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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1946/85

of 15 July 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 organization 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 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 import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 3131/84⁽⁵⁾ and subsequent amending Regulations;

Whereas the 1985/86 marketing year for durum wheat begins on 1 July 1985; whereas the Council has not, to date, adopted the prices for this marketing year in respect of this product; whereas the Commission, in compliance with the tasks entrusted to it by the Treaty, is obliged to adopt the precautionary measures essential to ensure continuity of operation of the common agricultural policy as regards durum wheat;

Whereas, in order to ensure continuity of operation of the import arrangements for durum wheat and for

durum wheat groats and meal, a price equal to the threshold price fixed for the 1984/85 marketing year and applicable as from 1 July 1984 should be taken into account in calculating the levies, namely 352,67 ECU per tonne for durum wheat, and 547,09 ECU per tonne for durum wheat groats and meal; whereas these prices shall be adjusted as from 1 August 1985 by the same amounts as the monthly increments fixed by Regulation (EEC) No 1020/84⁽⁶⁾;

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⁽⁷⁾, as last amended by Regulation (EEC) No 855/84⁽⁸⁾,
- 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 12 July 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,

⁽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 107, 19. 4. 1984, p. 6.

⁽⁷⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁸⁾ OJ No L 90, 1. 4. 1984, p. 1.

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 16 July 1985.

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

Done at Brussels, 15 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 15 July 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	124,48
10.01 B II	Durum wheat	141,02 ⁽¹⁾ ⁽²⁾
10.02	Rye	116,39 ⁽⁶⁾
10.03	Barley	111,23
10.04	Oats	92,45
10.05 B	Maize, other than hybrid maize for sowing	95,19 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	86,29 ⁽⁴⁾
10.07 C	Grain sorghum	124,76 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	190,09
11.01 B	Rye flour	178,77
11.02 A I a)	Durum wheat groats and meal	231,58
11.02 A I b)	Common wheat groats and meal	202,19

⁽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 1947/85
of 15 July 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 12 July 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 16 July 1985.

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

Done at Brussels, 15 July 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 15 July 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 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	1,27	1,27	6,32
10.02	Rye	0	0	0	0
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	4,05	4,05	8,22
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	4,55
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	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 1948/85

of 15 July 1985

laying down detailed rules for the transfer to the Greek intervention agency of skimmed-milk powder held by the intervention agencies of other Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1298/85 ⁽²⁾, and in particular Articles 7 (5) and 28 thereof,

Having regard to Council Regulation (EEC) No 1322/85 of 23 March 1985 on the transfer to the Greek intervention agency of skimmed-milk powder held by the intervention agencies of other Member States ⁽³⁾, and in particular Article 1 (3) thereof,

Whereas, under Regulation (EEC) No 1322/85, 7 000 tonnes of skimmed-milk powder held by the intervention agencies of other Member States have been made available to the Greek intervention agency for use as animal feed in Greece and must be taken over before the beginning of the 1986/87 milk year; whereas detailed rules for the implementation of this measure are required;

Whereas the intervention agencies responsible for making available the skimmed-milk powder in question should be designated by reference to the stocks they hold; whereas the German intervention agency's stocks of skimmed-milk powder are particularly large;

Whereas the skimmed-milk powder must fulfil the requirements of Commission Regulation (EEC) No 625/78 ⁽⁴⁾, as last amended by Regulation (EEC) No 718/85 ⁽⁵⁾;

Whereas it is appropriate that the skimmed-milk powder should be transferred in lots determined by reference to the recipient storage depots designated by the Greek intervention agency; whereas the said storage depots must fulfil the conditions laid down in Article 7 of Regulation (EEC) No 625/78;

Whereas, in order that the most economical means of carrying out the operation may be ascertained, the transport of the skimmed-milk powder to Greece should be put up for tender;

Whereas, once the transfer has been organized, the arrangements for the sale by the Greek intervention agency of the skimmed-milk powder covered by the transfer will have to be specified; whereas, to this end, reference should be made first to the provisions of Commission Regulation (EEC) No 368/77 ⁽⁶⁾, as last amended by Regulation (EEC) No 906/85 ⁽⁷⁾, and Commission Regulation (EEC) No 443/77 ⁽⁸⁾, as last amended by Regulation (EEC) No 1454/85 ⁽⁹⁾, and secondly to the provisions of Commission Regulation (EEC) No 2213/76 ⁽¹⁰⁾, as last amended by Regulation (EEC) No 771/85 ⁽¹¹⁾; whereas, moreover, the selling price set by Regulation (EEC) No 2213/76 should be adjusted to allow for the aid for skimmed-milk powder for use as feed, as fixed by Commission Regulation (EEC) No 1634/85 ⁽¹²⁾;

Whereas, in accordance with the second indent of Article 2 of Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency ⁽¹³⁾, no monetary compensatory amounts should be applied to this transfer; whereas, as regards the arrangements for dispatch, Articles 2 and 4 of Commission Regulation (EEC) No 1722/77 of 28 July 1977 laying down common detailed rules for the application of Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency ⁽¹⁴⁾, as amended by Regulation (EEC) No 3476/80 ⁽¹⁵⁾, apply;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 5.

