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## Legislation

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## I

(Acts whose publication is obligatory)

## COMMISSION REGULATION (EEC) No 2345/85

of 16 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 14 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 17 August 1985.

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

Done at Brussels, 16 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 16 August 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	105,07
10.01 B II	Durum wheat	161,07 <sup>(1)</sup> <sup>(5)</sup>
10.02	Rye	112,65 <sup>(6)</sup>
10.03	Barley	108,97
10.04	Oats	81,15
10.05 B	Maize, other than hybrid maize for sowing	91,64 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	54,58 <sup>(4)</sup>
10.07 C	Grain sorghum	109,80 <sup>(4)</sup>
10.07 D I	Triticale	(7)
10.07 D II	Canary seed; other cereals	0 <sup>(5)</sup>
11.01 A	Wheat or meslin flour	160,10
11.01 B	Rye flour	170,02
11.02 A I a)	Durum wheat groats and meal	262,74
11.02 A I b)	Common wheat groats and meal	172,90

<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 2346/85

of 16 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 14 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 17 August 1985.

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

Done at Brussels, 16 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 16 August 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 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	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	1,19	1,19	2,39
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	3,64
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	5,31
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

## B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 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	2,12	2,12	4,25	4,25
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	1,58	1,58	3,18	3,18
11.07 B	Roasted malt	0	1,84	1,84	3,70	3,70

**COMMISSION REGULATION (EEC) No 2347/85**  
**of 16 August 1985**  
**fixing the export refunds on milk and milk products**

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 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds <sup>(3)</sup>, as amended by Regulation (EEC) No 2429/72 <sup>(4)</sup>, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of :

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports ;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of :

- (a) prices ruling on third country markets ;
- (b) the most favourable prices in third countries of destination for third country imports ;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries ; and
- (d) free-at-Community-frontier offer prices ;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination ;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks ; whereas the amount of the refund may, however, remain at the same level for more than four weeks ;

Whereas Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products <sup>(5)</sup>, as last amended by Regulation (EEC) No 2283/81 <sup>(6)</sup>, provides that the refund on products falling within subheading 04.02 B is equal to the sum of two components, the first representing the quantity of milk products and the second representing the quantity of added sucrose ; whereas, however, the latter component applies only if the added sucrose was produced from beet or cane harvested within the Community ;

<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 155, 3. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 264, 23. 11. 1972, p. 1.

<sup>(5)</sup> OJ No L 184, 29. 7. 1968, p. 10.

<sup>(6)</sup> OJ No L 223, 8. 8. 1981, p. 10.

Whereas for the products falling within subheading 04.02 B II a) or 04.02 B II b) 1 with a fat content not exceeding 9,5 % by weight, the first component referred to above is fixed for 100 kilograms of the whole product ; whereas, for the other products falling within subheading 04.02 B, this component is calculated by multiplying the basic amount by the milk product content of the product in question ; whereas this basic amount is the refund on one kilogram of milk products contained in the product ;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup> ;

Whereas, if the refund system is to operate normally, refunds 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>(2)</sup>, as last amended by Regulation (EEC) No 855/84 <sup>(3)</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 the level of refund for cheeses is calculated for products intended for direct consumption ; whereas the cheese rinds and cheese wastes are not products intended for this purpose ; whereas, to avoid any confusion in interpretation, it should be specified that

there will be no refund for these products which fall within heading No 04.04 ;

Whereas Commission Regulation (EEC) No 896/84 <sup>(4)</sup>, as amended by Regulation (EEC) No 2881/84 <sup>(5)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another ; whereas those provisions provide for different refunds according to the date of manufacture of the products ;

Whereas it follows from applying these detailed rules to the present situation on the market in milk and milk products, and in particular to prices for these products within the Community and on the world market, that the refund should be as set out in the Annex hereto ;

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*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex hereto.
2. There shall be no refunds for exports to Zone E for products falling within heading Nos 04.01, 04.02, 04.03 and 23.07 of the Common Customs Tariff.

#### *Article 2*

This Regulation shall enter into force on 17 August 1985.

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

Done at Brussels, 16 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 106, 12. 5. 1971, p. 1.

<sup>(3)</sup> OJ No L 90, 1. 4. 1984, p. 1.

<sup>(4)</sup> OJ No L 91, 1. 4. 1984, p. 71.

<sup>(5)</sup> OJ No L 272, 13. 10. 1984, p. 16.



**to the Commission Regulation of 16 August 1985 fixing the export refunds on milk and milk products**

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01	Milk and cream, fresh, not concentrated or sweetened :		
	ex A. Other than whey, of a fat content, by weight, not exceeding 6 % (1) :		
	I. Yoghourt, kephir, curdled milk, buttermilk and other fermented or acidified milk :		
	a) In immediate packings of a net capacity of two litres or less :		
	(1) Of a fat content, by weight, not exceeding 1,5 %	0110 05	7,15
	(2) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0110 15	10,34
	(3) Of a fat content, by weight, exceeding 3 %	0110 20	13,34
	b) Other :		
	(1) Of a fat content, by weight, not exceeding 1,5 %	0110 25	7,15
	(2) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0110 35	10,34
	(3) Of a fat content, by weight, exceeding 3 %	0110 40	13,34
	II. Other :		
	a) In immediate packings of a net capacity of two litres or less and of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1,5 %	0130 10	7,15
	(bb) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0130 22	10,34
	(cc) Of a fat content, by weight, exceeding 3 %	0130 31	13,34
	2. Exceeding 4 %	0140 00	15,34
	b) Other, of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1,5 %	0150 10	7,15
	(bb) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0150 21	10,34
	(cc) Of a fat content, by weight, exceeding 3 %	0150 31	13,34
	2. Exceeding 4 %	0160 00	15,34

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01 (cont'd)	ex B. Other, excluding whey, of a fat content, by weight <sup>(1)</sup> :		
	ex I. Exceeding 6 % but not exceeding 21 % :		
	(a) Of a fat content, by weight, not exceeding 10 %	0200 05	19,34
	(b) Of a fat content, by weight, exceeding 10 % but not exceeding 17 %	0200 11	29,13
	(c) Of a fat content, by weight, exceeding 17 %	0200 21	43,12
	II. Exceeding 21 % but not exceeding 45 % :		
	(a) Of a fat content, by weight, not exceeding 35 %	0300 12	51,11
	(b) Of a fat content, by weight, exceeding 35 % but not exceeding 39 %	0300 13	79,09
	(c) Of a fat content, by weight, exceeding 39 %	0300 20	87,09
	III. More than 45 % :		
	(a) Of a fat content, by weight, not exceeding 68 %	0400 11	99,08
	(b) Of a fat content, by weight, exceeding 68 % but not exceeding 80 %	0400 22	145,04
	(c) Of a fat content, by weight, exceeding 80 %	0400 30	169,02
04.02	Milk and cream, preserved, concentrated or sweetened :		
	A. Not containing added sugar <sup>(2)</sup> :		
	II. Milk and cream, in powder or granules :		
	a) In immediate packings of a net capacity of 2,5 kilograms or less and of a fat content, by weight :		
	1. Not exceeding 1,5 %	0620 00	78,60
	2. Exceeding 1,5 % but not exceeding 27 % :		
	(aa) Of a fat content, by weight, not exceeding 11 %	0720 00	78,60
	(bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	0720 20	93,35
	(cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	0720 30	99,56
	(dd) Of a fat content, by weight, exceeding 25 %	0720 40	108,13
	3. Exceeding 27 % but not exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 28 %	0820 20	109,12
	(bb) Of a fat content, by weight, exceeding 28 %	0820 30	110,27

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	4. Exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 41 %	0920 10	111,90
	(bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 %	0920 30	121,68
	(cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 %	0920 40	125,07
	(dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 %	0920 50	136,99
	(ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 %	0920 60	145,25
	(ff) Of a fat content, by weight, exceeding 79 %	0920 70	153,71
	b) Other, of a fat weight content :		
	1. Not exceeding 1,5 %	1020 00	78,60
	2. Exceeding 1,5 % but not exceeding 27 % :		
	(aa) Of a fat content, by weight, not exceeding 11 %	1120 10	78,60
	(bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	1120 20	93,35
	(cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	1120 30	99,56
	(dd) Of a fat content, by weight, exceeding 25 %	1120 40	108,13
	3. Exceeding 27 % but not exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 28 %	1220 20	109,12
	(bb) Of a fat content, by weight, exceeding 28 %	1220 30	110,27
	4. Exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 41 %	1320 10	111,90
	(bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 %	1320 30	121,68
	(cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 %	1320 40	125,07
	(dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 %	1320 50	136,99
	(ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 %	1320 60	145,25
	(ff) Of a fat content, by weight, exceeding 79 %	1320 70	153,71

