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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3842/86

of 1 December 1986

laying down measures to prohibit the release for free circulation of counterfeit goods

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Articles 113 and 235 thereof,

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

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

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

Whereas the marketing of goods bearing a trade mark without authorization, hereinafter referred to as 'counterfeit goods', causes considerable prejudice to law-abiding manufacturers and traders and misleads consumers; whereas such goods should as far as possible be prevented from being placed on the Community market and measures should be adopted to deal effectively with this unlawful activity without impeding the freedom of legitimate trade; whereas this objective is also being pursued through efforts being made along the same lines at international level;

Whereas insofar as counterfeit goods are imported from third countries it is important to prohibit their release for free circulation in the Community and to introduce an appropriate procedure enabling the customs authorities to act to ensure that such a prohibition is observed under optimum conditions;

Whereas action by the customs authorities must consist in suspending the release for free circulation of goods suspected of being counterfeit for as long as is necessary to enable it to be determined whether the goods are actually counterfeit;

Whereas the objective to be achieved by the introduction of such a procedure does not require the drawing up of Community provisions either as regards the designation

of the authority competent to determine whether the goods entered for free circulation are counterfeit or as regards the procedures to be followed for referral to that authority; whereas in the absence of Community regulations on the subject the said competent authority should furthermore decide cases submitted to it with reference to the criteria which are used to determine whether the goods produced in the Member State concerned infringe the rights of the owner of a trade mark;

Whereas, on the other hand, it is necessary to determine the measures to be applied to goods entered for free circulation where it is established that they are counterfeit; whereas those measures must not only deprive those responsible for the importation of such goods of the economic benefits of the transaction but also constitute an effective deterrent to further transactions of the same kind;

Whereas in order to avoid serious disruption to the clearing of goods contained in travellers' personal luggage or sent in small consignments of a non-commercial nature, it is necessary to exclude from this Regulation goods which may be counterfeit which are imported from third countries within the limits laid down by Community rules in respect of relief from customs duty and application of the standard rate of duty specified in Title II C of the Preliminary Provisions of the Common Customs Tariff;

Whereas uniform application of the common rules laid down by this Regulation must be ensured and to that end a Community procedure must be provided enabling measures implementing these rules to be adopted within appropriate periods;

Whereas this Regulation does not affect national provisions applicable to goods released for free circulation which are not counterfeit goods within the meaning of this Regulation but which would, if marketed, affect an intellectual property right in the Member State concerned;

⁽¹⁾ OJ No C 20, 22. 1. 1985, p. 7.

⁽²⁾ OJ No C 343, 31. 12. 1985, p. 111.

⁽³⁾ OJ No C 218, 29. 8. 1985, p. 7.

Whereas the provisions of this Regulation are designed to discourage international trade in counterfeit goods; whereas the specific provisions of the Treaty do not confer on the Community institutions the power to adopt all the measures which are necessary to achieve this objective, and in particular measures to which goods found to be counterfeit must be subjected; whereas it is therefore necessary to base the provisions of this Regulation also on Article 235,

HAS ADOPTED THIS REGULATION:

TITLE I

General

Article 1

1. This Regulation lays down:
 - (a) the conditions under which the customs authorities shall intervene in the case of goods entered for free circulation where they are suspected of being counterfeit, and
 - (b) the measures which shall be taken by the competent authorities with regard to these goods where it has been established that they are indeed counterfeit.
2. For the purposes of this Regulation:
 - (a) 'counterfeit goods' means any goods bearing without authorization a trade mark which is identical to a trade mark validly registered in respect of such goods in or for the Member State in which the goods are entered for free circulation or which cannot be distinguished in its essential aspects from such a trade mark and which thereby infringes the rights of the owner of the trade mark in question under the law of that Member State.
 - (b) 'trade mark owner' means the trade mark owner himself or any other person authorized to use the trade mark of his representative.
3. This Regulation shall not apply to goods which bear a trade mark with the consent of the owner of that trade mark but which are entered for free circulation without the owner's consent.

Nor shall it apply to goods entered for free circulation which bear a trade mark under conditions other than those agreed with the owner of that trade mark.

TITLE II

Prohibition of the release for free circulation of counterfeit goods

Article 2

The release for free circulation of goods found to be counterfeit on completion of the procedure provided for in Article 5 of this Regulation shall be prohibited.

TITLE III

Applications for action by the customs authorities

Article 3

1. In each Member State, a trade mark owner may lodge an application in writing with the competent authority for suspension by the customs authorities of the release of counterfeit goods entered for free circulation in that Member State, where he has valid grounds for suspecting that the importation of such counterfeit goods is contemplated in that Member State.

