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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2473/86

of 24 July 1986

on outward processing relief arrangements and the standard exchange system

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, under the international division of labour, many Community undertakings have recourse to outward processing arrangements, that is the export of goods with a view to their subsequent re-import after processing, working or repair; whereas recourse to these arrangements is justified for economic or technical reasons;

Whereas, in the event of Community goods being exported for repair purposes, including restoring them to their original condition and putting them in order, many Community undertakings have recourse to the standard exchange system, in other words the importation of goods to replace Community goods, in the condition in which such Community goods would be if they had been repaired as intended; whereas recourse to this system is justified for economic or technical reasons;

Whereas the aforementioned system is currently covered by the standard exchange arrangements; whereas those arrangements may be regarded as a variant of the outward processing relief arrangement; whereas it is therefore advisable to incorporate the provisions concerning standard exchange arrangements in this Regulation;

Whereas it is necessary to set up a system to provide partial or total relief from import duties applicable to compensating products on goods replacing such products

in order to avoid the taxation of goods exported from the Community for processing;

Whereas this relief, if it concerned certain taxes other than customs duties and agricultural levies, might not be compatible with the common agricultural policy or with specific arrangements applicable to certain goods resulting from the processing of agricultural products, or with the objectives sought by the adoption of taxes of a particular type; whereas it is therefore important to provide that the total or partial relief applicable under outward processing relief arrangements may not affect these taxes; whereas the Commission should be instructed to draw up a list of the said taxes, which may be very different in nature;

Whereas the use of outward processing relief arrangements must be refused by customs authorities where the essential interests of Community processors are likely to be seriously affected;

Whereas agricultural products or goods resulting from the processing of agricultural products must be excluded from the scope of the standard exchange system since, by their very nature, they can hardly be repaired; whereas, furthermore, the standard exchange system is not compatible with the common agricultural policy or with the specific arrangements applicable to certain goods resulting from the processing of agricultural products;

Whereas outward processing relief arrangements are governed at Community level by Council Directive 76/119/EEC of 18 December 1975 on the harmonization of provisions laid down by law, regulation or administrative action in respect of outward processing ⁽⁴⁾, as last amended by Directive 81/952/EEC ⁽⁵⁾;

Whereas the standard exchange arrangements are governed at Community level by Council Directive 78/1018/EEC of 27 November 1978 on the harmonization of provisions laid down by law, regulation or administrative action in respect of standard exchange of goods exported for repair ⁽⁶⁾;

⁽¹⁾ OJ No C 153, 11. 6. 1983, p. 6, and OJ No C 203, 29. 7. 1983, p. 16.

⁽²⁾ OJ No C 46, 20. 2. 1983, p. 113, and OJ No C 307, 14. 11. 1983, p. 102.

⁽³⁾ OJ No C 57, 29. 2. 1984, p. 3.

⁽⁴⁾ OJ No L 24, 30. 1. 1976, p. 58.

⁽⁵⁾ OJ No L 347, 3. 12. 1981, p. 32.

⁽⁶⁾ OJ No L 349, 13. 12. 1978, p. 33.

Whereas the importance of the outward processing relief arrangements and the standard exchange arrangements in the customs union requires their more uniform application in the Community; whereas provision should therefore be made for, on the one hand, an instrument which is directly applicable in the Member States and, on the other hand, a Community procedure enabling the detailed arrangements for implementation to be adopted, the whole offering greater legal certainty for the individual;

Whereas it is advisable to organize close and effective collaboration between the Member States and the Commission in this area within the framework of the Committee for Customs Procedures with Economic Impact, set up by Article 30 of Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements⁽¹⁾;

Whereas outward processing relief arrangements constitute an essential instrument of the Community's commercial policy,

HAS ADOPTED THIS REGULATION:

TITLE I

General principles

Article 1

1. This Regulation lays down the rules governing outward processing relief arrangements and the standard exchange system.

2. Outward processing relief arrangements shall, under the conditions laid down by this Regulation and without prejudice to the specific provisions applicable to the standard exchange system laid down in Title IV nor to Article 22 of Regulation (EEC) No 1999/85, allow Community goods to be temporarily exported from the customs territory of the Community in order to undergo processing operations, and the compensating products resulting from these operations to be released for free circulation in the customs territory of the Community with total or partial relief from import duties.

3. For the purposes of this Regulation:

(a) 'temporarily exported goods' means goods placed under outward processing relief arrangements;

(b) 'Community goods' means goods:

— entirely obtained in the customs territory of the Community, without the addition of goods from

third countries or territories which are not part of the customs territory of the Community,

— from countries or territories not forming part of the customs territory of the Community which have been released for free circulation in a Member State,

— obtained in the customs territory of the Community either from the goods referred to exclusively in the second indent or from the goods referred to in the first and second indents;

(c) 'person' means:

— a natural person,

— a legal person, or

— where this possibility is provided for in the rules in force, an association of persons recognized as having legal capacity but lacking the legal status of a legal person;

(d) 'holder of the authorization' means a person to whom an outward processing authorization has been issued;

(e) 'processing operations' means:

— the working of goods, including fitting or assembling them or adapting them to other goods,

— the processing of goods,

— the repair of goods, including restoring them to their original condition and putting them in order;

(f) 'compensating products' means all products resulting from processing operations;

(g) 'import duties' means not only customs duties and charges having equivalent effect but also agricultural levies and other import charges provided for under the common agricultural policy or under specific arrangements applicable to certain goods resulting from the processing of agricultural products;

(h) 'customs authority' means any authority competent to apply customs rules, even if that authority is not part of the customs administration;

(i) 'rate of yield' means the quantity or percentage of compensating products obtained from the processing of a fixed quantity of temporarily exported goods;

(j) 'standard exchange system' means the system provided for in Title IV.

Article 2

1. Outward processing relief arrangements shall not be open to Community goods:

— whose export gives rise to a refund or remission of import duties,

— which, prior to export, were released for free circulation wholly free of import duties by virtue of their use for particular purposes, for as long as the conditions for granting relief continue to apply,

⁽¹⁾ OJ No L 188, 20. 7. 1985, p. 1.

— whose export gives rise to export refunds or other amounts introduced under the common agricultural policy or in respect of which a financial advantage other than these refunds or other amounts is granted under the common agricultural policy because of the export of these goods.

2. However, exemptions from the second indent of paragraph 1 may be determined in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85.

Article 3

1. By way of derogation from Article 4 (2), Article 10 (1) and Article 11, use of the outward processing relief arrangements may be granted to goods of Community origin, within the meaning of Regulation (EEC) No 802/68⁽¹⁾, when the processing operation consists of the incorporation of such goods into goods obtained outside the Community and imported as compensating products, to the extent that use of the arrangements helps to promote the sale of the export goods without causing damage to the essential interests of Community producers of products identical or similar to the imported compensating products.

2. Cases in which paragraph 1 may be applied, and appropriate conditions, shall be determined in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85.

TITLE II

Issue of the authorization

Article 4

1. The use of outward processing relief arrangements shall be conditional on the issue, by the customs authority of the Member State in which the goods for temporary export are located, of an outward processing authorization, hereinafter referred to as 'authorization'.

2. The authorization shall be issued at the request of the person who arranges for the processing operations to be carried out. This person shall supply, with his application, the information required for issue of the authorization.

3. The authorization may cover one or more processing operations as the case may be.

4. By way of derogation from paragraph 1, cases in which use of the arrangements may be granted without issue of an authorization prior to the export of goods, and appropriate conditions, shall be determined in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85.

