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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1224/80
of 28 May 1980
on the valuation of goods for customs purposes

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, on 27 June 1968, the Council adopted Regu-
lation (EEC) No 803/68 on the valuation of goods for
customs purposes ⁽¹⁾;

Whereas, since then, in its Decision 80/271/EEC of
10 December 1979 concerning the conclusion of the
Multilateral Agreements resulting from the 1973 to
1979 trade negotiations, the Council approved in parti-
cular, on behalf of the European Economic Commu-
nity, the 'Agreement on implementation of Article
VII of the General Agreement on tariffs and trade' ⁽²⁾;

Whereas that Agreement lays down rules for facili-
tating international trade by removing barriers to such
trade arising from the application of different
methods of customs valuation; whereas its aim is, in
particular, to pursue the objectives of the General
Agreement on tariffs and trade (GATT) and to ensure
that developing countries enjoy additional advantages
in international trade; whereas, where possible, it
introduces the transaction value as the basis for the
customs valuation of goods;

Whereas that Agreement will enter into force on 1
January 1981; whereas, however, the Community
holds the view that it should be implemented from 1
July 1980;

Whereas the Community, in accepting the Agree-
ment, has placed itself under an obligation to ensure,

not later than the date of entry into force of the Agree-
ment for the Community, that its rules concerning
customs valuation conform with the provisions of the
Agreement;

Whereas, to this end, the customs valuation system
introduced by Regulation (EEC) No 803/68 and
currently in force should be amended; whereas that
Regulation was intended to ensure uniform applica-
tion of the Common Customs Tariff and equal treat-
ment of Community importers; whereas the objective
of this Regulation is to foster world trade by intro-
ducing a fair, uniform and neutral system of customs
valuation excluding the use of arbitrary or fictitious
customs values; whereas, therefore, the customs value
must be determined in accordance with criteria which
are compatible with trade practice; whereas, in parti-
cular, the basis for customs valuation of goods will, as
a general rule, be the transaction value defined in
Article 3 of this Regulation;

Whereas, however, certain transitional measures must
be laid down in the case of goods the customs value
of which must be determined prior to the date of
entry into force of the abovementioned Agreement;

Whereas it is necessary to guarantee that this Regula-
tion applies uniformly to imports of all goods and,
therefore, to lay down a Community procedure which
will enable the detailed rules for its implementation to
be adopted within an appropriate period;

Whereas it is, therefore, desirable that a committee be
set up to organize close and effective collaboration
between the Member States and the Commission in
this area,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 6.

⁽²⁾ OJ No L 71, 17. 3. 1980, p. 1.

HAS ADOPTED THIS REGULATION :

TITLE 1

Article 1

1. In this Regulation :

- (a) 'customs value' means value for the purpose of applying the Common Customs Tariff ;
- (b) 'produced' includes grown, manufactured and mined ;
- (c) 'identical goods' means goods produced in the same country which are the same in all respects, including physical characteristics, quality and reputation. Minor differences in appearance shall not preclude goods otherwise conforming to the definition from being regarded as identical ;
- (d) 'similar goods' means goods produced in the same country which, although not alike in all respects, have like characteristics and like component materials which enable them to perform the same functions and to be commercially interchangeable ; the quality of the goods, their reputation and the existence of a trademark are among the factors to be considered in determining whether goods are similar ;
- (e) 'identical goods' and 'similar goods', as the case may be, do not include goods which incorporate or reflect engineering, development, artwork, design work, and plans and sketches for which no adjustment has been made under Article 8 (1) (b) (iv) because such elements were undertaken in the Community ;
- (f) 'goods of the same class or kind' means goods which fall within a group or range of goods produced by a particular industry or industry sector, and includes identical or similar goods ;
- (g) 'the material time for valuation for customs purposes' means :
 - (i) for goods declared for direct entry into free circulation, the date of acceptance by the customs authorities of the declarant's statement of his intention that the goods should enter into free circulation,
 - (ii) for goods which, after another customs procedure has been applied, enter into free circulation, the time fixed by acts of the Council or the Commission pertaining to that customs procedure or by Member States in accordance with such acts ;
- (h) 'the Agreement' means the Agreement on implementation of Article VII of the General Agree-

ment on tariffs and trade concluded in the framework of the multilateral trade negotiations of 1973 to 1979.

2. For the purposes of this Regulation, persons shall be deemed to be related only if :

- (a) they are officers or directors of one another's businesses ;
- (b) they are legally recognized partners in business ;
- (c) they are employer and employee ;
- (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them ;
- (e) one of them directly or indirectly controls the other ;
- (f) both of them are directly or indirectly controlled by a third person ;
- (g) together they directly or indirectly control a third person ; or
- (h) they are members of the same family.

3. For the purpose of this Regulation, persons who are associated in business with one another in that one is the sole agent, sole distributor or sole concessionaire, however described, of the other shall be deemed to be related only if they fall within the criteria of paragraph 2.

4. For the purposes of this Regulation, the term 'persons' means natural or legal persons.

Article 2

1. The customs value of imported goods is to be determined under Article 3 whenever the conditions prescribed therein are fulfilled.

2. Where such value cannot be determined under Article 3, it is to be determined by proceeding sequentially through Articles 4, 5, 6 and 7 to the first such Article under which it can be determined, subject to the proviso that the order of application of Articles 6 and 7 shall be reversed if the importer so requests ; it is only when such value cannot be determined under a particular Article that the provisions of the next Article in a sequence established by virtue of this paragraph can be applied.

3. Where the customs value of imported goods cannot be determined under Article 3, 4, 5, 6 or 7, it shall be determined using reasonable means consistent with the principles and general provisions of the Agreement and of Article VII of the General Agreement on tariffs and trade and on the basis of data available in the Community.

4. No customs value shall be determined under paragraph 3 on the basis of :

- (a) the selling price in the Community of goods produced in the Community ;
- (b) a system which provides for the acceptance for customs purposes of the higher of two alternative values ;
- (c) the price of goods on the domestic market of the country of exportation ;
- (d) the cost of production, other than computed values which have been determined for identical or similar goods in accordance with Article 7 ;
- (e) prices for export to a country not comprised in the customs territory of the Community ;
- (f) minimum customs values ; or
- (g) arbitrary or fictitious values.

Article 3

1. The customs value of imported goods determined under this Article shall be the transaction value, that is, the price actually paid or payable for the goods when sold for export to the customs territory of the Community, adjusted in accordance with Article 8, provided :

- (a) that there are no restrictions as to the disposition or use of the goods by the buyer, other than restrictions which :
 - (i) are imposed or required by law or by the public authorities in the Community,
 - (ii) limit the geographical area in which the goods may be resold, or
 - (iii) do not substantially affect the value of the goods ;
- (b) that the sale or price is not subject to some condition or consideration for which a value cannot be determined with respect to the goods being valued ;
- (c) that no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with Article 8 ; and
- (d) that the buyer and seller are not related, or, where the buyer and seller are related, that the transaction value is acceptable for customs purposes under paragraph 2.

