

Official Journal

of the European Communities

ISSN 0378-6978

L 341

Volume 29

4 December 1986

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3690/86

of 1 December 1986

concerning the abolition within the framework of the TIR Convention of customs formalities on exit from a Member State at a frontier between two Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 2112/78⁽¹⁾ approved on behalf of the Community the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention), which entered into force in the Community on 20 June 1983⁽²⁾;

Whereas the Council has, on several occasions, demonstrated a political determination to reduce formalities and checks at the Community's internal frontiers;

Whereas, whenever a frontier is crossed, the procedure applicable under the TIR Convention entails the completion of virtually identical formalities first at the customs office of exit and then at the customs office of entry;

Whereas waiting time at frontiers could be significantly reduced in cases where the procedure provided for by the TIR Convention is applied in respect of goods crossing a frontier between two Member States by assigning to the customs office of entry the tasks normally performed by the corresponding office of exit;

Whereas, at its meeting in Fontainebleau on 25 and 26 June 1984, the European Council expressed a desire to pursue the efforts aimed at gradually abolishing formalities at frontiers, whereas the Commission expressed a similar desire in its White Paper where it notably stressed that simplification might be achieved by avoiding duplication of checks on both sides of the frontier and whereas the initiatives taken by certain Member States aimed at abolishing some of the checks at their frontiers reflect a similar attitude;

Whereas the European Council of 28 and 29 June 1985 adopted the objectives laid down by the Commission for 1992 for establishing the internal market and abolishing internal frontiers;

Whereas Article 48 of the TIR Convention permits contracting parties which form a customs or economic union to enact special provisions in respect of transport operations commencing or terminating in, or passing through, their territories, provided that such provisions do not attenuate the facilities provided for by the said Convention;

Whereas close collaboration at present exists between Member States; whereas such collaboration will be further strengthened by implementing the provisions of Council Directive 83/643/EEC of 1 December 1983 on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States⁽³⁾; whereas such collaboration makes it possible to simplify, along the lines indicated above, the formalities applicable under the TIR Convention when goods cross a frontier in the Community, without thereby increasing the risk of fraud,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the other provisions of the TIR Convention, the following special provisions shall apply in respect of operations for the transport of goods under cover of TIR carnets commencing or terminating in or passing through Community territory.

2. For the purposes of this Regulation:

— 'TIR Convention' means the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention), done at Geneva on 14 November 1975,

— 'TIR consignment' means any consignment under cover of a TIR carnet,

— 'internal frontier' means a land frontier between two Member States,

⁽¹⁾ OJ No L 252, 14. 9. 1978, p. 1.

⁽²⁾ OJ No L 31, 2. 2. 1983, p. 13.

⁽³⁾ OJ No L 359, 22. 12. 1983, p. 8.

- 'office of departure' means any customs office in a Member State at which the international transport of all or part of a consignment under the TIR procedure commences,
- 'office of exit' means the customs office by which a TIR consignment leaves the territory of the Member State through which it has passed,
- 'office of entry' means the customs office by which a TIR consignment enters the territory of the Member State through which it is to pass.

Article 2

1. Where a TIR consignment crosses an internal frontier, it need be presented, for purposes of the formalities referred to in Articles 21 and 22 of the TIR Convention, only at the office of entry unless the corresponding office of exit is at the same time the office of departure.

2. In addition to the formalities incumbent upon it as such, the office of entry shall complete the formalities referred to in paragraph 1 that are incumbent upon the corresponding office of exit and shall immediately inform the latter thereof.

Article 3

1. Findings made pursuant to this Regulation by the authorities at the office of entry in a Member State shall, in the Member State which the TIR consignment has just left, have the same evidential force as findings made by the authorities of that Member State.

2. The competent authorities of the Member States shall, where necessary, communicate to one another all findings, documents, reports, records of proceedings and information relating to TIR consignments and to irregularities discovered.

Article 4

Irregularities discovered in the circumstances specified in Article 3 (1) shall, for the purposes of Article 8 of the TIR Convention, be deemed to have been discovered in the Member State which the TIR consignment has just left.

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

Done at Brussels, 1 December 1986.

However, where the irregularity observed is only in breach of the laws and regulations in force in the Member State of entry or where an excess is observed in the Member State of entry, the findings shall be deemed to have been made in that Member State.

Without prejudice to criminal proceedings, action to recover duties and other taxes chargeable shall be taken in accordance with the laws, regulations and administrative provisions of the Member States in which the findings are deemed to have been made.

Article 5

The provisions of this Regulation shall be without prejudice to agreements concluded or to be concluded between two or more Member States relating to the reduction or abolition of formalities at frontiers between them.

Article 6

1. The Committee on the Movement of Goods established pursuant to Article 55 of Regulation (EEC) No 222/77⁽¹⁾, as last amended by Regulation (EEC) No 1901/85⁽²⁾, may examine any question relating to the implementation of this Regulation that is placed before it by its chairman either on his own initiative or at the request of a representative of a Member State.

2. The provisions for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in Article 57 (2) and (3) of Regulation (EEC) No 222/77.

Article 7

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

It shall apply with effect from 1 July 1987.

For the Council

The President

A. CLARK

⁽¹⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽²⁾ OJ No L 179, 11. 7. 1985, p. 6.

COMMISSION REGULATION (EEC) No 3691/86

of 3 December 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 2 December 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:

21 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 4 December 1986.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

ANNEX

to the Commission Regulation of 3 December 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	16,02	185,50
10.01 B II	Durum wheat	43,02	241,55 ⁽¹⁾ ⁽²⁾
10.02	Rye	51,66	158,79 ⁽²⁾
10.03	Barley	22,22	178,55
10.04	Oats	83,64	146,22
10.05 B	Maize, other than hybrid maize for sowing	—	167,32 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	1,74	1,74
10.07 B	Millet	22,22	122,55 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	7,46	167,58 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	22,22	29,35 ⁽²⁾
11.01 A	Wheat or meslin flour	36,77	274,16
11.01 B	Rye flour	86,67	236,65
11.02 A I a)	Durum wheat groats and meal	80,10	387,82
11.02 A I b)	Common wheat groats and meal	38,23	294,61

⁽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).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 3692/86

of 3 December 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 2 December 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 4 December 1986.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 3 December 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	7,72	7,72	7,72
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	1,73
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	103,55
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	10,81	10,81	10,81