Article 5

1. The authorization shall be granted only:
- (a) to persons established in the Community;
 - (b) to persons who offer every guarantee which the customs authority considers necessary;

(c) where it is possible to establish that the compensating products have been manufactured from the temporarily exported goods.

2. Cases in which derogations from paragraph 1 (c) may apply, and the conditions subject to which those derogations apply, shall be determined in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85.

Article 6

Authorization shall not be granted where the use of outward processing relief arrangements is liable seriously to damage the essential interests of Community processors (economic conditions).

Article 7

1. The conditions under which the outward processing relief arrangements are used shall be set out in the authorization.

2. The holder of the authorization is required to notify the customs authority of all factors arising after the issue of the authorization which are likely to influence its continuation or contents.

3. Where the circumstances under which the authorization was issued are found to have changed, the customs authority shall amend the authorization accordingly.

Article 8

Cases where the authorization is to be revoked and cases where it is decided that it is null and void, as well as the consequences deriving therefrom, shall be determined in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85.

TITLE III

Functioning of the outward processing relief arrangements

Article 9

The conditions for the placing of goods under the outward processing relief arrangements shall be determined in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85.

Article 10

1. Subject to Article 12, the use of the outward processing relief arrangements shall be granted only for compensating products declared for release for free circulation by the holder of the authorization or on his behalf.

2. The customs authority shall fix the time limit within which the compensating products must be re-imported into the customs territory of the Community. It may extend this limit on submission of a duly substantiated request by the holder of the authorization.

⁽¹⁾ OJ No L 148, 26. 6. 1968, p. 1.

3. The customs authority shall fix either the rate of yield of the operation, or where necessary, the method of determining such rate.

Article 11

Where ownership of the temporarily exported goods or compensating products is transferred, the customs authority shall allow the outward processing relief arrangements to continue on condition that the compensating products are declared for free circulation by the holder of the authorization or on his behalf.

Article 12

The compensating products may be declared for free circulation under the outward processing relief arrangements by another person established in the Community provided he has obtained the consent of the holder of the authorization and provided the conditions of the authorization are fulfilled.

Article 13

1. The total or partial relief from import duties provided for in Article 1 (2) shall be effected by deducting from the amount of import duties applicable to the compensating products released for free circulation the amount of import duties that would be applicable to the temporarily exported goods if they were imported into the customs territory of the Community from the country in which they underwent the processing operation or last such operation.

2. The amount to be deducted pursuant to paragraph 1 shall be calculated on the basis of the quantity and nature of those goods on the date of acceptance of the declaration of their being placed under outward processing relief arrangements and on the basis of the other details of taxation applicable to them on the date of acceptance of the declaration of release for free circulation of the compensating products.

The value of the temporarily exported goods shall be that taken into consideration for those goods in accordance with Article 8 (1) (b) (i) of Council Regulation (EEC) No 1224/80⁽¹⁾, as last amended by Regulation (EEC) No 1055/85⁽²⁾ when determining the customs value of the compensating products or, if the value cannot be determined in this way, the difference between the customs value of the compensating products and the processing costs determined by reasonable means.

However,

— certain charges determined in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85 shall not be taken into account in the calculation of the amount to be deducted;

— where, before being placed under outward processing relief arrangements, the temporarily exported goods were released for free circulation at a reduced rate by virtue of their use for particular purposes, for as long as the conditions for granting the reduced rate continue to apply, the amount to be deducted shall be the amount of import duties actually levied when the goods were released for free circulation.

3. Where temporarily exported goods could qualify on release for free circulation for a reduced or zero rate of duty by virtue of a particular end use, that rate shall be taken into account provided that the goods underwent operations consistent with such an end use in the country where the processing operation or last such operation took place.

4. Where compensating products qualify for preferential tariff treatment because Community provisions provide for such arrangements with regard to the country in which the goods were obtained and where those arrangements exist for goods of the same tariff classification as the temporarily exported goods, the rate of import duty to be taken into account in establishing the amount to be deducted pursuant to paragraph 1 shall be that which would be applicable if the temporarily exported goods fulfilled the conditions under which this preferential treatment may be granted.

5. This Article shall be without prejudice to the application of the provisions adopted or likely to be adopted in the context of trade between the Community and third countries providing for relief from import duties in respect of certain compensating products.

Article 14

1. Where the purpose of the processing operation is the repair of the temporarily exported goods, they shall be released for free circulation totally free of import duties where it is established, to the satisfaction of the customs authority, that the goods were repaired free of charge, either for contractual or legal reasons arising from a guarantee or because of the existence of a manufacturing fault.

2. Paragraph 1 shall not apply where account was taken of the fault at the time the goods were first released for free circulation.

Article 15

Where the purpose of the processing operation is the repair of the temporarily exported goods and where this repair is carried out in return for payment, the partial relief from import duties provided for in Article 1 (2) shall be effected by establishing the amount of the duties applicable on the basis of the details of taxation in respect of compensating products on the date of acceptance of the declaration of release for free circulation of the said products, taking into account as customs value an amount equal to the repair costs, provided that those costs represent the only consideration provided by the holder of the authorization and are not influenced by any links between that holder and the operator.

⁽¹⁾ OJ No L 134, 31. 1. 1980, p. 1.

⁽²⁾ OJ No L 112, 25. 4. 1985, p. 50.

TITLE IV

Standard exchange

Article 16

1. Under the conditions laid down in this Title applicable in addition to the preceding provisions, the standard exchange system shall permit the replacement of compensating products by imported goods, hereinafter referred to as 'replacements'.

2. The customs authority shall permit recourse to the standard exchange system where the processing operation involves the repair of Community goods other than those subject to the common agricultural policy or to the specific arrangements applicable to certain goods resulting from the processing of agricultural products.

3. The customs authority shall allow replacements, under the conditions it lays down, to be imported before the temporary export goods are exported (prior importation).

The prior importation of a replacement shall require the provision of a security covering the amount of the import duties. The security shall be discharged on payment of the import duties due.

Article 17

1. Replacements must fall within the same subheading of the Common Customs Tariff, be of the same commercial quality and have the same technical characteristics as the export goods if the latter had undergone the repair in question.

2. Where the temporarily exported goods have been used before export, the replacements must also have been used and may not be new products.

The customs authorities may, however, grant derogations from this rule if the replacement has been supplied free of charge either because of a guarantee imposed by contract or by law or because of a manufacturing defect.

Article 18

Standard exchange shall be authorized only where it is possible to check that the conditions laid down in Article 17 are fulfilled.

Article 19

Without prejudice to Article 22, the provisions applicable to compensating products shall also apply to replacements.

Article 20

1. In the case of prior importation, temporarily exported goods must be exported within two months of

the date of acceptance by the customs authority of the declaration of release for free circulation of the replacements.

2. However, where exceptional circumstances so justify, the customs authority may, at the request of the person concerned, extend within reasonable limits the period referred to in paragraph 1.

Article 21

In the case of prior importation and where Article 13 is applied, the amount to be deducted shall be determined on the basis of the details of taxation applicable to the temporarily exported goods on the date of acceptance of the declaration of their being placed under the arrangements.

Article 22

Article 3 and Article 5 (1) (c) and (2) shall not apply in the context of standard exchanges.

TITLE V

Final provisions

Article 23

The procedures provided for in this Regulation may also be used for the implementation of non-tariff measures of common commercial policy.

Article 24

The Member States and the Commission shall arrange for the exchange of statistics regarding temporarily exported goods and compensating products.

Article 25

The Committee for Customs Procedures with Economic Impact shall exchange information on the factors which have led customs authorities to refuse use of the outward processing relief arrangements on the grounds that the economic conditions were not fulfilled.