2. The application referred to in paragraph 1 must contain all pertinent information available to the trade mark owner to enable the competent authority to act on the application in full knowledge of the facts, and must, in particular, contain a sufficiently detailed description of the goods to enable them to be recognized by the customs authorities. It must be accompanied by proof that the applicant is the owner of the trade mark for the goods in question.

The application must specify the length of the period for which the customs authorities are requested to take action.

The applicant may be charged a fee to cover the administrative costs incurred in dealing with the application.

3. The authority with which an application drawn up pursuant to paragraph 2 has been lodged shall take a decision on the application and shall notify the applicant in writing of that decision.

Where the application is granted, it shall specify for what period the customs authorities may take action. This period may, upon application by the trade mark owner, be extended by the authority which took the initial decision.

Member States may require a trade mark owner, where his application has been accepted, or where the release of a consignment of goods has been suspended pursuant to Article 5 (1), to provide a security to cover any liability on his part vis-à-vis the importer where the procedure initiated pursuant to Article 5 (1) fails to be continued due to any act or omission by the trade mark owner or where the goods in question are subsequently found not to be counterfeit.

In addition, the trade mark owner shall be obliged to inform the authority referred to in paragraph 1 should the trade mark cease to be validly registered.

Moreover, the competent authority may require the applicant to bear the costs incurred in keeping the goods under customs control pursuant to Article 5 or in bringing a legal action to which the trade mark owner is not a party and to provide a security in order to ensure payment of that sum.

4. The Member States may appoint the customs authorities themselves as the authorities competent to decide on the application referred to in this Article.

Article 4

The decision granting the application by the trade mark owner shall be forwarded immediately to the customs offices of the Member State which are liable to be concerned with imports of the counterfeit goods referred to in the application.

TITLE IV

Conditions governing action by the customs authorities and by the authority competent to decide on the case

Article 5

1. Where a customs office to which the decision granting an application from the owner of a trade mark has been forwarded pursuant to Article 4 is satisfied, after consulting the applicant where necessary, that goods entered for free circulation correspond to the description of the counterfeit goods contained in that decision, it shall suspend release thereof. It shall inform the person making the entry and the authority which decided on the application. The customs office or the abovementioned authority shall also inform the applicant of the measure. When examining the goods the customs office may take samples in order to expedite the procedure.

2. The law in force in the Member State in whose territory the goods were declared for release for free circulation shall apply to effect:

- (a) the referral to the competent authority for a substantive decision and for immediately informing the customs office mentioned in paragraph 1 of such referral, if the referral is not by the customs office;
- (b) the arriving at the decision to be taken by that authority. The criteria to be used for arriving at this decision shall be the same as those used to determine whether goods produced in the Member State concerned infringe the rights of the owner of a trade mark. Reasons must be given for any decisions adopted by the competent authority.

Article 6

1. If, within ten working days of the suspension of the release, the customs office referred to in Article 5(1) has not been informed that the matter has been referred to the authority competent to take a substantive decision on the case in accordance with Article 5(2) or that the duly empowered authority has taken interim measures, the goods shall be released, provided all the import formalities have been complied with.

2. The conditions for storing the goods during the period of suspension of release shall be determined by each Member State.

TITLE V

Provisions applicable to goods found to be counterfeit goods

Article 7

1. Without prejudice to the other rights of action open to the owner of a trade mark which has been found to be infringed, Member States shall adopt the measures necessary to allow the competent authorities:

- (a) as a general rule, and in accordance with the relevant provisions of national law, to destroy goods found to be counterfeit, or dispose of them outside the channels of commerce in such a manner as to minimize harm to the trade mark owner, without compensation of any sort;
- (b) to take in respect of such goods any other measures having the effect of effectively depriving those responsible for importation of the economic benefits of the transaction and constituting an effective deterrent to further transactions of the same kind.

The following, *inter alia*, shall not be regarded as having such effect:

- re-exporting the counterfeit goods in an unaltered state;
- other than in exceptional cases, simply removing the trade marks which have been affixed to the counterfeit goods without authorization;
- subjecting the goods to a different customs procedure.

2. The counterfeit goods may be handed over to the Public Exchequer. In that case, the provisions of paragraph 1(a) shall apply.

3. Unless running counter to provisions of national law, the customs office concerned or the competent authority shall inform the trade mark owner, upon request, of the names and addresses of the consignor, importer and consignee of the goods found to be counterfeit and of the quantity of the goods in question.

TITLE VI

Final provisions

Article 8

1. Except where otherwise provided in the law of the Member State concerned the acceptance of an application drawn up in accordance with Article 3 (2) shall not entitle the trade mark owner to compensation where counterfeit goods are not detected by a customs office and their release is not therefore suspended in the manner provided for in Article 5 (1).