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	13,74	13,74	13,74	13,74
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	10,27	10,27	10,27	10,27
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	3,08	3,08
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	2,30	2,30
11.07 B	Roasted malt	0	0	0	2,68	2,68

COMMISSION REGULATION (EEC) No 3693/86

of 3 December 1986

fixing the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore,

this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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⁽⁸⁾,
- 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 refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

exported in the natural state, shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and

This Regulation shall enter into force on 4 December 1986.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 3 December 1986 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	43,92	
	(b) Other	42,26	
	(II) Flavoured or coloured sugar		0,4392
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	40,40 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4392
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	38,24 ⁽¹⁾	
	(d) Other raw sugar	⁽²⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 3694/86
of 2 December 1986
on the supply of common wheat flour to the League of Red Cross Societies
(LRCS) as food aid

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1579/86 ⁽³⁾, and in particular Article 28 thereof,

Whereas, by its Decision of 10 February 1986 on the supply of food aid to LRCS, the Commission allocated to the latter organization 3 590 tonnes of cereals to be supplied cif;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX . . .

1. **Programme :** 1986
2. **Recipient :** Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, BP 372, CH-1211 Genève 19 (telex 22555 LRCS CH)
3. **Place or country of destination :** Ethiopia
4. **Product to be mobilized :** common wheat flour
5. **Total quantity :** 2 621 tonnes (3 590 tonnes of cereals)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/Main (telex 411 475)
8. **Method of mobilizing the product :** on the Community market
9. **Characteristics of the goods :**
Flour of fair and sound merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process ; the flour shall have the following characteristics :
 - moisture : 14 % maximum (ICC Method No 110)
 - protein content : 10,5 % minimum (N × 6,25 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - Zeleny index of at least 20 (ICC No 116)
 - ash content : 0,62 % maximum, referred to dry matter (ICC Method No 104)
10. **Packaging :**
 - in new jute sacks of 370 grams, lined with woven polypropylene sacks of 110 grams. The top edge of the sacks will be sewn together
 - net weight of the bags : 50 kilograms
 - marking on the bags :
 - a red cross 15 × 15 cm followed by, in letters at least 5 cm high :
'WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE LEAGUE OF THE RED CROSS SOCIETIES / FOR FREE DISTRIBUTION / ASSAB'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Assab
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 16 December 1986
16. **Shipment period :** 1 to 31 January 1987
17. **Security :** 15 ECU per tonne

Notes :

1. The successful tenderer shall contact the recipient in order to ascertain which shipping documents are required.
2. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
3. At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity certifying that the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
4. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Ethiopia, J. Wallner, Tedla Desta Building, Africa Avenue (Bole Road) first floor, PO box 5570, Addis Ababa (tel. 15 25 11 ; telex 21135 DELEGEUR — Addis Ababa).
5. The following should be included in the charter party :
'Food-aid consignment from the European Economic Community ; since the freight charges do not include coordination or supervision costs, the US \$ 1,50 tax normally paid must not be applied in the case of this ship.'

COMMISSION REGULATION (EEC) No 3695/86

of 3 December 1986

amending Regulation (EEC) No 2681/83 laying down detailed rules for the application of the subsidy system for oilseeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1454/86⁽²⁾, and in particular Article 27 (5) thereof,

Whereas Article 6 of Commission Regulation (EEC) No 2681/83⁽³⁾, as last amended by Regulation (EEC) No 2527/86⁽⁴⁾, stipulate that the ID part of the certificate may only be applied for in respect of one or more specific lots at the time of entry to the undertaking; whereas, to facilitate administrative control, provision must be made for defining new lots after the entry into the undertaking in the light of the remaining quantity to be set against the AP part of a certificate;

Whereas Article 25 and 36 of Regulation (EEC) No 2681/83 lay down the conditions for payment of the aid for 'double zero' colza and rape seed and the conditions for payment of the advance on the aid; whereas, to avoid ambiguities in interpretation, the amounts to be paid or advanced where such aid is applied for in respect of 'double zero' colza and rape seed and where such variety is not verified should be specified;

Whereas Article 35 of Regulation (EEC) No 2681/83 provides that the amount of subsidy to be granted if advance fixing takes place shall be equal to the amount applicable on the day on which application for the AP part of the certificate is lodged, for the month in which the application for identification is made; whereas, in cases where oilseeds are traded between Member States, the exchange rates to be used must be determined in accordance with the same rule; whereas it is therefore necessary to amend Article 33 (4) of Regulation (EEC) No 2681/83 in order to bring it into line with the concept of distinguishing between the day of identification and the day when seeds are placed under control, as introduced by Council Regulation (EEC) No 935/86 of 25 March 1986, amending Regulation (EEC) No 1594/83 on the subsidy for oilseeds⁽⁵⁾;

Whereas the measures provided for in this Regulation are consequential upon the provisions of Regulation (EEC) No 935/86 applicable from 1 July 1986; whereas, in order to avoid any difficulty in the application of the system, those measures should also be applicable from 1 July 1986;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2681/83 is hereby amended as follows:

1. In Article 6 (1) the following subparagraph is added:

'However, for the purposes of setting the latter quantity against the AP part of the certificate, a lot may be split into two or more parts. In that case, each of the new lots formed shall be given the same analysis results as those pertaining to the initial lot from which it was obtained and shall bear the number of the initial lot followed by an additional serial number.'

2. The second subparagraph of Article 25 (2) is replaced by the following:

'Where the ID part of the certificate concerns an application for aid in respect of "double zero" colza and rape seed, the aid for such "double zero" seed shall be paid subject to the conditions set out in the first subparagraph and after verification by the body responsible for control that the quantity of colza or rape seed in question is genuinely of the "double zero" variety as defined in Article 2 (4). If, as a result of such verification, the seeds in question are not recognized as being of the "double zero" variety, the aid to be paid shall be that valid for colza and rape seed other than that of the said variety subject to the conditions set out in the first subparagraph.'

3. In the second indent of the second subparagraph of Article 33 (4), 'placed under control' is replaced by 'identified.'

4. The second subparagraph of Article 36 (1) is replaced by the following:

'Where the application concerns "double zero" colza or rape seed, the aid for such "double zero" seed shall be advanced subject to the conditions set out in the first subparagraph and only if the competent body has verified that the quantity of colza or rape seed in question is genuinely of the "double zero" variety as defined in Article 2 (4). If the results of such verification are not available, the aid to be advanced shall be that valid for colza and rape seed other than that of the said variety subject to the conditions set out in the first subparagraph.'

