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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2823/87

of 18 September 1987

on the documents to be used for the purpose of implementing Community measures entailing verification of the use and/or destination of goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 222/77 of 13 December 1976 on Community transit ⁽¹⁾, as last amended by Regulation (EEC) No 1674/87 ⁽²⁾, and in particular Article 57 thereof,

Whereas Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure ⁽³⁾, as last amended by Regulation (EEC) No 3399/85 ⁽⁴⁾, introduced a special copy of the Community transit document referred to as 'Control Copy T 5' which, when duly endorsed by the customs authorities, furnishes proof that the conditions provided for or prescribed as to the use and/or destination of goods have been complied with;

Whereas the provisions of Regulation (EEC) No 223/77 on Control Copy T 5 have been supplemented several times;

Whereas, in the context of the consolidation of the provisions for the implementation of the Community transit procedure and certain simplifications of that procedure, the provisions of Regulation (EEC) No 223/77 with the exception of those concerning the Control Copy T 5 have been repealed by Commission Regulation (EEC) No 1062/87 ⁽⁵⁾;

Whereas, in view of their specific nature, it has proved necessary to incorporate the provisions relating to Control Copy T 5 in a Regulation separate from the consolidating Regulation;

Whereas the abovementioned Regulation (EEC) No 222/77 was amended by Council Regulation (EEC) No

1901/85 ⁽⁶⁾ so as to provide for the use both in external and internal Community transit procedures of the single document form introduced by Council Regulations (EEC) No 678/85 ⁽⁷⁾ and (EEC) No 679/85 ⁽⁸⁾, as amended by Commission Regulation (EEC) No 2791/86 ⁽⁹⁾;

Whereas the Control Copy T 5 form should be aligned as closely as possible on the specimen single document form;

Whereas it is therefore appropriate, in view of the present Regulation, to repeal the provisions of Regulation (EEC) No 223/77 which remain applicable;

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

HAS ADOPTED THIS REGULATION:

Article 1

Where implementation of a Community measure is subject to proof that the conditions prescribed by that measure as to the use and/or destination of goods imported into, exported from, or moving within the Community have been complied with, such proof shall be furnished by production of Control Copy T 5. A Control Copy T 5 is a completed form T 5, accompanied, where appropriate, by one or more forms T 5 bis, in the circumstances referred to in Article 7, or by one or more loading lists T 5, in the circumstances referred to in Article 8 and 9.

2. Any person who signs a Control Copy T 5 within the meaning of paragraph 1 shall be required to put the goods described in that document to the declared use and/or dispatch the goods to the declared destination.

⁽¹⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽²⁾ OJ No L 157, 17. 6. 1987, p. 1.

⁽³⁾ OJ No L 38, 9. 2. 1977, p. 20.

⁽⁴⁾ OJ No L 322, 3. 12. 1985, p. 10.

⁽⁵⁾ OJ No L 107, 22. 4. 1987, p. 1.

⁽⁶⁾ OJ No L 179, 11. 7. 1985, p. 6.

⁽⁷⁾ OJ No L 79, 21. 3. 1985, p. 1.

⁽⁸⁾ OJ No L 79, 21. 3. 1985, p. 7.

⁽⁹⁾ OJ No L 263, 15. 9. 1986, p. 3.

Article 2

The forms on which Control Copy T 5 is drawn up shall correspond to the specimens contained in Annexes I, II and III.

Control Copy T 5 shall be issued and used in accordance with the provisions of Articles 5 to 14.

Article 3

1. The paper used shall be pale blue, dressed for writing purposes and weight at least 40 g/m². It shall be sufficiently opaque for the information on one side not to affect the legibility of the information on the other side. Its strength shall be such that in normal use it does not easily tear or crease.

2. The sizes of the forms shall be :

- (a) 210 × 297 mm for form T 5 (Annex I) and form T 5 bis (Annex II), a tolerance in the length of - 5 or + 8 mm being allowed.
- (b) 297 × 420 mm for loading lists T 5 (Annex III), a tolerance in the length of - 5 or + 8 mm being allowed.

Article 4

The Member States may require that Control Copy T 5 forms show the name and address of the printer, or a symbol enabling the printer to be identified.

Article 5

Control Copy T 5 shall be drawn up in one of the official languages of the Community which is acceptable to the competent authorities of the Member State of departure.

The competent authorities of another Member State in which such a document is presented may, as necessary, require a translation into the official language, or one of the official languages, of that Member State.

Article 6

1. Control Copy T 5 shall be completed by typewriter or by a mechanographical or similar process. It may also be filled in legibly by hand, in ink and in block capitals.

The form shall contain no erasures or overwriting. Any alterations shall be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any alterations made in this way shall be initialled by the person making them and expressly authenticated by the competent authorities.