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	<p>III. Milk and cream, other than in powder or granules :</p> <p>a) In immediate packings of a net content of 2,5 kg or less and of a fat content by weight not exceeding 11 % :</p> <p>1. Of a fat content, by weight, not exceeding 8,9 % and of a non-fat lactic dry matter content :</p> <p>(aa) Of less than 15 % and of a fat content :</p> <p>(11) Not exceeding 3 %, by weight</p> <p>(22) Exceeding 3 %, by weight</p> <p>(bb) Of 15 % or more and of a fat content :</p> <p>(11) Not exceeding 3 %, by weight</p> <p>(22) Exceeding 3 %, by weight, but not exceeding 7,4 %</p> <p>(33) Exceeding 7,4 %</p> <p>2. Other, of a non fat lactic dry matter content :</p> <p>(aa) Of less than 15 %, by weight</p> <p>(bb) Of 15 % or more, by weight</p> <p>b) Other, of a fat content, by weight :</p> <p>1. Not exceeding 45 % and of a non fat lactic dry matter content :</p> <p>(aa) Of less than 15 % and of a fat content :</p> <p>(11) Not exceeding 3 %, by weight</p> <p>(22) Exceeding 3 %, by weight, but not exceeding 8,9 %</p> <p>(33) Exceeding 8,9 %, by weight, but not exceeding 11 %</p> <p>(44) Exceeding 11 %, by weight, but not exceeding 21 %</p> <p>(55) Exceeding 21 %, by weight, but not exceeding 39 %</p> <p>(66) Exceeding 39 %</p> <p>(bb) Of 15 % or more and of a fat content :</p> <p>(11) Not exceeding 3 %, by weight</p> <p>(22) Exceeding 3 %, by weight, but not exceeding 7,4 %</p> <p>(33) Exceeding 7,4 %, by weight, but not exceeding 8,9 %</p> <p>(44) Exceeding 8,9 %</p> <p>2. Exceeding 45 %</p>	<p>1420 12</p> <p>1420 22</p> <p>1420 50</p> <p>1420 60</p> <p>1420 70</p> <p>1520 10</p> <p>1520 20</p> <p>1620 70</p> <p>1630 00</p> <p>1630 10</p> <p>1630 20</p> <p>1630 30</p> <p>1630 40</p> <p>1630 50</p> <p>1630 60</p> <p>1630 70</p> <p>1630 80</p> <p>1720 00</p>	<p>—</p> <p>13,34</p> <p>18,05</p> <p>22,90</p> <p>28,55</p> <p>25,13</p> <p>33,84</p> <p>—</p> <p>13,34</p> <p>25,13</p> <p>31,13</p> <p>51,11</p> <p>87,09</p> <p>18,05</p> <p>22,90</p> <p>28,55</p> <p>33,84</p> <p>99,08</p>

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	B. Containing added sugar :		
	I. Milk and cream, in powder or granules :		
	ex b) Other, excluding whey :		
	1. In immediate packings of a net capacity of 2,5 kilo-grams or less and of a fat content, by weight :		
	aa) Not exceeding 1,5 %	2220 00	0,7860 (*) per kg
	bb) Exceeding 1,5 % but not exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 11 %	2320 10	0,7860 (*) per kg
	(22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2320 20	0,9335 (*) per kg
	(33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2320 30	0,9956 (*) per kg
	(44) Of a fat content, by weight, exceeding 25 %	2320 40	1,0813 (*) per kg
	cc) Exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 41 %	2420 10	1,0912 (*) per kg
	(22) Of a fat content, by weight, exceeding 41 %	2420 20	1,2168 (*) per kg
	2. Other, of a fat content, by weight :		
	aa) Not exceeding 1,5 %	2520 00	0,7860 (*) per kg
	bb) Exceeding 1,5 % but not exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 11 %	2620 10	0,7860 (*) per kg
	(22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2620 20	0,9335 (*) per kg
	(33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2620 30	0,9956 (*) per kg
	(44) Of a fat content, by weight, exceeding 25 %	2620 40	1,0813 (*) per kg
	cc) Exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 41 %	2720 10	1,0912 (*) per kg
	(22) Of a fat content, by weight, exceeding 41 %	2720 20	1,2168 (*) per kg

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	<p>ex II. Milk and cream, excluding whey other than in powder or granules :</p> <p>ex a) In immediate packings of a net capacity of 2,5 kg or less and of a fat content by weight not exceeding 9,5 % :</p> <p>(1) Of a fat content, by weight, not exceeding 6,9 % and of a non fat lactic dry matter content :</p> <p>(aa) Of less than 15 % and of a fat content :</p> <p>(11) Not exceeding 3 %, by weight</p> <p>(22) Exceeding 3 % by weight</p> <p>(bb) Of 15 % or more</p> <p>(2) Of a fat content, by weight, exceeding 6,9 % and of a non fat lactic dry matter content, by weight, of 15 % or more</p> <p>b) Other, of a fat content, by weight :</p> <p>ex 1. Not exceeding 45 % :</p> <p>(aa) Of a fat content, by weight, not exceeding 6,9 % and of a non fat lactic dry matter content, by weight, of 15 % or more</p> <p>(bb) Of a fat content, by weight, exceeding 6,9 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, of 15 % or more</p> <p>(cc) Of a fat content by weight, exceeding 9,5 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, less than 15 %</p> <p>(dd) Of a fat content, by weight, exceeding 21 % but not exceeding 39 %</p> <p>(ee) Of a fat content, by weight, exceeding 39 %</p> <p>2. Exceeding 45 %</p>	<p>2810 11</p> <p>2810 12</p> <p>2810 15</p> <p>2810 20</p> <p>2910 70</p> <p>2910 76</p> <p>2910 80</p> <p>2910 85</p> <p>2910 90</p> <p>3010 00</p>	<p>— (*) per kg</p> <p>0,1334 (*) per kg</p> <p>20,83 (*)</p> <p>35,23 (*)</p> <p>20,83 (*)</p> <p>35,23 (*)</p> <p>0,2713 (*) per kg</p> <p>0,5111 (*) per kg</p> <p>0,8709 (*) per kg</p> <p>0,9908 (*) per kg</p>
04.03	<p>Butter :</p> <p>ex A. Of a fat content, by weight, not exceeding 85 % :</p> <p>(I) Of a fat content, by weight, of 62 % or more, but less than 78 %</p> <p>(II) Of a fat content, by weight, of 78 % or more but less than 80 %</p>	<p>3110 03</p> <p>3110 16</p>	<p>131,05 <sup>(10)</sup></p> <p>164,87 <sup>(10)</sup></p>

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.03 (cont'd)	(III) Of a fat content, by weight, of 80 % or more, but less than 82 %	3110 22	169,10 <sup>(10)</sup>
	(IV) Of a fat content, by weight, of 82 % or more	3110 32	173,33 <sup>(10)</sup>
	B. Other, of a fat content, by weight :		
	(I) Not exceeding 99,5 %	3210 10	173,33 <sup>(10)</sup>
	(II) Exceeding 99,5 %	3210 20	233,77 <sup>(10)</sup> <sup>(11)</sup>
04.04	Cheese and curd <sup>(6)</sup> :		
	ex A. Emmentaler and Gruyère, not grated or powdered :		
	(I) Pieces packed in vacuum or in inert gas, of a net weight of less than 7,5 kg	3800 40	
	For exports to :		
	— Zone D, Ceuta, Melilla and Andorra		46,73
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Liechtenstein and Switzerland		—
	— Austria		—
	— Other destinations		134,81
	(II) Other	3800 60	
	For exports to :		
	— Zone D, Ceuta, Melilla and Andorra		46,73
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Liechtenstein and Switzerland		—
	— Austria		—
	— Other destinations		134,81
	ex C. Blue-veined cheese, not grated or powdered, other than Roquefort for exports to :	4000 00	
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		85,06
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Australia		25,78
	— Other destinations		109,29
	D. Processed cheese, not grated or powdered, of a fat content, by weight :		
	I. Not exceeding 36 % and of a fat content, by weight, in the dry matter :		
	ex a) Not exceeding 48 % and of a dry matter content, by weight :		
	(1) Of 27 % or more but less than 33 %	4410 05	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		6,36
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		21,52

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(2) Of 33 % or more but less than 38 % for exports to :	4410 10	
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		14,39
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		41,83
	(3) Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :		
	(aa) Less than 20 % for exports to :	4410 20	
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		14,39
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		41,83
	(bb) Of 20 % or more for exports to :	4410 30	
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		21,19
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		60,40
	(4) Of 43 % or more and of a fat content, by weight, in the dry matter :		
	(aa) Less than 20 % for exports to :	4410 40	
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		14,39
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		41,83
	(bb) Of 20 % or more but less than 40 % for exports to :	4410 50	
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		21,19
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		60,40
	(cc) Of 40 % or more for exports to :	4410 60	
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		30,87
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		88,74



CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	ex b) Exceeding 48 % and of a dry matter content, by weight :		
	(1) Of 33 % or more but less than 38 %	4510 10	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		14,39
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		41,83
	(2) Of 38 % or more but less than 43 %	4510 20	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		21,19
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		60,40
	(3) Of 43 % or more but less than 46 %	4510 30	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		30,87
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		88,74
	(4) Of 46 % or more and of a fat content, by weight, in the dry matter :		
	(aa) Less than 55 %	4510 40	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		30,87
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		88,74
	(bb) Of 55 % or more	4510 50	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		36,63
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		105,28
	II. Exceeding 36 %	4610 00	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		36,63
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		105,28

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	<p>E. Other :</p> <p>I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight, of the non-fatty matter :</p> <p>ex a) Not exceeding 47 % :</p> <p>(1) Grana Padano, Parmigiano Reggiano</p> <p>for exports to :</p> <p>— Zone D, Ceuta, Melilla and Andorra 115,00</p> <p>— Zone E 110,00</p> <p>— Canada 80,00</p> <p>— Norway and Finland —</p> <p>— Switzerland 90,00</p> <p>— Other destinations 173,67</p> <p>(2) Fiore Sardo and Pecorino manufactured exclusively from sheep milk</p> <p>for exports to :</p> <p>— Zone D, Ceuta, Melilla and Andorra 135,00</p> <p>— Zone E 160,00</p> <p>— Canada 102,52</p> <p>— Norway and Finland —</p> <p>— Switzerland 105,03</p> <p>— Other destinations 200,79</p> <p>(3) Other (excluding cheeses produced from whey), of a fat content, by weight, in the dry matter of 30 % or more</p> <p>for exports to :</p> <p>— Zone D, Ceuta, Melilla and Andorra 85,00</p> <p>— Zone E 50,00</p> <p>— Canada 50,00</p> <p>— Norway and Finland —</p> <p>— Switzerland 60,00</p> <p>— Other destinations 125,21</p> <p>b) Exceeding 47 % but not exceeding 72 % :</p> <p>ex 1. Cheddar of a fat content, by weight, in the dry matter of 48 % or more</p> <p>for exports to :</p> <p>— Austria —</p> <p>— Zone D, Ceuta, Melilla and Andorra 43,17</p> <p>— Zone E —</p> <p>— Canada —</p> <p>— Norway and Finland —</p> <p>— Australia 32,27</p> <p>— Switzerland —</p> <p>— Other destinations 123,89</p> <p>ex 2. Other, of a fat content, by weight, in the dry matter (?):</p> <p>(aa) Less than 5 % and of a content, by weight, in the dry matter of 32 % or more (excluding cheeses produced from whey)</p> <p>for exports to :</p> <p>— Austria —</p> <p>— Zone D, Ceuta, Melilla and Andorra 27,70</p> <p>— Zone E —</p> <p>— Canada —</p> <p>— Norway and Finland 13,50</p> <p>— Switzerland —</p> <p>— Other destinations 71,09</p>	<p>4710 11</p> <p>4710 17</p> <p>4710 22</p> <p>4850 00</p> <p>5120 12</p>	

