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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 215/87

of 26 January 1987

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 the Act of Accession of Spain and Portugal,

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 1579/86 [2], and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy [3], 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 Commission Regulation (EEC) No 135/87 [4] 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— 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 23 January 1987;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 135/87 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 27 January 1987.

[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 139, 24. 5. 1986, p. 29.
[3] OJ No L 164, 24. 6. 1985, p. 1.
[4] OJ No L 17, 20. 1. 1987, p. 1.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 26 January 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	3,65	197,06
10.01 B II	Durum wheat	37,10	252,19 (1) (5)
10.02	Rye	33,36	173,24 (6)
10.03	Barley	31,61	186,67
10.04	Oats	90,74	156,30
10.05 B	Maize, other than hybrid maize for sowing	—	178,57 (2) (3) (8)
10.07 A	Buckwheat	24,90	24,90
10.07 B	Millet	31,61	141,01 (4)
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	17,35	180,12 (4) (8)
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed; other cereals	31,61	62,39 (5)
11.01 A	Wheat or meslin flour	19,73	291,44
11.01 B	Rye flour	61,32	257,15
11.02 A I a)	Durum wheat groats and meal	71,00	404,39
11.02 A I b)	Common wheat groats and meal	19,53	312,98

(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).

(8) The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 216/87

of 26 January 1987

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 the Act of Accession of Spain and Portugal,

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 1579/86 [2], and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy [3], 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 Commission Regulation (EEC) No 2011/86 [4] 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— 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 23 January 1987;

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

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 originating in Portugal shall be zero.

2. 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 January 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 139, 24. 5. 1986, p. 29.
[3] OJ No L 164, 24. 6. 1985, p. 1.
[4] OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 26 January 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	4,04	4,04	4,04
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	94,16	94,16	94,16
10.07 B	Millet	0	5,59	5,59	5,59
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	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

(ECU/tonne)

CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
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	7,19	7,19	7,19	7,19
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	5,37	5,37	5,37	5,37
11.07 B	Roasted malt	0	6,26	6,26	6,26	6,26

COMMISSION REGULATION (EEC) No 217/87

of 26 January 1987

amending Regulation (EEC) No 2632/86 and increasing to 75 000 tonnes the quantity of rye held by the Danish intervention agency for which a standing invitation to tender for export has been opened

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 1579/86 [2], and in particular Article 7 (5) thereof,

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 the intervention agencies [3], as last amended by Regulation (EEC) No 3826/85 [4],

Whereas Commission Regulation (EEC) No 2632/86 [5], as last amended by Regulation (EEC) No 3820/86 [6], opened a standing invitation to tender for the export of 50 000 tonnes of rye held by the Danish intervention agency; whereas, in a communication of 19 January 1987, Denmark informed the Commission of the intention of its intervention agency to increase by 25 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the Danish intervention agency for which a standing invitation to tender for export has been opened should be increased to 75 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 2632/86 must therefore be amended;

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 2 of Regulation (EEC) No 2632/86 is replaced by the following:

'*Article 2*

1. The invitation to tender shall cover a maximum of 75 000 tonnes of rye to be exported to all third countries.

2. The regions in which the 75 000 tonnes of rye are stored are listed in Annex I hereto.'

Article 2

Annex I to Regulation (EEC) No 2632/86 is replaced by the Annex hereto.

Article 3

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, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 139, 24. 5. 1986, p. 29.
[3] OJ No L 202, 9. 7. 1982, p. 23.
[4] OJ No L 371, 31. 12. 1985, p. 1.
[5] OJ No L 237, 23. 8. 1986, p. 15.
[6] OJ No L 355, 16. 12. 1986, p. 27.

ANNEX

'ANNEX I

(tonnes)

Place of storage	Quantity
Jylland	45 000
Sjælland	5 000
Fyn	25 000'

COMMISSION REGULATION (EEC) No 218/87

of 26 January 1987

fixing the quotas for 1987 applying to imports into Spain of beef and veal products from third countries

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,

Having regard to Council Regulation (EEC) No 491/86 of 25 February 1986 laying down rules for the application of quantitative restrictions on imports into Spain of certain agricultural products from third countries [1], and in particular Articles 1 (3) and 3 thereof,

Whereas, pursuant to Article 77 of the Act of Accession, Spain may, until 31 December 1995, apply quantitative restrictions on imports from third countries; whereas the said restrictions concern products which are subject to the supplementary trade mechanism in the case of beef and veal; whereas the initial quotas in volume were fixed in respect of each product or group of products by Commission Regulation (EEC) No 1870/86 [2];

Whereas the quotas for 1987 should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quotas for 1987 applying to imports into Spain of beef and veal products from third countries, referred to in Annex III to Regulation (EEC) No 491/86, shall be:

CCT heading No	Description	1987 quota
01.02 A ex II	Live animals of the bovine species, other than pure-bred breeding animals and animals for bullfights	330 animals
02.01 A II a)	Meat of bovine animals, fresh or chilled	500 tonnes (carcase weight)
02.01 A II b)	Meat of bovine animals, frozen	1 500 tonnes (carcase weight)
02.01 B II b)	Offals of bovine animals	2 950 tonnes (carcase weight)

2. Articles 1 (3), 2 and 3 of Regulation (EEC) No 1870/86 shall remain applicable.

Article 2

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

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

[1] OJ No L 54, 1. 3. 1986, p. 25.

[2] OJ No L 162, 1. 8. 1986, p. 16.

COMMISSION REGULATION (EEC) No 219/87

of 26 January 1987

amending Regulation (EEC) No 1634/86 laying down detailed rules for the application of the supplementary trade mechanism to olive oil and oil-cake imported into Portugal and fixing the target ceiling for imports into Portugal during 1987 of olive oil and oilcake

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 251 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade [1], and in particular Article 7 (1) thereof,

Whereas Article 249 of the Act of Accession provides that olive oil and oilcake are to be subject to the supplementary trade mechanism (STM); whereas Article 251 of the same Act provides that an estimate is to drawn up at the start of each marketing year on the basis of production and consumption estimates for olive oil and oilcake in Portugal; whereas, however, as regards oilcake, reference should be made to the calendar year; whereas the target ceilings fixed are based on these estimates;

Whereas Commission Regulation (EEC) No 1634/86 [2], as amended by Regulation (EEC) No 3507/86 [3], laid down detailed rules for the application of the supplementary trade mechanism to olive oil and oilcake imported into Portugal and the target ceilings in Portugal for the period 1 March to 31 December 1986;

Whereas the amount of the securities provided for on issue of the STM import licences should be reduced;

Whereas the target ceilings for 1987 in the case of oilcake and for the 1986/87 marketing year in the case of olive oil should be fixed;

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

In Article 2 (2) of Regulation (EEC) No 1634/86, '50' and '30' are hereby replaced by '5' and '3'.

Article 2

1. The target ceiling for imports into Portugal of olive oil falling within subheading 15.07 A of the Common Customs Tariff from the other Member States shall be 3 750 tonnes for the period 1 November 1986 to 31 October 1987.

2. The target ceiling for imports into Portugal of oilcake falling within subheading 23.04 B of the Common Customs Tariff from the other Member States shall be 27 000 tonnes.