2. Except where otherwise provided in the law of the Member State concerned, exercise by a customs office or by another duly empowered authority of the powers conferred on them in regard to combating counterfeit goods shall not render them liable to the importer or any other person holding rights with respect to the goods entered for free circulation in the event of his suffering loss or damage as a result of their action.

3. The civil liability of the trade mark owner shall be governed by the law of the Member State in which the goods in question were entered for free circulation.

Article 9

This Regulation shall not apply to goods contained in travellers' personal luggage or sent in small consignments of a non-commercial nature within the limits laid down in respect of relief from customs duty and application of the standard rate of duty specified in Title II C of the Preliminary Provisions of the Common Customs Tariff.

Article 10

This Regulation shall apply *mutatis mutandis* to goods bearing without authorization a trade mark validly registered in respect of such goods in accordance with

Community rules as soon as such rules enter into force. The owner of the trade mark may, in that case, lodge the application referred to in Article 3 with the duly empowered authority.

Article 11

1. The Committee on General Customs Rules provided for in Article 24 of Directive 79/695/EEC⁽¹⁾ may examine any question concerning the application of this Regulation which is raised by its Chairman, either on his own initiative or at the request of a Member State.

2. The provisions required for applying this Regulation shall be adopted in accordance with the procedure laid down in Article 26 (2) and (3) of Directive 79/695/EEC.

3. Member States shall communicate all relevant information on the application of this Regulation to the Commission.

The Commission shall communicate this information to the other Member States.

The details of the information procedure shall be drawn up in the framework of the implementing provisions in accordance with paragraphs 1 and 2.

4. Within three years following the entry into force of this Regulation, the Commission shall, on the basis of the information referred to in paragraph 3, report to the European Parliament and the Council on the operation of the system instituted thereunder and shall propose such amendments and additions as need to be made thereto.

Article 12

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 1 December 1986.

For the Council

The President

A. CLARK

⁽¹⁾ OJ No L 205, 13. 8. 1979, p. 19.

COMMISSION REGULATION (EEC) No 3843/86

of 17 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 16 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:

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 18 December 1986.

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

Done at Brussels, 17 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 17 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	183,78
10.01 B II	Durum wheat	43,02	235,24 ⁽¹⁾ ⁽²⁾
10.02	Rye	51,66	157,12 ⁽⁶⁾
10.03	Barley	22,22	176,90
10.04	Oats	83,64	144,48
10.05 B	Maize, other than hybrid maize for sowing	—	168,18 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	0	0
10.07 B	Millet	22,22	106,93 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	7,46	168,73 ⁽⁴⁾ ⁽⁹⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	22,22	29,45 ⁽⁵⁾
11.01 A	Wheat or meslin flour	36,77	272,00
11.01 B	Rye flour	86,67	233,96
11.02 A I a)	Durum wheat groats and meal	80,10	377,14
11.02 A I b)	Common wheat groats and meal	38,23	291,89

⁽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 3844/86

of 17 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 16 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 18 December 1986.

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

Done at Brussels, 17 December 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 17 December 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	7,24	7,24	7,24
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	1,75
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0,88	0,88	0,88
10.07 A	Buckwheat	0	0	0	105,79
10.07 B	Millet	0	1,76	1,76	1,76
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	10,14	10,14	10,14

B. Malt

(ECU/tonne)

CCT heading No	Description	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	12,89	12,89	12,89	12,89
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	9,63	9,63	9,63	9,63
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	3,12	3,12
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	2,33	2,33
11.07 B	Roasted malt	0	0	0	2,71	2,71

COMMISSION REGULATION (EEC) No 3845/86

of 17 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 18 December 1986.

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

Done at Brussels, 17 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 17 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	43,16	
	(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	39,70 ⁽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 3846/86

of 17 December 1986

fixing additional amounts for certain pigmeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾, and in particular the second subparagraph of Article 13 (5) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 202/67/EEC of 28 June 1967 on fixing the additional amount for imports of pigmeat products from third countries⁽³⁾, as amended by Regulation No 614/67/EEC⁽⁴⁾;

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

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports listed according to product and country of origin in that Annex;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 13 of Regulation (EEC) No 2759/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 18 December 1986.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.

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

⁽⁴⁾ OJ No 231, 27. 9. 1967, p. 6.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 29.

⁽⁶⁾ OJ No L 190, 14. 7. 1983, p. 4.

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

⁽⁸⁾ OJ No L 107, 8. 5. 1968, p. 6.

⁽⁹⁾ OJ No L 170, 19. 7. 1968, p. 14.

⁽¹⁰⁾ OJ No L 38, 10. 2. 1983, p. 12.

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

⁽¹²⁾ OJ No L 165, 23. 7. 1971, p. 23.

