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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3972/86
of 22 December 1986
on food-aid policy and food-aid management**

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 ⁽¹⁾,

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

Whereas food-aid is provided on humanitarian grounds and constitutes one of the essential aspects of the Community's policy of cooperation with the developing countries;

Whereas food aid must be integrated into developing countries' policies aimed at improving their food security, in particular by establishing food strategies;

Whereas agreements have been concluded between the Community and developing countries; whereas these agreements cover the use of aid provided by the Community to developing countries;

Whereas food aid should be made into a real instrument of the Community's policy of cooperation with the developing countries, thereby enabling the Community to participate fully in multiannual development projects;

Whereas it is necessary to that end that the Community should be able to provide a steady overall flow of aid and be in a position, in appropriate cases, to undertake to supply to the developing countries minimum quantities of products under specific multiannual programmes linked to development policies as well as to enter into undertakings in relation to international organizations;

Whereas the Community may decide, if appropriate, to replace food aid by other action under Council Regulation (EEC) No 1755/84 of 19 June 1984 on the implementation in relation to food of alternative operations in place of food-aid deliveries ⁽³⁾;

Whereas, in order to ensure that food aid is managed more efficiently and in greater conformity with the inte-

rests and requirements of the recipient countries and to improve the decision-making and implementing procedures, 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 ⁽⁴⁾ should be replaced;

Whereas, in order to facilitate the application of certain of the measures envisaged, provision should be made for close cooperation between the Member States and the Commission within a Food Aid Committee;

Whereas the Treaty has not provided the necessary powers, other than those of Article 235,

HAS ADOPTED THIS REGULATION:

TITLE I

Food-aid objectives and general guidelines

Article 1

Under its cooperation policy with developing countries, the Community shall carry out food-aid operations.

Article 2

1. The food-aid operations referred to in Article 1 shall have the following objectives in particular:

- to promote food security in the recipient countries and regions,
- to raise the standard of nutrition of the recipient population,
- to help in emergencies,
- to contribute towards the balanced economic and social development of the recipient countries,
- to support efforts by recipient countries to improve their own food production.

⁽¹⁾ OJ No C 265, 21. 10. 1986, p. 7.

⁽²⁾ OJ No C 297, 24. 11. 1986.

⁽³⁾ OJ No L 165, 23. 6. 1984, p. 7.

⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 1.

2. The Community's food aid shall be integrated as thoroughly as possible into the development policies, and particularly the agricultural and agri-foodstuffs policies, and food strategies of the countries concerned. Where the products supplied by the Community as aid are sold, the price thereof must not be one liable to disrupt the domestic market.

3. Products supplied as food aid shall as far as possible fit the dietary habits of the recipient population and have no adverse effects on the recipient countries.

4. Food aid shall be allocated primarily on the basis of an objective evaluation of the real needs justifying the aid, with economic considerations also being taken into account. To that end, particular consideration shall be given to the following criteria, without excluding other pertinent considerations :

- basic food needs,
- per capita income and the existence of particularly impoverished population groups,
- the balance of payments situation,
- the economic and social impact and financial cost of the proposed action.

5. The granting of food aid shall, if necessary, be conditional on the implementation of annual or multiannual development projects, sectoral actions or development programmes, priority being given to projects, actions or programmes which promote the production of food in the recipient countries. Where appropriate, the aid may contribute directly to the implementation of such projects, actions or programmes. This complementarity shall be ensured through the use, laid down by common agreement, of counterpart funds where the products supplied by the Community as aid are intended for sale. Where food aid is provided as backing for a development programme spread over a number of years, it may be supplied on a multiannual basis linked to the programme in question.

6. In granting food aid, priority shall be given to needs for immediate consumption. Nevertheless, in order to improve food security in the developing countries and to ensure that their needs are met, food aid may be granted in justified cases to enable reserve stocks to be built up by the recipients.

Article 3

Products shall normally be mobilized on the Community market. However, products supplied as aid may be purchased in the recipient country or in another developing country, if possible one belonging to the same geographical region as the recipient country :

- if those products are not available on the Community market, or
- in an emergency within the meaning of the second subparagraph of Article 6 where such purchases are likely to enable the aid to reach its destination more rapidly, or

— where the following conditions are met :

- (a) stocks or surpluses of the necessary products are in fact available in a developing country, if possible one of the countries determined in the third indent of Article 4 (1), at a total cost including transport which compares favourably with the cost of similar products mobilized from the Community market, taking into account the beneficial effects of the purchases to the developing country from which such purchases are made ;
- (b) such purchases are not liable to disrupt the market of the supplying countries nor have any negative effects on the food supply of their populations ;
- (c) such purchases remain in aggregate at a level compatible with the principle that aid should be mobilized on the Community market ;
- (d) such purchases in a developing country shall be integrated as thoroughly as possible into Community development policy towards that country, in particular as regards the promotion of its food security.

TITLE II

Procedures for implementing food-aid operations

Article 4

1. In the field of food aid, the Council shall :

- apportion the cereals aid provided for under the Food Aid Convention between Community and national operations,
- apportion among the Member States the national cereals operations under the Food Aid Convention,
- determine the countries and organizations to which food aid may be supplied on an annual or multiannual basis,
- lay down general criteria for covering the cost of transporting food aid beyond the fob stage.

2. To this end, on a proposal from the Commission and after obtaining the opinion of the European Parliament, the Council shall act by a qualified majority when exercising the powers referred to in the third and fourth indents of paragraph 1 and unanimously when exercising the powers referred to in the first and second indents of paragraph 1.

Article 5

The Commission, after consulting the Committee provided for in Article 7, in accordance with the procedure laid down in Article 8 and taking account of the general policy guidelines for food aid, shall :

- adopt a list of products which may be mobilized as aid,
- establish the total quantities for each product on an annual or multiannual basis,
- lay down rules for mobilization of those products,
- establish the apportionment, expressed in terms of quantities and of costs, among the various recipients of the products which may be mobilized subject to the budgetary limit for each product,
- where necessary, adjust allocations during the implementation of programmes.

Article 6

In accordance with the Council decisions referred to in Article 4 and the decisions taken under Article 5, the Commission shall decide on :

- (a) emergency action to help countries, groups of refugees or other vulnerable sections of the population having to face serious unforeseen difficulties as a result of natural disasters; it shall inform Member States of such action;
- (b) emergency action to help countries, groups of refugees or other vulnerable sections of the population having to face serious unforeseen difficulties as a result of exceptional circumstances comparable to natural disasters, after consulting the Member States by telex and giving them 48 hours to put forward any objections;
- (c) the conditions governing the supply of aid, in particular :
 - the general conditions applicable to recipients,
 - the engagement of the mobilization procedures and the supply of products, as well as the conclusion of the corresponding contracts.

For the purposes of points (a) and (b), 'emergency' shall mean an exceptional unforeseen situation in which famine, or an imminent danger thereof, poses a serious threat to the lives or health of the population in a country which is unable to cope with the food shortfall using its own means and resources.

The Commission, after consulting the Committee referred to in Article 7, in accordance with the procedure laid down in Article 8, shall be entitled to take any action to speed up the provision of emergency aid.

The volume of aid which it shall be decided to supply in each particular case shall be limited to quantities that the people affected require in order to cope with the situation for a period not exceeding four months.

The Commission shall ensure that priority is given at all stages to the mobilization of food aid for emergencies as defined in this Article.

Article 7

1. A Food Committee, hereinafter referred to as 'the Committee', chaired by a representative of the Commission and composed of representatives of the Member

States, is hereby established. The secretariat of the Committee shall be provided by the Commission.

2. The Committee shall draw up its own rules of procedure.

Article 8

1. Where recourse is had to the procedure defined in this Article, the Committee shall be duly informed by its chairman, either on the latter's own initiative or at the request of a representative of a Member State.

2. The Commission representative shall submit drafts of decisions to be taken. The Committee shall deliver its opinion on these drafts within a time limit which may be fixed by the chairman according to the urgency of the matters under examination. It shall act by a majority of 54 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The Commission shall take decisions which are immediately applicable. If, however, such decisions are not in accordance with the opinion delivered by the Committee or if the Committee delivers no opinion, they shall be forthwith communicated to the Council by the Commission. In that event, the Commission shall postpone, for no more than two months following the date of the said communication, the application of the decisions taken by it. The Council, acting by a qualified majority, may take a different decision within two months.

Article 9

Member States shall decide on their national food aid programmes and shall inform the Commission thereof. The coordination of Community and national food aid operations, as regards both programming and implementation, shall be subject to a regular exchange of information by the Committee. In this exchange of information, which shall be carried out at the request of the chairman of the Committee or a representative of a Member State, account shall be taken of known operations by other donors.

Article 10

The Committee may examine any other matter concerning food aid raised by its chairman, either on the latter's own initiative or at the request of a representative of a Member State.

Article 11

The Commission shall undertake regular evaluations of significant food-aid operations to establish whether the objectives defined in the appraisal of those operations have been met and to provide guidelines for improving the effectiveness of future operations. These evaluation reports shall be made available to the Committee.

Article 12

Regulation (EEC) No 3331/82 is hereby repealed.

However :

- Article 3 of the said Regulation shall remain applicable until the procedures for mobilizing products in accordance with Article 5 of this Regulation have been laid down and at the latest until 30 June 1987,
- the countries and bodies eligible for aid and the general criteria concerning the responsibility for food-

aid transport costs beyond the fob stage shall be as indicated in Regulation (EEC) No 232/86⁽¹⁾ until the decisions provided for in the third and fourth indents of Article 4 (1) of this Regulation have been adopted and until 30 June 1987 at the latest.

Article 13

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

It shall apply until 31 December 1987.

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

Done at Brussels, 22 December 1986.

For the Council

The President

G. SHAW

⁽¹⁾ OJ No L 29, 4. 2. 1986, p. 3.

COUNCIL REGULATION (EEC) No 3973/86
of 22 December 1986

concerning the application of the Protocols on financial and technical cooperation concluded between the Community and Algeria, Morocco, Tunisia, Egypt, Lebanon, Jordan, Syria, Malta and Cyprus

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 209 and 235 thereof,

Having regard to the Regulations concerning the conclusion of the Protocols on financial and technical cooperation between the European Economic Community and Algeria ⁽¹⁾, Morocco ⁽²⁾, Tunisia ⁽³⁾, Egypt ⁽⁴⁾, Lebanon ⁽⁵⁾, Jordan ⁽⁶⁾, Syria ⁽⁷⁾, Malta ⁽⁸⁾ and Cyprus ⁽⁹⁾, hereinafter referred to as 'Protocols',

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Auditors ⁽¹⁰⁾,

Whereas these Protocols lay down the amount of Community aid granted to each of these countries and contain specific points for each particular case; whereas, however, common implementing rules should be established;

Whereas detailed rules for the administration of aid not covered by the own resources of the European Investment Bank, hereinafter referred to as 'the Bank', must be laid down;

Whereas the rules for the administration of financial cooperation should be determined, the procedure for laying down guidelines for aid and for examining and approving it should be established, and the detailed rules for supervising the use of that aid should be defined;

Whereas the Treaty has not provided the powers necessary for this purpose other than those under Article 235;

Whereas a committee of representatives of the Government of the Member States should be set up at the Commission;

Whereas it should be stipulated that the draft financing decisions drawn up by the Bank for operations not

covered by its own resources should be submitted for opinion to a committee of representatives of the Governments of the Member States;

Whereas work by the Commission and the Bank to apply the Protocols should be harmonized;

Whereas on 16 July 1974 the Council adopted a resolution on the harmonization and coordination of Member States' cooperation policies,

HAS ADOPTED THIS REGULATION:

Article 1

1. In implementing aid to Algeria, Morocco, Tunisia, Egypt, Lebanon, Jordan and Syria, the Commission shall be responsible for applying the overall Mediterranean policy and the development cooperation policy defined by the Council and the general guidelines for financial and technical cooperation defined pursuant to the Agreements concluded with these countries and the Protocols.

2. In implementing aid to Malta and Cyprus, the Commission shall be responsible for applying the overall Mediterranean policy and the development cooperation policy defined by the Council and the general guidelines for financial and technical cooperation defined pursuant to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta ⁽¹¹⁾, the Additional Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹²⁾ and the Protocols on financial and technical cooperation concluded with these countries.

Article 2

1. The appropriations for the financing of aid not covered by the Bank's own resources shall be administered by the Commission, in accordance with the Financial Regulation applicable to the general budget of the European Communities, subject in particular to Articles 9, 10 and 11 of this Regulation and without prejudice to the Bank's powers in administering certain forms of aid.

⁽¹⁾ OJ No L 337, 29. 11. 1982, p. 1.

⁽²⁾ OJ No L 337, 29. 11. 1982, p. 29.

⁽³⁾ OJ No L 337, 29. 11. 1982, p. 43.

⁽⁴⁾ OJ No L 337, 29. 11. 1982, p. 8.

⁽⁵⁾ OJ No L 337, 29. 11. 1982, p. 22.

⁽⁶⁾ OJ No L 337, 29. 11. 1982, p. 15.

⁽⁷⁾ OJ No L 337, 29. 11. 1982, p. 36.

⁽⁸⁾ OJ No L 216, 5. 8. 1986, p. 1.

⁽⁹⁾ OJ No L 85, 28. 3. 1984, p. 37.

⁽¹⁰⁾ OJ No C 302, 27. 11. 1986, p. 6.

⁽¹¹⁾ OJ No L 111, 28. 4. 1986, 1976, p. 3.

⁽¹²⁾ OJ No L 339, 28. 12. 1977, p. 2.

2. However, the detailed rules for administering the appropriations referred to in paragraph 1, particularly with regard to the appointment of financial implementation bodies and the conditions guaranteeing equal competition, in so far as such rules are necessary for the purpose of implementing the Protocols, shall be adopted by common agreement between the Community and each recipient country.

Article 3

1. As regards Algeria, Morocco, Tunisia, Egypt, Lebanon, Jordan and Syria, a general mandate shall be given to the Bank by the Commission on behalf of the Community, after consultation of the representatives of the Member States, to administer interest-rate subsidies for loans from its own resources, risk-capital operations and special loans in the industrial, energy, mining, tourism and economic infrastructure sectors.

The Commission shall itself administer grants for technical assistance programmes or schemes, in whatever sector, and special loans in sectors other than those mentioned in the general mandate given to the Bank and specified in the first subparagraph.

2. As regards Malta and Cyprus, a general mandate from the Community shall be given to the Bank by the Commission, after consultation of the representatives of the Member States, to administer interest-rate subsidies for loans from its own resources and risk-capital operations and special loans.

The Commission shall itself administer grants for technical assistance programmes or schemes.

3. The mandates given to the Bank in accordance with paragraphs 1 and 2, and in particular the provisions concerning movements of funds and the remuneration for executing the mandate, shall be the subject of an agreement between the Commission and the Bank after consulting the representatives of the Member States. This agreement shall include the provisions set out in Articles 9, 10 and 11.

Operations covered by the mandates established pursuant to paragraphs 1 and 2 and concerning special loans and risk capital shall be undertaken by the Bank on behalf of, and at the risk of, the Community.

The Bank shall act in accordance with the procedures laid down in its Statute and with the rules laid down in the agreement referred to in the first subparagraph.

Article 4

The Commission shall communicate to the Member States at least once a year the information obtained from the recipient countries on the content and prospects of their development plans, the objectives they have set themselves and the projects already known which are likely to attain these objectives.

The Commission shall compile this information in collaboration with the Bank.

The Member States shall at the same time inform the Commission, which shall in turn inform the other Member States, of any bilateral aid to the recipient countries which has been decided on.

Furthermore, the Commission shall forward to the committee referred to in Article 6 any information available on other bilateral or multilateral aid for the recipient countries.

To this end, and to enable the Member States to be informed, the Commission shall obtain all relevant information on aid provided to the recipient countries.

Article 5

1. The position to be taken by the Community for the purposes of defining the specific objectives of financial and technical cooperation in the Cooperation or Association Councils shall be adopted by the Council acting on a proposal from the Commission, drawn up, in close collaboration with the Bank, on the basis of the information obtained in accordance with Article 4. In the event of disagreement, the Bank shall make its position known to the Council.

2. For the purposes of implementing financial and technical cooperation on the basis of the specific objectives referred to in paragraph 1, the Council shall hold an annual policy debate on the future course of financial cooperation. In so doing, it shall see that due account is taken in particular of the mutual complementarity of the interests involved.

For that policy debate the Commission shall submit to the Council a report drawn up in liaison with the Bank, where the latter is concerned, on the implementation of financial cooperation during the last financial year. The Commission and the Bank shall also notify the Council of the information obtained from the recipient countries on the financing sought and of the operations which the Commission and the Bank intend to submit for opinions to the committees provided for in Articles 6 and 9, in accordance with Articles 7 and 10.

