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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3113/86**of 14 October 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 13 October 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 15 October 1986.

⁽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.

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

Done at Brussels, 14 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 14 October 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	3,93	174,03
10.01 B II	Durum wheat	27,84	242,87 ⁽¹⁾ ⁽²⁾
10.02	Rye	41,33	160,71 ⁽⁶⁾
10.03	Barley	10,99	173,49
10.04	Oats	74,55	147,07
10.05 B	Maize, other than hybrid maize for sowing	—	171,99 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	10,99	116,35 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—	167,96 ⁽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	19,31	258,30
11.01 B	Rye flour	71,67	239,14
11.02 A I a)	Durum wheat groats and meal	56,40	389,70
11.02 A I b)	Common wheat groats and meal	19,97	278,08

⁽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 3114/86

of 14 October 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 13 October 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 15 October 1986.

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

Done at Brussels, 14 October 1986.

For the Commission

Frans ANDRIESSEN

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 14 October 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 10	1st period 11	2nd period 12	3rd period 1
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum 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 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 3115/86
of 13 October 1986
on the supply of a lot of butteroil as food aid

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

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

Having regard to Council Regulation (EEC) No 232/86 of 27 January 1986 laying down implementing rules for 1986 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management ⁽²⁾,

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 ⁽³⁾, as last amended by Regulation (EEC) No 1335/86 ⁽⁴⁾, and in particular Article 6 (7) thereof,

Whereas following the taking of a decision on the allocation of food-aid the Commission has allocated to Nicaragua 300 tonnes of butteroil to be supplied *cif*, as emergency aid ;

Whereas, therefore, supply should be effected in accordance with the rules laid down in Commission Regula-

tion (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid ⁽⁵⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁶⁾; whereas, in particular, the periods and terms for supply and the procedure to be used to determine the costs arising therefrom should be laid down ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Irish intervention agency shall, in accordance with the provisions of Regulation (EEC) No 1354/83, supply butteroil as food aid on the special terms set out in the Annex.

Article 2

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

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

Done at Brussels, 13 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1981, p. 1.

⁽²⁾ OJ No L 29, 4. 2. 1986, p. 3.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽⁵⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁶⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

Notice of invitation to tender (1)

Description of the lot	A
1. Programme :	1986
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 18 July 1986
2. Recipient	} Nicaragua
3. Country of destination	
4. Stage and place of delivery	
5. Representative of the recipient	
	Enimport/M Wilfredo Delgado, Direct. Execut. Central Sandinista de Trabajadores Jose Benito Escobar, 8c al sur y 1 1/2 c abajo, Managua/Nicaragua (Tel 96575/96820/1 ; Telex 2013)
6. Total quantity	300 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter
8. Intervention agency holding the stocks	Irish
9. Specific characteristics	—
10. Packaging	(9) (9)
11. Supplementary markings on the packaging	'ACEITE DE MANTEQUILLA / DONACIÓN DE LA COMUNIDAD ECONOMICA EUROPEA A NICARAGUA'
12. Shipment period	Before 10 November 1986
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Irish intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (2) (3) (4) (5) (7)

Notes :

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
 - (²) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (³) Veterinary certificate issued by an official entity stating that the product derives from healthy animals, was processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease.
 - (⁴) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
 - (⁵) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
 - (⁶) In new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 190 to 200 kilograms (to be indicated in the tender) net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof.
 - (⁷) At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity and certifying that the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been gone beyond.
 - (⁸) Shipment to take place in 20-foot containers ; conditions :
FCL/LCL Shippers-count-load and stowage (cls).
-

COMMISSION REGULATION (EEC) No 3116/86
of 13 October 1986
on the supply of various lots of butteroil as food aid

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

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

Having regard to Council Regulation (EEC) No 457/85 of 19 February 1985 laying down implementing rules for 1985 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management ⁽²⁾,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽⁴⁾, as last amended by Regulation (EEC) No 1335/86 ⁽⁵⁾, and in particular Article 6 (7) thereof,

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 3 300 tonnes of butteroil to be supplied fob, cif or free at destination ;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

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

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

Done at Brussels, 13 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1981, p. 1.

⁽²⁾ OJ No L 54, 23. 2. 1985, p. 1.

⁽³⁾ OJ No L 29, 4. 2. 1986, p. 3.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁵⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽⁶⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁷⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

Notice of invitation to tender⁽¹⁾

Description of the lot	A	B
1. Programme :	1986	
(a) legal basis	Council Regulation (EEC) No 232/86	
(b) purpose	Commission Decision of 18 July 1986	
2. Recipient	}	Arab Republic of Egypt
3. Country of destination		
4. Stage and place of delivery		
5. Representative of the recipient (2)	fob Ambassade de la république arabe d'Égypte — secteur commerciale, Avenue Louise 522, B-1050 Bruxelles (Tel 02/647 32 27, telex 64809 COMRAU B)	
6. Total quantity	1 500 tonnes (?)	1 000 tonnes (?)
7. Origin of the butteroil	Intervention stock	
8. Intervention agency holding the stocks	German	
9. Specific characteristics	—	
10. Packaging	5 kilograms	
11. Supplementary markings on the packaging	'TO EGYPT'	
12. Shipment period	Before	
	15 December 1986	15 January 1987
13. Closing date for the submission of tenders	27 October 1986	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	Before	
	31 December 1986	15 January 1987
(b) closing date for the submission of tenders	10 November 1986	
15. Miscellaneous	(4) (6)	

Description of the lot	C
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient ⁽²⁾ ⁽³⁾ 6. Total quantity 7. Origin of the butteroil 8. Intervention agency holding the stocks 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1985 Council Regulation (EEC) No 457/85 Commission Decision of 6 May 1985 ICRC Kenya cif Mombasa — 200 tonnes Intervention stock Dutch — 2,5 kilograms 'SUD 0003 / BUTTEROIL' (no other inscription permitted) Before 15 December 1986 27 October 1986 Before 31 December 1986 10 November 1986 (*)

Description of the lot	D
1. Programme :	1986
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	Cuba
4. Stage and place of delivery	fob
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	600 tonnes
7. Origin of the butteroil	Intervention stock
8. Intervention agency holding the stocks	Irish
9. Specific characteristics	—
10. Packaging	20 kilograms
11. Supplementary markings on the packaging	'CUBA 0270200 / DESPACHADO POR EL PROGRAMA MUNDIAL DE ALIMENTOS / HAVANA'
12. Shipment period	Before 15 December 1986
13. Closing date for the submission of tenders	27 October 1986
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	Before 31 December 1986
(b) closing date for the submission of tenders	10 November 1986
15. Miscellaneous	(*) (9)

