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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3453/85
of 5 December 1985**

opening, allocating and providing for the administration of a Community tariff quota for 2'-tert-pentylanthraquinone, falling within subheading ex 29.13 F of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Whereas production in the Community of 2'-tert-pentylanthraquinone falling within subheading ex 29.13 F of the Common Customs Tariff is currently insufficient to meet the requirements of the processing industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the product in question should be met immediately on the most favourable terms; whereas a nil duty Community tariff quota should therefore be opened within the limits of an appropriate amount and for a period until 30 June 1986; whereas, in order not to jeopardize the balance of the market for this product, the volume of the Community tariff quota should be fixed at 70 tonnes; whereas, in addition, provision shall be made for the participation of Spain and Portugal from 1 March 1986;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the period of application of the quota is very short and is to cover requirements which cannot be determined with sufficient accuracy, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be specified; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 30 June 1986, the Common Customs Tariff duty for 2'-tert-pentylanthraquinone falling within subheading ex 29.13 F shall be totally suspended within the limit of a Community tariff quota of 70 tonnes.

Within the limit of this tariff quota, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions laid down by the 1985 Act of Accession.

2. If an importer notifies an imminent importation of the product in question in a Member State of the Community of Ten from 1 January 1986, and in Spain or Portugal from 1 March 1986 and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (2) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have access to the quota so long as the residual balance of the quota volume allows this.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 4

The Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

Article 5

This Regulation shall enter into force on 1 January 1986.

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

Done at Brussels, 5 December 1985.

For the Council

The President

J.-C. JUNCKER

COUNCIL REGULATION (EEC) No 3454/85**of 5 December 1985****opening, allocating and administering a Community tariff quota for certain grades of ferro-chromium falling within subheading ex 73.02 E I of the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas, for certain grades of ferro-chromium containing not less than 4 % by weight of carbon, or not less than 6 % by weight of carbon, production is, to a variable degree, inadequate in the Community and producers are unable to meet the total requirements of consumer industries; whereas it is therefore in the Community's interest to suspend totally in respect of this metal the application of the Common Customs Tariff duty for a period running up to 31 December 1986 within a suitable tariff quota; whereas, in order to avoid disturbing the equilibrium of the market for this ferro-alloy and to ensure parallel development in sales of Community production and in supplies to meet the requirements of consumer industries, it is appropriate to fix the quota volume at the provisional level of 217 000 tonnes covering immediate import needs from third countries; whereas for the same reasons a distinction should be made between certain grades of ferro-chromium and the abovementioned quota volume should be allocated between them; whereas, moreover, Member States should be free only to authorize amounts to be charged against this volume subject to certain conditions relating to destination; whereas, in addition, provision should be made for the participation of Spain and Portugal from 1 March 1986;

Whereas equal and continuous access to these quotas should be guaranteed for all Community importers and the rate of duty for these tariff quotas should be applied consistently to all imports until the quotas are exhausted; whereas, in the light of these principles, arrangements for the utilization of the Community tariff quotas based on an allocation among Member States would seem to comply with the Community nature of the quotas; whereas, to correspond as closely as possible to the actual trend in the market in the products in question, such allocation should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas, however, since the quotas are autonomous Community tariff quotas intended to cover import needs arising in the Community, the quota volumes may, as an experiment, be allocated on the basis of the temporary import needs from third countries estimated for each of the Member States; whereas this system of allocation also ensures the uniform application of the Common Customs Tariff;

Whereas, to take account of future import trends for the products concerned, the quota volumes should be divided into two instalments, the first being allocated among the Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, to give importers of the Member States some degree of certainty, the first instalment of each Community tariff quota should be fixed at a relatively high level which could be at more than 90 % of the quota volumes;

Whereas Member States may exhaust their initial shares at different rates; whereas, to avoid disruption of supplies on this account, provision should be made that any Member State which has almost used up its initial share should draw an additional share from the corresponding reserve; whereas each time its additional share is almost exhausted a Member State should draw a further share, and so on as many times as each reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be in a position to monitor the extent to which the quota volumes have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of one of a Member State's initial shares remains unused, it is essential that such a State should return a significant proportion thereof to the corresponding reserve, in order to prevent a part of one of the Community quotas from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January until 31 December 1986, a tariff quota of 217 000 tonnes shall be opened within the Community in respect of certain grades of ferro-chromium falling within subheading ex 73.02 E I of the Common Customs Tariff.

2. The volume of the tariff quota referred to in paragraph 1 shall be allocated as follows :

- (a) 7 000 tonnes for ferro-chromium containing not less than 4 % by weight of carbon ;
- (b) 210 000 tonnes for ferro-chromium containing not less than 6 % by weight of carbon.

3. Imports of the products in question which already benefit from exemption from customs duties under another preferential tariff system are not to be charged against this tariff quota.

4. Within this quota, the customs tariff duty shall be totally suspended. Within the context of this quota, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions laid down in the 1985 Act of Accession.

Article 2

1. A first instalment of each of the volumes indicated in Article 1 (2), amounting to 6 500 tonnes for the tariff quota referred to at (a) and 195 665 tonnes for the tariff quota referred to at (b), shall be allocated among the Member States ; the shares, which, subject to Article 5, shall be valid from 1 January to 31 December 1986 for the Member States of the Community of Ten and from 1 March to 31 December 1986 for Spain and Portugal, shall be as follows :

- (a) as regards ferro-chromium containing not less than 4 % by weight of carbon :

	<i>(tonnes)</i>
Benelux	1 590
Denmark	5
Germany	1 060
Greece	5
Spain	5
France	1 060
Ireland	5
Italy	1 185
Portugal	5
United Kingdom	1 580

- (b) as regards ferro-chromium containing not less than 6 % by weight of carbon

	<i>(tonnes)</i>
Benelux	10 000
Denmark	5
Germany	74 500
Greece	5

Spain	5 000
France	47 600
Ireland	5
Italy	43 500
Portugal	50
United Kingdom	15 000

2. The two instalments, involving 500 tonnes and 14 335 tonnes respectively, shall constitute the reserves.

Article 3

1. As soon as one of the Member States has used 90 % or more of one of its initial shares as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share rounded up as necessary to the next whole number.

2. As soon as one of the Member States, after exhausting one or other of its initial shares, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share.

3. As soon as one of the Member States, after exhausting one or other second share, has used 90 % or more of the third share drawn by it, that Member State shall forthwith and on the same conditions draw a fourth share equal to the third.

This process shall continue until the reserves are exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for doing so.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1986.

Article 5

Member States shall, not later than 1 November 1986, return to the reserve the unused portion of their initial share which on 15 October 1986 exceeds 20 % of the initial amount. They may return a greater portion if there are grounds for believing that such part may not be used in full.

Not later than 1 November 1986, the Member States shall notify the Commission of the total quantities of the products in question imported up to and including 15 October 1986 and charged against the Community quotas and of any portion of their initial shares returned to the corresponding reserve.

Article 6

Member States may decide that only products to be used for certain purposes may be charged against their quota shares. A control in the case that the products have been used for the particular purpose specified shall be carried out by applying the Community provisions on the subject.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserves have been used up.