Article 3

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

Article 2 shall apply with effect from 1 November 1986.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 55, 1. 3. 1986, p. 106.
[2] OJ No L 144, 29. 5. 1986, p. 20.
[3] OJ No L 324, 19. 11. 1986, p. 8.

COMMISSION REGULATION (EEC) No 220/87

of 26 January 1987

amending Regulation (EEC) No 2672/86 laying down for the 1986/87 wine year detailed rules for the application of Article 39 of Regulation (EEC) No 337/79

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 3805/85 [2], and in particular Article 39 (8) thereof,

Whereas the second subparagraph of Article 5 (2) of Commission Regulation (EEC) No 2672/86 [3], as amended by Regulation (EEC) No 3181/86 [4], states that the advance on the buying-in price may be paid the distiller to the producer on presentation of the invoice; whereas for administrative reasons a final date for the drawing up of the invoice must be laid down;

Whereas Article 8 (3) of the said Regulation makes payment of the aid to the distiller conditional on his having paid an advance; whereas it must be made clear that this condition is independent of the terms of payment of the advance;

Whereas Article 8 (5) of the Regulation states that distillers must, in order to obtain release of the security that they had to lodge in order to receive the advance on the adid, furnish before a time limit proof of payment of the advance; whereas a time limit for the furnishing of this proof in cases where the advance is paid on presentation of the invoice should also be laid down;

Whereas it is important for the Commission also to know the quantity of lees distilled;

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

Regulation (EEC) No 2672/86 is hereby amended as follows:

1. The second subparagraph of Article 5 (2) is replaced by the following:

   'However, the producer and distiller may agree that the advance is to be paid after delivery of the products but not more than one month after presentation of the invoice to be drawn up for them before 1 September 1987.'

2. The first indent of the first subparagraph of Article 8 (3) is replaced by the following:

   '— funishing proof that he has paid the advance referred to in Article 5 (2),'.

3. The first subparagraph of Article 8 (5) is replaced by the following:

   'In the case referred to in the second indent of paragraph 3 the distiller shall be required to provide the intervention agency

   — not later than four months after the entry into the distillery of the by-products of wine making, with proof that he has paid the advance referred to in the first subparagraph of Article 5 (2), or

   — not later than 31 December 1987, with proof that he has made the advance payment referred to in the second subparagraph of Article 5 (2).

   Proof that he has paid the balance referred to in the third subparagraph of Article 5 (2) shall be provided to the intervention agency by 31 December 1987 at the latest.'

4. The first indent in Article 14 (1) is replaced by the following:

   '— the quantities of wine, of lees and of fortified wine distilled,'.

Article 2

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

It shall apply with effect from 1 September 1986.

[1] OJ No L 54, 5. 3. 1979, p. 1.
[2] OJ No L 367, 31. 12. 1985, p. 39.
[3] OJ No L 244, 29. 8. 1986, p. 8.
[4] OJ No L 297, 21. 10. 1986, p. 6.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 221/87

of 26 January 1987

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 the Act of Accession of Spain and Portugal,

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 3666/86 [2], and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2051/86 [3], as last amended by Regulation (EEC) No 211/87 [4];

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 January 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 339, 2. 12. 1986, p. 10.
[3] OJ No L 173 1. 7. 1986, p. 91.
[4] OJ No L 22, 24. 1. 1987, p. 31.

ANNEX

to the Commission Regulation of 26 January 1987 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	50,00
	B. Raw sugar	41,91 [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 222/87

of 26 January 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 934/86 [2], and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 4075/86 [3], as last amended by Regulation (EEC) No 77/87 [4];

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4075/86 to the information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 4075/86 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 January 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 87, 2. 4. 1986, p. 1.
[3] OJ No L 371, 31. 12. 1986, p. 31.
[4] OJ No L 11, 13. 1. 1987, p. 29.

ANNEX

to the Commission Regulation of 26 January 1987 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,5000	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	60,77
	ex II. Other	0,5000	—
	E. Artificial honey, whether or not mixed with natural honey	0,5000	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,5000	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	60,77
	IV. Other	0,5000	—

COMMISSION REGULATION (EEC) No 223/87

of 26 January 1987

altering the export refunds on white sugar and raw sugar exported in the natural state

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,

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 3666/86 [2], and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 157/87 [3];

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 157/87 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 157/87 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 January 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 339, 2. 12. 1986, p. 10.
[3] OJ No L 20, 22. 1. 1987, p. 20.

ANNEX

to the Commission Regulation of 26 January 1987 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	44,09	
	(b) Other	42,00	
	(II) Flavoured or coloured sugar		0,4409
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	40,56 (1)	
	(b) Sugar with added anti-caking agent		0,4409
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	38,64 (1)	
	(d) Other raw sugar	(2)	

(1) Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

(2) Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 224/87

of 26 January 1987

fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

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,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat [1], as last amended by Regulation (EEC) No 882/86 [2], and in particular the first paragraph of Article 11 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, under Article 10 (2) of Regulation (EEC) No 1837/80, a levy is applicable to the products specified in Article 1 (a) of that Regulation;

Whereas the levy on products falling within subheading 02.01 A IV a) 1 listed in Annex I to Regulation (EEC) No 1837/80 is to be equal to the difference between the seasonally-adjusted basic price and the Community free-at-frontier offer price;

Whereas the seasonally-adjusted basic price is fixed in Article 2 of Council Regulation (EEC) No 1472/86 [3] for the 1987 marketing year;

Whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regard quality and quantity, recorded over the period from the 21st day of the preceding month to the 20th day of the month during which the levies are determined, taking particular account of the supply and demand situation for fresh or chilled meat, the world market price for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas the free-at-frontier offer price is to be determined, if necessary, on the basis of the most representative purchasing possibilities recorded for live sheep;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2668/80 [4] the free-at-frontier offer prices are to be based *inter alia* on the prices shown in the customs documents which accompany products imported from non-member countries or on other information concerning the export prices applied by those non-member countries; whereas offer prices which do not correspond to actual purchasing possibilities or which relate to unrepresentative quantities and offer prices which, in view of general price movements or other information available, may be considered not to be representative of actual price trends in the country of origin are to be disregarded;

Whereas a special levy may be fixed for products originating in or coming from one or more non-member countries if exports of the said products are made at abnormally low prices;

Whereas the levy on live animals within subheading 01.04 B and on the meat falling within subheadings 02.01 A IV a) 2, 3, 4 and 5 and 02.06 C II a) listed in Annex I to Regulation (EEC) No 1837/80 is to be equal to the levy determined for carcases, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed in Annex I to Regulation (EEC) No 2668/80;

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas, moreover, account should be taken of the voluntary restraint arrangements made by the Community with certain non-member countries;

Whereas Council Regulation (EEC) No 486/85 [5], as last amended by Regulation (EEC) No 73/87 [6], lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the levies are fixed before the 27th day of each month for each week during the following month; whereas they are applicable from Monday to Sunday; whereas they can be altered within that period if necessary;

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

[1] OJ No L 183, 16. 7. 1980, p. 1.
[2] OJ No L 82, 27. 3. 1986, p. 3.
[3] OJ No L 133, 21. 5. 1986, p. 34.
[4] OJ No L 276, 20. 10. 1980, p. 39.
[5] OJ No L 61, 1. 3. 1985, p. 4.
[6] OJ No L 11, 13. 1. 1987, p. 23.