Notes

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
 - (²) See the list published in the *Official Journal of the European Communities* No C 229 of 26 August 1983, page 2.
 - (³) The successful tenderer shall contact the beneficiary as soon as possible in order to determine the necessary shipping documents.
 - (⁴) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227, of 7 September 1985, page 4.
 - (⁵) Veterinary certificate, delivered by an official body, stating that the product coming from animals in good health has been converted in excellent sanitary conditions controlled by qualified technical personnel, and that the zone of production of raw milk was exempt from foot-and-mouth disease.
 - (⁶) At the request of the beneficiary, the successful tenderer shall deliver a certificate coming from an official entity and certifying that the standards in force, on nuclear radiation, in the Member State concerned have not been exceeded.
 - (⁷) Each tender may relate only to a partial quantity of 500 tonnes as specified in the complementary notice of invitation to tender published along with this Regulation in the 'C' series of the *Official Journal of the European Communities*, indicating the location of the warehouses in which the product is stored.
-

COMMISSION REGULATION (EEC) No 3117/86
of 13 October 1986
on the supply of a lot of skimmed-milk powder as food aid

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

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

Having regard to Council Regulation (EEC) No 232/86 of 27 January 1986 laying down implementing rules for 1986 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management⁽²⁾,

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⁽³⁾, as last amended by Regulation (EEC) No 1335/86⁽⁴⁾, and in particular Article 7 (5) thereof,

Whereas following the taking of a decision on the allocation of food aid the Commission has allocated to Nicaragua 1 800 tonnes of skimmed-milk powder to be supplied cif, as emergency aid;

Whereas, therefore, supply should be effected in accordance with the rules laid down in Commission Regula-

tion (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid⁽⁵⁾, as last amended by Regulation (EEC) No 3826/85⁽⁶⁾; whereas, in particular, the periods and terms for supply and the procedure to be used to determine the costs arising therefrom should be laid down;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

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

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

Done at Brussels, 13 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 29, 4. 2. 1986, p. 3.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁶⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

Notice of invitation to tender (1)

Description of the lot	A	
1. Programme :	1986	
(a) legal basis	Council Regulation (EEC) No 232/86	
(b) purpose	Commission Decision of 18 July 1986	
2. Recipient	}	Nicaragua
3. Country of destination		
4. Stage and place of delivery		cif Port Corinto
5. Representative of the recipient	Enimport / M Wilfredo Delgado, Direct. Execut. Central Sandinista de Trabajadores Jose Benito Escobar, 8c al sur y 1 ½ c abajo, Managua/Nicaragua (Tel. 96575/96820/1 ; telex : 2013)	
6. Total quantity	1 800 tonnes	
7. Origin of the skimmed-milk powder	Intervention stock	
8. Intervention agency holding the stocks	Irish	
9. Specific characteristics	Entry into stock after 1 January 1986	
10. Packaging	25 kilograms	
11. Supplementary markings on the packaging	'LECHE EN POLVO DESCREMADA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA A NICARAGUA'	
12. Shipment period	Before 10 November 1986	
13. Closing date for the submission of tenders	—	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	—	
(b) closing date for the submission of tenders	—	
15. Miscellaneous	The costs of supply are determined by the Irish intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (2) (3) (4) (5) (6)	

Notes

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
 - (²) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (³) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
 - (⁴) Veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease or any other notifiable infectious/contagious disease during the 90 days prior to the processing.
 - (⁵) The successful tenderer shall give the beneficiaries' representatives, at the time of delivery, a certificate of origin.
 - (⁶) At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity and certifying that the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been gone beyond.
-

COMMISSION REGULATION (EEC) No 3118/86

of 13 October 1986

on an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1449/86⁽²⁾, and in particular Article 17 thereof,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 4 thereof,

Whereas examination of the balance sheet shows that substantial stocks of rice are currently held by producers; whereas this situation may affect the normal development of producer prices during the 1986/87 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 4 of Regulation (EEC) No 1431/76 enabling the amount of refund to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice⁽⁴⁾, as amended by Regulation (EEC) No 3491/80⁽⁵⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to Zones I to VI noted in Annex I to Regulation (EEC) No 1124/77⁽⁶⁾ as last amended by Regulation (EEC) No 3817/85⁽⁷⁾;

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

Article 1

1. An invitation to tender is hereby opened, for the export refund referred to in Article 4 of Regulation (EEC) No 1431/76, for Zones I to VI of Annex I to Regulation (EEC) No 1124/77.

2. The invitation to tender shall be open until 25 June 1987. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be valid only if it covers a quantity for export of at least 50 tonnes but not more than 5 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be 50 ECU per tonne.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽⁸⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the third month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ No L 365, 31. 12. 1980, p. 15.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁷⁾ OJ No L 368, 31. 12. 1985, p. 16.

⁽⁸⁾ OJ No L 338, 13. 12. 1985, p. 1.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76:

- either to fix a maximum export refund, taking account of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 1431/76,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 30 October 1986 at 10 a.m. (Belgian time).

The final date for submission of tenders is hereby fixed at 25 June 1987.

Article 9

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

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

Done at Brussels, 13 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Weekly invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenders	Quantities in tonnes	Amount of export refund in national currency per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 3119/86

of 13 October 1986

amending Regulation (EEC) No 2848/86 and increasing to 350 000 tonnes the quantity of barley held by the United Kingdom intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 7 (5) thereof,

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

Whereas Commission Regulation (EEC) No 2848/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 3105/86 ⁽⁶⁾, opened a standing invitation to tender for the export of 100 000 tonnes of barley held by the United Kingdom intervention agency; whereas, in a communication of 9 October 1986, the United Kingdom informed the Commission of the intention of its intervention agency to increase by 250 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the United Kingdom intervention agency for which a standing invitation to tender for export has been opened should be increased to 350 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 2848/86 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 2848/86 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 350 000 tonnes of barley to be exported to all third countries.
2. The regions in which the 350 000 tonnes of barley are stored are listed in Annex I hereto.

Article 2

Annex I to Regulation (EEC) No 2848/86 is replaced by the Annex hereto.

Article 3

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, 13 October 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 371, 31. 12. 1985, p. 1.

⁽⁵⁾ OJ No L 264, 16. 9. 1986, p. 11.

⁽⁶⁾ OJ No L 290, 14. 10. 1986, p. 18.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
North	140 665
South	19 338
Midlands/East	189 997'

COMMISSION REGULATION (EEC) No 3120/86

of 14 October 1986

concerning the stopping of fishing for blue ling and ling by vessels flying the flag of the United Kingdom

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 3732/85 of 20 December 1985 allocating catch quotas between Member States for vessels fishing in Faroese waters⁽³⁾ provides for blue ling and ling 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 the quota allocated to the United Kingdom for blue ling and ling in Faroese waters has been exhausted by an exchange of quotas,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of blue ling and ling in Faroese waters by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1986.

Fishing for blue ling and ling in Faroese waters by vessels flying the flag of the United Kingdom or registered in the United Kingdom 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 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, 14 October 1986.

For the Commission

António CARDOSO E CUNHA

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. 76.