Not later than 5 November 1986, it shall inform the Member States of the amounts still in the reserves following any return of shares pursuant to Article 5.

It shall ensure that, when an amount exhausting one of the reserves is drawn, the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 8

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3

are opened in such a way that imports may be charged without interruption against their accumulated shares of the tariff quotas.

2. Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The extent to which Member States have used up their shares shall be determined on the basis of imports of the products in question entered with the customs authorities for free circulation.

Article 9

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 10

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 11

This Regulation shall enter into force on 1 January 1986.

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

Done at Brussels, 5 December 1985.

For the Council

The President

J.-C JUNCKER

COUNCIL REGULATION (EEC) No 3455/85
of 5 December 1985

opening, allocating and providing for the administration of a Community tariff quota for sweet, clear-fleshed cherries, marinated in alcohol and intended for the manufacture of chocolate products, falling within subheading ex 20.06 B I e) 2 bb) of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas the production of sweet, clear-fleshed cherries, marinated in alcohol and intended for the manufacture of chocolate products, is currently insufficient in the Community to meet the requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type depend to a considerable extent on imports from third countries; whereas it is in the Community's interest to partially suspend the Common Customs Tariff duty for the products in question, within a Community tariff quota of an appropriate volume; whereas, in order not to bring into question the development prospects of this production in the Community while ensuring an adequate supply to satisfy user industries, it is advisable to limit the benefits of tariff quotas solely to products which meet certain criteria as to presentation and use, to open the quota for the period 1 January to 30 June 1986, and to fix the volume of this quota at a level of 1 500 tonnes, corresponding to the needs for imports from third countries during that period, and to fix the quota duty at 10 %; whereas, moreover, it seems appropriate to provide for Spain's and Portugal's participation from 1 March 1986; whereas this participation can initially be confined to any application in Article 2 (3);

Whereas, in particular, equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is exhausted; whereas, in the light of these principles, arrangements for the utilization of the tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, to correspond as closely as possible to the actual trend in the market on the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative

reference period and to the economic outlook for the quota period in question;

Whereas, however, since the quota is an autonomous Community tariff quota intended to cover import needs arising in the Community, the quota volume may be allocated on the basis of the estimated temporary import needs from third countries of each of the Member States; whereas these arrangements for allocation will also ensure the uniform application of the Common Customs Tariff;

Whereas, to take account of possible import trends for the product concerned, the quota volume should be divided into two tranches, the first being allocated between the Member States of the Community of Ten and the second held as a reserve to meet subsequent requirements of Member States which have used up their initial shares as well as those of the new Member States; whereas, to give importers of the Member States some degree of certainty, the first tranche of the tariff quota should be fixed at a relatively high level, which in this case could be 1 330 tonnes;

Whereas the initial shares of the Member States may be used up at different rates; whereas, to avoid disruption of supplies on this account, any Member State which has almost entirely used up its initial share should draw an additional share from the reserve; whereas, each time its additional share is almost entirely used up, a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve, in order to prevent a part of the Community quota remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 30 June 1986, the Common Customs Tariff duty on sweet, clear-fleshed cherries, marinated in alcohol, of a diameter not exceeding 18,9 mm, stoned, intended for the manufacture of chocolate products⁽¹⁾, falling within subheading ex 20.06 B I e) 2 bb), shall be suspended at a level of 10 % within the framework of a Community tariff quota of 1 500 tonnes.

2. Within the limits of the tariff quota, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions in the 1985 Act of Accession.

Article 2

1. A first tranche of 1 330 tonnes of this Community tariff quota shall be allocated among the Member States of the Community of Ten; the shares, which, subject to Article 5, shall be valid until 30 June 1986, shall be as follows :

	(tonnes)
Benelux	5
Denmark	20
Germany	1 080
Greece	50
France	11
Ireland	5
Italy	169
United Kingdom	5

2. The second tranche of 170 tonnes shall constitute the reserve.

3. If, from 1 March 1986, an importer gives notification of an imminent importation of the product in question in Spain or Portugal and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn

thereby, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 30 June 1986.

Article 5

Member States shall, not later than 15 May 1986, return to the reserve the unused portion of their initial share which, on 1 May 1986, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 15 May 1986, notify the Commission of the total quantities of the products in question imported up to 1 May 1986 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the notifications reach it, inform each Member State of the extent to which the reserve has been used up.

It shall, not later than 20 May 1986, inform the Member States of the amounts still in the reserve following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community tariff quota.

⁽¹⁾ Checks on their prescribed end-use shall be carried out pursuant to the relevant Community provisions.

2. Member States shall take all appropriate measures to ensure that the products listed in Article 1 (1) benefiting from the tariff quota in question are put to the prescribed end-use.

3. Member States shall ensure that importers of the product in question have free access to the shares allotted to them.

4. Member States shall charge imports of the product in question against their shares as the product is entered with the customs authorities for free circulation.

5. The extent to which Member States have used up their shares shall be determined on the basis of imports charged against them under the conditions set out in paragraph 4.

Article 8

At the Commission's request, the Member States shall inform it of imports actually charged against their shares.

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1986.

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

Done at Brussels, 5 December 1985.

For the Council

The President

J.-C. JUNCKER

COUNCIL REGULATION (EEC) No 3456/85
of 5 December 1985

opening, allocating and providing for the administration of a Community tariff quota for boysenberries, preserved by freezing, not containing added sugar, intended for any form of processing except for the manufacture of jam entirely from boysenberries, falling within subheading ex 08.10 D of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas Community supplies of boysenberries currently depend on imports from third countries; whereas it is in the Community's interest to partially suspend the Common Customs Tariff duty for the product in question, within the Community tariff quota, of an appropriate volume; whereas, in order not to bring into question the development of fruit production in the Community while ensuring an adequate supply to satisfy user industries, it is advisable to limit the benefits of the tariff quota to a quantity of 1 500 tonnes, to open the quota for the period 1 January to 31 December 1986 and to fix the quota duty as 15 %; whereas, however, the participation of Spain and Portugal should be provided for from 1 March 1986;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is exhausted; whereas, in the light of these principles, arrangements for the utilization of the tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, to correspond as closely as possible to the actual trend in the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas, however, since the quota is an autonomous Community tariff quota intended to cover import needs arising in the Community, for experimental purposes, the quota volume may be allocated on the basis of the temporary import needs from third countries expressed

by each of the Member States; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff;

Whereas, to take account of possible import trends for the product concerned, the quota volume should be divided into two tranches, the first being allocated between certain Member States and the second held as a reserve to meet subsequent requirements of Member States which have used up their initial shares and any additional requirements which might arise in the other Member States; whereas, to give importers of the Member States some degree of certainty, the first tranche of the tariff quota should be fixed at a relatively high level, which in this case could be 1 300 tonnes;

Whereas initial shares may be used up at different rates; whereas, to avoid disruption of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that the Member State should return a significant proportion to the reserve, in order to prevent a part of the Community quota remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1986 the Common Customs Tariff duty for boysenberries, preserved by freezing, not containing added sugar, intended for any form of processing except for the manufacture of jam entirely from boysenberries, falling within subheading ex 08.10 D shall be suspended at the level of 15 % within the framework of a Community tariff quota of 1 500 tonnes.

