is amended as follows :

- (a) The second indent of paragraph 2 is replaced by the following :

'— the description of the product, and the quantity of product to which the application relates on the basis of the moisture and impurity levels of standard quality,';

- (b) Paragraph 5 is replaced by the following :

'5. In the circumstances referred to in Article 16 (4) the approved user may request identifica-

tion for a provisional quantity of products. In that event the request for provisional identification shall :

- include the words "provisional request under Article 17 (5) of Regulation (EEC) No 3540/85",
- be provisionally based on the total quantity for which the destination remains to be decided,
- be based definitively on the quantity given, less the quantity moved out of the undertaking, as indicated in the relevant declaration of products received,
- not necessarily include an indication of the quantities which are entered on the relevant certificate or certificates of aid fixed in advance.'

8. In Article 18, paragraphs 1 and 2 are replaced by the following :

'1. The agency appointed by the Member State in which the products are used shall, on the day on which the application is lodged, certify that the quantity of the product which is the subject of an application has been identified, after having checked that Article 17 is complied with.

2. The certificate referred to in paragraph 1 shall be made out on a form to be issued by the Member State concerned giving at least :

- the name, forename and address of the applicant,
- the reference of the application for identification and the date on which it was lodged,
- the description of the product and the quantity identified,
- the aid in national currency to be granted for the quantity identified.

In accordance with Article 6 of Regulation (EEC) No 2036/82, the amount of the aid to be granted for the quantity identified shall be determined by multiplying that quantity by :

- in the case of aid fixed in advance, the amount entered on the certificate of aid fixed in advance, valid for the day on which the application for identification is lodged,
- in other cases, the amount of aid in force on the day on which the application for identification is lodged.'

9. Article 19 is amended as follows :

- (a) in paragraph 1 the following subparagraph is added :

'In the event of failure to observe the time limit referred to in the first subparagraph, the competent agency shall, in respect of quantities identified and not used, deduct 2 % of the aid in question for each working day by which usage of the identified quantity is delayed beyond the due date.'

- (b) In paragraph 2 the fourth subparagraph is replaced by the following :

'If following circumstances of *force majeure*, the quantity identified is not used in its entirety during the period referred to in the first subparagraph of paragraph 1, then according to the particular circumstances involved :

- the obligation shall be considered to have been fulfilled in proportion to the quantities actually used, or
- the obligation must be fulfilled within a period set by the Member State, or
- the obligation must be fulfilled for a quantity determined by the Member State within a period set by that Member State.'

- (c) In the last subparagraph of paragraph 3, '2 %' is replaced by '1 %'.

10. Article 28 is amended as follows :

- (a) In paragraph 1 the second subparagraph is replaced by the following :

'During the period 1 July 1986 to 31 December 1987,

- aid for sweet lupins that are used in Spain shall only be allowed for products that were harvested in the territory of that Member State,
- aid for sweet lupins used in other Member States shall only be allowed for products harvested in the territory of those other Member States.'

- (b) In paragraph 2 the following is added as the second subparagraph :

'In addition, the agency responsible for supervision shall check that the quantity concerned has been identified after its entry into the undertaking and before its actual use, on the basis of the quan-

ties received and actually used that have been determined in conformity with the method given in Annex I. Where appropriate, aid shall be paid for the quantity shown on the declaration of usage concerned, less the quantity in respect of which that obligation has not been satisfied.'

11. In Article 29, paragraph 2 is repealed and paragraph 3 becomes paragraph 2.

12. Article 32 is amended as follows :

- (a) In the third indent, '1 July 1986' is replaced by '1 August 1986' ;

- (b) The following paragraph is added :

'The request for identification referred to in Article 6 of Regulation (EEC) No 2036/82 may be considered to have been lodged on the day that the products concerned entered the processing undertaking, in the case of quantities that entered such an undertaking and were used in accordance with Article 9 during January, February and March 1986.'

13. Annex I is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 August 1986.

However :

- Article 1 (12) shall apply with effect from 1 January 1986,
- Article 1 (10) (a) shall apply with effect from 1 July 1986, and
- Article 1 (9) (a) and the first of the two subparagraphs set out in Article 1 (2) shall, at the request of the interested party, apply to cases that are pending on the date of publication of this Regulation.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

ANNEX I

Method of calculating the weight of peas, field beans and sweet lupins

(a) general formula :
$$\frac{100 - (i + h)}{100 - (i_1 + h_1)} \times q = X$$

i = impurity of peas, field beans and sweet lupins the weight of which is to be determined,

h = moisture of peas, field beans and sweet lupins the weight of which is to be determined,

i₁ = impurities

h₁ = moisture of the quality for which the aid is fixed,

q = quantity of the products as received, expressed in kilograms, the weight of which is to be determined,

X = weight of the products expressed in kilograms.

