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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 2218/85**

**of 2 August 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(4)</sup>, 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 2159/85<sup>(5)</sup> 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 855/84<sup>(7)</sup>,

- 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 1 August 1985;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2159/85 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 3 August 1985.

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

Done at Brussels, 2 August 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 203, 1. 8. 1985, p. 8.

<sup>(6)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(7)</sup> OJ No L 90, 1. 4. 1984, p. 1.

## ANNEX

to the Commission Regulation of 2 August 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	108,42
10.01 B II	Durum wheat	169,43 <sup>(1)</sup> <sup>(2)</sup>
10.02	Rye	108,30 <sup>(6)</sup>
10.03	Barley	103,90
10.04	Oats	80,84
10.05 B	Maize, other than hybrid maize for sowing	89,69 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	53,24 <sup>(4)</sup>
10.07 C	Grain sorghum	107,20 <sup>(4)</sup>
10.07 D I	Triticale	<sup>(7)</sup>
10.07 D II	Canary seed; other cereals	0 <sup>(5)</sup>
11.01 A	Wheat or meslin flour	164,79
11.01 B	Rye flour	164,62
11.02 A I a)	Durum wheat groats and meal	275,70
11.02 A I b)	Common wheat groats and meal	177,97

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

<sup>(2)</sup> 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'.

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

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

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> 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 2219/85

of 2 August 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(4)</sup>, 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 2160/85<sup>(5)</sup> 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 855/84<sup>(7)</sup>,

- 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 1 August 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 3 August 1985.

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

Done at Brussels, 2 August 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 203, 1. 8. 1985, p. 11.

<sup>(6)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(7)</sup> OJ No L 90, 1. 4. 1984, p. 1.

## ANNEX

to the Commission Regulation of 2 August 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 8	1st period 9	2nd period 10	3rd period 11
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	2,40	2,40	0
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	3,83	3,83	6,00
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	2,04
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

## B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2220/85

of 22 July 1985

laying down common detailed rules for the application of the system of securities for agricultural products

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, and in particular Articles 7 (5), 8 (4), 12 (2), 15 (3) and (5) and 16 (6) thereof, and the corresponding provisions of the other Regulations on the common organization of the market in respect of agricultural products, and also to other provisions in the Regulations on the common organization of markets which, when applied in practice, provide for a security;

Having regard to Council Regulation (EEC) No 525/77 of 14 March 1977 establishing a system of production aid for tinned pineapple<sup>(3)</sup>, as last amended by Regulation (EEC) No 1699/85<sup>(4)</sup>, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products<sup>(5)</sup>, as last amended by Regulation (EEC) No 1302/85<sup>(6)</sup>, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton<sup>(7)</sup>, as last amended by Regulation (EEC) No 1462/84<sup>(8)</sup>, and in particular Article 5 (3) thereof,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins<sup>(9)</sup>, as last amended by Regulation (EEC) No 1485/85<sup>(10)</sup>, and in particular Article 3 (5) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture<sup>(11)</sup>, and in particular Article 12 thereof,

Whereas numerous provisions in Community agricultural Regulations require that a security be given to ensure payment of a sum due if an obligation is not met; whereas, however, experience has shown that this requirement is in practice interpreted in widely differing fashions; whereas, therefore, in order to avoid unequal competitive conditions, the requirement should be more fully defined;

Whereas, in particular, the form of the security should be defined;

Whereas many provisions in Community agricultural Regulations provide that the security given is forfeited if any obligation secured is breached, without making any distinction between breaches of fundamental and of secondary or subordinate obligations; whereas in the interests of equity a distinction should be drawn between the consequences of breaching a fundamental obligation and the consequences of breaching a secondary or subordinate one; whereas, in particular, provision should be made, where permissible, for forfeiture of only a part of the security where the fundamental obligation is in fact met but the deadline set for meeting it has been slightly exceeded, or when a secondary or subordinate obligation is not met;

Whereas no distinction between the consequences of failure to meet an obligation should be made based on whether or not an advance payment has been received; whereas, accordingly, securities given against advances are covered by separate rules;

Whereas the costs of lodging a security, incurred by both the party giving the security and the competent authority, may be out of proportion to the sum whose payment the security guarantees if that sum is below a certain limit; whereas competent authorities must therefore have the right to waive the requirement of a security for payment of a sum below that limit; whereas, further, a competent authority should be empowered to waive the requirement of a security where the nature of the person required to meet the obligations makes that requirement unnecessary;

Whereas a competent authority should have the right to refuse a security offered where it considers it to be unsatisfactory,

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 73, 21. 3. 1977, p. 46.

<sup>(4)</sup> OJ No L 163, 22. 6. 1985, p. 12.

<sup>(5)</sup> OJ No L 131, 26. 5. 1977, p. 6.

<sup>(6)</sup> OJ No L 137, 27. 5. 1985, p. 9.

<sup>(7)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(8)</sup> OJ No L 142, 29. 5. 1984, p. 1.

<sup>(9)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(10)</sup> OJ No L 151, 10. 6. 1985, p. 7.

<sup>(11)</sup> OJ No L 164, 24. 6. 1985, p. 6.

Whereas a time limit for furnishing the evidence needed for the release of a sum secured should be laid down where no such time limit is laid down elsewhere;

Whereas, in connection with the representative rate to be used for converting a sum secured expressed in ECU into national currency, the operative event referred to in Article 5 of Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purpose of the common agricultural policy<sup>(1)</sup>, should be defined;

Whereas the procedure to be followed once a security is forfeited should be laid down,

Whereas the Commission should be enabled to monitor the implementation of the provisions on securities,

Whereas this Regulation lays down the rules to apply generally to all sectors and all products, unless Community legislation specific to the sector lays down different rules; whereas the specific rules laid down for each sector will continue to apply until such time as they are cancelled or amended,

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

## TITLE I

### Scope of the Regulation

#### Article 1

This Regulation lays down the rules governing securities to be given, either under the following Regulations or under any implementing Regulations, unless other rules are laid down by those Regulations:

- (a) Regulations laying down the common organization of markets in certain agricultural products:
- Regulation No 136/66/EEC (oils and fats)<sup>(2)</sup>,
  - Regulation (EEC) No 804/68 (milk and milk products)<sup>(3)</sup>,

<sup>(1)</sup> OJ No L 164 of 24. 6. 1985, p. 1.

<sup>(2)</sup> OJ No L 172, 30. 9. 1966, p. 3025.

<sup>(3)</sup> OJ No L 148, 28. 6. 1968, p. 13.

- Regulation (EEC) No 805/68 (beef and veal)<sup>(4)</sup>,
- Regulation (EEC) No 727/70 (raw tobacco)<sup>(5)</sup>,
- Regulation (EEC) No 2358/71 (seeds)<sup>(6)</sup>,
- Regulation (EEC) No 1035/72 (fruit and vegetables)<sup>(7)</sup>,
- Regulation (EEC) No 2727/75 (cereals),
- Regulation (EEC) No 2759/75 (pigmeat)<sup>(8)</sup>,
- Regulation (EEC) No 2771/75 (eggs)<sup>(9)</sup>,
- Regulation (EEC) No 2777/75 (poultrymeat)<sup>(10)</sup>,
- Regulation (EEC) No 1418/76 (rice)<sup>(11)</sup>,
- Regulation (EEC) No 516/77 (products processed from fruit and vegetables)<sup>(12)</sup>,
- Regulation (EEC) No 1117/78 (dried fodder)<sup>(13)</sup>,
- Regulation (EEC) No 337/79 (wine)<sup>(14)</sup>,
- Regulation (EEC) No 1837/80 (sheepmeat and goatmeat)<sup>(15)</sup>,
- Regulation (EEC) No 1785/81 (sugar)<sup>(16)</sup>,
- Regulation (EEC) No 3796/81 (fishery products)<sup>(17)</sup>;

- (b) Regulation (EEC) No 525/77 (pineapple preserve);
- (c) Regulation (EEC) No 1079/77 (corresponsibility levy);
- (d) the system of aid for cotton as laid down in Regulation (EEC) No 2169/81.
- (e) special measures for peas, field beans and sweet lupins as laid down in Regulation (EEC) No 1431/82.
- (f) Regulation (EEC) No 1677/85 on agrimonetary measures.

#### Article 2

This Regulation shall not apply to securities given to ensure payment of the import and export duties referred to in Articles 1 and 10 of Council Directive 79/623/EEC<sup>(18)</sup>.

<sup>(4)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(5)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(6)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(7)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(8)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(9)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(10)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(11)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(12)</sup> OJ No L 73, 21. 3. 1977, p. 1.

<sup>(13)</sup> OJ No L 142, 30. 5. 1978, p. 2.

<sup>(14)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(15)</sup> OJ No L 183, 16. 7. 1980, p. 1.

<sup>(16)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(17)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(18)</sup> OJ No L 179, 17. 7. 1979, p. 31.



*Article 3*

For the purposes of this Regulation :

- (a) A 'security' is an assurance that a sum of money will be paid or forfeited to a competent authority if a particular obligation is not met.

This Regulation applies in all cases where the Regulations referred to in Article 1 provide for a security meeting this definition, whether or not the particular term 'security' is used.

- (b) A 'block security' is a security made available to the competent authority with the purpose of ensuring that more than one obligation is met.
- (c) An 'obligation' is a requirement or set of requirements, imposed by a Regulation, to perform or to refrain from performing an act.
- (d) A 'competent authority' is either a party authorized to accept a security or a party authorized to decide in accordance with the relevant Regulation if a security is to be released or forfeited.

## TITLE II

**Requirement of a security***Article 4*

A security shall be given by or on behalf of the party responsible for paying the sum of money due if an obligation is not met.

*Article 5*

1. The competent authority may waive the requirement of a security where the value of the sum secured is less than 100 ECU.

2. Where use is made of the facility in paragraph 1, the party concerned shall undertake in writing to pay a sum equal to that which he would have been required to pay had he given a security and that security has subsequently been forfeited in part or entirely.