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 266, 29. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 222, 8. 8. 1986, p. 9.

⁽⁵⁾ OJ No L 87, 2. 4. 1986, p. 5.

Article 2

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

Article 1 (2) and (4) shall apply with effect from 1 July 1986.

Article 1 (3) shall apply from 1 July 1986. Where the exchange rates set out in Article 33 (4) of Regulation (EEC) No 2681/83 used between 1 July 1986 and the date of entry into force of this Regulation, were those applicable on the day when seeds were placed under control, upon request of the applicant, the abovementioned paragraph 3 shall, at the request of the party concerned, apply from the date of entry into force of this Regulation.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3696/86

of 3 December 1986

extending the period of validity of Regulation (EEC) No 2826/77 introducing a
Community transit declaration form for use in automatic or electronic
data-processing systems

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

Having regard to Council Regulation (EEC) No 222/77 of
13 December 1976 on Community transit⁽¹⁾, as last
amended by Regulation (EEC) No 1901/85⁽²⁾, and in
particular Article 57 thereof,

Whereas Commission Regulation (EEC) No 2826/77⁽³⁾,
as last amended by Regulation (EEC) No 3026/84⁽⁴⁾, is
applicable until 31 December 1986;

Whereas experience shows that there is a need to provide
that the form introduced by Regulation (EEC) No
2826/77 may continue to be used after that date;

Whereas, in addition, the present stage of evolution of the
automatic and electronic data-processing systems being
used in the customs field is such that no revision of the
form is at present necessary;

Whereas the period of validity of Regulation (EEC) No
2826/77 should therefore be extended for one year;

Whereas, however, such extension should not prejudice
the implementation of the rules relating to the introduc-
tion of the single document form in trade within the
Community;

Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Committee on the
Movement of Goods,

HAS ADOPTED THIS REGULATION:

Article 1

In the second paragraph of Article 5 of Regulation (EEC)
No 2826/77, '31 December 1986' is hereby replaced by
'31 December 1987'.

Article 2

This Regulation shall enter into force on 1 January 1987.

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

Done at Brussels, 3 December 1986.

For the Commission

COCKFIELD .

Vice-President

⁽¹⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽²⁾ OJ No L 179, 11. 7. 1985, p. 6.

⁽³⁾ OJ No L 333, 24. 12. 1977, p. 1.

⁽⁴⁾ OJ No L 287, 31. 10. 1984, p. 7.

**COMMISSION REGULATION (EEC) No 3697/86
of 3 December 1986**

**amending Regulation (EEC) No 2546/86 issuing a standing invitation to tender in
order to determine refunds on exports of olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1454/86 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Article 3 of Commission Regulation (EEC) No 2546/86 ⁽⁴⁾ lays down the periods during which tenders may be submitted in response to partial invitations to tender; whereas, in order to take account of the public holidays in December, the closing date for the submission of tenders for the partial invitation to tender for the said month should be altered;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 3 (1) of Regulation (EEC) No 2546/86:

'However, the period during which tenders may be submitted in response to the partial invitation to tender for December shall begin on 11 December and expire on 17 December at 1 pm (Belgian time).'

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, 3 December 1986

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 226, 13. 8. 1986, p. 7.

COMMISSION REGULATION (EEC) No 3698/86

of 3 December 1986

on rules for imports into Germany of certain textile products (category 1)
originating in Brazil

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

Having regard to Council Regulation (EEC) No 3589/82 of 23 December 1982 on common rules for imports of certain textile products originating in third countries⁽¹⁾, as last amended by Regulation (EEC) No 1623/86⁽²⁾, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 3589/82 lays down the conditions in which adjustments may be made to the quantitative limits referred to in Article 3 where, following inquiries carried out it is shown that products originating in a supplier country listed in Annex II and subject to the quantitative limits referred to have been transhipped, re-routed or otherwise imported into the Community through circumvention of such quantitative limits;

Whereas inquiries carried out have shown certain products in category 1 (cotton yarn) originating in Brazil to have been imported into Germany under false certificates of origin;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 3589/82, Brazil was notified of requests for consultations on 27 February, 8 April, 15 July and 17 October 1986;

Whereas those consultations took place on 27 and 28 October 1986; whereas they did not arrive at a satisfactory solution;

Whereas there is clear evidence of circumvention within the meaning of Article 13 (3); whereas therefore 750 tonnes should be deducted from the quota allocated to Germany under the Community quantitative limit laid down for category 1 in 1986;

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

HAS ADOPTED THIS REGULATION:

Article 1

A quantity of 750 tonnes is hereby deducted from the quantitative limit for 1986 on textile products of category 1, originating in Brazil, laid down for Germany in Annex III to Regulation (EEC) No 3589/82.

Article 2

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

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

Done at Brussels, 3 December 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 374, 31. 12. 1982, p. 106.

⁽²⁾ OJ No L 147, 31. 5. 1986, p. 1.

COMMISSION REGULATION (EEC) No 3699/86

of 3 December 1986

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 882/86 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽³⁾, as last amended by Regulation (EEC) No 1860/86 ⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 10 November 1986, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No 1837/80

and in Article 4 (1), (3) and (4) of Regulation (EEC) No 1633/84 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving region 5 of the aforesaid Member State during the week beginning 10 November 1986, shall be set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 10 November 1986 the level of the premium shall be equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 10 November 1986, the amounts to be charged shall be equivalent to those fixed in Annex II hereto.

Article 3

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

It shall apply with effect from 10 November 1986.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 82, 27. 3. 1986, p. 3.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 10 November 1986

Description	Premium
Certified sheep or sheepmeat	73,362 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
10 November 1986

(ECU/100 kg)

CCT heading No	Description	Amounts		
		A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified at the second, third and fourth indents of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)	C. Products specified at the first indent of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight	Live weight	Live weight
		34,480	17,240	3,448
		Net weight	Net weight	Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :			
	1. Carcases or half-carcases	73,362	36,681	7,336
	2. Short forequarters	51,353		
	3. Chines and/or best ends	80,698		
	4. Legs	95,371		
	5. Other :			
	aa) Unboned (bone-in)	95,371		
02.01 A IV b)	bb) Boned or boneless	133,519		
	Meat of sheep or goats, frozen :			
	1. Carcases or half-carcases	55,022		
	2. Short forequarters	38,515		
	3. Chines and/or best ends	60,524		
	4. Legs	71,529		
	5. Other :			
02.06 C II a)	aa) Unboned (bone-in)	71,529		
	bb) Boned or boneless	100,140		
	Meat of sheep or goats, salted in brine, dried or smoked :			
ex 16.02 B III b) 2 aa) 11)	1. Unboned (bone-in)	95,371		
	2. Boned or boneless	133,519		
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :			
	— unboned (bone-in)	95,371		
	— boned or boneless	133,519		

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 3700/86

of 3 December 1986

fixing the maximum export refund for white sugar for the 27th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1659/86

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1659/86 of 29 May 1986 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar ⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1659/86, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 27th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 27th partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 44,334 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 4 December 1986.