'Impurities' means all foreign bodies, organic or non-organic, not originating from the seeds of the species in question.

Only the first two decimal places shall be taken into consideration for the moisture and impurities content.

- (b) When the moisture level of the peas, field beans and sweet lupins is between 17 and 23 %, the weight resulting from the application of the general formula referred to at (a) shall be reduced by (0,0060 × q) kilograms for each percentage point by which the moisture level exceeds 17 %.
- (c) When the moisture level of the peas, field beans and sweet lupins is equal to or greater than 23 %, the weight resulting from the application of the general formula referred to at (a) shall be reduced :
- by (0,0340 × q) kilograms, and
 - by (0,0040 × q) kilogram for each percentage point by which the moisture level exceeds 23 %.
-

COMMISSION REGULATION (EEC) No 2463/86

of 31 July 1986

on the sale at a price fixed in advance of unprocessed currants from the 1985
harvest held by Greek storage agencies

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

Having regard to Council Regulation (EEC) No 426/86 of
24 February 1986 on the common organization of the
market in products processed from fruit and vegetables ⁽¹⁾,
as amended by Regulation (EEC) No 1838/86 ⁽²⁾, and in
particular Article 8 (8) thereof,

Having regard to Council Regulation (EEC) No 1277/84
of 8 May 1984 laying down general rules for the system of
production aid for processed fruit and vegetables ⁽³⁾, and
in particular Article 6 (1) thereof,

Whereas the Greek storage agencies have, pursuant to
Commission Regulation (EEC) No 626/85 of 12 March
1985 on the purchasing, selling and storage of unpro-
cessed dried grapes and figs by storage agencies ⁽⁴⁾, as
amended by Regulation (EEC) No 344/86 ⁽⁵⁾, purchased
unprocessed currants from the 1985 harvest; whereas in
the light of the situation on the market in dried grapes
the currants should be offered for sale at prices fixed in
advance for processing within the Community for
consumption; whereas the selling shall take place in
accordance with the provisions of Regulation (EEC) No
626/85;

Whereas when fixing the sale price it must be taken into
consideration that the products are no longer eligible for
production aid;

Whereas the processing security provided for in Article 6
(1) of Regulation (EEC) No 626/85 shall be fixed at such a
level that any abuse can be avoided;

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

Committee for Products processed from Fruit and
Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Greek storage agencies listed in Annex I shall undertake the sale of unprocessed currants from the 1985 harvest, the qualities and prices of which are stated in Annex II.
2. Applications to purchase shall be submitted in writing to each storage agency in question at the headquarters of Idagep, 241 Acharnon Street, GR-Athens.
3. Informations on the quantities and the places where the products are stored may be obtained by those concerned from the addresses given in Annex I.

Article 2

The processing security provided for in Article 6 (1) of Regulation (EEC) No 626/85 shall be 20 ECU per 100 kilograms net.

Article 3

This Regulation shall enter into force on 1 September 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.
⁽²⁾ OJ No L 159, 14. 6. 1986, p. 1.
⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.
⁽⁴⁾ OJ No L 72, 13. 3. 1985, p. 7.
⁽⁵⁾ OJ No L 41, 18. 2. 1986, p. 15.

*ANNEX I***List of storage agencies referred to in Article 1 of this Regulation**

1. ASO, Mezonos 241, Patras, Greece.
2. Panegialios Enosis Sineterismon, Egion, Greece.
3. Enosis Georgikon Sineterismon Zakynthou, Zakynthos, Greece.
4. Enosis Georgikon Sineterismon Olympia Ilias, Pyrgos, Greece.
5. Kentriki Syneteristiki Enosi Prostasias Georgikon Proionton nomou Messinias, Kalamata, Greece.

*ANNEX II***Qualities and prices of the unprocessed currants from the 1985 harvest referred to in Article 1**

Category	ECU/100 kg net
1. 'Shade', Eghion region	84,662
2. 'Select Sun', Eghion region	82,871
3. 'Shade', Corinth region	82,274
4. 'Select Sun', Corinth region	79,846
5. 'Regular' Eghion region	78,692
6. 'Select Sun' from Patras, the Ionian Islands, the Prefecture of Ilias, Triphiliass, and Pylias	77,617
7. 'Regular', Corinth region	77,617
8. 'Select Sun', remainder of Messenia	76,423
9. 'Regular', from Patras, the Ionian Islands, the Prefecture of Ilias, Triphiliass and Pylias	75,229
10. 'Regular', remainder of Messenia	74,035
11. 'Regular', other regions	67,706