3. This Article shall not apply where the security relates to an import or export licence or advance fixing certificate.

*Article 6*

The competent authority may waive the requirement of a security where the party responsible for meeting the obligation is either :

- (a) a public body responsible for executing the duties of a public authority, or
- (b) a private body executing such duties under State supervision.

*Article 7*

1. A security for a sum fixed in ECU shall be converted into national currency using the following representative rates :

- (a) securities in connection with advance payments : the same rate as that used to calculate the amount of the advance ;
- (b) securities in connection with tenders submitted under a Community tendering procedure ; the rate in force on the last day for submission of tenders ;
- (c) all other securities the rate in force on the day the security takes effect.

2. Where a block security is given, the rate for a particular operation shall be the rate in force on the day the security would have taken effect had no block security been given.

## TITLE III

**Form of securities***Article 8*

1. A security may be given by :

- (a) making a cash deposit as referred to in Articles 13 and 14 and/or
- (b) providing a guarantor as defined in Article 16 (1).

2. At the discretion of the competent authority, a security may be given by :

- (a) providing a mortgage, and/or
- (b) pledging cash deposits in a bank, and/or
- (c) pledging recognized claims against a public body or public funds, which are due and payable and against which no other claim has precedence, and/or
- (d) pledging securities negotiable in the Member State concerned provided they are issued or guaranteed by that State, and/or
- (e) pledging bonds, issued by mortgage credit associations, listed on a public stock exchange and for sale on the open market, provided that their credit rating ranks equal with that of government bonds.

3. Member States may impose additional terms for accepting securities of the type listed in paragraph 2.

*Article 9*

The competent authority shall refuse to accept or shall require the replacement of any security which it considers inadequate or unsatisfactory or which does not provide cover for a sufficient period.

*Article 10*

1. (a) Assets mortgaged in accordance with Article 8 (2) (a) or securities or bonds pledged in accordance with Article 8 (2) (d) and (e) shall, at the time the security is given, have a disposable value of at least 115 % of the value of the security required.
- (b) The disposable value of securities or bonds shall be assessed using the last available quotation.
- (c) A competent authority may accept a security of the type listed in Article 8 (2) (a), (d) or (e) only if the party offering it undertakes, in writing, either to give an additional security or to replace the original security should the disposable value of the assets, securities or bonds in question have been for a period of three months below 105 % of the value of the security required. This written undertaking shall not be necessary where national law already so provides. The competent authority shall regularly review the value of such assets, securities or bonds.
2. (a) The disposable value of a security as referred to in Article 8 (2) (a), (d) and (e) shall be assessed by the competent authority, taking into account any costs of disposal.
- (b) The party giving the security shall, at the request of the competent authority, provide proof of its disposable value.

*Article 11*

1. Any security may be replaced by another.  
However, the agreement of the competent authority shall be required in the following cases :
  - (a) where the original security has been forfeited but not yet realized, or
  - (b) where the replacement security is of a type listed in Article 8 (2).
2. A block security may be replaced by another block security on condition that the new block security covers at least that part of the original block security assigned at the time of replacement to ensure fulfilment of one or more obligations still outstanding.

*Article 12*

The security shall be expressed in the currency of the Member State where the relevant competent authority is situated.

*Article 13*

Where cash is deposited by transfer it shall not be regarded as establishing a security until the competent authority is satisfied that it has the amount at its disposal.

*Article 14*

1. A cheque for a sum whose payment is guaranteed by a financial institution recognized for the purpose by the Member State of the competent authority concerned shall be treated as a cash deposit. The competent authority need not present such a cheque for payment until the period for which it is guaranteed is about to expire.
2. A cheque, other than as referred to in paragraph 1, shall constitute a security only when the competent authority is satisfied that it has the amount at its disposal.
3. Any charges by a financial institution shall be borne by the party giving the security.

*Article 15*

No interest shall be paid to the party giving a security in the form of a cash deposit.

*Article 16*

1. The guarantor must have his normal residence or an establishment in the Community and, subject to the provisions of the Treaty concerning freedom to supply services, must be approved by the competent authority of the Member State in which the security is given. The guarantor shall be bound by a written guarantee.
2. The written guarantee shall state at least :
  - (a) the obligation or, in the case of a block security, the type(s) of obligation against whose fulfilment it guarantees the payment of a sum of money ;
  - (b) the maximum liability to pay that the guarantor accepts ;
  - (c) that the guarantor undertakes jointly and severally with the party responsible for meeting the obligation to pay, within 30 days of demand by the competent authority, any sum, within the limit of the guarantee, due once a security is declared forfeit.
3. The competent authority may accept a written telecommunication sent by the guarantor as constituting a written guarantee. If the competent authority does so accept, it shall take whatever steps are required to satisfy itself that the telecommunication is genuine.
4. Where a written block guarantee has already been given, the competent authority shall determine the procedure to be followed by which all or part of the block guarantee shall be allocated to a particular obligation.

*Article 17*

As soon as part of a block security is assigned to a particular obligation, the balance of the block security remaining shall be noted.

## TITLE IV

**Advance payments***Article 18*

The provisions of this Title :

- shall apply in all cases where a specific Regulation provides that a sum may be advanced before the obligation has been met;
- shall apply to advance payments made under Regulation (EEC) No 565/80 <sup>(1)</sup>.

*Article 19*

1. The security shall be released when :

- (a) final entitlement to the sum granted as advance has been established, or
- (b) the sum granted, plus any addition provided for in the specific Regulation, has been repaid.

2. Once the deadline for showing final entitlement to the sum granted has passed without production of evidence of entitlement, the competent authority shall immediately follow the procedure in Article 29.

However, where Community legislation so provides, evidence may still be produced after that date against partial repayment of the security.

3. If the *force majeure* provisions in Community legislation permits repayment of the advance alone, the following further conditions shall apply :

- (a) the circumstances claimed as *force majeure* shall be notified to the competent authority not later than 30 days after the day on which information was received by the party concerned that circumstances indicating a possible case of *force majeure* had arisen, and
- (b) the party concerned shall repay the sum advanced or the relevant part of it within 30 days from the date on which the competent authority issues a request for repayment.

If the conditions laid down at (a) and (b) are not respected, the terms of repayment shall be the same as if circumstances of *force majeure* had not occurred.

<sup>(1)</sup> OJ No L 62, 7. 3. 1980, p. 5.

## TITLE V

**Release and forfeiture of securities other than those referred to in Title IV***Article 20*

1. An obligation may include primary, secondary or subordinate requirements.
2. A primary requirement is a requirement, basic to the purposes of the Regulation imposing it, to perform, or to refrain from performing, an act.
3. A secondary requirement is a requirement to respect the time limit for fulfilling a primary requirement.
4. A subordinate requirement is any other requirement imposed by a Regulation.
5. This Title shall not apply where the relevant specific Regulation has not defined the primary requirements.

*Article 21*

Once the evidence laid down by the specific Regulation has been furnished that all primary, secondary and subordinate requirements have been fulfilled, the security shall be released.

*Article 22*

1. A security shall be forfeited in full for the quantity for which a primary requirement has been breached.
2. A primary requirement shall be considered to have been breached if the relevant evidence is not produced within the time limit set for the production of that evidence except in cases of *force majeure*.

The procedure in Article 29 for recovering the sum forfeited shall immediately be followed.

3. Where evidence that all primary requirements have been met is produced within 18 months of the deadline in the first subparagraph of paragraph 2, 85 % of the sum forfeited shall be repaid.

Where evidence that all primary requirements have been met is produced within 18 months of that deadline in circumstances where the relevant secondary requirement has not been met, the sum to be repaid shall be the sum that would have been repayable under Article 23 (2), less 15 % of the relevant part of the sum secured.

4. No repayment shall be made where evidence that all primary requirements have been respected is produced after the 18 months period referred to in paragraph 3 has expired.

*Article 23*

1. If the evidence laid down by the specific Regulation is produced within the specified period that all primary requirements have been met, in circumstances where a secondary requirement has been breached, a partial release of the security shall be made and the rest of the sum secured forfeited. The procedure in Article 29 for recovering the sum forfeited shall be followed.

2. The proportion of the security released shall be : the security covering the relevant part of the sum secured less

(a) 15 %, and

(b) — 10 % of the sum remaining after deduction of the 15 % for each day by which :

— a maximum period of 40 days or less has been exceeded,

— a minimum period of 40 days or less has not been respected ;

— 5 % of the sum remaining after deduction of the 15 % for each day by which :

— a maximum period of between 41 and 80 days has been exceeded,

— a minimum period of between 41 and 80 days has not been respected ;

— 2 % of the sum remaining after deduction of the 15 % for each day by which :

— a maximum period of 81 days or more has been exceeded,

— a maximum period of 81 days or more has not been respected.

3. This Article shall not apply to periods for either applying for, or using, import and export licences and advance fixing certificates, or to periods relating to the fixing of import and export levies and export refunds by tender.

*Article 24*

1. Breach of one or more subordinate requirements shall lead to forfeiture of 15 % of the relevant part of the sum secured.

2. The procedure laid down in Article 29 for recovery of the sum forfeited shall immediately be put into effect.

3. This Article shall not apply in circumstances where Article 22 (3) applies.

*Article 25*

If evidence is furnished that all primary requirements have been respected but both a secondary and a subordinate requirement have been breached, Articles 23 and 24 shall apply and the total amount to be forfeited

shall be equal to the amount forfeited in accordance with Article 23 plus an amount equal to 15 % of the amount which would have been released if all subordinate requirements had been fulfilled.

*Article 26*

The total sum forfeited shall not exceed 100 % of the relevant part of the sum secured.

*Article 27*

1. A security shall on request be released in part where the relevant evidence has been furnished in relation to part of a quantity of product, provided that that part is not less than any minimum quantity specified in the Regulation requiring the security.

Where the particular Community rules do not specify a minimum quantity, the competent authority may itself restrict the number of partial releases of any one security, and may specify a minimum sum for any such release.