COMMISSION REGULATION (EEC) No 3121/86

of 14 October 1986

re-establishing the levying of customs duties on superphosphates falling within subheading 31.03 A I, originating in Iraq, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3599/85 apply

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

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

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

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

Whereas, in the case of superphosphates falling within subheading 31.03 A I, originating in Iraq, the individual ceiling was fixed at 2 236 000 ECU; whereas, on 9 October 1986, imports of these products into the Community originating in Iraq reached the ceiling in

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 18 October 1986, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3599/85, shall be re-established on imports into the Community of the following products originating in Iraq:

CCT heading No	Description
31.03 A I (NIMEXE code 31.03-15)	Superphosphates

Article 2

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

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

Done at Brussels, 14 October 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 3122/86
of 14 October 1986
fixing the import levies on milk and milk 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 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 Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1371/86 ⁽³⁾, as last amended by Regulation (EEC) No 2977/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1371/86 to the prices

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

1. The import levies referred to in Article 14 (2) of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 October 1986.

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

Done at Brussels, 14 October 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 120, 8. 5. 1986, p. 17.

⁽⁴⁾ OJ No L 279, 30. 9. 1986, p. 10.

ANNEX

to the Commission Regulation of 14 October 1986 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.01 A I a)	0110	32,57
04.01 A I b)	0120	30,16
04.01 A II a) 1	0130	30,16
04.01 A II a) 2	0140	36,84
04.01 A II b) 1	0150	28,95
04.01 A II b) 2	0160	35,63
04.01 B I	0200	72,96
04.01 B II	0300	154,35
04.01 B III	0400	238,54
04.02 A I	0500	29,57
04.02 A II a) 1	0620	160,03
04.02 A II a) 2	0720	205,34
04.02 A II a) 3	0820	207,76
04.02 A II a) 4	0920	252,85
04.02 A II b) 1	1020	152,78
04.02 A II b) 2	1120	198,09
04.02 A II b) 3	1220	200,51
04.02 A II b) 4	1320	245,60
04.02 A III a) 1	1420	30,14
04.02 A III a) 2	1520	40,69
04.02 A III b) 1	1620	154,35
04.02 A III b) 2	1720	238,54
04.02 B I a)	1820	36,27
04.02 B I b) 1 aa)	2220	per kg 1,5278 (*)
04.02 B I b) 1 bb)	2320	per kg 1,9809 (*)
04.02 B I b) 1 cc)	2420	per kg 2,4560 (*)
04.02 B I b) 2 aa)	2520	per kg 1,5278 (*)
04.02 B I b) 2 bb)	2620	per kg 1,9809 (*)
04.02 B I b) 2 cc)	2720	per kg 2,4560 (*)
04.02 B II a)	2820	52,91
04.02 B II b) 1	2910	per kg 1,5435 (*)
04.02 B II b) 2	3010	per kg 2,3854 (*)
04.03 A	3110	280,63
04.03 B	3210	342,37
04.04 A	3300	231,02 (*)
04.04 B	3900	353,49 (*)
04.04 C	4000	157,44 (*)
04.04 D I a)	4410	170,88 (*)
04.04 D I b)	4510	188,01 (*)
04.04 D II	4610	284,73
04.04 E I a)	4710	353,49
04.04 E I b) 1	4800	241,05 ⁽¹⁰⁾

(ECU/100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.04 E I b) 2	5000	180,95 ⁽¹¹⁾
04.04 E I c) 1	5210	135,71
04.04 E I c) 2	5250	277,67
04.04 E II a)	5310	353,49
04.04 E II b)	5410	277,67
17.02 A II	5500	41,95 ⁽¹²⁾
21.07 F I	5600	41,95
23.07 B I a) 3	5700	117,01
23.07 B I a) 4	5800	152,14
23.07 B I b) 3	5900	142,61
23.07 B I c) 3	6000	117,77
23.07 B II	6100	152,14

- (¹) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria.
- (²) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (³) In calculating the fat content the weight of any added sugar shall be disregarded.
- (⁴) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
 - (b) 7,25 ECU ; and
 - (c) 25,30 ECU.
- (⁵) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ; and
 - (b) 25,30 ECU.
- (⁶) The levy is limited to :
- 18,13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
 - 9,07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (⁷) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (⁸) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (⁹) The levy is limited to 36,27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (¹⁰) The levy per 100 kg net weight is limited to :
- 12,09 ECU for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
 - 15,00 ECU for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (¹¹) The levy is limited to :
- 77,70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
 - 50 ECU for products listed under (o) and (p) of that Annex imported from Austria,
 - 101,88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
 - 65,61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Yugoslavia and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey, Cyprus or Yugoslavia,
 - 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria and for products listed under (r) of that Annex imported from Norway,
 - 60 ECU per 100 kg net weight for products listed under (s) of that Annex imported from Finland,
 - 18,13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland,
 - 15,00 ECU for products listed under (f) of that Annex imported from Australia and New Zealand.
- (¹²) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (¹³) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and subheadings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
-

COMMISSION REGULATION (EEC) No 3123/86

of 14 October 1986

introducing a countervailing charge on apples originating in Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 2034/86 of 30 June 1986 fixing for the 1986/87 marketing year the reference prices for apples⁽³⁾ fixed the reference price for products of class I for the month of October 1986 at 43,59 ECU per 100 kilograms net;

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

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

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 17,25 ECU per 100 kilograms net is applied to apples (subheading 08.06 A II of the Common Customs Tariff) originating in Poland.

Article 2

This Regulation shall enter into force on 16 October 1986.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 173, 1. 7. 1986, p. 52.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 14 October 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 3124/86**of 14 October 1986****amending for the fourth time Regulation (EEC) No 2859/86 introducing a countervailing charge and suspending the preferential customs duty on lemons originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2859/86 of 16 September 1986⁽³⁾ as last amended by Regulation (EEC) No 3048/86⁽⁴⁾, introduced a countervailing charge on lemons originating in Turkey;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1, paragraph 1, of Regulation (EEC) No 2859/86, '39,66 ECU' is hereby replaced by '36,36 ECU'.

Article 2

This Regulation shall enter into force on 15 October 1986.

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

Done at Brussels, 14 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 265, 17. 9. 1986, p. 7.

⁽⁴⁾ OJ No L 283, 4. 10. 1986, p. 19.

COMMISSION REGULATION (EEC) No 3125/86
of 14 October 1986
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Regulation (EEC) No 32/82⁽⁵⁾, as last amended by Regulation (EEC) No 2688/85⁽⁶⁾, and Regulations (EEC) No 1964/82⁽⁷⁾, (EEC) No 74/84⁽⁸⁾ and (EEC) No 2388/84⁽⁹⁾, as amended by Regulation (EEC) No 1032/86⁽¹⁰⁾, lay down the conditions for granting special export refunds for certain cuts of beef/veal and certain preserved beef and veal products;

Whereas Regulations (EEC) No 1226/85⁽¹¹⁾, (EEC) No 1591/85⁽¹²⁾, (EEC) No 2908/85⁽¹³⁾ and (EEC) No 142/86⁽¹⁴⁾ lay down the conditions applying to the export of

certain beef and veal held by certain intervention agencies and intended for export;

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 255, 26. 9. 1985, p. 11.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 10, 13. 1. 1984, p. 32.

⁽⁹⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽¹⁰⁾ OJ No L 95, 10. 4. 1986, p. 17.

⁽¹¹⁾ OJ No L 125, 11. 5. 1985, p. 10.