— 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 the last paragraph of Article 3 (b) of to Council Regulation (EEC) No 1676/85 [1],

— 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, having regard to the provisions of the abovementioned Regulations and, in particular, to the information and quotations known to the Commission, the levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat should be as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 February 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

[1] OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 January 1987 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CCT heading No	Week No 5 from 2 to 8 February 1987	Week No 6 from 9 to 15 February 1987	Week No 7 from 16 to 22 February 1987	Week No 8 from 23 February to 1 March 1987
01.04 B	129,546 (1)	132,667 (1)	134,420 (1)	135,680 (1)
02.01 A IV a) 1	275,630 (2)	282,270 (2)	286,000 (2)	288,680 (2)
2	192,941 (2)	197,589 (2)	200,200 (2)	202,076 (2)
3	303,193 (2)	310,497 (2)	314,600 (2)	317,548 (2)
4	358,319 (2)	366,951 (2)	371,800 (2)	375,284 (2)
5 aa)	358,319 (2)	366,951(2)	371,800 (2)	375,284 (2)
bb)	501,647 (2)	513,731 (2)	520,520 (2)	525,398 (2)
02.06 C II a) 1	358,319 (3)	366,951 (3)	371,800 (3)	375,284 (3)
2	501,647 (3)	513,731 (3)	520,520 (3)	525,398 (3)

(1) The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

(2) The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

(3) The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 225/87

of 26 January 1987

fixing the import levies on frozen sheepmeat and goatmeat

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,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat [1], as last amended by Regulation (EEC) No 882/86 [2], and in particular the first paragraph of Article 11 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 10 (2) of Regulation (EEC) No 1837/80 a levy is applicable to the products falling within subheading 02.01 A IV b) listed in Annex I to that Regulation;

Whereas, pursuant to Article 13 of Regulation (EEC) No 1837/80, the levy on frozen carcases and halfcarcases is to be equal to the difference between:

(a) the basic price multiplied by a coefficient representing the relationship existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of fresh and chilled sheep carcases, and

(b) the Community free-at-frontier offer price for the said frozen meat;

Whereas the basic price for the 1987 marketing year is fixed in Article 1 of Council Regulation (EEC) No 1472/86 [3]; whereas the coefficient referred to in Article 13 (1) (a) of Regulation (EEC) No 1837/80 is fixed in Article 2 (2) of Regulation (EEC) No 2668/80 [4];

Whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over the period from the 21st day of the preceding month to the 20th day of the month during which the levies are determined, taking particular account of the supply and demand situation for fresh or chilled meat, the world market price for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2668/80, the free-at-frontier offer prices are to be based *inter alia* on the prices shown in the customs documents which accompany products imported from non-member countries or on other information concerning the export prices applied by those non-member countries; whereas offer prices which do not correspond to actual purchasing possibilities or which relate to unrepresentative quantities and offer prices which, in view of general price movements or other information available, may be considered not to be representative of actual price trends in the country of origin are to be disregarded;

Whereas a special levy may be fixed for products originating in or coming from one or more non-member countries if exports of the said products are made at abnormally low prices;

Whereas the levy on the meat falling within subheadings 02.01 A IV b) 2, 3, 4 and 5 listed in Annex I to Regulation (EEC) No 1837/80 is to be equal to the levy determined for frozen carcases, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed in Annex II to Regulation (EEC) No 2668/80;

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas, moreover, account should be taken of the voluntary restraint arrangements made by the Community with certain non-member countries;

Whereas Council Regulation (EEC) No 486/85 [5], as last amended by Regulation (EEC) No 73/87 [6], lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the levies are fixed before the 27th day of each month for each week during the following month; whereas they are applicable from Monday to Sunday; whereas they can be altered within that period if necessary;

(1) OJ No L 183, 16. 7. 1980, p. 1.
(2) OJ No L 82, 27. 3. 1986, p. 3.
(3) OJ No L 133, 21. 5. 1986, p. 34.
(4) OJ No L 276, 20. 10. 1980, p. 39.
(5) OJ No L 61, 1. 3. 1985, p. 4.
(6) OJ No L 11, 13. 1. 1987, p. 23.

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 the last paragraph of Article 3 (b) of Council Regulation (EEC) No 1676/85 [1],

— 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, having regard to the provisions of the abovementioned Regulations and, in particular, to the information and quotations known to the Commission, the levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat should be as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 February 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

[1] OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 January 1987 fixing the import levies on frozen sheep-meat and goatmeat

(ECU/100 kg)

CCT-heading No	Week No 5 from 2 to 8 February 1987 (1)	Week No 6 from 9 to 15 February 1987 (1)	Week No 7 from 16 to 22 February 1987 (1)	Week No 8 from 23 February to 1 March 1987 (1)
02.01 A IV b) 1	206,723	211,703	214,500	216,510
2	144,706	148,192	150,150	151,557
3	227,395	232,873	235,950	238,161
4	268,740	275,214	278,850	281,463
5 aa)	268,740	275,214	278,850	281,463
bb)	376,236	385,299	390,390	394,048

(1) The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 226/87

of 26 January 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat [1], as last amended by Regulation (EEC) No 882/86 [2],

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 [3], as last amended by Regulation (EEC) No 1860/86 [4], and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 29 December 1986, the level of the premium and the amount to be charged on products leaving that region;

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

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

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No 1837/80 and in Article 4 (1), (3) and (4) of Regulation (EEC) No 1633/84 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving region 5 of the aforesaid Member State during the week beginning 29 December 1986, shall be set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 29 December 1986 the level of the premium shall be equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 29 December 1986, the amounts to be charged shall be equivalent to those fixed in Annex II hereto.

Article 3

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

It shall apply with effect from 29 December 1986.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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(1) OJ No L 183, 16. 7. 1980, p. 1.
(2) OJ No L 82, 27. 3. 1986, p. 3.
(3) OJ No L 154, 9. 6. 1984, p. 27.
(4) OJ No L 161, 17. 6. 1986, p. 25.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 29 December 1986

Description	Premium
Certified sheep or sheepmeat	20,101 ECU per 100 kilograms of estimated or actual dressed carcase weight [1]

[1] Within the weight limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing 29 December 1986

(ECU/100 kg)

CCT heading No	Description	Amounts		
		A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified at the second, third and fourth indents of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)	C. Products specified at the first indent of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)
		Live weight	Live weight	Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	9,447	4,724	0,945
		Net weight	Net weight	Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :			
	1. Carcases or half-carcases	20,101	10,051	2,010
	2. Short forequarters	14,071		
	3. Chines and/or best ends	22,111		
	4. Legs	26,131		
	5. Other :			
	aa) Unboned (bone-in)	26,131		
	bb) Boned or boneless	36,584		
02.01 A IV b)	Meat of sheep or goats, frozen :			
	1. Carcases or half-carcases	15,076		
	2. Short forequarters	10,553		
	3. Chines and/or best ends	16,584		
	4. Legs	19,599		
	5. Other :			
	aa) Unboned (bone-in)	19,599		
	bb) Boned or boneless	27,438		
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :			
	1. Unboned (bone-in)	26,131		
	2. Boned or boneless	36,584		
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :			
	— unboned (bone-in)	26,131		
	— boned or boneless	36,584		

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 227/87

of 26 January 1987

fixing the import levies on live cattle and on beef and veal other than frozen

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,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal [1], as last amended by Regulation (EEC) No 3768/85 [2], and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under subheadings 02.01 A II a) 1 to 3, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

(a) 75 % where the market price is less than or equal to 102 % of the guide price;

(b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

(c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

(d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

(a) 100 % where the market price is more than or equal to 98 % of the guide price;

(b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

(c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

(d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff [3], as last amended by Regulation (EEC) No 1355/86 [4];

Whereas the guide prices for adult bovine animals to be applied from 12 May 1986 were fixed by Council Regulation (EEC) No 1345/86 [5];

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantitities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

[1] OJ No L 148, 28. 6. 1968, p. 24.
[2] OJ No L 362, 31. 12. 1985, p. 8.
[3] OJ No L 75, 23. 3. 1977, p. 10.
[4] OJ No L 118, 7. 5. 1986, p. 1.
[5] OJ No L 119, 8. 5. 1986, p. 37.