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

Done at Brussels, 3 December 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 145, 30. 5. 1986, p. 29.

COMMISSION REGULATION (EEC) No 3701/86

of 3 December 1986

introducing a countervailing charge on clementines originating in Algeria

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 3208/86 of 22 October 1986 fixing for the 1986/87 marketing year the reference prices for clementines⁽³⁾ fixed the reference price for products of class I for the period from 1 November 1986 to 28 February 1987 at 59,57 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 clementines originating in Algeria 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 clementines;

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 36,18 ECU per 100 kilograms net is applied to clementines (subheading 08.02 B I of the Common Customs Tariff) originating in Algeria.

Article 2

This Regulation shall enter into force on 5 December 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 299, 23. 10. 1986, p. 14.

⁽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, 3 December 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 3702/86

of 3 December 1986

introducing a countervailing charge on clementines originating in Morocco

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 3208/86 of 22 October 1986 fixing for the 1986/87 marketing year the reference prices for clementines⁽³⁾ fixed the reference price for products of class I for the period from 1 November 1986 to 20 February 1987 at 59,57 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 clementines originating in Morocco 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 clementines;

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 2,32 ECU per 100 kilograms net is applied to clementines (subheading 08.02 B I of the Common Customs Tariff) originating in Morocco.

Article 2

This Regulation shall enter into force on 5 December 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 299, 23. 10. 1986, p. 14.

⁽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, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3703/86
of 3 December 1986
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1454/86⁽²⁾, and in particular Article 27 (4),

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2332/86⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 2778/86⁽⁷⁾, as last amended by Regulation (EEC) No 3653/86⁽⁸⁾;

Whereas the target price and the monthly increments in the target price for colza, rape and sunflower seed for the

1986/87 marketing year have been fixed in Council Regulations (EEC) No 1457/86⁽⁹⁾ and (EEC) No 1458/86⁽¹⁰⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2778/86 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹²⁾ and Article 12 of Council Regulation (EEC) No 476/86⁽¹³⁾ shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain and Portugal.

Article 2

This Regulation shall enter into force on 4 December 1986.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 204, 28. 7. 1986, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 256, 9. 9. 1986, p. 7.

⁽⁸⁾ OJ No L 336, 29. 11. 1986, p. 75.

⁽⁹⁾ OJ No L 133, 21. 5. 1986, p. 12.

⁽¹⁰⁾ OJ No L 133, 21. 5. 1986, p. 14.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹³⁾ OJ No L 53, 1. 3. 1986, p. 51.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month	6th month
1. Gross aids (ECU):						
— Spain	0,610	0,610	0,610	0,610	0,610	0,610
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	32,825	32,245	32,565	32,885	33,206	33,030
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	79,35	78,04	78,83	79,71	80,49	80,42
— Netherlands (Fl)	89,41	87,93	88,81	89,79	90,67	90,55
— BLEU (Bfrs/Lfrs)	1 531,39	1 503,71	1 518,63	1 532,88	1 547,84	1 534,36
— France (FF)	226,11	221,51	223,44	225,14	227,33	226,73
— Denmark (Dkr)	279,71	274,71	277,44	280,16	282,90	281,02
— Ireland (£ Irl)	24,792	24,277	24,515	24,583	24,822	24,411
— United Kingdom (£)	17,729	17,168	17,337	17,505	17,674	17,398
— Italy (Lit)	49 816	48 873	49 221	49 844	50 330	49 784
— Greece (Dr)	3 153,47	3 014,32	3 014,14	3 028,00	3 057,12	2 957,21
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	88,94	88,94	88,94	88,94	88,94	88,94
— in another Member State (Pta)	3 859,04	3 766,05	3 811,33	3 824,38	3 869,48	3 836,65
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 681,83	4 567,43	4 576,16	4 609,29	4 654,07	4 574,36

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month	6th month
1. Gross aids (ECU):						
— Spain	1,860	1,860	1,860	1,860	1,860	1,860
— Portugal	1,250	1,250	1,250	1,250	1,250	1,250
— Other Member States	34,075	33,495	33,815	34,135	34,456	34,280
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	82,34	81,03	81,82	82,70	83,48	83,40
— Netherlands (Fl)	92,77	91,30	92,17	93,16	94,04	93,91
— BLEU (Bfrs/Lfrs)	1 589,99	1 562,31	1 577,23	1 591,47	1 606,43	1 592,96
— France (FF)	234,99	230,39	232,32	234,02	236,21	235,61
— Denmark (Dkr)	290,39	285,39	288,12	290,84	293,58	291,70
— Ireland (£ Irl)	25,771	25,256	25,493	25,561	25,800	25,390
— United Kingdom (£)	18,513	17,953	18,121	18,289	18,459	18,182
— Italy (Lit)	51 740	50 797	51 145	51 768	52 254	51 708
— Greece (Dr)	3 299,32	3 160,17	3 159,99	3 173,85	3 202,97	3 103,05
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	271,19	271,19	271,19	271,19	271,19	271,19
— in another Member State (Pta)	4 041,29	3 948,30	3 993,58	4 006,63	4 051,73	4 018,90
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	189,77	189,77	189,77	189,77	189,77	189,77
— in another Member State (Esc)	4 871,60	4 757,20	4 765,93	4 799,06	4 843,84	4 764,13