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

Done at Brussels, 17 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 17 December 1986 fixing additional amounts for certain pigmeat products

(ECU/100 kg)

CCT heading No	Description	Supplementary amount	Origin of imports
01.03	Live swine : A. Domestic species : II. Other : b) Other	10,00	Origin : German Democratic Republic ⁽¹⁾
02.01	Meat and edible offals of the animals falling within heading Nos 01.01, 01.02, 01.03 or 01.04 fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 1. Whole carcasses or half carcasses 6. Other : aa) Boned or boneless bb) Other	15,00 20,00 15,00	Origin : Finland or German Democratic Republic ⁽¹⁾ Origin : Sweden Origin : Sweden
15.01	Lard, other pig fat and poultry fat, rendered or solvent extracted : A. Lard and other pig fat : II. Other	10,00	Origin : German Democratic Republic ⁽¹⁾ , Switzerland, Sweden or Hungary

⁽¹⁾ With the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems.

COMMISSION REGULATION (EEC) No 3847/86

of 17 December 1986

adjusting in line with the agricultural conversion rates in force the amounts of the final aid and the final export refund for colza, rape and sunflower seed harvested in Ireland fixed before 19 October 1986 for the months of October 1986 to February 1987

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 the common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1454/86⁽²⁾,

Whereas Council Regulation (EEC) No 2897/86 of 16 September 1986 amending Regulation (EEC) No 1678/85 fixing the conversion rates to be applied in agriculture⁽³⁾ introduced a new agricultural conversion rate applicable for the Irish pound from 22 September 1986 in respect of colza rape and sunflower seed; whereas, pursuant to Article 4 of Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, the amounts of the final aid and the final export refund for the seeds in question fixed in advance by the Regulations adopted before 19 October 1986, taking account of the agricultural conversion rates valid on the date of their respective entries into force, should be adjusted by the new agricultural conversion rate for the months concerned;

Whereas, in the interests of clarity, the adjusted amounts, which enter into force as from the date on which the amounts they replace enter into force, should be published,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the final aid for colza and rape seed harvested and processed in Ireland, fixed in advance between 1 May 1986 and 1 August 1986 for the months of October 1986 to January 1987, as set out in Table H in Annex I to Commission Regulation (EEC) No 3095/86 of 7 October 1986 fixing definitively the amount of aid for colza, rape and sunflower seed applicable before 12 August 1986 for the 1986/87 marketing year⁽⁵⁾, and the

amounts for the seeds in question fixed in advance for the months of October 1986 to February 1987, as set out in Annex I to Commission Regulations (EEC) No 2517/86 of 6 August 1986⁽⁶⁾, (EEC) No 2542/86 of 11 August 1986⁽⁷⁾, (EEC) No 2609/86 of 20 August 1986⁽⁸⁾, (EEC) No 2666/86 of 27 August 1986⁽⁹⁾, (EEC) No 2696/86 of 29 August 1986⁽¹⁰⁾ and (EEC) No 2778/86 of 8 September 1986⁽¹¹⁾, are hereby replaced by the amounts set out in Table A in the Annex to this Regulation, which are fixed as from the date on which the corresponding amounts that are replaced enter into force.

2. The amounts of the final aid for sunflower seed harvested and processed in Ireland, fixed in advance between 1 June 1986 and 1 August 1986 for the months of October to December 1986, as set out in Table I in Annex II to Regulation (EEC) No 3095/86, and the amounts for the seeds in question fixed in advance for the months of October 1986 to January 1987, as set out in Annex II to the last six Regulations mentioned in paragraph 1, are hereby replaced by the amounts set out in Table B in the Annex to this Regulation, which are fixed as from the date on which the corresponding amounts that are replaced enter into force.

3. The amounts of the final export refund for colza and rape seed harvested in and exported from Ireland, fixed in advance between 1 May 1986 and 1 September 1986 for the months of October 1986 to February 1987, as set out in the Annex to Commission Regulations (EEC) No 1278/86 of 30 April 1986⁽¹²⁾, (EEC) No 1679/86 of 30 May 1986⁽¹³⁾, (EEC) No 2015/86 of 30 June 1986⁽¹⁴⁾, (EEC) No 2425/86 of 31 July 1986⁽¹⁵⁾ and (EEC) No 2691/86 of 29 August 1986⁽¹⁶⁾, are hereby replaced by the amounts set out in Table C in the Annex to this Regulation, which are fixed as from the date on which the corresponding amounts that are replaced enter into force.

⁽⁶⁾ OJ No L 221, 7. 8. 1986, p. 24.

⁽⁷⁾ OJ No L 225, 12. 8. 1986, p. 37.

⁽⁸⁾ OJ No L 235, 21. 8. 1986, p. 32.

⁽⁹⁾ OJ No L 243, 28. 8. 1986, p. 23.

⁽¹⁰⁾ OJ No L 246, 29. 8. 1986, p. 40.