Article 26

The Committee for Customs Procedures with Economic Impact may examine any matter concerning the implementation of this Regulation raised by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 27

The provisions required for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85.

Article 28

This Regulation shall be without prejudice to the adoption of specific provisions relating to the common agricultural policy, which remain subject to the rules on the introduction of the aforesaid policy.

Article 29

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

It shall apply from 1 January 1988.

2. Directive 76/119/EEC and the Directives adopted for its implementation and Directive 78/1018/EEC shall be repealed with effect from 1 January 1988. References to those Directives are to be construed as references to this Regulation.

3. Authorizations granted under provisions adopted pursuant to Directive 76/119/EEC before 1 January 1988 shall be revoked no later than 31 December 1988 if they cannot be maintained under the provisions of this Regulation.

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

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

COUNCIL REGULATION (EEC) No 2474/86

of 24 July 1986

amending Regulation (EEC) No 846/86 on the rules of origin for trade between Spain and Portugal in the period during which the transitional measures are applied

THE COUNCIL 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 1 of Protocol 3 annexed hereto,

Having regard to the proposal from the Commission,

Whereas the optional percentage rules provided for in Article 3 (2) of Regulation (EEC) No 846/86 ⁽¹⁾ should be amended to take account of the economic conditions under which trade between Spain and Portugal is conducted, in the period during which the transitional measures are applied, in the products listed in Annex II to that Regulation which have acquired originating status in Spain or Portugal through working, processing or assembly using products originating in the Community as constituted at 31 December 1985 with or without the use of non-originating products;

Whereas for the same reason it is also necessary to apply the percentage rules to products falling within headings Nos 74.03 and 76.02 of the Common Customs Tariff;

Whereas it is further necessary, in order to identify products originating in the Community in its composition on 31 December 1985, to amend Article 7 of Regulation (EEC) No 846/86,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 846/86 is hereby amended as follows:

1. Article 3 (2) shall be replaced by the following:

'2. For the purposes of implementing Article 1 (1) (b) and (2) (b), the following rules may be applied:

(a) originating status shall be conferred on the products set out in Annex II, List I, by working, processing or assembly in which the value of the

non-originating materials incorporated does not exceed 40 % of the value of the finished product;

(b) originating status shall be conferred on the products set out in Annex II, List II, by working, processing or assembly in which the value of the non-originating materials incorporated does not exceed 30 % of the value of the finished product;

(c) originating status shall be conferred on products falling within the tariff headings and chapters set out in Annex II, List III, by working, processing or assembly in which the combined value of the products originating in the Community as constituted at 31 December 1985, hereinafter referred to as 'Community of Ten', and non-originating products incorporated does not exceed the percentage of the value of the finished product fixed for them in that List.

Where non-originating products are incorporated, the value of these products may never exceed, inside the limit set in List III, 40 % of the value of the finished product for the products set out in List I and the products falling within headings Nos 74.03 and 76.02 of the Common Customs Tariff and 30 % of the value of the finished product for products set out in List II.

For certain products a lower percentage and/or special conditions as set out in Lists I and II shall, however, be applicable.

The rules set out in Annex II shall be in addition to and not in substitution for those contained in Annex I.

The exporter may decide whether to use the rules set out in Annex I or those in Annex II. However, the rules set out in Annex II may be applied in respect of a particular product only as a replacement for, and not in conjunction with, those in Annex I.

2 a. This Regulation shall apply *mutatis mutandis* for determination of the status of products originating in the Community of Ten. However, when the said originating status is conferred following application of the rules laid down in paragraph 2, only the percentages and the conditions laid down with regard to non-originating materials incorporated apply.'

⁽¹⁾ OJ No L 83, 27. 3. 1986, p. 1.

2. Article 7 shall be replaced by the following :

'Article 7

1. Regulation (EEC) No 3351/83 shall apply *mutatis mutandis* to the making out of the internal Community transit documents referred to in Article 5 and to the provision of the evidence of the originating status of products of the Community of Ten.

The supplier must state clearly in his declaration that the products have originated either in the Community of Ten or in Spain or in Portugal.

2. For the purposes of Article 1 (1) (b) last sentence and (2) (b) last sentence, evidence of the originating status of Spanish or Portuguese products may also take the form of one of the internal Community transit

documents referred to in Article 5, made out in Spain or Portugal as the case may be.'

3. The following Article shall be inserted :

'Article 10 a

If the application of this Regulation and, in particular, the provisions relating to products contained in List III of Annex II given rise to difficulties of the kind referred to in Article 379 of the Act of Accession, the new Member State concerned may apply for authorization to take protective measures in accordance with the provisions of that Article.'

4. List III annexed to this Regulation shall be added to Annex II.

Article 2

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, 24 July 1986.

For the Council

The President

A. CLARK

ANNEX

'LIST III

Tariff headings and Chapters of those finished products to which the percentage rule in Article 3 (2) (c) applies

CCT heading No	% applicable from 1 October 1986	% applicable from 1 January 1988	% applicable from 1 January 1989
74.03	65	70	70
76.02	65	70	70
84.01 to 84.05	70	70	70
84.06	65	70	70
84.07 to 84.09	70	70	70
84.10 to 84.12	65	70	70
84.13 to 84.14	70	70	70
84.15	65	70	70
84.16	70	70	70
84.17 to 84.20	65	70	70
84.21 to 84.23	70	70	70
84.24	65	70	70
84.25 to 84.39	70	70	70
84.40	65	70	70
84.41	60	65	70
84.42 to 84.44	70	70	70
84.45	65	70	70
84.46 to 84.50	70	70	70
84.51	65	70	70
84.52	65	70	70
84.53 to 84.60	70	70	70
84.61 to 84.63	65	70	70
84.64 to 84.65	70	70	70
85.01 to 85.02	65	70	70
85.03 to 85.04	70	70	70
85.05	65	70	70
85.06 to 85.09	70	70	70
85.10 to 85.13	65	70	70
85.14	70	70	70
ex 85.15 black and white TV sets	75	80	80
ex 85.15 colour TV sets	65	65	70
ex 85.15 other	70	70	70
85.16 to 85.17	65	70	70
85.18	70	70	70
85.19 to 85.22	65	70	70
85.23 to 85.28	70	70	70
Chapter 86	70	70	70
87.01	60	70	70
87.02 to 87.07	65	70	70
87.08	75	80	80
87.09 to 87.10	65	70	70
87.11	75	80	80
87.12	70	70	70
87.13	75	80	80
87.14	65	70	70
Chapter 88	75	80	80
Chapter 89 to Chapter 90	70	70	70
Chapter 91	75	80	80
92.01 to 92.10	75	80	80
92.11	70	70	70
92.12 to 92.13	75	80	80

COMMISSION REGULATION (EEC) No 2475/86

of 1 August 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 1579/86⁽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 2010/86⁽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 31 July 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 2010/86 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 2 August 1986.

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

ANNEX

to the Commission Regulation of 1 August 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	—	164,18
10.01 B II	Durum wheat	13,99	241,90 ⁽¹⁾ ⁽²⁾
10.02	Rye	29,32	145,54 ⁽⁶⁾
10.03	Barley	26,25	167,88
10.04	Oats	64,24	149,58
10.05 B	Maize, other than hybrid maize for sowing	—	167,55 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	26,25	40,12 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	172,69 ⁽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	5,48	243,12
11.01 B	Rye flour	54,31	217,02
11.02 A I a)	Durum wheat groats and meal	34,77	388,03
11.02 A I b)	Common wheat groats and meal	5,62	262,27

⁽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 2476/86

of 1 August 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 1579/86⁽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 2011/86⁽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 31 July 1986;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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 originating in Portugal shall be zero.