In addition, the Commission and the Bank shall undertake, each for those projects concerning it, an evaluation of the main projects completed in major sectors to establish whether the objectives defined in the appraisal of those projects have been met and to provide guidelines for improving the effectiveness of future aid activities. These evaluation reports shall be made available to all Member States.

Article 6

1. A committee, hereinafter to be called the 'Article 6 Committee', consisting of representatives of the Governments of the Member States, shall be set up at the Commission.

The Article 6 Committee shall be chaired by a representative of the Commission and its secretarial services shall be provided by the Commission.

A representative of the Bank shall take part in its proceedings.

2. The Council, acting unanimously on a proposal from the Commission, shall adopt the rules of procedure of the Article 6 Committee.

3. The Article 6 Committee shall act by a qualified majority in accordance with Article 148 (2) of the Treaty.

4. Within the Article 6 Committee, the votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty.

Article 7

1. The Article 6 Committee shall give its opinion on draft project or scheme financing decisions submitted to it by the Commission.

2. The draft project or scheme financing decisions shall, in particular, explain the relevance of the projects or schemes concerned to the development prospects of the recipient country or countries and shall assess the effectiveness of each project or scheme by setting the effects it is expected to produce against the resources to be invested in it. Where appropriate, they shall indicate the extent to which the aid already agreed to by the Community for the project or similar projects in that or those countries has been utilized as well as the various external sources helping to finance such projects.

They shall include, in particular, measures aimed at promoting, in accordance with the Protocols, participation by undertakings belonging to recipient countries in carrying out the projects.

Article 8

The Commission shall adopt decisions which shall apply immediately. However, if the Article 6 Committee has not delivered a favourable opinion, these decisions shall forthwith be communicated by the Commission to the Council. In that event the Commission shall defer application of the decisions which it has adopted for not more than three months from the date of such communication.

The Council, acting by a qualified majority, may take a different decision with three months.

Article 9

1. A Committee consisting of representatives of the Governments of the Member States, hereinafter referred to as the 'Article 9 Committee', shall be set up at the Bank.

The Article 9 Committee shall be chaired by the representative of the Government of the Member State currently holding the Presidency of the Board of Governors of the Bank; its secretariat shall be provided by the Bank.

A representative of the Commission shall take part in its proceedings.

2. The Council, acting unanimously, shall adopt the rules of procedure of the Article 9 Committee.

3. The Article 9 Committee shall act by a qualified majority in accordance with Article 148 (2) of the Treaty.

4. Within the Article 9 Committee, the votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty.

Article 10

1. The Article 9 Committee shall give its opinion on the draft financing decisions drawn up by the Bank pursuant to Article 3.

The Commission representative shall state the Commission's position on these draft decisions.

The Commission's position shall cover the conformity of the draft decisions with the objectives of financial and technical cooperation laid down in the Agreements or the Protocols and with the general guidelines adopted by the Cooperation or Association Councils.

2. In addition, the Bank shall inform the Article 9 Committee of any loans without interest-rate subsidies which it intends to grant from its own resources.

Article 11

1. The document in which the Bank submits a draft financing decision to the Article 9 Committee shall, in particular, explain the relevance of the projects concerned to the development prospects of the recipient country or countries and, where appropriate, indicate the extent to which loans agreed to by the Bank have been utilized.

2. Where the Article 9 Committee delivers a favourable opinion and the Commission expresses a favourable view in respect of a draft financing decision involving a special loan or risk capital, the draft decision shall be submitted for decision to the Board of Directors of the Bank, which shall act in accordance with the Bank's Statute.

In the absence of a favourable opinion from the Article 9 Committee or in the event of an unfavourable view being expressed by the Commission, the Bank shall either withdraw the draft decision or request the Member State holding the Chair of the Article 9 Committee to refer the matter to the Council as soon as possible.

3. Where, in the absence of a favourable opinion from the Article 9 Committee or in the event of an unfavourable view being expressed by the Commission, the matter is brought before the Council in accordance with the second subparagraph of paragraph 2, the Bank's draft decision shall be submitted to the Council together with the reasoned opinion of the Article 9 Committee or the Commission's view.

The Council shall take its decision by a qualified majority.

If the Council decides to confirm the position taken by the Article 9 Committee or by the Commission, the Bank shall withdraw its proposal.

If, however, the Council is in agreement with the Bank's proposal, the Bank shall implement the procedures laid down in its Statute.

4. The Commission and the Bank shall jointly identify the branches of activity likely to benefit from a loan with an interest-rate subsidy.

Where the Article 9 Committee delivers a favourable opinion in respect of an application for a loan with an interest-rate subsidy, the application shall be submitted for decision to the Board of Directors of the Bank, which shall act in accordance with the Bank's Statute.

In the absence of a favourable opinion from the Article 9 Committee, the Bank shall either withdraw the application or decide to maintain it. In the latter event, the application, together with the reasoned opinion of the Committee, shall be submitted for decision to the Board of Directors of the Bank, which shall act in accordance with the Bank's Statute.

Article 12

1. The Commission shall ensure that the mandates provided for in Article 3 are carried out and that the aid administered directly by it is implemented and as certain

how the projects being implemented and financed by such aid are implemented by the recipient countries or by any other recipients referred to in each of the Protocols concluded with these countries.

2. It shall also ascertain, in close collaboration with the responsible authorities of the recipient country or countries, how projects financed with Community aid are used by the recipients.

3. When conducting the examinations carried out pursuant to paragraphs 1 and 2, the Commission shall examine jointly with the Bank to what extent the objectives defined pursuant to the provisions of the Cooperation Agreements with Algeria, Morocco, Tunisia, Egypt, Lebanon, Jordan and Syria, of the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta, of the Additional Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus, and the Protocols concluded with all the aforementioned countries, have been attained.

4. The Commission shall report to the European Parliament and the Council at their request, and at least once a year, on compliance with the terms of paragraphs 1, 2 and 3.

Article 13

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, 22 December 1986.

For the Council

The President

G. SHAW

COUNCIL REGULATION (EEC) No 3974/86
of 22 December 1986
on the rationalization and improvement of health conditions in slaughterhouses
in Belgium

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

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

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

Whereas there is an urgent need to accelerate the modernization of slaughterhouses in certain regions of the Community; whereas in particular the structure and hygiene of slaughterhouses in Belgium are out of date with the result that they no longer meet the economic and, more particularly, health standards;

Whereas a special effort must be made to adapt and rationalize this sector so that it may become competitive again; whereas, in the first instance, and because of the particular situation in Belgium, this effort must be concentrated in that Member State;

Whereas a contribution towards solving the sector's problem could be made by more thorough application of the measures referred to in Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fisheries products are processed and marketed ⁽³⁾, as last amended by Regulation (EEC) No 1247/85 ⁽⁴⁾, with a view to accelerating the adaptation of Belgian slaughterhouses, including any cutting plants attached to such slaughterhouses;

Whereas such wider application is of special interest to the Community; whereas the measures relating thereto therefore constitute a common measure within the

meaning of Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 870/85 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

A common measure within the meaning of Article 6 (1) Regulation (EEC) No 729/70 is hereby introduced to accelerate, within the framework of the common measure referred to in Regulation (EEC) No 355/77, the rationalization of Belgian slaughterhouses and the adaptation of this sector to Community health standards.

Article 2

1. The period for carrying out the common measure shall be three years from 1 January 1987.
2. The estimated cost of the common measure to the European Agricultural Guidance and Guarantee Fund, Guidance Section, shall amount to 20 million ECU.
3. Article 6 (5) of Regulation (EEC) No 729/70 shall apply to this Regulation.

Article 3

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, 22 December 1986.

For the Council
The President
G. SHAW

⁽¹⁾ OJ No C 329, 19. 12. 1985, p. 11.

⁽²⁾ Opinion delivered on 12. 12. 1986 (not yet published in the Official Journal).

⁽³⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽⁴⁾ OJ No L 130, 16. 5. 1985, p. 1.

⁽⁵⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁶⁾ OJ No L 95, 2. 4. 1985, p. 1.

COUNCIL REGULATION (EEC) No 3975/86**of 22 December 1986****amending Regulation (EEC) No 2764/77 extending the period for which Class III
may be applied in respect of certain fruit and vegetables**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 first subparagraph of Article 4 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1035/72 provides that, unless an extension is decided upon in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, Class III may not be applied beyond the fifth year following the date of entry into force of the Regulation which defines it; whereas Regulation (EEC) No 2764/77⁽³⁾, amended by Regulation (EEC) No 3409/82⁽⁴⁾, extended this possibility of application until 31 December 1986;

Whereas the marketing of Class III represents a large share of producers' incomes, where there is no Class II for the product; whereas, where there is a Class II, the share of producers' incomes represented by Class III is conside-

rably lower, although not negligible, particularly at certain times of the year;

Whereas, moreover, the marketing of Class III products enables certain consumers with modest incomes to obtain supplies of those products;

Whereas it seems advisable, therefore, to provide for Class III to be applicable for a limited period beyond 31 December 1986,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2764/77, '31 December 1986', is hereby replaced by '30 April 1988'.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 January 1987.

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

Done at Brussels, 22 December 1986.

*For the Council**The President*

G. SHAW

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.⁽³⁾ OJ No L 320, 15. 12. 1977, p. 5.⁽⁴⁾ OJ No L 360, 21. 12. 1982, p. 2.

COUNCIL REGULATION (EEC) No 3976/86
of 22 December 1986

amending Regulation (EEC) No 483/86 fixing the level of quantitative restrictions in Spain for certain fruit and vegetables coming from the Community as constituted on 31 December 1985

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 137 of the Act of Accession, the Kingdom of Spain is authorized until 31 December 1989 to maintain quantitative restrictions, in the form of quotas, on imports of certain fruit and vegetables from the Community as constituted on 31 December 1985; whereas certain additional restrictions may be applied in respect of certain periods;

Whereas Regulation (EEC) No 483/86⁽¹⁾ fixed the initial quota applicable to each product in 1986; whereas pursuant to Article 137 (3) of the Act of Accession, the minimum rate of progressive increase in the quotas is 10 % at the beginning of each year; whereas a higher rate of increase of 20 % is not likely to cause disturbance

on the Spanish market; whereas Regulation (EEC) No 483/86 should be amended for 1987,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 483/86 is hereby amended as follows:

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

'1. The volumes of the quotas that the Kingdom of Spain may, pursuant to Article 137 of the Act of Accession, apply to the import of products appearing in Annex I coming from the Community as constituted on 31 December 1985 shall, for the year 1987, be as set out in respect of each product in that Annex.'

2. Annexes I and II are replaced by the Annexes 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, 22 December 1986.

For the Council

The President

G. SHAW

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 7.

CCT heading No	Description	Quota for 1987
07.01	Vegetables fresh or chilled : B. Cabbages, cauliflowers and Brussels sprouts : I. Cauliflowers G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots : ex II. Carrots and turnips : — Carrots ex H. Onions, shallots and garlic : — Onions — Garlic M. Tomatoes	 7 657 4 698 35 297 6 679 70 932
08.02	Citrus fruit, fresh or dried : A. Oranges B. Mandarins (including tangerines and satsumas); clementines, wilkins and other similar citrus hybrids : II. Other : — Mandarins (including tangerines and satsumas) C. Lemons	 61 273 16 144 16 612
08.04	Grapes, fresh or dried : A. Fresh : I. Table grapes	 18 028
08.06	Apples, pears and quinces, fresh : A. Apples B. Pears	 34 804 17 798
08.07	Stone fruit, fresh : A. Apricots ex B. Peaches, including nectarines : — Peaches	 5 731 16 455

ANNEX II

CCT heading No	Description	(tonnes) Quota
08.06	Apples, pears and quinces, fresh : A. Apples : ex I. Cider apples in bulk from 16 September to 15 December : — From 16 September to 30 November II. Other : ex a) From 1 August to 31 December : — From 1 September to 30 November B. Pears : ex I. Perry pears in bulk from 1 August to 31 December : — From 1 August to 16 December II. Other : c) From 16 to 31 July ex d) From 1 August to 31 December : — From 1 August to 16 December	221 4 351 3 708
08.07	Stone fruit, fresh : ex A. Apricots : — From 1 May to 31 July ex. B. Peaches, including nectarines : — Peaches from 15 June to 15 September	863 3 522

**COUNCIL REGULATION (EEC) No 3977/86
of 22 December 1986**

**amending Regulation (EEC) No 501/86 fixing, for 1986, the initial quota which
may be applied by the Portuguese Republic for certain fruit and vegetables
coming from the Community as constituted at 31 December 1985**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 269 of the Act of Accession, the Portuguese Republic may, until the end of the first stage, maintain, in the form of quotas, quantitative restrictions on imports of certain fruit and vegetables coming from the Community as constituted at 31 December 1985 for certain periods of the year;

Whereas Regulation (EEC) No 501/85⁽¹⁾ fixed the volume of the initial quota applicable in 1986 for each product; whereas, in compliance with Article 269 (2) of the Act of Accession, the minimum rate of progressive increase in the quotas expressed in terms of volume is 10 % at the beginning of each year; whereas a higher rate of increase of 20 % is not likely to cause disturbance on the Portu-

guese market; whereas Regulation (EEC) No 501/86 should be therefore amended for 1987,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 501/86 is hereby amended as follows:

1. In the title, 'fixing, for 1986, the initial quota' is replaced by 'fixing the quota'.
2. Article 1 (1) is replaced by the following:
'1. The volumes for the quotas which the Portuguese Republic may, pursuant to Article 269 of the Act of Accession, apply on the import of fresh fruit and vegetables from the Community as constituted at 31 December 1985 are hereby fixed for 1987 in accordance with the Annex.'
3. 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, 22 December 1986.

For the Council
The President
G. SHAW

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 46.

CCT heading No	Description	Quota for 1987
07.01	Vegetables fresh or chilled : B. Cabbages, cauliflowers and Brussels sprouts : I. Cauliflowers : ex a) From 15 April to 30 November : — From 1 to 30 November ex b) From 1 December to 14 April : — From 1 December to 31 March ex H. Onions, shallots and garlic : — Onions, from 1 August to 30 November — Garlic, from 1 August to 31 December M. Tomatoes : ex I. From 1 November to 14 May : — From 1 December to 14 May ex. II. From 15 May to 31 October : — From 15 to 31 May	885 2 021 78 5 310
08.02	Citrus fruit, fresh or dried : A. Oranges : I. Sweet oranges, fresh : a) From 1 to 30 April b) From 1 to 15 May ex c) From 16 May to 15 October : — From 16 May to 31 August ex d) From 16 October to 31 March : — From 1 February to 31 March II. Other : ex a) From 1 April to 15 October : — From 1 April to 31 August ex b) From 16 October to 31 March : — From 1 February to 31 March : B. Mandarins (including tangerines and satsumas); clem- tines, wilkings and other similar citrus hybrids : ex II. Other : — Mandarins (including tangerines and satsumas), from 1 November to 31 March ex C. Lemons : — From 1 June to 31 October	3 397 654 632
08.04	Grapes, fresh or dried : A. Fresh : I. Table grapes : ex b) From 15 July to 31 October : — From 15 August to 30 September	2 163
08.06	Apples, pears and quinces, fresh : A. Apples : II. Other ex b) From 1 January to 31 March : — From 1 to 31 March ex c) From 1 April to 31 July : — From 1 April to 30 June	3 654

(tonnes)		
CCT heading No	Description	Quota for 1987
08.06 (cont'd)	B. Pears : II. Other : ex a) From 1 January to 31 March : — From 1 February to 31 March b) From 1 April to 15 July c) From 16 to 31 July ex d) From 1 August to 31 December : — From 1 to 31 August	2 272
08.07	Stone fruit, fresh : ex A. Apricots : — From 15 June to 15 July ex B. Peaches, including nectarines : — From 1 May to 30 September	215 1 195

COMMISSION REGULATION (EEC) No 3978/86

of 23 December 1986

opening an invitation to tender for the refund for the export of bread-making wheat to countries of zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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⁾, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of bread-making wheat to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands;

Whereas the purpose of the measure is such that refunds should be granted only on wheat of the quality required; whereas the competent agency must make certain that wheat exported is of this standard;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as amended by Regulation (EEC) No 2944/78 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical; whereas, however, a special period of validity should be laid down for exports to the People's Republic of China;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made

from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.

2. The invitation to tender shall relate to bread-making wheat for export to the countries of zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.

3. The invitation shall remain open until 30 April 1987. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 8 January 1987.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽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 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

However, for exports to the People's Republic of China, licences shall be valid from their date of issue as defined in paragraph 1 until the end of the sixth month following.