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(bb) Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more (excluding cheeses produced from whey)	5120 16	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		30,33
	— Zone E		—
	— Canada		—
	— Norway and Finland		20,00
	— Switzerland		—
	— Other destinations		93,92
	(cc) Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 % (excluding cheeses produced from whey)	5120 22	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		35,65
	— Zone E		—
	— Canada		—
	— Norway and Finland		24,00
	— Switzerland		—
	— Other destinations		105,02
	(dd) Of 39 % or more :		
	(11) Asiago, Caciocavallo, Montasio, Provolone, Ragusano :		
	(aaa) Provolone	5120 32	
	for exports to :		
	— Zone D, Ceuta, Melilla and Andorra		78,00
	— Zone E		110,00
	— Canada		80,00
	— Norway and Finland		—
	— Switzerland		42,66
	— Other destinations		144,46
	(bbb) Others	5120 36	
	for exports to :		
	— Zone D, Ceuta, Melilla and Andorra		71,19
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		116,72
	(22) Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit	5120 44	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		78,49
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Australia		32,61
	— Switzerland		—
	— Other destinations		116,72

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(33) Butterkäse, Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	5120 54	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		78,49
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		100,88
	(44) Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney	5120 58	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		43,17
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Australia		31,93
	— Switzerland		—
	— Other destinations		116,04
	(55) Salted ricotta, of a fat content, by weight, of 30 % or more		
	(aaa) Manufactured exclusively from sheep milk	5120 60	
	for exports to :		
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Other destinations		40,11
	(bbb) Other	5120 65	
	for exports to :		
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Other destinations		40,11
	(66) Feta	5120 82	
	for exports to :		
	— Zone D, Ceuta, Melilla and Andorra		32,10
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		88,00
	(77) Colby, Monterey	5120 83	
	for exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		43,17
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Australia		31,93
	— Switzerland		—
	— Other destinations		116,04

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(88) Kefalotyri, Kefalograviera and Kasseri manufactured exclusively from sheep's and/or goats' milk  for exports to : — Zone D, Ceuta, Melilla and Andorra — Zone E — Canada — Norway and Finland — Switzerland — Other destinations	5120 84	    78,00 110,00 80,00 — 42,66 144,46
	(99) Other (excluding cheeses produced from whey), of a water content, calculated by weight, of the non-fatty matter :  (aaa) Exceeding 47 % but not exceeding 52 %  for exports to : — Austria — Zone D, Ceuta, Melilla and Andorra — Zone E — Canada — Norway and Finland — Australia — Switzerland — Other destinations	5120 87	    —  43,17 — — — 31,93 — 116,04
	(bbb) Exceeding 52 % but not exceeding 62 %  for exports to : — Austria — Zone D, Ceuta, Melilla and Andorra — Zone E — Canada — Norway and Finland — Australia — Switzerland — Other destinations	5120 92	    —  78,49 — — 27,50 32,61 — 116,72
	ex c) Exceeding 72 % (excluding cheeses produced from whey) (7) :  1. In immediate packings of a net capacity not exceeding 500 grams :  (aa) Cottage cheese of a fat content, by weight in the dry matter, not exceeding 25 %  For exports to : — Austria — Zone D, Ceuta, Melilla and Andorra — Zone E — Canada — Norway and Finland — Switzerland and Liechtenstein — Other destinations	5121 11	                   21,45
	(bb) Cream cheese of a water content, calculated by weight, of the non-fatty matter, exceeding 77 % but not exceeding 82 % and of a fat content, by weight in the dry matter :		

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(11) Of 60 % or more but less than 69 %	5121 20	
	For exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		28,48
	(22) Of 69 % or more	5121 30	
	For exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		34,15
	(cc) Other	5121 40	—
	2. Other :		
	(aa) Cottage cheese of a fat content, by weight in the dry matter, not exceeding 25 %	5121 51	
	For exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		21,45
	(bb) Cream cheese of a water content, calculated by weight of the non-fatty matter, exceeding 77 % but not exceeding 82 % and of a fat content, by weight in the dry matter :		
	(11) Of 60 % or more but less than 69 %	5121 60	
	For exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		7,50
	— Switzerland and Liechtenstein		—
	— Other destinations		28,48
	(22) Of 69 % or more	5121 70	
	For exports to :		
	— Austria		—
	— Zone D, Ceuta, Melilla and Andorra		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		34,15
	(cc) Other	5121 80	—

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	<p>ex II. Other (excluding cheeses produced from whey):</p> <p>ex a) Grated or powdered of a fat content, by weight, exceeding 20 %, of a lactose content, by weight, less than 5 % and of a dry matter content, by weight:</p> <p>(1) Of 60 % or more but less than 80 %</p> <p>For exports to:</p> <p>— Zone E —</p> <p>— Canada —</p> <p>— Norway and Finland —</p> <p>— Other destinations 64,19</p> <p>(2) Of 80 % or more but less than 85 %</p> <p>For exports to:</p> <p>— Zone E —</p> <p>— Canada —</p> <p>— Norway and Finland —</p> <p>— Other destinations 85,58</p> <p>(3) Of 85 % or more but less than 95 %</p> <p>For exports to:</p> <p>— Zone E —</p> <p>— Canada —</p> <p>— Norway and Finland —</p> <p>— Other destinations 90,93</p> <p>(4) Of 95 % or more</p> <p>For exports to:</p> <p>— Zone E —</p> <p>— Canada —</p> <p>— Norway and Finland —</p> <p>— Other destinations 101,62</p>	<p>5310 05</p> <p>5310 11</p> <p>5310 22</p> <p>5310 31</p>	
23.07	<p>Sweetened forage; other preparations of a kind used in animal feeding:</p> <p>ex B. Other, containing starch, glucose or glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II, or milk products, excluding special compound feedingstuffs<sup>(9)</sup>:</p> <p>I. Containing starch, or glucose or glucose syrup, or maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II:</p> <p>a) Containing no starch or containing 10 % or less, by weight, of starch:</p> <p>(3) Containing 50 % or more but less than 75 %, by weight, of milk products and a content of milk in powder or granules (excluding whey), by weight, of<sup>(9)</sup>:</p> <p>(aa) Less than 30 %</p> <p>(bb) 30 % or more but less than 40 %</p> <p>(cc) 40 % or more but less than 50 %</p> <p>(dd) 50 % or more but less than 60 %</p> <p>(ee) 60 % or more but less than 70 %</p> <p>(ff) 70 % or more</p>	<p>5700 13</p> <p>5700 23</p> <p>5700 33</p> <p>5700 42</p> <p>5700 52</p> <p>5700 62</p>	

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
23.07 (cont'd)	(4) Containing 75 % or more, by weight, of milk products and a content of milk in powder or granules (excluding whey), by weight, of <sup>(8)</sup> :		
	(aa) Less than 30 %	5800 13	—
	(bb) 30 % or more but less than 40 %	5800 23	—
	(cc) 40 % or more but less than 50 %	5800 32	—
	(dd) 50 % or more but less than 60 %	5800 42	—
	(ee) 60 % or more but less than 70 %	5800 52	—
	(ff) 70 % or more but less than 75 %	5800 62	—
	(gg) 75 % or more but less than 80 %	5800 72	—
	(hh) 80 % or more	5800 82	—
	ex II. Containing no starch, glucose or glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II, and containing 50 % or more milk products, by weight, and with a milk content in powder or granules (excluding whey), by weight, of <sup>(8)</sup> :		
	(a) 30 % or more but less than 40 %	5900 01	23,58
	(b) 40 % or more but less than 50 %	5900 05	31,44
	(c) 50 % or more but less than 60 %	5900 12	39,30
	(d) 60 % or more but less than 70 %	5900 22	47,16
	(e) 70 % or more but less than 80 %	5900 32	55,02
	(f) 80 % or more but less than 88 %	5900 42	62,88
	(g) 88 % or more	5900 52	69,17