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU):					
— Spain	1,720	1,720	1,720	1,720	1,720
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	38,870	39,461	40,156	40,571	40,545
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	93,96	95,37	97,03	98,15	98,09
— Netherlands (Fl)	105,87	107,45	109,31	110,57	110,50
— BLEU (Bfrs/Lfrs)	1 813,46	1 841,16	1 873,78	1 892,43	1 891,19
— France (FF)	267,79	271,99	276,69	279,02	278,82
— Denmark (Dkr)	331,22	336,27	342,21	345,75	345,53
— Ireland (£ Irl)	29,364	29,826	30,373	30,501	30,479
— United Kingdom (£)	21,013	21,383	21,838	22,066	22,045
— Italy (Lit)	58 995	59 902	60 828	61 609	61 568
— Greece (Dr)	3 738,61	3 780,31	3 833,98	3 857,65	3 853,38
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	250,77	250,77	250,77	250,77	250,77
— in another Member State (Pta)	3 686,19	3 772,35	3 874,50	3 898,73	3 894,69
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 212,18	6 298,94	6 369,60	6 417,92	6 413,22
— in another Member State (Esc)	5 988,97	6 072,62	6 140,74	6 187,32	6 182,79
3. Compensatory aids:					
— in Spain (Pta)	3 623,93	3 710,10	3 813,31	3 837,54	3 833,50
— in Portugal (Esc)	5 970,84	6 054,49	6 122,92	6 169,51	6 164,97

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

ANNEX IV

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

(value of 1 ECU)

	Current month	2nd month	3rd month	4th month	5th month	6th month
DM	2,079920	2,074720	2,069790	2,064710	2,064710	2,051210
Fl	2,349550	2,345880	2,342130	2,338220	2,338220	2,327150
Bfrs/Lfrs	43,252900	43,242000	43,242100	43,243300	43,243300	43,265300
FF	6,807970	6,814480	6,821250	6,831950	6,831950	6,846590
Dkr	7,858440	7,870890	7,885050	7,904070	7,904070	7,959730
£ Irl	0,763465	0,768021	0,772072	0,776002	0,776002	0,786684
£	0,734336	0,736560	0,738607	0,740661	0,740661	0,747490
Lit	1 441,26	1 445,83	1 449,97	1 453,14	1 453,14	1 463,70
Dr	144,70300	146,46600	148,20800	149,56700	149,56700	154,24800
Esc	154,85400	155,99500	157,18000	158,15900	158,15900	161,24600
Pta	140,62600	141,20800	141,71000	142,27200	142,27200	143,71500

COMMISSION REGULATION (EEC) No 3704/86

of 3 December 1986

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1449/86⁽⁴⁾ and in particular Article 12 (4) thereof,

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

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3597/86⁽⁶⁾, as amended by Regulation (EEC) No 3688/86⁽⁷⁾;

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

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

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

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

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

Whereas these exchange rates being those recorded on 2 December 1986;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1588/86, as fixed in the Annex to amended Regulation (EEC) No 3597/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1986.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 334, 27. 11. 1986, p. 29.

⁽⁷⁾ OJ No L 340, 3. 12. 1986, p. 19.

⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 3 December 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	21,95		
07.06 A II	24,97		
11.01 C ⁽²⁾	45,55		
11.01 G ⁽²⁾	10,13		
11.02 A III ⁽²⁾	45,55		
11.02 A VII ⁽²⁾	10,13		
11.02 B I a) 1 ⁽²⁾	38,14		
11.02 B I b) 1 ⁽²⁾	38,14		
11.02 B II a) ⁽²⁾	23,38		
11.02 B II d) ⁽²⁾	14,17		
11.02 C I ⁽²⁾	27,52		
11.02 C III ⁽²⁾	60,92		
11.02 C VI ⁽²⁾	14,17		
11.02 D I ⁽²⁾	18,64		
11.02 D III ⁽²⁾	25,41		
11.02 D VI ⁽²⁾	10,13		
11.02 E I a) 1 ⁽²⁾	25,41		
11.02 E I b) 1 ⁽²⁾	49,94		
11.02 E II a) ⁽²⁾	33,60		
11.02 E II d) 2 ⁽²⁾	18,59		
11.02 F I ⁽²⁾	33,60		
11.02 F III ⁽²⁾	45,55		
11.02 F VII ⁽²⁾	10,13		
11.02 G I	17,52		
11.04 C I	24,97		
11.07 A I a)	38,13		
11.07 A I b)	31,24		
11.07 A II a)	49,95		
11.07 A II b)	40,07		
11.07 B	44,90		
11.08 A III	54,23		
11.09	242,58		

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

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
 - an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.
- Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

COMMISSION REGULATION (EEC) No 3705/86
of 3 December 1986
fixing the aid for cotton

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by Protocol 14 annexed to the Act of Accession of Spain and of Portugal,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽¹⁾, as last amended by Regulation (EEC) No 3128/86 ⁽²⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 3343/86 ⁽³⁾, as last amended by Regulation (EEC) No 3633/86 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3343/86 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 68,410 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 4 December 1986.

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

Done at Brussels, 3 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽²⁾ OJ No L 292, 16. 10. 1986, p. 2.

⁽³⁾ OJ No L 306, 1. 11. 1986, p. 58.

⁽⁴⁾ OJ No L 336, 29. 11. 1986, p. 37.

COMMISSION REGULATION (EEC) No 3706/86**of 3 December 1986****altering the corrective amount applicable to the refund on cereals**

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1579/86⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16(4) thereof,

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 3542/86⁽⁴⁾, as last amended by Regulation (EEC) No 3624/86⁽⁵⁾;

Whereas, the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16(4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 3542/86 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1986.

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

Done at Brussels, 3 December 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 326, 21. 11. 1986, p. 33.

⁽⁵⁾ OJ No L 336, 29. 11. 1986, p. 11.

ANNEX

to the Commission Regulation of 3 December 1986 altering the corrective amount
applicable to the refund on cereals

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
10.01 B I	Common wheat and meslin for exports to :							
	— China	0	+ 6,00	+ 4,00	+ 2,00	+ 2,00	+ 2,00	+ 2,00
	— other third countries	0	0	— 2,00	— 4,00	— 4,00	— 4,00	— 4,00
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	— 2,00	— 4,00	— 4,00	— 4,00	— 4,00
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	—	—	—	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	0	0
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 November 1986

concerning the conclusion of the Protocol extending the Arrangement regarding international trade in textiles

(86/590/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Whereas the Commission has participated, on behalf of the Community, in the negotiations for the renewal of the Arrangement regarding international trade in textiles; whereas these negotiations resulted in the establishment of a Protocol to which were annexed the conclusions adopted on 31 July 1986 by the Textiles Committee established by the Arrangement;

Whereas the Community should accept the extension of the Arrangement on the conditions set out in the aforesaid Protocol and the conclusions annexed thereto,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol extending the Arrangement regarding international trade in textiles, to which are annexed the

conclusions adopted by the Textiles Committee on 31 July 1986, is hereby approved on behalf of the Community.