⁽¹²⁾ OJ No L 154, 13. 6. 1985, p. 31.

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

⁽¹⁴⁾ OJ No L 19, 25. 1. 1986, p. 8.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 15 October 1986.

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

Done at Brussels, 14 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 14 October 1986 fixing the export refunds on beef and veal

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Live weight —
ex 01.02 A	Live domestic animals of the bovine species :	
	I. Pure-bred breeding animals :	
	(a) Females, with a live weight equal to or greater than 250 kg :	
	— for export to third countries	80,000
	(b) Males, with a live weight equal to or greater than 300 kg :	
	— for export to third countries	80,000
	II. Other than pure-bred breeding animals :	
	(a) Adult male bovine animals with a live weight equal to or greater than 300 kg :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	80,000
	— For export to certain other Asian third countries ⁽¹²⁾	65,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	65,000
	— For export to Austria, Sweden and Switzerland	30,500
	(b) Other, with a live weight equal to or greater than 250 kg :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	76,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	76,000
	— For export to certain other Asian third countries ⁽¹²⁾	61,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	61,500
	— For export to Austria, Sweden and Switzerland	28,500
		— Net weight —
ex 02.01 A II	Meat of bovine animals :	
	a) Fresh or chilled :	
	1. Carcasses, half-carcasses or 'compensated' quarters :	
	(aa) The front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	105,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	98,500
	— For export to certain other Asian third countries ⁽¹²⁾	79,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	79,500
	— For export to Austria, Sweden and Switzerland	40,000

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	88,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	81,500
	— For export to certain other Asian third countries ⁽¹²⁾	72,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	72,000
	— For export to Austria, Sweden and Switzerland	36,000
	(bb) Other :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	142,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	136,000
	— For export to certain other Asian third countries ⁽¹²⁾	108,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	108,000
	— For export to Austria, Sweden and Switzerland	54,000
	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	119,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	112,500
	— For export to certain other Asian third countries ⁽¹²⁾	97,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	97,500
	— For export to Austria, Sweden and Switzerland	49,000
	2. Separated or unseparated forequarters :	
	(aa) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	105,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	98,500
	— For export to certain other Asian third countries ⁽¹²⁾	79,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	79,500
	— For export to Austria, Sweden and Switzerland	40,000

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	(bb) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	88,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	81,500
	— For export to certain other Asian third countries ⁽¹²⁾	72,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	72,000
	— For export to Austria, Sweden and Switzerland	36,000
	3. Separated or unseparated hindquarters :	
	(aa) With a maximum of nine ribs or pairs of ribs :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	180,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	173,500
	— For export to certain other Asian third countries ⁽¹²⁾	136,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	136,500
	— For export to Austria, Sweden and Switzerland	68,000
	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	150,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	143,500
	— For export to certain other Asian third countries ⁽¹²⁾	123,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	123,000
	— For export to Austria, Sweden and Switzerland	62,000
	(bb) With more than nine ribs or pairs of ribs :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	105,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	98,500
	— For export to certain other Asian third countries ⁽¹²⁾	79,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	79,500
	— For export to Austria, Sweden and Switzerland	40,000

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	88,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	81,500
	— For export to certain other Asian third countries ⁽¹²⁾	72,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	72,000
	— For export to Austria, Sweden and Switzerland	36,000
	4. Other :	
	ex aa) Unboned (bone-in)	
	(11) From the carcasses, half-carcasses or 'compensated' quarters of male adult bovine animals ⁽⁸⁾ , excluding the front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	142,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	136,000
	— For export to certain other Asian third countries ⁽¹²⁾	108,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	108,000
	— For export to Austria, Sweden and Switzerland	54,000
	(22) From the forequarters of male adult bovine animals ⁽⁸⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	105,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	98,500
	— For export to certain other Asian third countries ⁽¹²⁾	79,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	79,500
	— For export to Austria, Sweden and Switzerland	40,000
	(33) From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs ⁽⁸⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	180,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	173,500
	— For export to certain other Asian third countries ⁽¹²⁾	136,500

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	136,500
	— For export to Austria, Sweden and Switzerland	68,000
	(44) Other, the weight of bone does not exceed one-third of the weight of the cut :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	88,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	81,500
	— For export to certain other Asian third countries ⁽¹²⁾	72,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	72,000
	— For export to Austria, Sweden and Switzerland	36,000
	ex bb) Boned, each piece individually wrapped :	
	(11) From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs ⁽⁴⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	257,000
	— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	247,500
	— For export to certain other Asian third countries ⁽¹²⁾	195,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	195,000
	— For export to Austria, Sweden and Switzerland	97,500
	(22) Other, excluding the thin flanks, the shin and the shank ⁽⁷⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	170,500
	— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	160,500
	— For export to certain other Asian third countries ⁽¹²⁾	139,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	139,000
	— For export to Austria, Sweden and Switzerland	69,500
	— For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79 ⁽⁵⁾ , and for export to Canada	90,000

(ECU/100 kg)

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

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	125,000
	— For export to Austria, Sweden and Switzerland	59,500
	(bb) With more than nine ribs or pairs of ribs :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	74,000
	— For export to certain other Asian third countries ⁽¹²⁾	74,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	74,000
	— For export to Austria, Sweden and Switzerland	35,500
	4. Other :	
	aa) Unboned (bone-in), the weight of bone does not exceed one-third of the weight of the cut :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	80,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	74,000
	— For export to certain other Asian third countries ⁽¹²⁾	74,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	74,000
	— For export to Austria, Sweden and Switzerland	35,500
	ex bb) Boned or boneless, excluding the thin flanks, the shin and the shank, each piece individually wrapped ⁽⁷⁾ :	
	— For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79 ⁽⁵⁾ , and for export to Canada	90,000
	— For export to North African, Near and Middle East third countries ⁽¹⁾	121,500
	— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	114,000
	— For export to certain other Asian third countries ⁽¹²⁾	93,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	93,500
	— For export to Austria, Sweden and Switzerland	46,500
	Other boned or boneless :	
	— For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79 ⁽⁵⁾ , and for export to Canada	90,000

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	— For export carried out within the framework of Regulation (EEC) No 1226/85, (EEC) No 1591/85, (EEC) No 2908/85 and (EEC) No 142/86 :	
	— to North African, Near and Middle East third countries ⁽¹⁾	190,500
	— to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	181,000
	— to certain other Asian third countries ⁽¹²⁾	181,000
	— to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	181,000
	— to Austria, Sweden and Switzerland	86,000
ex 02.06 C I a) 2	Meat of bovine animals, boned or boneless, salted or in brine, dried or smoked :	
	(aa) Salted and dried :	
	— For export to North, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	102,500
	— For export to Switzerland	60,500
	(bb) Salted, dried and smoked :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	102,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	102,500
	(cc) in brine ⁽¹⁵⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	102,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	102,500
ex 16.02 B III b) 1	Other preparations and preserves containing bovine meat or offals, except those finely homogenized ⁽⁶⁾ :	
	ex aa) Uncooked, containing by weight the following percentages of bovine meats (excluding offal and fat) :	
	(11) 90 % or more of meat :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	115,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	108,000
	— For export to certain other Asian third countries ⁽¹²⁾	108,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	108,000
	— For export to Austria, Sweden and Switzerland	108,000
	(22) 80 % or more, but less than 90 % of meat :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾	102,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe	96,000
	— For export to certain other Asian third countries ⁽¹²⁾	96,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta, Melilla and Greenland, except Austria, Sweden and Switzerland	96,000
	— For export to Austria, Sweden and Switzerland	96,000

