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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3541/85
of 12 December 1985**

**on the classification of goods under subheading 27.03 A of the Common
Customs Tariff**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 2055/84⁽²⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas in order to ensure uniform application of the nomenclature of the Common Customs Tariff, provisions must be laid down concerning the tariff classification of mixtures of peat (containing not less than 75 % turf by weight) and other substances such as lime, sand, rotted leaf mould, marl, farmyard manure and small quantities of other fertilizers, with a total content of potassium (calculated as K₂O), nitrogen, phosphorus (calculated as P₂O₅) not exceeding 3 % by weight;

Whereas heading No 27.03 of the Common Customs Tariff refers to peat (including peat litter), whether or not agglomerated; whereas fertilizers other than those set out under headings No 31.01 to No 31.04 are referred to under heading No 31.05;

Whereas the goods in question, by virtue of their characteristics, cannot be regarded as goods falling within heading No 31.05;

Whereas the goods in question have the essential character of peat falling within heading No 27.03 and

must therefore be classified under subheading No 27.03 A of that heading;

Whereas, since the Committee on Common Customs Tariff Nomenclature has not given its assent, the Commission is unable to adopt the provisions it had envisaged on the matter under the procedure provided for in Article 3 of the Regulation (EEC) No 97/69,

HAS ADOPTED THIS REGULATION:

Article 1

Mixtures of peat (containing not less than 75 % turf by weight) and other substances such as farmyard manure, lime, sand, rotted leaf mould, marl, and small quantities of other fertilizers, with a total content of potassium (calculated as K₂O), nitrogen, phosphorus (calculated as P₂O₅) not exceeding 3 % by weight, shall be classified in the Common Customs Tariff under the following subheading:

27.03 Peat (including peat litter), whether or not agglomerated:

A. Peat

Article 2

This Regulation shall enter into force on the 21st day following that 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, 12 December 1985.

For the Council

The President

R. GOEBBELS

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 191, 19. 7. 1984, p. 1.

COUNCIL REGULATION (EEC) No 3542/85
of 12 December 1985

opening, allocating and providing for the administration of a Community tariff quota for silver hake (*Merluccius bilinearis*) falling within subheading ex 03.01 B I t) of the Common Customs Tariff (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual Community tariff quota at 8 % duty for 2 000 tonnes of silver hake (*Merluccius bilinearis*) falling within subheading ex 03.01 B I t) of the Common Customs Tariff; whereas the tariff quota concerned should be opened on 1 January 1986 and allocated among the Member States;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the said goods, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the tariff year in question;

Whereas, since the fish concerned are not separately specified in the statistical nomenclatures of the Member States, the available import figures provided by them cannot be regarded as sufficiently exact or representative for use as a basis for the allocation referred to above; whereas the incomplete figures available together with the estimates made by the Member States allow the following percentage estimates to be made as to the import needs of each of them from third countries for the quota period envisaged:

Benelux	0,77
Denmark	23,28
Germany	42,20
Greece	0,01
France	14,81
Ireland	0,38
Italy	0,69
United Kingdom	17,86

Whereas, to take account of the possible import trends for these fish, the quota volume should be divided into two instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to afford importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 65,5 % of the amount of the quota;

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, and the Commission 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 such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota 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 to 31 December 1986, a Community tariff quota of 2 000 tonnes shall be opened within the Community for silver hake (*Merluccius bilinearis*) falling within subheading ex 03.01 B I t) of the Common Customs Tariff.

2. The Common Customs Tariff duty shall be suspended at the level of 8 % within this tariff quota.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 1 310 tonnes shall be allocated among the Member States; the shares, which subject to

Article 5, shall be valid from 1 January to 31 December 1986, shall be as follows :

	(tonnes)
Benelux	10
Denmark	305
Germany	552
Greece	1
France	194
Ireland	5
Italy	9
United Kingdom	234

3. The second instalment of 690 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), 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 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, rounded up as necessary to the 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 product in question imported up to and including 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 information reaches it, inform each 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 amount 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. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

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

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

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, 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, 12 December 1985.

For the Council
The President
R. GOEBBELS

COUNCIL REGULATION (EEC) No 3543/85

of 12 December 1985

opening, allocating and providing for the administration of a Community tariff quota for frozen cod (*Gadus morhua*) fillets falling within subheading ex 03.01 B II b) 1 of the Common Customs Tariff (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual Community tariff quota at 8 % duty for 10 000 tonnes of frozen cod (*Gadus morhua*) fillets falling within subheading ex 03.01 B II b) 1 of the Common Customs Tariff; whereas the tariff quota concerned should be opened on 1 January 1986 and allocated among the Member States;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the said goods, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the tariff year in question;

Whereas, during the last three years for which complete statistics are available, the corresponding imports into each of the Member States represented the following percentages of total imports of the product in question:

Member States	1982	1983	1984
Benelux	1,57	3,39	1,01
Denmark	1,25	1,63	1,83
Germany	27,79	4,81	7,19
Greece	1,22	0,81	0,87
France	9,43	15,26	9,86
Ireland	0	0	0
Italy	3,44	3,10	7,17
United Kingdom	55,30	71,00	72,07