- (<sup>1</sup>) When the product falling within this subheading is a mixture containing added whey and/or added lactose, no export refund shall be granted.  
When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose have been added to the product.
- (<sup>2</sup>) The weight of the added non-lactic matter and/or added whey and/or added lactose shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose, the added whey and/or added lactose shall not be taken into account in the calculation of the amount of refund.  
When completing customs formalities, the applicant shall state on the declaration provided for this purpose :  
— the actual content by weight of whey and/or lactose added per 100 kg of finished product,  
and, in particular,  
— the lactose content of the added whey.
- (<sup>3</sup>) The weight of added non-lactic matter and/or added whey and/or added lactose shall not be taken into account for the purpose of calculating the fat content, by weight.  
The refund per 100 kg of product falling within this subheading shall be equal to the sum of the following components :  
(a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kg of product ; however, where whey and/or lactose have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose, contained in 100 kg of product ;  
(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.  
When completing customs formalities, the applicant shall state on the declaration provided for this purpose :  
— the actual content by weight of whey and/or lactose added per 100 kg of finished product,  
and, in particular,  
— the lactose content of the added whey.
- (<sup>4</sup>) The refund on 100 kg of product falling within this subheading is equal to the sum of the following elements :  
(a) the amount per 100 kg shown ; however, where whey and/or lactose have been added to the product, the amount per 100 kg shown shall be :  
— multiplied by the weight of the lactic part other than the added whey and/or added lactose contained in 100 kg of product, and then  
— divided by the weight of the lactic part contained in 100 kg of product ;  
(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.  
When completing customs formalities, the applicant shall state on the declaration provided for this purpose :  
— the actual content by weight of whey and/or lactose added per 100 kg of finished product,  
and, in particular,  
— the lactose content of the added whey.
- (<sup>5</sup>) No refund shall be paid in respect of exported cheese of which the free-at-frontier price, before application of the refund and the monetary compensatory amount, in the exporting Member State, is less than 140 ECU per 100 kilograms. This limitation to 140 ECU per 100 kilograms does not apply to cheeses falling within subheading 04.04 E I ex c) of the Common Customs Tariff.
- (<sup>6</sup>) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the refund is granted on the net weight, the weight of the liquid being deducted.
- (<sup>7</sup>) When completing customs formalities, the applicant shall state on the declaration provided for this purpose :  
— the skimmed-milk powder content, by weight,  
— the content by weight of the added whey and/or lactose, and  
— the lactose content of the added whey  
per 100 kg of finished product.
- (<sup>8</sup>) 'Special compound feedingstuffs' are compound feedingstuffs containing skimmed-milk powder and fish meal and/or more than 9 g of iron and/or more than 1,2 g of copper in 100 kg of product.
- (<sup>10</sup>) Amount applicable only in the cases indicated in Article 10 (3) to (5) of Regulation (EEC) No 2729/81.  
However :  
— in the case of exports under either Regulation (EEC) No 2268/84 or Regulation (EEC) No 2278/84 the rate of refund is reduced by 25 ECU per 100 kilograms net,  
— in the case of exports under Regulation (EEC) No 2956/84 the rate of refund shall be that applying on 18 June 1985.
- (<sup>11</sup>) The rate of refund referred to in footnote (<sup>10</sup>) shall also apply to ghee exported under Regulation (EEC) No 2278/84.
- N.B. : Zones A, B, C, D and E are those defined in Regulation (EEC) No 1098/68, as last amended by Regulation (EEC) No 2283/81.

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The weight of non-milk fat should be disregarded for the purposes of calculating fat content, by weight.

## COMMISSION REGULATION (EEC) No 2348/85

of 13 August 1985

amending quantitative limits fixed for imports of certain textile products  
originating in Thailand

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
3589/82 of 23 December 1982 on common rules for  
imports of certain textile products originating in third  
countries <sup>(1)</sup>, as last amended by Regulation (EEC) No  
1003/85 <sup>(2)</sup>, and in particular Article 7 thereof,

Whereas, by Regulation (EEC) No 3589/82, quantita-  
tive limits agreed with third countries are shared  
between the Member States for 1985;

Whereas, in the bilateral agreements, the Community  
has given undertakings to the supplier countries to  
adjust the allocation of limits among Member States in  
such a way as to ensure optimum utilization and to  
establish efficient and speedy procedures for adjusting  
the allocations;

Whereas Thailand has asked that the allocation of  
Community quantitative limits among the Member  
States be adjusted in order to take account of the trend

of trade flows, and to enable suppliers to utilize agreed  
Community limits more fully;

Whereas the measures provided for in this Regulation  
are in accordance with the opinion of the Textile  
Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Certain Member States' shares of the Community  
quantitative limits for textile products originating in  
Thailand, as fixed in Annex III to Regulation (EEC)  
No 3589/82, are hereby amended for 1985 as laid  
down in the Annex hereto.

*Article 2*

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, 13 August 1985.

*For the Commission*

Nicolas MOSAR

*Member of the Commission*

<sup>(1)</sup> OJ No L 374, 31. 12. 1982, p. 106.

<sup>(2)</sup> OJ No L 116, 29. 4. 1985, p. 1.

## ANNEX

Category	CCT heading No	NIMEXE code (1985)	Description	Third countries	Member States	Units	Quantitative limits from 1 January to 31 December 1985
2	55.09	55.09-03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 29, 32, 34, 35, 37, 38, 39, 41, 49, 51, 52, 53, 54, 55, 56, 57, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 98, 99	Other woven fabrics of cotton :  Woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics	Thailand	D F I BNL UK IRL DK GR  EEC	Tonnes	3 493 390 2 259 805 931 55 907 23  8 863
3	56.07 A	56.07-01, 04, 05, 07, 08, 10, 12, 15, 19, 20, 22, 25, 29, 30, 31, 35, 38, 39, 40, 41, 43, 45, 46, 47, 49	Woven fabrics of man-made fibres (discontinuous or waste):  A. Of synthetic textile fibres :  Woven fabrics of synthetic fibres (discontinuous or waste) other than narrow woven fabrics, pile fabrics (including terry fabrics) and chenille fabrics	Thailand (1)	D F I BNL UK IRL DK GR  EEC	Tonnes	5 383 1 030 4 856 1 499 1 822 139 1 150 35  15 914

(1) The quantitative limits include cotton fabric falling within category 2.

**COMMISSION REGULATION (EEC) No 2349/85****of 14 August 1985****closing the standing invitations to tender for the export of sugar referred to in  
Regulations (EEC) No 2384/84 and (EEC) No 2385/84**

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  
Articles 13 (2), 18 (5) and 19 (4) and (7) thereof,

Having regard to Council Regulation (EEC) No 608/72  
of 23 March 1972 laying down rules to be applied in  
cases of considerable price rises on the world sugar  
market<sup>(3)</sup>, and in particular Article 1 (1) thereof,

Whereas partial invitations to tender for the export of  
sugar are issued under Commission Regulations (EEC)  
No 2384/84<sup>(4)</sup> (EEC) No 2385/84<sup>(5)</sup>; whereas the  
standing invitations to tender should be closed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The standing invitations to tender referred to in Regu-  
lations (EEC) No 2384/84 and (EEC) No 2385/84 are  
hereby closed.

*Article 2*

This Regulation shall enter into force on 22 August  
1985.

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

Done at Brussels, 14 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 75, 28. 3. 1972, p. 5.

<sup>(4)</sup> OJ No L 221, 18. 8. 1984, p. 16.

<sup>(5)</sup> OJ No L 221, 18. 8. 1984, p. 21.

## COMMISSION REGULATION (EEC) No 2350/85

of 16 August 1985

concerning the stopping of fishing for haddock by vessels flying the flag of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States <sup>(1)</sup>, as amended by Regulation (EEC) No 1729/83 <sup>(2)</sup>, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 1/85 of 19 December 1984 fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1985 and certain conditions under which they may be fished <sup>(3)</sup>, as last amended by Regulation (EEC) No 800/85 <sup>(4)</sup>, provides for haddock quotas for 1985;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of haddock in the waters of ICES divisions II a (EC zone), IV, by vessels flying

the flag of the Netherlands or registered in the Netherlands, have reached the quota allocated for 1985,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of haddock in the waters of ICES divisions II a (EC zone), IV, by vessels flying the flag of the Netherlands or registered in the Netherlands, are deemed to have exhausted the quota allocated to the Netherlands for 1985.

Fishing for haddock in the waters of ICES divisions II a (EC zone), IV, by vessels flying the flag of the Netherlands or registered in the Netherlands, is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the abovementioned vessels after the date of 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, 16 August 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 220, 29. 7. 1982, p. 1.

<sup>(2)</sup> OJ No L 169, 28. 6. 1983, p. 14.

<sup>(3)</sup> OJ No L 1, 1. 1. 1985, p. 1.

<sup>(4)</sup> OJ No L 89, 29. 3. 1985, p. 4.

## COMMISSION REGULATION (EEC) No 2351/85

of 16 August 1985

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 15 to 21 July 1985

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1311/85 of 23 May 1985 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom <sup>(1)</sup>, and in particular Article 5 thereof,

Whereas, under Article 3 of Regulation (EEC) No 1311/85, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Commission Regulation (EEC) No 2187/85 of 31 July 1985 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom <sup>(2)</sup>, the amounts to be charged on departure from the territory of the United Kingdom of the products listed in the Annex

to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 15 to 21 July 1985 should be fixed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 of Regulation (EEC) No 1311/85, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 2187/85 which left the territory of the United Kingdom during the week 15 to 21 July 1985 shall be those set out in the Annex.

*Article 2*

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 15 July 1985.

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

Done at Brussels, 16 August 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 137, 27. 5. 1985, p. 20.

<sup>(2)</sup> OJ No L 203, 1. 8. 1985, p. 76.

## ANNEX

**Amounts to be levied on products which left the territory of the United Kingdom during  
the week 15 to 21 July 1985**

(ECU/100 kg net weight)

CCT heading No	Description	Amount
1	2	3
ex 02.01 A II a) and ex 02.01 A II b)	Meat of adult bovine animals, fresh, chilled or frozen :	
	1. Carcases, half-carcases or 'compensated' quarters	26,26474
	2. Separated or unseparated forequarters	21,01179
	3. Separated or unseparated hindquarters	31,51769
	4. Other :	
	aa) Unboned (bone-in)	21,01179
	bb) Boned or boneless	35,98269
ex 02.06 C I a)	Meat salted, in brine, dried or smoked, of adult bovine animals :	
	1. Unboned (bone-in)	21,01179
	2. Boned or boneless	29,94180
ex 16.02 B III b) 1	Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals :	
	aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	11. Containing 80 % or more by weight of beef meat excluding offals and fat	29,94180
	22. Other	21,01179

## COMMISSION REGULATION (EEC) No 2352/85

of 16 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:

*Article 1*

Having regard to the Treaty establishing the European Economic Community,

The coefficient for the pound sterling referred to in Article 2 (3) of Regulation (EEC) No 2742/82 is replaced by '0,974'.

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,

*Article 2*

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,

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 19 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.