2. 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 August 1986.

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 1 August 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 8	1st period 9	2nd period 10	3rd period 11
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	2,50	2,50	2,18
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2477/86
of 1 August 1986
fixing additional amounts for certain pigmeat 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 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾, and in particular the second subparagraph of Article 13 (5) 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 202/67/EEC of 28 June 1967 on fixing the additional amount for imports of pigmeat products from third countries⁽³⁾, as amended by Regulation No 614/67/EEC⁽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 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) of Regulation (EEC) No 2759/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports listed according to product and country of origin in that Annex;

Whereas Council Regulation (EEC) No 2767/75 of 29 October 1975⁽⁵⁾, as last amended by Regulation (EEC) No 1906/83⁽⁶⁾, laid down general rules for the fixing of additional amounts for those products for which no sluice-gate price is fixed;

Whereas Regulation No 202/67/EEC lays down certain detailed rules, to that end, and in particular for determining the free-at-frontier offers for those products; whereas, according to the information received by the Commission, offers from third countries in the determination of which not only the prices shown in customs documents but also all other indications concerning the prices ruling in third countries, are taken into account, are developing in such a way that additional amounts should be fixed for those products at the level shown in the Annex;

Whereas, in accordance with Article 1 of Regulation No 121/65/EEC⁽⁷⁾ and with Regulations (EEC) No 564/68⁽⁸⁾, (EEC) No 998/68⁽⁹⁾, as amended by Regulation (EEC) No 328/83⁽¹⁰⁾, (EEC) No 2260/69⁽¹¹⁾, as amended by Regulation (EEC) No 328/83, and (EEC) No 1570/71⁽¹²⁾, as amended by Regulation (EEC) No 328/83, the levy on certain products listed in those Regulations which originate in and come from the Federal Republic of Austria, the People's Republic of Poland, the Hungarian People's Republic, the Socialist Republic of Romania and the People's Republic of Bulgaria should not be increased by an additional amount;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 13 of Regulation (EEC) No 2759/75 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 4 August 1986.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.

⁽³⁾ OJ No 134, 30. 6. 1967, p. 2837/67.

⁽⁴⁾ OJ No 231, 27. 9. 1967, p. 6.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 29.

⁽⁶⁾ OJ No L 190, 14. 7. 1983, p. 4.

⁽⁷⁾ OJ No 155, 18. 9. 1965, p. 2560/65.

⁽⁸⁾ OJ No L 107, 8. 5. 1968, p. 6.

⁽⁹⁾ OJ No L 170, 19. 7. 1968, p. 14.

⁽¹⁰⁾ OJ No L 38, 10. 2. 1983, p. 12.

⁽¹¹⁾ OJ No L 286, 14. 11. 1969, p. 22.

⁽¹²⁾ OJ No L 165, 23. 7. 1971, p. 23.

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 1 August 1986 fixing additional amounts for certain pigmeat products

(ECU/100 kg)

CCT heading No	Description	Supplementary amount	Origin of imports
02.01	Meat and edible offals of the animals falling within heading Nos 01.01, 01.02, 01.03 or 01.04 fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 1. Whole carcasses or half carcasses 6. Other : bb) Other	25,00 45,00	Origin : Finland Origin : Bulgaria or Hungary
15.01	Lard, other pig fat and poultry fat, rendered or solvent extracted : A. Lard and other pig fat : II. Other	10,00	Origin : Switzerland, Sweden or Hungary

COMMISSION REGULATION (EEC) No 2478/86

of 30 July 1986

fixing for the 1986/87 marketing year the estimated production and the abatement of the amount of subsidy for sunflower seed

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

Having regard to Council Regulation 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 1454/86 ⁽²⁾, and in particular Article 27a (5) thereof,

Whereas Article 32a of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oilseeds ⁽³⁾, as last amended by Regulation (EEC) No 2434/86 ⁽⁴⁾, specifies the factor which must be fixed in order to implement the system of maximum guaranteed quantities; whereas the estimated production of sunflower seed and the consequent abatement of the amount of subsidy should be fixed, for the 1986/87 marketing year, on the basis of the available data;

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

For the 1986/87 marketing year, the estimated production of sunflower seed referred to in the first indent of Article 32a (1) of Regulation (EEC) No 2681/83 shall be fixed at:

- 1 930 000 tonnes for the Community as constituted on 31 December 1985,
- 800 000 tonnes for Spain,
- 32 000 tonnes for Portugal.

Article 2

For the 1986/87 marketing year, the abatement to be applied to the amount of subsidy for sunflower seed, as referred to in the third indent of Article 32a (1) of Regulation (EEC) No 2681/83, shall be fixed at:

- 2,918 ECU per 100 kg for the Community as constituted on 31 December 1985,
- 0 ECU per 100 kg for Spain,
- 0 ECU per 100 kg for Portugal.

Article 3

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

It shall apply 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 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 22.

⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 51.

COMMISSION REGULATION (EEC) No 2479/86

of 31 July 1986

amending Regulation (EEC) No 2107/86 on the sale at prices fixed at a standard rate in advance of certain beef from intervention stocks for processing in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas certain intervention agencies are still holding stocks of bone-in beef bought in in 1984; whereas an extension of the period of storage for the meat should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made in accordance with Commission Regulation (EEC) No 2173/79 ⁽³⁾, Commission Regulation (EEC) No 1687/76 ⁽⁴⁾, as last amended by Regulation (EEC) No 1812/86 ⁽⁵⁾, and Commission Regulation (EEC) No 2182/77 ⁽⁶⁾, as last amended by Regulation (EEC) No 632/85 ⁽⁷⁾, subject to special exceptions provided for by this Regulation;

Whereas in order to ensure the economic management of stocks, it should be laid down that the intervention agencies should first sell meat which has been in storage longest;

Whereas, in the framework of national food-aid programmes, certain outlets exist for intervention meat after having been processed; whereas, in order that Member States should have the opportunity to purchase the necessary quantities within the framework of such programmes, they should be granted priority in making applications; whereas detailed rules should be laid down for selling meat which becomes part of such food-aid programmes;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2107/86 ⁽⁸⁾ is hereby amended as follows:

1. Article 1 (1) is hereby replaced by the following:

'1. The following approximate quantities of beef shall be put up for sale for processing within the Community:

- 40 tonnes of bone-in beef held by the Belgian intervention agency and bought in before 1 October, 1984,
- 1 000 tonnes of bone-in beef held by the Dutch intervention agency and bought in before 1 October, 1984,
- 1 700 tonnes of bone-in beef held by the French intervention agency and bought in before 1 October 1984,
- 3 000 tonnes of bone-in beef held by the Irish intervention agency and bought in before 1 October 1984,
- 2 500 tonnes of bone-in beef held by the Italian intervention agency and bought in before 1 October 1984.'

2. Annex 1 and Annex II are hereby replaced by Annex 1 and Annex II to this Regulation.

Article 2

This Regulation shall enter into force on 4 August 1986.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁵⁾ OJ No L 157, 12. 6. 1986, p. 43.

⁽⁶⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁷⁾ OJ No L 72, 13. 3. 1985, p. 25.

⁽⁸⁾ OJ No L 182, 5. 7. 1986, p. 5.