Whereas if the free-at-frontier offer price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77 of 18 March 1977 (1), as amended by Regulation (EEC) No 925/77 (2), provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas the average price is not to be used for calculating the special levy unless it is at least 1,21 ECU per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is th price established on the basis of prices recorded over a priod to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the appropriate coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86 (3), as last amended by Regulation (EEC) No 4049/86 (4); whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community (5), as last amended by Regulation (EEC) No 2322/86 (6);

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less then 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained;

(1) OJ No L 77, 25. 3. 1977, p. 14.
(2) OJ No L 109, 30. 4. 1977, p. 1.
(3) OJ No L 119, 8. 5. 1986, p. 40.
(4) OJ No L 377, 31. 12. 1986, p. 28.
(5) OJ No L 77, 25. 3. 1977, p. 1.
(6) OJ No L 202, 25. 7. 1986, p. 17.

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas, moreover, account should be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia [1], of Council Regulation (EEC) No 287/82 of 3 February 1982 establishing the arrangements applicable to imports of products originating in Yugoslavia to take account of the accession of the Hellenic Republic to the Community [2], and of Council Regulation (EEC) No 3349/81 of 24 November 1981 providing for a reduction in the levy applicable to imports into the Community of certain beef and veal products originating in and coming from Yugoslavia [3];

Whereas Council Regulation (EEC) No 486/85 [4], last amended by Regulation (EEC) No 73/87 [5], lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets;

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 the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [6],

— 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, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 February 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

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(1) OJ No L 41, 14. 2. 1983, p. 1.
(2) OJ No L 30, 6. 2. 1982, p. 1.
(3) OJ No L 339, 26. 11. 1981, p. 1.
(4) OJ No L 61, 1. 3. 1985, p. 4.
(5) OJ No L 11, 13. 1. 1987, p. 23.
(6) OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 January 1987 fixing the import levies on live cattle and on beef and veal other than frozen (1)

(ECU/100 kg)

CCT heading No	Yugoslavia (2)	Austria/Sweden/ Switzerland	Other third countries
	— Live weight —		
01.02 A II (a)	50,310	35,227	114,707
		— Net weight —	
02.01 A II a) 1	95,589	66,932	217,943
02.01 A II a) 2	76,471	53,546	174,354
02.01 A II a) 3	114,707	80,318	261,532
02.01 A II a) 4 aa)	—	100,398	326,914
02.01 A II a) 4 bb)	—	114,840	373,944
02.06 C I a) 1	—	100,398	326,914
02.06 C I a) 2	—	114,840	373,944
16.02 B III b) 1 aa)	—	114,840	373,944

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

(2) This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1725/80 (OJ No L 170, 3. 7. 1980, p. 4).

(a) The levy which is to be applied to young male bovine animals, intended for fattening, of a live weight of 300 kg or less, imported under the conditions set out in Article 13 of Council Regulation (EEC) No 805/68, and in the provisions adopted for its application, is totally or partially suspended in accordance with those provisions.

COMMISSION REGULATION (EEC) No 228/87

of 26 January 1987

fixing the import levies on frozen beef and veal

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,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal [1], as last amended by Regulation (EEC) No 3768/85 [2], and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under subheading 02.01 A II b) 1, the basic levy is determined on the basis of the difference between:

— the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and

— the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff [3], as last amended by Regulation (EEC) No 1355/86 [4], the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1·69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at 6,65 ECU;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

(a) 75 % where the market price is less than or equal to 102 % of the guide price;

(b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

(c) 25 % where the market price is more than 104 % and less than 106 % of the guide price;

(d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

(a) 100 % where the market price is more than or equal to 98 % of the guide price;

(b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

(c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

(d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals to be applied from 12 May 1986 have been fixed by Council Regulation (EEC) No 1345/86 [5];

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

— foreseeable developments on the market in frozen meat,

— the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,

— past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under subheadings 02.01 A II b) 2 to 4 is equal to the basic levy fixed for the product falling within subheading 02.01 A II b) 1, multiplied by a standard coefficient

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 362, 31. 12. 1985, p. 8.
(3) OJ No L 75, 23. 3. 1977, p. 10.
(4) OJ No L 118, 7. 5. 1986, p. 1.
(5) OJ No L 119, 8. 5. 1986, p. 37.

fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the relevant coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage ; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86 [1], as last amended by Regulation (EEC) No 4049/86 [2] ; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community [3], as last amended by Regulation (EEC) No 2322/86 [4] ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ;

Whereas Council Regulation (EEC) No 486/85 [5], as last amended by Regulation (EEC) No 73/87 [6], lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77 ;

(1) OJ No L 119, 8. 5. 1986, p. 40.
(2) OJ No L 377, 31. 12. 1986, p. 28.
(3) OJ No L 77, 25. 3. 1977, p. 1.
(4) OJ No L 202, 25. 7. 1986, p. 17.
(5) OJ No L 61, 1. 3. 1985, p. 4.
(6) OJ No L 11, 13. 1. 1987, p. 23.

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [1],

— 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, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 February 1987.

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

Done at Brussels, 26 January 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

[1] OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 January 1987 fixing the import levies on frozen beef and veal (1)

(ECU / 100 kg)

CCT heading No	Levy
	— Net weight —
02.01 A II b) 1	193,155
02.01 A II b) 2	154,524 (a)
02.01 A II b) 3	241,444
02.01 A II b) 4 aa)	289,732
02.01 A II b) 4 bb) 11	241,444 (a)
02.01 A II b) 4 bb) 22 (b)	241,444 (a)
02.01 A II b) 4 bb) 33	332,226 (a)

(1) In accordance with Regulation (EEC) No 486/85, 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.

(a) Where products are imported under the conditions set out in Article 14 of Council Regulation (EEC) No 805/68 and in provisions adopted for its application, the levy is totally or partially suspended in accordance with those provisions.