Whereas Article 2 (3) of Commission Regulation (EEC) No 2742/82<sup>(5)</sup>, as last amended by Regulation (EEC) No 2227/85<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;

However, the competent authorities may regard the products as having left the supplier country before 19 August 1985 when one of the following documents is submitted:

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

- 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.

Whereas the conversion rate of the pound sterling has changed;

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

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 19 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 205, 3. 8. 1985, p. 31.



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

Done at Brussels, 16 August 1985.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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## COMMISSION REGULATION (EEC) No 2353/85

of 16 August 1985

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<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 syrups and certain other sugar products were fixed by Regulation (EEC) No 2163/85<sup>(3)</sup>, as amended by Regulation (EEC) No 2264/85<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2163/85 to the information known to the Commission that the basic

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 2163/85 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 17 August 1985.

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

Done at Brussels, 16 August 1985.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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<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 203, 1. 8. 1985, p. 18.  
<sup>(4)</sup> OJ No L 211, 8. 8. 1985, p. 26.

## ANNEX

to the Commission Regulation of 16 August 1985 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,4742	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	57,68
	ex II. Other	0,4742	—
	E. Artificial honey, whether or not mixed with natural honey	0,4742	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4742	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	57,68
	IV. Other	0,4742	—

## COMMISSION REGULATION (EEC) No 2354/85

of 16 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 2337/85<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 17 August 1985.

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

Done at Brussels, 16 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 218, 15. 8. 1985, p. 39.

## ANNEX

to the Commission Regulation of 16 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	47,42 43,07 <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.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 10 July 1985

relating to a proceeding under Article 2 of Council Regulation (EEC) No 1017/68  
applying rules of competition to transport by rail, road and inland waterway  
(IV/31.029 — French inland waterway charter traffic : EATE levy)

(Only the French text is authentic)

(85/383/EEC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
1017/68 of 19 July 1968 applying rules of competition  
to transport by rail, road and inland waterway <sup>(1)</sup>, as last  
amended by the Act of Accession of Greece, and in  
particular Articles 2 and 5 thereof,

Having regard to the complaints lodged with the  
Commission under Article 10 of Regulation (EEC) No  
1017/68 by the following Dutch undertakings and  
associations : Algemene Schippersvereniging,  
Rotterdam, Onafhankelijke Nederlandse Schippersvak-  
bond, Rotterdam, Federatie van Schippersbonden,  
Rotterdam, Vereniging Toerbeurt Noord-Zuid,  
Rotterdam and Benjamin Besjer, transport operator,  
Rotterdam,

Having decided on 1 August 1984 to open proceed-  
ings in the case,

Having given the undertakings concerned on 27  
February 1985 the opportunity of replying to the  
objections raised by the Commission, in accordance  
with Article 26 (2) of Regulation No 1017/68 and with  
Commission Regulation (EEC) No 1630/69 of 8

August 1969 on the hearings provided for in Article  
26 (1) and (2) of Regulation (EEC) No 1017/68 <sup>(2)</sup>,

Having consulted the Advisory Committee on Restric-  
tive Practices and Dominant Positions, in accordance  
with Article 16 of Regulation (EEC) No 1017/68, on  
19 June 1985,

Whereas :

## I. FACTS

- (1) This Decision concerns an agreement signed in  
France on 13 June 1983 between the French  
Association of Self-Employed Waterway Carriers  
(Association Nationale des Travailleurs Indépen-  
dants de la Batellerie — ANTIB) and the  
French Federation of Inland Waterway Forwar-  
ding Agents (Chambre Syndicale Nationale des  
Courtiers de fret fluviaux) and in particular the  
introduction of a 10 % levy on all charters  
arranged through the inland waterway freight  
exchange system in France for destinations  
abroad. The levy has been referred to as the  
'EATE levy', or, for the time being, the 'BASC  
levy', after the organizations receiving the  
proceeds (see paragraphs 22 and 23).

<sup>(1)</sup> OJ No L 175, 23. 7. 1968, p. 1.

<sup>(2)</sup> OJ No L 209, 21. 8. 1969, p. 11.

## A. Structure of the charter market on French inland waterways

### 1. Types of carrier

(2) The French carriers operating on the charter market on French inland waterways fall into three categories :

- (a) Owner-boatmen, most of whom own only one barge: there are about 2 800 such carriers operating 3 400 craft, 2 300 of them being one-barge firms. The vast majority (97 %) carry general cargo (fertilizers, cereals, coal, sand, etc.);
- (b) The industrial fleet comprising three large shipping companies which operate altogether about 400 vessels: one of them operates on Rhine waters and the two others carry specialized cargoes (such as oil, cars) rather than general cargo, and have diversified interests throughout the transport field, in inland waterway forwarding, combined transport, warehousing, etc.;
- (c) Small fleet operators with altogether about 350 vessels, a group comprising about 40 firms also with diversified interests throughout transport.

### 2. Types of charter-party

(3) General cargo (unlike specialized cargo) is carried under three types of charter-party :

- (a) Charters for one voyage or a number of voyages, arranged between a carrier and a shipper by a forwarding agent;
- (b) Time charters under which the craft is hired for a certain time (not very common);
- (c) Tonnage charters, agreed directly between the owner and the charterer, and permitted only for craft above a certain (quite high) tonnage.

(4) Under the regulations, owner-boatmen are allowed to let their vessels only on voyage or time charters. To obtain tonnage charters, they must form groups. Small fleet operators (groups)

can also let certain designated vessels on voyage charters. The large fleets hardly ever use voyage charters, but negotiate tonnage contracts or time charters directly with shippers.

### 3. The 'queueing' system and the exchanges

(5) The chartering of vessels on a voyage basis to carry general cargo to destinations within France or abroad — except for voyages commencing in France and passing along the Rhine or Moselle — are, by law, subject to the 'queueing' ('tour de rôle') system.

Under this system, all vessels which their operators wish to let on voyage charters must be entered in the 'queue' at the official exchange ('bourse') where shippers wishing to hire vessels on voyage charters are obliged to offer their cargoes.

(6) Voyage charter-parties may be arranged only at the official exchanges, which have been set up by ministerial decree at all the main ports of loading and are run under the supervision of the National Inland Waterways Board (ONN), an agency responsible to the Ministry of Transport. All charter-parties of this kind must be endorsed by the ONN as being in accordance with the regulations.

(7) The 'queueing' system operates as follows: All the cargoes offered by shippers are posted on the exchange's notice board and all the vessels awaiting cargo are listed in the 'queue'. The owners or operators of the vessels in the queue are called in turn and may take their pick of the cargoes offered. Carriers are not obliged to accept a particular cargo.

(8) Foreign carriers, i.e. those whose vessel is not registered in France, may join the queue at exchanges at the end of an outward trip, but only for a return international trip or a trip taking them back to the border. In exceptional cases they may take cargoes for inland French destinations which are left over for a second call. Like their French colleagues, they may not take cargoes outside the exchange system.

- (9) Cargoes are offered to the exchanges by forwarding agents, who, by law, have a monopoly of representing shippers at the exchanges.

- (10) Since 1973 all tonnage charter-parties agreed directly between the large or small fleet owners and shippers have been vetted by an Advisory Committee composed of representatives of the different types of carrier. On the advice of the Committee, the ONN may express reservations about the proposed price of a charter and may also order part of the cargo to be put out to the exchange system, in which case it will be carried under voyage charters.

#### 4. Freight rates

- (11) The freight rates on inland voyage charters are mandatorily laid down by the authorities. No official tariff exists for other types of charters, but the rates charged on tonnage contracts are influenced by the voyage charter tariff.
- (12) Freight rates for international traffic are normally uncontrolled, but for international charters arranged through the exchanges a system of floor prices agreed between the forwarding agents and ANTIB is in operation.
- (13) The freight for each cargo, inland or international, is posted up at the exchange against the cargo.

#### B. The relevant market

- (14) The market concerned by the inter-association agreement is that for the carriage of general cargo from France to Belgium and the Netherlands, a market on which mainly owner-boatmen operate and which is organized through the exchanges. Inland waterway traffic between the three countries, which in all three is organized under the exchange system either by law or by agreement between those engaged in the traffic, is known as the 'north-south' traffic. The problems which the 'north-south' traffic as a whole poses from the point of view of competition are being investigated separately by the Commission.
- (15) The industrial fleets are scarcely involved at all in north-south traffic, operating mainly on the Rhine and Moselle and the other major waterways and in specialized cargoes. The small fleets

operate mainly in inland traffic along the waterways of the Seine and Rhône network and mostly outside the exchange system.

- (16) The Commission understands that in 1982 the volume of north-south traffic from France allocated through the exchange system came to about 6 million tonnes and accounted for about 37 % of all cargoes passing through French exchanges. The bulk of the traffic (over 90 %) consists of cereals, and the remainder of sugar and various animal feedingstuffs, bound for Belgian and Dutch destinations. About 10 million tonnes of cargoes to inland destinations were also allocated through the French exchange system in 1982.

- (17) The 6 million tonnes of cereals and other goods shipped by inland waterway to Belgium and the Netherlands represent only 40 % of the total northbound traffic in these commodities. The remaining 60 % (9 million tonnes) are transported by rail or road, which in recent years have been steadily increasing their share of this traffic.

- (18) The total volume of traffic carried by inland waterway to inland destinations in France under or outside the exchange system in 1982 was around 41 million tonnes. The total volume of traffic carried by inland waterway to foreign destinations in 1982 amounted to some 19 million tonnes.

- (19) The north-south traffic of about 6 million tonnes is shared almost equally between French carriers and Belgian and Dutch carriers, but Belgian and Dutch carriers play very little part in inland French traffic.