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

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio de venta (ECUS/tonelada) Salgspris (ECU/ton) Verkaufspreise (ECU/t) Τιμές πώλησεως (ECU/τόνο) Selling prices (ECU/tonne) Prix de vente (Écus/t) Prezzi di vendita (ECU/t) Verkoopprijzen (Ecu/ton) Preço de venda (ECUs/tonelada)
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Carne sin deshuesar — Ikke-udbenet kød — Fleisch mit Knochen — Κρέας μη αποστεωμένο — Unboned beef — Viande avec os —
Carni con osso — Vlees met been — Carne com osso

			Comprada antes del 1 de enero de 1984	Comprada después del 1 de enero de 1984
			Købt før 1. januar 1984	Købt efter 1. januar 1984
			angekauft vor dem 1. Januar 1984	angekauft nach dem 1. Januar 1984
			Αγορασθέν πριν από την 1η Ιανουαρίου 1984	Αγορασθέν μετά την 1η Ιανουαρίου 1984
			Bought in before 1 January 1984	Bought in after 1 January 1984
			Achetée avant le 1 ^{er} janvier 1984	Achetée après le 1 ^{er} janvier 1984
			Acquistata prima del 1° gennaio 1984	Acquistata dopo il 1° gennaio 1984
			Aangekocht vóór 1 januari 1984	Aangekocht na 1 januari 1984
			Comprada antes de 1 de Janeiro de 1984	Comprada depois de 1 de Janeiro de 1984
Nederland	— Achtervoeten, recht afgesneden op 5 ribben, afkomstig van: Stieren, 1e kwaliteit	1 000	1 550	1 650
France	— Quartiers arrière, découpe à 3 côtes, provenant des: Bœufs U, R et O / Catégorie C / Jeunes bovins U, R et O / Catégorie A	1 700	1 550	1 650
Ireland	— Hindquarters, straight cut at third rib, from: Steers / Category C	3 000	1 550	1 650
Italia	— Quarti posteriori, taglio a 5 costole, detto pistola, provenienti dai: Vitelloni / Categoria A	2 500	1 550	1 650
Belgique/België	— Quartiers arrière, découpe 8 côtes, dite « pistola », provenant des: — Achtervoeten, „pistola“-snit op 8 ribben, afkomstig van: Taureaux 55 % / Stieren 55 %	40	1 550	1 650

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II —
ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως —
Addresses of the intervention agencies — Adresses des organismes d'intervention —
Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços
dos organismos de intervenção**

BELGIQUE/BELGIË : Office belge de l'économie et Belgische Dienst voor Bedrijfs-
de l'agriculture leven en Landbouw
rue de Trèves 82 Trierstraat 82
1040 Bruxelles 1040 Brussel
Tél. 02/230 17 40, télex 240 76 OBEA BRU B

FRANCE : OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
Tél. 4538 84 00, télex 26 06 43

IRELAND : Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

ITALIA : Azienda di stato per gli interventi nel mercato agricolo (AIMA)
Roma, via Palestro 81
Tel. 49 57 283 — 49 59 261
Telex 61 30 03

NEDERLAND : Voedselvoorzienings In- en Verkoopbureau
Ministerie van Landbouw en Visserij
Postbus 960
6430 AZ Hoensbroek
Tel. (045) 23 83 83
Telex : 56 396

COMMISSION REGULATION (EEC) No 2480/86

of 31 July 1986

amending Regulation (EEC) No 1489/86 derogating on a temporary basis from certain provisions of Regulations (EEC) No 2213/76 on the sale of skimmed-milk powder from public storage and (EEC) No 2315/76 on the sale of butter from public stocks

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1335/86 ⁽²⁾, and in particular Articles 6 (7) and 7 (5) thereof,

Whereas the dairy industry continues to be affected by problems of supply; whereas in order to give operators temporarily easier access to public stocks of butter and skimmed-milk powder so that they may be used in the manufacture of foodstuffs, the derogation introduced by

Commission Regulation (EEC) No 1489/86 ⁽³⁾, amended by Regulation (EEC) No 1924/86 ⁽⁴⁾, should be extended;

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

In Articles 1 and 2 of Regulation (EEC) No 1489/86, '15 August 1986' is replaced by '31 October 1986'.

Article 2

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

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 130, 16. 5. 1986, p. 34.

⁽⁴⁾ OJ No L 167, 24. 6. 1986, p. 6.

COMMISSION REGULATION (EEC) No 2481/86

of 31 July 1986

concerning the stopping of fishing for cod by vessels flying the flag of Belgium

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

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States⁽¹⁾, as amended by Regulation (EEC) No 3723/85⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 3721/85 of 20 December 1985, fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1986 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 2057/86⁽⁴⁾, provides for cod quotas for 1986;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions VII (exc. VII a), VIII, IX, X; CECAF 34.1.1

(EC-zone) by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1986,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions VII (exc. VIIa), VIII, IX, X; CECAF 34.1.1 (EC-zone) by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1986.

Fishing for cod in the waters of ICES divisions VII (exc. VIIa), VIII, IX, X; CECAF 34.1.1 (EC-zone) by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

This Regulation shall enter into force on 4 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

Carlo RIPA DI MEANA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 42.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 5.

⁽⁴⁾ OJ No L 176, 1. 7. 1986, p. 3.

COMMISSION REGULATION (EEC) No 2482/86

of 31 July 1986

fixing for the 1986/87 marketing year the estimated production and the abatement to be applied to the subsidy for colza and rape seed

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

Having regard to Council Regulation 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 1454/86 ⁽²⁾, and in particular Article 27a (5) thereof,

Whereas Article 32a of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oilseeds ⁽³⁾, as last amended by Regulation (EEC) No 2434/86 ⁽⁴⁾, specifies the factors which must be fixed in order to implement the system of maximum guaranteed quantities; whereas the estimated production of colza and rape seed and the consequent abatement to be applied to the subsidy should be fixed, for the 1986/87 marketing year, on the basis of the available data;

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

For the 1986/87 marketing year, the estimated production of colza and rape seed referred to in the first indent of Article 32a (1) of Regulation (EEC) No 2681/83 shall be:

- 3 200 000 tonnes for the Community as constituted on 31 December 1985,
- 7 000 tonnes for Spain,
- 0 tonnes for Portugal.

Article 2

For the 1986/87 marketing year, the abatement to be applied to the subsidy for colza and rape seed, as referred to in the third indent of Article 32a (1) of Regulation (EEC) No 2681/83, shall be:

- 0 ECU per 100 kg for the Community as constituted on 31 December 1985,
- 0 ECU per 100 kg for Spain,
- 0 ECU per 100 kg for Portugal.

Article 3

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

It shall apply with effect from 1 July 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 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 22.

⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 51.

COMMISSION REGULATION (EEC) No 2483/86
of 1 August 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 934/86 ⁽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 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 2455/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 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 2 August 1986.

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.
⁽³⁾ OJ No L 173, 1. 7. 1986, p. 91.
⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 105.

ANNEX

to the Commission Regulation of 1 August 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 B. Raw sugar	48,63 43,20 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 2484/86

of 1 August 1986

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1007/86 ⁽⁴⁾ and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽⁵⁾ and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2418/86 ⁽⁶⁾, as amended by Regulation (EEC) No 2456/86 ⁽⁷⁾;

Whereas Council Regulation (EEC) No 1588/86 ⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75 ⁽⁹⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 31 July 1986;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74 ⁽¹⁰⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1588/86, as fixed in the Annex to amended Regulation (EEC) No 2418/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 August 1986.