Whereas, in view of these factors and of market forecasts for this product for 1986, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	0,42
Denmark	8,55
Germany	30,80
Greece	0,09
France	17,11
Ireland	0,09
Italy	0,17
United Kingdom	42,77

Whereas, to take account of future import trends for the products in question in the various Member States, the quota should be divided into two instalments, the first being allocated among Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial share; whereas, to give importers in each Member State some degree of certainty, the first instalment of the Community quota should be fixed at a relatively high level, in this case approximately 58 % of the full quota;

Whereas Member States may exhaust their initial shares for the products in question 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 this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which latter must in particular be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pay a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when 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, all transactions 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, a Community tariff quota of 10 000 tonnes shall be opened within the Community, for frozen cod (*Gadus morhua*) fillets falling within subheading ex 03.01 B II b) 1 of the Common Customs Tariff.

2. The Common Customs Tariff duty shall be suspended at the level of 8 % within this tariff quota.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 5 845 tonnes shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid from 1 January to 31 December 1986 shall be as follows :

	(tonnes)
Benelux	25
Denmark	500
Germany	1 800
Greece	5
France	1 000
Ireland	5
Italy	10
United Kingdom	2 500

3. The second instalment of 4 155 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), 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, should the occasion arise, to the nearest unit above.

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 5 % of its initial share rounded up, should the occasion arise, to the nearest unit above.

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, under the same conditions, draw a fourth share equal to the third. This process shall continue until the reserve has been exhausted.

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 product in question imported up to and including 15 September 1986 and charged against the Community quotas 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 information reaches it, inform each State of the extent to which the reserve has been used up.

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

It shall ensure that when an amount exhausting the reserve 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 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 importations may be charged without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the products in question against their shares as and when the products are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, 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, 12 December 1985.

For the Council

The President

R. GOEBBELS

COUNCIL REGULATION (EEC) No 3544/85
of 12 December 1985

opening, allocating and providing for the administration of a Community tariff quota for cod, dried, salted or in brine, whole, headless or in pieces, falling within subheading 03.02 A I b) of the Common Customs Tariff (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual duty free Community tariff quota for 25 000 tonnes of cod, dried, salted or in brine, whole, headless or in pieces, falling within subheading 03.02 A I b) of the Common Customs Tariff; whereas, therefore, the tariff quota in question should be opened on 1 January 1986 and allocated among the Member States;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the said goods, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the tariff year in question;

Whereas, during the last three years for which complete statistics are available, the corresponding imports into each of the Member States represented the following percentages of total imports of the product in question coming from third countries which do not benefit from a preferential tariff measure having equivalent effect:

	1982	1983	1984
Benelux	1,57	1,71	1,78
Denmark	0,47	2,29	1,53
Germany	2,31	3,19	2,33
Greece	15,22	14,16	14,22
France	24,32	24,71	25,68
Ireland	0	0	0
Italy	54,81	52,45	53,07
United Kingdom	1,30	1,49	1,39

Whereas, in view of these factors and of market forecasts for this product for 1986, the initial percentage shares in

the quota volume can be expressed approximately as follows:

Benelux	1,61
Denmark	0,95
Germany	2,54
Greece	14,57
France	23,39
Ireland	0,01
Italy	55,38
United Kingdom	1,55

Whereas, to take account of the possible import trends for these fish, the quota volume should be divided into two instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to afford importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 87 % of the amount of the quota;

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 and the Commission 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 such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota 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 to 31 December 1986, a Community tariff quota of 25 000 tonnes shall be opened within the Community for cod, dried, salted or in brine, whole, headless or in pieces, of the species '*Gadus morhua*', '*Boreogadus saida*' and '*Gadus ogac*', falling within subheading 03.02 A I b) of the Common Customs Tariff.

2. The Common Customs Tariff duty shall be totally suspended within this tariff quota.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 21 669 tonnes shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until December 1986 shall be as follows :

	(tonnes)
Benelux	348
Denmark	206
Germany	552
Greece	3 158
France	5 068
Ireland	1
Italy	12 000
United Kingdom	336

3. The second instalment of 3 331 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), 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 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, rounded up as necessary to the 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 paragraph 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 November 1986, return to the reserve the unused portion of their initial share which, on 15 October 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 November 1986, notify the Commission of the total quantities of the product in question imported up to and including 15 October 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 information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 November 1986, inform the Member States of the amount 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. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

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

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

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, 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, 12 December 1985.

For the Council

The President

R. GOEBBELS

COMMISSION REGULATION (EEC) No 3545/85
of 16 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 13 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 17 December 1985.

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

Done at Brussels, 16 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 16 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	127,49
10.01 B II	Durum wheat	178,92 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	111,06 ⁽⁶⁾
10.03	Barley	131,15
10.04	Oats	111,61
10.05 B	Maize, other than hybrid maize for sowing	105,20 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	74,13 ⁽⁴⁾
10.07 C	Grain sorghum	116,83 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	192,61
11.01 B	Rye flour	169,61
11.02 A I a)	Durum wheat groats and meal	290,74
11.02 A I b)	Common wheat groats and meal	206,77

⁽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 3546/85

of 16 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 13 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 17 December 1985.