3. For the purposes of applying paragraph 2, licences issued in connection with this invitation to tender shall bear, in space 19, a statement of the last day of validity calculated in accordance with the provisions of the first subparagraph of paragraph 2. They shall also bear, in space 18, a statement of the last day of validity calculated in accordance with the provisions of the second subparagraph of paragraph 2; for this purpose, one of the following statements shall be entered in space 18:

- En caso de exportación a la República Popular de China, último día de validez:, Reglamento (CEE) nº 3978/86.
- Sidste gyldighedsdag ved udførsel til Den kinesiske Folkerepublik:, forordning (EØF) nr. 3978/86.
- Letzter Gültigkeitstag bei Ausfuhr in die Volksrepublik China:, Verordnung (EWG) Nr. 3978/86.
- Σε περίπτωση εξαγωγής προς τη Λαϊκή Δημοκρατία της Κίνας, τελευταία ημέρα ισχύος:, κανονισμός (ΕΟΚ) αριθ. 3978/86.
- In case of export to the People's Republic of China, last day of validity:, Regulation (EEC) No 3978/86.
- En cas d'exportation vers la République populaire de Chine, dernier jour de validité:, règlement (CEE) nº 3978/86.
- In caso di esportazione verso la Repubblica popolare di Cina, ultimo giorno di validità:, regolamento (CEE) n. 3978/86.
- In geval van uitvoer naar de Volksrepubliek China, laatste geldigheidsdag:, Verordening (EEG) nr. 3978/86.
- Em caso de exportação para a República Popular da China, último dia de validade:, Regulamento (CEE) nº 3978/86.

Where the licence is used after the date given in space 19, it shall carry the obligation to export to the People's Republic of China.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the bread-making wheat exported is of at least intervention quality as defined in Annex II. The competent agency shall have an analysis made by an approved body or company, of the landed goods.

Sampling and analysis costs shall be met by the tenderer.

4. In the case where the quality does not conform to that defined in paragraph 3, the refund will be reduced by an amount of 20 ECU per tonne.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex I.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

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

Done at Brussels, 23 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Weekly tender for the refund for the export of bread-making wheat to countries of zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands

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

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

ANNEX II

Common wheat is considered as bread-making wheat when :

A. Common wheat shall be deemed to meet the necessary technical and physical requirements if the dough obtained from the wheat does not stick during the mechanical kneading process and if it has the following properties :

- Zeleny index of at least 20,
- Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds,
- protein content of at least 10,5 %.

B. or

- W of at least 145
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds,
 - protein content of at least 10,5 %.
-

COMMISSION REGULATION (EEC) No 3979/86

of 22 December 1986

extending the Community surveillance of imports of certain carnations and cut roses originating in various countries

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

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, amended by Regulation (EEC) No 1243/86⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC) No 1765/82 of 30 June 1982 on common rules for imports from State-trading countries⁽³⁾, and in particular Article 10 (3) thereof,

Having regard to Council Regulation (EEC) No 1766/82 of 30 June 1982 on common rules for imports from the People's Republic of China⁽⁴⁾, and in particular Article 10 (4) thereof,

After consultation within the Committee provided for in Article 5 of the said Council Regulations,

Whereas Commission Regulation (EEC) No 3353/75⁽⁵⁾, as last amended by Regulation (EEC) No 66/86⁽⁶⁾, introduced until 31 December 1986 Community surveillance of imports of certain live plants and floricultural products originating in various countries;

Whereas, in so far as carnations and asparagus foliage are concerned, the reasons which were the basis for Regulation (EEC) No 3353/75 are essentially still valid and consequently the surveillance regime should be extended to these products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3353/75 is hereby amended as follows:

'31 December 1986' is replaced by '31 December 1987.'

Article 2

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

It shall apply with effect from 1 January 1987.

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

Done at Brussels, 22 December 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

⁽³⁾ OJ No L 195, 5. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 195, 5. 7. 1982, p. 21.

⁽⁵⁾ OJ No L 330, 24. 12. 1975, p. 29.

⁽⁶⁾ OJ No L 12, 16. 1. 1986, p. 12.

COMMISSION REGULATION (EEC) No 3980/86**of 22 December 1986****amending and extending Regulation (EEC) No 2819/79 making imports of certain textile products from certain third countries subject to Commission surveillance**

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

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, amended by Regulation (EEC) No 1243/86⁽²⁾, and in particular Article 10 thereof,

Having consulted the advisory committee set up under Article 5 of the said Regulation,

Whereas, by virtue of Regulation (EEC) No 2819/79⁽³⁾, as last amended and extended by Regulation (EEC) No 1697/86⁽⁴⁾, the Commission has established a system of Community surveillance for imports of certain textile products listed in the Annex and originating in the Mediterranean countries which had signed Agreements establishing preferential arrangements with the Community, that is to say Egypt, Turkey and Malta;

Whereas the situation which led to the introduction of the said surveillance system still exists; whereas that system should therefore remain in force;

Whereas this surveillance system does not prevent the eventual application of safeguard measures covering the products referred to in this Regulation;

Whereas because of developments in the pattern of trade, this system should be extended to certain textile products originating in Turkey (categories 18 and 78) and in Egypt (categories 2, 4 and 20);

Whereas this surveillance system shall be without prejudice to the transitional measures adopted by virtue of the Act of Accession of Portugal and Spain with regard to certain third countries,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2819/79 is hereby replaced by the Annex to this Regulation.

Article 2

The provisions of Regulation (EEC) No 2819/79 shall be without prejudice to the transitional measures adopted by virtue of the Act of Accession of Portugal and Spain with regard to certain third countries.

Article 3

Regulation (EEC) No 2819/79 is hereby extended until 31 December 1987.

Article 4

This Regulation shall enter into force on 1 January 1987.

It shall apply until 31 December 1987.

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

Done at Brussels, 22 December 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.

⁽⁴⁾ OJ No L 146, 31. 5. 1986, p. 62.

ANNEX

Category	CCT heading No	NIMEXE code (1987)	Description	Units	Third countries
1	55.05	55.05-13, 19, 21, 25, 27, 29, 33, 35, 37, 41, 45, 46, 48, 51, 53, 55, 57, 61, 65, 67, 69, 72, 78, 81, 83, 85, 87	Cotton yarn, not put up for retail sale	tonnes	Egypt Turkey Malta
2	55.09	55.09-03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 29, 32, 34, 35, 37, 38, 39, 41, 49, 51, 52, 53, 54, 55, 56, 57, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 98, 99	Woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics	tonnes	Egypt Turkey Malta
2 a)	55.09	55.09-06, 07, 08, 09, 51, 52, 53, 54, 55, 56, 57, 59, 61, 63, 64, 65, 66, 67, 70, 71, 73, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 98, 99	a) of which other than unbleached or bleached		
3	56.07 A	56.07-01, 04, 05, 07, 08, 10, 12, 15, 19, 20, 22, 25, 29, 30, 31, 35, 38, 39, 40, 41, 43, 45, 46, 47, 49	Woven fabrics of synthetic fibres (staple or waste) other than narrow woven fabrics, pile fabrics (including terry fabrics) and chenille fabrics	tonnes	Turkey
4	60.04 B I II a) b) c) IV a) 4 b) 1 aa) dd) 2 ee) c) 4 d) 1 aa) dd) ex 2 dd) 60.05 A II b) 4 mm) 11 22 33 44	60.04-19, 20, 22, 23, 24, 26, 39, 41, 50, 58, 69, 71, 79, 88 60.05-86, 87, 88, 89	Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers (other than of wool or fine animal hair), undershirts and the like, knitted or crocheted	1 000 pieces	Egypt Turkey Malta
5	60.05 A I a) II b) 4 bb) 11 aaa) bbb) ccc) ddd) eee) 22 bbb) ccc) ddd) eee) fff) ijij) 11	60.05-01, 29, 30, 32, 33, 34, 39, 40, 41, 42, 43, 80	Jerseys, pullovers, slip-overs, waistcoats, twin-sets, cardigans, bed jackets and jumpers (other than jackets and blazers), anoracks, windcheaters, waister jackets and the like, knitted or crocheted	1 000 pieces	Turkey

Category	CCT heading No	NIMEXE code (1987)	Description	Units	Third countries
6	61.01 B V d) 1 2 3 e) 1 2 3 61.02 B II e) 6 aa) bb) cc)	61.01-62, 64, 66, 72, 74, 76 61.02-66, 68, 72	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres	1 000 pieces	Turkey Malta
7	60.05 A II b) 4 aa) 22 33 44 55 61.02 B II e) 7 bb) cc) ee)	60.05-22, 23, 24, 25 61.02-78, 82, 85	Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, cotton or man-made fibres	1 000 pieces	Turkey Malta
8	61.03 A I II IV	61.03-11, 15, 18	Men's or boys' shirts, other than knitted or crocheted, of wool, cotton or man-made fibres	1 000 pieces	Turkey Malta
9	55.08 62.02 B III a) 1	55.08-10, 30, 50, 80 62.02-71	Terry towelling and similar woven terry fabrics of cotton; toilet linen and kitchen linen, other than knitted or crocheted, of terry towelling and similar woven terry fabrics, of cotton	tonnes	Turkey
12	60.03 B I a) b) II a) b) 2 III IV 60.04 B III a) 2 b) 60.06 B II	60.03-11, 18, 20, 29, 40, 80 60.04-33, 34 60.06-92	Pantyhose and tights, stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, rubberized: other than for babies, including stockings for varicose veins, other than products of category 70	1 000 pairs	Turkey
13	60.04 B IV a) 2 b) 1 cc) 2 dd) c) 2 d) 1 cc) 2 cc)	60.04-36, 48, 56, 66, 75, 85	Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted, of wool, cotton or man-made fibres	1 000 pieces	Turkey
18	61.01 B III 61.02 B II c) 61.03 B C 61.04 B	61.01-24, 25, 26 61.02-22, 23, 24 61.03-51, 55, 59, 81, 85, 89 61.04-11, 13, 18, 91, 93, 98	Men's or boys' singlets and other vests, underpants, briefs, night-shirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted Womens' or girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, other than knitted or crocheted	tonnes	Turkey
20	62.02 B I a) c)	62.02-12, 13, 19	Bed linen, other than knitted or crocheted	tonnes	Egypt Turkey

Category	CCT heading No	NIMEXE code (1987)	Description	Units	Third countries
26	60.05 A II b) 4 cc) 11 22 33 44 61.02 B II e) 4 bb) cc) dd) ee)	60.05-46, 47, 48, 49 61.02-48, 52, 53, 54	Women's or girls' dresses, of wool, of cotton or man-made fibres	1 000 pieces	Turkey
27	60.05 A II b) 4 dd) 61.02 B II e) 5 aa) bb) cc)	60.05-51, 52, 54, 58 61.02-57, 58, 62	Women's or girls', including divided skirts	1 000 pieces	Turkey
29	61.02 B II e) 3 aa) bb) cc)	61.02-42, 43, 44	Women's or girls' suits and ensembles, other than knitted or crocheted, of wool, of cotton or man-made fibres, excluding ski suits	1 000 pieces	Turkey
32	ex 58.04	58.04-07, 11, 15, 18, 41, 43, 45, 61, 63, 67, 69, 71, 75, 77, 78	Woven pile fabrics and chenille fabrics (other than terry fabrics of cotton and narrow woven fabrics) and tufted textile fabrics, of wool, of cotton or of man-made textile fibres	tonnes	Turkey
39	62.02 B II a) c) III a) 2 c)	62.02-40, 42, 44, 46, 51, 59, 65, 72, 74, 77	Table linen, toilet and kitchen linen, other than knitted or crocheted, other than of terry towelling or similar terry fabrics of cotton	tonnes	Turkey
56	56.06 A	56.06-11, 15	Yarn of staple synthetic fibres (including waste), put up for retail sale	tonnes	Turkey
73	60.05 A II b) 3	60.05-16, 17, 19	Track suits of knitted or crocheted fabric, of wool, of cotton or of man-made textile fibres	1 000 pieces	Turkey
78	61.01 A I II b) B V g) 1 2 3 61.02 A II B I b) B II e) 9 aa) bb) ee)	61.01-03, 09, 93, 94, 97 61.02-04, 07, 93, 95, 97	Garments, other than knitted or crocheted, excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77	tonnes	Turkey
83	60.05 A I b) A II a) b) 4 hh) 11 22 33 44 kk) 11	60.05-03, 04, 75, 76, 77, 78, 82	Overcoats, jackets, blazers and other garments, including ski suits, knitted or crocheted, excluding garments of categories 4, 5, 7, 13, 24, 26, 27, 28, 68, 69, 72, 73, 74, 75	tonnes	Turkey

**COMMISSION REGULATION (EEC) No 3981/86
of 22 December 1986**

extending the periods of validity of Regulations (EEC) No 3044/79, (EEC) No 1782/80, (EEC) No 2295/82, (EEC) No 3652/85, (EEC) No 1769/86 and (EEC) No 1971/86 and amending Regulation (EEC) No 1782/80 on Community surveillance of imports of certain textile products originating in Malta, Egypt and Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, amended by Regulation (EEC) No 1243/86 ⁽²⁾, and in particular Article 10 thereof,

Having regard to the opinion of the advisory committee set up by Article 5 of that Regulation,

Whereas Commission Regulation (EEC) No 2819/79 ⁽³⁾, the period of validity of which was last amended by Regulation (EEC) No 3980/86 ⁽⁴⁾, makes imports of certain textile products originating in certain non-member countries subject to Community surveillance;

Whereas, by Regulation (EEC) No 3044/79 ⁽⁵⁾, the Commission established Community surveillance of imports of certain textile products originating in Malta;

Whereas, by Regulation (EEC) No 1782/80 ⁽⁶⁾, the Commission established Community surveillance of imports of certain textile products originating in Egypt;

Whereas, by Regulations (EEC) No 2295/82 ⁽⁷⁾, as last amended by Regulations (EEC) No 1241/86 ⁽⁸⁾, (EEC) No 3652/85 ⁽⁹⁾, (EEC) No 1769/86 ⁽¹⁰⁾ and (EEC) No 1971/86 ⁽¹¹⁾ the Commission established Community surveillance of imports of certain textile products originating in Turkey;

Whereas those Regulations expire on 31 December 1986;

Whereas the reasons that justified the introduction of the above Regulations are still valid; whereas the said Regula-

tions should therefore be extended for an additional period;

Whereas the provisions of Regulation (EEC) No 1782/80 should be defined as applying to cotton yarn (category 1) originating in Egypt,

HAS ADOPTED THIS REGULATION:

Article 1

Community surveillance of imports of certain textile products established by Regulations (EEC) No 3044/79, (EEC) No 1782/80, (EEC) No 2295/82, (EEC) No 3652/85, (EEC) No 1769/86 and (EEC) No 1971/86 is hereby extended until 31 December 1987.

Article 2

Regulation (EEC) No 1782/80 is hereby amended as follows:

1. Article 1 is replaced by the following text:

'Article 1

Without prejudice to the other provisions of Commission Regulation (EEC) No 2819/79, the import document referred to in Article 2 of that Regulation shall be issued or endorsed for the products listed in Annex I only on presentation of an export licence issued and endorsed by the competent Egyptian authorities (Cotton Textile Consolidation Fund) and corresponding to the specimen shown in Annex II'.

2. The Annex is replaced by the Annexes I and II to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1987.

It shall apply until 31 December 1987.

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.

⁽⁴⁾ See page 21 of this Official Journal.

⁽⁵⁾ OJ No L 343, 31. 12. 1979, p. 8.

⁽⁶⁾ OJ No L 174, 9. 7. 1980, p. 16.

⁽⁷⁾ OJ No L 245, 20. 8. 1982, p. 25.

⁽⁸⁾ OJ No L 129, 15. 5. 1985, p. 6.

⁽⁹⁾ OJ No L 328, 24. 12. 1985, p. 19.

⁽¹⁰⁾ OJ No L 153, 7. 6. 1986, p. 26.

⁽¹¹⁾ OJ No L 170, 27. 6. 1986, p. 27.

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

Done at Brussels, 22 December 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

ANNEX I

Category	CCT heading No	NIMEXE code (1987)	Description	Units	Third countries
1	55.05	55.05-13, 19, 21, 25, 27, 29, 33, 35, 37, 41, 45, 46, 48, 51, 53, 55, 57, 61, 65, 67, 69, 72, 78, 81, 83, 85, 87	Cotton yarn, not put up for retail sale	tonnes	Egypt

COTTON TEXTILE CONSOLIDATION FUND — EGYPT

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL	2 No
	3 Quota year Année contingentaire	4 Category number Numéro de catégorie 01
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	EXPORT LICENCE for Egyptian cotton yarn LICENCE D'EXPORTATION pour les fils de coton égyptiens	
	6 Country of origin Pays d'origine	7 Country of destination Pays de destination
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport	9 Supplementary details Données supplémentaires	
10 Marks and numbers — Number and kind of packages — DESCRIPTION OF GOODS Marques et numéros — Nombre et nature des colis — DÉSIGNATION DES MARCHANDISES		11 Quantity (1) Quantité (1)
		12 FOB Value (2) Valeur fob (2)
13 CERTIFICATION BY THE COMPETENT AUTHORITY — VISA DE L'AUTORITÉ COMPÉTENTE I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the category shown in box No 4 by the provisions regulating trade in textile products with the European Economic Community. Je soussigné certifie que les marchandises désignées ci-dessus ont été imputées sur la limite quantitative fixée pour l'année indiquée dans la case 3 pour la catégorie désignée dans la case 4 dans le cadre des dispositions régissant les échanges de produits textiles avec la Communauté économique européenne.		
14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)	At — À, on — le (Signature) (Stamp — Cachet)	

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight — Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
(2) In the currency of the sale contract — Dans la monnaie du contrat de vente.