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 3.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 210, 1. 8. 1986, p. 9.
⁽⁷⁾ OJ No L 210, 1. 8. 1986, p. 106.
⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.
⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 1 August 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	167,51 ⁽¹⁾	165,70 ⁽¹⁾ ⁽²⁾
07.06 A II	170,53 ⁽¹⁾	165,70 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	307,56	301,52
11.01 G ⁽²⁾	178,42	175,40
11.02 A II ⁽²⁾	267,29	261,25
11.02 A III ⁽²⁾	307,56	301,52
11.02 A VII ⁽²⁾	178,42	175,40
11.02 B I a) 1 ⁽²⁾	271,04	268,02
11.02 B I b) 1 ⁽²⁾	271,04	268,02
11.02 B II a) ⁽²⁾	221,27	218,25
11.02 B II b) ⁽²⁾	196,06	193,04
11.02 B II d) ⁽²⁾	278,16	275,14
11.02 C I ⁽²⁾	265,58	262,56
11.02 C II ⁽²⁾	235,24	232,22
11.02 C III ⁽²⁾	424,82	418,78
11.02 C VI ⁽²⁾	278,16	275,14
11.02 D I ⁽²⁾	170,40	167,38
11.02 D II ⁽²⁾	151,06	148,04
11.02 D III ⁽²⁾	173,88	170,86
11.02 D VI ⁽²⁾	178,42	175,40
11.02 E I a) 1 ⁽²⁾	173,88	170,86
11.02 E I b) 1 ⁽²⁾	341,06	335,02
11.02 E II a) ⁽²⁾	301,42	295,38
11.02 E II b) ⁽²⁾	267,29	261,25
11.02 E II d) 2 ⁽²⁾	315,57	309,53
11.02 F I ⁽²⁾	301,42	295,38
11.02 F II ⁽²⁾	267,29	261,25
11.02 F III ⁽²⁾	307,56	301,52
11.02 F VII ⁽²⁾	178,42	175,40
11.02 G I	129,12	123,08
11.04 C I	170,53	163,88 ⁽³⁾
11.07 A I a)	302,98	292,10
11.07 A I b)	229,13	218,25
11.07 A II a)	309,05 ⁽⁴⁾	298,17
11.07 A II b)	233,67	222,79
11.07 B	270,52 ⁽⁴⁾	259,64
11.08 A III	337,57	317,02
11.09	757,74	576,40

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

⁽⁵⁾ In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading ex 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading ex 11.08 A V.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 July 1986

amending Directive 74/63/EEC on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs, Directive 77/101/EEC on the marketing of straight feedingstuffs and Directive 79/373/EEC on the marketing of compound feedingstuffs

(86/354/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the definitions of straight feedingstuffs and the various types of compound feedingstuffs in Directives 74/63/EEC ⁽⁴⁾, 77/101/EEC ⁽⁵⁾ and 79/373/EEC ⁽⁶⁾, as last amended by Directives 86/299/EEC ⁽⁷⁾, 83/87/EEC ⁽⁸⁾ and 82/957/EEC ⁽⁹⁾ respectively, should be aligned on the new definitions in Council Directive 84/587/EEC of 29 November 1984 amending Directive 70/524/EEC concerning additives in feedingstuffs ⁽¹⁰⁾; whereas 'milk replacer feeds' should also be defined;

Whereas it should be made clear that the provisions of Directives 74/63/EEC, 77/101/EEC and 79/373/EEC are without prejudice to the provisions of Council Directive

82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition ⁽¹¹⁾;

Whereas Directive 74/63/EEC concerns undesirable substances and products in feedingstuffs; whereas, therefore, the maximum permitted levels laid down in the Annex to that Directive do not apply to the raw materials used for preparing compound feedingstuffs;

Whereas the fixing of maximum levels or the limiting of the presence of certain undesirable substances and products in raw materials is at the moment governed by divergent provisions in the Member States;

Whereas the consequences of the presence, above a certain level, of these substances or products are likely to prove harmful to human health and whereas it is therefore necessary to guarantee, in an appropriate and uniform manner, the safe use of these products and substances throughout the Community;

Whereas, moreover, the divergent provisions in the national legislation of Member States leads to substantial barriers in intra-Community trade and whereas it is desirable to adopt appropriate measures within the context of Directive 74/63/EEC;

Whereas, in addition, Directives 77/101/EEC and 79/373/EEC should be adopted to better facilitate the marketing of straight and compound feedingstuffs;

Whereas it is desirable to define the concept of raw materials in order to set clear limits to the scope of the measures relating to that class of products, which is also referred to by the term 'ingredients' in other Directives on animal feedingstuffs;

⁽¹⁾ OJ No C 258, 26. 9. 1984, p. 7.

⁽²⁾ OJ No C 175, 15. 7. 1985, p. 21.

⁽³⁾ OJ No C 87, 9. 4. 1985, p. 4.

⁽⁴⁾ OJ No L 38, 11. 2. 1974, p. 31.

⁽⁵⁾ OJ No L 32, 3. 2. 1977, p. 1.

⁽⁶⁾ OJ No L 86, 6. 4. 1979, p. 30.

⁽⁷⁾ OJ No L 189, 11. 7. 1986, p. 40.

⁽⁸⁾ OJ No L 56, 3. 3. 1983, p. 31.

⁽⁹⁾ OJ No L 386, 31. 12. 1982, p. 42.

⁽¹⁰⁾ OJ No L 319, 29. 11. 1984, p. 13.

⁽¹¹⁾ OJ No L 213, 21. 7. 1982, p. 8.

Whereas the provisions in question apply exclusively to raw materials intended for animal feed which are to be entered into circulation in the form of straight feedingstuffs or as carriers of premixtures of additives or, after being mixed with other products, as compound feedingstuffs;

Whereas, in order to ensure that certain particularly undesirable substances are not present in feedingstuffs, it is necessary not only to limit their presence in raw materials to an acceptable level but also to restrict the use of those raw materials to persons who have the requisite skill, apparatus and equipment for the diluting operations which ensure that the maximum levels laid down in the Directive for compound feedingstuffs are observed;

Whereas the minimum conditions laid down in Annex III to Council Directive 70/524/EEC for a person to be entered on a national list of manufacturers of compound feedingstuffs must also be applied to manufacturers of compound feedingstuffs using raw materials which contain a level of undesirable substances and products higher than that permitted in straight feedingstuffs; whereas it is desirable, however, that Member States should be able to confine the delivery of such highly contaminated raw materials to those manufacturers who produce compound feedingstuffs for sale where their inspection services are unable to monitor at farm level those manufacturers of compound feedingstuffs who are also livestock farmers and who use all or part of their production for their own requirements;

Whereas, for certain raw materials whose level of undesirable substances and products is not restricted in Annex II (A), provision should be made for the possibility of imposing appropriate labelling provisions if the quantity of the undesirable substance or product present in the raw materials exceeds the maximum level laid down for the corresponding straight feedingstuffs; whereas this measure is indispensable in order to ensure that such raw materials are not delivered to livestock farmers and to inform manufacturers of the nature and quantity of the undesirable substance or product present;

Whereas the Member States should provisionally be authorized to retain the national provisions which they have adopted concerning raw materials contaminated by aflatoxin other than those referred to in Annex II (A) or relating to undesirable substances or products other than aflatoxin affecting the quality of the raw materials; whereas a Community decision should be taken before 3 December 1990 so that by that date uniform Community rules exist regarding the presence of undesirable substances and products in raw materials used in the preparation of feedingstuffs;

Whereas, in order to guarantee the safety of feedingstuffs, rules should be laid down governing the presence of undesirable substances and products and processes sought for decontaminating raw materials; whereas, on the basis of the results obtained, the criteria should be laid down with which products subject to certain decontamination processes must comply;