2. In addition, Control Copy T 5 may be completed using an automatic reproduction process instead of any of the processes referred to in paragraph 1. It may also be

produced and completed simultaneously by this means provided that the provisions as regards the specimens, the paper, the size, the language used, the legibility, the prohibition of erasures and overwriting and as regards amendments are strictly observed.

Article 7

1. The competent customs authorities of each Member State may allow undertakings established in their territory to supplement a Control Copy T 5 with one or more continuation sheets T 5 bis in cases where all the forms relate to a single consignment of goods, which are loaded on one single means of transport, and are destined for a single consignee and a single use and/or destination.

2. The number of continuation sheets T 5 bis used shall be shown in box 3 of the Control Copy T 5 which they accompany. The registration number of the Control Copy T 5 shall be shown in the box for registration particulars of each continuation sheet T 5 bis. The total number of packages covered by the Control Copy T 5 and the T 5 bis continuation sheets shall be shown in box 6 of the Control Copy T 5.

Article 8

1. The competent customs authorities of each Member State may allow undertakings established in their territory to supplement a Control Copy T 5 with one or more loading lists T 5 giving the particulars normally shown in boxes 31, 33, 35, 38, 100, 103 and 105 of form T 5, provided that all the forms relate to a single consignment of goods which are loaded on a single means of transport and are destined for a single consignee and a single use and/or destination.

2. Only the front of the loading list T 5 form may be used. Each item shown on loading list T 5 shall be preceded by a serial number and all the particulars indicated in the column headings shall be supplied.

A horizontal line shall be drawn after the last entry and the remaining unused spaces crossed through so that no subsequent additions can be made. The total number of packages containing the goods listed and the total gross and net mass of those goods shall be shown at the foot of the appropriate columns.

3. Where loading lists T 5 are used, boxes 31, 33, 35, 38, 100, 103 and 105 of the Control Copy T 5 to which they refer shall be crossed through and the Control Copy may not be accompanied by a form T 5 bis.

4. The number of loading lists T 5 used shall be shown in box 4 of Control Copy T 5. The registration number of the Control Copy T 5 shall be shown in the box for registration particulars of each loading list T 5. The total number of packages covered by the various loading lists shall be shown in box 6 of the Control Copy T 5.

Article 9

1. The authorization referred to in Article 8 (1) may allow undertakings whose records are based on an electronic or automatic data-processing system to use loading lists T 5 completed by such data-processing system which, although they include all the particulars provided for in the list as printed in Annex III, do not comply with all the conditions of Articles 2, 3, 4 and 6 and that of Article 8 (2) as regards the requirement that each item shown on the list must be preceded by a serial number.

These lists must, however, be designed and completed in such a way that they can be used without difficulty by the customs and other authorities in question.

2. The authorization shall be granted only to those undertakings which offer the safeguards considered appropriate by the customs authorities.

The undertaking to which the authorization is given shall be liable in the event of any fraudulent use by any person of loading lists which it draws up.

Article 10

1. Control Copy T 5 and, where appropriate, continuation sheets T 5 bis or loading lists T 5 shall be made out by the person concerned in one original and at least one copy, each of which must bear the original signature of the person concerned.

2. Control Copy T 5 and, where appropriate, continuation sheets T 5 bis or loading lists T 5 shall, as regards the description of goods and any additional information, show all the particulars required by the provisions relating to the Community measure imposing the control.

3. When goods are not entered under a Community transit procedure, the Control Copy T 5 must bear a reference to the document relating to the procedure used.

4. The Community transit document or the document relating to the procedure used must bear a reference to the Control Copy or Copies T 5 issued.

Article 11

1. When the Community transit procedure is used, the Control Copy T 5 shall be issued by the office of departure. The competent customs office of the Member State of destination shall carry out, or cause to be carried out under its responsibility, the control as to the use and/or destination provided for or prescribed.

2. The office of departure shall keep a copy of Control Copy T 5.

3. The original of Control Copy T 5 shall accompany the goods under the same conditions as the documents relating to the procedure used.

4. Without prejudice to the application of the provisions of Article 26 of Regulation (EEC) No 222/77, the original of Control Copy T 5 shall, after appropriate endorsement by the competent customs office in the Member State of destination, be sent forthwith to the address shown under the heading 'Return to'.

Article 12

Where goods subject to control as to use and/or destination are not placed under a Community transit procedure, a Control Copy T 5 shall be prepared in respect of such goods in addition to the document relating to the procedure used. The control copy shall be issued and used subject to the conditions laid down in Article 11.

Article 13

Any person who delivers a Control Copy T 5 and the consignment to which that document related to the competent customs office of the Member State of destination may, on request, obtain a receipt drawn up on a form corresponding to the specimen provided for in Article 1 (4) of Regulation (EEC) No 1062/87.