COMMISSION REGULATION (EEC) No 2464/86

of 31 July 1986

on an accelerated alignment of the customs duties on certain tinned satsumas
coming from Spain

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

Having regard to the Act of Accession of Spain and
Portugal, and in particular Article 75 (4) thereof,

Whereas an accelerated alignment of customs duties
applicable on import into the Community as constituted
on 31 December 1985 of certain tinned satsumas coming
from Spain will enhance the integration process for Spain
and will not have any harmful repercussions on trade
within the Community;

Whereas for administrative reasons the implementation of
this Regulation should not take place before 1 September
1986; whereas the reduction of the customs duties
should, however, be applicable from the date of the first
reduction of customs duties pursuant to Article 75 (1) of
the Act of Accession of Spain and Portugal;

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

Committee for Products processed from Fruit and
Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The basic duties which shall be successively reduced by
the Community as constituted on 31 December 1985 as
provided for in Article 75 of the Act of Accession of
Spain and Portugal shall for the products listed in the
Annex be those indicated against each product.

Article 2

This Regulation shall enter into force on 1 September
1986.

It shall apply with effect from 1 March 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

List of products referred to in Article 1

CCT heading No	Description	Basic duties (%)
ex 20.06 B II a) 3	Sliced satsumas in cans	16
ex 20.06 B II b) 3	Sliced satsumas in cans	15

COMMISSION REGULATION (EEC) No 2465/86

of 31 July 1986

fixing, for 1986/87 marketing year, the threshold prices for rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1449/86⁽²⁾, and in particular Articles 14 (5) and 15 (4) thereof,

Whereas, under Article 14 (2) of Regulation (EEC) No 1418/76, the threshold price for husked rice calculated for Rotterdam must be fixed in such a way that, on the Duisburg market, the selling price for imported husked rice corresponds to the target price; whereas this aim is attained when the components referred to in the second subparagraph of paragraph 2 of the said Article are deducted from the target price;

Whereas, pursuant to Article 14 (3) of the said Regulation, the threshold prices for milled rice are calculated by adjusting the threshold price for husked rice, account being taken of the monthly increases to which it is subject, on the basis of the conversion rates, processing costs and the value of by-products and by increasing the amounts thus obtaining by an amount for the protection of the industry;

Whereas the amount for the protection of the industry was fixed by Council Regulation (EEC) no 1263/78⁽³⁾;

whereas the components used for adjusting the threshold price for milled rice were fixed by Commission Regulation No 467/67/EEC⁽⁴⁾, as last amended by Regulation (EEC) No 2249/85⁽⁵⁾;

Whereas, under Article 15 (1) of Regulation (EEC) No 1418/76 the threshold price for broken rice must be set between a lower limit of 130 % and an upper limit of 140 % of the threshold price for maize applicable during the first month of the marketing year; whereas, in order that imports of broken rice do not act as a brake on the normal disposal of Community production throughout the Community market, the threshold price for broken rice should be fixed at 140 % of the threshold price for maize;

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 threshold prices for husked rice, round grain milled rice and long grain milled rice are hereby fixed in ECU per tonne at:

Month	Threshold price		
	Husked rice	Round grain milled rice	Long grain milled rice
September 1986	541,63	720,69	791,81
October 1986	545,75	726,01	797,78
November 1986	549,87	731,33	803,75
December 1986	553,99	736,65	809,72
January 1987	558,11	741,97	815,69
February 1987	562,23	747,29	821,66
March 1987	566,35	752,61	827,63
April 1987	570,47	757,93	833,60
May 1987	574,59	763,25	839,57
June 1987	578,71	768,57	845,54
July 1987	582,83	773,89	851,51
August 1987	582,83	773,89	851,51

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 156, 14. 6. 1978, p. 14.

⁽⁴⁾ OJ No 204, 24. 8. 1967, p. 1.

⁽⁵⁾ OJ No L 210, 7. 8. 1985, p. 13.

Article 2

The threshold price for broken rice is hereby fixed at 319,91 ECU per tonne.

Article 3

This Regulation shall enter into force on 1 September 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2466/86

of 31 July 1986

derogating in respect of the Netherlands Antilles and Aruba from Articles 6 and 7 of Regulation (EEC) No 3749/83 on the definition of the concept of originating products for the purposes of the application of tariff preferences granted by the European Economic Community in respect of certain products from developing countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3600/85 of 17 December 1985 applying generalized tariff preferences for 1986 to textile products originating in developing countries⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 3601/85 of 17 December 1985 applying generalized tariff preferences for 1986 in respect of certain agricultural products originating in developing countries⁽³⁾, and in particular Article 1 thereof,