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

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- (¹) Within the meaning of Commission Regulation (EEC) No 3431/85 (OJ No L 326, 6. 12. 1985, p. 17).
 - (²) Within the meaning of this Regulation those destinations mentioned in Article 5 of Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1) to be understood as European third countries.
 - (³) The amount of this refund is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82 (OJ No L 4, 8. 1. 1982, p. 11).
 - (⁴) The amount of this refund is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 1964/82 (OJ No L 212, 21. 7. 1982, p. 48).
 - (⁵) OJ No L 336, 29. 12. 1979, p. 44.
 - (⁶) The products which contain a small quantity of visible pieces of meat are also excluded.
 - (⁷) Boned cuts which consist, entirely or partially, of thin flanks, shin or shank are ineligible for the refund.
 - (⁸) The amount of this refund is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 74/84 (OJ No L 10, 13. 1. 1984, p. 32).
 - (⁹) For the products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (OJ No L 221, 18. 8. 1984) the refund is 116 ECU per 100 kilograms net weight.
 - (¹²) For the purposes of this Regulation 'certain other Asian third countries' are Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong.
 - (¹³) For the products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (OJ No L 221, 18. 8. 1984) the refund is 103 ECU per 100 kilograms net weight.
 - (¹⁴) For the products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (OJ No L 221, 18. 8. 1984) the refund is 77 ECU per 100 kilograms net weight.
 - (¹⁵) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.
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NB: Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

COMMISSION REGULATION (EEC) No 3126/86
of 14 October 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 3099/86 ⁽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 15 October 1986.

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

Done at Brussels, 14 October 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 288, 11. 10. 1986, p. 56.

ANNEX

to the Commission Regulation of 14 October 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	50,57
	B. Raw sugar	45,44 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 March 1986

on aid to Italian sugar producers

(Only the Italian text is authentic)

(86/498/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 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 606/82⁽²⁾, and in particular Article 44 thereof,

After giving notice, in accordance with the first subparagraph of Article 93 (2) of the Treaty, to the parties concerned to submit their comments⁽³⁾,

Whereas :

I

On 14 November 1984, at a meeting of the Management Committee for Sugar, the Commission took note of an aid measure provided for in the CIPE (Comitato Interministeriale Programmazione Economica) *'Delibera'* (Decision) of 11 October 1984⁽⁴⁾, *'Provvedimento'* (Statutory Instrument) No 39/1984 of 24 October 1984⁽⁵⁾ and *'Provvedimento'* No 41/1984 of 16 November 1984⁽⁶⁾.

This measure provides for the granting of aid to Italian sugar producers for sugar grown in Italy or refined from imported raw sugar, at a rate of :

— Lit 59,12 per kilogram for white sugar held at 29 October 1984 on which manufacturing tax is still due and on which the surcharge (*'sovrapprezzo'*) has not yet been levied (the amount of the surcharge being the old rate increased by Lit 22),

or alternatively

— Lit 37,12 per kilogram for white sugar held at 29 October 1984 which is free of manufacturing tax and on which the surcharge has been levied at the old rate.

II

By letter of 23 November 1984, the Commission informed the Italian Government that it had decided to initiate in respect of the above measure the procedure provided for in Article 93 (2) of the EEC Treaty, which was subsequently extended to all the *ad hoc* implementing provisions of the CIPE Decision of 11 October 1984, and in particular those of Statutory Instrument No 41/1984; under that procedure the Commission gave notice to the Italian Government to submit its comments.

The Commission also gave notice to the other Member States and parties other than Member States to submit their comments.

III

On 10 December 1984, by letter No 9692, recorded as received on 13 December 1984, the Italian Government replied to the Commission's letter and at a Council meeting on 14 and 15 January 1985 it requested that the third subparagraph of Article 93 (2) of the Treaty be

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No C 342, 22. 12. 1984, p. 9.

⁽⁴⁾ Gazzetta Ufficiale della Repubblica Italiana No 313, 14. 11. 1984.

⁽⁵⁾ Gazzetta Ufficiale della Repubblica Italiana No 298, 29. 10. 1984.

⁽⁶⁾ Gazzetta Ufficiale della Repubblica Italiana No 319, 20. 11. 1984.

applied and lodged an official request to the Council for an authorization regarding the aid, in accordance with the third subparagraph of Article 93 (2) of the Treaty. The Council did not take a decision within the time limit laid down by the Treaty.

On 23 April 1985, at a bilateral meeting convened by the Commission staff at the request of the Italian authorities, the Italian Government confirmed its position, invoking suspension of the procedure under Article 93 (2).

However, on 22 July 1985, the Italian authorities notified their intention to modify the aid scheme. At the bilateral meeting on 1 October 1985, and in the latest telex of 29 October 1985, they gave notification of the modified measure, which would appear at present to involve aid to the Italian sugar industry for investments, as provided for in Law No 700/83 of 19 December 1983 laying down provisions to improve the sugarbeet sector (Aid No 10/84). In its letter of 23 May 1984 to the Italian Government, the Commission considered this law to be compatible with the common market; the aim was in fact to bring about an improvement of the sugar sector in Italy. This aid, taken together with that provided for in Law No 700/83, will not exceed the maximum rates authorized by the Commission (50 % for the Centre-North and 75 % for southern Italy).

IV

The Irish and Danish authorities supported the Commission Decision by letters of 14 and 21 January 1985.

V

The quantities of sugar in respect of which aid is to be granted to sugar producers, as compared with the quantities produced in and imported into Italy, are as follows:

— quantity of sugar held on producers' premises at 29 October 1984 eligible for the aid:

59 685 tonnes (according to information provided by the Italian authorities) i.e.:

- 4,68 % of Italian production for 1984/85, equalling 1 274 000 tonnes (source: EUROSTAT),
- 24,8 % of quantities imported in 1984/85 (source: EUROSTAT).

Using these data as a basis, aid will total Lit 2 600 million (1 778 000 ECU).

— quantities of raw sugar imported annually from Member States (EUR 10) (source: EUROSTAT):

- 1982/83: 283 000 tonnes,
- 1983/84: 273 000 tonnes,
- 1984/85: 239 773 tonnes.

As Italy produces less than its sugar requirements, its output cannot exceed the A quota.

VI

1. In the letter of 23 November 1984, initiating the procedure under Article 93 (2) of the Treaty, the Commission had informed the Italian authorities that the aids involving Lit 59,12 and Lit 37,12 per kilogram granted to sugar producers for sugar grown in Italy, or refined from imported raw sugar held at 29 October 1984, as provided for in the Italian provisions, were operating aids which brought about no lasting improvement of the structures of the sector concerned; they favoured national production at the expense of sugar imported from other Member States after 29 October 1984. They were also liable to distort competition through the direct effect they could have on prices and therefore on intra-Community trade; in addition, they constituted a breach of the common organization of the market in sugar.