⁽³⁾ OJ No L 137, 27. 5. 1985, p. 44.

⁽⁴⁾ OJ No L 84, 31. 3. 1978, p. 19.

⁽⁵⁾ OJ No L 78, 21. 3. 1985, p. 14.

⁽⁶⁾ OJ No L 52, 24. 2. 1977, p. 19.

⁽⁷⁾ OJ No L 97, 4. 4. 1985, p. 27.

⁽⁸⁾ OJ No L 58, 3. 3. 1977, p. 16.

⁽⁹⁾ OJ No L 144, 1. 6. 1985, p. 68.

⁽¹⁰⁾ OJ No L 249, 11. 9. 1976, p. 6.

⁽¹¹⁾ OJ No L 86, 27. 3. 1985, p. 18.

⁽¹²⁾ OJ No L 158, 18. 6. 1985, p. 7.

⁽¹³⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽¹⁴⁾ OJ No L 189, 29. 7. 1977, p. 36.

⁽¹⁵⁾ OJ No L 363, 31. 12. 1980, p. 71.

HAS ADOPTED THIS REGULATION :

Article 1

1. In accordance with Regulation (EEC) No 1322/85, the German intervention agency shall make available to the Greek intervention agency 7 000 tonnes of skimmed-milk powder bought in accordance with Article 7 (1) of Regulation (EEC) No 804/68 and taken into storage before 1 August 1984.

2. Except in cases where this is physically impossible, the German intervention agency shall transfer 7 000 tonnes of skimmed-milk powder before the beginning of the 1986/87 milk year.

3. The transfer of each lot shall be effected from the places of storage and to the designated storage depots.

The list of supplying and recipient storage depots shall be drawn up by common agreement between the German and Greek intervention agencies.

This list and all other information concerning this transfer may be obtained from these two intervention agencies.

4. The German and Greek intervention agencies shall take the necessary measures to ensure compliance with the date agreed between them for the take-over of the skimmed-milk powder.

5. As regards the storage depots as referred to in paragraph 3 where the skimmed-milk powder is to be stored by the Greek intervention agency, Article 7 of Regulation (EEC) No 625/78 shall apply.

Article 2

1. The bags containing the skimmed-milk powder made available by the supplying intervention agency shall bear, in letters at least one centimetre high, the following marking :

‘Αποκορυφωμένο γάλα σε σκόνη για ζωοτροφές στην Ελλάδα’.

2. After checking the quantity, quality and packaging of the skimmed-milk powder, the Greek intervention agency shall take delivery of the goods, free at destination.

3. On taking over the goods, the representative of the Greek intervention agency shall be given :

(a) a certificate drawn up by the supplying intervention agency, declaring that the product conforms to the requirements set out in Annexes I and II to Regulation (EEC) No 625/78 ;

(b) a certificate drawn up by the German veterinary authorities, a specimen of which is set out in the Annex. At the request of the Greek authorities a

duplicate of this certificate shall be issued to accompany the deliveries.

4. The Greek authorities shall bear :

(a) the costs resulting from health checks with a view to the establishment of the certificate referred to in paragraph 3 (b) ;

(b) all the costs resulting directly or indirectly from health checks or quality control, additional to those for purposes of paragraph 3 (a) and (b), carried out at their request by the competent authorities in the Federal Republic of Germany.

5. The supplying Member State shall take all measures necessary to enable the controls referred to in paragraph 4 (b) to be carried out before the products are taken over by the Greek intervention agency.

Article 3

1. The amount of the transport costs in respect of the lots referred to in Article 1 (3) shall be determined by the German intervention agency by means of a tendering procedure.

Such costs shall include :

(a) transport, excluding loading and unloading, from the loading platform of the supplying storage depot to the unloading platform of the recipient storage depot ;

(b) insurance of the goods, at their value as determined on the basis of the intervention price for skimmed-milk powder, until unloading at the platform of the recipient storage depot.

2. Payment of the costs referred to in paragraph 1 shall be made within six weeks of the day on which the following documents are submitted to the German intervention agency :

(a) transport costs invoice ;

(b) certificate from each of the recipient storage depots declaring that the skimmed-milk powder has been taken over, endorsed by the Greek intervention agency ;

(c) transport document ;

(d) copy of the insurance policy and, in the event of damage or loss, declaration in respect thereof and documents enabling the German intervention agency to obtain compensation ;

(e) customs document issued on definitive importation into Greece of the skimmed-milk powder.

3. The German intervention agency shall lay down the terms and conditions of the tendering procedure in accordance with the provisions of this Regulation. Such terms and conditions must provide in particular for the lodging of a security to guarantee fulfilment of the obligations arising from the award.