⁽¹¹⁾ OJ No L 256, 9. 9. 1986, p. 7.

⁽¹²⁾ OJ No L 114, 1. 5. 1986, p. 28.

⁽¹³⁾ OJ No L 146, 31. 5. 1986, p. 18.

⁽¹⁴⁾ OJ No L 173, 1. 7. 1986, p. 15.

⁽¹⁵⁾ OJ No L 210, 1. 8. 1986, p. 32.

⁽¹⁶⁾ OJ No L 246, 30. 8. 1986, p. 28.

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 269, 20. 9. 1986, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 288, 11. 10. 1986, p. 21.

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, 17 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

TABLE A

AMOUNTS OF AID FOR COLZA AND RAPE SEED

(The amount of the final aid for 'double zero' colza and rape seed must be increased by 1,25 ECU/100 kg converted into national currency at the agricultural conversion rate applicable to the Member State where the seed is harvested)

Seed harvested and processed in Ireland

(£ Irl per 100 kg)

Regulation (EEC) No	Date of entry into force of aid	Amounts of final aid where fixed in advance for the months of				
		October	November	December	January	February
3095/86	1 May 1986	21,340				
3095/86	7 May 1986	21,485				
3095/86	16 May 1986	22,141				
3095/86	23 May 1986	21,169				
3095/86	30 May 1986	20,181				
3095/86	1 June 1986	20,248	19,791			
3095/86	7 June 1986	21,488	21,814			
3095/86	13 June 1986	21,919	22,246			
3095/86	20 June 1986	22,946	23,278			
3095/86	28 June 1986	22,845	23,176			
3095/86	1 July 1986	22,845	23,233	23,564		
3095/86	11 July 1986	23,411	23,655	23,988		
3095/86	17 July 1986	23,629	23,727	24,061		
3095/86	25 July 1986	23,969	24,067	24,402		
3095/86	1 August 1986	23,969	24,328	24,465	24,799	
2517/86	7 August 1986	24,336	24,487	24,525	24,865	
2542/86	12 August 1986	24,015	24,123	24,283	24,621	
2609/86	21 August 1986	24,125	24,486	24,724	25,064	
2666/86	28 August 1986	24,502	24,864	24,950	25,291	
2696/86	1 September 1986	25,092	24,890	24,950	25,338	25,679
2778/86	9 September 1986	25,344	24,890	24,950	24,961	25,301

TABLE B

AMOUNTS OF AID FOR SUNFLOWER SEED

Seed harvested and processed in Ireland

(£ Irl per 100 kg)

Regulation (EEC) No	Date of entry into force of aid	Amounts of final aid where fixed in advance for the months of				
		October	November	December	January	February
3095/86	1 June 1986	29,403				
3095/86	7 June 1986	28,663				
3095/86	13 June 1986	27,393				
3095/86	20 June 1986	27,514				
3095/86	28 June 1986	27,336				
3095/86	1 July 1986	27,336	27,561			
3095/86	11 July 1986	27,739	28,976			
3095/86	17 July 1986	28,245	28,708			
3095/86	25 July 1986	28,667	29,129			
3095/86	1 August 1986	28,699	29,127	29,589		
2517/86	7 August 1986	28,209	28,638	29,101		
2542/86	12 August 1986	28,209	28,638	29,101		
2609/86	21 August 1986	29,061	29,116	29,578		
2666/86	28 August 1986	29,437	29,462	29,924		
2696/86	1 September 1986	29,439	29,567	29,999	30,461	
2778/86	9 September 1986	29,439	29,899	30,331	30,794	

TABLE C

AMOUNTS OF THE EXPORT REFUND FOR COLZA AND RAPE SEED

Seed harvested in and exported from Ireland

(£ Irl per 100 kg)

Regulation (EEC) No	Date of entry into force of aid	Amounts of final refund where fixed in advance for the months of				
		October	November	December	January	February
1278/86	1 May 1986	18,763				
1679/86	1 June 1986	18,835	19,151			
2015/86	1 July 1986	19,734	20,122	20,441		
2425/86	1 August 1986	22,091	22,445	22,833	23,162	
2691/86	1 September 1986	22,893	23,279	23,637	24,025	24,361

COMMISSION REGULATION (EEC) No 3848/86

of 17 December 1986

amending Regulation (EEC) No 643/86 laying down detailed rules for the application of the supplementary trade mechanism to the live plants and floriculture products listed in Annex XXII to the Act of Accession and imported into Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 2297/86⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽³⁾, and in particular Article 5 (1) thereof,

Whereas Commission Regulation (EEC) No 574/86⁽⁴⁾ lays down detailed rules for the application of the supplementary trade mechanism;