Whereas Decision 85/553/ECSC of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council, of 17 December 1985 applying for 1986 the generalized tariff preferences for certain steel products originating in developing countries⁽⁴⁾, stipulates that the definition of the origin of products shall be determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68⁽⁵⁾, as last amended by Regulation (EEC) No 1318/71⁽⁶⁾; whereas the rules to be applied in this connection must be the same as those provided for in respect of the other products;

Whereas, for the purpose of implementing the provisions concerning the tariff preferences granted by the European Economic Community, in respect of certain products originating in developing countries, Commission Regulation (EEC) No 3749/83⁽⁷⁾, as last amended by Regulation (EEC) No 1968/86⁽⁸⁾, established rules of origin governing the conditions under which such products may acquire the status of originating products, and also the procedures concerning proof of origin and verification of originating status;

Whereas trade cooperation has become established between the Netherlands Antilles and Aruba and certain

developing countries and territories enjoying generalized tariff preferences, as listed in Annex III to Regulation (EEC) No 3599/85, hereinafter referred to as 'countries enjoying generalized tariff preferences'; whereas under this cooperation products originating in the said countries are imported into the Netherlands Antilles and Aruba and subjected to working insufficient to confer originating status before being forwarded to the European Economic Community; whereas this cooperation would be affected by the application of the provisions on the transport of originating products laid down in Article 6 of Regulation (EEC) No 3749/83; whereas the said provisions should therefore be amended so that the originating products in question will be eligible for the tariff preferences on presentation of a Form A certificate of origin issued in the Netherlands Antilles or in Aruba;

Whereas the provisions of this Regulation are in accordance with the opinion of the Committee on Origin,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 6 of Regulation (EEC) No 3749/83, products originating in countries enjoying generalized tariff preferences shall be deemed to have been transported direct from any of those countries to the Community when they pass through the Netherlands Antilles or Aruba, whether or not they have entered into commerce there, provided that:

- (a) the products have remained under the surveillance of the customs authorities of the Netherlands Antilles or Aruba;
- (b) they have not undergone any operations other than those listed in Annex I;
- (c) no product has been added in the course of those operations, except products needed for the packing of goods and the identification of packages.

Article 2

Certificates of origin Form A issued in the countries referred to in Article 1 must specify in box 12 that the destination of the products is the European Economic Community.

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

⁽²⁾ OJ No L 352, 30. 12. 1985, p. 107.

⁽³⁾ OJ No L 352, 30. 12. 1985, p. 192.

⁽⁴⁾ OJ No L 352, 30. 12. 1985, p. 235.

⁽⁵⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁶⁾ OJ No L 139, 25. 6. 1971, p. 6.

⁽⁷⁾ OJ No L 372, 31. 12. 1983, p. 1.

⁽⁸⁾ OJ No L 170, 27. 6. 1986, p. 23.

Article 3

1. By way of derogation from Article 7 of Regulation (EEC) No 3749/83, the products referred to in Article 1 shall be covered on entry into the Community by the provisions relating to the tariff preferences on presentation of a certificate of origin Form A issued by the customs authorities of the Netherlands Antilles or Aruba, replacing the previously issued certificate or certificates referred to in Article 2.

2. Replacement certificates as referred to in paragraph 1 shall be made out in accordance with the Explanatory Notes in Annex II.

3. At the request of the authorities of the Member State in which the goods are declared for the purposes of release for free circulation, the Netherlands Antilles and

Aruba customs authorities shall send to them a certified copy of the certificates referred to in Article 2.

Article 4

Application of this Regulation shall be subject to the necessary administrative cooperation being provided by the relevant Netherlands Antilles and Aruba authorities, as required by the Community for the purposes of checking the authenticity and correctness of certificates.

Article 5

This Regulation shall enter into force on 1 October 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

COCKFIELD

Vice-President

*ANNEX***List of operations referred to in Article 1**

1. Simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up.
2. Changes of packing and breaking up and assembly of consignments.
3. Simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packing operations.
4. The affixing of marks, labels or other like distinguishing signs on products or their packagings.
5. The combination of two or more of the operations listed under 1 to 4.