2. Within the limits of this tariff quota, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions in the 1985 Act of Accession.

Article 2

1. A first tranche of 1 300 tonnes of this Community tariff quota shall be allocated among certain Member States of the Community of Ten; the shares, which, subject to Article 5, shall be valid until 31 December 1986, shall be as follows :

	(tonnes)
Benelux	412
Denmark	51
Germany	761
Greece	3
Ireland	3
Italy	63
United Kingdom	7

2. The second tranche of 200 tonnes shall constitute the reserve.

3. If an importer reports imminent imports of the product in question into France from 1 January 1986, or into Spain or Portugal from 1 March 1986, and he requests the benefit of the quota, the Member State concerned shall, by notifying the Commission, draw on a quantity which meets its requirements to the extent that the remainder available in the reserve so allows.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission draw a second share, to the extent that the reserve so permits, equal to 5 % of its initial share rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 2,5 % of its initial share rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1986.

Article 5

Member States shall, not later than 1 October 1986, return to the reserve the unused portion of their initial share which, on 15 September 1986 is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1986, notify the Commission of the total quantities of the products in question imported up to 15 September 1986 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the notifications reach it, inform each Member State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1986, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 2 (3) or Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community tariff quota.

2. Member States shall take all appropriate measures to ensure that the products listed in Article 1 (1), benefiting from the tariff quota in question, are indeed used for the purposes indicated in that Article.

Control of the use for this special purpose shall be carried out pursuant to the Community provisions adopted in this matter.

3. Member States shall ensure that importers of the product in question have free access to the shares allotted to them.

4. Member States shall charge imports of the product in question against their shares as the product is entered with the customs authorities for free circulation.

5. The extent to which Member States have used up their shares shall be determined on the basis of imports

charged against them under the conditions set out in paragraph 4.

Article 8

At the Commission's request, the Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1986.

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

Done at Brussels, 5 December 1985.

For the Council

The President

J.-C. JUNCKER

COMMISSION REGULATION (EEC) No 3457/85
of 9 December 1985

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2956/85⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

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

Whereas these exchange rates being those recorded on 6 December 1985;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2956/85 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 10 December 1985.

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 285, 25. 10. 1985, p. 8.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 9 December 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	130,49
10.01 B II	Durum wheat	178,75 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	110,13 ⁽⁶⁾
10.03	Barley	131,33
10.04	Oats	111,81
10.05 B	Maize, other than hybrid maize for sowing	106,19 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	73,98 ⁽⁴⁾
10.07 C	Grain sorghum	117,30 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	196,81
11.01 B	Rye flour	167,52
11.02 A I a)	Durum wheat groats and meal	290,48
11.02 A I b)	Common wheat groats and meal	211,31

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3458/85
of 9 December 1985

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1018/84 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2160/85 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁷⁾,

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

Whereas these exchange rates being those recorded on 6 December 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 10 December 1985.

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 203, 1. 8. 1985, p. 11.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 9 December 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	3,82	3,82	3,82
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	2,16	2,16	2,16
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	5,46	5,46	5,46
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3459/85
of 6 December 1985

laying down detailed rules for the granting of a compensatory allowance for Atlantic sardines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular Articles 171 and 358 thereof,

Having regard to Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules for the granting of compensatory allowances for sardines⁽¹⁾ and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3117/85 sets out certain conditions for the granting of compensatory allowances as regards products, the quantitative limit of 2 000 tonnes and the beneficiaries of the scheme, and fixes the method of calculating the said allowance;

Whereas this scheme must be applied to those categories of sardines which are likely to be marketed most easily after processing;

Whereas the health and technical provisions laid down by the national authorities ensure that the products in question have been subjected fully and definitively to one of the processes referred to in Article 3 (1) of Regulation (EEC) No 3117/85; whereas compliance of the processed products in question with the said provisions should be subject to verification;

Whereas, in order to clarify the scope of the present arrangements, the types of processing permitted should be defined;

Whereas, for quantities in respect of which entitlement to the allowance is established, certain detailed rules should be laid down for the submission of applications by those concerned for the payment of the allowance;

Whereas, in order to ensure constant control, those qualifying for the allowance must keep the inspection authority informed of their processing activities at all times;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession, the institutions of the Community may adopt before accession the measures referred to in Articles 171 and 358 of the Act;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for the granting of the compensatory allowance, hereinafter referred to as the 'allowance', referred to in Article 2 of Council Regulation (EEC) No 3117/85, in respect of Atlantic sardines.

Article 2

1. The allowance shall be granted to producers' organizations in respect of sardines which:
 - have been caught by a member,
 - are sold to a processor for full and definitive processing in accordance with the health and technical provisions relating to products intended for human consumption in force in the Member State where the processor is established.
2. The processes referred to in paragraph 1 are:
 - (a) freezing,
 - (b) the manufacture of canned products falling within heading No 16.04 of the Common Customs Tariff,
 - (c) filleting or chopping if accompanied by one of the processes referred to under (a) and (b).

Article 3

In respect of each lot of the same commercial category sold, the amount of the allowance shall be determined in accordance with Article 2 (4) of Regulation (EEC) No 3117/85.

Article 4

Where one of the processes referred to in Article 2 (2) is carried out in a Member State other than that which recognized the producers' organization selling the product, proof that such processing has taken place shall be provided in the form of Control Copy T No 5 in accordance with the provisions of Commission Regulation (EEC) No 223/77⁽²⁾ and of this Regulation.

⁽¹⁾ OJ No L 297, 9. 11. 1985, p. 1.

⁽²⁾ OJ No L 38, 9. 2. 1977, p. 20.

The said copy must bear the following particulars :

- in box 41, a description of the goods in their state at the time of consignment,
- in box 104, one of the following annotations in capital letters :

'UDLIGNINGSGODTGØRELSESBERETTIGET FORARBEJDNING
FORORDNING (EØF) Nr. 3117/85',

'VERARBEITUNG, FÜR DIE EINE AUSGLEICHSENTSCHÄDIGUNG GEWÄHRT WIRD
VERORDNUNG (EWG) Nr. 3117/85',

'ΜΕΤΑΠΟΙΗΣΗ ΠΟΥ ΔΙΚΑΙΟΥΤΑΙ ΑΝΤΙΣΤΑΘΜΙΣΤΙΚΗ ΑΠΟΖΗΜΙΩΣΗ
ΚΑΝΟΝΙΣΜΟΣ (ΕΟΚ) αριθ. 3117/85',

'PROCESSING ELIGIBLE FOR A COMPENSATORY ALLOWANCE
REGULATION (EEC) No 3117/85',

'TRANSFORMACIÓN QUE BENEFICIA DE UNA INDEMNIZACIÓN COMPENSATORIA
REGLAMENTO (CEE) N° 3117/85',

'TRANSFORMATION BÉNÉFICIAIRE D'UNE INDEMNITÉ COMPENSATOIRE
RÈGLEMENT (CEE) N° 3117/85',

'TRASFORMAZIONE CHE BENEFICIA DI UN'INDENNITÀ COMPENSATIVA
REGOLAMENTO (CEE) N. 3117/85',

'VERWERKING DIE IN AANMERKING KOMT VOOR EEN COMPENSERENDE VERGOEDING
VERORDENING (EEG) Nr. 3117/85',

'TRANSFORMAÇÃO BENEFICIANDO DE UNA INDEMNIZAÇÃO COMPENSATÓRIA
REGULAMENTO (CEE) N° 3117/85'.