Whereas Commission Regulation (EEC) No 643/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to the live plants and floriculture products listed in Annex XXII to the Act of Accession and imported into Portugal⁽⁵⁾, as amended by Regulation (EEC) No 2120/86⁽⁶⁾, fixes in particular the target ceilings provided for in Article 251 (1) of the Act of Accession for certain floricultural products falling within headings 06.02, 06.03 and 06.04 of the Common Customs Tariff for the period 1 March to 31 December 1986;

Whereas, in accordance with Article 251 (2) of the Act of Accession, the target ceilings must reflect a certain progress in relation to traditional trade flows so as to ensure a harmonious and gradual opening up of the market; whereas, to that end, the target ceilings for orna-

mental plants, roses, carnations and asparagus plumosus and those for rose bushes should be increased by 20 % and 40 % respectively for 1987;

Whereas, in view of experience gained during the first year of application of those arrangements, provision should be made, in order to ensure stability on the Portuguese market, for a seasonal break-down of the ceilings for certain of those products and for their adjustment to seasonal variations in Portuguese production;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 643/86 is hereby amended as follows:

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

'1. The target ceilings provided for in Article 251 (1) of the Act of Accession for the period 1 January to 31 December 1987 shall be as set out in the Annex hereto.'

2. The second subparagraph of Article 1 (2) is deleted and the following paragraph 3 is added to that Article:

'3. For roses and carnations falling within subheading ex 06.03 A and ornamental plants falling within heading ex 06.02 D (NIMEXE codes 06.02-96 and 06.02-99) of the Common Customs Tariff, the target ceilings shall be subdivided as set out in the Annex hereto.'

3. The Annex is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1987.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 201, 24. 7. 1986, p. 3.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁵⁾ OJ No L 60, 1. 3. 1986, p. 39.

⁽⁶⁾ OJ No L 185, 8. 7. 1986, p. 8.

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

Done at Brussels, 17 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

ANNEX

Target ceilings for the period 1 January to 31 December 1987 as provided for in the third subparagraph of Article 251

CCT heading No	Description	Target ceiling	
		units	tonnes
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips: ex D. Other: — Roses ⁽¹⁾ — Ornamental plants ⁽²⁾ <i>target ceiling: total</i> <i>of which</i> from 1 July to 31 December	225 580	366,6 183,3
06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared: A. Fresh: <i>target ceiling: total</i> — Roses — Carnations <i>of which</i> ex I. from 1 June to 31 October — Roses — Carnations	352 800 3 661 200 117 000 1 220 000	
06.04	Foliage, branches and other parts (other than flowers or buds) of trees, shrubs, bushes and other plants, and mosses, lichens and grasses, being goods of a kind suitable for bouquets or ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared, excluding the cutflowers and flower buds falling within heading 06.03: ex B. Other: — Asparagus (<i>Asparagus plumosus</i>)		1,1

⁽¹⁾ NIMEXE code 06.02-68.

⁽²⁾ NIMEXE codes 06.02-96 and 06.02-99.

COMMISSION REGULATION (EEC) No 3849/86**of 17 December 1986****amending Regulation (EEC) No 644/86 fixing for 1986 the initial quotas for imports into Portugal of certain floricultural products from the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 502/86 of 25 February 1986 laying down general rules for quantitative restrictions on imports into Portugal of certain agricultural products from the Canary Islands⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 502/86 provides that the initial quotas for products imported from the Canary Islands are to be fixed between 0.1 % and 0.5 % of Portugal's average annual production, expressed in terms of volume, over the last three years before accession for which statistics are available;

Whereas Commission Regulation (EEC) No 644/86 of 28 February 1986⁽²⁾ fixed the initial quotas for 1986 for imports into Portugal of certain floricultural products from the Canary Islands; whereas a 20 % increase in the initial quota, in line with the increase in the quota for imports of such products from third countries, is unlikely to disturb the Portuguese market; whereas Regulation (EEC) No 644/86 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 644/86 is hereby amended as follows:

1. In the title, the words 'for 1986 the initial quotas' are replaced by the word 'quotas'.
2. Article 1 (1) is replaced by the following:
'1. The volumes of the quotas which Portugal may apply to imports of floricultural products from the Canary Islands shall be as shown in the Annex.'
3. Article 1 (2) is deleted.
4. The Annex is replaced by the Annex to this Regulation.

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, 17 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 49.

⁽²⁾ OJ No L 60, 1. 3. 1986, p. 42.

ANNEX

ANNEX

CCT heading No	Description	Quota	
		units	tonnes
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips : ex D. Other : — Roses ⁽¹⁾ — Ornamental plants ⁽²⁾	240	0,3
06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared : A. Fresh : <i>Total quota</i> — Roses — Carnations <i>of which</i> ex I. from 1 June to 31 October : — Roses — Carnations	11 700 128 500 3 800 42 600	

⁽¹⁾ NIMEXE code 06.02-68.⁽²⁾ NIMEXE codes 06.02-96 and 06.02-99.