The Protocol and the conclusions are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to notify the acceptance referred to in point 2 of the Protocol, in order to bind the Community.

Done at Brussels, 24 November 1986.

For the Council

The President

G. HOWE

⁽¹⁾ OJ No C 293, 19. 11. 1986, p. 8.

⁽²⁾ Opinion delivered on 14 November 1986 (not yet published in the Official Journal).

PROTOCOL

extending the arrangement regarding international trade in textiles

THE PARTIES to the Arrangement Regarding International Trade in Textiles (hereinafter referred to as 'the Arrangement' on 'MFA')

ACTING pursuant to Article 10 (5) of the Arrangement, and

REAFFIRMING that the terms of the Arrangement regarding the competence of the Textiles Committee and the Textiles Surveillance Body are maintained, and

SUBJECT TO the Conclusions of the Textiles Committee adopted on 31 July 1986

HEREBY AGREE as follows :

1. The Arrangement shall be extended, in accordance with the Conclusions of the Textiles Committee, attached herewith and forming an integral part of this Protocol, for a period of five years until 31 July 1991.
2. This Protocol shall be deposited with the Director-General to the Contracting Parties to the GATT. It shall be open for acceptance, by signature or otherwise, by the Parties to the Arrangement, by other governments accepting or acceding to the Arrangement pursuant to the provisions of Article 13 thereof and by the European Economic Community.
3. This Protocol shall enter into force on 1 August 1986 for the countries which have accepted it by that date. It shall enter into force for a country which accepts it on a later date as of the date of such acceptance.

Done at Geneva this thirty-first day of July, one thousand nine hundred and eighty-six, in a single copy in the English, French and Spanish languages, each text being authentic.

CONCLUSIONS OF THE TEXTILES COMMITTEE ADOPTED ON 31 JULY 1986

1. The participants in the Arrangement exchanged views regarding the future of the Arrangement.
2. Participants emphasized that the basic objectives of the MFA are to achieve the expansion of trade, particularly for the developing countries, the reduction of barriers to such trade and the progressive liberalization of world trade in textile products, while at the same time ensuring the orderly and equitable development of this trade and avoidance of disruptive effects in individual markets and on individual lines of production in both importing and exporting countries.
3. They stressed the importance of promoting liberalization of trade in textiles and clothing. In this connection, they recognized the need for cooperative efforts by all participants. They agreed that the final objective is the application of GATT rules to trade in textiles.
4. It was reiterated that a principal aim in the implementation of the Arrangement is to further the economic and social development of developing countries and to secure a substantial increase in their export earnings from textile products and to provide scope for a greater share for them in world trade in these products. Participants undertook to contribute to this through improvement in bilateral agreements under this Arrangement, which should provide for increased effective access in overall terms.
5. Attention was drawn to the fact that decline in the rate of growth of *per capita* consumption in textiles and in clothing is an element which may be relevant to the recurrence or exacerbation of a situation of market disruption. Attention was also drawn to the fact that domestic markets may be affected by elements such as technological changes and changes in consumer preference. In this connection it was recalled that the appropriate factors for the determination of a situation of market disruption as referred to in the Arrangement are listed in Annex A.
6. The importing participants undertook that where, in their view, a case of market disruption or real risk thereof exists in terms of the definition in paragraphs I and II of Annex A, requests for action under Articles 3 or 4 shall be accompanied by available, specific and relevant factual information as up to date as possible, particularly in respect of factors set out in Annex A. In respect of requests made under Article 3, the information should be related, as closely as possible, to identifiable segments of production and to the reference period set out in Annex B, paragraph I (a). They agreed that actions based on the existence of serious damage to domestic producers or actual threat thereof in terms of paragraph I of Annex A cannot be based solely upon the level of imports or growth thereof. Participants agreed that in determining a situation of market disruption, due consideration has to be given to the evolution of the state of the domestic industry in the importing country, including its export performance and the market share held by this industry.
7. Participants agreed that in examining the factors causing a situation of market disruption, due consideration shall be given to both factors (i) and (ii) indicated in paragraph II of Annex A.
8. The view was expressed that special difficulties may be created for importing countries which administer restraints imposed under Article 3 (5) on the basis of date of export when, in the absence of a mutually agreed solution as indicated in Article 3 (8), an imminent and measurable increase in imports may arise which would cause recurrence or exacerbation of market disruption or impede the steady and orderly development of trade. It was agreed that in such cases, and after submission to the Textiles Surveillance Body in accordance with Article 3 (8) the importing country may extend for one further period of 12 months the restraint previously applied. Growth and flexibility shall be accorded to the subsequent 12-month restraint in accordance with the provisions of paragraphs 3 and 5 of Annex B.
9. It was recalled that in exceptional cases where there is a recurrence or exacerbation of a situation of market disruption, as referred to in Annex A and paragraphs 2 and 3 of Annex B, a lower positive growth rate for a particular product from a particular source may be agreed upon between the parties to a bilateral agreement. It was further agreed that where such agreement has taken into account the growing impact of a heavily utilized quota with a very large restraint level for the product in question from a particular source, accounting for a very large share of the market of the importing country for textiles and clothing, the exporting party to the agreement concerned may agree, to any mutually acceptable arrangements with regard to flexibility.

10. The Committee also confirmed that exporting participants, predominant in the exporting of textile products in all the following fibres (cotton, wool and man-made fibres) covered by the Arrangement, may agree with importing participants to any mutually acceptable solution as regards growth and flexibility; but in no case should such growth and flexibility be negative. Importing participants at the same time recognized the importance to predominant exporting participants of stability in the textile trade and the need to ensure that stability and certainty throughout the full life of their bilateral agreements, keeping in mind also the need for orderly development of trade in textiles.

11. The view was expressed that real difficulties may be caused in importing countries by sharp and substantial increases in imports as a result of significant differences between larger restraint levels negotiated in accordance with Annex B on the one hand and actual imports on the other. When such difficulties arise the exporting and importing countries may consult in order to arrive at a mutually acceptable solution, including the provision of equitable and quantifiable compensation where appropriate. As regards consistently under-utilized quotas, consideration should be given to their removal upon request. Should a quota that has been removed be reintroduced, the quota level shall fully take into account the previous restraint level.