#### C. The undertakings

##### 1. ANTIB

- (20) ANTIB France, is a trade association governed by the Act of 21 July 1901 on contracts of association, which was set up pending the establishment of a national chamber of waterway carriers. Its objects are to assist the public authorities on all matters of general interest concerning the activities of self-employed waterway carriers and to further their professional interests. The Association is financed from members' annual subscriptions and from a 'professional levy' of 0,50 % deducted by forwarding agents from

freights earned on all charters arranged through the exchange system. Membership is open to non-incorporated firms or individuals engaging in the carriage of goods by inland waterway and having at their disposal for this purpose one or more vessels registered in France. Non-incorporated carriers of foreign nationality meeting the above criteria can become active non-voting members. The articles of association provide for ANTIB to be dissolved immediately a National Chamber of Small Waterway Carriers (Chambre Nationale de la Batellerie Artisanale — CNBA) is set up. The foundation of such a chamber is provided for in Act No 82-1153 of 30 December 1982 on the organization of inland transport and in Decree No 84-365 of 14 May 1984 on the operation of the CNBA.

## 2. *The freight forwarding agents*

- (21) The National Federation of Inland Waterway Forwarding Agents (Chambre Nationale Syndicale des Courtiers de fret fluviaux) brings together all inland waterway freight forwarders established in France. The forwarding agents have to meet statutory professional standards.

Forwarding agents represent shippers in all dealings concerning charters arranged through the exchange system and also provide commercial services to carriers, by paying them advances on freights, drawing up documentation and supervising performance of the contract, although without liability. The agent's commission (5 % of the freight for inland and 7,5 % for foreign trips) and a *del credere* commission are at present payable by the carrier.

## 3. *BASC*

- (22) The Small Boatmen's Commercial Services Group (Batellerie Artisanale Service Commercial — BASC) is a commercial association formed in 1977 by 400 owner-boatmen owning vessels with a total hold capacity of about 200 000 tonnes with the object of undertaking activities in inland waterway transport. BASC was designed to be the commercial wing of ANTIB, which in practice controls the administration of BASC. Its role in this case was confined to keeping moneys on behalf of EATE pending EATE's foundation.

## 4. *EATE*

- (23) The Boatmen's Cooperative ('Enterprise Artisanale de Transport par Eau' — EATE) is a cooperative which was ultimately to administer the proceeds of the EATE levy. EATE had not been legally incorporated when the inter-association agreement was signed or by the time it expired, because the legal formalities had not yet been completed. The main objects of the cooperative are to pursue a commercial policy designed to increase the traffic passing through the exchange system and to provide forwarding services to shippers on advantageous terms. EATE is not itself, strictly speaking, a carrier. All the charter-parties it makes are put through the exchange system and are open to all carriers, whether members or not. Even foreign carriers could benefit from its efforts (in the circumstances mentioned in paragraph 8).

The idea of forming EATE and the name given to it were put forward in a report on the development of French inland waterway transport prepared for the Ministry of Transport by the Grégoire Committee. The formation of the cooperative was made possible by virtue of Act No 83-657 of 20 July 1983 on the development of collective economic activities, which laid down the main requirements for worker cooperative (Title I, Articles 1 to 34)

- (24) The rules governing membership of EATE are of significance in the present case. Act No 83-657 (Article 36) provides that cooperatives in inland waterway transport shall be formed of inland waterway carriers registered with the CNBA. Carriers or owner-boatmen with vessels not registered in France, i.e., foreign carriers, thus cannot be members of EATE. Membership is open to individuals or companies that are either owner-boatmen (registered with the CNBA) or carry on similar or complementary activities, provided in the latter case that they do not have more than 20 permanent employees. However, the total value of the business transacted with the cooperative by members in the second category must not account for more than a quarter of the cooperative's annual turnover (Article 10 (1) and (2) of EATE's articles of association and Article 6 of the Act of 20 July 1983). Membership is also open to persons who, though not in business as inland waterway carriers, have an interest in the activities of EATE or a close relationship with it and a good knowledge of the industry, such as forwarding agents.



**D. Main provisions of the inter-association agreement of 13 June 1983**

(25) On 13 June 1983, ANTIB and the National Federation of Inland Waterway Forwarding Agents signed an agreement on the 'reorganization of small-scale inland waterway transport'. It involved a revision of the freight tariff for charters arranged through the exchange system and the constitution of a 'regulation fund' administered by the future EATE.

(26) The agreement provided *inter alia* for:

(a) introduction of a levy of 10 % of freights on all charters arranged at French exchanges for destinations abroad, whether the carriage was to be undertaken by French or foreign carriers. The levy, to be collected by the forwarding agents, was called the 'EATE levy', or for the time being the 'BASC levy'; and

(b) the possibility of the levy being refunded to EATE members.

(27) The EATE levy was to be deducted from the total gross freight posted up at the exchange. The amount payable to the carrier was based on 90 % of the total freight posted up.

(28) After deduction of the statutory and customary dues and charges (see paragraphs 20 and 21) the EATE levy together with 5 % of the forwarding agents' commission was paid via the local forwarding agents' association into a special account held by BASC on behalf of EATE, which was still being set up. BASC and not ANTIB was used to hold the funds because being a commercial association ('groupement d'intérêt économique') it was allowed to receive revenue arising from commercial transactions, which ANTIB was not. The Commission understands that about FF 5 million was collected under this levy scheme.

(29) The agreement also provided that the EATE levies collected and not refunded to non-members of EATE would constitute, together with other moneys, a 'regulation fund', the major part

of which would be used for commercial purposes benefitting the entire trade and the remainder to help cover EATE's running costs.

(30) The Commission understands that the levy was abolished with effect from 17 October 1983, but that forwarding agents continued to pay their contribution to the fund after that date.

**E. The activities of EATE and the use of the regulation fund**

(31) EATE was constituted in the legal form of a 'société anonyme coopérative' with variable capital. Its objects were to promote the interests of waterway carriers lifting cargoes through the exchange system. It could engage in commercial activities of two kinds to compete with the large and small fleets on the tonnage contracts market and with the railways and road haulage:

(a) by entering into contracts itself with major shippers and then putting the cargo through the exchanges;

(b) by offering shippers generating substantial amounts of traffic advantageous commercial terms to put their cargo through the exchanges.

In both cases the cargo would be carried under voyage charters at the exchange price. As EATE could require its members to undertake carriage on the terms it had agreed with the shipper, it could guarantee performance of the contract and assume liability.

For this purpose the regulation fund would be used to pay discounts to customers, to ensure that capacity was available to collect cargo by paying carriers for empty trips, to pay for waiting time and to provide any other incentives to member carriers operating through the exchanges.

(32) The EATE levy to constitute the regulation fund was introduced before EATE was officially set up so that it could start commercial operation in time for the cereal traffic in the second half of 1983. The Commission understands that EATE managed to capture some large contracts which

it was able to put into the exchange system, so increasing the traffic passing through the exchanges. However, the major part of the contracts it secured were for carrying goods to French seaports for export overseas, traffic from which foreign carriers are usually barred.

#### F. Refund of the levy

- (33) EATE's long-term success depends on gaining the support of the greatest possible number of French boatmen working through the exchanges.

To encourage the boatmen to join the new organization a refund of the EATE levy was promised and is provided for in the inter-association agreement.

- (34) On 2 August 1983 ANTIB began refunding the EATE levy through BASC to French carriers.

Foreign carriers paid the levy but could not obtain a refund since unlike their French counterparts, they cannot become members of EATE. To this day, foreign carriers receive no refunds.

#### G. The retaliatory measures taken in Belgium and the Netherlands

- (35) On 20 June 1983 the organizations of Belgium and Dutch waterway carriers introduced various retaliatory measures against French carriers whereby they too were charged 10 % of the freights they earned on all charters from Belgium or the Netherlands to France. These measures are the subject of separate investigations by the Commission.

## II. LEGAL ASSESSMENT

### A. Article 2 of Regulation (EEC) No 1017/68

- (36) Article 2 of Regulation (EEC) No 1017/68 prohibits as incompatible with the common market, subject to the provisions of Articles 3 to 6 of the Regulation, and without any prior decision to that effect being required, all agreements between undertakings, decisions by associations of undertakings and concerted practices liable to affect trade between Member States which have as their object or effect the prevention, restric-

tion or distortion of competition within the common market.

#### 1. Undertakings

- (37) ANTIB, one of the parties to the inter-association agreement with which this Decision is concerned, is a trade association whose corporate function is the same as that traditionally performed by a federation of craftsmen's guilds.
- (38) The other party to the agreement, the National Federation of Inland Waterway Forwarding Agents, is subject to the legislation on trade associations, the Inland Waterways Code and its own bye-laws.
- (39) Both ANTIB and the National Federation of Inland Waterway Forwarding Agents are associations of undertakings within the meaning of Article 2 of Regulation (EEC) No 1017/68. The Commission has no criticism to make of the activities of the two associations from the point of view of the competition rules in so far as they are aimed at satisfying the common needs of their members and performing the typical functions of a trade association, such as :

- maintenance of professional standards by means of rules on training, compulsory registration of members, etc.;
- study of matters of common interest relevant to the activities of their members and maintenance of relations with other trade associations and the public authorities, in order to give members the necessary support and assistance to enable them technically to carry on their occupation;
- promotion of the interests of the trade in the areas of securing better remuneration for its services and improved working conditions.

However, with the agreement of 13 June 1983 the activities of the two associations entered a commercial area in which they have a direct effect on competition and, in particular, on the competitive position of third parties. Article 2 of the Regulation applies to the two trade associations in so far as their own activities, or those of their members, have the effects referred to in the Article.

#### 2. Agreement between undertakings

- (40) Although Article 2 of Regulation (EEC) No 1017/68 mentions only agreements between undertakings, it also applies to agreements between associations of undertakings (Commis-

sion Decision 74/433/EEC<sup>(1)</sup>, upheld by the Court of Justice in its judgment in Case 71/74 *Frubo v. Commission*<sup>(2)</sup>. The agreement between ANTIB and the National Forwarding Agents' Federation must therefore be considered in its form as an agreement falling within the scope of Article 2 of Regulation (EEC) No 1017/68 because it was intended to have effects prohibited by that Article.