They must also ensure equality of access and treatment for all prospective tenderers wherever they may be established in the Community. To this end the German intervention agency shall communicate to the other intervention agencies and to the Commission the text of the invitation to tender, of which notice shall be given in the *Official Journal of the European Communities* at least eight days before the date set by the German intervention agency for submission of tenders.

4. Tenders submitted to the German intervention agency shall be made and accepted in German marks.

5. Each tender may relate to one lot only.

6. The contract for each lot shall be awarded to the tenderer who has offered the most favourable terms.

However, if the tenders submitted do not correspond to normal prices and costs, no contracts shall be awarded.

7. The German authorities shall keep the Commission informed as to the progress of the tendering procedure and shall immediately communicate the results both to the Commission and to the Greek intervention agency.

Article 4

The Greek intervention agency shall sell the skimmed-milk powder supplied under this Regulation in accordance with the provisions of Regulations (EEC) No 368/77, (EEC) No 443/77 and (EEC) No 2213/76.

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

Done at Brussels, 15 July 1985.

However, Article 1 and the first subparagraph of Article 2 (2) of Regulation (EEC) No 2213/76 shall not apply.

Moreover, where Regulation (EEC) No 2213/76 does apply, sales shall be subject to the following specific requirements :

(a) the skimmed-milk powder shall be used solely for denaturing or for processing into compound feedingstuffs in accordance with Commission Regulation (EEC) No 1725/79 ⁽¹⁾;

(b) sales shall be restricted to undertakings which commit themselves either to denaturing the skimmed-milk powder in accordance with Article 2 of Regulation (EEC) No 1725/79 or, if they have been approved in accordance with Article 8 (1) (a) of that Regulation, processing it into compound feedingstuffs.

Allocation to the undertakings of the quantities available shall be carried out by the competent authority with reference to the quantities which they normally use ;

(c) the purchase price paid shall be reduced by the amount of the aid referred to in Article 10 of Regulation (EEC) No 804/68 ;

(d) prior to take-over the purchaser shall lodge a security of 84 ECU per 100 kilograms as a guarantee that the skimmed-milk powder will be used on Greek territory for the purposes specified at (a) above.

Article 5

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

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 199, 7. 8. 1979, p. 1.

BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

Kopie (Αντίγραφο)

GESUNDHEITSBESCHEINIGUNG (Πιστοποιητικό υγείας) Nr. (αριθ.)

Hiermit wird bestätigt, daß es sich bei dem mit LKW/Waggon Nr. gelieferten kg Sprühmagermilchpulver, die gemäß Verordnung (EWG) Nr. 1822/83 des Rates und Verordnung (EWG) Nr. 2484/83 der Kommission nach Griechenland transferiert werden, um Sprühmagermilchpulver aus Interventionsbeständen der Bundesanstalt für landwirtschaftliche Marktordnung handelt.

Das aus pasteurisierter Milch hergestellte Sprühmagermilchpulver wurde von der Bundesanstalt für landwirtschaftliche Marktordnung untersucht. Es entspricht den Qualitätsvorschriften der Europäischen Gemeinschaft (Verordnung (EWG) Nr. 625/78) sowie den lebensmittelrechtlichen Vorschriften der Bundesrepublik Deutschland. Die zu Pulver verarbeitete Milch wurde einem amtlich überwachten Erhitzungsverfahren unterworfen. Die am Magermilchpulver vorgenommenen Stichprobenuntersuchungen auf coliforme Mikroorganismen (in 0,1 g Milchpulver) und auf Salmonellen (in 25 g Milchpulver) waren negativ.

Ο υπογεγραμμένος, κτηνίατρος του γερμανικού κράτους, πιστοποιεί ότι το αποκορυφωμένο γάλα σε σκόνη που παραδόθηκε με το εν λόγω φορτηγό αυτοκίνητο/σιδηροδρομικό όχημα αριθ., που μετέφερε κιλά στην Ελλάδα σύμφωνα με τους κανονισμούς (ΕΟΚ) αριθ. 1822/83 του Συμβουλίου και (ΕΟΚ) αριθ. 2484/83 της Επιτροπής, προέρχεται από τα αποθέματα παρέμβασης του Bundesanstalt für landwirtschaftliche Marktordnung.

Εξάλλου, πιστοποιεί ότι το αποκορυφωμένο γάλα σε σκόνη, που είναι προϊόν παστεριωμένου γάλακτος, υποβλήθηκε σε εξέταση από τον Bundesanstalt für landwirtschaftliche Marktordnung και ανταποκρίνεται στις προδιαγραφές της Ευρωπαϊκής Κοινότητας όσον αφορά την ποιότητα [κανονισμός (ΕΟΚ) αριθ. 625/78] και στις περί τροφίμων νομοθετικές διατάξεις της Ομοσπονδιακής Δημοκρατίας της Γερμανίας. Το γάλα που έχει μεταποιηθεί σε σκόνη έχει υποστεί επίσημα επιβλεπόμενη θερμική επεξεργασία. Οι δειγματοληπτικές εξετάσεις που έγιναν στο αποκορυφωμένο γάλα σε σκόνη για τη διαπίστωση κολοβακτηριδίων (σε 0,1 g γάλακτος σε σκόνη) και σαλμονελλών (σε 25 g γάλακτος σε σκόνη) υπήρξαν αρνητικές.