COMMISSION REGULATION (EEC) No 3982/86

of 22 December 1986

introducing Community surveillance of titanium semi-finished products originating in third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community, in particular Article 113,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, amended by Regulation (EEC) No 1243/86⁽²⁾, and in particular Article 10 (3) thereof,

Having consulted the committee set up under that Regulation,

Whereas the precarious situation of the Community titanium processing industry, with a rate of utilization of production capacity of less than 50 % in the period from 1983 to 1985, is mainly the result of the differences of access between the European markets on the one hand and the North American and Japanese markets on the other;

Whereas any solution with a view to stabilizing world trade in processed products of titanium requires improved knowledge of the technical structure of such trade, notably the specific characteristics of products released for free circulation in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

(1) Imports released for free circulation in the Community of titanium semi-finished products falling within

subheading ex 81.04 K II, corresponding to NIMEXE code 81.04-59, 61 and 63, and originating in third countries, shall be subject to retrospective Community surveillance in accordance with the procedures set out in Articles 10 and 14 of Regulation (EEC) No 288/82 and in this Regulation.

(2) The information to be communicated by Member States as required by Article 14 of Regulation (EEC) No 288/82 shall comprise the following:

- (a) detailed technical description of the product plus indication of the NIMEXE subheading and of the country of origin and the country of consignment;
- (b) the quantity;
- (c) customs value.

Article 2

Annex II of Regulation (EEC) No 288/82 shall be amended by the insertion of the Common Customs Tariff heading and the NIMEXE code of the products referred to in Article 1 followed by the sign (+) in the 'EUR' column.

Article 3

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

It shall apply from 1 January 1987.

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

Done at Brussels, 22 December 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 35 of 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113 of 30. 4. 1986, p. 1.

COMMISSION REGULATION (EEC) No 3983/86

of 22 December 1986

introducing safeguard measures on imports into Spain of urea originating in certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982, on common rules for imports⁽¹⁾, as amended by Regulation (EEC) No 1243/86⁽²⁾, and in particular Article 15 (1) thereof,

After consultations within the advisory committee set up by that Regulation,

Whereas :

A. PROCEDURE

1. The Spanish authorities informed the Commission by letter of 30 May 1986 that imports of urea from the countries covered by Council Regulation (EEC) No 288/82 had been and were still increasing by such amounts and on such terms as to cause or threaten to cause substantial injury to the Spanish industry concerned. The Spanish authorities requested that measures to restrict imports be taken within five days.
2. After consultations the Commission concluded that the information submitted to it was not sufficient to justify adoption of the measures requested and that the most which could be done was to initiate a Community investigation proceeding on the trend of imports into Spain of urea originating in countries covered by Regulation (EEC) No 288/82, the terms of such imports and their effects on Community production.
3. By a notice published in the *Official Journal of the European Communities*⁽³⁾, the Commission announced the initiation of this proceeding. At the same time it began its investigation.
4. The Commission officially informed the non-Community exporting countries known to be concerned, the importers known to it and the two

Spanish producers concerned. It gave the parties concerned the opportunity of making their views known in writing and of requesting a hearing, if necessary.

5. The producers concerned and a number of importers took the opportunity to make their views known in writing by replying to questionnaires sent to them. Some of them asked to be heard orally by the Commission and were.
6. In addition to the producers and importers referred to above, the Commission received written submissions from Spanish users of the product concerned and, in certain cases, granted them a hearing: undertakings producing compound fertilizers and urea glues and resins, and the National Farmers Confederation. The Common Market Committee of the Nitrogenous and Phosphatic Fertilizers Industry also submitted written comments to the Commission.
7. During the investigation the Spanish authorities requested the Commission, by letter of 22 July 1986 and further letters received on 1 and 4 August, to take urgent measures concerning imports into Spain of urea originating in the countries covered by Regulation (EEC) No 288/82.
8. This request was backed up by information on the past and likely future trend of imports of the product in question, the terms of such imports and their effects of Spanish production of urea.
9. Having found the information supplied by the Spanish authorities to be largely confirmed by the preliminary results of the current Community investigation, the Commission decided after consultations that the critical situation of the Spanish industry concerned required, pending an overall assessment of the situation, in the light of all the relevant factors and on the basis of the definitive results of that investigation, that imports into Spain of urea from non-Community countries covered by Regulation (EEC) No 288/82 should be limited to 15 000 tonnes up to 31 October 1986. To this end it adopted a Regulation (EEC) No 2565/86⁽⁴⁾.

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

⁽³⁾ OJ No C 154, 20. 6. 1986, p. 2.

⁽⁴⁾ OJ No L 229, 15. 8. 1986, p. 8.

10. The Commission officially informed the producer countries and exporters currently concerned or likely to be concerned and offered them, as necessary, the possibility of consultations. None of those countries took advantage of this possibility.

11. During its investigation the Commission endeavoured to collect and verify all the information it considered necessary. To this end Commission staff went to following companies or organizations:

A. Spanish producers of urea:

Empresa Nacional de fertilizantes, SA (ENFERSA), Madrid,

Unión Explosivos Río Tinto, SA (ERT), Madrid.

B. Processing industry and/or importers

1. Producers of compound fertilizer:

CROS, SA Madrid

Asociación de Pequeñas y Medianas Empresas Españolas Fabricantes de Fertilizantes (CARILLO SA, Industrias y Abonos de Navarra SA, MIRAT, SA), abbreviated as FERTIPYME (Madrid);

2. Producers of urea glues and resins:

— AICAR, SA (Madrid),

— Derivados Forestales, SA (Madrid),

— Formol y Derivados, SA (Madrid);

3. Importers/distributors:

AGROX SA (Madrid).

C. Other users

Confederación Nacional de Agricultores y Ganaderos

12. On 31 October 1986 the Commission, having been unable to terminate the investigation, which had proved to be more complicated than initially foreseen, decided to extend the provisional measures until 30 November 1986 and to increase the quota for imports of urea from the non-Community countries covered by Regulation (EEC) No 288/82 from 15 000 to 20 000 tonnes. It did so by Regulation (EEC) No 3339/86⁽¹⁾. By Regulation (EEC) No 3674/86 of 1 December 1986⁽²⁾ it was decided to extend the validity of these measures to 31 December 1986 and to increase the quota from 20 000 to 25 000 tonnes.

13. The Commission officially informed the producer countries currently concerned or likely to be concerned.

B. PRODUCT CONCERNED

14. The product covered by the the investigation is urea containing more than 45 % by weight of nitrogen on the dry anhydrous product.

15. The product falls within within subheading 31.02 B of the Common Customs Tariff corresponding to NIMEXE code 31.02-15.

16. The imports concerned are those into Spain of such urea originating in the third countries covered by Regulation (EEC) No 288/82, i.e. from all countries other than the Member States and the third countries covered by Regulations (EEC) No 1765/82⁽³⁾ and (EEC) No 1766/82⁽⁴⁾.

C. TREND OF IMPORTS

17. Available figures show that the volume of imports into Spain of urea originating in the third countries covered by Regulation (EEC) No 288/82 has increased substantially in 1986, both in absolute terms and relative to Spanish production and consumption.

1. Increase in absolute terms

18. Official statistics show imports from non-Community countries to have increased in the first six months of 1986 to 39 953 tonnes, whereas for 1982 to 1985 the average was only 0,15 tonnes.

At the end of July and August 1986 the figures were 62 523 tonnes and 101 194 tonnes respectively. The monthly figures show a sudden increase in June, July and August of 1986, from 4 906 tonnes at the end of May to 101 194 tonnes at the end of August.

2. Increase relative to domestic consumption

19. Annual domestic consumption is estimated at about 591 000 tonnes and the market share accounted for by the imports concerned has risen significantly. From 0 % at the end of 1985 it rose to 6,76 % at the end of June 1986, 10,49 % at the end of July and 17,12 % at the end of August⁽⁵⁾.

⁽¹⁾ OJ No L 306, 1. 11. 1986, p. 47.

⁽²⁾ OJ No L 339, 2. 12. 1986, p. 21.

⁽³⁾ OJ No L 195, 5. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 195, 5. 7. 1982, p. 21.

⁽⁵⁾ For the trend in the market share of urea from 'other' countries, see paragraph 44 below.

D. TERMS OF IMPORT

20. The information gathered indicates that these imports were effected, over the period 1 January to 1 August 1986, at an average price of Pta 12,76/kg.
21. The monthly figures show that import prices fell progressively over the same period, from an average of Pta 16,03/kg at the end of March to 15,96 at the end of May, 13,39 at the end of June, 12,62 at the end of July and 11,86 at the end of August.
22. A comparison of prices for urea imported from outside the Community during this period with the average net ex-works price of urea made in Spain, charged during 1985 by the Spanish producers concerned, shows significant differentials, the import prices being from 51 to 64 % lower than the prices of the Spanish product.
23. It was also established that the average price of imports from non-Community countries over the same period was appreciably lower than the cost price of the two producers concerned, the under-cutting varying between 26 and 49 %.

D. EFFECTS OF IMPORTS ON SPANISH PRODUCTION

1. Spanish production concerned

24. When the investigation was initiated, Spain had only two enterprises left producing urea: the Empresa Nacional de Fertilizantes SA, entirely controlled by the State, and Unión Explosivos Río Tinto SA, belonging to the private sector.
25. Until 29 March 1986 there was a third producer, the CROS company, whose nominal annual production capacity was about 100 000 tonnes. Of this some 63 000 tonnes went for the manufacture of compound fertilizer (NPK) sold on the Spanish market. The company's profitability was judged to be inadequate and the Spanish authorities had asked it to close its urea production plant at Malaga by 30 June 1986. The company closed the plants

of its own accord on 29 March, considering that it was economically more advantageous to import the urea rather than to maintain unprofitable production temporarily.

26. The urea production units of the two current producers are at Puertollano (Castile-La Mancha), Cartagena (Murcia) and Huelva (Andalusia); all three are in particularly disadvantaged regions, with a level of economic development considerably below that of other parts of Spain.
27. Both undertakings are engaged in the fertilizer sector, where there is a national restructuring plan the basic aims of which are to improve the profitability of the undertakings concerned and, for strategic reasons, to ensure sufficient supplies of fertilizers of Spanish origin to cover domestic demand.
28. The plan provides for improving the profitability of the two undertakings by modernizing their production plants. Considerable subsidies have so far been granted for the manufacture of ammonia, the raw material used by them in making urea.
29. An appropriation of Pta 8 234 million is available under the general State budget to finance investment to enable them to produce ammonia from natural gas instead of naphtha.
30. In addition, ENAGAS has agreed to finish by 1 January 1988 at the latest its construction work on terminals to ensure supplies of natural gas for the production plants at Huelva and Cartagena.
31. The effect of the trend of imports into Spain as described above, on the terms mentioned above, has thus been assessed in relation to these two producers.
32. For this purpose the Commission considered that it should first establish a picture of the situation of the two undertakings at 31 December 1985, then examine to what extent their situation had changed during 1986 and decide whether the changes occurring showed that there was any substantial injury or threat thereof and whether this injury or threat of injury was due to the imports of urea from the non-Community countries in question.

2. Situation of the two Spanish producers at 31 December 1985

33. The nominal production capacity of the two undertakings concerned amounted at the end of 1985 to 550 000 tonnes, the same figure as for the period 1982 to 1984, corresponding to a nominal monthly capacity of the order of 50 000 tonnes.
34. In all, the two companies had produced 475 522 tonnes of urea at the end of 1985. The rate of utilization of their nominal capacities was thus 86,46 %. At the same time their stocks at the plants amounted to 37 957 tonnes.
35. Their net turnover on the Spanish market for the product concerned was, at the end of 1985, Pta 14 175 million, corresponding to sales of 431 957 tonnes of urea.
36. The average net ex-works prices charged by the two companies on the domestic market in 1985, after deduction of all rebates, were Pta 32 487 and 33 467 per tonne, while the corresponding cost prices were Pta 28 335 and 28 159 per tonne.
37. At the time the two plants employed a total of 9 812 people. Of these, 4 764 were employed in the fertilizer sector, including 595 directly concerned in the product covered by the investigation.

3. Trend in 1986

38. The information available to the Commission indicates that at the end of June, July and August 1986 the Spanish industry's output amounted to 244 316, 266 112 and 280 056 tonnes respectively, whereas the corresponding figures for 1985 were 260 118, 284 756 and 319 355 tonnes. Thus, the Spanish industry's production fell by 6,07, 6,55 and 12,31 % at the end of June, July and August 1986 respectively. Over the same period one of the two producers concerned had been obliged to close its production units and temporarily lay off all its staff of 670 people.
39. Similarly the utilization rate of the Spanish producers' capacities fell from 86,46 % at the end of 1985 to 80,90, 75,39 and 69,49 % at the end of June, July and August 1986, whereas the corresponding figures for 1985 had been 86,13, 80,67 and 79,24 %.
40. Total sales by the Spanish producers at the end of June, July and August 1986 amounted to 193 735, 214 489 and 223 779 tonnes respectively, as against

233 466, 249 258 and 258 216 tonnes for the same months of 1985, representing a decrease of the order of 13,34 %. The Spanish producers' market share fell from about 95 % in 1985 to 51 % at the end of August 1986.

41. The average weighted net ex-works price of the producers concerned had been Pta 32 867 per tonne in 1985 and fell during the first six months of 1986 to Pta 29 241, a fall of 11,03 %. At the end of July and August 1986 the fall was even greater, as average prices were only Pta 28 841 and 28 618, a fall of 13 % against the 1985 price.
42. Although the producers concerned have not been able to supply precise information as to their profits and losses and the return on their investment in 1986, it is clear in the light of the information concerning their volume of sales and their prices over the period that their situation has grown worse as against the corresponding period of 1985. At 31 August 1986 net profits lost by the two producers concerned, on the basis of these two parameters, may be put at Pta 165 605 779 at least.

4. Existence of injury and causal link

(a) Existence of injury

43. In the light of the information given above, it is clear that the Spanish industry, in which there has been a considerable decline in production, rate of use of capacity, volume of sales, turnover and prices, did suffer injury in 1986, and this injury might have been much greater if the two producers concerned had not benefited from the closure on 29 March 1986 of the CROS company's urea production unit.

(b) Causal link with imports originating in the non-Community countries concerned

44. On the basis of the information obtained by the Commission regarding the pattern, up to 31 August 1986, of imports into Spain of urea originating in countries other than those covered by Regulation (EEC) No 288/82 (imports originating in other Member States : 92 481 tonnes at the average price of Pta 18,04/kg ; imports originating in countries covered by Regulation (EEC) No 1765/82 : 22 205 tonnes at the average price of Pta 16,54/kg), it cannot be asserted that the injury suffered by the Spanish industry is due entirely to imports originating in the countries covered by Regulation (EEC) No 288/82 (101 194 tonnes at the average price of Ptas 12,76/kg).

45. Even though they are not the sole cause of the injury suffered by the Spanish industry during the first eight months of 1986, they have nevertheless played a significant role, since, as they progressively increased in volume, they reduced the Spanish producers' market share and forced them to reduce their selling prices.
46. Irrespective of the role played by imports originating in the other Member States and in Eastern Europe, imports originating in non-Community countries covered by Regulation (EEC) No 288/82 have undeniably caused Spain's urea industry a certain degree of injury.

5. Threat of substantial injury

47. On the basis of the information concerning imports of urea from the non-Community countries covered by Regulation (EEC) No 288/82 during the first eight months of the year, and in particular the rate at which they increased and the degree to which they undercut Spanish producers' net selling prices, despite the significant reduction (about 22 %) in Spanish producers' cost price as a result of the drop in naphtha and fuel oil prices since the beginning of August of this year, these imports may be said to present a threat of substantial injury to Spain's urea industry.
48. It should be pointed out in this connection that there is surplus production capacity at world level and a number of traditional markets have disappeared (India, China, Iran and the Far East); combined with these factors there is also the fall in the dollar, the currency generally used for invoicing imports.
49. Given the attractiveness of the Spanish market as a result of its high prices and the drop in customs duties following Spain's accession to the Community, a further increase in imports into Spain of urea originating in non-member countries can be expected, unless trade protection measures are adopted in respect of imports originating in countries covered by Regulation (EEC) No 288/82.