(b) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 15 December 1986

amending Directive 83/643/EEC on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States

(87/53/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 75, 84 and 100 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas Council Directive 83/643/EEC of 1 December 1983 on the facilitation of physical inspection and administrative formalities in respect of tahe carriage of goods between Member States [4] contains a series of measures designed to reduce waiting times at the internal frontiers of the Community where the carriage of goods is concerned;

Whereas further progress must be made in the short term so that inspections and formalities in trade between Member States can be facilitated further; whereas the provisions of this Directive must take due account of the objectives pursued and of the results of the activities embarked upon in the context of the realization of the internal market;

Whereas, under the Community transit system in particular, an operator may initiate the transit procedure in the Member State of departure and/or have goods entered for home use or placed under some other customs procedure at a place situated within the Member State of destination and whereas, in this context, Member States should facilitate recourse to simplified procedures in appropriate cases; whereas they should also endeavour to deploy customs offices in such a way as best to take account of the requirements of commercial operators;

Whereas, in order to take account of the special features of air transport, it is necessary to adapt, on the basis of traffic flow and in such a way as to meet actual needs, the business hours of the departments carrying out inspections at airports;

Whereas cooperation between the departments carrying out inspections and formalities on either side of each frontier post would help to reduce the waiting times at these frontiers;

Whereas the improvement of the practical arrangements for processing goods and documents would also help to reduce waiting time;

Whereas there should be a procedure for persons involved in trade between Member States enabling them to inform national and Community bodies of any problems encountered in crossing frontiers;

Whereas certain work of the inspection services, and in particular that relating to the examination of documents which must be carried, would be facilitated if the authorities reponsible for them could delegate powers to one of the other services represented to effect such inspections;

Whereas, in order to facilitate the payment of any sums payable in respect of inspections and formalities, the parties concerned should be afforded the opportunity of using also guaranteed or certified international cheques;

[1] OJ No C 237, 18. 9. 1985, p. 3.
[2] OJ No C 352, 31. 12. 1985, p. 291.
[3] OJ No C 101, 28. 4. 1986, p. 5.
[4] OJ No L 359, 22. 12. 1983, p. 8.

Whereas it is desirable that up-to-date information on the operating conditions of inspection posts situated either at frontiers or within Member States be supplied to the Commission,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 83/643/EEC is hereby amended as follows:

1. The present wording of Article 2 shall become paragraph 1 and the following paragraphs shall be added:

'2. Member States shall facilitate, in circumstances which they deem appropriate, the use of simplified procedures, such as those laid down by the regulations for the despatch, distribution and release for consumption of goods, at the place of origin or destination of the goods.

3. Member States shall endeavour to deploy customs offices in such a way, including in the interior of their territory, as best to take account of the requirements of commercial operators.'

2. Article 4 shall be replaced by the following:

'Article 4

1. In order to seek appropriate solutions to problems arising at common frontiers, Member States shall take the measures necessary to extend bilateral cooperation between the various departments carrying out inspections and formalities on either side of these frontiers.

2. The cooperation referred to in paragraph 1 shall cover in particular:

— the arrangement of frontier posts,

— the conversion of frontier offices into juxtaposed or combined inspection offices, where possible.

3. Member States shall cooperate in order to harmonize the business hours of the various departments carrying out inspections and formalities on either side of each frontier post. Should any difficulties arise in attaining such harmonization, Member States shall bring them to the Commission's attention so that it may suggest to the Member States concerned such solutions as it deems appropriate to resolve them.

4. Member States shall provide for the possibility of informal consultation at local and, if appropriate, national level between representatives of the various departments involved an inspections and formalities and of carriers, customs agents, persons engaged in services ancillary to transport and transport users.'

3. Article 5 shall be replaced by the following:

'Article 5

1. Member States shall see to it that:

(a) where the volume of traffic so warrants, frontier posts are open, except when traffic is prohibited, so that:

— frontiers can be crossed 24 hours a day, with the corresponding inspections and formalities, in the case of goods placed under a customs transit procedure, their means of transport and vehicles travelling unladen, save where frontier inspection is necessary to prevent the spread of disease,

— inspections and formalities relating to the movement of means of transport and goods which are not being carried under a customs transit procedure may be performed from Monday to Friday during an uninterrupted period of at least 10 hours, and on Saturday during an uninterrupted period of at least six hours, unless those days are public holidays;

(b) as regards vehicles and goods transported by air, the hours referred to in the second indent of subparagraph (a) are adapted in such a way as to meet actual needs and for that purpose may be split in accordance with the flow of traffic;

(c) transhipments which, under existing regulations, customs services allow to be carried out without their immediate supervision can be effected at any time in such a way as to meet actual needs.

2. Where general compliance with the periods referred to in paragraph 1 (a), second indent, and (b) poses problems for veterinary services, Member States shall see to it that, with at least 2 hours' notice from the carrier, a veterinary expert is available during those periods: in the case of the transport of live animals, however, this notice may be increased to 18 hours.

3. Where several frontier posts are situated in the same port or airport zone. Member States may derogate from paragraph 1, provided that the other posts in that zone are able to clear goods and vehicles effectively in accordance with that paragraph.

4. For the frontier posts and customs services referred to in paragraph 1, and under the conditions laid down by Member States, the competent authorities of the Member States shall provide, if specifically requested during business hours and for sound reasons, for inspections and formalities to be carried out, as an exception, outside business hours, on condition that, where relevant, payment be made for services so rendered.'

4. Article 6 shall be replaced by the following:

'Article 6

Member States shall take the measures necessary to ensure that waiting time caused by the various inspections and formalities does not exceed the time required for their proper completion. To that end, they shall organize the business hours of the departments which are to carry out inspections and formalities, the staff available and the practical arrangements for processing goods and documents associated with the carrying out of the inspections and formalities in such a way as to reduce waiting time in the flow of traffic to a minimum.'

5. Article 7 shall be replaced by the following:

'Article 7

Member States shall endeavour to establish at frontier posts, where technically possible and justified by the volume of traffic, express lanes reserved for goods placed under a customs transit procedure, for their means of transport and for vehicles travelling unladen.'

6. Article 8 shall be replaced by the following:

'Article 8

1. Member States and the Commission shall see to it that persons involved in trade between Member States can rapidly inform the competent national and Community authorities of any problems encountered when crossing frontiers. The competent authorities shall eamine those problems and, if they are not resolved, the Commission shall propose solutions to the Member States concerned.

2. With a view to resolving difficulties with inspections or formalities within the meaning of this Directive, a Member State may request consultations with another Member State. If those consultations do not make it possible to resolve these difficulties, a Member State may inform the Commission so that the latter can submit such solutions as it deems appropriate to resolve the difficulties in question.'

7. The following Articles shall be inserted in the Directive:

'Article 6a

Member States shall as far as possible see to it that, by express delegation by the competent authorities and on their behalf, one of the other services represented, and preferably the customs service, may carry out certain tasks for which those authorities are responsible, relating in particular to requirements to carry the necessary documents, checking the validity and authenticity thereof and making a summary check on the identity of the goods declared in such documents. In that event the authorities concerned shall seek to ensure that the means required for accomplishing those tasks are made available.'

'Article 7a

Member States shall see to it that any sums payable in respect of the inspections and formalities applied to trade between Member States can also be paid by means of guaranteed or certified international cheques, expressed in the currency of the Member State in which the debt is due.'

'Article 8a

Member States shall supply the Commission in good time with up-to-date information on insepection posts.'

Article 2

1. Member States shall, after consulting the Commission, bring into force the laws, regulations and administrative provisions necessary for them to comply with this Directive by 1 July 1987 at the latest.

2. Each Member State shall communicate to the Commission the texts of the provisions it adopts in order to implement this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 15 December 1986.