....., den (στ.)

Dienstsiegel
(Επίσημη σφραγίδα)

Unterschrift
(Υπογραφή)

Staatliches Veterinäramt (Κρατική Κτηνιατρική Υπηρεσία)

COMMISSION REGULATION (EEC) No 1949/85

of 15 July 1985

abolishing the countervailing charge on tomatoes originating in Bulgaria

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 Commission Regulation (EEC) No 1838/85
of 2 July 1985⁽³⁾ introduced a countervailing charge
on tomatoes originating in Bulgaria

Whereas for this product originating in Bulgaria there
were no prices for six consecutive working days;

whereas the conditions specified in Article 26 (1) of
Regulation (EEC) No 1035/72 are therefore fulfilled
and the countervailing charge on imports of tomatoes
originating in Bulgaria can be abolished,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 1838/85 is hereby repealed.

Article 2

This Regulation shall enter into force on 16 July 1985.

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

Done at Brussels, 15 July 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 173, 3. 7. 1985, p. 17.

COMMISSION REGULATION (EEC) No 1950/85

of 15 July 1985

introducing a countervailing charge on tomatoes 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 751/85 of 22 March 1985 fixing for the 1985 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the period 11 July to 31 August 1985 at 39,92 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 tomatoes originating in Spain 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 tomatoes;

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 14,16 ECU per 100 kilograms net is applied to tomatoes (subheading 07.01 M of the Common Customs Tariff) originating in Spain.

Article 2

This Regulation shall enter into force on 17 July 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 81, 23. 3. 1985, p. 20.

⁽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, 15 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1951/85
of 15 July 1985
fixing the aid for soya beans

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1614/79 of 24 July 1979 laying down special measures
in respect of soya beans ⁽¹⁾, as last amended by Regula-
tion (EEC) No 1037/84 ⁽²⁾, and in particular Article
2(5) thereof,

Whereas the amount of the aid referred to in Article
2(1) of Regulation (EEC) No 1614/79 was fixed by
Regulation (EEC) No 2892/84 ⁽³⁾, as last amended by
Regulation (EEC) No 1788/85 ⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 2892/84

to the information at present available to the Commis-
sion that the amount of the aid at present in force
should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 2 of Regulation (EEC)
No 1614/79 is hereby fixed at 29,139 ECU per 100
kilograms.

Article 2

This Regulation shall enter into force on 16 July 1985.

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

Done at Brussels, 15 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 190, 28. 7. 1979, p. 8.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 46.

⁽³⁾ OJ No L 273, 16. 10. 1984, p. 16.

⁽⁴⁾ OJ No L 169, 29. 6. 1985, p. 31.

COMMISSION REGULATION (EEC) No 1952/85

of 15 July 1985

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1025/84⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 1734/85⁽⁷⁾, as last amended by Regulation (EEC) No 1928/85⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽¹¹⁾ as last amended by Regulation (EEC) No 855/84⁽¹²⁾,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 12 July 1985;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹³⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 1734/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 1985.

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

Done at Brussels, 15 July 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 L 166, 25. 6. 1976, p. 1.
 (4) OJ No L 107, 19. 4. 1984, p. 13.
 (5) OJ No 106, 30. 10. 1962, p. 2553/62.
 (6) OJ No L 263, 19. 9. 1973, p. 1.
 (7) OJ No L 166, 26. 6. 1985, p. 19.
 (8) OJ No L 180, 12. 7. 1985, p. 55.
 (9) OJ No L 107, 19. 4. 1984, p. 15.
 (10) OJ No L 281, 1. 11. 1975, p. 65.

(11) OJ No L 106, 12. 5. 1971, p. 1.

(12) OJ No L 90, 1. 4. 1984, p. 1.

(13) OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 15 July 1985 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	111,75 ⁽¹⁾	109,94 ⁽¹⁾ ⁽²⁾
07.06 A II	114,77 ⁽¹⁾	109,94 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	207,19	201,15
11.02 A III ⁽²⁾	207,19	201,15
11.02 B I a) 1 ⁽²⁾	181,82	178,80
11.02 B I b) 1 ⁽²⁾	181,82	178,80
11.02 C III ⁽²⁾	285,42	279,38
11.02 D III ⁽²⁾	117,01	113,99
11.02 E I a) 1 ⁽²⁾	117,01	113,99
11.02 E I b) 1 ⁽²⁾	229,54	223,50
11.02 F III ⁽²⁾	207,19	201,15
11.04 C I	114,77	108,12 ⁽²⁾
11.07 A II a)	209,80 ⁽⁴⁾	198,92
11.07 A II b)	159,51	148,63
11.07 B	184,09 ⁽⁴⁾	173,21
23.02 A I a)	51,89	45,89
23.02 A I b)	104,34	98,34
23.02 A II a)	51,89	45,89
23.02 A II b)	104,34	98,34

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

⁽⁵⁾ In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading ex 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading ex 11.08 A V.