The receipt may not replace Control Copy T 5.

Article 14

1. In the case of a consignment of goods accompanied by a Control Copy T 5, the customs authorities of the Member States may, as an exceptional measure, permit such consignment and the Control Copy T 5 to be divided before completion of the procedure for which the form was issued. Consignments resulting from such division may not themselves be further divided.

2. The provisions of paragraph 1 shall be without prejudice to the application of Community measures to products from intervention which are to be subjected to control of use and/or destination and which are processed in another Member State before being put to their final use or reaching their final destination.

3. The division referred to in paragraph 1 shall be carried out under the conditions set out in paragraphs 4 to 7 below. Member States need not apply these conditions in cases where all the consignments which result from the division are to be put to their final use or are to reach their final destination in the Member State where the division takes place.

4. The office at which the division takes place shall issue, in accordance with the provisions of Article 10, an extract Control Copy T 5 for each part of the divided consignment, using for this purpose a Control Copy T 5.

Each extract shall contain the additional information shown on the initial Control Copy T 5 and give, amongst those particulars, the net mass of the goods to which that extract applies. Each extract shall show in box 106 the registration number, date and office and country of issue of the initial Control Copy T 5, using one of the following forms of wording:

- Extracto del ejemplar de control :
(número, fecha, aduana y país de expedición)
- Udskrift af kontrolseksemplar :
(nummer, dato, udstedende toldsted og land)
- Auszug aus dem Kontrollexemplar :
(Nummer, Datum, ausstellende Zollstelle und Land)
- Απόσπασμα του αντιτύπου ελέγχου :
(αριθμός, ημερομηνία, τελωνείο και χώρα εκδόσεως)
- Extract of control copy :
(Number, date, office and country of issue)
- Extrait de l'exemplaire de contrôle :
(numéro, date, bureau et pays de délivrance)
- Estratto dell'esemplare di controllo :
(numero, data, ufficio e paese di emissione)
- Uittreksel uit controle-exemplaar :
(nummer, datum, kantoor en land van afgifte)
- Extracto do exemplar de controlo :
(número, data, estância aduaneira, país de emissão)

5. The office where the division takes place shall state on the initial Control Copy T 5 that the form has been divided. It shall do this by entering one of the following statements in the 'control of use and/or destination' box:

- ... (número) extractos expedidos — copias adjuntas
- ... (antal) udstedte udskrifter — kopier vedføjet
- ... (Anzahl) Auszüge ausgestellt — Durchschriften liegen bei
- ... (αριθμός) εκδοθέντα αποσπάσματα — συνημμένα αντίγραφα
- ... (number) extracts issued — copies attached
- ... (nombre) extraits délivrés — copies ci-jointes
- ... (numero) estratti rilasciati — copie allegata
- ... (aantal) uittreksels afgegeven — kopieën bijgevoegd
- ... (quantidade) extractos emitidos — cópias juntas

The initial Control Copy T 5 shall be returned without delay to the address shown under the heading 'Return to', accompanied by the copies of the extracts issued.

6. The originals of the extract Control Copies T 5 shall, together with the documents relating to the procedure used, accompany each part of the divided consignment.

7. The competent customs office in the Member State of destination of the parts of the divided consignment shall carry out, or cause to be carried out under its responsibility, the control as to the use and/or destination provided for or prescribed. It shall return the extracts endorsed in accordance with Article 11 (4) to the address shown under the heading 'Return to'.

Article 15

1. Control Copy T 5 may be issued retroactively on condition that:

- the person concerned is not responsible for the failure to apply for or to issue that document when the goods were dispatched,
- the person concerned furnished proof that the Control Copy T 5 relates to the goods in respect of which the dispatch or export formalities were completed,
- the person concerned produced the documents required for the issue of the Control Copy T 5,
- it is established to the satisfaction of the competent customs authorities that the retroactive issue of Control Copy T 5 cannot give rise to the securing of financial benefits which would not be due considering the transit procedure which may have been used, the customs status of the goods and their use and/or destination.

2. Where Control Copy T 5 is issued retroactively, it shall bear in red one of the following forms of wording:

- Expedido a posteriori
- Udstedt efterfølgende
- Nachträglich ausgestellt
- Εκδοθέν εκ των υστέρων
- Issued retroactively
- Délivré *a posteriori*
- Rilasciato a posteriori
- Achteraf afgegeven
- Emitido *a posteriori*

Moreover, the person concerned shall enter on such Control Copy T 5 the identity of the means of transport by which the goods were dispatched, the date of departure and, if appropriate, the date on which the goods were produced at the office of destination.