For the Council

The President

J. MOORE

COUNCIL DIRECTIVE
of 16 December 1986
on the legal protection of topographies of semiconductor products

(87/54/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas semiconductor products are playing an increasingly important role in a broad range of industries and semiconductor technology can accordingly be considered as being of fundamental importance for the Community's industrial development;

Whereas the functions of semiconductor products depend in large part on the topographies of such products and whereas the development of such topographies requires the investment of considerable resources, human, technical and financial, while topographies of such products can be copied at a fraction of the cost needed to develop them independently;

Whereas topographies of semiconductor products are at present not clearly protected in all Member States by existing legislation and such protection, where it exists, has different attributes;

Whereas certain existing differences in the legal protection of semiconductor products offered by the laws of the Member States have direct and negative effects on the functioning of the common market as regards semiconductor products and such differences could well become greater as Member States introduce new legislation on this subject;

Whereas existing differences having such effects need to be removed and new ones having a negative effect on the common market prevented from arising;

Whereas, in relation to extension of protection to persons outside the Community, Member States should be free to act on their own behalf in so far as Community decisions have not been taken within a limited period of time;

Whereas the Community's legal framework on the protection of topographies of semiconductor products can, in the first instance, be limited to certain basic principles by provisions specifying whom and what should be protected, the exclusive rights on which protected persons should be able to rely to authorize or prohibit certain acts, exceptions to these rights and for how long the protection should last;

Whereas other matters can for the time being be decided in accordance with national law, in particular, whether registration or deposit is required as a condition for protection and, subject to an exclusion of licences granted for the sole reason that a certain period of time has elapsed, whether and on what conditions non-voluntary licences may be granted in respect of protected topographies;

Whereas protection of topographies of semiconductor products in accordance with this Directive should be without prejudice to the application of some other forms of protection;

Whereas further measures concerning the legal protection of topographies of semiconductor products in the Community can be considered at a later stage, if necessary, while the application of common basic principles by all Member States in accordance with the provisions of this Directive is an urgent necessity,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER 1

Definitions

Article 1

1. For the purposes of this Directive:

(a) a 'semiconductor product' shall mean the final or an intermediate form of any product:

(i) consisting of a body of material which includes a layer of semiconducting material; and

(ii) having one or more other layers composed of conducting, insulating or semiconducting material, the layers being arranged in accordance with a predetermined three-dimensional pattern; and

(iii) intended to perform, exclusively or together with other functions, an electronic function;

[1] OJ No C 360, 31. 12. 1985, p. 14.
[2] OJ No C 255, 13. 10. 1986, p. 249.
[3] OJ No C 189, 28. 7. 1986, p. 5.

(b) the 'topography' of a semiconductor product shall mean a series of related images, however fixed or encoded;

(i) representing the three-dimensional pattern of the layers of which a semiconductor product is composed; and

(ii) in which series, each image has the pattern or part of the pattern of a surface of the semiconductor product at any stage of its manufacture;

(c) 'commercial exploitation' means the sale, rental, leasing or any other method of commercial distribution, or an offer for these purposes. However, for the purposes of Articles 3 (4), 4 (1), 7 (1), (3) and (4) 'commercial exploitation' shall not include exploitation under conditions of confidentiality to the extent that no further distribution to third parties occurs, except where exploitation of a topography takes place under conditions of confidentiality required by a measure taken in conformity with Article 223 (1) (b) of the Treaty.

2. The Council acting by qualified majority on a proposal from the Commission, may amend paragraph 1 (a) (i) and (ii) in order to adapt these provisions in the light of technical progress.

CHAPTER 2

Protection of topographies of semiconductor products

Article 2

1. Member States shall protect the topographies of semiconductor products by adopting legislative provisions conferring exclusive rights in accordance with the provisions of the Directive.

2. The topography of a semiconductor product shall be protected in so far as it satisfies the conditions that it is the result of its creator's own intellectual effort and is not commonplace in the semiconductor industry. Where the topography of a semiconductor product consists of elements that are commonplace in the semiconductor industry, it shall be protected only to the extent that the combination of such elements, taken as a whole, fulfils the abovementioned conditions.

Article 3

1. Subject to paragraphs 2 to 5, the right to protection shall apply in favour of persons who are the creators of the topographies of semiconductor products.

2. Member States may provide that,

(a) where a topography is created in the course of the creator's employment, the right to protection shall apply in favour of the creator's employer unless the terms of employment provide to the contrary;

(b) where a topography is created under a contract other than a contract of employment, the right to protection shall apply in favour of a party to the contract by whom the topography has been commissioned, unless the contract provides to the contrary.

3. (a) As regards the persons referred to in paragraph 1, the right to protection shall apply in favour of natural persons who are nationals of a Member State or who have their habitual residence on the territory of a Member State.

(b) Where Member States make provision in accordance with paragraph 2, the right to protection shall apply in favour of:

(i) natural persons who are nationals of a Member State or who have their habitual residence on the territory of a Member State;

(ii) companies or other legal persons which have a real and effective industrial or commercial establishment on the territory of a Member State.

4. Where no right to protection exists in accordance with other provisions of this Article, the right to protection shall also apply in favour of the persons referred to in paragraph 3 (b) (i) and (ii) who:

(a) first commercially exploit within a Member State a topography which has not yet been exploited commercially anywhere in the world; and

(b) have been exclusively authorized to exploit commercially the topography throughout the Community by the person entitled to dispose of it.

5. The right to protection shall also apply in favour of the successors in title of the persons mentioned in paragraphs 1 to 4.

6. Subject to paragraph 7, Member States may negotiate and conclude agreements or understandings with third States and multilateral Conventions concerning the legal protection of topographies of semiconductor products whilst respecting Community law and in particular the rules laid down in this Directive.

7. Member States may enter into negotiations which third States with a view to extending the right to protection to persons who do not benefit from the right to protection according to the provisions of this Directive. Member States who enter into such negotiations shall inform the Commission thereof.

When a Member State wishes to extend protection to persons who otherwise do not benefit from the right to protection according to the provisions of this Directive or to conclude an agreement or understanding on the extension of protection with a non-Member State it shall notify the Commission. The Commission shall inform the other Member States thereof.

The Member State shall hold the extension of protection or the conclusion of the agreement or understanding in abeyance for one month from the date on which it notifies the Commission. However, if within that period the Commission notifies the Member State concerned of its intention to submit a proposal to the Council for all Member States to extend protection in respect of the persons or non-Member State concerned, the Member State shall hold the extension of protection or the conclusion of the agreement or undestanding in abeyance for a period of two months from the date of the notification by the Member State.

Where, before the end of this two-month period, the Commission submits such a proposal to the Council, the Member State shall hold the extension of protection or the conclusion of the agreement or understanding in abeyance for a further period of four months from the date on which the proposal was submitted.

In the absence of a Commission notification or proposal or a Council decision within the time limits prescribed above, the Member State may extend protection or conclude the agreement or understanding.

A proposal by the Commission to extend protection, whether or not it is made following a notification by a Member State in accordance with the preceding paragraphs shall be adopted by the Council acting by qualified majority.

A Decision of the Council on the basis of a Commission proposal shall not prevent a Member State from extending protection to persons, in addition to those to benefit from protection in all Member States, who were included in the envisaged extension, agreement or understanding as notified, unless the Council acting by qualified majority has decided otherwise.