COMMISSION REGULATION (EEC) No 1953/85
of 15 July 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 1482/85⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1809/85⁽³⁾, as last amended by Regulation (EEC) No 1889/85⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 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 16 July 1985.

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

Done at Brussels, 15 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 177, 9. 7. 1985, p. 21.

ANNEX

to the Commission Regulation of 15 July 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	49,81 46,12 ⁽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.

COMMISSION REGULATION (EEC) No 1954/85

of 15 July 1985

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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 1482/85⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Regulation (EEC) No 1778/85⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1778/85 to the information known to the Commission that the basic

amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 1778/85 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 1985.

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

Done at Brussels, 15 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.

⁽³⁾ OJ No L 169, 29. 6. 1985, p. 9.

ANNEX

to the Commission Regulation of 15 July 1985 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)			
CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,4981	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	58,23
	ex II. Other	0,4981	—
	E. Artificial honey, whether or not mixed with natural honey	0,4981	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4981	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	58,23
	IV. Other	0,4981	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 8 July 1985

amending Directive 77/780/EEC on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions

(85/345/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 57 thereof,

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

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

Whereas the first subparagraph of Article 3 (3) (b) of Directive 77/780/EEC ⁽³⁾ provides that where the laws, regulations or administrative provisions of a Member State provide, at the time of notification of the Directive, that the economic needs of the market shall be a condition of authorization for the setting up of new credit institutions and the opening of branches of credit institutions the head of which is in the territory of such Member State or in the territory of another Member State, the State in question may continue to apply that criterion for seven years after notification ;

Whereas, since the 1979 Act of Accession contains no provision relating to economic need in the banking sector, the various notification deadlines laid down in Directive 77/780/EEC were therefore also applicable to the Hellenic Republic ;

Whereas, by virtue of Article 143 of the 1979 Act of Accession and of the second subparagraph of Article 3

(3) (b) of Directive 77/780/EEC, the Hellenic Republic had until 30 June 1981 to notify the Commission of its intention to maintain the criteria of economic need ;

Whereas by 30 June 1981 the Commission had received no such notification ;

Whereas in November 1981 the Greek Government expressed its intention of maintaining the criterion of economic need for the setting up of new credit institutions and for the opening of branches of credit institutions the head offices of which are either in Greece or in another Member State ;

Whereas there is a justified case for the maintenance of the criterion of economic need, given the structural problems facing the Greek banking industry ; whereas it is necessary to amend Directive 77/780/EEC as a result,

HAS ADOPTED THIS DIRECTIVE :

Article 1

The following subparagraphs are hereby added to Article 3 (3) (b) of Directive 77/780/EEC :

'The Hellenic Republic may continue to apply the criterion of economic need. On a request from the Hellenic Republic, the Commission shall, if appropriate, submit to the Council by 15 June 1989 proposals authorizing the Hellenic Republic to continue to apply the criterion of economic need until 15 December 1992.

The Council shall act within six months of the submission of those proposals.'

⁽¹⁾ OJ No C 153, 13. 6. 1984, p. 4.

⁽²⁾ OJ No C 12, 14. 1. 1985, p. 125.

⁽³⁾ OJ No L 322, 17. 12. 1977, p. 30.

Article 2

1. The Member States shall take the measures necessary for them to comply with this Directive as from its notification⁽¹⁾. They shall forthwith inform the Commission thereof.

2. The Member States shall communicate to the Commission the provisions of national law they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 8 July 1985.

For the Council

The President

J. SANTER

⁽¹⁾ This Directive was notified to Member States on 15 July 1985.

COUNCIL DIRECTIVE

of 8 July 1985

amending Directive 83/181/EEC determining the scope of Article 14 (1) (d) of Directive 77/388/EEC as regards exemption from value added tax on the final importation of certain goods

(85/346/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 99 and 100 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 Directive 83/181/EEC ⁽⁴⁾ laid down the minimum quantity of fuel contained in the fuel tanks of commercial motor vehicles which must be exempted from value added tax on admission;

Whereas, in order to facilitate passage at the internal frontiers of the Community, the said quantity should be increased, in an initial stage, for vehicles designed for, and capable of, the transport of persons and travelling between Member States; whereas, in a second stage, the Council is to decide, on a proposal from the Commission, on the increase of the said quantity applicable to vehicles travelling between Member States and designed for, and capable of, the transport of goods,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 83/181/EEC is hereby amended as follows:

1. Article 83 is replaced by the following:

Article 83

Member States may limit the application of the exemption for fuel contained in the standard fuel tanks of commercial motor vehicles:

(a) when the vehicle comes from a third country, to 200 litres per vehicle and per journey;

(b) when the vehicle comes from another Member State:

— to 200 litres per vehicle and per journey in the case of vehicles designed for, and capable of, the transport, with or without remuneration, of goods,

— to 600 litres per vehicle and per journey in the case of vehicles designed for, and capable of, the transport, with or without remuneration, of more than nine persons, including the driver.