- (41) The agreement is binding on the members of the Forwarding Agents' Federation as if they had entered into it individually. Although the Federation has the power to impose mandatory requirements on its members, in the present case the implementation of the agreement is required of the membership by virtue of a recommendation (cf. in this connection Commission Decision 82/371/EEC in Case IV/29.995 *Navewa-Anseau*<sup>(3)</sup>).

- (42) The agreement is not binding on the members of ANTIB, but the obligations under it (such as the expenditure of the regulation fund) lay solely upon the association. Nevertheless, ANTIB members (and non-member foreign carriers) using the exchange system cannot avoid paying the EATE levy because they have to deal with forwarding agents.

- (43) As far as the EATE levy was concerned, such an arrangement was perfectly effective and satisfactory. For collection of the levy it was sufficient to have the support of the forwarding agents since they were always involved in charters arranged on the exchanges. As for the expenditure of the regulation fund and the refund of the levy, this could be decided wholly by ANTIB on its own until EATE was set up. Thus, there can be no doubt as to the causal link between the agreement between the two parties and the effect of the agreement on competition.

### 3. *Effect on trade between Member States*

- (44) As floor prices for international charters are freely negotiated between the representatives of the carriers and the forwarding agents represen-

ting the shippers, it was on export traffic that the EATE levy was charged under the interassociation agreement.

- (45) The imposition of the EATE levy on carriers transporting cargoes from France to destinations abroad, together with the possibility of selective refund of the levy, is liable to affect trade between Member States and it will tend to obstruct the carriage of goods from France to other Member States and so help to prevent the Member States becoming a single market.
- (46) Given the scale of international traffic from France arranged through the exchange system and the share of this traffic held by foreign carriers (see paragraph 19), it is clear that the effect of such an agreement on trade between Member States is significant.

### 4. *Distortion of competition*

- (47) The Commission considers that two provisions of the inter-association agreement, namely the imposition of the levy on export traffic and the possibility of a selective refund of the levy, are discriminatory and have effects referred to in Article 2 of Regulation (EEC) No 1017/68, in that they place certain inland waterway carriers not party to the agreement at a competitive disadvantage. It has been established by the Court of Justice (*Joined Cases 56 and 58/64 Consten-Grundig v. Commission*<sup>(4)</sup>) that for an agreement to infringe the competition rules it is not necessary that it involve a restriction of competition between the parties, but it is sufficient that the practice complained of significantly affects the position of third parties.
- (48) The discriminatory and anti-competitive effect of the inter-association agreement is more clearly appreciated when seen against the background of the economic and legal context in which it operates :
- (a) Although the levy is charged only on international traffic, the regulation fund into which the proceeds flowed is to be used to promote all traffic, inland as well as interna-

<sup>(1)</sup> OJ No L 237, 29. 8. 1974, p. 16.

<sup>(2)</sup> [1975] ECR 563 and 583.

<sup>(3)</sup> OJ No L 167, 15. 6. 1982, p. 39.

<sup>(4)</sup> [1966] ECR 299.

tional, passing through the exchanges. Foreign carriers account for almost half of the international traffic, which is on an economically significant scale. However, the bulk of the major new business EATE has managed to secure for the exchange system with the funds collected while the levy was in operation (FF 5 million over four months) was traffic to inland French destinations, in which foreign carriers play scarcely any part.

- (b) The legal aspect is no less important. The limited involvement of foreign carriers in French inland traffic is due to the fact that transport is excluded by Article 61 (1) of the EEC Treaty (as the Court of Justice confirmed in its judgment in Case 167/73 *Commission v. France* <sup>(1)</sup>) from the Treaty's provisions on the opening up of the service industries to non-residents and the Council, although required by Article 75 (1) (b) of the Treaty to lay down the conditions under which non-resident carriers may operate transport services within a Member State, has not yet done so. Inland waterway transport in France is therefore still subject to a national transport policy, which accounts for the only very limited liberalization of the market.

- (49) A consideration of the context in which the agreement operates makes it at least likely, first of all, that the refunding of the EATE levy from 2 August 1983 onwards only to French carriers who intended to become members of EATE discriminates against foreign carriers, who thereby suffer a competitive disadvantage by comparison with their French counterparts and are prevented from competing on equal terms.

The introduction of retaliatory measures against French carriers in Belgium and the Netherlands (see paragraph 35) is no excuse for refunding the EATE levy only to French carriers and does not

take the French action outside the scope of Article 2 of Regulation (EEC) No 1017/68.

- (50) Secondly by giving certain carriers an unjustified advantage over other carriers the EATE levy actually impairs competition. As the resources of the regulation fund are used to increase the overall volume of business passing through the exchanges, carriers engaged in inland traffic have benefitted under the scheme without having to contribute to it. At all events, the levy involved a clear discrimination against foreign carriers, since being involved only to a very limited extent in inland French traffic they cannot benefit from the extra business attracted to the system as much as their financial contribution warrants, with the result that their competitive position is artificially worsened.
- (51) Finally, the Commission considers that the discretion to selectively refund the EATE levy is no less discriminatory, in that it has the object of giving EATE members a financial advantage and the effect of artificially worsening the competitive position of carriers who are not members by making international charters less profitable for them than they would otherwise have been, without any economic justification for so doing.

It is also likely that the promise of a refund of the levy to carriers announcing their intention of joining EATE was too strong an inducement for the carriers to resist. Whatever requirements for becoming a member (EATE shares cost FF 100 each), the Commission considers that this measure is contrary to the competition rules since it restricts the commercial independence of the carriers. Carriers ought to be able to choose freely whether to become members of EATE in the light of their particular economic circumstances. Since the commercial independence and freedom of choice of economic agents are an essential condition for the existence of effective and adequate competition on the market, this practice is liable to significantly impair competition.

At all events, this practice involves a clear discrimination against foreign carriers since they can

<sup>(1)</sup> [1974] ECR 359.

not become members of EATE. For the reasons stated in paragraph 24, the Commission does not subscribe to the interpretation put forward by ANTIB at the oral hearing that it is possible for foreign owners of craft not registered in France to become members of EATE and obtain the refund. However, even if this were the case, the effect on competition could not have been any less significant.

#### B. Article 5 of Regulation (EEC) No 1017/68

(52) Under Article 5 of Regulation (EEC) No 1017/68, the prohibition in Article 2 may be declared inapplicable with retroactive effect to any agreement or category of agreement between undertakings, any decision or category of decision of an association of undertakings, or any concerted practice or category of concerted practice which contributes towards improving the quality of transport services, promoting greater continuity and stability in the satisfaction of transport needs on markets where supply and demand are subject to considerable temporal fluctuation, increasing the productivity of undertakings, or furthering technical or economic progress and at the same time takes fair account of the interests of transport users and neither imposes on the transport undertakings concerned any restriction not essential to the attainment of the above objectives nor makes it possible for such undertakings to eliminate competition in respect of a substantial part of the transport market concerned.

(53) To be eligible for exemption under Article 5 of Regulation (EEC) No 1017/68, an agreement does not need to have been notified. The preamble of the Regulation (14th and 15th recitals) states :

'It is for the undertakings themselves, in the first instance, to judge whether the predominant effects of their agreements, decisions or concerted practices are the restriction of competition or the economic benefits acceptable as justification for such restriction and to decide accordingly, on their own responsibility, as to the illegality or legality of such agreements, decisions or concerted practices ... . Therefore, undertakings should be

allowed to conclude or operate agreements without declaring them. This exposes such agreements to the risk of being declared void with retroactive effect should they be examined following a complaint or on the Commission's own initiative, but does not prevent their being retroactively declared lawful in the event of such subsequent examination.'

(54) However, under Article 12 of the Regulation, undertakings wishing to verify the legality of agreements, decisions or concerted practices to which they are party may call upon the Commission's assistance in doing so and if the restrictive practices fall within Article 2 of the Regulation may apply for their exemption under Article 5.

(55) The parties to the inter-association agreement have never applied to the Commission for negative clearance or for an exemption under Article 12.

(56) Where a complaint is lodged against an agreement, the Commission is required to scrutinize the agreement as to its conformity with the competition rules and may in an appropriate case exempt it retroactively. In the present case, the Commission considers that the inter-association agreement falls within the scope of Article 2 of Regulation (EEC) No 1017/68 but cannot be exempted for the following reasons :

(a) The benefits anticipated and indeed achieved in terms of the volume of traffic passing through the exchange system cannot be said to compensate for the serious disadvantages which the measures complained of have entailed for competition.

In these circumstances, the measures are considered to be disproportionate and unsuited to the benefits the parties sought to achieve through the agreement. By arranging, purely to protect the vested and commercial interests of the association, for the regulation fund to be collected, only from carriers engaged in international traffic, the levy scheme discriminates against a particular category of boatmen, particularly foreign boatmen, and significantly impairs competition.

(b) In any case, the Commission does not see how the levy scheme, in the manner in which it was applied, could have contributed to improving the standard of service, promoting greater continuity and stability in the satisfaction of transport needs, increasing productivity or furthering technical or economic progress. The discrimination involved in the scheme is absolutely unjustified. Nor is there any reason for thinking that the scheme could benefit the users of the services.

(c) Finally, the fact that the formation of EATE was recommended by a public authority as a means of alleviating the critical situation faced by small French barge operators is no excuse for the levy scheme. The scheme and the resultant impairment of competition are entirely attributable to the agreement between ANTIB and the forwarding agents, and not to any intervention by the French Government.

### C. Termination of the infringements

- (57) Article 11 (1) of Regulation (EEC) No 1017/68 provides that where the Commission finds that there has been an infringement of Article 2 of the Regulation it may by decision require the undertakings or associations of undertakings concerned to bring such infringements to an end.