2. Before releasing all or part of a security the competent authority may require that a written request for release be furnished.

3. In the case of securities covering, in accordance with Article 10 (1), more than 100 % of the sum required to be secured, that part of the security exceeding 100 % shall be released when the remainder of the sum secured is finally released or forfeited.

*Article 28*

1. Where no period is laid down for producing the evidence needed to release a sum secured, such period shall be :

(a) 12 months from the time limit specified for respecting all primary requirements, or

(b) where no such time limit is specified, 12 months from the date by which all primary requirements have been met.

2. The period laid down in paragraph 1 shall not exceed three years from the time the security was assigned to a particular obligation, except in cases of *force majeure*.

## TITLE VI

**General provisions***Article 29*

Once the competent authority is aware of circumstances giving rise to forfeiture of the security, in whole or in part, it shall without delay demand that the party required to meet the obligation to pay the sum forfeited, allowing up to 30 days from the day of issue of demand for payment.

Where payment has not been made at the end of this period, the competent authority shall :

- (a) without delay clear any security of the type described in Article 8 (1) (a) to the appropriate account ;
- (b) without delay require the guarantor described in Article 8 (1) (b) to pay, allowing up to 30 days from the day of issue of demand for payment,
- (c) without delay take steps to,
  - (i) convert the securities described in Article 8 (2) (a), (c), (d) and (e) into money sufficient to recover the sum due,
  - (ii) clear pledged cash deposits to its own account.

The competent authority may without delay clear any security of the type described in Article 8 (1) (a) to the appropriate account without first requiring the person concerned to effect payment.

#### *Article 30*

The Commission may, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC and in the corresponding Articles of the other Regulations on the common organization of markets, provide for a derogation from the foregoing provisions.

### TITLE VII

#### Communications

#### *Article 31*

1. The Member States shall send to the Commission by 31 July for the period covered by the previous year the total number and sum of securities forfeited, whatever stage of the procedure in Article 29 has been reached, distinguishing in either case between those

credited to the Member State and those credited to the Commission.

2. The information referred to in paragraph 1 shall be provided in relation to each Community provision requiring that a security be given.
3. No information shall be provided in relation to securities of a value of 1 000 ECU or less.
4. Information shall cover both sums paid directly by the interested party and sums recovered by realizing a security.
5. The Commission shall transmit to the Member States a summary of the information provided under this Article.

#### *Article 32*

1. Member States shall notify the Commission of the types of institution authorized to act as guarantors and of the requirements set. Changes in the types of institution authorized and of the requirements set shall also be notified. The Commission shall in turn inform the other Member States.
2. Member States whose competent authorities make use of Article 8 (2) shall notify the Commission of the types of security accepted under these provisions and of the requirements set.

#### *Article 33*

This Regulation shall enter into force on 1 March 1986.

It shall apply to securities given on or after that date and to block securities which are used on or after the date to ensure that one or more individual obligations are met.

At the request of the party concerned it shall apply to securities given before that date which have not been released or forfeited.

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

Done at Brussels, 22 July 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## COMMISSION REGULATION (EEC) No 2221/85

of 29 July 1985

## imposing a provisional anti-dumping duty on imports of basic chromium sulphate originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

#### A. Procedure

1. In July 1984 the Commission received a complaint lodged by the European Federation of Chemical Manufacturers' Federations (CEFIC) on behalf of a producer representing a major proportion of Community production of basic chromium sulphate and 100 % of the production of this product in Italy. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports into the Community of basic chromium sulphate falling within Common Customs Tariff subheading ex 28.38 A IV, corresponding to NIMEXE code ex 28.38-49 and originating in Yugoslavia and commenced an investigation.
2. The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainant and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
3. Both Yugoslav producers known to the Commission made their views known in writing. None of the Yugoslav exporters who act as agents on behalf

of the producers, made known to the Commission in the course of the proceeding, expressed their views. None of the interested parties have requested a hearing.

4. No submissions were made by or on behalf of Community purchasers or processors of basic chromium sulphate.
5. The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out an investigation at the premises of the EEC producer concerned Luigi Stoppani SpA, Milan (Italy).
6. With a view to obtaining and verifying the information relating to the Yugoslav producers, Zorka (Subotica) and Zupa Hemijska Industrija (Krusevac), the Commission conducted an investigation in Belgrade, not at the premises of the producers, but, upon the proposal of the Yugoslav producers, in the offices of a professional association. The Commission's representatives were not given the opportunity to obtain and verify all relevant information.
7. The investigation of dumping and price undercutting covered the period from 1 April to 30 September 1984.

#### B. Normal value

8. It was found that, with respect to the product concerned destined for the domestic market, both Yugoslav producers only transformed the raw material supplied to them by their customers, whom they charged for the transformation of the raw material into basic chromium sulphate. The price charged on the domestic market for this transformation service by the producers of the product exported to the Community could not be considered to be the comparable price actually paid or payable in the ordinary course of trade of the like product intended for consumption in the exporting country in accordance with Article 2 (3)(a) of Regulation (EEC) No 2176/84.
9. In view of this it was necessary to have recourse to one of the other methods provided for by Regulation (EEC) No 2176/84 to establish normal value. No opportunity was given to the Commission to verify all the relevant data relating to the cost of production and the margin of profit in Yugoslavia.

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No C 276, 16. 10. 1984, p. 5.

Furthermore, both producers were requested to submit information concerning the comparable price of the like product exported from Yugoslavia to third countries. However, the Yugoslav producers refused to submit any evidence on this matter. It was therefore impossible to determine the normal value in accordance with Article 2 (3) (b) (i) or (ii) of Regulation (EEC) No 2176/84.

10. Consequently, it is considered appropriate to determine normal value in accordance with Article 7 (7) (b) of Regulation (EEC) No 2176/84 on the basis of the facts available, i.e. the domestic price appearing in the complaint which has been verified as far possible by the Commission on the basis of other information available to it. The attention of the Yugoslav producers was drawn to this possible course of action on several occasions.

#### C. Export price

11. Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.

#### D. Comparison

12. In comparing normal value with export prices the Commission took account, where appropriate and to the extent of the evidence available, of differences in conditions and terms of sale such as transport, insurance, forwarding costs and commissions.
13. All comparisons were made at ex-works level.

#### E. Margins

14. Normal value was compared with the export prices of each export transaction. The above preliminary examination of the facts shows the existence of dumping in respect of Zorka and Zupa Hemijska Industrija. The dumping margins vary according to the exporter, the weighted average margin for each of the exporters being as follows:

— Zorka :	17,0 %
— Zupa Hemisjka Industrija :	14,3 %

#### F. Injury

15. With regard to the injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from Yugoslavia of basic chromium sulphate increased from 2 342 tonnes in 1981 to 3 620 tonnes in 1982 and to 4 258 tonnes in 1983. During the first nine months of 1984 these imports amounted to

1 995 tonnes, which corresponds to 2 660 tonnes on an annual basis. With regard to the imports of the product concerned originating in Yugoslavia into Italy they increased from 1 227 tonnes in 1981 to 2 900 tonnes in 1982. In 1983 these imports amounted to 4 195 tonnes and during the first nine months of 1984 to 1 909 tonnes, which corresponds to 2 545 tonnes on an annual basis.

16. The development of the imports originating in Yugoslavia into the Community corresponds to an increase in the market share held by the product concerned originating in Yugoslavia in the Community from 5,7 % in 1981 to 9,9 % in 1982 and to 11,5 % in 1983. The market share held by the Yugoslav product amounted to 8,2 % during the first nine months of 1984. With regard to the market share held by the Yugoslav product on the Italian market, it increased from 6,2 % in 1981 to 16 % in 1982 and to 21,9 % in 1983. During the first nine months of 1984 it amounted to 16,6 % the market share held by other Community producer on the Italian market having increased from 27,9 % in 1983 to 32,3 % during the first nine months of 1984.

17. The weighted average resale prices of these dumped imports undercut the prices of the Italian producer during the period under investigation by up to 16 %.

18. The production of the Italian producer decreased by 2,1 % and 3 % in 1982 and 1983 respectively. During the first nine months of 1984 it decreased by another 0,5 %. The capacity utilization of the Italian producer decreased from 70,6 % in 1981 to 69,1 % in 1982 and to 67,0 % in 1983. During the first nine months of 1984 it dropped further to 66,7 %.

19. The stocks held by the Italian producer increased by 272 % between 1981 and 1982 when the market share held by the Yugoslavian product on the Italian market increased most. i. é. from 6,2 % to 16 %. In 1983 the stocks held by the Italian producer remained at the same level as in 1982. Although the stocks of this product decreased by 19 % towards the end of the first nine months of 1984, they remained 200 % above the 1981 level.

20. The sales of the Italian producer on the Italian market decreased by 30 % between 1981 and 1982. In 1983 they decreased by 12,3 % and during the first nine months of 1984 by an estimated 16,2 %. The Italian producer would have been even more affected had he not been able to make significant increases in his sales outside the Community. However, these sales were made at less attractive prices than those realized on the domestic market and consequently affected the profitability of the Italian producer.