8. Commission proposals and Council decisions pursuant to paragraph 7 shall be published for information in the *Official Journal of the European Communities.*

Article 4

1. Member States may provide that the exclusive rights conferred in conformity with Article 2 shall not come into existence or shall no longer apply to the topography of a semiconductor product unless an application for registration in due form has been filed with a public authority within two years of its first commercial exploitation. Member States may require in addition to such registration that material identifying or exemplifying the topography or any combination thereof has been deposited with a public authority, as well as a statement as to the date of first commercial exploitation of the topography where it precedes the date of the applciation for registration.

2. Member States shall ensure that material deposited in conformity with paragraph 1 is not made available to the public where it is a trade secret. This provision shall be without prejudice to the disclosure of such material pursuant to an order of a court or other competent authority to persons involved in litigation concerning the validity or infringement of the excusive rights referred to in Article 2.

3. Member States may require that transfers of rights in protected topographies be registered.

4. Member States may subject registration and deposit in accordance with paragraphs 1 and 3 to the payment of fees not exceeding their administrative costs.

5. Conditions prescribing the fulfilment of additional formalities for obtaining or maintaining protection shall not be admitted.

6. Member States which require registration shall provide for legal remedies in favour of a person having the right to protection in accordance with the provisions of this Directive who can prove that another person has applied for or obtained the registration of a topography without his authorization.

Article 5

1. The exclusive rights referred to in Article 2 shall include the rights to authorize or prohibit any of the following acts :

(a) reproduction of a topography in so far as it is protected under Article 2 (2);

(b) commercial exploitation or the importation for that purpose of a topography or of a semiconductor product manufactured by using the topography.

2. Notwithstanding paragraph 1, a Member State pay permit the reproduction of a topography privately for non commercial aims.

3. The exclusive rights referred to in paragraph 1 (a) shall not apply to reproduction for the purpose of analyzing, evaluating or teaching the concepts, processes, systems or techniques embodied in the topography or the topography itself.

4. The exclusive rights referred to in paragraph 1 shall not extend to any such act in relation to a topography meeting the requirements of Article 2 (2) and created on the basis of an analysis and evaluation of another topography, carried out in conformity with paragraph 3.

5. The exclusive rights to authorize or prohibit the acts specified in paragraph 1 (b) shall not apply to any such act committed after the topography or the semiconductor product has been put on the market in a Member State by the person entitled to authorize its marketing or with his consent.

6. A person who, when he acquires a semiconductor product, does not know, or has no reasonable grounds to believe, that the product is protected by an exclusive right conferred by a Member State in conformity with this Directive shall not be prevented from commercially exploiting that product.

However, for acts committed after that person knows, or has reasonable grounds to believe, that the semiconductor product is so protected, Member States shall ensure that on the demand of the rightholder a tribunal may require, in accordance with the provisions of the national law applicable, the payment of adequate remuneration.

7. The provisions of paragraph 6 shall apply to the successors in title of the person referred to in the first sentence of that paragraph.

Article 6

Member States shall not subject the exclusive rights referred to in Article 2 to licences granted, for the sole reason that a certain period of time has elapsed, automatically, and by operation of law.

Article 7

1. Member States shall provide that the exclusive rights referred to in Article 2 shall come into existence:

(a) where registration is the condition for the coming into existence of the exclusive rights in accordance with Article 4, on the earlier of the following dates:

(i) the date when the topography is first commercially exploited anywhere in the world;

(ii) the date when an application or registration has been filed in due form; or

(b) when the topography is first commercially exploited anywhere in the world; or

(c) when the topography is first fixed or encoded.

2. Where the exclusive rights come into existence in accordance with paragraph 1 (a) or (b), the Member States shall provide, for the period prior to those rights coming into existence, legal remedies in favour of a person having the right to protection in accordance with the provisions of this Directive who can prove that another person has fraudulently reproduced or commercially exploited or imported for that purpose a topography. This paragraph shall be without prejudice to legal remedies made available to enforce the exclusive rights conferred in conformity with Article 2.

3. The exclusive rights shall come to an end 10 years from the end of the calendar year in which the topography is first commercially exploited anywhere in the world or, where registration is a condition for the coming into existence or continuing application of the exclusive rights, 10 years from the earlier of the following dates:

(a) the end of the calendar year in which the topography is first commercially exploited anywhere in the world;

(b) the end of the calendar year in which the application for registration has been filed in due form.

4. Where a topography has not been commercially exploited anywhere in the world within a period of 15 years from its first fixation or encoding, any exclusive rights in existence pursuant to paragraph 1 shall come to an end and no new exclusive rights shall come into existence unless an application for registration in due form has been filed within that period in those Member States where registration is a condition for the coming into existence or continuing application of the exclusive rights.

Article 8

The protection granted to the topographies of semiconductor products in accordance with Article 2 shall not extend to any concept, process, system, technique or encoded information embodied in the topography other than the topography itself.

Article 9

Where the legislation of Member States provides that semiconductor products manufactured using protected topographies may carry an indication, the indication to be used shall be a capital T as follows: T, 'T', [T], Ⓣ, T* or 🄸.

CHAPTER 3

Continued application of other legal provisions

Article 10

1. The provisions of this Directive shall be without prejudice to legal provisions concerning patent and utility model rights.

2. The provisions of this Directive shall be without prejudice:

(a) to rights conferred by the Member States in fulfilment of their obligations under international agreements, including provisions extending such rights to nationals of, or residents in, the territory of the Member State concerned;

(b) to the law of copyright in Member States, restricting the reproduction of drawing or other artistic representations of topographies by copying them in two dimensions.

3. Protection granted by national law to topographies of semiconductor products fixed or encoded before the entry into force of the national provisions enacting the Directive, but no later than the date set out in Article 11 (1), shall not be affected by the provisions of this Directive.

CHAPTER 4

Final provisions

Article 11

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 7 November 1987.

2. Member States shall ensure that they communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1986.

For the Council

The President

G. HOWE

COUNCIL DIRECTIVE

of 18 December 1986

amending for the fourth time Directive 70/357/EEC on the approximation of the laws of the Member States concerning the antioxidants authorized for use in foodstuffs intended for human consumption

(87/55/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Directive 70/357/EEC [1], as last amended by Directive 81/962/EEC [2], permits Member States to authorize in their territory the use in foodstuffs of calcium disodium ethylene diamine tetra-acetate until 31 December 1986;

Whereas the Commission has submitted a proposal for the amendement of this Directive;

Whereas it is necessary in the meantine to extend temporarily the option granted to the Member States by Article 2 (1) of that Directive to authorize use of the substance in question;

Whereas this measure does not involve amendments to the legislation of one or more Member States,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 2 (1) of Directive 70/357/EEC '31 December 1986' is replaced by '31 December 1988'.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 18 December 1986.

For the Council

The President

M. JOPLING

[1] OJ No L 157, 18. 7. 1970, p. 31.
[2] OJ No L 354, 9. 12. 1981, p. 22.