12. The Committee recognized that participating importing countries having small markets, an exceptionally high level of imports and a correspondingly low level of domestic production are particularly exposed to the problems arising from imports causing market disruption as defined in Annex A and that their problems should be resolved in a spirit of equity and flexibility in order to avoid damage to those countries' minimum viable production of textiles. At the same time, the Commission noted the commitment by those countries to contribute to further liberalization of world trade in textile products. Participants agreed that these countries may apply lower positive growth rates as set out in Annex B and on a mutually acceptable basis lower flexibility than the norms set out in the same Annex, on the understanding that future bilateral agreements shall, depending on the point of departure for each importing country, in respect to growth and flexibility represent meaningful improvements over those agreements previously in place. Participants further agreed that minimum viable production provisions are available only in the circumstances set out in the Arrangement and in this paragraph.

13. The participating countries were conscious of the problems posed by restraints on exports of new entrants

and small suppliers, as well as on exports of cotton textiles by cotton-producing countries. They reaffirmed their commitment to the letter and intent of Article 6 of the Arrangement and to the effective implementation of this Article to the benefit of these countries.

To this end they agreed that:

- (a) Restraints shall not normally be imposed on exports from small suppliers new entrants and least-developed countries.
- (b) If circumstances oblige the importing country to introduce restraints on exports from the least-developed countries, the treatment accorded to these countries should be significantly more favourable than that accorded to the other groups referred to in this paragraph, preferably in all its elements but, at least, on overall terms.
- (c) Where restraints are applied on exports from new entrants and small suppliers, the economic terms relating to growth and flexibility rates should take due account of the future possibilities for the development of trade and the need to permit commercial quantities of imports in order to further the economic and social development of such suppliers.
- (d) Exports of cotton textiles from cotton-producing exporting countries should be given special consideration. Where restraints are applied, more favourable treatment should be given to these countries in terms of quotas, growth rates and flexibility, having due regard to the provisions of Annex B. This special consideration should be reflected in the improvements in bilateral agreements foreseen in paragraph 4 above, and should take into account the point of departure for each country, the degree of vulnerability of the industrial sectors concerned in the importing country, as well as the importance of cotton textile exports in the economy of the exporting country concerned.
- (e) The provisions of Annex B relating to exceptional circumstances and cases should be applied sparingly to exports from new entrants, small suppliers and trade in cotton textiles of cotton-producing developing countries.
- (f) Any restraints envisaged on exports from new entrants, small suppliers, and cotton-textile-producing countries shall take into account the treatment of similar exports from other participants, as well as non-participants in terms of Article 8 (3).

14. The participants recognized that particular problems are created by restrictions on wool products for those wool-producing developing countries whose economy and textile trade are dependent on the wool sector, whose total textile exports consist almost exclusively of wool textiles and clothing, and whose volume of textile trade is comparatively small in the markets of the importing countries. It was agreed that, in the application of safeguard measures under the Arrangement, special consideration shall be given to the export needs of such countries when considering quota levels, growth rates and flexibility, so as to ensure overall improved access in the importing country's market, having due regard to the provisions of Annex B.

15. In conformity with the provisions of Article 6 (6) of the Arrangements for consideration to be given to special differential and more-favourable treatment, in the light of the special nature of the trade referred to therein, participants agreed that, in negotiating bilateral restraints account shall be taken of the relative degree to which these exports contribute to situations of market disruption or real risk thereof.

16. Participants agreed to cooperate fully in dealing with problems relating to circumvention of the Arrangement, in the light of the provisions of Article 8 thereof. To this end, it is agreed that such cooperation will include such administrative cooperation and exchange of available information and documents in accordance with national laws and procedures, as are necessary to establish the relevant facts. It was further agreed that the appropriate administrative action referred to in Article 8 (2) should, in principle, where evidence is available regarding the country of true origin and the circumstances of circumvention, include adjustment of charges to existing quotas to reflect the country of true origin; any such adjustment together with its timing and scope being decided in consultation between the countries concerned, with a view to arriving at a mutually satisfactory solution. If such a solution is not reached any participant involved may refer the matter to the Textiles Surveillance Body in accordance with the provisions of Article 8 (2).

17. The participants agreed to collaborate in regard to instances of false declarations regarding the quantity and type of textile products presented for import by the exchange of available information and documents in accordance with the national laws concerned, with a view to establishing the relevant facts and enabling the government concerned to take appropriate action under national laws and procedures.

18. Introduction of changes (such as changes in practices, rules, procedures, categorization of textile products,

including those changes relating to the Harmonized System) in the implementation or interpretation of bilateral textile agreements or of the Arrangement, which have the effect of upsetting the balance of rights and obligations between the parties concerned, or which affect the economic content of a bilateral agreement, or which affect the ability of a participant to use or benefit fully from a bilateral agreement, or which disrupt trade, shall be avoided as far as possible. Where such changes are necessary, participants agreed that the participant initiating any such changes shall, wherever possible, inform and initiate consultations with the affected participant prior to the time that such changes may affect the trade in question, with a view to reaching a mutually acceptable solution regarding appropriate and equitable adjustment. Participants further agreed that where consultation prior to implementation of any such changes is not feasible, the participant initiating such changes will consult, as early as possible, with the affected participant with a view to reaching a mutually satisfactory solution regarding appropriate and equitable adjustments. Any dispute under this provision may be referred to the Textiles Surveillance Body for recommendation.

19. In pursuance of the objective of trade liberalization embodied in the Arrangement, the Committee reaffirmed the need to monitor adjustment policies and measures and the process of autonomous adjustment in terms of the provisions of Article 1 (4). To this end, the Committee decided that the Subcommittee on Adjustment should continue to make a periodic review of developments in autonomous adjustment processes and in policies and measures to facilitate adjustment, as well as in production and trade in textiles, on the basis of material and information to be provided by participating countries as well as additional material and information obtained by the Secretariat from other sources, and with the help of any supporting analysis by the Secretariat. Attention was drawn to the impact of technological developments on comparative advantage and competitiveness in textile trade. Participating countries were urged to provide the Subcommittee on Adjustment with all relevant and up-to-date information relating, *inter alia*, to production and trade, necessary for the Subcommittee to discharge its function and to report periodically to the Textiles Committee to enable that Committee to fulfil its obligations under Article 10 (2).