Acting in accordance with the procedures provided for by the Treaty on this point, the Council shall decide, on a proposal from the Commission, before 1 July 1986, on the increase of the quantity of fuel admitted duty-free and contained in the standard fuel tanks of the vehicles referred to in the first indent of (b) of the first subparagraph.

2. Article 84 (a) is replaced by the following:

(a) commercial motor vehicles engaged in international transport coming from third countries to their frontier zone, to a maximum depth of 25 kilometres as the crow flies, where such transport consists of journeys made by persons residing in that zone;

Article 2

Member States shall take the necessary measures to conform with this Directive by 1 October 1985 at the latest. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 8 July 1985.

For the Council

The President

J. SANTER

⁽¹⁾ OJ No C 95, 6. 4. 1984, p. 3.

⁽²⁾ OJ No C 172, 2. 7. 1984, p. 15.

⁽³⁾ OJ No C 248, 17. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 105, 23. 4. 1983, p. 38.

COUNCIL DIRECTIVE

of 8 July 1985

amending Directive 68/297/EEC on the standardization of provisions regarding the duty-free admission of fuel contained in the fuel tanks of commercial motor vehicles

(85/347/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 75 and 99 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 Directive 68/297/EEC ⁽⁴⁾, as amended by Directive 83/127/EEC ⁽⁵⁾, laid down the minimum quantity of fuel contained in the fuel tanks of commercial motor vehicles which must be admitted duty-free at the internal frontiers of the Community ;

Whereas, with a view to facilitating the crossing of these frontiers, in an initial stage the said quantity should be increased for vehicles which are designed for, and capable of, the transport of passengers ; whereas the Council is to decide at a later date on the increase applicable to vehicles which are designed for, and capable of, the transport of goods ;

Whereas the term 'standard fuel tank' should be defined,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Directive 68/297/EEC is hereby amended as follows :

1. Article 1 is replaced by the following :

Article 1

Member States shall, in accordance with this Directive, standardize provisions regarding the duty-free admission of fuel contained in the standard fuel tanks of commercial motor vehicles travelling across common frontiers between Member States.'

2. Article 2 is replaced by the following :

Article 2

For the purposes of this Regulation :

— "commercial motor vehicle" means any motorized road vehicle which by its type of construction and equipment is designed for, and capable of, transporting, whether for payment or not :

(a) more than nine persons, including the driver ;

(b) goods ;

— "standard fuel tanks" means the tanks permanently fixed by the manufacturer to all motor vehicles of the same type as the vehicle in question and whose permanent fitting enables fuel to be used directly, both for the purpose of propulsion and, where appropriate, for the operation of a refrigeration system.

Gas tanks fitted to motor vehicles designed for the direct use of gas as a fuel shall also be considered to be standard fuel tanks.'

3. Paragraph 1 of Article 3 is replaced by the following :

'1. Member States shall admit duty-free the following quantities of fuel contained in standard fuel tanks of commercial motor vehicles :

(a) 200 litres per vehicle and per journey in the case of vehicles designed for, and capable of, transporting goods, with or without payment ;

(b) 600 litres per vehicle and per journey in the case of vehicles designed for, and capable of, transporting more than nine persons including the driver.

Acting in accordance with the procedures provided for by the Treaty on this point, the Council shall decide, on a proposal from the Commission, before 1 July 1986, on the increase of the quantity of fuel admitted duty-free and contained in the standard fuel tanks of the vehicles referred to in (a) of the first subparagraph.'

4. Article 5 is deleted.

Article 2

Member States shall take the measures necessary to comply with this Directive not later than 1 October 1985. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ No C 95, 6. 4. 1984, p. 4.

⁽²⁾ OJ No C 172, 2. 7. 1984, p. 15.

⁽³⁾ OJ No C 248, 17. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 175, 23. 7. 1968, p. 15.

⁽⁵⁾ OJ No L 91, 9. 4. 1983, p. 28.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 8 July 1985.