2. (a) In determining whether the transaction value is acceptable for the purposes of paragraph 1, the fact that the buyer and the seller are related within the meaning of Article 1 shall not in itself be grounds for regarding the transaction value as unacceptable. Where necessary, the circumstances surrounding the sale shall be

examined and the transaction value shall be accepted provided that the relationship did not influence the price. If, in the light of information provided by the importer or otherwise, the customs administration has grounds for considering that the relationship influenced the price, it shall communicate its grounds to the importer and he shall be given a reasonable opportunity to respond. If the importer so requests, the communication of the grounds shall be in writing.

(b) In a sale between related persons, the transaction value shall be accepted and the goods valued in accordance with paragraph 1 whenever the importer demonstrates that such value closely approximates to one of the following occurring at or about the same time :

- (i) the transaction value in sales, between buyers and sellers who are not related in any particular case, of identical or similar goods for export to the Community ;
- (ii) the customs value of identical or similar goods, as determined under Article 6 ;
- (iii) the customs value of identical or similar goods, as determined under Article 7 ;
- (iv) the transaction value in sales, between buyers and sellers who are not related in any particular case, for export to the Community of goods which would be identical to the imported goods except for having a different country of production provided that the sellers in any two transactions being compared are not related.

In applying the foregoing tests, due account shall be taken of demonstrated differences in commercial levels, quantity levels, the elements enumerated in Article 8 and costs incurred by the seller in sales in which he and the buyer are not related that are not incurred by the seller in sales in which he and the buyer are related.

(c) The tests set forth in paragraph 2 (b) are to be used at the initiative of the importer and only for comparison purposes. Substitute values may not be established under the said paragraph 2 (b).

3. (a) The price actually paid or payable is the total payment made or to be made by the buyer to or for the benefit of the seller for the imported goods. The payment need not necessarily take the form of a transfer of money. Payment may be made by way of letters of credit or negotiable instruments and may be made directly or indirectly.

- (b) Activities, including marketing activities, undertaken by the buyer on his own account, other than those for which an adjustment is provided in Article 8, are not considered to be an indirect payment to the seller, even though they might be regarded as of benefit to the seller or have been undertaken by agreement with the seller, and their cost shall not be added to the price actually paid or payable in determining the customs value of imported goods.

4. The customs value of imported goods shall not include the following charges or costs, provided that they are distinguished from the price actually paid or payable for the imported goods :

- (a) charges for construction, erection, assembly, maintenance or technical assistance, undertaken after importation on imported goods such as industrial plant, machinery or equipment ;
- (b) customs duties and other taxes payable in the Community by reason of the importation or sale of the goods.

Article 4

1. (a) The customs value of imported goods determined under this Article shall be the transaction value of identical goods sold for export to the Community and exported at or about the same time as the goods being valued.

- (b) In applying this Article, the transaction value of identical goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the customs value. Where no such sale is found, the transaction value of identical goods sold at a different commercial level and/or in different quantities, adjusted to take account of differences attributable to commercial level and/or to quantity, shall be used, provided that such adjustments can be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustment, whether the adjustment leads to an increase or a decrease in the value.

2. Where the costs and charges referred to in Article 8 (1) (e) are included in the transaction value, an adjustment shall be made to take account of significant differences in such costs and charges between the imported goods and the identical goods in question arising from differences in distances and modes of transport.

3. If, in applying this Article, more than one transaction value of identical goods is found, the lowest such value shall be used to determine the customs value of the imported goods.

4. In applying this Article, a transaction value for goods produced by a different person shall be taken into account only when no transaction value can be found under paragraph 1 for identical goods produced by the same person as the goods being valued.

5. For the purposes of this Article, the transaction value of identical imported goods means a customs value previously determined under Article 3, adjusted as provided for in paragraphs 1 (b) and 2 of this Article.

Article 5

1. (a) The customs value of imported goods determined under this Article shall be the transaction value of similar goods sold for export to the Community and exported at or about the same time as the goods being valued.

- (b) In applying this Article, the transaction value of similar goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the customs value. Where no such sale is found, the transaction value of similar goods sold at a different commercial level and/or in different quantities, adjusted to take account of differences attributable to commercial level and/or to quantity, shall be used, provided that such adjustments can be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustment, whether the adjustment leads to an increase or a decrease in the value.

2. Where the costs and charges referred to in Article 8 (1) (e) are included in the transaction value, an adjustment shall be made to take account of significant differences in such costs and charges between the imported goods and the similar goods in question arising from differences in distances and modes of transport.

3. If, in applying this Article, more than one transaction value of similar goods is found, the lowest such value shall be used to determine the customs value of the imported goods.

4. In applying this Article, a transaction value for goods produced by a different person shall be taken into account only when no transaction value can be found under paragraph 1 for similar goods produced by the same person as the goods being valued.

5. For the purposes of this Article, the transaction value of similar imported goods means a customs value previously determined under Article 3, adjusted as provided for in paragraphs 1 (b) and 2 of this Article.

Article 6

1. (a) If the imported goods or identical or similar imported goods are sold in the Community in the condition as imported, the customs value of imported goods, determined under this Article, shall be based on the unit price at which the imported goods or identical or similar imported goods are so sold in the greatest aggregate quantity, at or about the time of the importation of the goods being valued, to persons who are not related to the persons from whom they buy such goods, subject to deductions for the following :

- (i) either the commissions usually paid or agreed to be paid or the additions usually made for profit and general expenses (including the direct and indirect costs of marketing the goods in question) in connection with sales in the Community of imported goods of the same class or kind ;
- (ii) the usual costs of transport and insurance and associated costs incurred within the Community ; and
- (iii) the customs duties and other taxes payable in the Community by reason of the importation or sale of the goods.

(b) If neither the imported goods nor identical nor similar imported goods are sold at or about the time of importation of the goods being valued, the customs value of imported goods determined under this Article shall, subject otherwise to the provisions of paragraph 1 (a), be based on the unit price at which the imported goods or identical or similar imported goods are sold in the Community in the condition as imported at the earliest date after the importation of goods being valued but before the expiration of 90 days after such importation.

2. If neither the imported goods nor identical nor similar imported goods are sold in the Community in

the condition as imported, then, if the importer so requests, the customs value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons in the Community who are not related to the persons from whom they buy such goods, due allowance being made for the value added by such processing and the deductions provided for in paragraph 1 (a).

3. In this Article, the unit price at which imported goods are sold in the greatest aggregate quantity is the price at which the greatest number of units is sold in sales to persons who are not related to the persons from whom they buy such goods at the first commercial level after importation at which such sales take place.