3. A Control Copy T 5 issued retroactively may be endorsed by the competent customs office of the Member State of destination only where that office establishes that the goods covered by the document in question have been used for the purpose and/or have reached the destination provided for or prescribed by the Community measure on the importation, exportation or movement within the Community of those goods.

Article 16

By way of derogation from Article 1 and unless otherwise stipulated in the provisions relating to the relevant Community measure, each Member State shall have the right to require that proof that the goods have been used for the purpose and/or have reached the destination provided for or prescribed be furnished in accordance with a national procedure provided that the goods do not leave its territory before they have been used as, and/or have reached the destination, prescribed.

Article 17

The customs authorities of each Member State may authorize persons complying with the conditions laid down in Article 19, hereinafter referred to as 'authorized consignors' who intend to consign goods in respect of which a Control Copy T 5 must be made out, not to produce at the office of departure either the goods concerned or the Control Copy T 5 in respect thereof.

Article 18

The authorized consignor shall bear all the consequences, in particular the financial consequences, of any errors, omissions or other faults in the Control Copies T 5 which he draws up and in the performance of the procedures incumbent upon him under the authorization provided for in Article 17.

Article 19

1. The authorization provided for in Article 17 shall be granted only to persons:

- (a) who frequently consign goods; and
- (b) whose records enable the customs authorities to verify their operations.

2. Customs authorities may withhold authorization from persons unable to offer the safeguards they consider necessary.

3. The authorities may withdraw the authorization, in particular, when an authorized consignor no longer fulfils the conditions laid down in paragraph 1 or is no longer able to offer the safeguards referred to in paragraph 2.

4. Where the issue of Control Copy T 5 is conditional upon a guarantee being provided, Member States shall take appropriate measures to ensure that such guarantee is provided.

Article 20

The authorization issued by the customs authorities shall specify in particular:

- (a) the customs office or offices which are authorized offices of departure for consignments;
- (b) the period within which, and the procedure by which, the authorized consignor is to inform the office of

departure of the consignments to be sent, in order that the office may carry out any necessary controls before the departure of the goods;

- (c) the period within which goods must be produced at the office of destination; and
- (d) the identification measures to be taken. To this end the customs authorities may prescribe that the means of transport or the packages shall bear special seals, accepted by the customs authorities and affixed by the authorized consignor.

Article 21

1. In addition to the particulars specified in Article 20, the authorization referred to in Article 17 shall stipulate that the box reserved for the use of the office of departure on the front of Control Copy T 5 shall:

- (a) be stamped in advance with the stamp of the office of departure and be signed by an official of that office; or
- (b) be stamped by the authorized consignor with a special metal stamp approved by the customs authorities and corresponding to the specimen shown in Annex IV; the imprint of the stamp may be pre-printed on the forms where the printing is entrusted to a printing works approved for that purpose.

The authorized consignor shall complete the said box by stating the date of consignment of the goods.

2. Customs authorities may prescribe the use of forms bearing a distinctive mark as a means of identification.

Article 22

1. The authorized consignor shall, not later than the time of consigning the goods, enter on the front of the duly completed Control Copy T 5, in the box headed 'Control by office of departure', the identification measures applied and the references to the export document as required by the Member State of consignment, together with, in so far as is necessary, particulars of the time limit for production of the goods at the competent customs office in the Member State of destination, and one of the following endorsements:

- Procedimiento simplificado
- Forenklet procedure
- Vereinfachtes Verfahren
- Απλουστευμένη διαδικασία
- Simplified procedure
- Procédure simplifiée
- Procedura semplificata
- Vereenvoudigde regeling
- Procedimento simplificado.

2. After consignment, the authorized consignor shall forthwith send a copy of Control Copy T 5, together with any special document on the basis of which Control Copy T 5 was drawn up, to the office of departure.

3. When the customs authorities of the Member State of departure carry out a control on the departure of a consignment, they shall endorse the 'Control by office of departure' box on the front of the Control Copy T 5.

4. A Control Copy T 5 duly completed and containing the particulars specified in paragraph 1 and signed by the authorized consignor shall be deemed to have been issued by the office of departure which carried out the prior authentication of the form in accordance with Article 21 (1) (a), or which is named in the imprint of the special stamp referred to in Article 21 (1) (b), for the purpose of providing proof that the goods referred to therein have been used for the purpose specified and/or reached the destination prescribed.

Article 23

1. The authorization consignor shall:

- (a) comply with the conditions laid down in this Regulation and the authorization; and
- (b) take all necessary measures to ensure the safekeeping of the special stamp or of the forms bearing the imprint of the stamp of the office of departure or the imprint of the special stamp.