21. The market share of the Italian producer on his domestic market decreased from 70,0 % in 1981 to 53,3 % in 1982 and to 46,0 % in 1983. During the first nine months of 1984 it further decreased to 44,9 %.
22. Since 1983 the Italian producer started realizing a smaller profit on his sales of the product concerned on the Italian market, mainly because he was not able to increase his sales prices in order to keep up with his increased costs, and his total sales of the product concerned even resulted in losses.
23. Furthermore, in order to meet the competition from the Yugoslavian product the Italian producer decided to start selling, as of 1982, significant quantities of his own product packaged in neutral bags at prices comparable to the import prices but considerably lower than the prices charged for the product sold under his own brand name. Furthermore, the Italian producer started, as of 1983, purchasing from an importer in another Member State and reselling the Yugoslav product in order to protect his customer base. However, in 1984 the Italian producer ceased this practice because he was unable to cover the distribution costs of these goods in view of the particularly low prices charged by several Italian importers who imported the Yugoslav product directly from Yugoslavia. Despite the import and resale of the Yugoslav product by the Italian producer, the latter was not able to maintain the market share of his own production (i. e. excluding imported goods).
24. With regard to the impact on the other main Community producer of the product concerned, who has a production capacity comparable to that of the Italian producer and who in 1983 had an estimated market share of approximately 20 % on the Italian market, it was found that his average sales price in Italy decreased by approximately 5 % during the period 1982 to 1983. Furthermore, during the first nine months of 1984 this producer had to align his sales prices of the product concerned in Italy to the level of the resale prices of the Yugoslav product.
25. The Commission has considered whether the abovementioned problems faced by the Italian producer who represents a major proportion of the Community industry have been caused by factors other than those relating to the dumped imports, such as the increase in sales made by other Community producers on the Italian market. However, the substantial increase in dumped

imports between 1981 and 1983 and the prices at which they were offered for sale in Italy, the part of Community market in which these imports were mainly made, led the Commission to determine that dumped imports of basic chromium sulphate, originating in Yugoslavia taken in isolation, have to be considered as being a major source of the problems faced by a major proportion of the Community industry concerned and that these imports were, therefore, through the effects of dumping, causing material injury to that industry. The trend of diminished imports of the Yugoslavian product during the first nine months of 1984 is not considered a sufficient reason for not taking any action.

#### G. Community interest

26. In view of the particularly serious difficulties facing the Community industry, the Commission has come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

#### H. Rate of duty

27. Having regard to the extent of the injury suffered by the Italian producer, the rate of such duty should be less than the margins of dumping provisionally established. The problems which the Italian producer was facing were not exclusively due to the dumped imports. The level of the diminished Yugoslav imports and the increased sales on the Italian market by another Community producer make it appropriate to impose the rate of anti-dumping duty which it is considered will eliminate that proportion of the Italian producer's difficulties which is regarded as attributable to the injury caused by the dumping.
28. Having taken into account, on the one hand, the selling price necessary to provide an adequate profit to the Community industry and, on the other hand, the purchase price of the importer who supplied information to the Commission and his costs and profit margin, the Commission determined the amount of duty necessary to eliminate the injury caused by the dumped imports to be 10 %.
29. A period should be fixed within which the parties concerned may make their views known and request a hearing.



HAS ADOPTED THIS REGULATION :

*Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of basic chromium sulphate falling within Common Customs Tariff subheading ex 28.38 A IV corresponding to NIMEXE code ex 28.38-49 and originating in Yugoslavia.

2. The amount of the duty shall be equal to 10,0 % of the price per tonne net, free at Community frontier, before duty.

The free at Community frontier prices shall be net if the conditions of sale provide for payment within 30 days from the date of shipment; they shall be increased or reduced by 1 % for each respective increase or reduction of one month in the period for payment.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the lodging of a security, equivalent to the amount of the provisional duty.

*Article 2*

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

*Article 3*

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84 it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 29 July 1985.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 2222/85

of 31 July 1985

fixing for the 1985/86 marketing year the minimum price to be paid to producers for tomatoes and the amount of production aid for tomato based products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 746/85<sup>(2)</sup>, and in particular Articles 3b and 3c thereof,

Having regard to Council Regulation (EEC) No 1320/85 of 23 May 1985 on temporary measures for production aid to processed tomato products<sup>(3)</sup> and in particular Article 2 (5) thereof,

Whereas Council Regulation (EEC) No 1277/84 of 8 May 1984 laying down general rules for the system of production aid for processed fruit and vegetables<sup>(4)</sup> contains provisions as to the methods for determining production aid;

Whereas, under Article 3b (1) of Regulation (EEC) No 516/77, the minimum price to be paid to producers is to be determined for the Member States other than Greece on the basis of:

- (a) the minimum price applying during the previous marketing year;
- (b) the movement of basic prices in the fruit and vegetable sector;
- (c) the need to ensure the normal marketing of fresh products for the various uses.

Whereas Article 3c of the said Regulation lays down the criteria for fixing the amount of production aid; whereas, in respect of tomato concentrates, preserved whole peeled tomatoes and tomato juices the volume of imports makes the third country price unrepresentative; whereas the production aid for these products must be calculated by reference to a price based on the Community market price;

Whereas Article 1 (1) of Council Regulation (EEC) No 989/81<sup>(5)</sup> fixed as the guarantee threshold for each year a quantity of processed tomato products corresponding to 4 700 000 tonnes of fresh tomatoes; whereas Community production calculated in accordance with Article 2 (2) of that Regulation exceeds the threshold for the 1984/85 marketing year and the production of each group of tomato based products is higher than the quantity specified in the second subparagraph of Article 1 (1) of the same Regulation; whereas the production aid for the 1985/86 marketing year must be reduced for such products pursuant to Article 2 (1) of the same Regulation;

Whereas, as regards Greece, pursuant to Article 103 of the Act of Accession and until the first move towards alignment of prices, the minimum price to be paid to Greek producers is to be established on the basis of prices paid in Greece to national producers, over the reference period defined in Article 1 of Council Regulation (EEC) No 41/81<sup>(6)</sup>; whereas that price must be aligned with the level of the common prices pursuant to Article 59 of the Act of Accession;

Whereas, as regards Greece, the said Article 103 and Council Regulation (EEC) No 990/84<sup>(7)</sup> lay down the criteria for fixing the amount of production aid;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1985/86 marketing year:

- (a) the minimum prices referred to in Article 3b of Regulation (EEC) No 516/77 to be paid to producers for the products listed in Annex I hereto, and
- (b) the production aid referred to in Article 3c of the same Regulation for the products listed in Annex II hereto

shall be set out in the said Annexes.

<sup>(1)</sup> OJ No L 73, 21. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 81, 23. 3. 1985, p. 10.

<sup>(3)</sup> OJ No L 137, 27. 5. 1985, p. 41.

<sup>(4)</sup> OJ No L 123, 9. 5. 1984, p. 25.

<sup>(5)</sup> OJ No L 103, 16. 4. 1984, p. 19.

<sup>(6)</sup> OJ No L 3, 1. 1. 1981, p. 12.

<sup>(7)</sup> OJ No L 103, 16. 4. 1984, p. 21.

*Article 2*

The production aid set out in Annex II for processed tomato products shall when Article 2 of Regulation (EEC) No 1320/85 applies be weighted by a coefficient determined for each Member State in accordance with the following formula :

$$\frac{100}{100 + a},$$

where 'a' is the percentage by which the quantity of fresh tomatoes allocated by that Member State has been increased pursuant to Article 2 (1) of the said Regulation.

*Article 3*

1. The aid provided for in respect of Greece shall be applicable to all production of processed products obtained from produce grown in Greece.

2. Where processing takes place outside the Member State in which the produce was grown, such Member State shall furnish proof to the Member State paying the production aid that the minimum price payable to the producer has been paid.

*Article 4*

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

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

Done at Brussels, 31 July 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

*ANNEX I***MINIMUM PRICE TO BE PAID TO THE PRODUCERS**

*(ECU/100 kilograms net, ex producer)*

Product	Greece	Other Member States
Tomatoes intended for the manufacture of:		
(a) tomato concentrates	8,61	9,72
(b) preserved whole peeled tomatoes or frozen whole peeled tomatoes:		
— the San Marzano variety,	14,70	16,26
— the Roma and similar varieties	11,05	12,38
(c) preserved non-whole peeled tomatoes and non-whole frozen peeled tomatoes	9,14	10,24
(d) tomato flakes	11,05	12,38
(e) tomato juice	8,61	9,72

## ANNEX II

## PRODUCTION AID

*(ECU/100 kolpgrams net)*

Product	Greece	Other Member States
1. Tomato concentrates with a dry weight content of 28 % or more but less than 30 %	23,88	27,00
2. Preserved whole peeled tomatoes :		
(a) of the San Marzano variety	8,31	12,41
(b) of the Roma and similar varieties	6,32	9,08
3. Frozen whole peeled tomatoes :		
(a) of the San Marzano variety	6,94	10,38
(b) of the Roma and similar varieties	5,28	7,59
4. Preserved non-whole peeled tomatoes	3,32	4,79
5. Non-whole frozen peeled tomatoes	3,32	4,79
6. Tomato flakes	77,93	88,08
7. Tomato juice with a dry weight content of less than 7 % :		
(a) with a dry weight content of 5 % or more	5,48	5,48
(b) with a dry weight content of 3,5 % or more but less than 5 %	3,56	3,56
8. Tomato juice with a dry weight content of 7 % or more but less than 12 % :		
(a) with a dry weight content of 7 % or more but less than 8 %	6,05	6,85
(b) with a dry weight content of 8 % or more but less than 10 %	7,26	8,22
(c) with a dry weight content of 10 % or more	8,88	10,04

## COMMISSION REGULATION (EEC) No 2223/85

of 31 July 1985

## laying down detailed rules for the application of temporary measures for production aid to processed tomato products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 746/85<sup>(2)</sup>, and in particular Article 3 (3) and 18 thereof,

Having regard to Council Regulation (EEC) No 1320/85 of 23 May 1985 on temporary measures for production aid to processed tomato products<sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EEC) No 1320/85 provides that the quantity of fresh tomatoes intended for the manufacture of processed tomato products attracting production aid shall be allocated among processing enterprises based on their production during either the marketing year 1982/83 or 1984/85 depending on their production periods; whereas enterprises wishing to benefit from production aid during the marketing year 1985/86 must have complied with the provisions of Article 2 of Commission Regulation (EEC) No 1599/84 of 5 June 1984 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables<sup>(4)</sup>, as amended by Regulation (EEC) No 1455/85<sup>(5)</sup>; whereas enterprises having produced during the marketing year 1982/83 or 1984/85 may have changed ownership or have undergone other changes; whereas the enterprises should communicate their production figures to the competent authorities; whereas enterprises commencing their activities during the marketing year 1985/83 should communicate to the competent authorities information on their production capacity;