COMMISSION REGULATION (EEC) No 3850/86

of 17 December 1986

amending Regulation (EEC) No 1662/86 laying down transitional measures on the transfer of quotas in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 (1) thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3666/86⁽²⁾, and in particular Articles 39 and 48 thereof,

Whereas the Community is faced for the first time with the existence of sugar produced from cane harvested in its European regions; whereas such production exists only in Spain in the period from April to June of the marketing year, that is, several months after the production of sugar from beet;

Whereas, as a result of the application of Community rules in the sugar sector in Spain, certain cane sugar-producing undertakings are faced with the necessity of having to adjust their production to the markets, in particular in relation to their traditional outlets; whereas the use of the quantity that may be transferred within the meaning of the first subparagraph of Article 25 (2) of Regulation (EEC) No 1785/81 outside a restructuring plan would enable Spain to confront this situation by adjusting the quotas of the undertakings in question;

Whereas the deadline for the application of Article 25 (2) of Regulation (EEC) No 1785/81 in respect of the 1986/87 marketing year was fixed, by way of derogation from Council Regulation (EEC) No 193/82 of 26 January 1982 laying down general rules for transfer of the quotas in the sugar sector⁽³⁾, at 1 July 1986 by Commission Regulation (EEC) No 1662/86⁽⁴⁾;

Whereas, therefore, to enable Spain to apply the quota arrangements in a harmonious manner in such circumstances, this deadline should be deferred to 1 February 1987 as regards the adjustment referred to in the first subparagraph of the said Article 25 (2) of the quotas of sugar-producing undertakings in respect of that part of their production that is made from cane harvested in Spain;

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

Article 1 of Regulation (EEC) No 1662/86 is hereby amended as follows:

1. In paragraph 1, the following subparagraph is added:
'However, in the case of Spain, the date of 1 July 1986 referred to in the first subparagraph shall be replaced by 1 February 1987 as regards the adjustment of the quotas of sugar-producing undertakings in respect of that part of their sugar production obtained from cane harvested in Spain.';
2. In paragraph 2, the following subparagraph is added:
'Spain shall inform the Commission before 15 February 1987 of the adjustments made pursuant to the second subparagraph of paragraph 1.'

Article 2

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

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

Done at Brussels, 17 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 339, 2. 12. 1986, p. 10.

⁽³⁾ OJ No L 21, 29. 1. 1982, p. 3.

⁽⁴⁾ OJ No L 145, 30. 5. 1986, p. 41.

COMMISSION REGULATION (EEC) No 3851/86
of 17 December 1985

**repealing Regulation (EEC) No 2858/85 on the sale of pigmeat held by the
Belgian intervention agency pursuant to Regulation (EEC) No 772/85, (EEC) No
978/85 and (EEC) No 1477/85**

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

Having regard to Council Regulation (EEC) No 2759/75
of 29 October 1975 on the common organization of the
market in pigmeat⁽¹⁾, as last amended by Regulation
(EEC) No 1475/86⁽²⁾, and in particular Article 20 thereof,

Whereas Commission Regulation (EEC) No 2858/85⁽³⁾,
as last amended by Regulation (EEC) No 2364/86⁽⁴⁾,
provides for the sale of pigmeat bought in by the Belgian
intervention agency pursuant to Commission Regulation
(EEC) No 772/85⁽⁵⁾, (EEC) No 978/85⁽⁶⁾ and (EEC) No
1477/85⁽⁷⁾ following the outbreak of African swine fever
in Belgium in 1985; whereas Regulation (EEC) No
772/85, (EEC) No 978/85 and (EEC) No 1477/85 have
been repealed by Commission Regulation (EEC) No
2834/86⁽⁸⁾;

Whereas, in the light of the situation with regard to the
disposal of the meat, Regulation (EEC) No 2858/85
should also be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2858/85 is hereby repealed with
effect from 22 December 1986.

However, any obligations arising from the sale of pigmeat
prior to that date shall continue to apply.

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, 17 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.
⁽³⁾ OJ No L 274, 15. 10. 1985, p. 22.
⁽⁴⁾ OJ No L 205, 29. 7. 1986, p. 20.
⁽⁵⁾ OJ No L 86, 27. 3. 1985, p. 20.
⁽⁶⁾ OJ No L 105, 17. 4. 1985, p. 6.
⁽⁷⁾ OJ No L 145, 4. 6. 1985, p. 17.
⁽⁸⁾ OJ No L 261, 13. 9. 1986, p. 8.

COMMISSION REGULATION (EEC) No 3852/86
of 17 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 3838/86 ⁽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 18 December 1986.