2. In the event of misuse by any person of Control Copy T 5 forms stamped in advance with the stamp of the office of departure or with the special stamp, the authorized consignor shall be liable, without prejudice to any criminal proceedings, for the payment of duties and other charges which have not been paid and for the repayment of any financial benefits which have been wrongly obtained following such misuse unless he can satisfy the customs authorities by whom he was authorized that he took the measures required of him under paragraph 1 (b).

Article 24

1. The customs authorities may authorize the authorized consignor not to sign Control Copy T 5 forms bearing the imprint of the special stamp referred to in Article 21 (1) (b) which have been drawn up by an electronic or automatic data-processing system. This authorization shall be subject to the condition that the authorized consignor has previously given those authorities a written undertaking acknowledging that he is liable, without prejudice to any criminal proceedings, for the payment of any duties and other charges which have not been paid and for the repayment of any financial benefits which have been wrongly obtained following the use of Control Copy T 5 forms bearing the imprint of the special stamp.

2. Control Copy T 5 forms drawn up in accordance with paragraph 1 shall contain, in the box reserved for the signature of the declarant, one of the following statements:

- Dispensa de firma
- Fritaget for underskrift
- Freistellung von der Unterschriftsleistung
- Δεν απαιτείται υπογραφή
- Signature waived
- Dispense de signature

- Dispensa della firma
- Van ondertekening vrijgesteld
- Dispensada a assinatura

Article 25

A table of equivalence between the Articles and Annexes of this Regulation and those of repealed Regulation (EEC) No 223/77 is given in Annex V.

In all Community instruments in which reference is made to the relevant Articles or Annexes of Regulation (EEC) No 223/77, such references shall be deemed to be references to the corresponding Articles or Annexes of this Regulation.

Article 26

Authorized consignors using a special stamp of the type referred to in Annex XV to Regulation (EEC) No 223/77 at the time when this Regulation comes into force may continue to use that special stamp until 31 December 1992.

Article 27

Control Copies T 5 issued in conformity with the provisions of Regulation (EEC) No 223/77 on or before 31 December 1987 shall continue to be effective after that date.

Article 28

Regulation (EEC) No 1062/87 is hereby amended as follows:

1. Article 22 (1) is replaced by the following:

'1. When the goods referred to in Article 20 (1) are not placed under a Community transit procedure, the customs office at which the formalities required for dispatching them were completed shall require the Control Copy T 5 provided for in Article 1 of Regulation (EEC) No 2823/87 to be drawn up. The person concerned shall enter in box 104 of that copy one of the statements provided for in Article 21, depending on the case.'

(¹) OJ No L 270, 23. 9. 1987, p. 1'

2. The second subparagraph of Article 25 (1) is replaced by the following:

'By way of derogation from the provisions of Article 11 of Regulation (EEC) No 2823/87, the original of the Control Copy T 5 shall accompany the goods to the competent office of the Member State of destination.'

3. Article 28 (a) is replaced by the following:

'(a) shall be without prejudice to the application of the provisions of Articles 1 to 16 of Regulation (EEC) No 2823/87;'

4. Article 97 is replaced by the following :

'Repeal of Regulation (EEC) No 223/77 ; table of equivalence

Article 97

1. Regulation (EEC) No 223/77 is hereby repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation or to Regulation (EEC) No 2823/87

References to the Articles of Regulation (EEC) No 223/77 shall be interpreted in accordance with the tables of equivalence in Annex X hereto and in Annex V to Regulation (EEC) No 2823/87'.

Article 29

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 18 September 1987.

For the Commission

COCKFIELD

Vice-President

EUROPEAN COMMUNITY

See Notice before completing this form

ORIGINAL OF CONTROL COPY

2 Consignor/Exporter No

8 Consignee

14 Declarant/Representative No

IMPORTANT NOTE

This original must accompany the goods and be lodged

- in the case of goods to be exported, with the Customs office of exit from the customs territory of the Community,
- in other cases, with the competent Customs office in the Member State of destination.

T 5

3 Forms

4 Loading lists

5 Items

6 Total packages

7 Reference number

NOTES CONCERNINGBox 104: Enter ☒ where applicable.

Box 105: Enter type, serial number, date of issue and name of issuing authority.

Box 109: Enter type, number, date of registration and name of Customs office.