Article 5

1. The allowance shall be paid to the producers' organizations concerned, at their request, by the Member State where such organizations are established upon production of :

- the contract of sale of the product at the first stage of marketing. The contract must show at least the names and addresses of the parties concerned, the quantity, the selling price and the date of delivery of each lot of products sold and the undertaking by the processor referred to in paragraph 2,
- proof of payment for the goods,
- as appropriate, a copy of the Control Copy T No 5 referred to in Article 4,

and, in so far as it does not exist at the time of payment, information indicating that full and definitive processing of the products has not taken place.

2. The processor shall provide a written undertaking to process the products subject to the contract in accordance with the provisions of Article 2. To this effect, in the stock account of his undertaking, he has to identify the quantities bought in the context of these arrangements.

The processor shall undertake to submit to any inspection at his premises by the competent authorities.

3. The application for payment of the allowance shall be submitted by the producers' organization concerned to the competent authorities of the Member State concerned not later than the end of the month following that during which the contract of sale is drawn up.

Article 6

1. The Member States concerned shall set up a control system to ensure that products in respect of which the allowance has been applied for are eligible for it, and that the provisions of this Regulation are complied with.

2. The detailed rules for the operation of the control system shall be drawn up by the Member State and must include at least the following requirements :

- on the spot inspections on the premises of processing undertakings ;
- submission by the beneficiary of the supporting documents used for determining his entitlement to the allowance ;
- definition of the particulars to be included in the application for an allowance referred to in Article 5 ;
- identification in the sales records of the producer organization of the quantities sold in the context of the present regime.

Article 7

1. The Member States concerned shall notify the Commission, not later than two months after the entry into force of this Regulation, of the control measures introduced pursuant to Article 6 (1).

2. Member States shall also notify the Commission every month of the quantities sold during the previous month which may qualify for the allowance, broken down by commercial category and type of processing carried out, and of the expenditure relating to the grant of the allowance in question.

3. On the basis of information obtained under the control procedures provided for in Article 6 allowance must, if necessary correct the amount of the allowance granted.

Article 8

The conversion rate applicable to the allowance shall be the representative rate in force on the day of sale of the product.

Article 9

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 6 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3460/85
of 6 December 1985

laying down detailed rules for the granting of a compensatory allowance for Mediterranean sardines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 171 and 358 thereof,

Having regard to Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules for the granting of compensatory allowances for sardines⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 3 of Regulation (EEC) No 3117/85 sets out the conditions for the granting of compensatory allowances, as regards eligible products and forms of processing, the limit of 43 000 tonnes and the beneficiaries of the scheme, and fixes the method of calculating the said allowance;

Whereas this scheme must be applied to those categories of sardines which are likely to be marketed most easily after processing;

Whereas the health and technical provisions laid down by the national authorities ensure that the products in question have been subjected fully and definitively to one of the processes referred to in Article 3 (1) of Regulation (EEC) No 3117/85; whereas compliance of the processed products in question with the said provisions should be subject to verification;

Whereas the responsibility for deciding the quantities in respect of which each producer established on its territory is eligible for the allowance should be left to the Member States;

Whereas, in order to comply with the Community quantitative limit of 43 000 tonnes provided for this scheme, each Member State should inform the Commission at the beginning of the marketing year of overall quantities granted; whereas, where appropriate, it is necessary to provide for methods of reducing the overall quantities if the maximum quantitative limit is exceeded;

Whereas to ensure that payment of the said allowance for those quantities in respect of which entitlement is established takes place within a reasonable period, the maximum period for processing and the lodging by the processor of the application for payment of the allowance should be fixed at six months after the delivery date;

Whereas, to speed up payment of the allowance, provision should be made for the producer or producers' organization to issue a written attestation certifying that each quantity sold forms part of the quantity eligible for the allowance as determined for the producer or producers' organization concerned; whereas, moreover, for the purposes of checks on attestations issued, provision should be made for Member States to exchange the necessary information relating to such attestations;

Whereas, in order to ensure constant control, those qualifying for the allowance must keep the inspection authority informed of their processing activities at all times;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession, the institutions of the Community may adopt before accession the measures referred to in Articles 171 and 358 of the Act;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for the granting of the compensatory allowance, hereinafter referred to as the 'allowance', referred to in Article 3 of Regulation (EEC) No 3117/85 in respect of Mediterranean sardines.

Article 2

1. The allowance shall be granted only in respect of sardines which are sold to a processor for the purposes of full and definitive processing under the conditions laid down by Article 3 of Regulation (EEC) No 3117/85, in accordance with the health and technical provisions relating to products intended for human consumption in force in the Member State where the processor is established.

2. For the purposes of paragraph 1, processor means any natural or legal person who:

- processes Mediterranean sardines by one of the methods provided for in Article 3 of Regulation (EEC) No 3117/85,
- satisfies the conditions laid down in the national legislation of the Member State concerned for processing by one of the said methods.

⁽¹⁾ OJ No L 297, 9. 11. 1985, p. 1.

Article 3

1. The quantity eligible for the allowance shall be determined annually for each marketing year and for each producer or producers' organization at its request, provisionally by the Member State where the producer or producers' organization is established, on the basis of the average annual quantity which the producer or the producers' organization sold to the Community processing industry for the purposes of processing operations eligible pursuant to this Regulation, during the reference period 1982 to 1984.

2. Member States shall notify the Commission, one month before the beginning of each marketing year, of the overall quantity eligible for the allowance as provisionally determined for the coming marketing year, broken down by category of product and processing operation. Furthermore, the Member States concerned shall forthwith inform the Commission of any change in this quantity.

Where the sum of the quantities provisionally determined by each of the Member States exceeds the ceiling provided for in the second indent of Article 3 (1) of Regulation (EEC) No 3117/85, the Commission, after consulting the Member States concerned, shall decide the overall quantities eligible for the allowance or each Member State, according to the criteria set out in paragraph 1.

The Commission shall take a decision on the quantities concerned within a period of 30 days following notification thereof, failing which the quantities determined shall be considered to have been accepted.

3. Final allocation of the quantities referred to in paragraph 1 shall take place after the Commission has taken a decision on the overall quantity determined by each Member State, in accordance with paragraph 2.

Article 4

1. The producer or producers' organization referred to in Article 3 (1) shall issue to the processor, at the time of each sale, a written attestation which shall include the name of the vendor, the name of the purchaser, the quantity and the price of products covered by the sale, and shall state that this quantity is part of the eligible quantity allocated to the producer or producers' organization in accordance with Article 3 (1).

The producer or producers' organization in question shall forward a copy of this attestation without delay to the Member State which fixed the eligible quantity.