Whereas the competent authorities shall allocate to each processing enterprise the quantity of fresh toma-

atoes which may be used for processing of finished products attracting production aid; whereas the allocation should be based on the particulars communicated by the enterprises and the aid application submitted during the relevant marketing year; whereas in cases where doubt exists as to the accuracy of the particulars, the competent authorities should be authorized to defer the allocation until such doubt is resolved;

Whereas the result of allocations of specific quantities to each enterprise will be that the payment of production aid will be limited to the target quantity; whereas that aim would also be achieved in cases where a quantity allocated to an enterprise could be transferred to another enterprise; whereas such a possibility would constitute a certain flexibility for the enterprises; whereas the competent authorities should be authorized to allow transfer of the right deriving from an allocation when that can be done without unfavourable consequences for the production aid system;

Whereas for tomato concentrate only one rate of aid is applicable; whereas for preserved whole peeled tomatoes and for other tomato-based products, two or more rates are applicable; whereas in cases where an enterprise uses more fresh tomatoes for the manufacture of the latter products than those allocated, the reduction of production aid should be made for all products in proportion to the extent by which the quantity allocated is exceeded;

Whereas Article 2 of Regulation (EEC) No 1320/85 lays down that the measures provided for in Article 1 (1) of the Regulation shall be suspended where, in a Member State, production is limited by an interprofessional agreement or a national measure to specific quantities; whereas to ensure uniform application, it should be stipulated that a national measure should contain provisions which would ensure that allocation of quantities, as far as possible, is made on the same criteria as in other Member States; whereas with the same aim, other provisions of an interprofessional agreement or a national measure should also as far as possible, be identical with the provisions applicable in other Member States;

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

<sup>(1)</sup> OJ No L 73, 21. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 81, 23. 3. 1985, p. 10.

<sup>(3)</sup> OJ No L 137, 27. 5. 1985, p. 41.

<sup>(4)</sup> OJ No L 152, 8. 6. 1984, p. 16.

<sup>(5)</sup> OJ No L 144, 1. 6. 1985, p. 69.

HAS ADOPTED THIS REGULATION :

*Article 1*

This Regulation lays down detailed rules for the application of the temporary measures for production aid to processed tomato products as provided for in Regulation (EEC) No 1320/85.

TITLE I

**Processing enterprises covered by Article 1 of Regulation (EEC) No 1320/85**

*Article 2*

1. The provisions of this Title shall apply to processing enterprises wishing to benefit from production aid under Article 1 of Regulation (EEC) No 1320/85.
2. The allocation referred to in Article 1 (2) and (3) of Regulation (EEC) No 1320/85 shall be made among processing enterprises :
  - (a) having complied with the provisions of Article 2 of Regulation (EEC) No 1599/84, and
  - (b) having submitted applications for production aid for either the marketing year 1982/83 or 1984/85, or
  - (c) commencing their activities during the marketing year 1985/86.

Any change of ownership during the period between the relevant year of production as referred to under (b) and the allocation shall not be taken into consideration.

*Article 3*

1. Each processing enterprise having processed tomatoes during the marketing year 1982/83 shall communicate to the competent authorities :
  - (a) the quantity of fresh tomatoes used during that marketing year, and
  - (b) the quantity of processed products which have been obtained from the quantity referred to in (a) and for which production aid has been granted.

The processed products shall be broken down into :

- tomato concentrate, converted into concentrate with a dry weight content of 28 % or more but less than 30 % ;
- preserved whole peeled tomatoes ; and
- other tomato based products.

The quantity of fresh tomatoes used shall be broken down by reference to each group of processed products obtained.

2. Each processing enterprise, other than those referred to in paragraph 1, having processed tomatoes during the marketing year 1984/85 shall communicate to the competent authorities :

- (a) the quantity of fresh tomatoes used during that marketing year ; and
- (b) the quantity of processed products which have been obtained from the quantity referred to in (a) and for which production aid has been granted.

The processed products shall be broken down as provided for in paragraph 1.

3. Processing enterprises commencing their activities during the marketing year 1985/86 shall communicate to the competent authorities particulars as to their production capacity showing the quantity of fresh products which can be processed and the quantity of processed products they have planned to produce. The products shall be broken down as provided for in paragraph 1.

4. Where the competent authorities of a Member State are already in possession of all particulars needed for the allocation provided for in Article 1 (2) and (3) of Regulation (EEC) No 1320/85, in particular information on changes of ownership, they may decide that the particulars provided for in paragraph 1 and 2 shall not be communicated.

5. Member States may require further particulars to be shown in the communications covered by this Article when such particulars are desirable to ensure that the quantities referred to in Article 1 of Regulation (EEC) No 1320/85 are fairly allocated among the processing undertakings.

*Article 4*

1. The communications referred to in Article 3 shall reach the competent authorities not later than 1 September 1985.

2. Member States may, in exceptional cases and where there is good reason for doing so, accept communications after the time limit provided for in paragraph 1 if that can be done without leading to the result that the quantities fixed in Articles 1 of Regulation (EEC) No 1320/85 are exceeded.

*Article 5*

1. Based on the communications provided for in Article 3 and the applications for production aid for the marketing year 1982/83 and 1984/85, the competent authorities shall allocate a specific quantity of fresh tomatoes to each processing enterprise. This quantity shall be broken down into tomatoes intended for processing of

- tomato concentrate ;
- preserved whole peeled tomatoes ; and
- other tomato based products.

2. In cases of suspected irregularities and where administrative inquiries have been commenced concerning entitlement to aid, the competent authorities may refuse to allocate the quantity in dispute until the dispute has been solved.

3. Member States may when it can be done without unfavourable consequences for the production aid system authorize transfer of the rights deriving from the allocation referred to in paragraph 1 among processing enterprises having their activities in the same Member State, in particular in cases of merger. Such transfer shall be authorized only when it is requested before the production aid for the quantity to be transferred is paid.

4. Where a Member State has established that the total quantity allocated to its processing enterprises has not been used for processing during a given marketing year, that Member State may decide to allocate the quantity so released among processing enterprises having used a quantity of fresh tomatoes exceeding that allocated to them. Such allocations shall have effect only for the marketing year involved and shall for each processing enterprise be made in proportion to the extent by which its use of fresh tomatoes for each group of products referred to in paragraph 1 has exceeded the quantity allocated to the enterprise. For this purpose 'use of fresh tomatoes' means the use of fresh tomatoes for the manufacture of finished products which could have attracted production aid if no quantitative limitations were applicable.

#### Article 6

In cases where a processing enterprise has used greater quantities of fresh tomatoes than those allocated to it for processing of either:

- preserved whole peeled tomatoes, or
- other tomato based products referred to in Article 5 (1)

the production aid shall be reduced within each group in proportion to the extent by which the total use of fresh tomatoes has exceeded the quantity allocated for processing of products falling within the group.

#### Article 7

Processing enterprises wishing to use fresh tomatoes allocated for processing of preserved whole peeled tomatoes, for processing of tomato concentrate or other tomato based products shall so request not later than when the aid application referred to in Article 11 (4) of Regulation (EEC) No 1599/84 is submitted.

#### Article 8

1. Processing enterprises, shall in so to the later information requested under Article 4 (e) of Regulation (EEC) No 1599/84 and before the date stipulated in that provision, communicate to the agency designated:

- (a) the quantity of fresh tomatoes purchased or expected to be purchased during the current marketing year and which are used or intended to be used for processing of finished products for which no aid is or will be claimed. The products shall be broken down by reference to the finished product to be obtained;
- (b) the quantity of finished products obtained or estimated to be obtained from the quantity referred to in (a). The products shall be broken down as laid down in the last subparagraph of Article 4 (e) of Regulation (EEC) No 1599/84.

2. The aid application shall, in addition to the documents provided for in Article 12 (2) of Regulation (EEC) No 1599/84, be accompanied by a declaration in which the processing enterprise indicates:

- (a) the net weight of the finished products produced during the current marketing year for which no aid is applicable. The products shall be broken down in the same way as products attracting aid;
- (b) the net weight of the raw material used for the processing of each of the finished products referred to in (a).

#### TITLE II

#### Processing enterprises covered by Article 2 of Regulation (EEC) No 1320/85

#### Article 9

The provisions of this Title shall apply in Member States where the measures provided for in Article 1 (1) of Regulation (EEC) No 1320/85 are suspended.

#### Article 10

1. An interprofessional agreement or national measures referred to in Article 2 (1) of Regulation (EEC) No 1320/85 shall stipulate that

- (a) a specific quantity of fresh tomatoes shall be reserved for allocation among processing enterprises which commenced their activities during the 1983/84 or 1984/85 marketing years or will commence such activities during the 1985/86 marketing year;

- (b) within a limit of 20 %, the total quantity of fresh tomatoes allocated for processing of preserved whole peeled tomatoes may be transferred to the quantity of fresh tomatoes allocated for processing of tomato concentrate or other tomato based products ;
- (c) processing enterprises commencing their activities during the marketing years 1986/87 and 1987/88 shall not benefit from production aid ;

2. An interprofessional agreement shall be also stipulate the allocation of quantities among the processing enterprises and the criteria according to which the quantities are to be allocated.

3. A national measure shall also stipulate that :

- (a) allocations of quantities among processing enterprises shall be made in accordance with the provisions laid down in Article 1 (2) of Regulation (EEC) No 1320/85 in respect of enterprises having produced during the marketing year 1982/83 ;
- (b) the competent authorities may when it can be done without unfavourable consequences for the production aid system authorize transfer of the rights deriving from the allocation referred to in paragraph 1 among processing enterprises having their activities in the same Member State, in particular in cases of merger. Such transfer shall be authorized only when it is requested before the production aid for the quantity to be transferred is paid.

4. The quantity of fresh tomatoes allocated under this Article shall be broken down into products intended for processing of

- tomato concentrate ;
- preserved whole peeled tomatoes, and
- other tomato based products.