For the reasons set out in sections II A and B, the Commission has no alternative but to find that between 13 June and 17 October 1983 ANTIB and the French Forwarding Agents' Federation committed infringements of Article 2 of Regulation (EEC) No 1017/68. Only the second indent of clause 1 and the first sentence of clause 4 of the inter-association agreement between ANTIB and the Forwarding Agents of 13 June 1983, relating to the imposition of the EATE levy on international traffic only and the discretion to refund the levy to EATE members respectively, infringe Article 2. These two provi-

sions can be severed from the rest of the agreement and fall under the prohibition laid down in Article 2,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The inter-association agreement signed on 13 June 1983 between the French Association of Self-Employed Waterway Carriers (Association Nationale des Travailleurs Indépendants de la Batellerie) and the French Federation of Inland Waterway Forwarding Agents (Chambre Syndicale Nationale des Courtiers de fret fluviaux) constitutes an infringement of Article 2 of Council Regulation (EEC) No 1017/68 in so far as it impairs the normal operation of competition. The main provisions concerned are the second indent of clause 1, which provides for the imposition of an 'EATE levy' on charters for destinations abroad, and the first sentence of clause 4, which allows a discretion not to refund the levy to non-members of EATE.

#### *Article 2*

The agreement referred to in Article 1 is hereby refused exemption under Article 5 of Regulation (EEC) No 1017/68.

#### *Article 3*

This Decision is addressed to:

- the Association Nationale des Travailleurs Indépendants de la Batellerie (ANTIB), 16 Boulevard Vincent Auriol, 75013 Paris, France, and
- the Chambre Syndicale Nationale des Courtiers de fret fluviaux, 32 rue de Londres, 75009 Paris, France.

Done at Brussels, 10 July 1985.

*For the Commission*

Peter SUTHERLAND

*Member of the Commission*

## CORRIGENDA

Corrigendum to Commission Decision No 2304/85/ECSC of 9 August 1985 on the restriction of exports of certain steel products to the United States of America

(Official Journal of the European Communities No L 215 of 12 August 1985)

Pages 34 to 38 — Annex I shall read as follows :

## ANNEX I

## LIST OF PRODUCTS — ECSC

Description	NIMEXE code	TS USA number
Alloy wire rod	ex 73.10-11 (*) <sup>(25)</sup> <sup>(190)</sup>	607.4100
	15 (*) <sup>(25)</sup> <sup>(190)</sup>	607.5900
	ex 73.63-21 (*) <sup>(25)</sup> <sup>(190)</sup>	
	29 (*) <sup>(25)</sup> <sup>(190)</sup>	
	ex 73.73-23 (*) <sup>(25)</sup> <sup>(68)</sup> <sup>(190)</sup>	
	24 (*) <sup>(25)</sup> <sup>(68)</sup> <sup>(190)</sup>	
	25 (*) <sup>(25)</sup> <sup>(190)</sup>	
	26 (*) <sup>(25)</sup> <sup>(190)</sup>	
	29 (*) <sup>(25)</sup> <sup>(190)</sup>	
	33 (*) <sup>(25)</sup> <sup>(68)</sup> <sup>(190)</sup>	
	34 (*) <sup>(25)</sup> <sup>(190)</sup>	
	35 (*) <sup>(25)</sup> <sup>(190)</sup>	
	36 (*) <sup>(25)</sup> <sup>(190)</sup>	
	39 (*) <sup>(25)</sup> <sup>(190)</sup>	
Round and flat wire	ex 73.12-21 <sup>(75)</sup> <sup>(160)</sup>	609.2000
	51 <sup>(75)</sup> <sup>(160)</sup>	609.2100
		609.2200
		609.2500
		609.2800
		609.3040
		609.3340
		609.3500
		609.3600
		609.3700
		609.4010
		609.4040
		609.4055
		609.4065
		609.4120
		609.4125
		609.4165
		609.4315
		609.4365
		609.4530
		609.4560

Description	NIMEXE code	TS USA number
Black plate	ex 73.12-21 <sup>(186)</sup>	607.6200
	ex 73.13-49 <sup>(186)</sup>	607.6400
	50 <sup>(186)</sup>	
	88 <sup>(186)</sup>	
	89 <sup>(186)</sup>	
	ex 73.65-55 <sup>(186)</sup>	
	70 <sup>(186)</sup>	
	ex 73.75-11 <sup>(186)</sup>	
	19 <sup>(186)</sup>	
	63 <sup>(186)</sup>	
	64 <sup>(186)</sup>	
	69 <sup>(186)</sup>	
	73 <sup>(186)</sup>	
	79 <sup>(186)</sup>	
Electrical sheet and strip	ex 73.08-01 <sup>(51)</sup> <sup>(124)</sup>	607.9205
	03 <sup>(51)</sup> <sup>(124)</sup>	607.9210
	05 <sup>(51)</sup> <sup>(124)</sup>	608.3900
	07 <sup>(51)</sup> <sup>(124)</sup>	
	21 <sup>(51)</sup> <sup>(124)</sup>	
	25 <sup>(51)</sup> <sup>(124)</sup>	
	29 <sup>(51)</sup> <sup>(124)</sup>	
	41 <sup>(51)</sup> <sup>(124)</sup>	
	45 <sup>(51)</sup> <sup>(124)</sup>	
	49 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.12-11 <sup>(51)</sup> <sup>(124)</sup>	
	19 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.13-11 <sup>(51)</sup> <sup>(124)</sup>	
	16 <sup>(51)</sup> <sup>(124)</sup>	
	19 <sup>(51)</sup> <sup>(124)</sup>	
	23 <sup>(51)</sup> <sup>(124)</sup>	
	26 <sup>(51)</sup> <sup>(124)</sup>	
	32 <sup>(51)</sup> <sup>(124)</sup>	
	34 <sup>(51)</sup> <sup>(124)</sup>	
	36 <sup>(51)</sup> <sup>(124)</sup>	
	41 <sup>(51)</sup> <sup>(124)</sup>	
	43 <sup>(51)</sup> <sup>(124)</sup>	
	45 <sup>(51)</sup> <sup>(124)</sup>	
	47 <sup>(51)</sup> <sup>(124)</sup>	
	49 <sup>(51)</sup> <sup>(124)</sup>	
	50 <sup>(51)</sup> <sup>(124)</sup>	
	88 <sup>(51)</sup> <sup>(124)</sup>	
	89 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.62-10 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.64-20 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.65-21 <sup>(51)</sup> <sup>(124)</sup>	
	23 <sup>(51)</sup> <sup>(124)</sup>	
	25 <sup>(51)</sup> <sup>(124)</sup>	
	53 <sup>(51)</sup> <sup>(124)</sup>	
	55 <sup>(51)</sup> <sup>(124)</sup>	
	70 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.72-11 <sup>(51)</sup> <sup>(124)</sup>	
	19 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.74-21 <sup>(51)</sup> <sup>(124)</sup>	
	29 <sup>(51)</sup> <sup>(124)</sup>	
	ex 73.75-11 <sup>(51)</sup> <sup>(124)</sup>	
	19 <sup>(51)</sup> <sup>(124)</sup>	
	29 <sup>(51)</sup> <sup>(124)</sup>	
	39 <sup>(51)</sup> <sup>(124)</sup>	
	49 <sup>(51)</sup> <sup>(124)</sup>	
	59 <sup>(51)</sup> <sup>(124)</sup>	
	69 <sup>(51)</sup> <sup>(124)</sup>	
	79 <sup>(51)</sup> <sup>(124)</sup>	



Description	NIMEXE code	TS USA number
Tin-free steel	ex 73.13-82 <sup>(163)</sup>	609.1710
	84 <sup>(163)</sup>	609.1790
	86 <sup>(163)</sup>	
	87 <sup>(163)</sup>	
	89 <sup>(163)</sup>	
	92 <sup>(163)</sup>	
	ex 73.65-70 <sup>(163)</sup>	
	81 <sup>(163)</sup>	
	ex 73.75-73 <sup>(163)</sup>	
	79 <sup>(163)</sup>	
	83 <sup>(163)</sup>	
	84 <sup>(163)</sup>	
	89 <sup>(163)</sup>	
Cold-rolled strip	ex 73.12-21 <sup>(5)</sup> <sup>(59)</sup> <sup>(60)</sup>	608.1940
	51 <sup>(5)</sup> <sup>(59)</sup> <sup>(60)</sup>	608.2145
		608.2150
		608.2340
		608.3820
		608.5520
Cold-finished and other bar		608.6720
	ex 73.10-18 <sup>(187)</sup>	607.0500
	ex 73.63-29 <sup>(187)</sup>	607.0700
	72 <sup>(187)</sup>	607.0900
Bar shapes under 3 inches	ex 73.73-72 <sup>(187)</sup>	
	ex 73.11-11 <sup>(77)</sup> <sup>(191)</sup>	609.8050
	19 <sup>(77)</sup> <sup>(191)</sup>	609.8070
	41 <sup>(77)</sup> <sup>(191)</sup>	609.8090
	ex 73.63-29 <sup>(77)</sup> <sup>(191)</sup>	
	72 <sup>(77)</sup> <sup>(191)</sup>	
	ex 73.73-33 <sup>(77)</sup> <sup>(191)</sup>	
	34 <sup>(77)</sup> <sup>(191)</sup>	
	35 <sup>(77)</sup> <sup>(191)</sup>	
	36 <sup>(77)</sup> <sup>(191)</sup>	
	39 <sup>(77)</sup> <sup>(191)</sup>	
	43 <sup>(77)</sup> <sup>(191)</sup>	
Reinforcing bars	ex 73.10-12	606.7900
	14	606.8100
	ex 73.63-29 <sup>(71)</sup>	
	ex 73.73-33 <sup>(71)</sup>	
	34 <sup>(71)</sup>	
	35 <sup>(71)</sup>	
	36 <sup>(71)</sup>	
Rail and track accessories	39 <sup>(71)</sup>	
	ex 73.16-51 <sup>(192)</sup>	610.2500
		610.2600
		646.3020

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