2. Before the allowance is paid, the Member State in which the producer or producers' organization selling the product is established shall check that the aggregate of the quantities sold under each attestation does not exceed the eligible quantity allocated to the producer or prod-

ucers' organization in question for the marketing year concerned.

3. Where the product is processed in a Member State other than that in which the vendor of the product is established, the Member State in which processing takes place shall forward each month to the Member State where the vendor of the product is established, with a view to the check referred to in paragraph 2, a list of the attestations which it received in the previous month in accordance with Article 5. The check shall be made immediately on receipt of the list in question and the outcome thereof shall be notified without delay to the Member State which had the check carried out.

4. In cases where the Member State carrying out the check referred to in paragraph 2 is unable to reach a final decision on a given attestation, this Member State shall request the producer or producers' organization which issued the attestation in question to justify the latter within a period not exceeding one month.

Article 5

1. On completion of processing operations and not later than six months after the date of actual delivery of the products, the processor concerned may lodge an application for payment of the allowance.

2. The allowance shall be paid to the processor by the Member State where processing has taken place, upon submission of:

- the sales invoice or receipt for the product, which must state at least the names and addresses of the parties concerned and the quantity, the purchase price actually paid to the producer or to the producers' organization and the delivery date for each category of product purchased;
- proof of payment for the goods at the price referred to in the first indent;
- the attestation referred to in Article 4;

in respect of not more than the quantities eligible for the allowance as determined in accordance with Article 3 and after checking attestations pursuant to Article 4 (2).

3. Where the check referred to in Article 4 (2) indicates that the quantities sold by a producer or producers' organization exceed the eligible quantity allocated to the producer or producers' organization for the marketing year concerned or where the producers' organization fails to provide a satisfactory reply within the period specified in Article 4 (4), the allowance shall not be paid.

Article 6

1. The Member States concerned shall set up a control system to verify the eligibility of products in respect of which the allowance has been applied for and compliance with the provisions of this Regulation.

2. The detailed rules for the operation of the control system shall be drawn up by the Member State and must include at least the following requirements:

- submission by the processor of the supporting documents used for determining his entitlement to payment of the allowance,
- the keeping, by the producer or the producers' organization, of records of sales made under the terms of this Regulation specifying, for each sales operation, the date, purchaser, quantity and quality of the product sold,
- for the purposes of verifying full and definitive processing, the keeping of daily stock accounts by the processor showing, in particular:
 - the quantity of product purchased, by species and category, the date of acceptance and the number of the invoice or receipt,
 - the dates when processing began and ended,
 - the quantity processed, by species, category and type of processing, and the place of processing,
- direct inspections in the processing industries concerned,
- definition of the particulars to be included in the application for the allowance referred to in Article 5.

Article 7

1. Where an infringement of the allowance scheme, with limited implications, has been committed by a beneficiary of the allowance and it is shown by the same beneficiary, to the satisfaction of the Member State concerned, that such infringement was committed without intention to defraud or as the result of grave negligence, the Member State shall withhold an amount equal to 10 % of the Community withdrawal price for Atlantic sardines applicable to the quantities which are the subject of the infringement and which were intended to qualify for the

allowance or in respect of which the allowance has been granted.

2. Each month, Member States shall notify the Commission of those cases where they have applied paragraph 1.

Article 8

The quantities sold pursuant to this Regulation shall be specifically entered in the last column of the register, a specimen of which is given in the Annex to Commission Regulation (EEC) No 3138/82⁽¹⁾.

Article 9

1. The Member States concerned shall notify the Commission, not later than two months after the date of entry into force of this Regulation, of the control measures introduced pursuant to Article 6 (1).

2. The Member States shall also notify the Commission, every month, of the quantities processed which qualified for the allowance during the previous month, broken down by commercial category and type of processing carried out, and of the expenditure relating to the grant of the allowance in question.

Article 10

The conversion rate applicable to the allowance shall be the representative rate in force on the delivery date of the product.

Article 11

This Regulation shall enter into force on 1 March 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 6 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 335, 29. 11. 1982, p. 9.

COMMISSION REGULATION (EEC) No 3461/85
of 9 December 1985

on the organization of campaigns to promote the consumption of grape juice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3907/85 ⁽²⁾, and in particular Articles 14a (4) and 65 thereof,

Having regard to Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1297/85 ⁽⁴⁾, and in particular to Article 4 (3),

Whereas Article 14a (3a) of Regulation (EEC) No 337/79 provides that, in the wine years 1985/86 to 1989/90, part of the aid granted for the utilization of grape must and concentrated grape must produced in the Community for the production of grape juice is intended for the organization of campaigns to promote the consumption of such juice;

Whereas Commission Regulation (EEC) No 2275/85 ⁽⁵⁾ fixes the proportion of the aid to be used at 35 % for the financing of the promotional campaign for the 1985/86 wine year;

Whereas the amount available for such financing, depending on the quantities of product in respect of which the aid will be granted, is not yet known but may be estimated on the basis of data from the three previous wine years at approximately 3 620 000 ECU; whereas this sum should be allocated for the financing in the wine year concerned; whereas provision should be made for the balance or deficit in terms of the estimates used to be set off against the budget for the following wine year;

Whereas the amount concerned does not allow effective measures to be taken at present throughout the Community; whereas such measures should be restricted in the current wine year to the Member States where the greatest prospects for a sharp increase in the consumption of grape juice exist;

Whereas certain professional bodies and organizations in the Community have the qualifications and the experience necessary; whereas they should be invited to submit detailed programmes which they will be responsible for implementing;

Whereas rules should be laid down as regards the content of the programmes, the conditions and the time limits for the implementation of the measures and the payment of the parties concerned; whereas the Member States concerned should undertake to oversee the implementation of the programmes and the relevant payments; whereas the Commission should also be kept informed of the results of the measures provided for in this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The campaigns to promote the consumption of grape juice produced in the Community provided for, for the wine years 1985/86 to 1989/90, in Article 14a (3a) of Regulation (EEC) No 337/79 shall be organized in those Member States in which:

- the prospects of increasing the disposal of grape juice are the most favourable;
- the existing marketing conditions allow swift adjustment of supply to the expansion of demand engendered by the campaigns.

2. In accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79, the following shall be determined before 5 September for each wine year:

- the Member States in which the campaigns will be carried out;
- the total amounts allocated for the financing of the campaigns in each of the said Member States.

3. For the 1985/86 wine year, the campaigns referred to in paragraph 1 shall be carried out in Germany, France and Italy. The total amounts for the financing of this wine year shall be:

- 1 502 200 ECU in Germany,
- 1 340 000 ECU in France,
- 778 000 ECU in Italy.

These amounts shall be converted into national currency by way of the agricultural conversion rates applicable on 1 September 1985.

4. At the end of each wine year, the budget estimates on which the total amount allocated for the financing of the scheme is based shall be reviewed. The result of the review shall be taken into account when fixing the amount for the financing of the following campaign.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 320, 29. 11. 1985, p. 1.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 137, 27. 5. 1985, p. 1.

⁽⁵⁾ OJ No L 212, 9. 8. 1985, p. 14.