15 Country of dispatch/export

17 Country of destination

Tilbagesendes til:

έπιστρεφείο εις:

Renvoyer à:

Terugzenden aan:

Zurücksenden an:

Return to:

Rimviare a:

Devolver a:

31 Packages and description of goods

Marks and numbers - Container No(s) - Number and kind

32 Item No

33 Commodity Code

35 Gross mass (kg)

38 Net mass (kg)

40 Previous document

41 Supplementary units

ADDITIONAL INFORMATION

100 (For national use)

103 Net quantity (kg or litres) in words

104 USE AND/OR DESTINATION☐ Exit from the customs territory of the Community☐ Supply to the following international organisation:☐ Other (specify):☐ Supply for victualling☐ Supply to the _____ (nationality)
forces in _____ (Member State)

105 Licences

106 Further particulars

107 Legislation applicable

108 Attached documents

109 Administrative or customs document

D CONTROL BY OFFICE OF DEPARTURE

Result:

Seals affixed: Number:

identity:

Time limit (date):

Signature:

Stamp:

110 Place and date:

Signature and name of declarant/representative:

E FOR USE BY MEMBER STATE OF DEPARTURE

J CONTROL OF USE AND/OR DESTINATION

The goods described in this declaration (enter ☒ where applicable)

☐ have received the use and/or destination declared overleaf on
(date)

☐ have not received the use and/or destination declared overleaf.

☐ have received the use and/or destination declared overleaf only as regards the quantities entered below:

Remarks:

Place and date:

Signature:

Returned after registration under
No

Stamp:

EUROPEAN COMMUNITY

A OFFICE OF DEPARTURE

T 5

COPY OF CONTROL COPY

2 Consignor/Exporter No

☐

3 Forms

4 Loading lists

5 Items

6 Total packages

7 Reference number

8 Consignee

NOTES CONCERNING

Box 104: Enter ☒ where applicable.

Box 105: Enter type, serial number, date of issue and name of issuing authority.

Box 109: Enter type, number, date of registration and name of Customs office.

14 Declarant/Representative No

15 Country of dispatch/export

17 Country of destination

31 Packages and description of goods

Marks and numbers - Container No(s) - Number and kind

32 Item No

33 Commodity Code

35 Gross mass (kg)

38 Net mass (kg)

40 Previous document

41 Supplementary units

ADDITIONAL INFORMATION

100 (For national use)

103 Net quantity (kg or litres) in words

104 USE AND/OR DESTINATION

☐ Exit from the customs territory of the Community

☐ Supply to the following international organisation:

☐ Other (specify):

☐ Supply for victualling

☐ Supply to the _____ (nationality)
forces in _____ (Member State)

105 Licences

106 Further particulars

107 Legislation applicable

108 Attached documents

109 Administrative or customs document

D CONTROL BY OFFICE OF DEPARTURE

Result:

Seals affixed: Number:

identity:

Time limit (date):

Signature:

Stamp:

110 Place and date:

Signature and name of declarant/representative:

E FOR USE BY MEMBER STATE OF DEPARTURE

EUROPEAN COMMUNITY

2 Consignor/Exporter

No

T 5 BIS

3 Forms

IMPORTANT NOTE

The goods shown on this form must receive the use an/or destination declared in box 104 of the form T 5 to which this form must be attached.

ORIGINAL OF CONTROL COPY

NOTE CONCERNING BOX 105

Enter type, serial number, date of issue and name of issuing authority.

31 Packages and description of goods	Marks and numbers - Container No(s) - Number and kind	32 Item No	33 Commodity Code	
			35 Gross mass (kg)	
			38 Net mass (kg)	
			40 Previous document	
ADDITIONAL INFORMATION		41 Supplementary units		
100 (For national use)		103 Net quantity (kg or litres) in words		

105 Licences

31 Packages and description of goods	Marks and numbers - Container No(s) - Number and kind	32 Item No	33 Commodity Code	
			35 Gross mass (kg)	
			38 Net mass (kg)	
			40 Previous document	
ADDITIONAL INFORMATION		41 Supplementary units		
100 (For national use)		103 Net quantity (kg or litres) in words		

105 Licences

31 Packages and description of goods	Marks and numbers - Container No(s) - Number and kind	32 Item No	33 Commodity Code	
			35 Gross mass (kg)	
			38 Net mass (kg)	
			40 Previous document	
ADDITIONAL INFORMATION		41 Supplementary units		
100 (For national use)		103 Net quantity (kg or litres) in words		

105 Licences

110 Place and date:

Signature and name of declarant/representative:

A OFFICE OF DEPARTURE

No

T 5 BIS

3 Forms

IMPORTANT NOTE

The goods shown on this form must receive the use an/or destination declared in box 104 of the form T 5 to which this form must be attached.

NOTE CONCERNING BOX 105

Enter type, serial number, date of issue and name of issuing authority.