20. The participants reaffirmed the importance of the effective functioning of the Textiles Committee, the Subcommittee on Adjustment and the Textiles Surveillance Body, in their respective areas of competence. In this context, the participants emphasized the importance of the responsibilities of the Textiles Surveillance Body as set forth in Article 11 of the MFA.

21. The participants also reaffirmed that the role of the Textiles Surveillance Body is to exercise its functions as set out in Article 11 so as to help ensure the effective and equitable operation of the Arrangement and to further its objectives. In this respect, the Committee recognized the need for close cooperation among participants for the effective discharge of the Textiles Surveillance Body's responsibilities.

22. Participants agreed that in considering problems arising from the application of bilateral agreements or measures taken under the Arrangement and with a view to discharging its function with respect to the review of such action, the Textiles Surveillance Body may address problems of interpretation of the relevant provisions of the Arrangement.

23. Taking into account the important role of the Textiles Surveillance Body and in view of the increased membership of the Arrangement, the participants agreed to examine the possibility of an increase in the number of members of the Textiles Surveillance Body.

24. (i) The Committee acknowledged the concern of some importing countries regarding substantially increased imports of textiles made of vegetable fibres, blends of vegetable fibres with fibres specified in Article 12, and blends containing silk, which are directly competitive with textiles made of fibres specified in Article 12. Accordingly, the Committee agreed that the provisions of Articles 3 and 4 may be invoked with respect to directly competitive imports of such textiles, in which any or all of those fibres in combination represent either the chief value of the fibres or 50 % or more by weight of the products, which cause market disruption of a real risk thereof, bearing in mind also the provisions of Article 8 (3) of the Arrangement.

(ii) In examining the case for market disruption, the Textiles Surveillance Body is instructed to pay particular attention to the evidence demonstra-

ting that these products are directly competitive with products of cotton, wool and man-made fibres manufactured in the importing country concerned.

(iii) It is understood that restraints will not be applied to historically traded textiles which were internationally traded in commercially significant quantities prior to 1982, such as bags, sacks, carpet backing, cordage, luggage, mats, mattings and carpets typically made from fibres such as jute, coir, sisal, abaca, maguey and henequen.

25. In the context of the phasing-out of restraints under the Arrangement, priority attention would be given to sectors of trade, e.g. wool tops, and suppliers for which the Arrangement provides for special and more favourable treatment as referred to in Article 6.

26. It was felt that in order to ensure the proper functioning of the MFA, all participants should refrain from taking measures on textiles covered by the MFA, outside the provisions therein, before exhausting all the relief measures provided in the MFA.

27. Participants noted the concern expressed by a number of participants with respect to the problem of infringement of registered trademarks and designs in trade in textiles and clothing and noted that such problems could be dealt with in accordance with the relevant national laws and regulations.

28. Having regard to the stated objectives set out in paragraph 2 above, and on the basis of the elements mentioned in the preceding paragraphs, which supersede in their totality those adopted on 22 December 1981, the Textiles Committee considered that the Arrangement should be extended for a period of five years, subject to confirmation by signature as from 31 July 1986 of a Protocol for this purpose.

COUNCIL DECISION

of 26 November 1986

amending, on account of the accession of Spain and Portugal, Decision 82/752/EEC on the adoption of a European Economic Community research and development programme for a machine translation system of advanced design (Eurotra)

(86/591/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Having regard to the opinion of the Scientific and Technical Research Committee (CREST),

Whereas Decision 82/752/EEC⁽³⁾ expressly requires that the machine translation system of advanced design (Eurotra) to be created should be capable of dealing with all official languages of the Community;

Whereas the accession to the Community of Spain and Portugal increases the number of official languages to be handled by Eurotra from seven to nine which, in view of the contrastive treatment of language pairs planned for the system, will result in a substantial increase in such language pairs;

Whereas the technical and financial implications of this extension call for substantial modifications to the Eurotra programme, its timetable, overall budgetary appropriations and the arrangements for its execution;

Whereas, as a result of the progress of the programme, there is a time lag in the two new Member States, to be made up as quickly as possible;

Whereas, by Decision 84/338/Euratom, ECSC, EEC⁽⁴⁾, the Advisory Committee on Programme Management (ACPM) was replaced by the Management and Coordination Advisory Committee 'Linguistic Problems' (CGC-12),

HAS DECIDED AS FOLLOWS:

Article 1

Decision 82/752/EEC is hereby amended as follows:

1. (a) In Article 1, 'five-and-a-half years' is replaced by 'seven years'.

- (b) The second paragraph is replaced by the following:

'Under the terms of Annex I, the programme shall be divided into phases, each one concluding with a review. At the end of each phase the Council acting in accordance with the procedures laid down in the Treaty, shall decide, on the basis of a report from the Commission and the opinion of the Committee referred to in Article 3, whether to move on to the next phase.'

2. In Article 2, '16 million ECU' is replaced by '20 500 000 ECU' and 'eight temporary agents' by '14 temporary agents'.

3. The first subparagraph of Article 3 is replaced by the following:

'The Commission shall be responsible for the execution of the programme, in particular by means of research contracts. It shall be assisted by the Management and Coordination Advisory Committee "Linguistic Problems" (CGC-12), provided for by Decision 84/338/Euratom, ECSC, EEC⁽¹⁾.

⁽¹⁾ OJ No L 177, 4. 7. 1984, p. 25.'

4. In Annex I, point 2 (b), '2 years' and '8,5 million ECU' are replaced by '3 years' and '13 million ECU', respectively.

5. In Annex I, point 2 (c), '18 months' is replaced by '2 years'.

6. Annex II shall be deleted.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*. It shall take effect on the date of its publication.

Done at Brussels, 26 November 1986.

For the Council

The President

P. WALKER

⁽¹⁾ Opinion delivered on 14 November 1986 (not yet published in the Official Journal).

⁽²⁾ OJ No C 207, 18. 8. 1986, p. 13.

⁽³⁾ OJ No L 317, 13. 11. 1982, p. 19.

⁽⁴⁾ OJ No L 177, 4. 7. 1984, p. 25.

COUNCIL OF THE EUROPEAN COMMUNITIES

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1 January — 31 December 1984

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285 pp

Published in: Danish, Dutch, English, French, German, Greek, Italian

Catalogue No: BX-44-85-371-EN-C

ISBN 92-824-0291-6

Price (excluding VAT) in Luxembourg:

Bfrs 300

£ Irl 4.80

£ UK 3.80

\$ US 5.50



OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg