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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 1232/85
of 13 May 1985**

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 Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular
Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy⁽³⁾, as last amended by Regulation (EEC)
No 2543/73⁽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 Regula-
tion (EEC) No 3131/84⁽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 coefficient

provided for in Article 2b (2) of Regulation (EEC)
No 974/71⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84⁽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 coeffi-
cient ;

Whereas these exchange rates being those recorded on
10 May 1985 ;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3131/84 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 14 May 1985.

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

Done at Brussels, 13 May 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 293, 10. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 13 May 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	89,43
10.01 B II	Durum wheat	135,90 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	88,85 ⁽⁶⁾
10.03	Barley	87,90
10.04	Oats	75,30
10.05 B	Maize, other than hybrid maize for sowing	79,43 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	53,25 ⁽⁴⁾
10.07 C	Grain sorghum	96,97 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	140,74
11.01 B	Rye flour	139,93
11.02 A I a)	Durum wheat groats and meal	224,48
11.02 A I b)	Common wheat groats and meal	149,20

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

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

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 1233/85

of 13 May 1985

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 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 1018/84⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 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 2543/73⁽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 Regulation (EEC) No 2222/84⁽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 coefficient provided for in Article 2b (2) of Regulation (EEC)

No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽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;

Whereas these exchange rates being those recorded on 10 May 1985;

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

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 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 May 1985.

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

Done at Brussels, 13 May 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 13 May 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8
10.01 B I	Common wheat, and meslin	0	2,74	2,74	6,07
10.01 B II	Durum wheat	0	2,01	2,01	2,01
10.02	Rye	0	1,36	1,36	1,36
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	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	3,83	3,83	8,50

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	4,88	4,88	10,80	10,80
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	3,64	3,64	8,07	8,07
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 1234/85

of 13 May 1985

introducing a countervailing charge on courgettes originating in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1332/84⁽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 785/85 of 27 March 1985 fixing for the 1985 marketing year the reference prices for courgettes⁽³⁾ fixed the reference price for products of class I for the month of May 1985 at 60,76 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-

tion (EEC) No 3110/83⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for Spanish courgettes, 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 courgettes;

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 coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 16,43 ECU per 100 kilograms net is applied to courgettes (subheading 07.01 T I of the Common Customs Tariff) originating in Spain.

Article 2

This Regulation shall enter into force on 15 May 1985.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 88, 28. 3. 1985, p. 28.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 303, 5. 11. 1983, p. 5.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 13 May 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1235/85

of 13 May 1985

introducing a countervailing charge on cucumbers originating in Poland

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1332/84⁽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 intro-
duced 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 270/85 of
31 January 1985 fixing for the 1985 marketing year
the reference prices for cucumbers⁽³⁾ fixed the
reference price for products of class I for the month of
May 1985 at 76,12 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country
is equal to the lowest representative prices recorded for
at least 30 % of the quantities from the exporting
country concerned which are marketed on all repre-
sentative 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 Regula-
tion (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-
tion (EEC) No 3110/83⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative

markets or, in certain circumstances, on other
markets; whereas it is necessary to multiply the prices
with the coefficient fixed in the first-indent of Article
1 (2) of Regulation (EEC) No 270/85;

Whereas, for Polish cucumbers, the entry price calcu-
lated 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 cucumbers;

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 coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84⁽⁷⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded over a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 8,81 ECU per 100 kilo-
grams net is applied to cucumbers (subheading 07.01
P I of the Common Customs Tariff) originating in
Poland.

Article 2

This Regulation shall enter into force on 15 May 1985.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 28, 1. 2. 1985, p. 42.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 303, 5. 11. 1983, p. 5.

⁽⁶⁾ JO No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ JO No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 13 May 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1236/85
of 13 May 1985
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 2966/80⁽²⁾, and in particular the first sentence of Article 15 (5) thereof,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 (1) thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas facilities exist at present for the export of live pigs falling within subheading 01.03 A II b), and for certain products falling within subheading 02.01 A III; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets;

Whereas, in the case of products falling within subheading 02.06 B I, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within this subheading and of the foreseeable trend of production costs on the world market; whereas it is important

that the Community should continue to take part in international trade in the case of certain typical Italian products falling within subheadings 02.06 B I b) 1 and B I b) 5 aa);

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within subheadings ex 16.01 A and B, ex 16.02 A II and B III a) 2, the refund for these products should be fixed so as to take this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 4 of Regulation (EEC) No 2768/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas the Management Committee for Pigmeat has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 15 of Regulation (EEC) No 2759/75 is granted, and the amount of that refund, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 May 1985.

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

Done at Brussels, 13 May 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

CCT heading No	Description	(ECU/100 kg)		
		Refund		
02.01 (cont'd)	(22) Fore-ends or shoulders, and parts thereof, derinded and defatted, with a maximum layer of 3 mm fat, frozen or vacuum-packed (a) for export to : — the United States of America and Canada — other destinations	net weight		
		5,00		
		30,00		
		(33) Other legs, fore-ends, shoulders or loins; parts thereof (a) for export to : — the United States of America and Canada — other destinations	5,00	
			28,00	
		(44) Bellies and parts thereof, derinded and defatted, with a maximum layer of 7 mm fat, frozen or vacuum-packed (a) for export to : — the United States of America and Canada — other destinations	5,00	
			28,00	
		(55) Other bellies and parts thereof, derinded (a) for export to : — the United States of America and Canada — other destinations	4,00	
			22,00	
		02.06	Meat and edible meat offal (except poultry liver), salted, in brine, dried or smoked :	
			B. Of domestic swine :	
			I. Meat :	
	a) Salted or in brine :			
	3. Hams and parts thereof	32,00		
	5. Loins and parts thereof	32,00		
	6. Bellies and parts thereof	20,00		
	7. Other :			
	ex aa) Boned or boneless :			
	(11) Hams, fore-ends, shoulders or loins, parts thereof (a)	32,00		
	(22) Bellies and parts thereof, derinded (a)	20,00		
	b) Dried or smoked :			
	1. Hams and parts thereof :			
	(aa) 'Prosciutto di Parma', 'Prosciutto di San Daniele' (b)	64,00		
	(bb) Other	47,00		

		(ECU/100 kg)
CCT heading No	Description	Refund
		net weight
02.06 (cont'd)	4. Bellies and parts thereof	22,00
	5. Other :	
	ex aa) Boned or boneless :	
	(11) 'Prosciutto di Parma, Prosciutto di San Daniele'; parts thereof (b)	64,00
	(22) Hams, fore-ends, shoulders or loins, parts thereof (a)	47,00
ex 16.01	Sausages and the like, of meat, meat offal or animal blood, suitable for human consumption :	
	A. Liver sausages (f)	28,00
	B. Other (c) :	
	I. Sausages, dry or for spreading, uncooked (d) (f)	50,00
	II. Other (f)	34,00
ex 16.02	Other prepared or preserved meat or meat offal, suitable for human consumption :	
	A. Liver :	
	II. Other	24,00
	B. Other :	
	III. Other :	
	a) Containing meat or offal of domestic swine :	
	2. Other, containing by weight :	
	aa) 80 % or more of meat or offal, of any kind, including fats of any kind or origin :	
	11. Hams or loins (excluding collars); parts thereof :	
	(aaa) Uncooked; mixtures of cooked and uncooked meat (e) (g)	22,00
	(bbb) Other (g)	
	for export to :	
	— the United States of America, Canada and Australia	6,00
	— other destinations	37,00
	22. Collars or shoulders; parts thereof :	
	(aaa) Uncooked; mixtures of cooked and uncooked meat (e) (g)	22,00
	(bbb) Other (g)	
	for export to :	
	— the United States of America, Canada and Australia	5,00
	— other destinations	34,00

		(ECU/100 kg)
CCT heading No	Description	Refund
ex 16.02 (cont'd)	33. Other :	net weight
	(aaa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal (e) (g)	17,00
	(bbb) Other (g) for export to : — the United States of America, Canada and Australia — other destinations	4,00 24,00
	bb) 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin (g)	19,00
	cc) Less than 40 % of meat or offal, of any kind, including fats of any kind or origin (g)	10,00

- (a) The cuts are classified in this subheading only if they can be identified as originating from the primary cuts mentioned.
- (b) Only those products for which the name is certified by the competent authorities of the producing Member State can benefit from this refund.
- (c) The refund on sausages presented in containers with a preservative liquid is granted on net weight after deduction of weight of this liquid.
- (d) The weight of a coating of paraffin corresponding to normal use in the trade is considered as part of the net weight of the sausage.
- (e) The term 'uncooked' shall apply to products which have not been subjected to any heat-treatment or which have been subjected to a heat-treatment insufficient to ensure the coagulation of meat proteins in the whole of the product and which therefore show traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.
- (f) If composite food preparations (including prepared dishes) containing sausages, are classified under heading No 16.01 because of their composition, the refund is granted only on the net weight of the sausages, the meat and the offal, including fats of any kind or origin, which make part of these preparations.
- (g) The refund on products containing bones is granted on the net weight of the product after deduction of the weight of the bones.

COMMISSION REGULATION (EEC) No 1237/85
of 13 May 1985
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1854/84⁽³⁾, as last amended by Regulation (EEC) No 1230/85⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1854/84 to the information 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 referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 May 1985.

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

Done at Brussels, 13 May 1985.

For the Commission
Frans ANDRIESEN
Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 125, 11. 5. 1985, p. 29.

ANNEX

to the Commission Regulation of 13 May 1985 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar: flavoured or coloured sugar B. Raw sugar	48,32 45,36 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 May 1985

on the Communities' system of own resources

(85/257/EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 201 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 173 thereof,

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

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

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

Whereas the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources ⁽⁴⁾, hereinafter referred to as 'the Decision of 21 April 1970', introduced a Community system of own resources;

Whereas, in order to augment own resources, while retaining the existing sources of revenue introduced by the Decision of 21 April 1970, the 1 % limit to the rate applied to the uniform basis for assessing value added tax should be increased;

Whereas the European Council which met in Fontainebleau on 25 and 26 June 1984 reached certain conclusions;

Whereas, by the terms of those conclusions, the maximum rate of mobilization of value added tax own resources will be 1,4 % on 1 January 1986; whereas this maximum rate applies to every Member State and will enter into force as soon as the ratification procedures are completed and by 1 January 1986 at the latest; whereas the maximum rate may be increased to 1,6 % on 1 January 1988 by unanimous decision of the Council and after agreement has been given in accordance with national procedures;

Whereas, in those same conclusions, the European Council considered that expenditure policy is ultimately the essential means of resolving the question of budgetary imbalances;

Whereas, however, the European Council decided that any Member State bearing an excessive budgetary burden in relation to its relative prosperity may benefit at the appropriate time from a correction;

Whereas such a correction must now be applied to the United Kingdom,

HAS LAID DOWN THESE PROVISIONS, WHICH IT RECOMMENDS TO THE MEMBER STATES FOR ADOPTION:

Article 1

The Communities shall be allocated resources of their own in accordance with the following Articles in order to ensure that their budget is in balance.

The budget of the Communities shall, irrespective of other revenue, be financed entirely from the Communities' own resources.

⁽¹⁾ OJ No C 193, 21. 7. 1984, p. 5.

⁽²⁾ OJ No C 315, 26. 11. 1984, p. 60.

⁽³⁾ OJ No C 307, 19. 11. 1984, p. 24.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 19.

Article 2

Revenue from :

- (a) levies, premiums, additional or compensatory amounts, additional amounts or factors and other duties established or to be established by the institutions of the Communities in respect of trade with non-member countries within the framework of the common agricultural policy, and also contributions and other duties provided for within the framework of the common organization of the markets in sugar ;
- (b) Common Customs Tariff duties and other duties established or to be established by the institutions of the Communities in respect of trade with non-member countries,

shall constitute own resources entered in the budget of the Communities.

In addition, revenue accruing from other charges introduced within the framework of a common policy in accordance with the Treaty establishing the European Economic Community or the Treaty establishing the European Atomic Energy Community shall constitute own resources entered in the budget of the Communities, subject to the procedure laid down in Article 201 of the Treaty establishing the European Economic Community or in Article 173 of the Treaty establishing the European Atomic Energy Community having been followed.

Article 3

1. Own resources shall also include revenue accruing, in accordance with this Article, from the application of rates to the assessment basis for value added tax which is determined in a uniform manner for Member States according to Community rules.

2. None of the rates referred to in paragraph 1 shall exceed 1,4 %. The rates shall be fixed, taking into account all other revenue, within the framework of the budgetary procedure.

3. The rates shall be calculated as follows :

- (a) a uniform rate shall be determined in relation to the assessment basis referred to in paragraph 1 ;
- (b) as regards the rate to be applied to the United Kingdom, a deduction shall be made from the amount payable under the uniform rate by :
 - (i) calculating the difference, in the preceding budgetary year, between the percentage share

of the United Kingdom in the value added tax which would have been paid in that year, including adjustments in respect of previous years, had the uniform rate been applied, and the percentage share of the United Kingdom in total allocated expenditure ;

- (ii) applying the difference thus obtained to total allocated expenditure ;
- (iii) multiplying the result by 0,66.