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

Done at Brussels, 17 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 356, 17. 12. 1986, p. 19.

ANNEX

to the Commission Regulation of 17 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
	— Turkey	0	+ 10,00	+ 10,00	+ 9,50	+ 9,50	—	—
	— 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).

COMMISSION REGULATION (EEC) No 3853/86

of 17 December 1986

fixing the maximum export refund for white sugar for the 29th 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 29th 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 29th partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 45,234 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 18 December 1986.

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

Done at Brussels, 17 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 3854/86
of 17 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 3777/86 ⁽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 65,277 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 18 December 1986.

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

Done at Brussels, 17 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 349, 11. 12. 1986, p. 41.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 December 1986

**amending Commission Decision 85/594/EEC authorizing Greece to take certain
safeguard measures under Article 108 (3) of the EEC Treaty**

(Only the Greek text is authentic)

(86/614/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 108 (3) thereof,

Whereas the Greek economy has experienced a marked deterioration of its balance of payments on current account, particularly since the beginning of 1985;

Whereas the various measures taken by the Greek Government as part of their economic stabilization programme have begun to have the effects forecast, but this programme is not yet complete nor has it yet fully achieved its objectives;

Whereas on 30 October 1985 the Commission, having examined the Greek economic situation in the light of Article 108 (1) of the Treaty and the measures already taken by Greece in accordance with Article 104 of the Treaty, addressed a recommendation to the Member State in question pursuant to Article 108 (1) of the Treaty;

Whereas, given the extent of these difficulties in Greece and the urgency with which measures required to be taken to remedy the situation, neither the measures recommended to Greece under Article 108 (1) nor the Commission support granted appeared adequate, as they were not fully effective in the short term nor sufficient to guarantee the rapid recovery of the Greek balance of payments;

Whereas the Commission did not recommend to the Council the granting of mutual assistance;

Whereas the Commission pursuant to Article 108 (3) of the Treaty therefore authorized by Decision 85/594/EEC⁽¹⁾ the application of appropriate protective measures;

Whereas, under Article 7 of Decision 85/594/EEC, Greece was authorized to continue to grant until 31 December 1986 the export aid referred to in Decision 1574/70 of the Greek Monetary Committee, as amended by Decision 350/82, making payments to exporting firms on the basis of the value added on exportation;

Whereas the improvement in the Greek economic situation justifies a reduction in the level of export subsidies but the improvement is not such as to permit their immediate elimination but their phasing out over a period of time linked to the expected further improvement of the Greek economic situation;

Whereas the operation of this export subsidy system has to be considered not only in its overall operation but also in its sectoral application and the effects of such application on other Member States;

Whereas under Article 9 (3) of Decision 85/594/EEC the Commission reserved the right to amend or repeal all or any part of this Decision after consulting the Member State concerned, particularly if it finds that the circumstances which led to its adoption have changed or that its effects are more restrictive than they need to be in order to achieve their objectives,

⁽¹⁾ OJ No L 373, 31. 12. 1985, p. 9.

HAS ADOPTED THIS DECISION :

Article 1

Greece is hereby required to phase out the export aid granted under Decision 1574/70 of the Greek Monetary Committee, as amended by Decision 350/82 in four equal steps, to take effect on 1 January 1987, 1 January 1988, 1 January 1989, 1 January 1990. This phasing-out shall be implemented as follows. The figure resulting from the present application of the formula applied in calculating the rebate due under CCD 1574/70 and 350/82, or in cases where the fixed rate is applied, shall be reduced by 40 % to allow for the effects of the introduction of VAT. The said remaining figure, (60 % of the rate currently paid) shall then be eliminated in four equal steps of 25 % each of this figure at the dates indicated above.

Article 2

The Greek Government within four weeks of the end of the relevant period, i.e. up to 30 June and 31 December for each year, shall send the Commission a six monthly report on the granting of the export aid broken down by the number of transactions showing their value and the aid granted, by sector, to allow the Commission to carry out a six-monthly monitoring procedure to ensure correct application of this Decision.

The Commission reserves the right at any time to request the Greek Government to furnish, and the Greek Government shall so provide within two weeks of such a request,

the relevant form used for the calculation of aid given in any particular case of an export transaction, needed by the Commission to control the application of this Decision.

Article 3

Should evidence be presented to the Commission which, upon examination and after consultation with the interested parties, shows that the grant of the export aid to any particular sector is causing, or threatens to cause, major changes in traditional trade flows and that these changes are causing or threaten to cause serious material injury to an established industry in other Member States to a degree contrary to the common interest, the Commission shall amend this Decision so as to reduce or exclude all aid to the sector in question.

Article 4

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 16 December 1986.

For the Commission

Peter SUTHERLAND

Member of the Commission

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