*ANNEX II***Explanatory Note referred to in Article 3**

1. The replacement certificate shall be issued on the basis of a written request by the re-exporter.
 2. One of the following endorsements shall be made in box 4: 'replacement certificate' or 'certificat de remplacement', as well as the date of the original certificate of origin and its serial number.
 3. The name of the re-exporter shall be given in box 1.
 4. The name of the final consignee may be given in box 2.
 5. All entries appearing on the original certificate relating to the products re-exported should be made in boxes 3 to 9.
 6. References to the re-exporter's invoice should be given in box 10.
 7. The Netherlands Antilles or Aruba customs authorities shall enter their certification in box 11.
 8. The entries in box 12 concerning the country of origin and the country of destination shall be taken from the original certificate. This box shall be signed by the re-exporter. A re-exporter who signs this box in good faith is not responsible for the correctness of the entries made on the original certificate.
 9. The Netherlands Antilles or Aruba customs authorities should note on the original certificate the weights, numbers and nature of the goods forwarded and indicate thereon the serial numbers of the corresponding replacement certificate or certificates. The original certificate shall be kept for at least two years by the Netherlands Antilles or Aruba customs authorities.
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COMMISSION REGULATION (EEC) No 2467/86

of 31 July 1986

amending for the third time Regulation (EEC) No 2102/84 on harvest, production
and stock declarations relating to wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 337/79 of
5 February 1979 on the common organization of the
market in wine ⁽¹⁾, as last amended by Regulation (EEC)
No 3805/85 ⁽²⁾, and in particular Articles 28 (4), 40 (6), 41
(7) and 65 thereof,Whereas Article 15 of Commission Regulation (EEC) No
2102/84 ⁽³⁾, as last amended by Regulation (EEC) No
2391/85 ⁽⁴⁾, provides that, in the light of specific produc-
tion structures and the administrative difficulties found in
Greece, certain categories of producers in that Member
State should be exempted from the obligation to make
harvest declarations for the 1984/85 and 1985/86 wine-
growing years; whereas, in view of the current situation,
this exemption should be extended for a further wine-
growing year;Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Wine,

HAS ADOPTED THIS REGULATION:

*Article 1*In the first subparagraph of Article 15 of Regulation
(EEC) No 2102/84, 'for the 1984/85 and 1985/86 wine-
growing years' is replaced by 'for the 1984/85, 1985/86
and 1986/87 wine-growing years'.*Article 2*This Regulation shall enter into force on the third day
following its publication in the *Official Journal of the
European Communities*.

It shall apply with effect from 1 September 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.⁽²⁾ OJ No L 367, 31. 12. 1985, p. 39.⁽³⁾ OJ No L 194, 24. 7. 1984, p. 1.⁽⁴⁾ OJ No L 225, 23. 8. 1985, p. 14.

COMMISSION REGULATION (EEC) No 2468/86

of 31 July 1986

amending Regulation (EEC) No 2329/85 laying down detailed rules for the application of the special measures for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, and in particular Article 2 (8) thereof,Whereas Article 13 of Commission Regulation (EEC) No 2329/85 ⁽²⁾, as last amended by Regulation (EEC) No 602/86 ⁽³⁾, provides for the control measures to be carried out regarding entitlement to the aid; whereas in order to assist the competent agency in carrying out these measures it is necessary for the first purchaser to retain copies of contracts with producers and delivery declarations;

Whereas Article 5 (3) of Regulation (EEC) No 2329/85 provides for provisional approval of the first purchaser and this approval becomes final as soon as the Member State concerned is satisfied that the conditions for approval have been fulfilled; whereas this procedure was a trial measure limited to the 1985/86 marketing year; whereas, in the light of experience, this measure has proved efficient and should therefore be continued;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2329/85 is hereby amended as follows:

1. The last indent of the second paragraph of Article 4 is replaced by the following:
‘— keep all the documents relative to the transaction concerned, which shall include his financial accounts and certified copies of contracts and delivery declarations, available for inspection by the agency designated by the Member State.’
2. In Article 5 (3) the words ‘during the 1985/86 marketing year’ are deleted.

Article 2

This Regulation shall enter into force on 1 September 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.⁽²⁾ OJ No L 218, 15. 8. 1985, p. 16.⁽³⁾ OJ No L 58, 1. 3. 1986, p. 24.

COMMISSION REGULATION (EEC) No 2469/86

of 31 July 1986

laying down detailed rules for the granting of compensation to producers of
tuna for the canning industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 last amended by the Act of Accession of Spain and Portugal, and in particular Article 17 (6) thereof,

Having regard to Council Regulation (EEC) No 1196/76 of 17 May 1976 laying down general rules for the granting of compensation to producers of tunny for the canning industry⁽²⁾, and in particular Article 7 thereof,

Whereas Article 17 (1) of Regulation (EEC) No 3796/81 provides that compensation is to be granted, if necessary, to Community producers of tuna in respect of tuna for the canning industry; whereas this measure was included in order to compensate Community producers for any disadvantages that may arise under the import arrangements; whereas by virtue of the latter a fall in the import prices for tuna could directly threaten the income level of Community producers of this product;

Whereas Regulation (EEC) No 1196/76 establishes criteria for enabling an assessment to be made of the extent to which this threat has materialized and lays down rules for determining the amount of the compensation;

Whereas the categories of tuna eligible for compensation should be specified;

Whereas for quantities for which entitlement to compensation is established, rules should be laid down governing the submission of applications by the parties concerned in order to obtain payment of the compensation;

Whereas Member States' control authorities should be responsible for adopting suitable provisions for monitoring on a permanent basis the system introduced;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down detailed rules for the granting of the compensation to tuna producers, hereinafter called 'compensation', referred to in Article 17 of Regulation (EEC) No 3796/81.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 133, 22. 5. 1976, p. 1.