Whereas the procedure introducing close cooperation between the Member States and the Commission within

the Standing Committee for Feedingstuffs should be applied in order to facilitate implementation of the measures proposed and to make, *inter alia*, amendments and additions concerning the fixing of maximum levels or labelling rules for raw materials contaminated by certain undesirable substances or products and the establishment of acceptability criteria for decontaminated raw materials;

Whereas an information procedure must be established for notifying Member States of cases of non-compliance with Community provisions in order to facilitate supervision of the application of Directive 74/63/EEC;

Whereas the experience gained in the implementation of Directive 79/373/EEC shows the need to improve or supplement the labelling of compound feedingstuffs in certain cases;

Whereas, in particular, an indication of the name or business name and address of the manufacturer must be stipulated where the latter is not responsible for the labelling particulars; whereas, however, account must be taken of the particular control systems in certain Member States and whereas such Member States should be authorized, for feedingstuffs produced and marketed in their territory, to replace these particulars by the official code number given to each manufacturer,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 74/63/EEC is hereby amended as follows:

1. The title of the Directive shall be replaced by the following: 'Council Directive on undesirable substances and products in animal nutrition.'
2. In Article 1:
 - (a) paragraph 1 shall be replaced by the following:

'1. This Directive deals with undesirable substances and products in animal nutrition.'
 - (b) The following point (e) shall be added to paragraph 2:

'(e) certain products used in animal nutrition.'
3. In Article 2:
 - (a) points (a), (b) and (h) shall be replaced by the following:

'(a) feedingstuffs: products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding;

(b) straight feedingstuffs : the various vegetable or animal products in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and various organic or inorganic substances, whether or not containing additives, intended as such for oral animal feeding :

(h) compound feedingstuffs : mixtures of products of vegetable or animal origin in the natural state, fresh or preserved, and products derived from the industrial processing thereof, or of organic or inorganic substances, whether or not containing additives, for oral animal feeding in the form of complete feedingstuffs or complementary feedingstuffs ;

(b) the following point shall be added :

'(i) raw materials (ingredients) ; various products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing additives, which are intended to be entered for circulation as straight feedingstuffs or for the preparation of compound feedingstuffs or as carriers of premixtures ;'

4. Article 3 shall be replaced by the following :

Article 3

1. Member States shall prescribe that the substances and products listed in Annex I shall be tolerated in feedingstuffs only under the conditions therein set out.

2. Member States may authorize the maximum permitted levels provided for in Annex I in respect of feedingstuffs to be exceeded in the case of fodder which is produced and used in the same state on the same agricultural holding, where this is necessary for particular local reasons. The Member States concerned shall ensure that neither animal nor human health can suffer harm thereby.'

5. The following Articles shall be inserted :

Article 3a

1. Member States shall prescribe that the raw materials listed in Annex II (A) may be marketed only if their content of the undesirable substance or product mentioned in column 1 of the said Annex does not exceed the maximum level laid down in column 3 of that Annex.

2. Where the content of the undesirable substance or product listed in column 1 of Annex II (A) exceeds the level laid down in column 3 of Annex I in respect of the straight feedingstuff, the raw material listed in column 2 of Annex II (A) may, without prejudice to paragraph 1, be marketed only if :

(a) it is intended for use by manufacturers of compound feedingstuffs entered on a national list as provided for in Article 13 (3) of Council Direc-

tive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (1),

and

(b) it is accompanied by a document stating :

- that the raw material is intended for manufacturers of compound feedingstuffs who fulfil the conditions laid down in paragraph (a),
- that the raw material may not be fed unprocessed to livestock,
- the amount of the undesirable substance or product contained in the raw material.

3. Member States shall prescribe that paragraph 2 (a) and (b) shall also apply to the raw materials and undesirable substances or products listed in Annex II (B) the maximum level of which is not restricted in Annex II (A), if the level of the undesirable substance or product present in the raw material exceeds that laid down in column 3 of Annex I for the corresponding straight feedingstuffs.

Article 3b

Member States may restrict the application of Article 3a (2) (a) to those manufacturers of compound feedingstuffs who use the materials in question for the production and marketing of compound feedingstuffs.'

(1) OJ No L 270, 14. 12. 1970, p. 1.'

6. In Article 4, 'in this Directive' shall be replaced by 'in Annex I.'

7. In Article 5 :

(a) the text of paragraph 1 shall be replaced by the following :

'1. Where a Member State, as a result of new information or of a reassessment of existing information made since the provisions in question were adopted, has detailed grounds for establishing that a maximum content fixed in Annex I or II or a substance or product not listed therein constitutes a danger to animal or human health or the environment, that Member State may provisionally reduce that content, fix a maximum content or prohibit the presence of that substance or product in feedingstuffs or raw materials. It shall immediately inform the other Member States and the Commission thereof, giving reasons for its decision.'

(b) in paragraph 2, 'the Annex' shall be replaced by 'the Annexes'.

8. Article 6 shall be replaced by the following :

Article 6

In accordance with the procedure laid down in Article 9 and in the light of developments in scientific and technical knowledge :

- (a) the amendments to be made to the Annexes shall be adopted;
- (b) a consolidated version of the Annexes shall be drawn up periodically incorporating the successive amendments made pursuant to (a);
- (c) criteria for the acceptability of raw materials which have undergone certain decontamination processes may be defined.

9. The following Article shall be added:

Article 6a

1. Until a Community decision is taken, Member States may retain measures governing the importation and entry for circulation within their territories of:

- (a) raw materials contaminated by aflatoxin other than the raw materials referred to in Annex II (A), and
- (b) raw materials contaminated by undesirable substances or products other than aflatoxin.

2. Not later than the 31 January 1987, Member States shall notify the Commission of the national provisions which they intend to retain by virtue of paragraph 1.

3. The amendments to be made to Annex II to remove discrepancies resulting from the application of paragraph 1 shall be adopted by 3 December 1990 at the latest.

10. In Article 7, 'and raw materials' shall be inserted after 'feedingstuffs'.

11. In Article 8:

(a) paragraph 1 shall be replaced by the following:

'1. Member States shall take all necessary measures to ensure that feedingstuffs and raw materials are officially controlled, at least by random sampling, to verify whether the conditions laid down in this Directive are satisfied.'

(b) the following paragraph 3 shall be added:

'3. If a consignment of raw material is likely to be sent to a Member State after it has been judged not to comply with the provisions of this Directive on account of an excessive content of undesirable substances or products in another Member State, the latter Member State shall immediately give the other Member States and the Commission any useful information concerning that consignment of raw material.'

12. In Article 11, 'and raw materials' shall be inserted after 'feedingstuffs',

13. The Annex shall be amended as follows:

- (a) 'I' shall be added after the word 'ANNEX';
- (b) the three columns of Annex I shall be numbered 1, 2 and 3 respectively;
- (c) in Annex I (B), the heading of column 3 shall be replaced by the following:
'Maximum content in mg/kg (ppm) of feedingstuffs referred to a moisture content of 12 %'.

14. The following shall be added as Annex II:

ANNEX II

A

Substances, products	Raw materials	Maximum content in mg/kg (ppm) of raw material, referred a moisture content of 12 %
(1)	(2)	(3)
1. Aflatoxin B ₁	Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,2

B

Substances, products	Raw materials
(1)	(2)

15. 'Alimenti per animali' throughout the Directive in the Italian text shall be replaced by 'mangimi'.

Article 2

Directive 77/101/EEC is hereby amended as follows:

1. In Article 1 (2):

- (a) point (b) shall be replaced by the following:
'(b) undesirable substances and products in animal nutrition';
- (b) the following point shall be added:
'(d) certain products used in animal nutrition.'