4. Any sale in the Community to a person who supplies directly or indirectly free of charge or at reduced cost for use in connection with the production and sale for export of the imported goods any of the elements specified in Article 8 (1) (b), should not be taken into account in establishing the unit price for the purposes of this Article.

5. For the purposes of paragraph 1 (b), the 'earliest date' shall be the date by which sales of the imported goods or of identical or similar imported goods are made in sufficient quantity to establish the unit price.

Article 7

1. The customs value of imported goods determined under this Article shall be based on a computed value. Computed value shall consist of the sum of :

- (a) the cost or value of materials and fabrication or other processing employed in producing the imported goods ;
- (b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to the Community ;
- (c) the cost or value of the items referred to in Article 8 (1) (e).

2. A customs administration may not require or compel any person not resident in the Community to produce for examination, or to allow access to, any account or other record for the purposes of determining a computed value. However, information supplied by the producer of the goods for the

purposes of determining the customs value under this Article may be verified in a non-Community country by the customs authorities of a Member State with the agreement of the producer and provided that such authorities give sufficient advance notice to the government of the country in question and the latter does not object to the investigation.

3. The cost or value of materials and fabrication referred to in paragraph 1 (a) above shall include the cost of elements specified in Article 8 (1) (a) (ii) and (iii). It shall also include the value, duly apportioned, of any element specified in Article 8 (1) (b) which has been supplied directly or indirectly by the buyer for use in connection with the production of the imported goods. The value of the elements specified in Article 8 (1) (b) (iv) which are undertaken in the Community shall be included only to the extent that such elements are charged to the producer.

4. Where information other than that supplied by or on behalf of the producer is used for the purposes of determining a computed value, the customs authorities shall inform the importer, if the latter so request, of the source of such information, the data, subject to Article 10.

5. The 'general expenses' referred to in paragraph 1 (b), above, cover the direct and indirect costs of producing and selling the goods for export which are not included under paragraph 1 (a).

Article 8

1. In determining the customs value under Article 3, there shall be added to the price actually paid or payable for the imported goods :

- (a) the following, to the extent that they are incurred by the buyer but are not included in the price actually paid or payable for the goods :
 - (i) commission and brokerage, except buying commissions,
 - (ii) the cost of containers which are treated as being one for customs purposes with the goods in question,
 - (iii) the cost of packing, whether for labour or materials ;
- (b) the value, apportioned as appropriate, of the following goods and services where supplied directly or indirectly by the buyer free of charge or at reduced cost for use in connection with the production and sale for export of the imported goods, to the extent that such value has not been included in the price actually paid or payable :

- (i) materials, components, parts and similar items incorporated in the imported goods,
- (ii) tools, dies, moulds and similar items used in the production of the imported goods,
- (iii) materials consumed in the production of the imported goods,
- (iv) engineering, development, artwork, design work, and plans and sketches undertaken elsewhere than in the Community and necessary for the production of the imported goods ;
- (c) royalties and licence fees related to the goods being valued that the buyer must pay, either directly or indirectly, as a condition of sale of the goods being valued, to the extent that such royalties and fees are not included in the price actually paid or payable ;
- (d) the value of any part of the proceeds of any subsequent resale, disposal or use of the imported goods that accrues directly or indirectly to the seller ;
- (e) (i) the cost of transport and insurance of the imported goods, and
 - (ii) loading and handling charges associated with the transport of the imported goods
 to the place of introduction of the goods into the customs territory of the Community.

2. Additions to the price actually paid or payable shall be made under this Article only on the basis of objective and quantifiable data.

3. No additions shall be made to the price actually paid or payable in determining the customs value except as provided in this Article.

4. In this Article, the term 'buying commissions' means fees paid by an importer to his agent for the service of representing him in the purchase of the goods being valued.

5. Notwithstanding paragraph 1 (c) of this Article :

- (a) charges for the right to reproduce the imported goods in the Community shall not be added to the price actually paid or payable for the imported goods in determining the customs value ; and
- (b) payments made by the buyer for the right to distribute or resell the imported goods shall not be added to the price actually paid or payable for the imported goods if such payments are not a condition of the sale for export to the Community of the goods.

Article 9

1. (a) Where factors used to determine the value for customs purposes of goods are expressed in a currency other than that of the Member State where the valuation is made, the rate of exchange to be used shall be that duly published by the competent authorities of the Member State concerned.
- (b) Such rate shall reflect as effectively as possible the current value of such currency in commercial transactions in terms of the currency of such Member State and shall apply during such period as may be specified by the aforementioned competent authorities.
2. (a) Until such time as a rate of exchange is published in accordance with paragraph 1, the rate of exchange to be used shall be the latest selling rate recorded on the most representative exchange market or markets of the Member State concerned at the material time for valuation for customs purposes.
- (b) Where such a rate does not exist, the rate of exchange to be used shall be determined by the procedure laid down in Article 19.

Article 10

1. With a view to determining value for customs purposes and without prejudice to national provisions which confer wider powers on the customs authorities of Member States, any person or undertaking directly or indirectly concerned with the import transactions in question shall supply all necessary information and documents to those authorities within the time limits prescribed by the latter.

2. All information which is by nature confidential or which is provided on a confidential basis for the purposes of customs valuation shall be treated as strictly confidential by the authorities concerned who shall not disclose it without the specific permission of the person or government providing such information, except to the Commission or to the extent that it may be required to be disclosed in the context of judicial proceedings.

3. Information and documents supplied to the Commission by a Member State pursuant to paragraph 2 may be used by the Commission only for the purpose for which they were supplied. They shall be subject to professional secrecy and in particular may not be communicated to persons other than those who, within the institutions of the Communities or the Member States, are required to have access to them by virtue of the functions they exercise.

Article 11

If, in the course of determining the customs value of imported goods, it becomes necessary to delay the

final determination of such customs value, the importer shall nevertheless be able to withdraw his goods from customs if, where so required, he provides sufficient guarantee in the form of a surety, a deposit or some other appropriate instrument, covering the ultimate payment of customs duties for which the goods may be liable.

Article 12

1. Upon written request, the importer shall have the right to an explanation in writing from the customs administration of the country of importation as to how the customs value of his imported goods was determined.

2. Requests for an explanation under paragraph 1 of this Article shall be introduced no later than one month after the date when the customs value is determined in accordance with this Regulation.

3. Where, under national procedures, the importer is provided with the explanation referred to in paragraph 1 without his having made a written request, the requirements of this Article shall be deemed to have been fulfilled.

Article 13

In so far as Community provisions laying down procedures for the settlement of disputes concerning customs matters have not been adopted, the relevant provisions laid down by law, regulation or administrative action of Member States shall remain applicable.

Neither the request nor the explanation referred to in Article 12 shall constitute acts capable as such of activating procedures for the settlement of disputes or judicial or administrative procedures within the meaning of the said national provisions.