Article 2

1. The grant of the compensation and its maximum amount shall be determined by means of a Regulation adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 3796/81, when it has been ascertained that the conditions laid down in Articles 3 and 4 of Regulation (EEC) No 1196/76 are met for the period in question.

2. The compensation shall be granted for each of the products referred to in Annex III of Regulation (EEC) No 3796/81 in respect of all quantities of tuna produced by a Community producer, landed inside the Community, sold by that producer to the canning industry established in the Community and delivered to that industry during the period in question, with a view to their complete and definitive processing into products falling with Common Customs Tariff heading No 16.04.

3. The maximum amount of the compensation shall be at the level which is necessary to ensure that the fall in prices on the Community market does not threaten the income which producers of tuna derive from sale of the quantities produced, be it on the Community market or on that of third countries.

Article 3

The competent authorities of the Member State concerned shall determine the amount of compensation for each batch of an individual category of product sold to the canning industry.

This amount shall be limited to the difference between the Community producer price applicable and the price actually charged by the producer for the batch in question but may not exceed the maximum amount fixed for the period in question by the Regulation referred to in Article 2 (1).

Article 4

1. An application for payment of compensation accompanied by the documentary evidence referred to in paragraph 2, shall be submitted by the producer concerned for each quantity delivered during the period in question to the competent authorities of the Member State in which the producer is established not later than 30 days after the entry into force of the Regulation referred to in Article 2 (1).

2. The documentary evidence shall be as follows :

- (a) the invoice for the sale of the products showing at least the names and addresses of the buyer and seller, as defined in Article 2 (2), and, for each batch of an individual category of product :
 - the quantity sold,
 - the sale price actually charged by the producer,
 - the date of delivery,
 - the place of delivery ;
- (b) proof of landing in the customs territory of the Community, certified by the competent authorities of the Member State in which the landing took place ;
- (c) proof of delivery of the products in question in the customs territory of the Community ;
- (d) proof of payment of the goods at the price referred to in point (a) second indent ;
- (e) proof of the Community origin of the products ;
- (f) a declaration by the processor that the quantity purchased is intended for processing in accordance with Article 2 (2).

3. The compensation shall be paid by the Member State concerned within a period of two months following the entry of the complete file referred to in this Article, except in the case of an administrative inquiry as to the right to compensation.

Article 5

1. The Member States concerned shall introduce a control system for ensuring that the products for which compensation is claimed qualify for it and that the provisions of this Regulation are observed.
2. Detailed rules governing the control system shall provide at least for the following :
 - provisions concerning verification of the Community origin of the products, particularly on the basis of shipping documents,
 - identification in the producers sales records of the quantities landed and sold under these arrangements and, for each quantity in question, the buyer of the product as well as the price at which that quantity has been sold,
 - direct and regular inspections of the processing industries, in particular with the aim of verifying that products purchased under these arrangements have in fact been intended for processing in accordance with Article 2 (2).

Article 6

1. In the event of a false declaration being made intentionally or as a result of grave negligence, the recipient of the compensation shall be obliged to pay to the Member State concerned an amount equivalent to 25 % of the compensation paid to him during the period of three months covered by the application, irrespective of his obligation to repay the compensation in accordance with the conditions set out in Article 8 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾.

2. Where an infringement of the compensation scheme, with limited implications, has been committed by a recipient of the compensation and it is shown by the same recipient, to the satisfaction of the Member State concerned, that such infringement was not committed with intention to defraud or as the result of grave negligence, the Member State shall withhold an amount equal to 10 % of the amount of the compensation applicable to the quantities which are the subject of the infringement and which were intended to qualify for the compensation or in respect of which the compensation has been granted.

3. Each month, Member States shall notify the Commission of those cases in which they have applied this Article.

Article 7

1. The Member States concerned shall notify the Commission not later than one month after the date of entry into force of this Regulation of the control measures introduced pursuant to Article 5 (1).

2. The Member States shall also notify the Commission, before the end of the quarter following that for which compensation has been paid, of payments made under Article 4 (3), the quantities delivered and relating thereto as well as the result of the inspections covered by Article 5 (2).

Article 8

The conversion rate applicable to the compensation shall be the representative rate in force on the date of sale of the product.