The reduced amount shall be divided by the assessment basis of the United Kingdom ;

- (c) as regards the rates to be applied to the other Member States, a sum equivalent to the deduction referred to in (b) shall be borne by them. The allocation of this sum shall first be calculated according to their respective shares in value added tax payments payable under the uniform rate, the United Kingdom being excluded ; it shall subsequently be adjusted so as to limit the participation of the Federal Republic of Germany to two-thirds of the share produced by that calculation.

The rates to be applied to these Member States shall be obtained by dividing the total obtained by adding together the amounts payable under the uniform rate and their shares in the additional sum by the assessment basis of each Member State ;

- (d) where paragraph 7 applies, financial contributions shall be substituted for payments of value added tax in the calculations referred to in this paragraph for any Member State concerned.

4. On the entry into force of this paragraph, and by way of derogation from the Decision of 21 April 1970, a lump-sum deduction of 1 000 million ECU shall be made from the amount of value added tax payable by the United Kingdom. A sum equivalent to the deduction shall be borne by the other Member States, being allocated in accordance with paragraph 3 (c).

The operations referred to in the preceding subparagraph shall constitute modifications to own resources accruing from value added tax in respect of the financial year 1985. If necessary, the corresponding amounts shall be entered in the accounts for the financial year 1985 by the Commission.

5. The Commission shall carry out the calculations necessary for the application of paragraphs 3 and 4.

6. If, at the beginning of the financial year, the budget has not been adopted, the rates of value added tax previously fixed shall remain applicable until the entry into force of new rates.

7. By way of derogation from paragraph 1, if, on 1 January of the financial year in question, the rules determining the uniform basis for assessing value added tax have not yet been applied in all Member States, the financial contribution to the budget of the Communities to be made by a Member State not yet applying this uniform basis shall be determined according to the proportion of its gross national product to the sum total of the gross national products of the Member States. The balance of the budget shall be covered by revenue accruing from value added tax in accordance with paragraph 1 and collected by the other Member States. This derogation shall cease to have effect as soon as the rules for determining the uniform basis for assessing value added tax are applied in all Member States.

8. For the purpose of paragraph 7, 'gross national product' shall mean gross national product at market prices.

Article 4

1. The revenue referred to in Articles 2 and 3 shall be used without distinction to finance all expenditure entered in the budget of the Communities.

2. Financing from the Communities' own resources of the expenditure connected with research programmes of the European Communities shall exclude neither entry in the budget of the Communities of expenditure relating to supplementary programmes nor the financing of this expenditure by means of financial contributions from Member States, the level and scale of funding of which will be fixed pursuant to a decision of the Council acting unanimously.

Article 5

The Communities shall refund to each Member State 10 % of the amounts paid in accordance with the first paragraph of Article 2 in order to cover expense incurred in collection.

Article 6

Any surplus of the Communities' own resources over and above the actual expenditure during a financial year shall be carried over to the following financial year.

Article 7

1. The Community resources referred to in Articles 2 and 3 shall be collected by the Member States in

accordance with national provisions imposed by law, regulation or administrative action, which shall, where necessary, be amended for that purpose. Member States shall make these resources available to the Commission.

2. Without prejudice to the auditing of accounts provided for in Article 206a of the Treaty establishing the European Economic Community, or to the inspection arrangements made pursuant to Article 209 (c) of that Treaty, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, adopt provisions relating to the supervision of collection, the making available to the Commission, and the payment of the revenue referred to in Articles 2 and 3.

Article 8

Member States shall be notified of this Decision by the Secretary-General of the Council of the European Communities; it shall be published in the *Official Journal of the European Communities*.

Member States shall notify the Secretary-General of the Council of the European Communities without delay of the completion of the procedures for the adoption of this Decision in accordance with their respective constitutional requirements.

This Decision shall enter into force:

- as regards the provisions of Article 3 (4), on the second day after receipt of the last of the notifications referred to in the second paragraph;
- as regards its other provisions, on the second day after receipt of the last such notification or after the deposit, by the present Member States of the Communities, of the last of the instruments of ratification of the Treaties of Accession of Spain and Portugal, whichever occurs later, unless the Council, acting unanimously, decides otherwise.

Without prejudice to Article 3 (4), this Decision shall enter into effect on 1 January 1986 and the Decision of 21 April 1970 shall be repealed on the same date. To the extent necessary, any reference to the Decision of 21 April 1970 shall be understood as referring to this Decision.

Done at Brussels, 7 May 1985.

For the Council

The President

G. ANDREOTTI

COMMISSION OF THE EUROPEAN COMMUNITIES

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OF THE EUROPEAN COMMUNITIES**

1984

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