E. COMMUNITY INTEREST

50. Now that it has been established that imports into Spain of urea originating in the countries covered by Regulation (EEC) No 288/82 during the period in question were effected in such quantities and on

such terms that substantial injury has been, or could be caused to the Spanish industry, it must be determined whether regional protective measures for Spain's urea industry are necessary in the Community interest.

51. Given the gravity of the situation, as described above, the Commission has concluded that certain regional protective measures should be applied, for a limited period, for the benefit of Spain's urea producers, in respect of imports of urea originating in non-Community countries to which Regulation (EEC) No 288/82 applies, including those with which the Community has an agreement establishing free trade arrangements.
52. In this respect, the Commission has noted, subject to the examination being undertaken pursuant to the dispositions concerning existing aids, that the completion of the Spanish reconversion plan in the fertilizer sector adopted in 1985 will permit, according to the figures submitted by the Spanish authorities, this industry to become more competitive and in time able to operate without subsidy while at the same time protecting a certain level of employment in regions which are particularly disadvantaged.
53. It is nevertheless in the Community interest to ensure that these measures do not jeopardize the profitability of the processing firms in Spain and the jobs these firms provide. The opening of a quota of 50 000 tonnes specifically intended to supply raw materials to firms which produce urea glues and resins and compound fertilizers should enable this objective to be met — given that a certain degree of preference should be accorded in the granting of import opportunities to imports from the other Member States — and should protect Spain's urea industry until 31 December 1987, by which time its plant should have been modernized.

The opening up of the Spanish market, since Spain joined the Community, to fertilizers other than urea, originating in the other Member States and non-Community countries, has enabled, and should continue to enable, other Spanish businesses, including farms and distributors/retailers of fertilizers, to improve their position. Their situation is objectively different from that of the manufacturing industries and so does not justify the adoption for them of a measure similar to that planned for the manufacturing industries.

54. The Community's interest as a trading partner demands that the opening of the quota should first of all benefit imports of urea originating in countries with which the Community has free trade arrangements or countries which are Contracting Parties to the GATT, with any surplus being shared between the countries which are covered by Regulation (EEC) No 288/82 but do not belong to one of the abovementioned two categories.
55. Lastly, in view of the fact that the measures adopted under this Regulation merely confirm the withdrawal of liberalization resulting from the provisional measures introduced by Regulation (EEC) No 2565/86 as amended by Regulations (EEC) No 3339/86 and (EEC) No 3674/86, no further exemptions need be provided for in the case of contracts still in force and goods already being transported,

HAS ADOPTED THIS REGULATION :

Article 1

1. Imports into Spain of urea containing more than 45 % by weight of nitrogen on the dry anhydrous product, falling within subheading 31.02 B of the Common Customs Tariff, corresponding to NIMEXE code 31.02-15, shall be subject to presentation of an import authorization issued by the Spanish authorities.

2. The measures provided for in paragraph 1 shall apply to imports originating in the third countries covered by Regulation (EEC) No 288/82, including those with which the Community has an agreement establishing free trade arrangements.

3. The authorizations referred to in paragraph 1 shall be granted by the Spanish authorities up to a total quota of 50 000 tonnes intended solely for ensuring supplies of raw materials to producers of urea glues and resins and to producers of compound fertilizers.

4. The authorizations referred to in paragraph 3 shall be granted first of all for imports of urea originating in countries with which the Community has an agreement establishing free trade arrangements or which are Contracting Parties to the GATT. Any surplus under the quota shall be shared between countries which do not belong to either category.

Article 2

The Community proceeding conducted in order to investigate the imports into Spain referred to in Article 1 (1) is hereby terminated.

Article 3

This Regulation shall enter into force on 1 January 1987. Subject to any amendment under Article 18 of Regulation (EEC) No 288/82, it shall apply until 31 December 1987.

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

Done at Brussels, 22 December 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 3984/86**of 23 December 1986****derogating from Regulation (EEC) No 2377/80 in respect of issue of import
licences under certain special arrangements in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 3768/85 ⁽²⁾, and in particular Article 15 (2) thereof,Whereas certain special import arrangements for products
in the beef and veal sector, referred to in Articles 9 to 11
of Commission Regulation (EEC) No 2377/80 ⁽³⁾, as last
amended by Regulation (EEC) No 3815/85 ⁽⁴⁾ have not
yet been decided by the Council for 1987; whereas,
consequently, it is necessary to derogate from Regulation
(EEC) No 2377/80 with regard to the periods for lodging
applications and for the granting of licences within the
framework of these special systems;Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*Article 15 of Regulation (EEC) No 2377/80 notwith-
standing,

- no application for a licence may be lodged in respect
of the arrangements referred to in Articles 9 to 11 of
Regulation (EEC) No 2377/80,
- the information provided for in Article 15 (4) of the
said Regulation shall not be communicated.

*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, 23 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.⁽⁴⁾ OJ No L 368, 31. 12. 1985, p. 11.

**COMMISSION REGULATION (EEC) No 3985/86
of 23 December 1986**

**laying down detailed rules for the application of the import arrangements
provided for by Council Regulations (EEC) No 3927/86 and (EEC) No 3928/86 in
the beef and veal sectors**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3928/86 of 16 December 1986 opening a Community tariff quota for fresh, chilled or frozen high-quality beef and veal falling within subheadings 02.01 A II a) and 02.01 A II b) of the Common Customs Tariff (1987) ⁽¹⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 3927/86 of 16 December 1986 opening a Community tariff quota for frozen buffalo meat falling within subheading 02.01 A II b) 4 bb) 33 of the Common Customs Tariff (1987) ⁽²⁾, and in particular Article 2 thereof,

Whereas Regulations (EEC) No 3928/86 and (EEC) No 3927/86 opened quotas for high-quality beef and veal and for buffalo meat; whereas the rules for the application of these arrangements must be established;

Whereas the exporting non-member countries have undertaken to issue certificates of authenticity guaranteeing the origin of these products; whereas the form and layout of these certificates and the procedures for using them must be specified; whereas the certificate of authenticity must be issued by an appropriate authority in a non-member country, the standing of which is such as to ensure that the special arrangements are properly applied;

Whereas, under Article 2 of Commission Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EEC) No 3815/85 ⁽⁴⁾, a licence is required for all imports into the Community of beef and veal products; whereas some of the non-member countries exporting meat under this Regulation have undertaken to restrict their exports of such products; whereas the licence must be endorsed as required by the provisions in Article 12 of Regulation (EEC) No 2377/80;

Whereas provision must be made for the Member States to transmit relevant information in connection with these special imports;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quota for fresh, chilled or frozen beef and veal provided for in Article 1 (1) of Regulation (EEC) No 3928/86 shall be allocated as follows:

(a) 12 500 tonnes of chilled boned or boneless meat, falling within subheadings 02.01 A II a) 4 bb) of the Common Customs Tariff and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals aged between 22 and 24 months, having two permanent incisors and presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef", cuts of which may bear the letters "sc" (special cuts).'

(b) 5 000 tonnes product weight of meat, falling within subheadings 02.01 A II a) 4 or b) 4 of the Common Customs Tariff and answering the following definition:

'Selected cuts of fresh, chilled or frozen beef derived from bovine animals which do not have more than four permanent incisor teeth, the carcasses of which have a dressed weight of not more than 327 kilograms (720 pounds), a compact appearance with a good eye of meat of light and uniform colour, and adequate but not excessive fat cover. The meat shall be certified "high-quality beef EEC".'

(c) 2 300 tonnes of boned or boneless meat, falling within subheadings 02.01 A II a) 4 bb) and b) 4 bb) 33 of the Common Customs Tariff and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef". These cuts may bear the letters "sc" (special cuts).'

(d) 10 000 tonnes product weight of meat, falling within subheadings 02.01 A II a) and b) of the Common Customs Tariff and answering the following definition:

⁽¹⁾ OJ No L 365, 24. 12. 1986, p. 2.

⁽²⁾ OJ No L 365, 24. 12. 1986, p. 1.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 368, 31. 12. 1986, p. 11.

'Carcases or any cuts from cattle not over 30 months of age which have been fed for 100 days or more on a nutritionally balanced, high energy feed concentration ration containing no less than 70 % grain and at least 20 pounds total feed per day. Beef graded USDA "choice" or "prime" automatically meets the definition above. Meat graded A2, A3 and A4 under the standards of the Canadian Ministry of Agriculture automatically meets the definition above.'

2. The tariff quota for frozen buffalo meat provided for in Article 1 (1) of Regulation (EEC) No 3927/86 shall be administered in accordance with the provisions of this Regulation.

Article 2

1. The total suspension of the import levy for the meat referred to in Article 1 shall be subject to the presentation, at the time it is put into free circulation, of a certificate of authenticity and, in respect of the meat referred to in Article 1 (1) (d), to the presentation of the import licence referred to in Article 12 of Regulation (EEC) No 2377/80.

2. The certificate of authenticity shall be made out in one original and not less than one copy on a form corresponding to the model in Annex I.

The form shall measure approximately 210 × 297 mm.

The paper shall weigh not less than 40 g/m² and shall be white.

3. The forms shall be printed and completed in one of the official languages of the Community and also, if desired, in the official language or one of the official languages of the exporting country.

The appropriate definition under Article 1 (1) relative to the meat originating from the exporting country shall be shown on the back of the form.

4. The particulars on the original and the copies shall be either typewritten or handwritten. In the latter case they must be printed in block capitals.

5. Each certificate of authenticity shall bear an individual serial number assigned by the issuing authority referred to in Article 4. The copies shall bear the same serial number as the original.

Article 3

1. The certificate of authenticity shall be valid for three months from the date it was issued.

The original certificate of authenticity and one copy shall be presented to the customs authority when the product covered by the certificate is put into free circulation.

However, the certificate may not be presented after 31 December of its year of issue.

2. The copy of the certificate of authenticity referred to in paragraph 1 shall be sent by the customs authorities of the Member State in which the product is placed in free circulation to the designated authorities of that Member State responsible for the communication under Article 6 (1).

Article 4

1. A certificate of authenticity shall be valid only if it is duly completed and endorsed, in accordance with the instruction in Annexes I and II, by one of the issuing authorities listed in Annex II.

2. The certificate of authenticity shall be deemed to have been duly endorsed if it specifies the date and place of issue and if it bears the stamp of the issuing authority and the signature of the person or persons empowered to sign it.

The stamp may be replaced on the original certificate of authenticity and its copies by a printed seal.

Article 5

1. The issuing authorities listed in Annex II shall:

- (a) be recognized as competent by the exporting country;
- (b) undertake to check the particulars set out in the certificates of authenticity;
- (c) undertake to communicate to the Commission and to the Member States, on request, any useful information enabling the particulars set out in the certificates of authenticity to be evaluated.

2. The list shall be amended if the requirement in paragraph 1 (a) is no longer met or if an issuing authority fails to fulfil one of the obligations incumbent on it.

Article 6

1. The Member States shall communicate to the Commission, in respect of each period of 10 days, not later than 15 days after that period, the quantities of products referred to in Article 1 that have been put into free circulation, broken down by their country of origin and tariff subheading.

2. Under this Regulation the period of 10 days means :

- from the first to 10th of the month inclusive,
- from the 11th to 20th of the month inclusive,
- from the 21st to the last day of the month inclusive.

Article 7

The lodging of licence applications and the issuing of import licences for the meat referred to in Article 1 (1) (d) shall be effected in accordance with the provisions of Articles 12 and 15 of Regulation (EEC) No 2377/80.

Article 8

In all Community instruments in which reference is made to Commission Regulation (EEC) No 263/81 ⁽¹⁾, or to Articles of that Regulation, such references shall be treated as references to this Regulation or to the corresponding Articles hereof.

Article 9

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, 23 December 1986.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 27, 31. 1. 1981, p. 52.

ANNEX I

1 Exporter	2 Certificate No	ORIGINAL	
4 Consignee	3 Issuing authority		
6 Means of transport	5 CERTIFICATE OF AUTHENTICITY BEEF AND VEAL		
7 Marks, numbers, number and kind of packages ; description of goods		8 Gross weight (kg)	9 Net weight (kg)
10 Net weight (in words)			
11 CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the beef described in this certificate complies with the specification shown overleaf : (a) for high-quality beef ('') ; (b) for buffalo meat ('').			
Place		Date	
Signature and stamp (or printed seal)			

(') Delete as appropriate

DEFINITIONS

High-quality beef originating in
(appropriate definition)

Buffalo meat originating in Australia

*ANNEX II***LIST OF AUTHORITIES IN EXPORTING COUNTRIES EMPOWERED TO ISSUE CERTIFICATES OF AUTHENTICITY**

— JUNTA NACIONAL DE CARNES

for meat originating in Argentina, answering the definition in Article 1 (1) (a).

— AUSTRALIAN MEAT AND LIVESTOCK CORPORATION

for meat originating in Australia :

(a) answering the definition in Article 1 (1) (b) ;

(b) referred to in Article 1 (2).

— INSTITUTO NACIONAL DE CARNES (INAC)

for meat originating in Uruguay, answering the definition in Article 1 (1) (c).

— FOOD SAFETY AND QUALITY SERVICE (FSQS) OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

for meat originating in the United States of America, answering the definition in Article 1 (1) (d).

— FOOD PRODUCTION AND INSPECTION BRANCH-AGRICULTURE CANADA, DIRECTION GÉNÉRALE PRODUCTION ET INSPECTION DES ALIMENTS-AGRICULTURE CANADA

for meat originating in Canada, answering the definition in Article 1 (1) (d).

**COMMISSION REGULATION (EEC) No 3986/86
of 23 December 1986**

concerning the quantity of high-quality beef and veal from the United States of America and from Canada that may be imported under the arrangements laid down in Regulation (EEC) No 3985/86 for 1987

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

Having regard to Council Regulation (EEC) No 3928/86 of 16 December 1986 opening a Community tariff quota for high-quality fresh, chilled or frozen beef and veal falling within subheadings 02.01 A II a), and 02.01 A II b) of the Common Customs Tariff (1986) (1),

Whereas Article 7 of Commission Regulation (EEC) No 3985/86 of 23 December 1986 laying down detailed rules for the application of the import arrangements provided for by Council Regulations (EEC) No 3927/86 and (EEC) No 3928/86, in the beef and veal sector (2) stipulates that import licences for the meat referred to in Article 1 (1) (d) of the Regulation must be applied for and issued in accordance with Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 (3), as last amended by Regulation (EEC) No 3815/85 (4);

Whereas the quantity for which licence applications can be submitted under these conditions should be stated;

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

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications can be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80 during the first 10 days of the month of January 1987 for a total quantity of 10 000 tonnes of beef and veal originating in and imported from the United States of America and from Canada.

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, 23 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

(1) OJ No L 365, 24. 12. 1985, p. 2.

(2) See page 37 of this Official Journal.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 368, 31. 12. 1985, p. 11.

COMMISSION REGULATION (EEC) No 3987/86

of 23 December 1986

amending Regulation (EEC) No 2409/86 on the sale of intervention butter intended for incorporation in compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽¹⁾, as last amended by Regulation (EEC) No 3790/85 ⁽²⁾, and in particular Article 7a thereof,

Whereas Article 8 of Commission Regulation (EEC) No 2409/86 ⁽³⁾, as last amended by Regulation (EEC) No 3361/86 ⁽⁴⁾, makes the transport of premixtures made from butter subject to compliance with certain conditions; whereas such conditions are not required for the transport of premixtures made from concentrated butter; whereas, in both instances, the security is only released when the premixture has been incorporated in the compound feedingstuffs; whereas it therefore seems desirable to treat the transport of premixtures made from butter or concentrated butter in the same way;

Whereas a material error in the text of the second subparagraph of Article 9 (2) should be corrected;

Whereas Article 15a of Regulation (EEC) No 2409/86 lays down, amongst the conditions on the denaturing of butter, maximum proportions for the incorporation of such butter to attain a minimum free fatty acid content which ensures that denaturing is irreversible; whereas, whilst still maintaining the abovementioned minimum content, it seems appropriate, in order to make this disposal measure more effective, to increase the proportion with respect to the butter to be denatured;

Whereas it has become apparent that there is a need to specify, under the supervisory measures, that the free fatty acid content of the finished product should be established according to the quantity manufactured from the entire quantity of the purchased butter;

Whereas Article 24 (2) of Regulation (EEC) No 2409/86 lays down that the butter is to be removed within 24 days of the closing date for the submission of tenders; whereas, at the end of the first round of tenders, experience shows that this period should be extended to 36 days;

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

Article 1

Regulation (EEC) No 2409/86 is hereby amended as follows:

1. The first and second subparagraphs of Article 8 are replaced by the following:

'If the operations for the processing of butter into concentrated butter, on the one hand, and the incorporation of the concentrated butter, whether pure or in the form of a mixture of fatty substances, in compound feedingstuffs or in a premixture intended for the manufacture of such feedingstuffs, on the other, are not carried out in the same place, the concentrated butter shall be transported in tanks or containers sealed by the competent authorities and bearing one or more of the following statements in letters not less than 5 cm high:

- Mantequilla concentrada o mezcla de materias grasas, destinada exclusivamente a la incorporación en los piensos compuestos para animales — Reglamento (CEE) n° 2409/86.
- Koncentreret smør eller fedtblanding bestemt udelukkende til iblanding i foderblandinger — forordning (EØF) nr. 2409/86.
- Butterfett, Fettmischung ausschließlich zur Beimengung in Mischfutter — Verordnung (EWG) Nr. 2409/86.
- Συμπυκνωμένο βούτυρο ή μείγμα λιπαρών ουσιών που προορίζεται αποκλειστικά για ενσωμάτωση στις σύνθετες ζωοτροφές — Κανονισμός (ΕΟΚ) αριθ. 2409/86.
- Concentrated butter or mixture of fatty substances intended exclusively for incorporation in compound feedingstuffs — Regulation (EEC) No 2409/86.
- Beurre concentré ou mélange de matières grasses, destiné exclusivement à l'incorporation dans les aliments composés pour animaux — règlement (CEE) n° 2409/86.
- Burro concentrato o miscela di materie grasse, destinato esclusivamente all'incorporazione negli alimenti composti per animali — regolamento (CEE) n. 2409/86.
- Boterconcentraat of mengsel van oliën en vetten uitsluitend bestemd voor bijmenging in mengvoeder — Verordening (EEG) nr. 2409/86.
- Manteiga concentrada ou mistura de matérias gordas, destinada exclusivamente à incorporação nos alimentos compostos para animais — Regulamento (CEE) n° 2409/86.