Article 9

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

⁽¹⁾ OJ No L 194, 28. 4. 1970, p. 13.

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

Done at Brussels, 31 July 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION REGULATION (EEC) No 2470/86

of 31 July 1986

determining the maximum amount of the compensation for tuna supplied to the canning industry for the period 1 January to 31 March 1986

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 last amended by the Act of Accession of Spain and Portugal, and in particular Article 17 (6) thereof,

Having regard to Council Regulation (EEC) No 1196/76 of 17 May 1976 laying down general rules for the granting of compensation to producers of tuna for the canning industry ⁽²⁾, and in particular Article 7 thereof,

Whereas the detailed rules for granting the compensatory allowance were laid down by Commission Regulation (EEC) No 2469/86 of 31 July 1986 laying down detailed rules for the granting of compensation to producers of tuna for the canning industry ⁽³⁾;

Whereas compensation is to be granted, if necessary, to Community producers of tuna in respect of tuna for the canning industry; whereas this measure was included in order to compensate Community producers for any disadvantages that may arise under the import arrangements; whereas by virtue of those arrangements a fall in the import prices for tuna could directly threaten the income level of Community producers of this product;

Whereas compensation is granted for the quantities of tuna supplied to the canning industry during the three-month period for which prices were recorded, where simultaneously the quarterly average price on the Community market and the free-at-frontier price are less than 90 % of the Community producer price and this fall in prices is occasioned by the level of prices on the world market in tuna and is not caused by an abnormal increase in the quantities produced by Community producers and landed in the Community;

Whereas, since the application of these arrangements to Spain and Portugal was postponed until 1 March 1986 in accordance with Article 394 of the Act of Accession, the situation on the markets in those two Member States can be assessed only on the basis of information covering a

three-month period from 1 March 1986; whereas the market situation in Spain and Portugal should therefore be assessed on the basis of the situation prevailing from that date and the maximum amount of the compensation fixed, where appropriate, for the period commencing on 1 March 1986;

Whereas an analysis of the situation on the Community market in tuna in the Member States other than Spain and Portugal has shown that for certain species and presentations of the product considered, during the period 1 January to 31 March of the 1986 fishing year, both the quarterly average market price and the entry price referred to in Article 3 of Regulation (EEC) No 1196/76 were less than 90 % of the Community producer price in force, as fixed by Council Regulation (EEC) No 3605/85 of 17 December 1985 fixing the Community producer price for tuna intended for the canning industry for the 1986 fishing year ⁽⁴⁾;

Whereas the information currently available to the Commission does not suggest that the current level of prices on the Community market in the 10 Member States concerned is caused by an abnormal increase in the quantities of Community production landed in the Community, since according to this information there has been no substantial change in the quantities of Community production supplied to the canning industry in the 10 Member States concerned;

Whereas compensation should therefore be granted, for the period 1 January to 31 March 1986, to tuna producers established in the Member States of the Community as constituted on 31 December 1985 and the maximum amount of compensation for each of the products concerned should be fixed within the limits necessary to ensure that the fall in prices on the Community market does not threaten the income derived by producers of the products from the sale of the quantities produced, be it on the Community market or on that of third countries; whereas in order to assess the actual fall in income on the basis of available data, reference should be made to trends over a sufficiently representative period by means of appropriate criteria; whereas this maximum amount is fixed on the basis of data which, in the immediate future, of necessity reflect a situation which is fragmentary because limited to only part of the fishing year and as the

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 133, 22. 5. 1976, p. 1.

⁽³⁾ See page 19 of this Official Journal.

⁽⁴⁾ OJ No L 344, 21. 12. 1985, p. 11.

year progresses it will be necessary to take into account all the factors contributing to a more complete assessment of the situation ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The compensation referred to in Article 17 of Regulation (EEC) No 3796/81 shall apply for the period 1 January to 31 March 1986 to producers of tuna established in Member States other than Spain and Portugal for products intended for the canning industry in the Community within the following maximum amounts :

(ECU/tonne)	
Product	Maximum amount of compensation
Yellowfin tuna, whole, weighing more than 10 kg each	170
Yellowfin tuna, whole, weighing not more than 10 kg each	185
Whole skipjack	0
Big eye tuna	0
Albacore	0

2. The compensation shall be granted in accordance with the provisions of Regulation (EEC) No 2469/86.

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, 31 July 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION REGULATION (EEC) No 2471/86

of 31 July 1986

on a partial suspension of the customs duties on import into Spain of frozen peas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 75 (4) thereof,

Whereas, Spain has requested a partial suspension within a yearly tariff quota of 8 000 tonnes of the customs duties for frozen peas coming from the Community as constituted on 31 December 1985;