Article 14

1. For the purposes of Article 8 (1) (e) and Article 15, the place of introduction into the customs territory of the Community shall be :

- (a) for goods carried by sea, the port of unloading, or the port of transshipment, subject to transshipment being certified by the customs authorities of that port ;
- (b) for goods carried by sea and then, without transshipment, by inland waterway, the first port where unloading can take place either at the mouth of the river or canal or further inland, subject to proof being furnished to the customs authorities that the freight to the port of unloading is higher than that to the first port ;

- (c) for goods carried by rail, inland waterway, or road, the place where the first customs office is situated ;
- (d) for goods carried by other means, the place where the land frontier of the customs territory of the Community is crossed.

2. For goods introduced into the customs territory of the Community and then carried to a destination in another part of that territory through the territory of a third country or by sea, after passing through a part of the customs territory of the Community, the place of introduction into the Community to be taken into consideration shall, subject to paragraph 3, be determined in accordance with the procedure laid down in Article 19.

3. For goods introduced into the customs territory of the Community and carried directly from one of the French overseas departments or Greenland to another part of the customs territory of the Community or vice versa, the place of introduction to be taken into consideration shall be the place referred to in paragraphs 1 and 2 situated in that part of the customs territory of the Community from which the goods came, if they were unloaded or transhipped there and this was certified by the customs authorities.

When those conditions are not fulfilled, the place of introduction to be taken into consideration shall be the place specified in paragraphs 1 and 2 situated in that part of the customs territory of the Community to which the goods are consigned.

Article 15

1. The customs value of imported goods shall not include the cost of transport after importation into the customs territory of the Community provided that such cost is distinguished from the price actually paid or payable for the imported goods.

2. (a) Where goods are carried by the same means of transport to a point beyond the place of introduction into the customs territory of the Community, transport costs shall be assessed in proportion to the distance covered outside and inside the customs territory of the Community, unless evidence is produced to the customs authorities to show the costs that would have been incurred under a general compulsory schedule of freight rates for the carriage of the goods to the place of introduction into the customs territory of the Community.

The preceding subparagraph shall not apply to goods sent by post. Special provisions may be adopted for such goods in accordance with the procedure laid down in Article 19, in view of the special nature of charges in international postal services.

(b) Where goods are invoiced at a uniform free domicile price which corresponds to the price at the place of introduction, transport costs

within the Community shall not be deducted from that price. However, such deduction shall be allowed if evidence is produced to the customs authorities that the free-frontier price would be lower than the uniform free domicile price.

(c) Where transport is free or provided by the buyer, transport costs to the place of introduction, calculated in accordance with the schedule of freight rates normally applied for the same modes of transport, shall be included in the customs value.

Article 16

The particulars and documents to be furnished to the customs authorities for the purposes of application of this Regulation shall, where necessary, be determined in accordance with the procedure laid down in Article 19.

TITLE II

Article 17

1. A Customs Valuation Committee (hereinafter called 'the Committee') shall be set up and shall consist of representatives of the Member States with a representative of the Commission as chairman.

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

Article 18

The Committee may examine :

- (a) all questions relating to the application of this Regulation ; and
- (b) all questions relating to the work of the Technical Committee on Customs Valuation established under the auspices of the Customs Cooperation Council under the Agreement

referred to it by its chairman, either on his own initiative or at the request of a representative of a Member State.

Article 19

1. Provisions necessary for :

- (a) the introduction into Community law of those provisions of Part I of and Annex I to the Agreement which are not reflected in this Regulation, in so far as they do not include amendments to Council acts ; and
- (b) the implementation of the provisions of Title I of this Regulation, other than those contained in Articles 12 and 13

shall be adopted in accordance with the procedure laid down in paragraphs 2 and 3.

2. The representative of the Commission shall submit to the Committee a draft of the provisions to be adopted. The Committee shall deliver an opinion on the draft within a time limit set by the chairman having regard to the urgency of the matter. Decisions shall be taken by a majority of 41 votes, the votes of Member States being weighted as provided in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) The Commission shall adopt the provisions envisaged if they are in accordance with the opinion of the Committee.

(b) If the provisions envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal with regard to the provisions to be adopted. The Council shall act by a qualified majority.

(c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed provisions shall be adopted by the Commission.

TITLE III

Article 20

The provisions of this Regulation shall not affect the provisions contained in acts of the Council or of the Commission, or laid down by Member States in accordance with such acts, regarding the determination of the value for customs purposes of goods which enter into free circulation after a customs procedure other than that relating to direct entry into free circulation has been applied.

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

Done at Brussels, 28 May 1980.

Article 21

Each Member State shall inform the Commission of the provisions it adopts for the application of this Regulation. The Commission shall communicate this information to the other Member States.

Article 22

1. This Regulation shall come into force on 1 July 1980 except for Title II which shall come into force on the day following publication of the Regulation in the *Official Journal of the European Communities*.

2. Regulation (EEC) No 803/68 shall be replaced by this Regulation. Any references to it shall be deemed to refer to this Regulation.

3. Regulation (EEC) No 803/68 shall continue to apply to goods for which the material time for valuation for customs purposes is prior to 1 July 1980.

4. The validity of regulations adopted pursuant to Regulation (EEC) No 803/68 may be extended as a transitional measure beyond 30 June 1980 under the procedure in Article 19. Such extension shall not, however, exceed six months.

5. The laws, regulations and administrative provisions of the Member States laying down simplified procedures for determining the customs value of certain perishable goods shall continue to apply until 31 December 1980.

Acting on a proposal from the Commission, the Council will adopt Community provisions on these procedures before 1 January 1981.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 1310/80

of 28 May 1980

laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and specialized bodies under the 1980 programme

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, and in particular Article 7 (4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽³⁾,

Whereas certain developing countries and specialized bodies have indicated their requirements in high-protein milk products; whereas these high-protein products may be supplied in the form of skimmed-milk powder produced within the Community and meeting certain quality standards;

Whereas the supply of skimmed-milk powder must take into account the amounts of skimmed-milk powder available in the Community and the necessity of not disrupting market conditions;

Whereas the amounts available at present enable 150 000 tonnes of skimmed-milk powder to be supplied under the 1980 programme;

Whereas, if the quantities of skimmed-milk powder in public stocks are insufficient for the delivery of the abovementioned amount, or if they do not have the characteristics necessary for their particular destination where this requires in particular other forms of packing or the addition of vitamins or other additives, supplies must be ensured by the buying-in of skimmed-milk powder on the Community market;

Whereas, in order to enable the aid to be used effectively, arrangements should be made to finance certain transport and distribution costs;

Whereas the supplies must be delivered at the cheapest possible price; whereas in order to achieve that aim, a tendering procedure must be provided for; whereas, however, it may be desirable in the interests of speed, in exceptional cases, to have recourse to private contracts;

Whereas it is desirable that the rules for the application of the measures laid down for buying-in skimmed-milk powder on the market should be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, as in the case of the rules to be applied where public stocks are used,

HAS ADOPTED THIS REGULATION:

Article 1

150 000 tonnes of skimmed-milk powder shall be made available to certain developing countries and specialized bodies as food aid under the 1980 programme.