2. The measure in question complies with the conditions set out in Article 92 (1) of the Treaty, which provides that aid that meets the criteria which it specifies is in principle incompatible with the Common Market.

That prohibition may not be lifted under Article 92 (2) of the Treaty, since the derogations provided for therein are clearly not applicable in this case. The provisions of Article 92 (3) state the precise objectives to be achieved by the granting of aids, which must involve the attainment of a Community interest; they may be granted only if the Commission can establish that the aid is required to achieve one of the objectives referred to in those provisions. Allowing aid not achieving such aims to qualify under such derogations would mean tolerating a situation which was detrimental to trade between Member States, distortion of competition which was completely unjustified from the viewpoint of the interests of the Community and, consequently, unwarranted advantages for certain Member States.

The measure in question was clearly not likely to promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b); nor did it involve measures to remedy a serious disturbance in the economy of the Member State concerned within the meaning of that provision.

As to the derogations provided for in Article 92 (3) (a) and (c), in respect of aid to promote or facilitate the economic development of regions and that of certain activities referred to in aforementioned paragraph (c), it should be noted that the aids would have benefited certain producers exclusively, irrespective of criteria relating to the alteration or improvement of the structures of underta-

kings in the sugar sector, energy savings or regional development. Consequently, the aids would have had to be regarded as operating aids for those producers, a type of aid which the Commission has in principle always opposed on account of the fact that the grant of such aids is not linked to conditions qualifying them for one of the derogations provided for in Article 92 (3) (a) and (c).

3. Granting the aid in question would have been to ignore the principle according to which the Member States no longer have the power to give unilateral rulings on incomes within the framework of a common market organization by granting aids of this type.

Moreover, there are restrictions on the power of Member States to intervene directly in the operation of the common market organizations with a system of common prices, which fail henceforward within the exclusive competence of the Community.

Consequently, even if it had been possible to contemplate a derogation under Article 92 (3) of the Treaty, the fact that the aid measure under examination constitutes an infringement of the common organization of the market in question rules out the application of any such derogation.

VII

1. On the basis of the latest reply, dated 29 November 1985, from the Italian Government, the aids to producers should be considered as having been altered and at present as constituting measures involving investments for the restructuring and improvement of the Italian sugar sector under Law No 700/83, which was considered by the Commission as being compatible with the Common Market.

2. By letter dated 23 May 1984, the Commission delivered a favourable opinion on Law No 700/83 in view of the latter's restructuring and improvement objective, provided that it was informed:

- of the specific intervention plans as provided for in Article 1 of the said Law before their implementation, in accordance with Article 93 (3) of the EEC Treaty,
- under the said provision of the Treaty, of the financial rules of application relating to long-term loans, as provided for in Article 2 (c) of the said Law, and in Article 3 (6) of Decree-Law No 371 of 12 August 1983.

The Commission stated that its position was justified only in so far as the improvement plan actually:

- had a limited duration (five years),
- provided for a production target not exceeding the quantities produced in the past nor those provided for in the A and B quotas laid down by the Community Regulations in force, i.e. 1 570 million kilograms of sugar per year, assuming an optimum duration of the season.

The Commission stressed that this position could not constitute a precedent with regard to the general position which it expressed in its letter of 1 February 1972 to Italy and the other Member States, which prohibited all aid for investments in the sugarbeet and cane and sugar sector.

3. The aids to producers referred to in point 1, which, according to information provided by the Italian authorities, have not yet been paid, will be granted within the maximum limits authorized by the Commission and communicated by the latter to the Member States by letter; the maximum rates for Italy are:

- 50 % for the Centre-North and 75 % for the Mezzogiorno for projects forming part of national or regional programmes approved by the Commission under Council Regulation (EEC) No 355/77⁽¹⁾,
- 35 % for the Centre-North and 50 % for the Mezzogiorno for other projects.

4. In these circumstances, the Commission need no longer raise any objections to the granting of such aids subject to the assurances referred to in point 1 above,

HAS ADOPTED THIS DECISION:

Article 1

The Commission of the European Communities raises no objections with regard to the measure concerning aid to Italian sugar producers provided that:

1. the aid of Lit 59,12 per kilogram and Lit 37,12 per kilogram to Italian sugar producers, for white sugar held at 29 October 1984 and obtained from sugar grown in Italy or refined from imported raw sugar is granted in accordance with Law No 700/83, and in compliance with the Decision by which the Commission approved the latter;
2. this aid, combined with that provided for in that Law, does not exceed the following maximum rates:

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

- (a) 50 % for the Centre-North and 75 % for the Mezzogiorno, for projects forming part of national or regional programmes approved by the Commission pursuant to Regulation(EEC) No 355/77 ;
- (b) 35 % for the Centre-North and 50 % for the Mezzogiorno, for other projects.

Article 2

Italy shall inform the Commission, within two months from notification of this Decision, of the steps it intends to take to comply with Article 1.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 25 March 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION

of 30 September 1986

relating to a proceeding under Article 85 of the EEC Treaty (IV/28.959 — VIFKA)

(Only the Dutch text is authentic)

(86/499/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 2, 4, 6 and 8 thereof,

Having regard to the application for negative clearance submitted on 30 October 1974 by the *Vereniging van importeurs en fabrikanten van kantoormachines* (VIFKA — Association of Office Equipment Importers and Manufacturers), The Hague (The Netherlands), of the Association's rules and standard form agreement with non-members on participation in office equipment exhibitions in the Netherlands,

Having regard to the application submitted on 21 February 1978 by the *Vereniging van importeurs en fabrikanten van kantoormachines* for exemption of its rules and standard form agreement with non-members on participation in office equipment exhibitions under Article 85 (3) of the EEC Treaty,

Having published a summary of the VIFKA rules and agreement ⁽²⁾, pursuant to Article 19 (3) of Regulation No 17,

After consultation with the Advisory Committee on Restrictive Practices and Monopolies,

Whereas :

I. FACTS

- (1) The *Vereniging van importeurs en fabrikanten van kantoormachines* (Association of Office Equipment Importers and Manufacturers) — hereinafter referred to as 'VIFKA' — is an association under Netherlands law, which was founded in 1950 and has over 200 members. The board of VIFKA can admit as members of the association any person or corporate body that has been carrying on business in the Netherlands for at least two years and that,

during this time, has been exclusively or predominantly :

- (a) manufacturing office equipment, or
- (b) importing and/or dealing in, repairing and maintaining office equipment as the exclusive distributor in the Netherlands for one or more domestic or foreign manufacturers.

Firms that have not yet been in the trade for two years can be admitted as extraordinary members.

About 80 % of VIFKA's members are importers and about 20 % manufacturers. More than half of all Netherlands importers and manufacturers of office equipment, including some with considerable market shares, are members.