31	Packages and description of goods	Marks and numbers - Container No(s) - Number and kind
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32 Item No

33 Commodity Code

35 Gross mass (kg)

38 Net mass (kg)

40 Previous document

41 Supplementary units

ADDITIONAL INFORMATION

100 (For national use)

103 Net quantity (kg or litres) in words

105 Licences

31 Packages and description of goods

Marks and numbers - Container No(s) - Number and kind	
1	1
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96	96
97	97
98	98
99	99
100	100

32 Item	No
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33 Commodity Code

35 Gross mass (kg)

38 Net mass (kg)

40. Previous document

41 Supplementary units

ADDITIONAL INFORMATION

100 (For national use)

103 Net quantity (kg or litres) in words

105 Licences

31 Packages and description of goods

Marks and numbers - Container No(s) - Number and kind

32 Item	No
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33 Commodity Code

35	Gross mass (kg)
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38 Net mass (kg)

40 Previous document

41 Supplementary units

ADDITIONAL INFORMATION

100 (For national use)

103 Net quantity (kg or litres) in words

105 Licences

110 Place and date:

Signature and name of declarant/representative:

ANNEX III

LOADING LIST

T5 ORIGINAL

**attached to Control Copy T 5
bearing the registration number
shown opposite.**

OFFICE OF DEPARTMENT

1. A loading list may be used only when the goods to which it relates are for the same use an/or destination which is to be shown in box 104 of the Control Copy T 5 to which it is attached.
2. Agricultural products for exportation must be described in accordance with the nomenclature used for refund purposes.
3. Details of licences or advance fixing certificates instead of being shown in box 105 of Control Copy T 5 must be shown on the loading list following the description of goods to which they relate.

Item number	Marks and numbers – Number and kind of packages – Description of goods and, where appropriate, particulars of their composition	Commodity Code	Gross mass (kg)	Net mass (kg)	Net quantity (kg or litres) in words	RESERVED FOR CUSTOMS

[illegible]

LOADING LIST

T5 COPY

1. A loading list may be used only when the goods to which it relates are for the same use an/or destination which is to be shown in box 104 of the Control Copy T 5 to which it is attached.
2. Agricultural products for exportation must be described in accordance with the nomenclature used for refund purposes.
3. Details of licences or advance fixing certificates instead of being shown in box 105 of Control Copy T 5 must be shown on the loading list following the description of goods to which they relate.

OFFICE OF DEPARTURE

Item number	Marks and numbers – Number and kind of packages – Description of goods and, where appropriate, particulars of their composition	Commodity Code	Gross mass (kg)	Net mass (kg)	Net quantity (kg or litres) in words	RESERVED FOR CUSTOMS

[illegible]

*ANNEX IV***SPECIAL STAMP**

← 55 mm →	
1	2
3	4
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↑ 25 mm ↓	

1. Member State's coat of arms
 2. Customs office
 3. Number of document
 4. Date
 5. Authorized consignor
 6. Authorization
-

ANNEX V

TABLE OF EQUIVALENCE

Regulation (EEC) No 2823/87	Regulation (EEC) No 223/77
<i>Article</i>	<i>Article</i>
1	10
2	1 (3)
3	2 (1) and (5)
4	2 (9)
5	2 (6)
6	2 (10)
7	2a
8	10a
9	10b
10	10c
11	11
12	12
13	13
14	15 (2)
15	13a
16	13b
17	14
18	61a (1)
19 (1) to (3)	61b
19 (4)	56 (1) (a) and (b), (2) and (3)
20	61a (2)
21	57
22	61c
23 (1)	61d
23 (2)	61 (1)
24	61e
	61f (1)
<i>Annex</i>	<i>Annex</i>
I	VI
II	VI A
III	VI B
IV	XV

COMMISSION REGULATION (EEC) No 2824/87

of 22 September 1987

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 1900/87⁽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⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, 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 1944/87⁽⁵⁾ 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 21 September 1987;

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 1944/87 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 23 September 1987.

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

Done at Brussels, 22 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

ANNEX

to the Commission Regulation of 22 September 1987 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	—	181,84
10.01 B II	Durum wheat	38,47	241,30 ⁽¹⁾ ⁽²⁾
10.02	Rye	28,04	155,96 ⁽³⁾
10.03	Barley	15,50	180,06
10.04	Oats	80,51	133,62
10.05 B	Maize, other than hybrid maize for sowing	6,48	180,20 ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾
10.07 A	Buckwheat	15,50	118,97
10.07 B	Millet	15,50	112,65 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	30,90	183,99 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed ; other cereals	15,50	36,22 ⁽⁵⁾
11.01 A	Wheat or meslin flour	—	267,91
11.01 B	Rye flour	52,70	231,79,
11.02 A I a)	Durum wheat groats and meal	72,79	387,18
11.02 A I b)	Common wheat groats and meal	—	288,86

⁽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 Council 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 2825/87

of 22 September 1987

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 1900/87⁽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⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, 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 1945/87⁽⁵⁾ 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 21 September 1987;

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 coming from 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 coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 1987.