Article 2

1. The skimmed-milk powder referred to in Article 1 shall be purchased in accordance with Article 7 (1) of Regulation (EEC) No 804/68.
2. If the amounts of skimmed-milk powder in public stocks are insufficient to supply the quantities provided for in Article 1 or if they do not have the characteristics necessary for their particular destination where this requires, in particular, other forms of packing or the addition of vitamins or other additives, supplies shall be ensured by the buying-in of skimmed-milk powder on the Community market. Buying-in shall be done in such a way as not to disturb the normal development of prices on the market.

Article 3

For the purposes of Article 1:

- (a) the cost of the skimmed-milk powder, delivered to the port of shipment or a corresponding stage, shall be financed by the Community;
- (b) in exceptional cases, the Community may also wholly or partially finance on the basis of a decision of the Council, in accordance with the procedure referred to in Article 7:
 - shipment to the frontier of the country and, possibly, to the place(s) of destination, and
 - distribution, where the goods are distributed by a specialized body.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No C 117, 12. 5. 1980, p. 71.

Article 4

Amounts corresponding to the costs referred to in Article 3 (b) shall, where the arrangements agreed with the recipient country or body as provide, be paid as a whole or partial lump-sum contribution to the country or body of destination by the Commission.

Article 5

For delivery of skimmed-milk powder to the port of shipment or a corresponding stage, and, where relevant, for its shipment from that stage and its purchase on the Community market, invitations to tender shall be issued, without prejudice to Article 4 save in exceptional cases, where private contracts are negotiated.

Article 6

The decision to apply Article 2 (2) shall be taken and the procedure for implementing this paragraph and

Article 5 shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 7

The countries and bodies for which this aid is destined, together with the quantity to be allocated to each, shall be determined by the Council acting by a qualified majority on a proposal from the Commission.

Article 8

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, 28 May 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 1311/80**of 28 May 1980****on the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1980 food-aid programme**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1310/80 of 28 May 1980 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and specialized bodies under the 1980 programme⁽¹⁾, and in particular Articles 3 and 7 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1310/80 provides for the supply of 150 000 tonnes of skimmed-milk powder; whereas this quantity should be allocated among the various countries and bodies from which applications have been accepted and arrangements for financing should be specified;

whereas 6 565 tonnes should be kept in reserve for future allocation should the need arise,

HAS ADOPTED THIS REGULATION:

Article 1

The allocation and financing arrangements in respect of 150 000 tonnes of skimmed-milk powder to be supplied to certain developing countries and specialized bodies as food aid under the 1980 programme in accordance with Regulation (EEC) No 1310/80 are set out in the Annex.

Article 2

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

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

Done at Brussels, 28 May 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ See page 10 of this Official Journal.

ANNEX

SKIMMED-MILK POWDER FOOD-AID PROGRAMME 1980

Recipient countries and bodies	Quantities allocated (tonnes)	Arrangements for financing
COUNTRIES		
Afghanistan	p.m.	
Angola	p.m.	
Bolivia	p.m.	
Burundi	100	Free at destination
Central African Republic	200	Free at destination
Chad	p.m.	
Comoros	800	Port of unloading
Egypt	7 000	Port of shipment
El Salvador	700	Port of shipment
Ecuador	500	Port of shipment
Ethiopia	2 700	Port of unloading
Ghana	2 500	Port of shipment
Guinea Bissau	p.m.	
Equatorial Guinea	300	Port of unloading
Guyana	500	Port of shipment
Honduras	2 000	Port of shipment
India	31 000	Port of unloading
Indonesia	1 625	Port of shipment
Jamaica	1 000	Port of shipment
Jordan	1 500	Port of shipment
Lebanon	1 100	Port of shipment
Lesotho	300	Free at destination
Madagascar	p.m.	Port of shipment
Mali	300	Free at destination
Malta	400	Port of shipment
Mauritania	1 000	Port of unloading
Mozambique	p.m.	
Nicaragua	1 000	Port of shipment
Pakistan	750	Port of shipment
Peru	1 000	Port of shipment
Philippines	1 000	Port of shipment
Republic of Cape Verde	400	Port of unloading
Rwanda	600	Free at destination
Sao Tome and Principe	50	Port of unloading
Senegal	1 860	Port of shipment
Sierra Leone	1 000	Port of unloading
Somalia	2 200	Port of unloading
Sri Lanka	500	Port of shipment
Syria	600	Port of shipment
Tanzania	2 000	Port of shipment
Thailand	3 000	Port of shipment
Togo	400	Port of shipment
Upper Volta	2 000	Free at destination
Vietnam	p.m.	
North Yemen	p.m.	
Zaire	p.m.	
Zambia	1 500	Free at destination
Zimbabwe	p.m.	
BODIES		
Caritas (Germany)	3 000	Free at destination
ICRC	3 000	Free at destination
Licross	2 000	Free at destination
UNHCR	3 500	Free at destination
NGO	25 000	Free at destination
UNRWA	1 550	Free at destination
WFP	30 000	Free at destination
RESERVE	6 565	(¹)
TOTAL	150 000	

(¹) Emergency schemes may include financing to cover the cost of transport between the port of shipment and the place of destination and the cost of distribution where aid is channelled via a specialized body. Such financing may be wholly or partly in the form of a lump sum contribution.

COUNCIL REGULATION (EEC) No 1312/80

of 28 May 1980

laying down general rules for the supply of milk fats to certain developing countries and specialized bodies under the 1980 food-aid programme

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, and in particular Article 6 (6) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽³⁾,

Whereas certain developing countries and specialized bodies have indicated their requirements in milk fats; whereas these fats may be supplied in the form of butter or butteroil produced within the Community and meeting certain quality standards;

Whereas the amounts available at present in the Community enable a quantity corresponding to 45 000 tonnes of butteroil to be supplied as food aid in butter and butteroil; whereas the apportionment of supplies between public and private stocks will vary depending on market trends and seasonal requirements;

Whereas in view of the situation on the Community market in butter and other butterfats, as well as the need to make certain emergency deliveries and ensure regular supplies under the most favourable economic conditions, provision should be made for these supplies to be made either by taking butter or other butterfats from stocks held by intervention agencies or by buying-in butter or butteroil on the Community market;

Whereas, in order to enable the aid to be used effectively, arrangements should be made to finance certain transport and distribution costs;

Whereas the supplies must be delivered at the cheapest possible price; whereas in order to achieve that aim, provision should be made for a tendering procedure; whereas, however, in the interests of speed it may be desirable in exceptional cases to use private contracts;

Whereas it is desirable that the rules for implementing the measures laid down for buying-in butter

or butteroil on the market should be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, as in the case of the rules to be applied where public stocks are used,

HAS ADOPTED THIS REGULATION:

Article 1

A quantity of butter or butteroil corresponding to 45 000 tonnes of butteroil shall be made available to certain developing countries and specialized bodies under the 1980 food-aid programme.