- (2) The articles of associations of VIFKA state that the purpose of the association is to promote the economic and social interests of its members in the broadest sense, as they relate to import of, and dealing in, new office equipment and systems, the repair and maintenance of such equipment, and the supply of spare parts and accessories. The defence of the interests of the members in the broadest sense is also stated to be one of the association's objects.
- (3) Among other activities, VIFKA organizes office equipment exhibitions in the Netherlands, of which the '*Efficiencybeurs*', held every even year in Amsterdam, is the most important. In December 1973, VIFKA adopted two sets of rules, the 'Exhibition Rules' and the 'Disciplinary and Appeal Rules', governing members' participation in the '*Efficiencybeurs*' as well as a standard agreement with non-members wishing to participate.
- (4) VIFKA initially applied to the Commission for negative clearance of the rules and agreement. Subsequently it notified the rules and agreement for the purpose of obtaining an exemption under Article 85 (3) of the EEC Treaty.
- (5) At the Commission's request, VIFKA amended its exhibition rules, its disciplinary and appeal rules, and its standard form agreement with non-members to remove as far as possible their most restrictive elements. The changes were approved by the general meeting and the new text of the exhibition rules was finally adopted by the general meeting on 8 January 1986 and subsequently renotified to the Commission.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 146, 13. 6. 1986, p. 9.

(6) The main provisions of the new rules and standard form agreement are as follows :

- Participation at the *'Efficiencybeurs'*, at which office machines, furniture and equipment, copiers and data-processing equipment are exhibited, is open to members and non-members whose applications are accepted by the Exhibition Committee, and who must be manufacturers or suppliers of office equipment,
- Applications are considered in the light of the purpose of the exhibition, which is to show as wide a range of new or improved equipment as possible ; participation in previous exhibitions is also an important consideration when space is limited,
- Exhibitors at the *'Efficiencybeurs'* may not participate in any other office equipment fair or exhibition not organised or approved by VIFKA in the same calendar year ; 'office equipment fair or exhibition' is here taken to mean any fair or exhibition at which at least 60 % or 10 000 m² of the floor space is given over to office equipment, and any fair or exhibition of any size recognized as an office equipment exhibition by the public ; 'participation' is taken to include advertising of office equipment undertaken directly or indirectly by the applicant at or in the vicinity of such a fair or exhibition, supplying office equipment to others for showing at such a fair or exhibition, and advertising in publications concerned with the fair or exhibition,
- Firms not exhibiting at the *'Efficiencybeurs'* are free to participate in any other fair or exhibition,
- The Exhibition Committee may waive the ban on participation in other exhibitions for certain exhibitions or categories of product,
- Any applicant refused space at an exhibition may appeal to an Appeals Committee,
- Decisions on alleged breaches of the exhibition rules are taken by a Disciplinary Committee, with a right of appeal to the Appeals Committee ; the possible penalties are :
 - exclusion from the *'Efficiencybeurs'* or any other VIFKA activity for up to two years,
 - fines of up to Fl 5000.

The Appeals Committee is composed of three members, two of whom are from outside the office equipment industry.

(7) It is further to be noted that VIFKA has declared that the exhibition rules are limited to exhibitions

in the Netherlands, although that is not specified in the rules.

- (8) Under the previous rules governing participation in the *'Efficiencybeurs'*, VIFKA members, whether they exhibited at the *'Efficiencybeurs'* or not, were strictly banned from participating in other office equipment fairs except with a special dispensation from VIFKA.
- (9) Non-members wishing to exhibit at the *'Efficiencybeurs'* had to promise not to participate in any other office equipment fair in the two years following signature of the agreement, and had no redress in the event of refusal of admission or of fines imposed by VIFKA.
- (10) The Commission did not receive any representations from third parties in response to publication of a summary of the rules and standard form agreement, pursuant to Article 19 (3) of Regulation No 17.

II. LEGAL ASSESSMENT

A. Article 85 (1)

- (11) Article 85 (1) of the Treaty prohibits as incompatible with the common market all agreements between undertakings, decisions of associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market.
- (12) VIFKA, the members of which are undertakings in the office equipment industry, is an association of undertakings within the meaning of Article 85. The decisions taken by the general assembly of VIFKA, adopting the exhibition rules, the disciplinary and appeals rules, and the standard form agreement with non-members, were decisions of an association of undertakings within the meaning of Article 85. The agreement with non-members is an agreement between undertakings and an association of undertakings. Any measure or decision by VIFKA in implementation of the exhibition rules constitutes a decision by an association of undertakings.

The exhibition rules in their present form have as their object or effect the restriction of competition within the common market in the following ways :

- (a) Competition between the manufacturers and importers of office equipment exhibiting at the *'Efficiencybeurs'* is restricted or distorted in that, in the years when the VIFKA is holding the *'Efficiencybeurs'*, they are hindered in, or

- presented from, exhibiting and promoting their products to the trade and to the general public in competition with each other at any fair or exhibition not organized or approved by VIFKA ;
- (b) Competition between the organizers of exhibitions at which office equipment can be shown is restricted or distorted since they are hindered in, or prevented from, securing the participation of manufacturers and importers in years when the VIFKA is holding the *'Efficiencybeurs'*.
- (13) The above restrictions of competition are liable to affect trade between Member States as follows :
- (a) In years when the *'Efficiencybeurs'* is held, importers of office equipment who participate in the *'Efficiencybeurs'* are prevented entirely or in part from showing office goods manufactured in other Member States at fairs or exhibitions in the Netherlands that are not organized or approved by VIFKA. The result may be that only a limited or incomplete range of office equipment from other Member States can be shown to the trade or to potential customers at such fairs or exhibitions ;
- (b) Organizers of fairs and exhibitions which have not been approved by VIFKA are deprived of the opportunity of exhibiting in the Netherlands office equipment manufactured in other Member States during the calendar year in which the *'Efficiencybeurs'* is held. This obstacle to trade in services between Member States provided by organizers of exhibitions is liable to jeopardize freedom of trade between such States in a manner contrary to the objective of creating a single market of all those States.
- (14) In view of the total sales of office equipment represented by the participants in the *'Efficiencybeurs'* these effects upon trade between Member States are far from negligible.
- (15) 85 (1) consequently applies to the VIFKA exhibition rules.
- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives ;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.
- (17) The Commission has, on a number of occasions ⁽¹⁾, confirmed that its policy in the field of fairs and exhibitions is to accept agreements or arrangements — such as the VIFKA exhibition rules — where they achieve rationalization and cost-savings and also present advantages to consumers which objectively outweigh the restrictive elements involved.
- (18) The abovementioned advantages of rationalization and cost-saving are achieved by the VIFKA exhibition rules as follows :
- (a) The *'Efficiencybeurs'* provides the most effective and high-level exposure of the widest possible range of office equipment to potential customers, the general public and the media ;
- (b) The costs incurred by manufacturers and importers in participating in office equipment exhibitions in the Netherlands are reduced since they are concentrated on such exhibitions at which the widest available variety of office equipment is exhibited and which are the most effective from a marketing point of view.
- It may therefore be concluded that the exhibition rules contribute to improving the distribution of office equipment in the Netherlands and also to promoting economic progress.
- (19) A fair share of these improvements in distribution and economic progress accrues to consumers. The periodic concentration of the *'Efficiencybeurs'* enables consumers to gain a complete view of the range of products available and to make a better-informed choice without having to travel from one exhibition to another in order to see all available products. This conclusion is strengthened by the fact that non-members can also participate in the *'Efficiencybeurs'*. It follows that the range of office equipment exhibited is increased.