⁽¹⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 5.

⁽³⁾ OJ No L 208, 31. 7. 1986, p. 29.

⁽⁴⁾ OJ No L 306, 1. 11. 1986, p. 99.

Where any of the products referred to in Article 6 (2) have been added to the concentrated butter, the said tanks and containers need not be sealed.'

2. In the second subparagraph of Article 9 (2), 'Article 4 (4)' is replaced by 'Article 4 (2)'.

3. In Article 15 a :

— in paragraph 1 (b), the term 'twice as much as the quantity' is replaced by 'equal to the quantity';

— paragraph 4 is replaced by the following :

'4. The Member State on whose territory denaturing takes place shall, in accordance with the arrangements it decides on, exercise on-the-spot supervision of the use of the entire quantity of the

purchased butter for denaturing, which supervision shall also include, according to the quantity manufactured, spot checks at the end of the process. Such checks shall be designed to establish that the finished fatty product is of a dark brownish colour and contains at least 8 % free fatty acid expressed as oleic acid.'

4. In Article 24 (2) '24 days' is replaced by '36 days'.

Article 2

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

It shall apply to quantities of butter allocated or sold from 12 December 1986.

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

Done at Brussels, 23 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3988/86

of 23 December 1986

suspending for the 1987 fishing year the duties applicable to fresh fishery products originating in Morocco and coming from joint fishery ventures set up between natural or legal persons from Portugal and Morocco, on the direct landing of such products in Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 355 thereof,

Whereas Article 355 of the Act of Accession of Spain and Portugal provides for the elimination, by 31 December 1992, of the exemptions, suspensions or tariff quotas granted by Portugal on fresh fishery products originating in Morocco and coming from joint fisheries ventures set up between natural or legal persons from Portugal and Morocco, when such products are landed directly in Portugal;

Whereas the present arrangements applied by Portugal to such products may be maintained on a transitional basis;

Whereas the duties applicable to such products should be suspended for 1987;

Whereas provision should be made for the supply of information to the Commission so that it can keep watch on the management of these arrangements;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 January to 31 December 1987 the customs duties applicable to the fishery products referred to in Article 355 of the Act of Accession, landed directly in Portugal, shall be wholly suspended.

Article 2

Portugal shall inform the Commission, not later than 15 days after the end of each quarter, of the quantities and species actually imported under the suspension arrangements.

Article 6

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

It shall apply from 1 January to 31 December 1987.

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

Done at Brussels, 23 December 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION REGULATION (EEC) No 3989/86

of 23 December 1986

opening tariff quotas for the 1987 fishing year for fishery products coming from joint ventures set up between natural or legal persons from Spain and from other countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 168 thereof,

Whereas Article 168 of the Act of Accession provides for the gradual elimination of the exemptions, suspensions or tariff quotas granted by Spain for fishery products coming from joint ventures set up between natural or legal persons from Spain and from other countries;

Whereas annual quotas should be opened corresponding to such progressive elimination, for each tariff heading or subheading, subject to the overall quantities provided for in the Act of Accession;

Whereas, within the framework of these overall quantities, the quotas per tariff heading or subheading are allocated proportionally according to the scheme applicable in 1983;

Whereas provision should be made for the supply of information to the Commission so that it can keep watch on the management of these arrangements;

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

Article 1

1. For the period from 1 January to 31 December 1987, tariff quotas shall be opened in Spain for the fishery products referred to in Article 168 of the Act of Accession, in accordance with the provisions of that Article and with the rules laid down in the Annex hereto.

2. The customs duties applicable shall be wholly suspended on each of the products referred to in paragraph 1, subject to each of the tariff quotas specified in the Annex.

Article 2

Distribution of the quantities referred to in Article 1 which may, where appropriate, be subject to partial allocation on a half-yearly basis, between the undertakings referred to in Annex XII to the Act of Accession, shall be undertaken by the competent Spanish authorities.

Article 3

Each quarter, not later than 15 days after the end of each quarter, Spain shall inform the Commission of the quantities actually imported under these quota arrangements. The Commission may at any time request a statement of the extent to which the quotas have been used up.

Article 4

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

It shall apply from 1 January to 31 December 1987.

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

Done at Brussels, 23 December 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

ANNEX

Product, heading or subheading	Description	(tonnes) Authorized zero duty
03.01 B I e) 2	Hake, frozen	17 755
03.01 B II b) 1, 2, 6, 8, 9 ex 03.01 B II b) 14	Fillets, frozen	3 460
ex 03.02 A I b)	Cod, salted, not dried	1 570
ex 03.01 B I c)	Tuna, frozen	1 570
ex 03.01 A I b) ex 03.01 B I ex 03.01 C	Fish products, various, frozen	4 465
ex 03.01 B I	Various fish, fresh	12 460
ex 03.03 B IV a) 1 cc)	Squid (<i>Illex</i>), frozen	7 810
ex 03.03 B IV a) ex 03.03 B IV b)	Molluscs, fresh and frozen	6 790
ex 03.03 A I ex 03.03 A III b) ex 03.03 A IV c) ex 03.03 A V a) 1	Crustaceans, frozen	6 480
ex 03.03 A I 03.03 A II a) ex 03.03 A III b) 03.03 A V a) 2	Crustaceans, live and fresh	625
Total :		62 985

COMMISSION REGULATION (EEC) No 3990/86**of 23 December 1986****on transitional measures concerning the application of certain monetary compensatory amounts in the United Kingdom**

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

Having regard to Commission Regulation (EEC) No 3156/85 of 11 November 1985 on transitional measures concerning the application of certain monetary compensatory amounts in the trade of certain Member States ⁽¹⁾, and in particular Article 11 thereof,

Whereas Regulation (EEC) No 3156/85 laid down a framework for measures, intended to prevent artificial traffic at the time of changes in the monetary compensatory amounts;

Whereas new agricultural conversion rates have been fixed for the beef sector by Council Regulation (EEC) No 3923/86 ⁽²⁾;

Whereas these new rates result in a considerable change in the size of monetary compensatory amounts applicable, in particular, in the United Kingdom;

Whereas it is likely that on this occasion speculative traffic in certain products will occur, and possibly deflect trade;

Whereas in order to prevent such deflections it should be specified that the monetary compensatory amounts for these products applicable before the fixing of these new rates shall remain applicable for a limited period beyond that date; whereas the exact products and the length of

the period applicable to each must be determined in the light of the specific conditions governing the marketing of these products;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3156/85 shall apply from 5 January 1987 as follows:

- (a) the date of the change shall be 5 January 1987;
- (b) the initial date shall be 16 December 1986;
- (c) the products and the periods indicated in Annex I to Regulation 3156/85 shall be those indicated in Annex I to this Regulation;
- (d) application of Annex II to Regulation 3156/85 shall be extended to Part A thereof; the movements and products affected shall be those indicated in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on 5 January 1987.

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

Done at Brussels, 23 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 310, 21. 11. 1985, p. 27.

⁽²⁾ OJ No L 367, 27. 12. 1986, p. 1.

ANNEX I

Products concerned	Applicable until
Beaf and veal :	
02.01 A II a)	17 January 1987
02.01 A II b)	}
16.02 B III b) 1 aa)	
	31 January 1987

ANNEX II

A

1	2	3
<i>Exports from the</i>	<i>Products concerned</i>	<i>Destination</i>
United Kingdom	The products referred to in Annex I	Other Member States and non-member countries

COMMISSION REGULATION (EEC) No 3991/86

of 23 December 1987

amending Regulation (EEC) No 641/86 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession

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 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⁾ as last amended by Regulation (EEC) No 3866/86 ⁽⁵⁾, lays down the detailed rules for the application of the supplementary trade mechanism;

Whereas Commission Regulation (EEC) No 641/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession ⁽⁶⁾ fixed, *inter alia*, in respect of certain products processed from fruit and vegetables, the indicative ceilings provided for in Article 251 (1) of the Act of Accession for the period 1 March to 31 December 1986;

Whereas the forward estimates relating to the products in question have been drawn up in accordance with the procedure provided for in Article 22 of Council Regula-

tion (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽⁷⁾;

Whereas these estimates enable the indicative ceilings for the products in question to be fixed for 1987; whereas such ceilings must, pursuant to Article 251 (2) of the Act of Accession, 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 this end, the indicative ceilings should be raised by 20 % for 1987;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 641/86 is hereby amended as follows:

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

'1. The indicative ceilings provided for in Article 251 (1) of the Act of Accession are set out in the Annex for the period 1 January to 31 December 1987.'

2. 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, 23 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 359, 19. 12. 1986, p. 33.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 34.

⁽⁷⁾ OJ No L 49, 27. 2. 1986, p. 1.

ANNEX

ANNEX

Indicative ceilings for the period 1 January to 31 December 1987

(tonnes)

CCT heading No	Description	Indicative ceiling
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :	
	A. Apricots	20
	E. Other	150
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar	142
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit :	
	B. Other :	
	II. Not containing added spirit :	
	a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg :	
	1. Ginger	
	2. Grapefruit segments	
	3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	
	4. Grapes	
	6. Pears	
	bb) Other	
	7. Peaches and apricots :	
	ex aa) With a sugar content exceeding 13 % by weight	
	bb) Other	
	ex 8. Other fruits :	
	— Excluding cherries	
	9. Mixture of fruit	
	b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less :	
	1. Ginger	
	2. Grapefruit segments	
	3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	
	4. Grapes	
	7. Peaches and apricots :	
	ex aa) With a sugar content exceeding 15 % by weight	
	22. Apricots	
	bb) Other :	
	22. Apricots	
	ex 8. Other fruits :	
	Excluding cherries	
	9. Mixture of fruit	
	c) Not containing added sugar	
		838

CCT heading No	Description	(tonnes) Indicative ceiling
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Of a density exceeding 1,33 g/cm³ at 20 °C: II. Apple and pear juice; mixtures of apple and pear juice: III. Other: ex a) Of a value exceeding 30 ECU per 100 kg net weight: — Excluding orange and lemon juices ex b) Not specified: — Excluding orange and lemon juices B. Of a density of 1,33 g/cm³ or less at 20 °C: I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice: a) Of a value of 18 ECU or less per 100 kg net weight: 2. Apple and pear juice 3. Mixtures of apple and pear juice b) Of a value of 18 ECU or less per 100 kg net weight: 2. Apple and pear juice 3. Pear juice 4. Mixtures of apple and pear juice II. Other: a) Of a value exceeding 30 ECU per 100 kg net weight: 2. Grapefruit juice 3. Lemon juice and other citrus fruit juices ex aa) Containing added sugar: — Excluding lemon juice ex bb) Other: — Excluding lemon juice 4. Pineapple juice 6. Other fruit and vegetable juices 7. Mixtures b) Of a value exceeding 30 ECU per 100 kg net weight: 2. Grapefruit juice 4. Other citrus fruit juices 5. Pineapple 7. Other fruit and vegetable juices 8. Mixtures	376'

COMMISSION REGULATION (EEC) No 3992/86**of 23 December 1986****fixing, for January 1987, the levy applicable in Spain to products subject to the price control system**

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 Commission Regulation (EEC) No 1183/86 of 21 April 1986 laying down detailed rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain ⁽¹⁾, as last amended by Regulation (EEC) No 3329/86 ⁽²⁾, and in particular Article 14 thereof,

Whereas Article 14 of Regulation (EEC) No 1183/86 provides that, for the period from 1 March to 31 December 1986, a levy is to be applied to imports into Spain of products subject to the price control system and to soya oil produced from imported beans and released for consumption; whereas that levy is to be fixed on the basis of the difference between, on the one hand, the average price of soya oil in Spain during the 1984/85 marketing year and, on the other hand, the price of that oil on the world market, plus the duty charged in Spain on imports from third countries;

Whereas the Spanish system of compensation for vegetable oil prices applied prior to accession was supervised by a state organization; whereas therefore, the system providing for the said levy will make any further intervention by the state superfluous and thus preclude certain potential obstacles to trade, particularly in soya oil;

Whereas that levy should be as fixed hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The levy referred to in Article 14 of Regulation (EEC) No 1183/86 shall be 442,19 ECU per tonne of oil for January 1987.

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, 23 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 107, 24. 4. 1986, p. 17.

⁽²⁾ OJ No L 306, 1. 11. 1986, p. 33.

COMMISSION REGULATION (EEC) No 3993/86

of 29 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 23 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 30 December 1986.

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

Done at Brussels, 29 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 29 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	193,54
10.01 B II	Durum wheat	43,02	238,84 ⁽¹⁾ ⁽²⁾
10.02	Rye	51,66	162,84 ⁽⁶⁾
10.03	Barley	22,22	178,65
10.04	Oats	83,64	145,94
10.05 B	Maize, other than hybrid maize for sowing	—	170,04 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	1,82	1,82
10.07 B	Millet	22,22	109,17 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	7,46	171,16 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	22,22	38,05 ⁽⁵⁾
11.01 A	Wheat or meslin flour	36,77	285,30
11.01 B	Rye flour	86,67	242,32
11.02 A I a)	Durum wheat groats and meal	80,10	384,36
11.02 A I b)	Common wheat groats and meal	38,23	306,64

⁽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 3994/86

of 29 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 23 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 30 December 1986.

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

Done at Brussels, 29 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 29 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	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	2,63	2,63	2,63
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	103,51
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

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	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	4,68	4,68	4,68	4,68
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	3,50	3,50	3,50	3,50
11.07 B	Roasted malt	0	4,08	4,08	4,08	4,08

COMMISSION REGULATION (EEC) No 3995/86**of 29 December 1986****altering the export refunds 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 the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Regulation (EEC) No 3874/86 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3874/86 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3874/86 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 30 December 1986.

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

Done at Brussels, 29 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 359, 19. 12. 1986, p. 48.

ANNEX

to the Commission Regulation of 29 December 1986 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU / tonne) Refund
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) — other third countries	122,00 128,00 15,00
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 (?) 10,00 (?)
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 10,00
10.03	Barley for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) — other third countries	118,00 124,00 20,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — zone I — other third countries	— 95,00 —
10.05 B	Maize, other than hybrid maize for sowing for exports to : — Switzerland, Austria and Liechtenstein — zone I, zone V, the German Democratic Republic and the Canary Islands — other third countries	10,00 20,00 —
10.07 B	Millet	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	175,00 175,00 154,00 142,00 133,00 118,00

CCT heading No	Description	(ECU/tonne) Refund
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	175,00 175,00 175,00 175,00
11.02 A I a)	Durum wheat groats and meal : — of an ash content of 0 to 1 300 ⁽¹⁾ — of an ash content of 0 to 1 300 ⁽²⁾ — of an ash content of 0 to 1 300 — of an ash content of more than 1 300	298,00 ⁽³⁾ 282,00 ⁽³⁾ 252,00 ⁽³⁾ 237,00 ⁽³⁾
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	175,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

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 3996/86**of 29 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 3875/86 ⁽⁴⁾;

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 Regulation (EEC) No 3875/86 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 1 January 1987.

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

Done at Brussels, 29 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 359, 19. 12. 1986, p. 52.

ANNEX

to the Commission Regulation of 29 December 1986 altering the corrective amount
applicable to the refund on cereals

(ECU/tonne)

CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
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).