Article 2

1. The butter referred to in Article 1 shall be purchased in accordance with Article 6 (1) of Regulation (EEC) No 804/68. The butteroil referred to in Article 1 shall be processed from this butter.

2. If the market situation is such that delivery as provided in Article 1 cannot be carried out in accordance with paragraph 1, then the supply shall be ensured by using butter or butter fats available on the Community market. Buying-in shall be done in such a way as not to disturb the normal development of prices on the market.

Article 3

For the purposes of Article 1:

(a) the cost of the butter or butteroil, delivered to the port of shipment or a corresponding stage, shall be financed by the Community;

(b) in exceptional cases, the Community may also wholly or partially finance on a decision of the Council adopted in accordance with the procedure referred to in Article 8:

- forwarding to the frontier of the country and, possibly, to the places of destination, and
- distribution where the goods are distributed by a specialized body.

Article 4

The costs referred to in Article 3 (b) shall, where the arrangements agreed with the recipient country or

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No C 117, 12. 5. 1980, p. 71.

body so provide, be paid wholly or in part as a lump-sum contribution to the recipient country or body by the Commission.

Article 5

Without prejudice to Article 4, invitations to tender shall be issued for delivery of the product, including packing, labelling and forwarding to the port of shipment or a corresponding stage, and, where relevant, for its forwarding beyond that stage, save in exceptional cases where private contracts may be negotiated.

Article 6

The sums to be paid to the undertaking selected shall be due only if :

- (a) the undertaking satisfies the conditions laid down in the invitation to tender or the private contract ; and
- (b) the quality and packing of the delivered products are found on inspection to comply with the relevant Community provisions.

Provision may be made for part of such sums to be paid in advance.

Article 7

The decision to apply Article 2 (2) shall be taken and the resulting procedure for implementing that paragraph and Article 5 shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 8

The countries and bodies for which this aid is destined, together with the quantity to be allocated to each, shall be determined by the Council acting by a qualified majority on a proposal from the Commission.

Article 9

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, 28 May 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 1313/80**of 28 May 1980****on the supply of milk fats to certain developing countries and specialized bodies
under the 1980 food-aid programme**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1312/80 laying down general rules for the supply of
milk fats as food aid to certain developing countries
and specialized bodies under the 1980 food-aid
programme⁽¹⁾, and in particular Articles 3 and 8
thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1312/80 provides for
the supply of a quantity of butter or butteroil cor-
responding to 45 000 tonnes of butteroil to certain de-
veloping countries and specialized bodies; whereas this
quantity should be allocated among the various coun-
tries and organizations from which applications have

been accepted and arrangements for financing should
be specified; whereas 2 774 tonnes should be kept as
a contingency reserve for future allocation,

HAS ADOPTED THIS REGULATION :

Article 1

The allocation and financing arrangements in respect
of a quantity of milk fats corresponding to 45 000
tonnes of butteroil under the 1980 food-aid
programme, as provided for in Regulation (EEC) No
1312/80 are set out in the Annex.

Article 2

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

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

Done at Brussels, 28 May 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ See page 14 of this Official Journal.

ANNEX

BUTTEROIL FOOD-AID PROGRAMME 1980

Recipient countries and bodies	Quantities allocated (tonnes)	Arrangements for financing
COUNTRIES		
Afghanistan	p.m.	
Bangladesh	3 000	Port of unloading
Bolivia	p.m.	
Burundi	50	Free at destination
Central African Republic	p.m.	
Chad	200	Free at destination
Egypt	2 800	Port of shipment
El Salvador	200	Port of shipment
Ethiopia	1 000	Port of unloading
Ghana	200	Port of shipment
Guinea Bissau	p.m.	
Guinea Conakry	200	Port of unloading
Equatorial Guinea	100	Port of unloading
Guyana	100	Port of shipment
Honduras	515	Port of shipment
India	12 700	Port of unloading
Jamaica	200	Port of shipment
Jordan	1 125	Port of shipment
Lebanon	700	Port of shipment
Lesotho	50	Free at destination
Mali	200	Free at destination
Mauritania	500	Port of unloading
Mozambique	p.m.	
Pakistan	1 000	Port of shipment
Peru	500	Port of shipment
Republic of Cape Verde	250	Port of unloading
Rwanda	200	Free at destination
Sao Tome	200	Port of unloading
Sierra Leone	200	Port of unloading
Somalia	600	Port of unloading
Sri Lanka	200	Port of shipment
Sudan	200	Port of shipment
Syria	200	Port of shipment
Tanzania	400	Port of shipment
Thailand	286	Port of shipment
Togo	150	Port of shipment
Upper Volta	100	Free at destination
Vietnam	p.m.	
Zambia	500	Free at destination
Zaire	p.m.	
Zimbabwe	p.m.	
BODIES		
Caritas (Germany)	500	Free at destination
ICRC	1 000	Free at destination
Licross	500	Free at destination
UNHCR	1 500	Free at destination
UNRWA	3 900	Free at destination
WFP	5 000	Free at destination
NGO	1 000	Free at destination
RESERVE	2 774	(¹)
TOTAL	45 000	

(¹) Emergency schemes may include financing to cover the cost of transport between the port of destination and the cost of distribution where aid is channelled via a specialized body. Such financing may be wholly or partly in the form of a lump sum contribution.

COUNCIL REGULATION (EEC) No 1314/80

of 28 May 1980

amending Annex IV to Regulation (EEC) No 516/77 on the common organization of the market in products processed from 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 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2999/79⁽²⁾, and in particular the first subparagraph of Article 10 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 10 of Regulation (EEC) No 516/77 introduced, for certain particularly sensitive products, a system of import licences accompanied by a security guaranteeing the obligation to import during the

period of validity of those licences; whereas it is appropriate to extend that system to mushrooms falling within Common Customs Tariff subheading ex 07.03 E, which the present market situation has rendered particularly sensitive,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EEC) No 516/77 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 15th 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, 28 May 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 341, 31. 12. 1979, p. 1.