For the Council

The President

J. SANTER

COUNCIL DIRECTIVE

of 8 July 1985

amending Directive 69/169/EEC on the harmonization of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international travel

(85/348/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 99 and 100 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 it is important to facilitate travel and tourism within the Community and, to this end, to relax the controls on persons at frontiers in order that citizens can appreciate more precisely the positive effects of the existence of the Community;

Whereas, with this in mind, there should be an increase in the exemption from turnover tax and excise duty, the level of which, as laid down by Directive 69/169/EEC ⁽⁴⁾, was last amended by Directive 84/231/EEC ⁽⁵⁾; whereas the exemption which may be applied to persons under the age of 15 should also be increased;

Whereas the quantitative limits laid down by Articles 4 (1) (d) and (e) of Directive 69/169/EEC in respect of coffee and tea are liable to give rise to additional formalities at frontiers; whereas any taxes levied can yield little tax revenue; whereas arrangements should therefore be made for raising these quantitative limits in travel between Member States;

Whereas the marketing of wines produced in the Community should be promoted; whereas an increase in the quantities of wines which can be imported duty-free is likely to contribute to this objective;

Whereas tafia, saké and other similar beverages can be treated as beverages with an alcoholic strength not exceeding 22 % vol for which there is currently a tax-free limit; whereas the list of beverages covered by this limit should therefore be extended;

Whereas it should be specifically mentioned that the limit on the quantity of alcoholic beverages which can be exempted applies *a fortiori* to pure alcohol;

Whereas every two years the amounts of the exemptions and the derogations authorized should be adjusted in order to maintain the genuine values thereof;

Whereas, should the adjustment of the Community exemption give rise to a decrease in the exemption in the national currency of a Member State, the Member State in question should be allowed to preserve the amount, in national currency, which existed prior to such adjustment;

Whereas the taxation system at present in force in Denmark, Greece and in Ireland does not yet authorize application, in its entirety, of the tax exemption granted to travellers coming from other Member States, bearing in mind the economic consequences which this might cause;

Whereas, therefore, these States must be authorized to derogate from Directive 69/169/EEC with regard to the unit value of goods imported tax-free; whereas, in addition, the Kingdom of Denmark should be authorized to apply a reduced quantitative limit for still wines;

Whereas Directive 84/231/EEC authorized the Kingdom of Denmark to derogate from Directive 69/169/EEC with regard to the import of certain products by travellers having their residence in Denmark, after having stayed in another country for less than 48 hours;

Whereas the taxation system at present applied in Denmark does not permit of any limitations on the application of this rule on 31 December 1985 without the risk of economic consequences; whereas, therefore, the application thereof should be extended until 31 December 1987,

⁽¹⁾ OJ No C 114, 28. 4. 1983, p. 4 and OJ No C 81, 22. 3. 1984, p. 6.

⁽²⁾ OJ No C 10, 16. 1. 1984, p. 44.

⁽³⁾ OJ No C 57, 29. 2. 1984, p. 12.

⁽⁴⁾ OJ No L 133, 4. 6. 1969, p. 6.

⁽⁵⁾ OJ No L 117, 3. 5. 1984, p. 42.

HAS ADOPTED THIS DIRECTIVE :

Article 1

Directive 69/169/EEC is hereby amended as follows :

1. In Article 2 :

- (a) in paragraph 1, 'as from 1 July 1984, 280 ECU' is replaced by '350 ECU';
- (b) in paragraph 2, 'up to 60 ECU' is replaced by 'up to 90 ECU';

(c) the following paragraph is added :

'6. Every two years, and for the first time on 31 October 1987 at the latest, the Council, acting in accordance with the procedures provided for by the Treaty on this point, shall adjust the amounts of the exemptions referred to in paragraphs 1 and 2 in order to maintain the genuine value.'

2. In Article 4 (1) the table is replaced by the following :

	I Travel between third countries and the Community	II Travel between Member States
(a) Tobacco products :		
cigarettes or	200	300
cigarillos (cigars of a maximum weight of 3 grammes each)	100	150
or		
cigars or	50	75
smoking tobacco	250 g	400 g
(b) Alcohol and alcoholic beverages :		
— distilled beverages and spirits of an alcoholic strength exceeding 22 % vol ; undenatured ethyl alcohol of 80 % vol and over	} a total of 1 litre	a total of 1,5 litres
or distilled beverages and spirits, and aperitifs with a wine or alcohol base, tafia, saké or similar beverages of an alcoholic strength not exceeding 22 % vol ; sparkling wines, fortified wines and		} a total of 2 litres
— still wines	a total of 2 litres	
(c) Perfumes	50 g	75 g
and		
toilet waters	¼ litre	⅜ litre
(d) Coffee	500 g	1 000 g
or		
coffee extracts and essences	200 g	400 g
(e) Tea	100 g	200 g
or		
tea extracts and essences	40 g	80 g

3. In Article 6 (4), (b) is supplemented by the following :

'proving that the turnover tax has been or will be applied.'

4. At the end of Article 7 (4), the following is added :

'or to a lowering of this exemption.'

5. The following subparagraph is added to Article 7a :

'It shall be open to Member States not to levy turnover tax or excise duty on the import of goods by a traveller when the amount of the tax which should be levied is equal to, or less than, 5 ECU.'