COMMISSION REGULATION (EEC) No 3997/86
of 29 December 1986
fixing the import levies on milk and milk products

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

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 1335/86 ⁽²⁾, and in particular Article 14 (8)
thereof,

Whereas the import levies on milk and milk products
were fixed by Commission Regulation (EEC) No
3315/86 ⁽³⁾, as last amended by Regulation (EEC) No
3806/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3315/86 to the prices
known to the Commission that the levies at present in

force should be altered to the amounts set out in the
Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 January 1987.

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

Done at Brussels, 29 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 305, 31. 10. 1986, p. 35.

⁽⁴⁾ OJ No L 352, 13. 12. 1986, p. 37.

ANNEX

to the Commission Regulation of 29 December 1986 fixing the import levies on milk and milk products

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

CCT heading No	Code	Import levy
04.01 A I a)	0110	32,62
04.01 A I b)	0120	30,21
04.01 A II a) 1	0130	30,21
04.01 A II a) 2	0140	36,90
04.01 A II b) 1	0150	29,00
04.01 A II b) 2	0160	35,69
04.01 B I	0200	73,13
04.01 B II	0300	154,69
04.01 B III	0400	239,06
04.02 A I	0500	29,79
04.02 A II a) 1	0620	160,30
04.02 A II a) 2	0720	211,28
04.02 A II a) 3	0820	213,70
04.02 A II a) 4	0920	258,37
04.02 A II b) 1	1020	153,05
04.02 A II b) 2	1120	204,03
04.02 A II b) 3	1220	206,45
04.02 A II b) 4	1320	251,12
04.02 A III a) 1	1420	30,14
04.02 A III a) 2	1520	40,69
04.02 A III b) 1	1620	154,69
04.02 A III b) 2	1720	239,06
04.02 B I a)	1820	36,27
04.02 B I b) 1 aa)	2220	per kg 1,5305 (*)
04.02 B I b) 1 bb)	2320	per kg 2,0403 (*)
04.02 B I b) 1 cc)	2420	per kg 2,5112 (*)
04.02 B I b) 2 aa)	2520	per kg 1,5305 (*)
04.02 B I b) 2 bb)	2620	per kg 2,0403 (*)
04.02 B I b) 2 cc)	2720	per kg 2,5112 (*)
04.02 B II a)	2820	52,91
04.02 B II b) 1	2910	per kg 1,5469 (*)
04.02 B II b) 2	3010	per kg 2,3906 (*)
04.03 A	3110	281,25
04.03 B	3210	343,13
04.04 A	3300	230,22 (*)
04.04 B	3900	355,74 (*)
04.04 C	4000	157,44 (*)
04.04 D I a)	4410	170,91 (*)
04.04 D I b)	4510	188,16 (*)
04.04 D II	4610	284,88
04.04 E I a)	4710	355,74
04.04 E I b) 1	4800	242,06 ⁽¹⁰⁾

<i>(ECU/100 kg net weight, unless otherwise indicated)</i>		
CCT heading No	Code	Import levy
04.04 E I b) 2	5000	180,95 ⁽¹¹⁾
04.04 E I c) 1	5210	135,71
04.04 E I c) 2	5250	277,67
04.04 E II a)	5310	355,74
04.04 E II b)	5410	277,67
17.02 A II	5500	41,95 ⁽¹²⁾
21.07 F I	5600	41,95
23.07 B I a) 3	5700	117,21
23.07 B I a) 4	5800	152,41
23.07 B I b) 3	5900	142,89
23.07 B I c) 3	6000	118,06
23.07 B II	6100	152,41

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

COMMISSION REGULATION (EEC) No 3998/86
of 29 December 1986
fixing the import levies on rice and broken 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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1449/86 ⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2683/86 ⁽³⁾, as last amended by Regulation (EEC) No 3935/86 ⁽⁴⁾;

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 Council Regulation (EEC) No 1676/85 ⁽⁵⁾,
- 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 it follows from applying the detailed rules contained in Regulation (EEC) No 2683/86 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

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, 29 December 1986.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 246, 30. 8. 1986, p. 5.

⁽⁴⁾ OJ No L 365, 24. 12. 1986, p. 15.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 29 December 1986 fixing the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)		
		Portugal	Third countries ⁽¹⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :			
	B. Other :			
	I. Paddy rice ; husked rice :			
	a) Paddy rice :			
	1. Round grain	—	309,41	151,10
	2. Long grain	—	348,60	170,70
	b) Husked rice :			
	1. Round grain	—	386,76	189,78
	2. Long grain	—	435,75	214,27
	II. Semi-milled or wholly milled rice :			
	a) Semi-milled rice :			
	1. Round grain	13,05	513,08	244,61
	2. Long grain	12,97	631,52	303,87
	b) Wholly milled rice :			
	1. Round grain	13,90	546,43	260,86
	2. Long grain	13,90	676,99	326,14
	III. Broken rice	72,16	209,10	101,55

N.B. The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Regulation (EEC) No 3294/86.

⁽¹⁾ Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

⁽²⁾ In accordance with Regulation (EEC) No 486/85, the levies are not applied to imports into the overseas department of Réunion of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 3999/86

of 29 December 1986

fixing the premiums to be added to the import levies on rice and broken 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 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1449/86⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2684/86⁽³⁾, as last amended by Regulation (EEC) No 3936/86⁽⁴⁾;

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 Council Regulation (EEC) No 1676/85⁽⁵⁾,
- 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, 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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.
2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

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, 29 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 246, 30. 8. 1986, p. 8.

⁽⁴⁾ OJ No L 365, 24. 12. 1986, p. 17.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 29 December 1986 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 1	1st period 2	2nd period 3	3rd period 4
ex 10.06	Rice :				
	B. Other :				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 4000/86

of 23 December 1986

on the supply of various consignments of cereals and rice to Angola 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 3793/85⁽³⁾, and in particular Article 28 thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽⁴⁾, as last amended by Regulation (EEC) No 3768/85⁽⁵⁾, and in particular Article 25 thereof,

Whereas, by its Decision of 18 July 1986 on supply of food aid to Angola the Commission allocated to the latter country 10 000 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⁽⁶⁾, as last amended by Regulation (EEC) No 3826/85⁽⁷⁾; 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 agencies specified in the Annexes hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulations (EEC) No 1974/80 and with the conditions laid down in the Annexes 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, 23 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 367, 31. 12. 1985, p. 19.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁵⁾ OJ No L 367, 31. 12. 1985, p. 8.

⁽⁶⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁷⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX I

1. **Programme :** 1986
2. **Recipient :** Transapro UEE — Ministério da Indústria, C.P. 5816, Luanda (Angola) Tel : 3120
3. **Place or country of destination :** Angola
4. **Product to be mobilized :** common wheat flour
5. **Total quantity :** 3 650 tonnes (5 000 tonnes of cereals)
6. **Number of lots :** two
 - 1 : 3 000 tonnes
 - 2 : 650 tonnes
7. **Intervention agency responsible for conducting the procedure :**
OBEA, rue de Trèves 82, B-1040 Bruxelles (Télex : 24076)
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 $\times$ 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 kg
 - marking on the bags in letters at least 5 cm high :
'FARINHA DE TRIGO / DONATIVO DA COMUNIDADE ECÓNOMICA EUROPEIA A ANGOLA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :**
 - 1 : 3 000 tonnes — Lobito
 - 2 : 650 tonnes — Namibe
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 13 January 1987
16. **Shipment period :** 1 to 28 February 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 Angola, Hotel Presidente, Largo 4 de Fevereiro, C.P. 5791, Luanda, Angola.
(Tel. 70 005/70 336/70 490 ; Telex 3120 HOTANG AN LUANDA).

ANNEX II

1. **Programme :** 1986
2. **Recipient :** EDIMBA UEE — Ministério do Comércio Interno
3. **Place or country of destination :** Angola
4. **Product to be mobilized :** wholly milled round grain rice (non-parboiled)
5. **Total quantity :** 1 725 tonnes (5 000 tonnes of cereals)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Ente Nazionale Risi, piazza Pio XI, 1, I-Milano (Telex 334 032)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - rice of fair and sound merchantable quality, free from abnormal smell and pests
 - moisture : 15 %
 - broken rice : 5 % maximum
 - chalky grains : 5 % maximum
 - grains striated with red : 3 % maximum
 - spotted grains : 1,5 % maximum
 - stained grains : 1 % maximum
 - yellow grains : 0,050 % maximum
 - amber grains : 0,20 % maximum
10. **Packaging :**
 - in bags :
 - quality of the bags : new jute sacks, minimum weight 600 g
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
'ARROZ / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA A ANGOLA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Luanda
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 12 January 1987
16. **Shipment period :** 1 to 28 February 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 Angola, Hotel Presidente, Largo 4 de Fevereiro, C.P. 5791, Luanda, Angola. (Tel. : 70 005/70 336/70 490 ; Telex : 3120 HOTANG AN LUANDA).

COMMISSION REGULATION (EEC) No 4001/86
of 23 December 1986
on the supply of maize flour and rice to the Comoros 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,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1449/86 ⁽⁵⁾, and in particular Article 25 thereof,

Whereas, by its Decision of 26 August 1986 on the supply of food aid to the Comoros the Commission allocated to the latter country 2 000 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 ⁽⁶⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁷⁾; 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 agencies specified in the Annexes 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 Annexes 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, 23 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 281, 1. 11. 1975, p. 1.

⁽⁵⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁶⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁷⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX I

1. **Programme :** 1986
2. **Recipient :** Comoros
3. **Place or country of destination :** Comoros
4. **Product to be mobilized :** maize flour
5. **Total quantity :** 590 tonnes (1 000 tonnes of cereals)
6. **Number of lots :** one (in 2 parts : A — 360 tonnes ; B — 230 tonnes)
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Markttordnung (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 :**
 - maize flour (11.01 E I) for human consumption, of sound merchantable quality, free of odour and pests,
 - moisture content : 13 %,
 - acidity : 0,6 % maximum.
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 kg
 - marking on the bags in letters at least 5 cm high :
'FARINE DE MAÏS / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA
RÉPUBLIQUE FÉDÉRALE ISLAMIQUE DES COMORES / DESTINÉ À LA VENTE'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** A — Moroni, B — Mutsamudu
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 13 January 1987
16. **Shipment period :** 1 to 31 March 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 : Délégation de la Commission des Communautés européennes, Antenne des Comores, BP 559, Moroni — telex 212 DELCEC KO.

ANNEX II

1. **Programme :** 1986
2. **Recipient :** Comores
3. **Place or country of destination :** Comores
4. **Product to be mobilized :** wholly milled long grain rice (non-parboiled)
5. **Total quantity :** 345 tonnes (1 000 tonnes of cereals)
6. **Number of lots :** one (in two parts : A — 200 tonnes ; B — 145 tonnes)
7. **Intervention agency responsible for conducting the procedure :**
Servicio Nacional de Productos Agrarios (SENPA), c/Beneficencia, 8, Madrid 28004 — Telex 23427 SENPA E)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - rice of fair and sound merchantable quality, free from abnormal smell and pests
 - moisture : 15 %
 - broken rice : 5 % maximum
 - chalky grains : 5 % maximum
 - grains striated with red : 3 % maximum
 - spotted grains : 1,5 % maximum
 - stained grains : 1 % maximum
 - yellow grains : 0,050 % maximum
 - amber grains : 0,20 % maximum
10. **Packaging :**
 - in bags :
 - quality of the bags : new jute sacks, minimum weight 600 grams
 - net weight of the bags : 50 kilograms
 - marking on the bags in letters at least 5 cm high :
'RIZ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE
FÉDÉRALE ISLAMIQUE DES COMORES / DESTINÉ À LA VENTE'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :**
 - A. Moroni : 200 tonnes,
 - B. Mutsamudu : 145 tonnes.
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 13 January 1987
16. **Shipment period :** 1 to 31 March 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 :
Délégation de la Commission des Communautés européennes, Antenne des Comores, BP 559, Moroni —
telex 212 DELCEC KO.

COMMISSION REGULATION (EEC) No 4002/86

of 23 December 1986

on the supply of milled long grain rice 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 1418/76 of 21 June 1976 on the common organization of the market in rice⁽²⁾, as last amended by Regulation (EEC) No 1449/86⁽³⁾, and in particular Article 25 thereof,

Whereas, by its Decision of 6 May 1985 on the supply of food aid to LRCS the Commission allocated to the latter organization 43 tonnes of cereals to be supplied free at destination;

Whereas an invitation to tender should be issued for supply of the products delivered unloaded at destination in view of the final use to be made of the goods delivered;

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, however, the specific provisions concerning delivery to destination must be set out; whereas the successful tenderer must thus bear all risk in the goods up to unloading at the stipulated destination; whereas payment can be made only when proof of delivery to the destination is provided;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the period stipulated;

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

1. The intervention agency mentioned in Annex I hereto is hereby required to implement the mobilization and supply of the product stated in the said Annex as food aid, subject to the provisions of this Regulation.
2. Supply of the products shall be organized under the tender procedure.
3. Annex I shall take the place of a notice of invitation to tender. The intervention agency responsible shall make further publications as necessary.

Article 2

1. For the purposes of the invitation to tender, the following provisions of Regulation (EEC) No 1974/80 shall apply:

- Article 4, except the provisions of paragraphs 3 (e) and 4 (d) and (e), in respect of submission of tenders,
- Article 5 in respect of provision of security,
- Article 6 in respect of opening and reading tenders,
- Article 8 in respect of comparing tenders.

2. The tender shall indicate the amount of the tender expressed per tonne of product, in the currency of the Member State where the tendering procedure is taking place.

The tender must include the cost of fumigation, unloading and warehousing at the final destination stated in Annex I.

The tender shall state separately the amount of cost in respect of sea and land transport to the stipulated final destination.

The tender shall indicate the Member State in which the tenderer, in the event of his being declared successful, undertakes to complete the customs export formalities.

3. The tenderer shall carry out his obligations pursuant to this Regulation and the undertakings referred to in Article 4 (4) of Regulation (EEC) No 1974/80, with the exception of points (d) and (e) thereof.

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

4. The tenderer shall undertake to ship in vessels, listed in the larger classes in recognized classification registers, not more than 15 years old and attested by a competent body as meeting hygiene requirements.

Article 3

1. Without prejudice to paragraphs 2 and 3, the contract shall be awarded within 48 hours to the tenderer who has submitted the most favourable tender.

2. Where the most favourable tender is submitted by more than one tenderer, the intervention agency shall award the contract to one of those tenderers by drawing lots.

3. If the tenders do not appear to be in line with the prices normally prevailing on the market, the intervention agency may, with the agreement of the Commission, decide not to award the contract.

4. The intervention agency shall communicate the results of the tendering procedure to all the tenderers by letter or telex sent not later than the first working day following the award decision.

Article 4

1. The successful tenderer shall contract as necessary, at his own expense, for carriage of the goods to the final destination and shall bear all the costs involved, including those of unloading and warehousing at the destination. He shall take out suitable insurance.

2. The successful tenderer shall bear all the risks relating to the goods, in particular of loss or deterioration to which the goods are subject, until they have effectively been unloaded and delivered to the final destination.

3. The successful tenderer shall communicate as soon as possible to the recipient's representative the date of loading, the means of transport used to consign the goods to the final destination, and the probable date of arrival. He shall immediately send this information to the intervention agency responsible for payment, which shall forward it without delay to the Commission.

The tenderer shall advise the recipient's representative, at least three days in advance, of the probable date of arrival of the goods at the final destination.

Article 5

1. The intervention agency of the country of shipment shall arrange for a check at the port, before loading, on the quantity, quality and packaging of the goods. Following inspection an attestation shall be issued by the intervention agency. The costs relating thereto shall be borne by the successful tenderer.

The successful tenderer shall provide that intervention agency with the certificate showing that the fumigation has been carried out.

2. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment. The successful tenderer and the recipient's representative shall be invited to take part in the operation.

Two sealed samples shall be kept by the intervention agency until issue by the recipient of the taking-over certificate or until issue of the certificate referred to in Article 6 (2).

3. If the inspection referred to in paragraph 1 gives rise to a dispute, the intervention agency shall arrange for a second inspection by a service different from that mentioned in paragraph 1, the findings of which shall be final. The costs relating thereto shall be borne by the losing party.

4. Where the inspection provided for in the preceding paragraphs reveals that the goods do not satisfy the requirements stipulated, they must be refused and replaced. Where some quantities are missing the successful tenderer must make up the cargo.

Article 6

1. A taking-over certificate shall be issued by the recipient immediately following unloading at the final destination. It shall state the place and date of taking over and give a description of the goods taken over in the form given in Annex II and any comments by the recipient.

2. Where the taking-over certificate is not issued for reasons other than a dispute about the goods, proof of delivery may be provided by means of a certificate of the form given in Annex II endorsed by the Community representative in the country of destination.

Article 7

1. Payment to the successful tenderer shall be made by the intervention agency of the Member State in which the customs export formalities are completed.