ANNEX

ANNEX IV

CCT heading No	Description
ex 07.03 E	Mushrooms
ex 08.10 A	Raspberries
ex 08.11 E	Raspberries
08.12 C	Prunes
20.02 A	Mushrooms
ex 20.02 C	Tomato concentrates and peeled tomatoes
20.02 G	Peas, beans in pod
ex 20.03	Raspberries
ex 20.05 C I b) C II and C III	Raspberry jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar
ex 20.06 B II a) 7 B II b) 7 aa) 11 B II b) 7 bb) 11	{ Peaches
ex 20.06 B I e) B II a) 8 B II b) 8 and B II c) 1 dd)	{ Raspberries
ex 20.06 B II c) 2 bb)	Raspberries (without mixtures of fruit)
ex 20.06 B I d) B II a) 6 B II b) 6 B II c) 1 cc) and B II c) 2 aa)	{ Pears
20.07 B II a) 5 and B II b) 6	Tomato juice'

COUNCIL REGULATION (EEC) No 1315/80

of 28 May 1980

amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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

Article 1

Having regard to the proposal from the Commission,

Regulation (EEC) No 1035/72 is hereby amended as follows :

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

Whereas Article 21 of Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽²⁾, as last amended by Regulation (EEC) No 1301/79 ⁽³⁾, lays down the ways in which products withdrawn from the market under Article 18 or bought in under Article 19 are to be disposed of ; whereas the alternatives at present available have not allowed disposal of all the products in question ; whereas, while provisions should therefore be made for further ways of disposal, it should be ensured that they do not compete with normal marketing channels ;

1. The term 'shall ensure that' in Article 21 (1) (a), sixth indent, shall be replaced by 'shall take all necessary measures to ensure that'.

2. The following indent shall be added to Article 21 (1) (a) :

— free distribution to prison institutions and to children's holiday camps as well as to those hospitals and old people's homes which are designated by Member States, which shall take all necessary measures to ensure that the quantities thus distributed are in addition to the quantities normally bought in by such establishments.'

Whereas it is necessary to convert into ECU the amounts expressed in units of account ; whereas Council Regulation (EEC) No 652/79 of 29 March 1979 on the impact of the European monetary system on the common agricultural policy ⁽⁴⁾ laid down the conversion coefficient to be used for this purpose ;

3. In Article 18 (3), Article 21 (1) point one, fifth indent and Article 21 (3), first subparagraph, the term 'and sixth indent' shall be replaced by 'sixth and seventh indents'.

Whereas Article 26 (2) of Regulation (EEC) No 1035/72 lays down that a countervailing charge is to be withdrawn when the entry price has been at least equal to the reference price for two consecutive market days ; whereas, in order to improve the working of the reference price system, the time from which such entry prices will be taken into consideration should be specified ;

4. In Article 25 (1) and in Article 25a (1), the term '0.5 units of account' shall be replaced by '0.6 ECU'.

5. In Article 26 (1), the term 'one unit of account' shall be replaced by '1.2 ECU'.

Whereas trade in aubergines and courgettes is considerable in certain producer Member States and is significant at Community level ; whereas it is, therefore, necessary to apply to those products all the provisions of Regulation (EEC) No 1035/72 and, in particular, to adopt common quality standards ; whereas the said products should, therefore, be added to the list in Annex I to that Regulation,

6. The second subparagraph of Article 26 (1) shall be amended to read as follows :

'A decision to withdraw the charge for a given exporting country shall be taken whenever, from the time of actual application of that charge, the entry price has been at least equal to the reference price for two consecutive market days or whenever, except where Article 24 (4) applies, there are no prices in respect of that country for six consecutive market days. Such decision shall also be taken if

⁽¹⁾ OJ No C 85, 8. 4. 1980, p. 79.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 162, 30. 6. 1979, p. 26.

⁽⁴⁾ OJ No L 84, 4. 4. 1979, p. 1.

the charge is fixed at zero as a result of application of the first subparagraph.'

Article 2

7. In Annex I, the words 'Aubergines' and 'Courgettes' shall be added under the heading 'Vegetables'.

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, 28 May 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 1316/80**of 28 May 1980****fixing the basic and buying-in prices for apples for the month of June 1980**

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 Council Regulation (EEC) No
1315/80⁽²⁾, and in particular Articles 16 and 35
thereof,

Having regard to the proposal from the Commission,

Whereas under Article 16 of Regulation (EEC) No
1035/72, basic and buying-in prices were fixed for
apples other than cider apples for the marketing year
running from 1 August 1979 to 31 May 1980 ;

Whereas, at present, stocks of apples are similar to
those of the 1978/79 marketing year in the course of
which a basic price and a buying-in price were fixed
for the month of June by Regulation (EEC) No
1031/79⁽³⁾ ; whereas, consequently, considerable quan-
tities of apples are likely to be withdrawn from the
market before the end of May 1980 ; whereas, in order
to remedy this situation, a basic price and a buying-in
price should similarly be fixed for the month of June,

HAS ADOPTED THIS REGULATION :

Article 1

1. For the month of June 1980, the basic and
buying-in prices for apples other than cider apples,
expressed in ECU per 100 kg net, shall be as follows :

- basic price : 25.46,
- buying-in price : 12.94.

2. The prices specified in paragraph 1 relate to
apples of the Golden Delicious variety, quality class I,
size 70 mm or more, packaged.

Article 2

The prices quoted in Article 1 (1) shall not include
the cost of packaging.

Article 3

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

It shall apply with effect from 1 June 1980.

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

Done at Brussels, 28 May 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ See page 20 of this Official Journal.

⁽³⁾ OJ No L 130, 29. 5. 1979, p. 7.

COUNCIL REGULATION (EEC) No 1317/80

of 28 May 1980

fixing a carry-over payment for common wheat, rye and maize remaining in stock at the end of the 1979/80 marketing year

THE COUNCIL 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 1547/79⁽²⁾, and in particular Article 9 (1) and (5) thereof,

Having regard to the proposal from the Commission,

Whereas one of the purposes of the carry-over payment provided for in Article 9 (1) of Regulation (EEC) No 2727/75 is to prevent a massive inflow to intervention of cereals, much of which could be directly disposed of on the market before the new harvest, at the moment when the monthly intervention price increases end; whereas the market situation for common wheat throughout the Community and that for rye used for human consumption in certain regions of the Community are such that a carry-over payment should be granted for these cereals;

Whereas there is a likelihood in certain regions of quantities of maize being offered for intervention although a deficit exists in the Community as a whole; whereas a carry-over payment should therefore also be given for this cereal; whereas, since the marketing of a crop normally extends beyond the end of the marketing year, the granting of a carry-over payment helps to prevent the large quantities normally in stock at the end of the marketing year going to intervention during its last few months;

Whereas the amount of the carry-over payment should be fixed by taking the difference between the target prices, in national currency, valid on 31 July and 1 August 1980; whereas, where the calculation gives a negative amount, the payment should be counted as nil;

Whereas the carry-over payment cannot be given for cereals harvested in the Community during 1980, as their cost has not been increased by any storage element; whereas, in view of the connection between the intervention and the carry-over payment systems,

carry-over payments should be given only for cereals which are of sound, genuine and merchantable quality, within the meaning of the provisions adopted in implementation of Article 7 (5) of Regulation (EEC) No 2727/75; whereas, however, in respect of rye held by the milling industry, milling for human consumption is accepted as proof of sufficient quality,

HAS ADOPTED THIS REGULATION:

Article 1

1. A carry-over payment shall be granted for common wheat and for rye used for human consumption, harvested in the Community and in store there at the end of the 1979/80 marketing year.
2. A carry-over payment shall also be granted for maize harvested in the Community and in store in surplus production areas of the Community at the end of the 1979/80 marketing year.
3. The carry-over payment granted shall be equal to the difference between the target price, in national currency, valid in the last month of the 1979/80 marketing year and that valid, in national currency, in the first month of the 1980/81 marketing year. Where the calculation gives a negative amount the payment shall be counted as nil.