Article 2

1. In each of the Member States concerned, the campaigns shall be carried out under programmes prepared by the body designated for this purpose by the said Member State.

2. Each of the Member States concerned :

- shall designate the body referred to in paragraph 1 before 15 September, but, for the 1985/86 wine year, before 31 December 1985 ;
- shall submit to the Commission before 10 February, but, for the 1985/86 wine year, before 15 March, the programmes prepared by this body together with a reasoned opinion on their compliance with the conditions set out in Article 3 and on their effects on consumption trends.

3. The Commission shall examine the programmes and, if it takes the view that they meet the criteria set out in Article 3 and should engender appropriate development of the consumption of grape juice, shall, after informing the Management Committee for Wine, conclude contracts with the bodies that prepared them. The Commission shall forward copies of the contracts to the Member State concerned and to its intervention agency.

Article 3

1. The programmes referred to in Article 2 shall be prepared in conjunction with professional organizations representing producers of and/or those marketing grape juice.

2. The programmes shall include :

- details of the conditions of marketing and consumption of grape juice in the regions covered ;
- detailed descriptions of the measures contemplated and, for each measure, details of its geographic location and its cost ;
- details of resources to be employed ;
- time limits and schedules for the various measures ; the completion periods may not exceed 18 months from the date of signature of the contract ;
- the results expected ;
- an indication of any third parties who may be involved ;
- details of professional organizations consulted.

However, if while the contract is being carried out, exceptional circumstances for which the contractor cannot be held responsible make it impossible to keep to the time

limit laid down, the Commission may extend the time limit at the reasoned request of the contractor, provided such request is made before expiry of the contract.

3. The measures referred to by the programmes :

- must allow for the conditions of marketing and consumption of grape juice in the relevant regions ;
- must promote grape juice without reference to the country or region of origin, or to trade-marks ;
- must not take the place of similar schemes already in operation, but may, where appropriate, extend them ;
- must comply with national requirements concerning advertising.

Article 4

1. The contracts referred to in Article 2 (3) shall be supplemented by formal specifications.

The formal specifications :

- shall be drawn up by the Commission in at least three copies and signed by both parties ;
- shall contain detailed descriptions of the measures to be taken and their location, costs and time limits.

2. Bodies which have signed contracts may entrust to third parties the execution of one or more of the measures provided for, but shall remain responsible for the execution of the contract.

3. Bodies which have signed contracts shall be subject to the supervision of the Member State in which their head office is located.

Member States shall ensure compliance with obligations by bodies which have signed contracts, in particular by on-the-spot checks, and shall inform the Commission promptly of any irregularity or delay in execution.

Article 5

1. The Member States' competent authorities shall pay bodies which have signed contracts either :

- (a) four equal payments on account, each equivalent to 20 % of the total cost of the measures provided for in the contract, to be paid at two-monthly intervals, the first being payable within six weeks of the date of signature of the contract and the specifications, or
- (b) a single payment on account equivalent to 80 % of the total cost of the measures provided for in the contract, to be paid within six weeks of the date of signature of the contract and the specifications,

at the choice of the body concerned as stated in the contract.

However the competent authorities may, while the contract is being carried out :

— defer all or part of a payment on account if the checks referred to in Article 4 (3) reveal anomalies in the execution of the measures in question or a considerable difference between the date on which the payment on account is to be made and the date on which the body concerned actually effects the expenditure provided for ;

— exceptionally, make a payment on account before the due date at the reasoned request of the body concerned if the latter is obliged to effect a considerable proportion of the expenditure at an appreciably earlier date than that on which the Community's contribution to the expenditure is scheduled for payment.

2. Each payment on account shall be made only when a security of 110 % of the amount of the payment on account has been lodged in favour of the competent agency. Where a contract has been concluded with a body governed by public law, the contract may stipulate that a security need not be provided.

3. The security shall be released and the balance paid by the competent body only when :

(a) it has been ascertained that the body which signed the contract has met the obligations set out therein and in the specifications ;

(b) the report referred to in Article 6 has been forwarded and the Commission has verified the information contained therein.

4. Where the conditions referred to in paragraph 3 are not met, the security shall be forfeited. In this event, the amount involved shall be taken into consideration in the review of the budget estimates referred to in Article 1 (4).

Article 6

Within four months from the final date fixed in the contracts for the execution of the measures, detailed reports on their execution and on the expected results, particularly with regard to sales of grape juice, shall be forwarded by the bodies responsible for the execution of the programmes to the competent authorities ; the latter shall forward the reports, with their comments, to the Commission within one month of receipt thereof.

Article 7

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

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3462/85

of 9 December 1985

amending Regulation (EEC) No 3184/83 on the operation of the system of advances in respect of expenditure financed by the EAGGF Guarantee Section

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 870/85⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas Commission Regulation (EEC) No 3184/83⁽³⁾ governs the system of advances in respect of expenditure financed by the EAGGF Guarantee Section;

Whereas continuity of payments made by the authorities and agencies referred to in Article 4 of Regulation (EEC) No 729/70 can be assured by adjusting the time limits for advance decisions and payments to availability of funds;

Whereas it is appropriate for certain points to be added in connection with Annexes I and IV, and to adapt Annexes III and VI to Regulation (EEC) No 3184/83;

Whereas the measures proposed in this Regulation are in accordance with the opinion of the Fund Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. Regulation (EEC) 3184/83 is hereby amended as follows:

The following paragraph 4 is added to Article 3:

'In Annexes I and/or IV, under A.2., payments received must be broken down by reference to the month for which the advance was made.'

2. Article 4 is replaced by the following:

Article 4

1. On the basis of applications within the meaning of Article 3 (1) and not later than 35 days after receipt

thereof, the Commission shall decide on additional payments in accordance with the second indent of Article 5 (2) (a) of Regulation (EEC) No 729/70.

Those payments shall be calculated in such a way that they are large enough to cover expenditure to be borne by the authorities and agencies until the end of the three-month period referred to in the second indent of Article 3 (2) (b).

2. Any additional payments decided under paragraph 1 shall be made at the latest three working days before the beginning of the last month of the three-month period referred to in the second indent of Article 3 (2) (b).

3. If the Commission lacks sufficient funds to enable it to make payments in compliance with paragraph 2, the decisions referred to in paragraph 1 shall be implemented as follows:

- an initial payment of at least one third of the total, within the period set in paragraph 2,
- the balance, in good time to ensure continuity of payments by authorities designated in accordance with Article 4 of Regulation (EEC) No 729/70.'

3. Annexes III and VI are amended as follows:

- (a) A table corresponding to Table 1 of Annex VI, which is to be included in the monthly applications referred to in Article 3, is incorporated into Annex III.
- (b) Table 2 of Annex VI is replaced by the annexed table.

Article 2

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

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 95, 2. 4. 1985, p. 1.

⁽³⁾ OJ No L 320, 17. 11. 1983, p. 1.