B. Article 85(3)

- (16) Under Article 85 (3) of the Treaty, the provisions of Article 85 (1) may be declared inapplicable in the case of any decision by an association of undertakings which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not :

⁽¹⁾ Commission Decisions in cases : EMO (OJ No L 69, 20. 3. 1969, p. 13), renewed on 7 December 1978 (OJ No L 11, 17. 1. 1979, p. 16) ; Cematex (OJ No L 227, 8. 10. 1971, p. 26), renewed on 24 May 1983 (OJ No L 140, 31. 5. 1983, p. 27) ; UNIDI (OJ No L 228, 29. 8. 1975, p. 17), renewed on 23 November 1984 (OJ No L 322, 11. 12. 1984, p. 10) ; BPICA (OJ No L 299, 23. 11. 1978, p. 18), renewed on 30 April 1982 (OJ No L 156, 7. 6. 1982, p. 16) ; SMM & T (OJ No C 376, 31. 12. 1983, p. 1).

(20) The restrictions imposed upon exhibitors at the 'Efficiencybeurs', regarding their participation, in even years, in office equipment fairs and exhibitions not organised or approved by VIFKA, can be regarded as indispensable for the attainment of the benefits of rationalization of office equipment exhibitions. The rule for exhibitors at the 'Efficiencybeurs' against participation in other equipment exhibitions not organised or approved by VIFKA during the same year is a necessary condition for the rationalization of the system of fairs and exhibitions of office equipment. It does not go beyond what is necessary for attaining this objective because, in the years when no 'Efficiencybeurs' is held, manufacturers and importers exhibiting at the 'Efficiencybeurs' are free to exhibit at any fair or exhibition they wish. They may also choose not to participate in the 'Efficiencybeurs' in which case they are free to participate in any other fair or exhibition held in the same years as the 'Efficiencybeurs'. This limits the restrictions on participation in other exhibitions to the minimum indispensable for attaining the aims of rationalization. However, it is necessary to ensure that these restrictions are not increased in practice beyond requiring that refusals of admission be brought to the attention of the Commission without delay. The fact that buyers can acquaint themselves not only with the products offered by the members of the VIFKA but also with those of non-members further supports the conclusion that the restrictions of competition are kept within the limits of what is indispensable.

(21) The exhibition rules do not eliminate competition between manufacturers and importers of office equipment in the Netherlands or between organizers of exhibitions at which office equipment is, or can be, displayed. The choice to participate in the 'Efficiencybeurs' is free, and participation at exhibitions is not the only way manufacturers and importers of office equipment can attract the attention of the trade or potential customers to their products. A wide range of other advertising and promotion media are also available. Furthermore, their dealers, apart from having direct daily contact with the majority of potential customers, are free to participate in any fair or exhibition they wish, and their promotion activities will ultimately contribute to maintaining a high degree of competition between manufacturers and importers.

(22) As far as competition between organizers of exhibitions is concerned, this is only moderately affected by the exhibition rules. Any organizer who wishes to arrange an exhibition in the years when there is

no 'Efficiencybeurs' is free to do so. Even in years when VIFKA holds its own 'Efficiencybeurs' only organizers of exhibitions not approved by VIFKA will be prevented from attracting to their exhibitions manufacturers and importers exhibiting at the 'Efficiencybeurs'.

(23) Since all the requirements of Article 85 (3) are therefore satisfied, it is possible to grant an exemption for the exhibition rules currently applied by the VIFKA.

C. Articles 6 and 8 of Regulation No 17

(24) Under Article 8 (1) of Regulation No 17, decisions in application of Article 85 (3) must be issued for a specified period and conditions and obligations may be attached. In addition, under Article 8 (2) of the Regulation, the Commission has a duty to ensure that the requirements of Article 85 (3) continue to be satisfied.

(25) The exemption can only take effect from the date on which the amendments requested by the Commission were introduced. Therefore, the present exemption can take effect on 8 January 1986.

(26) In determining the duration of its Decision under Articles 6 and 8 of Regulation No 17, the Commission must take account of the specific characteristics and needs of the office equipment industry as well as the frequency of the events covered by the exhibition rules. It would therefore seem appropriate to grant exemption for the period from 8 January 1986 to 31 December 1996.

(27) Pursuant to Article 8 (1) of Regulation No 17, obligations may be attached to the Decision enabling the Commission to ensure that the requirements of Article 85 (3) continue to be satisfied during the period of exemption.

VIFKA should therefore be required to inform the Commission immediately of any changes in the exhibition rules, disciplinary and appeal rules, and the standard form agreement with non-members, and of any alteration in the manner in which they are applied.

Furthermore, VIFKA should immediately inform the Commission of any refusal of approval under the exhibition rules of office equipment exhibitions organized in the Netherlands by others.

Any refusal to admit would-be exhibitors to the 'Efficiencybeurs' should also be communicated immediately to the Commission.

Finally, before the end of January of each year in which the 'Efficiencybeurs' is held, VIFKA should submit to the Commission a calendar of all office equipment exhibitions organized or to be organized in the Netherlands during that year,

HAS ADOPTED THIS DECISION :

Article 1

The provisions of Article 85 (1) of the EEC Treaty are, pursuant to Article 85 (3), hereby declared inapplicable to the exhibition rules, disciplinary, and appeal rules, and the standard form agreement with non-members adopted by VIFKA.

This Decision shall apply from 8 January 1986 until 31 December 1996.

Article 2

The following obligations shall be attached to this Decision :

- VIFKA shall immediately inform the Commission of any changes in the exhibition rules, disciplinary and appeal rules, and the standard form agreement with

non-members, and any alteration in the manner in which they are applied,

- VIFKA shall immediately inform the Commission of any refusal of approval, under the exhibition rules, for office equipment exhibitions organized in the Netherlands by others,
- VIFKA shall immediately inform the Commission of any refusal to admit would-be exhibitors to the 'Efficiencybeurs',
- Before the end of January of each year in which the 'Efficiencybeurs' is held, VIFKA shall submit to the Commission a calendar of all office equipment exhibitions held that year in the Netherlands.

Article 3

This Decision is addressed to the *Vereniging van importeurs en fabrikanten van kantoormachines*, Scheveningseweg 42, 2517 KV The Hague, The Netherlands.

Done at Brussels, 30 September 1986.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION OF THE EUROPEAN COMMUNITIES

DOCUMENT

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MATIÈRE DE RECHERCHE-DÉVELOPPEMENT**

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L'objet de la présente étude est d'analyser certains aspects de ces accords de coopération en recherche-développement (ACRD) dans la perspective du nouveau règlement européen qui précise les conditions dans lesquelles l'article 85 paragraphe 3 du traité de Rome leur est applicable.

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