2. The amount to be paid shall be that of the tender plus, where appropriate, the costs referred to in Article 9. It shall be paid in the currency of the Member State which is responsible for payment. For this purpose this amount shall be converted by using:

- where the currencies in question are maintained within a maximum spread at any one time of 2,25 %, the conversion rate resulting from their central rate,
- in other cases, the relationship between the two currencies concerned established by using the latest statement of their spot exchange rates made immediately prior to the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

3. The amount referred to in paragraph 2 shall be paid to the successful tenderer on presentation of the original of the taking-over certificate or a certified copy thereof, or, if this is not available, of the certificate referred to in Article 6 (2).

4. The intervention agency is hereby authorized to make without delay an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of a copy of that document, of the attestation referred to in Article 5 (1) and of the fumigation certificate, and subject to the provision of a security for an amount equal to the initial payment.

The said security shall be provided as laid down in Article 5 (2) of Regulation (EEC) No 1974/80.

Article 8

1. The security referred to in Article 2 shall be immediately released to:

- every tenderer whose tender was not successful or was not accepted,
- the successful tenderer in respect of quantities not delivered on account of *force majeure*,
- the successful tenderer in respect of the quantities delivered in accordance with this Regulation and on presentation of the original of the taking-over certificate or a certified true copy thereof or, where appropriate, the certificate referred to in Article 6 (2).

2. The security referred to in Article 7 (4) shall be released immediately when the successful tenderer furnishes the proof in accordance with Article 6 that at least 80 % of the quantity provided for has been delivered in conformity with the conditions laid down in this Regulation.

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

Done at Brussels, 23 December 1986.

Article 9

If the successful tenderer, for reasons of *force majeure*, has to bear exceptional costs in respect of the delivery made under this Regulation which cannot be covered by insurance, he may receive compensation therefor on production of supporting documents and with the prior agreement of the Commission.

Article 10

Except in case of *force majeure* the successful tenderer shall bear all the financial consequences of the non-delivery of the goods under the conditions laid down in this Regulation if the recipient had made delivery possible under such conditions.

The costs resulting from the non-delivery of the goods following a case of *force majeure* shall be borne by the intervention agency responsible for payment.

Article 11

Articles 21 and 22 (1) and (2) of Regulation (EEC) No 1974/80 shall apply in the context of this Regulation.

The intervention agency responsible for payment shall, on receipt, send the information referred to in Article 4 (3) to the Commission.

The intervention agency in the country of shipment shall send the Commission, without delay, the results of the inspection referred to in Article 5.

Article 12

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

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

1. **Programme :** 1985
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 :** Rwanda
4. **Product to be mobilized :** milled long grain rice (non-parboiled)
5. **Total quantity :** 15 tonnes (430 tonnes of cereals)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Servicio Nacional de Productos Agrarios (SENPA), c/Beneficencia, 8, Madrid 28004 — Telex : 23427 SENPA E
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - rice of fair and sound merchantable quality, free from abnormal smell and pests
 - moisture : 15 %
 - broken rice : 5 % maximum
 - chalky grains : 5 % maximum
 - grains striated with red : 3 % maximum
 - spotted grains : 1,5 % maximum
 - stained grains : 1 % maximum
 - yellow grains : 0,050 % maximum
 - amber grains : 0,20 % maximum
10. **Packaging :**
 - in new bags :
 - jute sacks of a minimum weight of 600 grams
 - net weight of the bags : 50 kg
 - marking on the bags :
a red cross 15 × 15 cm followed by, in letters at least 5 cm high :
'RIZ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT ROUGE / POUR DISTRIBUTION GRATUITE / NYAMIRAMBO'
11. **Port of shipment :** a Community port
12. **Delivery stage :** delivered destination — stores of the Rwanda Red Cross in Nyamirambo
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 13 January 1987
15. **Shipment period :** 1 to 28 February 1987
16. **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 Rwanda, Avenue du Député Kamuzinzi 14, BP 515, Kigali, Rwanda. (Tél. 55 86/55 89 ; Télex 515 DELCOMEUR RW - KIGALI).

*ANNEX II***TAKING-OVER CERTIFICATE**

Recipient

I, the undersigned,
(Name, forename, business name)

acting on behalf of

certify that delivery has been taken of the goods listed below :

- Cereals or products
- Net tonnage accepted
- Packaging
 - in bulk
 - in bags
- Number of bags at kg net
marking
- number of marked empty bags
- Place of taking over
- Date of taking over

The quality of the goods delivered is in accordance with that fixed.

COMMISSION REGULATION (EEC) No 4003/86
of 29 December 1986
amending Regulation (EEC) No 3333/86 introducing a countervailing charge on
clementines originating in Tunisia

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 common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1351/86 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3825/86 of 15 December 1986 ⁽³⁾, introduced a countervailing charge on clementines originating in Tunisia;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3825/86, '8,41 ECU' is hereby replaced by '24,08 ECU'.

Article 2

This Regulation shall enter into force on 30 December 1986.

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

Done at Brussels, 29 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 355, 16. 12. 1986, p. 35.

COMMISSION REGULATION (EEC) No 4004/86

of 29 December 1986

fixing the export refunds 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 the fourth subparagraph of Article 16 (2) 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 the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export

system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1588/86⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68⁽⁹⁾, as amended by Regulation (EEC) No 2764/71⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽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 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas Commission Regulation (EEC) No 2806/71⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

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⁽²⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

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, 29 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 29 December 1986 fixing the export refunds on products processed from cereals and rice

Number in nomenclature used for refunds	Nomenclature in simplified wording	(ECU/tonne) Refund
11.01 C (I)	Barley flour, of an ash content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	204,35
11.01 C (II)	Barley flour not included under No 11.01 C (I)	—
11.01 D (I)	Oat flour, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 1,8 % by weight, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	217,58
11.01 D (II)	Oat flour not included under No 11.01 D (I)	—
11.01 E (I)	Maize flour, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight (?)	201,53
11.01 E (II)	Maize flour, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight (?)	172,74
11.01 E (III)	Maize flour not included under No 11.01 E (I) and (II) (?)	—
11.01 F	Rice flour	—
11.02 A III (a)	Barley groats and meal, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	211,16
11.02 A III (b)	Barley groats and meal not included under No 11.02 A III (a)	—
11.02 A IV (a)	Oat groats and meal, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	217,58
11.02 A IV (b)	Oat groats and meal not included under No 11.02 A IV (a)	—
11.02 A V (a)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight (1) (8)	259,11
11.02 A V (b)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight (1) (8)	201,53
11.02 A V (c)	Maize groats and meal, of a fat content, referred to dry matter, exceeding 1,3 % by weight but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight (1) (8)	172,74
11.02 A VI	Rice groats and meal	—
11.02 B I a) 1 (aa)	Hulled (shelled or husked) barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight (2)	204,35
11.02 B I a) 1 (bb)	Hulled (shelled or husked) barley not included under No 11.02 B I a) 1 (aa) (2)	—
11.02 B I a) 2 (aa)	Clipped oats	—

Number in nomenclature used for refunds	Nomenclature in simplified wording	(ECU/tonne) Refund
11.02 B I a) 2 bb) (11)	Hulled (shelled or husked) oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of tegument content not exceeding 0,5 % of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated (?)	193,41
11.02 B I a) 2 bb) (22)	Hulled (shelled or husked) oats, not included under No 11.02 B I a) 2 bb) (11) (?)	—
11.02 B I b) 1 (aa)	Hulled and sliced or kibbled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ('Grütze' or 'Grutten') (?)	204,35
11.02 B I b) 1 (bb)	Hulled and sliced or kibbled barley, not included under No 11.02 B I b) 1 (aa) ('Grütze' or 'Grutten') (?)	—
11.02 B I b) 2 (aa)	Hulled and sliced or kibbled oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ('Grütze' or 'Grutten') (?)	205,50
11.02 B I b) 2 (bb)	Hulled and sliced or kibbled oats not included under No 11.02 B I b) 2 (aa) ('Grütze' or 'Grutten') (?)	—
11.02 B II a) (1)	Hulled (shelled or husked) wheat, not sliced or kibbled (?)	—
11.02 B II c) (1)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ('Gruetze' or 'Grutten') (?) (?)	215,92
11.02 B II c) (2)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ('Gruetze' or 'Grutten') (?) (?)	165,54
11.02 C III (a)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 1st category (?)	272,46
11.02 C III (b)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 2nd category (?)	218,30
11.02 C IV	Pearled oats (?)	—
11.02 D I	Wheat not otherwise worked than kibbled	128,00
11.02 D II	Rye not otherwise worked than kibbled	124,00
11.02 E I b) 1 (aa)	Flaked barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	204,35
11.02 E I b) 1 (bb)	Flaked barley not included under 11.02 E I b) 1 (aa)	—
11.02 E I b) 2 (aa)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	241,76
11.02 E I b) 2 (bb)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content exceeding 0,1 % but not exceeding 1,5 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	193,41
11.02 E I b) 2 (cc)	Flaked oats not included under Nos 11.02 E I b) 2 (aa) and 11.02 E I b) 2 (bb)	—
ex 11.02 E II c) (1)	Flaked maize, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,7 % by weight	230,32

Number in nomenclature used for refunds	Nomenclature in simplified wording	(ECU/tonne) Refund
ex 11.02 E II c) (2)	Flaked maize, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	187,14
ex 11.02 E II c) (3)	Flaked maize, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	—
11.02 E H d) 1	Flaked rice	—
11.02 F III	Barley pellets	—
11.02 F IV	Oat pellets	—
11.02 F V	Maize pellets	—
11.02 G I	Wheat germ, whole, rolled, flaked or ground	33,86
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	35,99
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	241,08
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	242,49
11.08 A I	Maize starch (*)	207,61
11.08 A II	Rice starch (*)	292,65
11.08 A III	Wheat starch (*)	253,97
11.08 A IV	Potato starch (*)	207,61
11.08 A V	Starches other than maize, rice, wheat, or potato starch (*)	—
11.09 A	Dried wheat gluten, of a protein content, referred to dry matter, of 82 % or more by weight ($N \times 6,25$)	309,36
17.02 B II a)	Glucose and malto-dextrine, other than glucose containing, in the dry state, 99 % or more by weight of the pure product, in the form of white crystalline powder, whether or not agglomerated (*)	270,80
17.02 B II b)	Malto-dextrine and malto-dextrine syrup; glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product, other than glucose in the form of white crystalline powder, whether or not agglomerated (*)	207,61
17.02 F II a)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, in the form of powder, whether or not agglomerated	283,69
17.02 F II b)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, other than in the form of powder	197,29
21.07 F II	Flavoured or coloured glucose syrup, and malto-dextrine syrup	207,61
23.02 A I a)	Brans sharps and other residues derived from the sifting, milling or working of maize or rice of a starch content not exceeding 35 % by weight	33,27
23.02 A I b) 2	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content exceeding 35 % by weight, and not having undergone a denaturing process, or of a starch content exceeding 45 % by weight and having undergone denaturing process	33,27
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, of a starch content not exceeding 28 % by weight and of which the percentage which passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or of which the sifted product has an ash content, calculated on dry matter, not exceeding 1,5 % by weight	33,27
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not included under No 23.02 A II a)	33,27
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on dry matter, of 63 % or more by weight ($N \times 6,25$)	103,16

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- (1) The export refund is paid in respect of maize, groats and meal :
- of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 microns,
 - of which a percentage not exceeding 5 % passes through a sieve with an aperture of 150 microns.
- (2) 'Hulled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (3) 'Pearled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (4) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I enjoys the same export refund as the product falling within subheading 17.02 B II.
- (5) The export refund is granted on products falling within this subheading which have a starch content of not less than 85 % by weight.
- (6) The export refund is granted on products falling within this subheading which have a starch content of not less than 78 % by weight.
- (7) The analytical method to be used for the determination of the fatty matter content is that printed in Annex I (method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
- (8) The procedure to be followed for the determination of the fatty matter content is as follows :
- the sample has to be crushed so that 90 % or more can pass through a sieve with an aperture of 500 microns and 100 % can pass through a sieve with an aperture of 1 000 microns,
 - the analytical method to be used afterwards is that which is printed in Annex I (Method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
-

COMMISSION REGULATION (EEC) No 4005/86
of 29 December 1986
fixing the export refunds on cereal-based compound feedingstuffs

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 subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽⁴⁾, as amended by

Regulation (EEC) No 2560/77 ⁽⁵⁾, provides that, when export refunds on cereal-based compound feedingstuffs are being fixed, only the products normally used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs ⁽⁶⁾, as last amended by Regulation (EEC) No 537/83 ⁽⁷⁾, provides that calculation of the export refund must be based on the average of the refunds granted on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the month of exportation and on the levy applicable to maize; whereas this calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of a quantity of maize which is representative of the usual cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice ⁽⁸⁾, as amended by Regulation (EEC) No 3817/85 ⁽⁹⁾, should be used;

⁽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 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 63, 9. 3. 1983, p. 10.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 368, 31. 12. 1985, p. 16.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for 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 once a month ;
whereas it may be altered in the intervening period ;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case

of exports to Portugal ; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal ;

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 export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

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, 29 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 29 December 1986 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

CCT heading No	Special specification for refund	Nomenclature in simplified wording	Refund
23.07 B I		Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 2743/75, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04 and subheadings 17.02 A and 21.07 F I): Of a milk powder content of less than 50 % by weight and of a cereal products ⁽¹⁾ content by weight:	
	0510	— Exceeding 5 % but not exceeding 10 %	7,46 ⁽²⁾ 7,75 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 7,46 ⁽²⁾ 7,75 ⁽²⁾ ⁽³⁾
	1010	— Exceeding 10 % but not exceeding 20 %	14,92 ⁽²⁾ 15,50 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 14,92 ⁽²⁾ 15,50 ⁽²⁾ ⁽³⁾
	2010	— Exceeding 20 % but not exceeding 30 %	29,83 ⁽²⁾ 31,01 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 29,83 ⁽²⁾ 31,01 ⁽²⁾ ⁽³⁾
	3010	— Exceeding 30 % but not exceeding 40 %	44,75 ⁽²⁾ 46,51 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 44,75 ⁽²⁾ 46,51 ⁽²⁾ ⁽³⁾
	4010	— Exceeding 40 % but not exceeding 50 %	59,67 ⁽²⁾ 62,02 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 59,67 ⁽²⁾ 62,02 ⁽²⁾ ⁽³⁾
	5010	— Exceeding 50 % but not exceeding 60 %	74,59 ⁽²⁾ 77,52 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 74,59 ⁽²⁾ 77,52 ⁽²⁾ ⁽³⁾
	6010	— Exceeding 60 % but not exceeding 70 %	89,50 ⁽²⁾ 93,03 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 169,04 ⁽²⁾ 169,04 ⁽²⁾ ⁽³⁾
	7010	— Exceeding 70 %	97,64 ⁽²⁾ 101,48 ⁽²⁾ ⁽³⁾ — ⁽⁴⁾ 169,04 ⁽²⁾ 169,04 ⁽²⁾ ⁽³⁾

⁽¹⁾ 'Cereal products' means the products falling within Chapter 10 and heading Nos 11.01 and 11.02 (excluding subheading 11.02 G) of the Common Customs Tariff.

⁽²⁾ For exports to Zones A, B, C, except North Yemen, D and E specified in Annex II to Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 501/85.

⁽³⁾ Minimum content of maize and/or sorghum exceeding: 0510: 5 %; 1010: 10 %; 2010: 20 %; 3010: 30 %; 4010: 40 %; 5010: 50 %; 6010: 60 %; 7010: 60 %.

In so far as this minimum is observed, these refunds shall, at the request of the party concerned, also apply where the cereal products' content exceeds the maximum specified on the same line.

⁽⁴⁾ For export to other third countries.

⁽⁵⁾ For exports to North Yemen.

COMMISSION REGULATION (EEC) No 4006/86
of 29 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 last amended by Regulation (EEC) No 3920/86⁽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 23 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 30 December 1986.

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

Done at Brussels, 29 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 364, 23. 12. 1986, p. 49.

⁽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 29 December 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.02 B II a) ⁽²⁾	262,41	259,39
11.02 C I ⁽²⁾	315,07	312,05
11.02 D I ⁽²⁾	201,95	198,93
11.02 E II a) ⁽²⁾	357,09	351,05
11.02 F I ⁽²⁾	357,09	351,05
11.02 G I	152,31	146,27
11.07 A I a)	358,03	347,15
11.07 A I b)	270,27	259,39
11.08 A III	405,62	385,07
11.09	881,46	700,12
23.02 A I a)	82,46	76,46
23.02 A I b)	169,84	163,84
23.02 A II a)	82,46	76,46
23.02 A II b)	169,84	163,84

⁽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.

COUNCIL OF THE EUROPEAN COMMUNITIES

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1 January — 31 December 1984

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