ANNEX

TABLE 2

DETERMINATION OF FINANCIAL COSTS

Department or agency within the meaning of Article 4 of Regulation (EEC) No 729/70

Member State	
Year	
Product	

Product variety or type	Value of quantities carried forward or bought in		Average value (national currency)	Total stocks at beginning of each month (tonnes) ⁽¹⁾	Total stocks at end of each month (t) ⁽¹⁾	Average stock (tonnes) ⁽¹⁾	Financial costs (national currency)
	National currency	tonnes (t)					
— Total value	(a)	(b)	(c) = $\frac{(a)}{(b)}$	(d)	(e)	(f) = $\frac{(d) + (e)}{24}$	(g) = (c) × (f) × (i)
— Depreciation on purchase %							
— Net value							
Deduction due to delay in payment for purchases = $\frac{\text{Quantities bought in} \times \text{number of months delay in payment}}{12}$							
Average negative stock carried forward from previous financial year (Regulation (EEC) No 1550/85)							
Average stock for the calculation of financial costs							
Deduction due to delay in removing stock after payment for quantities sold = $\frac{V \times J \times i}{365}$ ⁽²⁾							
Increase due to delay in payment after removal of quantities sold = $\frac{M \times D \times i}{365}$ ⁽²⁾							
FINANCIAL COSTS							
—							
+							

⁽¹⁾ Quantities to be expressed in tonnes to three decimal places.

⁽²⁾ To be shown by operation in an Annex.

COMMISSION REGULATION (EEC) No 3463/85

of 9 December 1985

amending Regulation (EEC) No 2329/85 laying down detailed rules for the application of the special measures for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, and in particular Article 2 (8) thereof,Having regard to Council Regulation (EEC) No 2194/85 of 25 July 1985 adopting general rules concerning special measures for soya beans ⁽²⁾, and in particular Article 9 thereof,

Whereas Article 4 (2) of Regulation (EEC) No 2194/85 provides that where the first purchaser is a person other than the processor, he must deliver or sell to a processor the soya beans in respect of which an application for aid has been lodged; whereas, for the 1985/86 marketing year certain first purchasers have undertaken to deliver or sell the products to an intermediary who delivers or sells to a processor; whereas the intervention of the said intermediary during the marketing year in question should be permitted and the conditions governing such intervention defined;

Whereas Article 4 of Regulation (EEC) No 2194/85 and Article 12 of Commission Regulation (EEC) No 2329/85 ⁽³⁾ provide for the granting of the aid and the release of a security when the soya beans are processed, delivered or sold within six months following the lodging of the application for aid; whereas experience shows that, in certain cases, compliance with this time limit raises difficulties; whereas the said period should therefore be extended;Whereas detailed rules should be laid down governing intra-Community trade in soya beans produced in the Community; whereas Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure ⁽⁴⁾, as last amended by Regulation (EEC) No 1209/85 ⁽⁵⁾, defined the procedures and documents which are compatible with the control of the products in question; whereas the use of such procedures and documents should be more clearly defined; whereas sufficient time should be allowed for the implementation of these measures;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2329/85 is hereby amended as follows:

1. The following paragraph 3 is added to Article 9:

'3. For the 1985/86 marketing year Member States may permit an intermediary, whether a natural or legal person, to purchase the soya beans from the first purchaser and resell them to the processor on condition that correspondence between the quantity of beans sold by the first purchaser and that sold or delivered to the processor can be verified to the satisfaction of the Member State concerned.'

In such cases a declaration similar to that referred to in paragraph 2 shall be drawn up, without the information required under (f), between the first purchaser and the intermediary.'

2. In Article 12 (2), the words 'sixth month' are replaced by the words 'eighth month'.

3. Article 14 is replaced by the following:

'Article 14

1. Where the first purchaser is other than the processor and is established in the Member State of production, and where the beans are sold or delivered by the first purchaser to a processor established in another Member State, proof of sale or delivery to a processor be considered to be furnished by production of the Control Copy T No 5 referred to in Article 10 of Regulation (EEC) No 223/77.

The following additional boxes of the control copy T No 5 must be completed:

- (a) Box 103;
- (b) Box 104 by deleting as appropriate and entering one of the following statements:

'Varer, der skal stilles til rådighed for en forarbejdningsvirksomhed — forordning (EØF) nr. 2329/85, artikel 14, stk. 1',

'Zur Verarbeitung bestimmtes Erzeugnis — Verordnung (EWG) Nr. 2329/85 Artikel 14, Absatz 1',

'Εμπορεύματα που πρέπει να τεθούν στη διάθεση μεταποιητή — Άρθρο 14 παραγράφος 1 του κανονισμού (ΕΟΚ) αριθ. 2329/85'.

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 204, 2. 8. 1985, p. 1.

⁽³⁾ OJ No L 218, 15. 8. 1985, p. 16.

⁽⁴⁾ OJ No L 38, 9. 2. 1977, p. 20.

⁽⁵⁾ OJ No L 124, 9. 5. 1985, p. 19.

'Goods to be put at the disposal of a processor — Regulation (EEC) No 2329/85, Article 14 (1)',

'Marchandises à mettre à la disposition d'un transformateur — article 14 paragraphe 1 du règlement (CEE) n° 2329/85',

'Merci destinate ad essere vendute ad un trasformatore — Regolamento (CEE) n° 2329/85, articolo 14, paragrafo 1',

'Aan een verwerker ter beschikking te stellen goederen — Verordening (EEG) nr. 2329/85, artikel 14, lid 1',

2. Where the first purchaser is the processor and is established in a Member State other than the Member State of production, proof of processing of the beans shall be furnished by the production of Control Copy T No 5 referred to in Article 10 of Regulation (EEC) No 223/77.

The following additional boxes of the Control Copy T No 5 must be completed :

(a) box 103,

(b) box 104 by deleting as appropriate and entering one of the following statements :

'Bestemt til forarbejdning til fremstilling af olie eller med henblik på anden anvendelse inden for konsum eller foder i overensstemmelse med artikel 3, litra a), i forordning (EØF) nr. 2194/85.'

'Bestimmt zur Verarbeitung für die Ölgewinnung oder für andere Nahrungs- oder Futtermittelzwecke gemäß Artikel 3 Buchstabe a) der Verordnung (EWG) Nr. 2194/85.'

'Προοριζόμενο να μεταποιηθεί για την παραγωγή ελαιολάδου ή για άλλες χρήσεις στην ανθρώπινη διατροφή ή στη διατροφή ζώων, σύμφωνα με τις διατάξεις του άρθρου 3,

σημείο α) του κανονισμού (ΕΟΚ) αριθ. 2194/85.'

'For processing into oil or other uses in human or animal foods, in accordance with the provisions of Article 3 (a) of Regulation (EEC) No 2194/85.'

'Destiné à être transformé pour la production d'huile ou en vue d'autres utilisations dans l'alimentation humaine ou animale, conformément aux dispositions de l'article 3 point a) du règlement (CEE) n° 2194/85.'

'Destinato ad essere trasformato per la produzione d'olio o per altre utilizzazioni nell'alimentazione umana o animale, in conformità del disposto dell'articolo 3, lettera a), del regolamento (CEE) n. 2194/85.'

'Bestemd om te worden verwerkt met het oog op de produktie van olie of voor ander gebruik in menselijke voeding of diervoeding overeenkomstig het bepaalde in artikel 3, sub a), van Verordening (EEG) nr. 2194/85.'