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

Done at Brussels, 16 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 16 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	2,20	2,20	2,20
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	3,29	3,29	3,29
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 3547/85
of 16 December 1985
amending Regulation (EEC) No 3293/85 on the supply of various lots of
skimmed-milk powder as food aid

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1298/85 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, by way of Regulation (EEC) No 3293/85 ⁽³⁾, the Commission has initiated a mobilization procedure for the supply of various lots of skimmed-milk powder as food aid;

Whereas the WFP (World Food Programme) has altered the food-aid plans, in particular as regards Egypt;

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

HAS ADOPTED THIS REGULATION:

Article 1

Lot I in the Annex to Regulation (EEC) No 3293/85 is hereby deleted.

Article 2

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

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

Done at Brussels, 16 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 5.

⁽³⁾ OJ No L 316, 27. 11. 1985, p. 11.

COMMISSION REGULATION (EEC) No 3548/85

of 16 December 1985

amending Regulation (EEC) No 1859/82 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings

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 Article 396 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 1859/82⁽¹⁾, as last amended by Regulation (EEC) No 3122/85⁽²⁾, fixes the threshold for the economic size of returning holdings applicable as from the 1982 accounting year; whereas this threshold was fixed in European size units (ESU); whereas the ESU was defined in Annex III to Commission Decision 78/463/EEC⁽³⁾; whereas this definition of the ESU was adapted by Commission Decision 85/377/EEC⁽⁴⁾ in order to take into account agro-economic developments; whereas this new definition is applicable as from 1985; whereas the thresholds of economic size to be applied with effect from the 1986 accounting year should therefore be adapted in the light of the new definition of the ESU;

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 Article 396 of the Act, such measures entering into force subject to and on the date of the entry into force of that Treaty;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is hereby added to Article 2 of Regulation (EEC) No 1859/82:

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

Done at Brussels, 16 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

'For the "1986" accounting year — a period of 12 consecutive months beginning between 1 January and 1 July 1986 — and for subsequent accounting years, the threshold of economic size as referred to in Article 4 of Regulation No 79/65/EEC shall be as follows, in ESU as defined in Annex III to Commission Decision 85/377/EEC⁽¹⁾:

— for the Netherlands :	16 ESU,
— for Belgium :	12 ESU,
— for Germany :	8 ESU,
— for France :	8 ESU,
— for Luxembourg :	8 ESU,
— for Denmark :	8 ESU,
— for the United Kingdom (not including Northern Ireland) :	8 ESU,
— for Northern Ireland :	4 ESU,
— for Ireland :	2 ESU,
— for Italy :	2 ESU,
— for Greece :	2 ESU,
— for Spain :	2 ESU,
— for Portugal :	1 ESU,

⁽¹⁾ OJ No L 220, 17. 8. 1985, p. 1.'

Article 2

This Regulation shall enter into force on 1 January 1986.

It shall apply from the 1986 accounting year.

In the case of Spain and Portugal, however, this Regulation shall apply from 1 January 1986, subject to the entry into force of the Treaty of Accession.

⁽¹⁾ OJ No L 205, 13. 7. 1982, p. 5.

⁽²⁾ OJ No L 297, 9. 11. 1985, p. 12.

⁽³⁾ OJ No L 148, 5. 6. 1978, p. 1.

⁽⁴⁾ OJ No L 220, 17. 8. 1985, p. 1.

COMMISSION REGULATION (EEC) No 3549/85
of 16 December 1985
derogating from the quality standard for citrus fruit

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1332/84⁽²⁾, and in particular Article 2 (3) thereof;

Whereas Commission Regulation (EEC) No 379/71⁽³⁾ laid down quality standards for citrus fruit, which are contained in the Annex to that Regulation;

Whereas, in view of the development of marketing, certain provisions as formulated at present relating to packaging may lead to confusion; whereas steps should be taken to remedy this situation pending a full revision of the standard;

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Regulation (EEC) No 379/71, until 15 July 1986, the last subparagraph under B ('Packaging') in item V ('Packaging and presentation') of the Annex thereto is hereby replaced by the following:

'The package, or bulk consignment for produce dispatched in bulk, must be free from any foreign matter; however, a presentation where a short twig with some green leaves adheres to the fruit is allowed.'

Article 2

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

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

Done at Brussels, 16 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 45, 24. 2. 1971, p. 1.

COMMISSION REGULATION (EEC) No 3550/85
of 16 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 3514/85 ⁽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 17 December 1985.

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

Done at Brussels, 16 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 335, 13. 12. 1985, p. 48.

ANNEX

to the Commission Regulation of 16 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	46,71 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 OF THE EUROPEAN COMMUNITIES
LIST OF AUTHORIZED CUSTOMS OFFICES FOR
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The list comprises the customs offices of the Member States of the Community and of Austria and Switzerland which are authorized to handle Community transit operations.

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I/1985

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