6. The following Articles are added :

Article 7b

1. By way of derogation from Article 2 (1) :

- (a) the Kingdom of Denmark and the Hellenic Republic shall be authorized to exclude, from the exemption, goods the unit value of which exceeds 280 ECU ;
- (b) Ireland shall be authorized to exclude, from the exemption, goods the unit value of which exceeds 77 ECU.

2. By way of derogation from Article 2 (2), Ireland shall be authorized to exclude, from the exemption, goods the unit value of which exceeds 77 ECU.

3. Throughout the period during which the derogations referred to in paragraph 1 are applied, the other Member States shall take the measures necessary to enable remission of tax, according to the procedures referred to in Article 6, to take place for goods imported into Denmark, into Greece and into Ireland which are excluded from the exemption in these countries.

4. Every two years, and for the first time on 31 October 1987 at the latest, the Council, acting in accordance with the procedures provided for by the Treaty on this point, shall adjust the amounts of the exemptions referred to in paragraphs 1 and 2 in order to maintain the genuine value.

Article 7c

1. By way of derogation from Article 4 (1), the Kingdom of Denmark shall be authorized:

- (a) to apply to still wines, in trade between Member States, a limit of four litres;
- (b) in respect of exemption on importation of the goods referred to below, to apply the following quantitative limits, where such goods are imported by travellers resident in Denmark, after a stay in another country:

— until 31 December 1987, following a stay of less than 48 hours,

— from 1 January 1988 to 31 December 1989, following a stay of less than 24 hours:

	from 1 January 1985 to 31 December 1986	from 1 January 1987 to 31 December 1987	from 1 January 1988 to 31 December 1988	from 1 January 1989 to 31 December 1989
Cigarettes	60	140	200	240
or smoking tobacco where the tobacco particles have a width of less than 1,5 mm (fine cut)	100 g	200 g	250 g	300 g
Distilled beverages and spirits of an alcoholic strength exceeding 22 % vol	Nil	0,35	0,35	0,7

2. Directive 84/231/EEC is hereby repealed as from 30 September 1985.

Article 2

1. Member States shall implement the measures necessary to conform with this Directive on 1 October 1985.

2. Member States shall inform the Commission of the provisions which they adopt to implement this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 8 July 1985.

For the Council

The President

J. SANTER

COUNCIL DIRECTIVE

of 8 July 1985

amending Directive 74/651/EEC on the tax reliefs to be allowed on the importation of goods in small consignments of a non-commercial character within the Community

(85/349/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 99 and 100 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 system of reliefs on small consignments sent from one private person to another should be further developed, thereby contributing to the creation of an economic market with characteristics similar to those of a domestic market while, at the same time, facilitating personal and family contacts between private persons in different Member States;

Whereas the amounts of the reliefs from turnover taxes and excise duties laid down by Council Directive 74/651/EEC ⁽⁴⁾, as last amended by Directive 81/934/EEC ⁽⁵⁾, should be increased in order to take account of trends in the cost of living throughout the Community;

Whereas the taxation system currently in force in Ireland does not yet authorize the full application of tax relief to be allowed on small consignments of a non-commercial character within the Community; whereas that State should therefore be authorized to derogate from Directive 74/651/EEC;

Whereas the amounts of the reliefs and the authorized derogations should be adjusted every two years in order to maintain real value,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 74/651/EEC is hereby amended as follows:

1. In Article 1:

(a) in paragraph 2 (d), '70 ECU' is replaced by '100 ECU';

(b) The following paragraph is inserted:

'2a. Notwithstanding paragraph 2 (d), Ireland shall be authorized to exclude from relief those goods the unit value of which is greater than 77 ECU.'

(c) The following paragraph is inserted:

'4. Every two years, and for the first time on 31 October 1987 at the latest, the Council, acting in accordance with the procedures laid down by the Treaty in the matter, shall adjust the amounts of the reliefs referred to in paragraphs 2 and 2a in order to maintain real value.'

2. The following Article is inserted after Article 1a:

Article 1b

Where the value of goods contained in a small consignment within the meaning of Article 1 exceeds the amounts mentioned in that Article, turnover taxes and/or excise duties need not apply where the total amount to be levied is less than 3 ECU.

Article 2

1. Member States shall bring into force the measures necessary to comply with this Directive not later than 1 October 1985.

2. Member States shall inform the Commission of the provisions which they adopt to implement this Directive.

⁽¹⁾ OJ No C 3, 6. 1. 1984, p. 5 and OJ No C 189, 17. 7. 1984, p. 7.

⁽²⁾ OJ No C 127, 14. 5. 1984, p. 26.

⁽³⁾ OJ No C 103, 16. 4. 1984, p. 2.

⁽⁴⁾ OJ No L 354, 30. 12. 1974, p. 57.

⁽⁵⁾ OJ No L 338, 25. 11. 1981, p. 25.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 8 July 1985.

For the Council

The President

J. SANTER