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

Done at Brussels, 22 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 22 September 1987 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 9	1st period 10	2nd period 11	3rd period 12
10.01 B I	Common wheat, and meslin	0	8,52	8,52	8,52
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	1,56	1,56	1,56
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0,15	0,15	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	8,57	8,56	8,57
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	11,93	11,93	11,93

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	15,17	15,17	15,17	15,17
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	11,33	11,33	11,33	11,33
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2826/87
of 22 September 1987
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 1900/87⁽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 2781/87⁽³⁾,

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 2781/87 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 2781/87 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 23 September 1987.

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

Done at Brussels, 22 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 267, 18. 9. 1987, p. 19.

ANNEX

to the Commission Regulation of 22 September 1987 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 and the Canary Islands — zone II b) — zones I, II a), III, V, VI and VII — zone IV — other third countries	103,00 108,00 20,00 25,00 15,00
10.01 B II	Durum wheat	25,00 ⁽³⁾
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10,00 25,00
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — zone II b) — other third countries	100,00 105,00 25,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	85,00 95,00
10.05 B	Maize, other than hybrid maize for sowing for exports to : — Switzerland, Austria and Liechtenstein — Canary Islands — other third countries	0 0 0
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 for exports to : — Zaire — other third countries — of an ash content of 521 to 600 for exports to : — Zaire — other third countries — 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	171,00 156,00 171,00 156,00 139,00 130,00 121,00 110,00

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	156,00 156,00 156,00 156,00
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	286,00 ⁽³⁾ 270,00 ⁽³⁾ 241,00 ⁽³⁾ 228,00 ⁽³⁾
ex 11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	156,00

⁽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 1548/87 (OJ No L 144, 4. 6. 1987).

COMMISSION REGULATION (EEC) No 2827/87

of 22 September 1987

re-establishing the levying of customs duties on other articles for electrical light fittings, falling within subheadings 70.14 A II and B originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

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

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 3924/86, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework on the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of Regulation (EEC) No 3924/86, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of other articles for electrical light fitting within subheadings 70.14 A II and B, the individual ceiling was fixed at 1 450 000 ECU; whereas, on 10 September 1987, imports of these products into the Community, originating in South Korea reached the ceiling in question after being charged thereagainst;

Whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 26 September 1987, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3924/86, shall be re-established on imports into Community of the following products originating in South Korea:

Order No	CCT heading No and NIMEXE-code	Description
10.0785	70.14 (70.14-19, 91, 95)	Illuminating glassware, signalling glassware and optical elements of glass, not optically worked nor of optical glass: A. Articles for electrical lighting fittings: II. Other (for example, diffusers, ceiling lights, bowls, cups, lampshades, globes, tulip-shaped pieces) B. Other

Article 2

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

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

Done at Brussels, 22 September 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 2828/87**of 22 September 1987****amending Regulation (EEC) No 1983/87 on the opening of an invitation to tender for the refund for the export of barley**

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 1900/87 ⁽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 Commission Regulation (EEC) No 1983/87 ⁽⁴⁾ opened an invitation to tender for the refund for the export of barley;

Whereas, in the present situation, it is appropriate to extend the period during which this invitation to tender remains open;

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. Article 1 (3) of Regulation (EEC) No 1983/87 is hereby amended as follows:

'3. The invitation shall remain open until 17 December 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, 22 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 187, 7. 7. 1987, p. 9.

COMMISSION REGULATION (EEC) No 2829/87

of 22 September 1987

opening an invitation to tender for the refund for the export of feed rye to countries of zones I, II, III, IV, V, VI, VII and VIII, 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 1900/87 ⁽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 feed rye 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, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands;

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 last amended by Regulation (EEC) No 2788/86 ⁽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, 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 feed rye for export to the countries of zones I, II, III, IV, V, VI, VII and VIII, 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 17 December 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.

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.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.
⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

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.

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.

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.

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*.

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

Done at Brussels, 22 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

ANNEX

Weekly tender for the refund for the export of feed rye to countries of zones I, II, III, IV, V, VI, VII and VIII, 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.		

COMMISSION REGULATION (EEC) No 2830/87

of 22 September 1987

introducing a countervailing charge on certain varieties of plum originating in Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2275/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 931/87 of 31 March 1987 fixing for the 1987 marketing year the reference prices for plums⁽³⁾ fixed the reference price for class I, group II at 47,02 ECU per 100 kilograms net for the month of September 1987;

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

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken

into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in Article 3 (1) last paragraph of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1,08 ECU per 100 kilograms net is applied to plums (subheading 08.07 D of the Common Customs Tariff), of the following varieties: Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (Yellow Egg), Mirabelle and Bosniche, originating in Romania.

Article 2

This Regulation shall enter into force on 24 September 1987.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 209, 31. 7. 1987, p. 4.

⁽³⁾ OJ No L 89, 1. 4. 1987, p. 39.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 22 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President