Whereas it should be ensured that the tariff quota is fairly allocated among the Member States; whereas to that end the allocation should be based on statistics on exports carried out during the last three years;

Whereas, in order to take into account export trends for the products concerned, the quota amount should be divided into two instalments, the first being shared among the Member States which have traditionally exported to Spain and the second constituting a reserve to cover products from Member States which have no traditional exports or which have used their initial share;

Whereas if, at a given date in the quota period, a substantial quantity allocated to a Member State remains unused, it is essential that that quantity is returned to the reserve to prevent a part of that tariff quota from remaining unused;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members;

Whereas for administrative reasons this Regulation should not enter into force before 1 September 1986; whereas the suspension of customs duties should, however, be applicable from the date of the first reduction of customs duties pursuant to Article 75 (1) of the Act of Accession;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

1. On import into Spain of frozen peas originating in the Community as constituted on 31 December 1985, and falling within subheading 07.02 B of the Common Customs Tariff, the customs duty shall be suspended at 4,5 % within the limit of a tariff quota of 8 000 tonnes.

2. The first tariff quota shall be opened from 1 March to 31 December 1986. Subsequent tariff quotas shall be opened for the calendar years 1987, 1988, 1989 and 1990.

Article 2

1. A first instalment amounting to 7 500 tonnes of the tariff quota referred to in Article 1 (1) shall each year be shared among products from the Member States traditionally exporting to Spain; the respective shares which, subject to Article 3, shall be valid until 31 December of each year shall be as follows:

Member State of departure	Quantity in tonnes
Benelux	97
Denmark	599
France	169
Italy	98
United Kingdom	6 537

2. The second instalment of 500 tonnes shall constitute the reserve.

3. The allocation provided for in paragraph 1 may, on request from a Member State submitted to the Commission not later than 1 October, be amended for the following calendar year or years.

Article 3

1. If no share of the tariff quota has been given to products from a specific Member State or if a Member State's initial share as specified in Article 2 (1) has been used, applications from importers shall be accommodated until the total quantity of the reserve, where applicable, increased pursuant to paragraph 2, has been allocated. The allocation shall be made without giving preference to products from a specific Member State.

2. If by 1 October of each year less than 80 % of the tariff quota as allocated pursuant to Article 2 (1) has been used in respect of products from a specific Member State, the Spanish authorities shall include such unused portions of the initial allocation as are in excess of 20 % of the initial volume in the reserve referred to in Article 2 (2).

Article 4

This Regulation shall enter into force on 1 September 1986.

It shall apply with effect from 1 March 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2472/86

of 31 July 1986

fixing the amount of the aid for peas, field beans and sweet lupins used in animal feed

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 1431/82 of 18 May 1982 laying down special measures for peas and field beans ⁽¹⁾, as last amended by Regulation (EEC) No 1485/85 ⁽²⁾, and in particular Article 3 (6) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 2462/86 ⁽⁴⁾, and in particular Article 24 (1) thereof,

Whereas the amount of the aid referred to in Article 3 of Regulation (EEC) No 1431/82 was fixed by Commission Regulation (EEC) No 2046/86 ⁽⁵⁾, as amended by Regulation (EEC) No 2218/86 ⁽⁶⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2046/86 and in Article 105 of the Act of Accession of Greece to the information at present available to the Commission that the amount of the subsidy at present in force should be altered as shown in Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the aid referred to in Article 3 (1) of Regulation (EEC) No 1431/82 is fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1986.

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 7.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ See page 4 of this Official Journal.

⁽⁵⁾ OJ No L 173, 1. 7. 1986, p. 81.

⁽⁶⁾ OJ No L 193, 16. 7. 1986, p. 12.

ANNEX

to the Commission Regulation of 31 July 1986 fixing the amount of aid for peas, field beans and sweet lupins used in animal feed

Amounts of the aid applicable from 1 August 1986

(ECU/100 kg)

	Current month	1st month	2nd month	3rd month	4th month	5th month	6th month
1. Peas and field beans :							
(a) used in Spain	15,355	15,535	15,631	15,811	15,991	15,959	16,139
(b) used in Portugal	15,003	15,183	15,274	15,454	15,634	15,593	15,773
(c) used in another Member State	15,477	15,657	15,754	15,934	16,114	16,086	16,266
2. Sweet lupins :							
(a) harvested and used in Spain	16,873	16,873	16,761	16,761	16,761	16,479	16,479
(b) harvested in another Member State and :							
— used in Portugal	18,528	18,528	18,409	18,409	18,409	18,115	18,115
— used in the Community as constituted at 31 December 1985	19,160	19,160	19,049	19,049	19,049	18,772	18,772

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