5. An interprofessional agreement as referred to in paragraph 1 shall cover one or more whole marketing years and shall before taking effect be approved by the Member State concerned.

6. Member States having approved an interprofessional agreement or having adopted national measures as referred to in this Article shall so inform the Commission indicating the period of application.

#### *Article 11*

In cases where a processing enterprise has used a quantity of fresh tomatoes exceeding that allocated to it under Article 10, that enterprise shall, without prejudice to any sanctions provided for by the Member States, not benefit from production aid in respect of the quantity of finished products obtained from the

quantity of fresh tomatoes exceeding the quantity allocated.

For the purposes of this Article, the provisions laid down in Article 6 shall apply.

#### *Article 12*

1. When determining the reduction of the production aid pursuant to Article 2 (4) of Regulation (EEC) No 1320/85, the finished products shall be broken down into :

- tomato concentrate ;
- preserved whole peeled tomatoes, and
- other tomato based products,

and the reduction to be made for each group of product shall be determined for all processing enterprises of a Member State in proportion to the quantity of fresh tomatoes by which the total quantity allocated by each Member State has been increased pursuant to Article 2 (1) of Regulation (EEC) No 1320/85.

2. Where a Member State has established that the total quantity allocated to its processing enterprises has not been used for processing of products attracting aid during the current marketing year, the reduction of the production aid referred to in paragraph 1 shall be adjusted by that Member State by taking into consideration the quantity of fresh tomatoes actually processed instead of the quantity referred to in paragraph 1.

### TITLE III

#### **Communication to the Commission**

#### *Articles 13*

In addition to the information referred to in Article 19 of Regulation (EEC) No 1599/84 each Member State shall notify the Commission,

(a) not later than 1 April each year of :

- (i) the total quantity, expressed as net weight, of finished products as referred to in Article 8 (2) (a). The products shall be broken down in the same way as provided for in Article 19 (a) of Regulation (EEC) No 1599/84 ;
- (ii) the total quantity of raw material used in the processing of each group of finished products referred to in (i) ;
- (iii) the quantity of fresh and finished products which might have been used or produced contrary to the provisions of Title II,



(b) not later than 16 November each year of :

broken down as provided for in Article 19 (f) (ii) of Regulation (EEC) No 1599/84.

(i) the total quantity of fresh products referred to in Article 8 (1) (a) used or intended to be used for processing. The products shall be broken down by reference to the finished products to be obtained ;

(ii) the estimated production of finished products, expressed as net weight, to be obtained from the quantity referred to in (i). The products shall be

TITLE IV

Final provisions

*Article 14*

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

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

Done at Brussels, 31 July 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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**COMMISSION REGULATION (EEC) No 2224/85**  
of 2 August 1985

**on the suspension of Regulation (EEC) No 1844/77 on the granting by tender of special aid for skimmed-milk powder intended as feed for animals other than young calves**

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 <sup>(1)</sup> as last amended by Regulation (EEC) No 1298/85 <sup>(2)</sup> and in particular Article 10 (3) thereof,

Whereas Article 2 a (4) of Council Regulation 986/68 of 15 July 1968, laying down general rules for granting aid for skimmed milk and skimmed-milk powder for use as feed <sup>(3)</sup> as last amended by Regulation (EEC) No 1304/85 <sup>(4)</sup> provides that a special aid may be fixed in particular for the skimmed-milk powder referred to in Article 2 (1) d of that Regulation, if it is used for feeding animals other than young calves; whereas, because of the state of the market in skimmed milk powder, use was made of this facility through the application of Regulation (EEC) No 1844/77 <sup>(5)</sup> as last amended by Regulation (EEC) No 3511/83 <sup>(6)</sup>;

Whereas the introduction of a system to control production in the milk sector, by the application of the supplementary levy provided for in Article 5 (c) of

Regulation (EEC) No 804/68 has led to a considerable reduction in the imbalance recorded in the sector; whereas, besides the system of special aid governed by Regulation (EEC) No 1844/77 has a high budgetary cost; whereas it is appropriate consequently to suspend Regulation (EEC) No 1844/77;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The application of Regulation (EEC) No 1844/77 is hereby suspended, with the exception of the provisions of that Regulation concerning the rights and obligations of successful tenderers under individual tendering procedures carried out before the entry into force of this Regulation.

*Article 2*

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

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

Done at Brussels, 2 August 1985.

*For the Commission*

Henning CHRISTOPHERSEN

*Vice-President*

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<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.  
<sup>(2)</sup> OJ No L 137, 27. 5. 1985, p. 5.  
<sup>(3)</sup> OJ No L 169, 18. 7. 1968, p. 4.  
<sup>(4)</sup> OJ No L 137, 27. 5. 1985, p. 11.  
<sup>(5)</sup> OJ No L 205, 11. 5. 1977, p. 11.  
<sup>(6)</sup> OJ No L 351, 14. 12. 1983, p. 10.

**COMMISSION REGULATION (EEC) No 2225/85**

of 2 August 1985

**providing for the grant of private storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hindquarters and forequarters from adult male bovine animals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by the Act of Accession of Greece, and in particular Articles 6 (5) (b) and 8 (2) thereof,

Whereas, in view of the serious difficulties on the market in beef owing to the extraordinary slaughtering of adult bovine animals, private storage aid should be granted in respect of such animals.

Whereas the provisions of Commission Regulation (EEC) No 1091/80 <sup>(2)</sup>, as last amended by Regulation (EEC) No 2826/82 <sup>(3)</sup>, should be followed in respect of the grant of private storage aid for beef;

Whereas provisions should be made to ensure that the animals involved be slaughtered exclusively in slaughterhouses which are approved and supervised in accordance with the provisions of Council Directive 64/433/EEC <sup>(4)</sup>, as last amended by Directive 83/90/EEC <sup>(5)</sup>;

Whereas Article 3 of Council Regulation (EEC) No 989/68 <sup>(6)</sup>, as amended by Regulation (EEC) No 428/77 <sup>(7)</sup>, provides that, if the market situation so requires, the period of storage may be curtailed or extended; whereas it is therefore appropriate that, in addition to the amounts of aid granted for a specific storage period, amounts to be added or reduced in the event of that period being extended or curtailed should also be fixed;

Whereas, in order to prevent the financing of normal private storage, it appears desirable to fix high minimum quantities;

Whereas, foreseeable market conditions make it necessary to provide for storage periods between 9 and 12

months; whereas, in order to improve the efficiency of the scheme, provisions should be laid down enabling the applicants to benefit from an advance payment of the aid subject to a security;

Whereas, in view of the exceptional circumstances in the beef market and in order to encourage operators to make use of private storage it should be provided that, for a limited period, products under a private storage contract should be able at the same time to be placed under the system laid down in Article 5 (1) of Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products <sup>(8)</sup>; whereas, in view of the contractual storage periods it is necessary to derogate from Article 11 (2) of Regulation (EEC) No 798/80 of 31 March 1980 laying down general rules on the advance payment of export refunds and positive monetary compensatory amounts in respect of agricultural products <sup>(9)</sup>, as last amended by Regulation (EEC) No 1663/81 <sup>(10)</sup>, as to the period during which the products may stay under the system laid down in Regulation (EEC) No 565/80;

Whereas provision should be made for the possibility of reducing the storage period where meat removed from storage is intended for export; whereas proof that the meat has been exported must be supplied as in the case of refunds, in accordance with Commission Regulation (EEC) No 2730/79 <sup>(11)</sup>, as last amended by Regulation (EEC) No 568/85 <sup>(12)</sup>; whereas, except in cases where the stored products are put under a system requiring export in their totality, it is appropriate to provide that, subject to certain conditions, a limited quantity may be withdrawn from store without subsequent export; whereas provisions should be made for the calculation of aid and the release of security where the storer has not respected certain obligations;

Whereas, for the purposes of the necessary controls, Member States shall take measures to ensure that the products being stored can be identified as originating from male bovine animals;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 114, 3. 5. 1980, p. 18.

<sup>(3)</sup> OJ No L 297, 23. 10. 1982, p. 18.

<sup>(4)</sup> OJ No 121, 29. 7. 1964, p. 2012/64.

<sup>(5)</sup> OJ No L 59, 5. 3. 1983, p. 10.

<sup>(6)</sup> OJ No L 169, 18. 7. 1968, p. 10.

<sup>(7)</sup> OJ No L 61, 5. 3. 1977, p. 17.

<sup>(8)</sup> OJ No L 62, 4. 3. 1980, p. 5.

<sup>(9)</sup> OJ No L 87, 31. 3. 1980, p. 42.

<sup>(10)</sup> OJ No L 166, 24. 6. 1981, p. 9.

<sup>(11)</sup> OJ No L 317, 12. 12. 1979, p. 1.

<sup>(12)</sup> OJ No L 65, 6. 3. 1985, p. 5.

Whereas, in order for the Commission to closely monitor the effect of the private storage scheme, Member States shall communicate the necessary information ;

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

HAS ADOPTED THIS REGULATION :

#### *Article 1*

1. Applications may be submitted between 5 August and 22 November 1985 for aid for the private storage of one of the presentations of adult male bovine animals defined in Article 2 (2).

The amounts of this aid, by tonne of product, bone-in, are fixed in the Annex hereto for each for these presentations pursuant to Article 6 (1) of Regulation (EEC) No 1091/80.

If the quantities in respect of which contracts have been applied for or the market situation make it advisable, the deadline for the submission of applications may be changed.

2. The amount of aid shall be adjusted if the period of storage is extended or reduced. The supplements per month and deductions per day for each of the presentations referred to in Article 2 (2) are fixed in the Annex hereto.

3. Subject to the provisions of this Regulation, the provisions of Regulation (EEC) No 1091/80 shall apply.

#### *Article 2*

1. Only meat produced in accordance with the provisions of Article 3 (1A) (a) to (e) of Council Directive 64/433/EEC shall be eligible for private storage aid.