In the section headed 'control as to use and/or destination' on the back of the control copy, the endorsement showing the date of completion of processing will be given only after the checks provided for in Article 13 (2) of Regulation (EEC) No 2329/85 have been carried out. In addition, the net weight of the beans as recorded on delivery and the moisture and impurities contents must be stated under 'remarks'.

Article 2

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

However, Article 1 (1) shall apply with effect from 1 September 1985 and Article 1 (3) shall apply from 1 January 1986.

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3464/85
of 9 December 1985

concerning the quantities of sheepmeat and goatmeat products which may be imported from Romania during 1985

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 84/633/EEC of 11 December 1984 authorizing the Commission, in the context of the voluntary restraint agreements on trade in the sheepmeat and goatmeat sector between the European Economic Community and 12 non-member States, to convert for the purposes of the smooth operation of trade, live animals into fresh or chilled meat or fresh or chilled meat into live animals within the quantities agreed⁽¹⁾, and in particular Article 1 (1) thereof;

Whereas, under an Agreement concluded with the Community, Romania has undertaken to restrict its exports of sheepmeat and goatmeat to the Community to annual quantities of 475 tonnes of live animals, expressed as carcase weight bone-in, and of 75 tonnes of fresh and chilled meat;

Whereas Romania has asked the Community to convert the 75 tonnes of fresh and chilled meat that may be exported to the Community in 1985 into 75 tonnes of live animals expressed as carcase weight bone-in; whereas the extremely limited quantity covered by the request will not disturb the Community market; whereas the market situation is such that the application can be granted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantity of live sheep and goats other than pure-bred breeding animals falling within subheading 01.04 B of the Common Customs Tariff that may be imported from Romania in 1985, under the Agreement concluded with that country, shall be 550 tonnes expressed as carcase weight bone-in.

The quantity of fresh and chilled sheepmeat and goatmeat falling within subheading 02.01 A IV a) of the Common Customs Tariff that may be imported from Romania in 1985, under the Agreement concluded with that country, shall be nil.

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, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 331, 19. 12. 1984, p. 32.

COMMISSION REGULATION (EEC) No 3465/85

of 9 December 1985

amending Regulation (EEC) No 3301/85 opening a standing invitation to tender for the export of 120 000 tonnes of bread-making wheat held at Ghent by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies⁽³⁾, amended by Regulation (EEC) No 1806/85⁽⁴⁾,

Whereas, the first and the last partial invitation to tender under Commission Regulation (EEC) No 3301/85⁽⁵⁾, should be postponed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 (1) and (3) of Regulation (EEC) No 3301/85 is replaced by the following:

'1. The time limit for submission of tenders under the first partial invitation to tender shall expire on 15 January 1986 at 12 noon (Brussels time).'

'3. The last partial invitation to tender shall expire on 30 April 1986.'

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, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 169, 29. 6. 1985, p. 73.

⁽⁵⁾ OJ No L 316, 27. 11. 1985, p. 35.

COMMISSION REGULATION (EEC) No 3466/85

of 9 December 1985

re-establishing the levying of the customs duties applicable to methenamine (INN) (hexamethylenetetramine) falling within subheading 29.26 B II a), originating in Romania, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3562/84 of 18 December 1984 applying generalized tariff preferences for 1985 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Article 1 of that Regulation, duties on the products listed in Annex II, originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 12;

Whereas, as provided for in Article 12, where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established, once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, 165 % of the highest maximum amount valid for 1980;

Whereas, in the case of methenamine (INN) (hexamethylenetetramine), falling within subheading 29.26 B II a), the reference base is fixed at 98 700 ECU; whereas, on 6 December 1985, imports of these products into the

Community, originating in Romania, reached the reference base in question after being charged there-against; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference causes economic difficulties in the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against Romania,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 December 1985, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3562/84, shall be re-established on imports into the Community of the following products, originating in Romania:

CCT heading No	Description
29.26 B II a) (NIMEXE code 29.26-35)	Methenamine (INN) (hexamethylenetetramine)

Article 2

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

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

Done at Brussels, 6 December 1985.

For the Commission
COCKFIELD
Vice-President

⁽¹⁾ OJ No L 338, 27. 12. 1984, p. 1.

COMMISSION REGULATION (EEC) No 3467/85
of 9 December 1985

re-establishing the levying of the customs duties applicable to ethylene glycol falling within subheading 29.04 C ex I, originating in Saudi Arabia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3562/84 of 18 December 1984 applying generalized tariff preferences for 1985 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of ethylene glycol, falling under subheading 29.04 C ex I, the individual ceiling was fixed at 547 000 ECU; whereas, on 9 December 1985, imports of these products into the Community, originating in Saudi Arabia, reached the ceiling in question after being

charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Saudi Arabia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 December 1985, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3562/84 shall be pursuant to on imports into the Community of the following products originating in Saudi Arabia:

CCT heading No	Description
29.04 C ex I (NIMEXE code 29.04-61)	Ethylene glycol

Article 2

This Regulation shall enter into force on the second 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, 9 December 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 338, 27. 12. 1984, p. 1.

COMMISSION REGULATION (EEC) No 3468/85
of 9 December 1985
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1482/85 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1809/85 ⁽³⁾, as last amended by Regulation (EEC) No 3452/85 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 to the infor-

mation 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 10 December 1985.

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 328, 7. 12. 1985, p. 25.

ANNEX

to the Commission Regulation of 9 December 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	46,50 41,53 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 3469/85

of 9 December 1985

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 3303/85⁽⁷⁾, as last amended by Regulation (EEC) No 3437/85⁽⁸⁾;

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

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽¹¹⁾ as last amended by Regulation (EEC) No 855/84⁽¹²⁾,

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

Whereas these exchange rates being those recorded on 6 December 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to the modified Regulation (EEC) No 3303/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 December 1985.

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.

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

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 316, 27. 11. 1985, p. 38.

⁽⁸⁾ OJ No L 326, 6. 12. 1985, p. 31.

⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 9 December 1985 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
23.02 A I a)	57,63	51,63
23.02 A I b)	116,63	110,63
23.02 A II a)	57,63	51,63
23.02 A II b)	116,63	110,63

COMMISSION OF THE EUROPEAN COMMUNITIES

INVESTMENT IN THE COMMUNITY COALMINING AND IRON AND
STEEL INDUSTRIES

1984 Survey

This report has been prepared on the basis of the results of the 1984 survey of investments in the Community coal and steel industries. The survey, which is conducted annually, collects information on actual and forecast capital expenditure and production potential of coal and steel enterprises.

The introductory chapter summarizes the results of the survey and the conclusions on them. Subsequent chapters of the report examine in detail the results of the survey for each producing sector, namely:

- (i) the coalmining industry;
- (ii) coking plants;
- (iii) iron-ore mines;
- (iv) iron and steel industry.

The annex to the report contains a statement of the definitions under which the survey was carried out, together with tables giving a complete analysis of the results of the survey, including tables of capital expenditure and production potential by region and by category of plant for all sectors and categories of coal and steel products falling within the ECSC Treaty.

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