Article 2

The carry-over payments referred to in Article 1 (1) and (2) shall not be made for cereals from the 1980 harvest or for cereals which do not meet the quality conditions required for intervention during the 1979/80 marketing year.

In respect of rye held by the milling industry at the end of the marketing year, milling for human consumption is accepted as proof of sufficient quality.

Article 3

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

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

Done at Brussels, 28 May 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 1318/80

of 29 May 1980

amending Regulation (EEC) No 1640/79 limiting the granting of production aid for Williams pears preserved in syrup

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2999/79⁽²⁾, and in particular Article 3a (5) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1640/79⁽³⁾ limited as from the 1979/80 marketing year, in accordance with the criteria laid down in Article 3a (5) of Regulation (EEC) No 516/77, the granting of production aid for Williams pears, preserved in syrup, to 57 100 tonnes, on the basis of figures supplied by the producer countries; whereas, in order to respect the upper limit, the Commission limited, by means of Regulation (EEC) No 1731/79⁽⁴⁾, the granting of aid in respect of each processing undertaking to 105 % of the quantity of preserved products manufactured during the 1978/79 marketing year;

Whereas, since then, two Member States have respectively amended and completed the production figures

which were used in establishing the average volume of production over three years on the basis of which the upper limit was set; whereas, following that updating, it is necessary to alter the upper limit in order not to prejudice the interests of the operators concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 1640/79 shall be replaced by the following:

'Article 1

The production aid granted for Williams pears, preserved in syrup and falling within subheading ex 20.06 B of the Common Customs Tariff, shall be limited, for the 1979/80 marketing year, to 75 300 tonnes.'

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, 29 May 1980.

For the Council

The President

G. MARCORA

(1) OJ No L 73, 21. 3. 1977, p. 1.

(2) OJ No L 341, 31. 12. 1979, p. 1.

(3) OJ No L 192, 31. 7. 1979, p. 4.

(4) OJ No L 199, 7. 8. 1979, p. 21.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 May 1980

on the Community financing of certain expenditure relating to food aid in the form of cereals supplied under the 1980 programme

(80/541/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1703/72 of 3 August 1972 amending Regulation (EEC) No 2052/69 on the Community financing of expenditure arising from the implementation of the Food-Aid Convention of 1967, and laying down rules for the Community financing of expenditure arising from the implementation of the Food-Aid Convention of 1971 ⁽¹⁾, and in particular Articles 8 (1) and 10 (1) thereof,

Having regard to the proposal from the Commission,

Whereas certain countries and organizations in receipt of food aid in the form of cereals under the 1980 programme would have difficulty, given their economic and financial situation, in covering forwarding costs from the port of loading; whereas such costs should consequently be borne by the Community,

HAS DECIDED AS FOLLOWS:

Article 1

For Community food-aid operations under the 1980 cereals programme, Community financing shall cover

expenditure incurred up to the delivery stages specified in the Annex to this Decision.

Article 2

1. For aid allocated to international agencies, Community financing may also cover distribution costs where this is provided for in the conditions agreed with the recipient.
2. For operations charged against the reserve, financing may cover costs incurred up to the destination or destinations where this is provided for in the conditions agreed with the recipient.
3. Community financing for costs incurred beyond the port of loading may wholly or partly take the form of a cash contribution where this is provided for in the conditions agreed with the recipient.

Done at Brussels, 28 May 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 180, 8. 8. 1972, p. 1.

ANNEX

Cereals food-aid programme for 1980

Recipient countries and agencies	Cereals allocated (tonnes)	Arrangements for financing
COUNTRIES		
Afghanistan	p.m.	p.m.
Angola	p.m.	p.m.
Bangladesh	105 000	Port of unloading
Benin	5 000	Port of loading
Bolivia	p.m.	p.m.
Burundi	p.m.	p.m.
Cape Verde	7 000	Port of unloading
Central African Republic	p.m.	p.m.
Comoros	4 000	Port of unloading
Egypt	100 000	Port of loading
Ethiopia	15 000	Port of unloading
Gambia	2 500	Port of loading
Ghana	5 000	Port of loading
Guinea	7 000	Port of unloading
Guinea Bissau	7 000	Port of unloading
Equatorial Guinea	2 000	Port of unloading
Guyana	1 000	Port of loading
Upper Volta	p.m.	p.m.
Honduras	3 500	Port of loading
Jamaica	p.m.	p.m.
Jibuti	2 000	Port of unloading
Jordan	14 000	Port of loading
Kenya	7 000	Port of loading
Lesotho	3 000	fad
Lebanon	10 000	Port of loading
Madagascar	12 000	Port of loading
Maldives	1 500	Port of loading
Mali	8 000	fad
Malta	p.m.	p.m.
Nepal	8 000	fad
Nicaragua	8 600	Port of unloading
Niger	p.m.	p.m.
Mauritania	7 000	Port of unloading
Mozambique	10 000	Port of unloading
Uganda	p.m.	p.m.
Pakistan	50 000	Port of loading
Peru	4 500	Port of loading
Philippines	3 000	Port of loading
Rwanda	2 000	fad
Sao Tome and Principe	1 000	Port of unloading
Senegal	7 000	Port of loading
Sierra Leone	5 500	Port of unloading
Somalia	15 000	Port of unloading
Sudan	5 000	Port of loading
Sri Lanka	20 000	Port of loading
Swaziland	1 000	fad
Syria	1 000	Port of loading
Tanzania	15 000	Port of loading
Chad	4 000	fad
Tunisia	p.m.	p.m.
Vietnam	p.m.	p.m.
Zaire	p.m.	p.m.
Zambia	10 000	fad
Zimbabwe	p.m.	p.m.
North Yemen	p.m.	p.m.
South Yemen	p.m.	p.m.

Recipient countries and agencies	Cereals allocated (tonnes)	Arrangements for financing
AGENCIES		
ICRC	15 000	fad
Caritas	6 500	fad
Licross	1 500	fad
UNHCR (S.E. Asia)	7 000	fad
UNHCR (displaced persons — Ogaden)	5 000	fad
UNRWA	40 000	fad
WFP (Projects)	45 000	fad
WFP (Relief)	20 000	fad
WFP (Cambodia)	35 000	fad
RESERVE	46 400	fad
TOTAL	<u>720 500</u>	