2. For the purposes of this Regulation :

— the carcass shall have a minimum average weight of 220 kilograms,

— the half-carcass shall have a minimum average weight of 110 kilograms,

— the hindquarter shall mean :

- (a) the rear part of the half-carcass cut in the manner known as 'pistola' with a minimum of five cut ribs and a maximum of eight ribs and with minimum average weight of 55 kilo-

grams ; it is cut straight to the hip bone and then parallel to the fillet so that this is practically free from attached parts of the flank ; or

- (b) the rear part of the half-carcass cut in the manner known as 'straight' with a minimum of three ribs and a maximum of five ribs and with a minimum average weight of 55 kilograms.

— the forequarter shall mean :

- (a) the front part of the half-carcass cut, in the manner known as 'pistola' with a minimum of five ribs and a maximum of eight ribs and with a minimum average weight of 55 kilograms, the flank being attached to the forequarter ; or

- (b) the front part of the half-carcass and in a manner known as 'straight' with a minimum of eight ribs and a maximum of 10 ribs and with a minimum average weight of 55 kilograms.

3. Carcasses and half-carcasses shall be presented in accordance with point 2 (a) and (b) of Annex II to Regulation (EEC) No 2226/78 (1).

#### *Article 3*

1. The minimum quantity per contract shall be 20 tonnes expressed as bone-in meat.

2. The contract may only cover unboned meat of one of the presentations referred to in Article 2 (2).

3. Placing in storage must be carried out within 28 days of the date of conclusion of the contract.

#### *Article 4*

1. Subject to the provisions laid down in paragraph 2, the contractor may, before placing into store, cut or bone all or part of the products referred to in Article 2 (2), provided that only the quantity for which the contract has been concluded is employed and that all the meat resulting from such operations is placed in store.

2. If the quantity stored unboned, or, if cut or boned, the quantity of unboned meat employed, is less than the quantity for which the contract was concluded and :

- (a) not less than 90 % of that quantity, the amount of aid referred to in the second subparagraph of Article 1 (1) shall be reduced proportionally ;
- (b) less than 90 % of that quantity, private storage aid shall not be paid.

(1) OJ No L 261, 26. 9. 1978, p. 5.

3. In the case of boning :
- (a) if the quantity placed in a store does not exceed 69 kilograms of boned meat per 100 kilograms of unboned meat employed, private storage aid shall not be payable ;
  - (b) if the quantity placed in store exceeds 69 kilograms but is lower than 77 kilograms of boned meat per 100 kilograms of unboned meat employed, the aid referred to in the second subparagraph of Article 1 (1) shall be reduced proportionally.
4. No aid shall be granted :
- (a) for quantities placed in store unboned, or in case of cutting or boning, for quantities of unboned meat employed, in excess of quantities for which the contract was concluded ; and
  - (b) in case of boning, for quantities in excess of 77 kilograms of boned meat per 100 kilograms of unboned meat employed.

#### Article 5

1. The period of storage shall be either 9, 10, 11 or 12 months, at the storer's option ; the storer shall state his preference at the time of submitting the application referred to in the first subparagraph of Article 1 (1).

2. After three months of contractual storage a single advance payment of the aid may be made, at storer's request, on condition that he lodges a security equal to the advance payment plus 20 %.

The advance payment of the aid shall not exceed the amount of aid corresponding to the contracted storage period. Where quantities under contract are exported in accordance with Article 7 prior to the advance payment the actual storage period for those quantities shall be taken into account when calculating the amount of advance payment.

The advance payment of the aid shall be concerted into national currency by applying the representative rate in force on the day of conclusion of the storage contract.

3. The security referred to in the first subparagraph of paragraph 2 shall be lodged at the applicant's choice either in cash or in the form of a guarantee given by an establishment satisfying criteria fixed by the Member State in which the security is lodged.

4. Without prejudice to Article 8 (2) the security referred to in the first subparagraph of paragraph 2 shall immediately be released when :

- (a) final entitlement to the sum granted as advance has been established ; or
- (b) the sum granted, plus 20 %, has been repaid.

#### Article 6

1. By way of derogation from Article 2 (4) of Regulation (EEC) No 1091/80 products being stored under a private storage contract may simultaneously be

placed under the system laid down in Article 5 (1) of Regulation (EEC) No 565/80.

2. In this case, by way of derogation from Article 11 (2) of Regulation (EEC) No 798/80, the period referred to in that Article shall be 12 months.

3. For the purposes of paragraph 1, where a private storage contract is concluded for a quantity which consists of several lots which are placed in storage on different dates, each of the said lots may be the subject of a separate payment declaration. A payment declaration, as referred to in Article 2 of Regulation (EEC) No 798/80, shall be submitted for each lot on the day of its entry into storage.

'Lot' shall be taken to mean a quantity which is placed in storage on a given day.

#### Article 7

1. On the expiry of a storage period of two months, stored meat under a contract may be fully or partly withdrawn from store, subject to a minimum quantity, provided that within 60 days following its removal from storage :

— the meat has left the Community's territory within the meaning of Article 9 (2) of Regulation No 2730/79,

or

— the meat has reached its destination in the cases referred to in Article 5 (1) of Regulation (EEC) No 2730/79,

or

— the meat has been placed in a victualling warehouse approved pursuant to Article 26 of Regulation (EEC) No 2730/79.

2. The minimum quantity shall be 10 tonnes of product weight. However, where the remaining stored quantity under the contract is less than 10 tonnes of product weight, one further withdrawal operation for export of the remaining quantity or part thereof shall be permitted.

Where the withdrawal conditions referred to in the preceding subparagraph are not complied with :

— the amount of aid for the quantity withdrawn shall be calculated in accordance with Article 8 (1), but

— 15 % of the security referred to in Article 9 shall be declared forfeit in respect of the quantity withdrawn.

3. If the 60 days period is not complied with, the amount of aid for the quantity concerned, calculated in accordance with Article 8 (1), shall be reduced :

— by 15 %, and

— by a further 5 % per day exceeding the 60 days period.

Moreover, 15 % of the security referred to in Article 9 and a further 5 % per day exceeding the 60-day period, shall be declared forfeit in respect of the quantity concerned.

4. If, prior to the end of the contracted storage period, a minimum of 90 % of the meat placed in store under a contract has been exported in the sense of paragraph 1, the balance may be withdrawn from store prior to the end of the contracted storage period, If withdrawn :

- aid shall only be paid for the quantity having been exported,
- and
- the security referred to in Article 9 shall be released only in respect of the quantity having been exported.

5. For the purposes of the preceding paragraphs proof shall be furnished as in the case of refunds.

6. The storer shall inform the intervention agency at least two working days before the commencement of withdrawal operations, stating the quantities he intends to withdraw.

Where the two-days' obligation is not complied with but where sufficient evidence as to the date of withdrawal from store and the quantities concerned has been furnished with the competent authority :

- the amount of aid shall be calculated in accordance with Article 8 (1), but
- 15 % of the security referred to in Article 9 shall be declared forfeit in respect of the quantity concerned.

For all other cases where the two-days' obligation is not complied with :

- no aid shall be paid under the contract concerned,
- and
- the security referred to in Article 9 shall be declared forfeit in full in respect of the contract concerned.

#### *Article 8*

1. Where application has been made of Article 7, the amount of aid shall be reduced, in accordance with

Article 1 (2), the first day of removal from storage not being included in the period of storage under contract.

2. Where application has been made of Article 5 (2) prior to the application of Article 7, an amount equal to the difference between the advance payment of aid and the amount of aid calculated by applying paragraph 1 and Article 7, shall immediately be recouped from the storer.

The security referred to in Article 5 (2) shall be released *pro rata* to the amount recouped.

#### *Article 9*

The amount of the security referred to in Article 4 (2) of Regulation (EEC) No 1091/80 shall be :

- 115 ECU per tonne in respect of contracts covering carcasses or half-carcasses,
- 150 ECU per tonne in respect of contracts covering hindquarters,
- 85 ECU per tonne in respect of contracts covering forequarters.

#### *Article 10*

Member States shall take the necessary measures to ensure identification of the products specified in the Annex, either by means of an indelible mark or by an individual seal on each presentation of the adult male bovine animal concerned.

#### *Article 11*

Member States shall communicate by telex to the Commission before Thursday of each week the results of the application of Articles 5 (2), 6 (1) and 7 of this Regulation.

#### *Article 12*

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

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

Done at Brussels, 2 August 1985.

*For the Commission*  
Henning CHRISTOPHERSEN  
*Vice-President*

## ANNEX

**Carcases, half-carcases, hindquarters and forequarters from adult male bovine animals  
identified in accordance with Article 10**

Products in respect of which aid is granted	Amount of aid in ECU/tonne for a storage period of				Amount in ECU/tonne	
	9 months	10 months	11 months	12 months	to be added per month	to be deducted per day
(a) Fresh or chilled carcases or half-carcases	576	594	612	630	35	0,65
(b) Fresh or chilled hindquarters cut in the manner known as 'pistola'	738	756	774	792	40	0,74
(c) Fresh or chilled hindquarters cut in the manner known as 'straight'	725	743	761	779	40	0,74
(d) Fresh or chilled forequarters cut in the manner known as 'pistola'	414	432	450	468	30	0,55
(e) Fresh or chilled forequarters cut in the manner known as 'straight'	428	446	464	482	30	0,55

## COMMISSION DECISION No 2226/85/ECSC

of 31 July 1985

fixing the amended rates of abatement for the third quarter of 1985 in accordance with Decision No 234/84/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Decision No 234/84/ECSC of 31 January 1984 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry<sup>(1)</sup>,

Whereas rates of abatement in respect of certain products were fixed for the third quarter of 1985 by Decision No 1341/85/ECSC of 22 May 1985<sup>(2)</sup>;

Whereas Article 9 (1) of Decision No 234/84/ECSC provides that such rates of abatement may be modified, not later than the first week of the second month of the quarter in question, in the light of the development of the market situation;

Whereas the market situation requires that the rates of abatement for the third quarter of 1985 be so modified on the studies carried out with undertakings and associations of undertakings,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The rates of abatement for the establishment of production quotas for the third quarter of 1985 esta-

blished in Commission Decision No 1342/85/ECSC for the following categories of products shall be modified as follows:

category Ia:	43
category Ib:	39
category II:	44.