2. Article 2 shall be replaced by the following:

Article 2

For the purposes of this Directive, straight feedingstuffs shall mean the various vegetable or animal products in their natural state, fresh or preserved, and products derived from the industrial processing thereof, as well as various organic or inorganic substances, whether or not containing additives, intended as such for oral animal feeding.

3. 'Alimenti per animali' throughout the Directive in the Italian text shall be replaced by 'mangimi'.

Article 3

Directive 79/373/EEC is hereby amended as follows:

1. In Article 1 (2):

- (a) point (c) shall be replaced by the following:
'(c) undesirable substances and products in animal nutrition';
- (b) the following point shall be added:
'(f) certain products used in animal nutrition.'

2. In Article 2:

- (a) the text of points (a) and (b) shall be replaced by the following:
'(a) Feedingstuffs: products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding.'
- (b) Compound feedingstuffs: mixtures of products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the industrial processing thereof, or of organic or inorganic substances, whether or not containing additives, for oral animal feeding in the form of complete feedingstuffs or complementary feedingstuffs.'

- (b) the following points shall be added:

- '(j) Milk replacer feeds: compound feedingstuffs administered in dry form or after dilution in a given quantity of liquid for feeding young animals as a supplement to, or substitute for, post-colostral milk or for feeding calves intended for slaughter.'
- '(k) Ingredients (raw materials): various products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing additives, which are intended to be entered for circulation as straight feedingstuffs or for the preparation of compound feedingstuffs or as carriers of premixtures.'

3. In Article 5:

- (a) paragraph 1, point (a) shall be replaced by the following:

'(a) the description "complete feedingstuff", "complementary feedingstuff", "mineral feedingstuff", "molassed feedingstuff", "complete milk replacer feed", "complementary milk replacer feed", as appropriate';

- (b) in paragraph 4 the following point shall be added:

'(g) the name or business name and address or registered place of business of the producer, where the latter is not responsible for the labelling particulars';

- (c) the following paragraph shall be inserted:

'4a. Member States shall be authorized, for feedingstuffs produced and marketed in their territory, to prescribe instead of the particulars referred to in Article 5 (4) (g) indication of an official code number corresponding to the producers established in their territory.'

- (d) in paragraph 5 the following point shall be added:

'(h) an indication of the physical condition of the feedingstuff or the specific processing it has undergone.'

- (e) the following paragraph shall be inserted:

'7a. Paragraph 7 shall not apply where ingredients (raw materials) must be mentioned on the label of compound feedingstuffs pursuant to Directive 82/471/EEC.'

- (f) paragraph 8 shall be supplemented by the following subparagraph:

'Such information

- may not mislead the purchaser in particular by attributing to the feedingstuff effects or properties that it does not possess or by suggesting that it possesses special characteristics when in fact all similar feedingstuffs possess such characteristics,
- must relate to objective or quantifiable factors which can be substantiated.'

4. The following Articles shall be inserted :

Article 5a

In English, 'complementary feedingstuff' and 'complete feedingstuff' may be replaced, in the case of feedingstuff for pets, respectively by 'complementary pet food' and 'complete pet food'.

Article 5b

Without prejudice to the provisions of Article 5, Member States shall stipulate that the labelling of compound feedingstuffs for pet animals may draw particular attention to the presence or low content of one or more ingredients that are essential for the characteristics of the feedingstuff. In such case the minimum or maximum content, expressed in terms of the percentage by weight of the ingredient(s) incorporated, must be clearly indicated either opposite the statement drawing particular attention to it or them or in the list of ingredients or by mentioning it or them and the percentage(s) by weight concerned opposite the corresponding category of ingredients.'

5. 'Alimenti per animali' throughout the Directive in the Italian text shall be replaced by 'mangimi'.

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 3 December 1988. They shall forthwith inform the Commission thereof.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 21 July 1986.

For the Council

The President

G. HOWE

COUNCIL DIRECTIVE

of 21 July 1986

amending Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances

(86/355/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas alternative treatments are available for plant protection except for certain minor commodities;

Having regard to the Treaty establishing the European Economic Community,

Whereas the marketing and use of ethylene oxide as a plant protection product should therefore be prohibited;

Having regard to Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances⁽¹⁾, as last amended by Directive 86/214/EEC⁽²⁾, and in particular Article 6 thereof,

Whereas, however, temporary national exceptions from this prohibition may be permitted for certain minor commodities, where special need exists, until other methods of treatment become available,

Whereas that Directive provides for the contents of the Annex to be regularly amended to take account of the development of scientific and technical knowledge;

HAS ADOPTED THIS DIRECTIVE:

Whereas it has now been established that the use of ethylene oxide as a plant protection product, in particular for the fumigation of plants or plant products in storage, leaves residues in foodstuffs which may give rise to harmful effects on human or animal health;

Article 1

The following entry is hereby added to the Annex to Directive 79/117/EEC:

'C. Ethylene oxide

(a) pathogen reduction of the following dried vegetables, intended for incorporation in food preparations which do not undergo full cooking treatment prior to consumption

- asparagus
- onions
- leeks
- mushrooms

(b) pathogen reduction of dried herbs and spices⁽¹⁾

(c) pathogen reduction of dried herbs intended exclusively for marketing without further processing as medicinal products

(d) pathogen reduction of cocoa powder and cake

(e) fumigation of tobacco leaf

These derogations shall expire on 31 December 1989 at the latest

⁽¹⁾ Plants and plant products rich in essential oils and aromatic principles mainly used as condiments because of their characteristic taste.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 36.

⁽²⁾ OJ No L 152, 26. 5. 1986, p. 45.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1987. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 21 July 1986.

For the Council

The President

G. HOWE

COUNCIL DECISION

of 21 July 1986

authorizing the United Kingdom to apply flat-rate measures in respect of the non-deductible value added tax charged on fuel expenditure in company cars

(86/356/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, as last amended by Directive 84/386/EEC⁽²⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, under the terms of Article 27 (1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from the provisions of that Directive, in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas the United Kingdom has requested authorization to introduce a special measures designed to determine on a flat-rate basis the proportion of value added tax relating to expenditure on fuel used for private purposes in company cars; whereas that measure derogates from Articles 5 (6) and 17 (6) of Directive 77/388/EEC;

Whereas it is appropriate to accede to this request subject to certain conditions,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is hereby authorized to fix on a flat-rate basis the proportion of value added tax relating to expenditure on fuel used for private purposes in company cars.

Article 2

For a transitional period, the proportion of the tax referred to in Article 1 may be expressed in fixed amounts determined according to engine capacity or type of vehicle. These fixed amounts shall be adjusted annually in line with changes in the average cost of fuel.

Article 3

Where Article 2 is applied, the United Kingdom shall communicate to the Commission annually the following information, broken down by vehicle category:

1. The average cost of fuel per kilometre.
2. The average distance covered per vehicle each year on private journeys.
3. An estimate of the number of vehicles affected by this Decision.

The system which has been set up will be reviewed on the basis of this information and taking account of the harmonization of expenditure not eligible for a deduction of value added tax envisaged in Article 17 (6) of Directive 77/388/EEC.

Article 4

This Decision shall apply from 23 March 1986.

Article 5

This Decision is addressed to the United Kingdom.

Done at Brussels, 21 July 1986.

*For the Council**The President*

G. HOWE

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1.

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 58.

COMMISSION OF THE EUROPEAN COMMUNITIES

THE AGRICULTURAL SITUATION IN THE COMMUNITY

1985 REPORT

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