2. The rates of abatement for the establishment of the part of the production quotas which may be delivered in the common market established in Commission Decision No 1341/85/ECSC for the following categories of product shall be modified as follows:

category Ib:	46
category Ic:	23
category II:	51
category III:	54.

3. These rates of abatement replace the corresponding rates fixed in Commission Decision No 1341/85/ECSC.

*Article 2*

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

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

Done at Brussels, 31 July 1985.

*For the Commission*

Karl-Heinz NARJES

*Vice-President*

<sup>(1)</sup> OJ No L 29, 1. 2. 1984, p. 1.

<sup>(2)</sup> OJ No L 134, 23. 5. 1985, p. 31.



**COMMISSION REGULATION (EEC) No 2227/85**  
**of 1 August 1985**  
**amending Regulation (EEC) No 2742/82 on protective measures applicable to**  
**imports of dried grapes**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 516/77  
of 14 March 1977 on the common organization of the  
market in products processed from fruit and vege-  
tables<sup>(1)</sup>, as last amended by Regulation (EEC) No  
746/85<sup>(2)</sup>, and in particular Article 14 (2) 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<sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73<sup>(4)</sup>, and in particular Article 3 thereof,

Whereas Article 2 (3) of Commission Regulation  
(EEC) No 2742/82<sup>(5)</sup>, as last amended by Regulation  
(EEC) No 2092/85<sup>(6)</sup>, provides that the minimum  
price and the countervailing charge shall, after having  
been converted into national currency, be multiplied  
by a coefficient ;

Whereas that multiplication is made to ensure that the  
minimum price expressed in national currencies  
should not lead to distortion of trade ;

Whereas the conversion rate of the drachma has  
changed ;

Whereas that fact could lead to distortion of trade ;  
whereas to avoid that risk, the coefficient in force for  
the drachma should be adapted,

*Article 1*

The coefficient for the drachma referred to in Article 2  
(3) of Regulation (EEC) No 2742/82 is replaced by  
'1,185'.

*Article 2*

1. The amended coefficient provided for in Article  
1 shall not apply to products for which it has been  
proved that they have left the supplier country before  
5 August 1985.

2. The parties concerned shall provide proof, to the  
satisfaction of the competent authorities, that the  
conditions set out in paragraph 1 have been complied  
with.

However, the competent authorities may regard the  
products as having left the supplier country before 5  
August 1985 when one of the following documents is  
submitted :

- in the case of transport by sea or waterway, the bill  
of lading showing that loading took place before  
that day,
- in case of transport by rail, the consignment note  
accepted by the railways of the expediting country  
before that day,
- in case of transport by road, the TIR carnet  
presented to the first customs office before that  
day,
- in case of transport by air, the air consignment  
note showing that the airline received the products  
before that day.

3. The provisions of paragraphs 1 and 2 shall apply  
only in so far as the entry for free circulation has been  
accepted by the customs authorities before 1  
September 1985.

*Article 3*

This Regulation shall enter into force on 5 August  
1985.

<sup>(1)</sup> OJ No L 73, 21. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 81, 23. 3. 1985, p. 10.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 290, 14. 10. 1982, p. 28.

<sup>(6)</sup> OJ No L 197, 27. 7. 1985, p. 7.

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

Done at Brussels, 1 August 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## COMMISSION REGULATION (EEC) No 2228/85

of 2 August 1985

fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 1312/85<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80<sup>(3)</sup>, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 8 July 1985, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No 1837/80 and in Article 4 (1) and (3) of Regulation

(EEC) No 1633/84 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving region 5 of the aforesaid Member State during the week beginning 8 July 1985, shall be set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 8 July 1985 the level of the premium shall be equivalent to the amount fixed in Annex I.

*Article 2*

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 8 July 1985, the amounts to be charged shall be equivalent to those fixed in Annex II hereto.

*Article 3*

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

It shall apply with effect from 8 July 1985.

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

Done at Brussels, 2 August 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 183, 16. 7. 1980, p. 1.

<sup>(2)</sup> OJ No L 137, 27. 5. 1985, p. 22.

<sup>(3)</sup> OJ No L 154, 9. 6. 1984, p. 27.

*ANNEX I*

**Level of variable slaughter premium for certified sheep in region 5 for the week commencing 8 July 1985**

Description	Premium
Certified sheep or sheepmeat	86,971 ECU per 100 kilograms of estimated or actual dressed carcase weight <sup>(1)</sup>

<sup>(1)</sup> Within the weight limits laid down by the United Kingdom.

## ANNEX II

Amount to be charged for products leaving region 5 during the week commencing  
8 July 1985

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	40,876
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	86,971
	2. Short forequarters	60,880
	3. Chines and/or best ends	95,668
	4. Legs	113,062
	5. Other :	
	aa) Unboned (bone-in)	113,062
	bb) Boned or boneless	158,287
02.01 A/IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	65,228
	2. Short forequarters	45,660
	3. Chines and/or best ends	71,751
	4. Legs	84,796
	5. Other :	
	aa) Unboned (bone-in)	84,796
	bb) Boned or boneless	118,715
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	113,062
	2. Boned or boneless	158,287
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	— unboned (bone-in)	113,062
	— boned or boneless	158,287

## COMMISSION REGULATION (EEC) No 2229/85

of 2 August 1985

## on protective measures applicable to imports of certain Morello cherries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 746/85<sup>(2)</sup>, and in particular Article 14 (2) thereof,

Whereas Commission Regulation (EEC) No 1626/85 of 14 June 1985 on protective measures applicable to imports of certain Morello cherries<sup>(3)</sup>, has amended by Regulation (EEC) No 1712/85<sup>(4)</sup>, introduced protective measures applicable to Morello cherries, frozen or otherwise preserved, namely the imposition of a countervailing charge on products for which a minimum import price was not respected; whereas these measures do not appear to have attained their purpose of permitting disposal of fresh Morello cherries grown in the Community, harvesting of which is going on at the present time, to the processing industry on reasonable price terms to growers;

Whereas, since the entry into force of Regulation (EEC) No 1626/85 import licences have been requested for large quantities of Morello cherries;

Whereas in the circumstances the Community market is threatened with serious disturbance liable to

endanger the objectives set out in Article 39 of the Treaty; whereas it is necessary to suspend temporarily the issuing of licences for certain Morello cherries;

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The issuing of import licences for Morello cherries falling within the subheadings listed in the following table shall be suspended for the period 3 August to 30 September 1985:

CCT heading No	NIMEXE code	Description
ex 08.10 D	ex 08.10-90	Morello cherries
ex 20.06 B II a) 8	20.06-50	Morello cherries
ex 20.06 B II b) 8	20.06-74	Morello cherries
ex 20.06 B II c) 1 dd)	20.06-89	Morello cherries

2. All applications for import licences for the above products that have not been granted by the date on which this Regulation enters into force shall be rejected.

*Article 2*

This Regulation shall enter into force on 3 August 1985.

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

Done at Brussels, 2 August 1985.

*For the Commission*  
Karl-Heinz NARJES  
*Vice-President*

<sup>(1)</sup> OJ No L 73, 21. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 81, 23. 3. 1985, p. 10.

<sup>(3)</sup> OJ No L 156, 15. 6. 1985, p. 13.

<sup>(4)</sup> OJ No L 163, 22. 6. 1985, p. 46.

**COMMISSION REGULATION (EEC) No 2230/85**  
**of 2 August 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1482/85<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2212/85<sup>(4)</sup>;

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 3 August 1985.

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

Done at Brussels, 2 August 1985.

*For the Commission*  
 Frans ANDRIESEN  
*Vice-President*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.  
<sup>(2)</sup> OJ No L 151, 10. 6. 1985, p. 1.  
<sup>(3)</sup> OJ No L 169, 29. 6. 1985, p. 77.  
<sup>(4)</sup> OJ No L 204, 2. 8. 1985, p. 35.

ANNEX

to the Commission Regulation of 2 August 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	47,71 41,85 <sup>(1)</sup>

<sup>(1)</sup> 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 2231/85

of 2 August 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1025/84<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(6)</sup>, 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 2127/85<sup>(7)</sup>, as last amended by Regulation (EEC) No 2213/85<sup>(8)</sup>;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984<sup>(9)</sup> as amended by Regulation (EEC) No 2744/75<sup>(10)</sup> 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<sup>(11)</sup> as last amended by Regulation (EEC) No 855/84<sup>(12)</sup>,

— 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 1 August 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<sup>(13)</sup> 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 2127/85 are hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 3 August 1985.

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

Done at Brussels, 2 August 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 107, 19. 4. 1984, p. 13.

<sup>(5)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(6)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(7)</sup> OJ No L 198, 30. 7. 1985, p. 38.

<sup>(8)</sup> OJ No L 204, 2. 8. 1985, p. 36.

<sup>(9)</sup> OJ No L 107, 19. 4. 1984, p. 15.

<sup>(10)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(11)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(12)</sup> OJ No L 90, 1. 4. 1984, p. 1.

<sup>(13)</sup> OJ No L 168, 25. 6. 1974, p. 7.



## ANNEX

to the Commission Regulation of 2 August 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
11.02 B II a) <sup>(2)</sup>	149,17	146,15
11.02 C I <sup>(2)</sup>	178,84	175,82
11.02 D I <sup>(2)</sup>	115,11	112,09
11.02 E II a) <sup>(2)</sup>	203,84	197,80
11.02 F I <sup>(2)</sup>	203,84	197,80
11.02 G I	88,46	82,42
11.07 A I a)	206,48	195,60
11.07 A I b)	157,03	146,15
11.08 A III	201,17	180,62
11.09	509,74	328,40

<sup>(2)</sup> 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.

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