COUNCIL DIRECTIVE

of 18 December 1986

amending Directive 78/1015/EEC on the approximation of the laws of the Member States relating to the permissible sound level and exhaust system of motorcycles

(87/56/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas Annex I to Directive 78/1015/EEC [4] defines limits for the sound level of motorcycles; whereas Article 8 of that Directive states that the Council shall, on a proposal from the Commission, decide on a reduction in the maximum permissible sound levels provided for in the said Annex I;

Whereas, when Directive 78/1015/EEC was adopted, emphasis was given to the fact that it costituted a step towards the improvement of the environment, that the technical development of less noisy motorcycles should be further encouraged that the limit values prescribed at the time should be reduced to approximately 80 dB (A) before 1985, particularly in the case of more powerful motorcycles, and that the levels to be fixed should take account of the technical resources which would be available at that date;

Whereas the protection of the population in urban environments against acoustic nuisance calls for suitable measures to reduce the sound level of motorcycles; whereas such a reduction should be made possible by the technical progress achieved or to be promoted in the manufacture of these types of vehicle;

Whereas, to this end, Directive 78/1015/EEC should be amended in order to make the prescribed method of measurement more representative of the conditions of actual use of motorcycles in urban traffic, to reduce the number of categories of motorcycle in view of the different methodology and to reduce the differences in the treatment of these categores; whereas the definition of sound level limit values for each of these new categories of motorcycle will lead to an effective reduction in the level of sound at present emitted by these types of vehicle; whereas this reduction should be put into effect in two stages in order to give manufacturers sufficient time to improve their products;

Whereas these reductions constitute an important step towards the improvement of the environment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 78/1015/EEC shall be amended in accordance with the Annex hereto.

Article 2

1. From 1 October 1988:

— in those Member States where motorcycles or certain categories of motorcycles are subject to national type-approval, that approval shall be based on the harmonized technical requirements of Directive 78/1015/EEC, instead of the corresponding national requirements, if the manufacturer or his authorized representative so requests,

— no Member State where motorcycles or certain categories of motorcycles are not subject to national type-approval may refuse the registeration, or prohibit the sale, entry into service or use of such motorcycles on the grounds that the harmonized technical provisions of Directive 78/1015/EEC have been complied with instead of the corresponding national requirements.

2. As from the dates laid down in the table contained in section 2.1.1 of Annex I for obtaining national type-approval of the three categories of motorcycle:

— Member States may no longer issue the certificate referred to in the second subparagraph of Article 3 (1) of Directive 78/1015/EEC in respect of a type of motorcycle the sound level and exhaust system of which do not comply with Directive 78/1015/EEC,

— Member States may refuse to grant national type-approval for a type of motorcycle the sound level and exhaust system of which do not comply with Directive 78/1015/EEC.

3. Two years after the dates referred to in paragraph 2, Member States may prohibit the initial entry into service of motorcycles the sound level and exhaust system of which do not comply with the said Directive.

[1] OJ No C 263, 2. 10. 1984, p. 5.
[2] OJ No C 94, 15. 4. 1985, p. 142.
[3] OJ No C 104, 25. 4. 1985, p. 3.
[4] OJ No L 349, 13. 12. 1978, p. 21.

This time limit shall, however, be reduced to one year for each new motorcycle of category 2 as regards compliance with the limit value laid down for the first stage.

Article 3

By 1 October 1988, Member States shall adopt and publish the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply such provisions with effect from 1 October 1988.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 18 December 1986.

For the Council

The President

M. JOPLING

ANNEX

AMENDMENT OF ANNEX I TO DIRECTIVE 78/1015/EEC

Sections 2.1.1, 2.1.4.3.1 and 2.1.4.3.2 are replaced by the following:

'2.1.1. *Categories of motorcycles,* sound level limits and dates of entry into force of such limits

2.1.1.1. The categories of motorcycles, the sound level limits not to be exceeded, as measured under the conditions provided for in sections 2.1.2 to 2.1.5, and the dates of entry into force of such limits shall be as follows:

Motorcycle category by cubic capacity (in cm³)	Sound level limits in dB (A) and dates of entry into force for national type approval of motorcycle			
	First stage limits in dB (A)	Dates of entry into force for national approval	Second stage limits in dB (A)	Dates of entry into force for national approval
1. ≤ 80	77	1 October 1988	75	1 October 1993
2. > 80 ≤ 175	79	1 October 1989	77	31 December 1994
3. > 175	82	1 October 1988	80	1 October 1993

2.1.1.2. The date for the entry into force of the sound level limit values of motorcycles of category 2 with regard to the second stage is subject to amendment by the Council before the end of 1994 acting on any proposal from the Commission.'

'2.1.4.3.1. Motorcycles fitted with a non-automatic gearbox

2.1.4.3.1.1. Approach speed

The motorcycle shall approach line AA′ at a steady speed:

— of 50 km/h, or

— corresponding to an engine rotation speed of 75 % of the speed referred to in section 2.4 of Annex II;

the lower of the two speeds shall be selected.

2.1.4.3.1.2. Choice of gear ratio

2.1.4.3.1.2.1. Irrespective of their engine capacity, motorcycles fitted with a gearbox with not more than four gears are tested in second gear.

2.1.4.3.1.2.2. Motorcycles fitted with an engine having a capacity not exceeding 175 cm³ and a gearbox with not less than five gears are tested only in third gear.

2.1.4.3.1.2.3. Motorcycles fitted with an engine having a capacity exceeding 175 cm³ and a gearbox with not less than five gears are tested in second and third gear. The mean value of the two tests is taken as the result.

2.1.4.3.1.2.4. If, during the test conducted in second gear (see sections 2.1.4.3.1.2.1 and 2.1.4.3.1.2.3), the engine speed of the vehicle as it approaches the line marking the end of the test section is more than 110 % of the speed referred to in section 2.4 of Annex II, the test is conducted in third gear, the sound level then measured being the only value recognized as the test result.

2.1.4.3.2. Motorcycles fitted with an automatic gearbox

2.1.4.3.2.1. Motorcycles without manual override.

2.1.4.3.2.1.1. Approach speed

The motorcycle approaches the line AA′ at different steady speeds of 30, 40 and 50 km/h or at 75 % of its maximum road speed if this value is lower. The speed producing the highest sound level is chosen.

2.1.4.3.2.2. Motorcycles fitted with a manual override having X forward-gear positions

2.1.4.3.2.2.1. Approach speed

The motorcycle approaches the line AA′ either at a steady speed:

— of less than 50 km/h, the engine rotation speed being equal to 75 % of the speed referred to in section 2.4 of Annex II, or

— of 50 km/h, the engine rotation speed being less than 75 % of the speed referred to in section 2.4 of Annex II.

If a change-down to first gear occurs during the test at a steady speed of 50 km/h, the approach speed of the motor cycle may be increased up to a maximum of 60 km/h in order to avoid such a change-down.

2.1.4.3.2.2.2. Position of the manual override

If the motorcycle is fitted with a manual override having X forward-gear positions, the test must be conducted with the selector in the highest gear position; the voluntary change-down facility (e.g. the kick-down) must not be used. If automatic change-down occurs after the line AA′, the test must be restarted using the second highest, and if necessary the third highest, gear position, in order to find the selector position corresponding to the highest gear which enables the test to take place without automatic change-down (without using the kick-down).'

COUNCIL DECISION

of 22 December 1986

concluding the Protocol amending the Convention for the prevention of marine pollution from land-based sources

(87/57/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Whereas the Community is a contracting party to the Convention for the prevention of marine pollution from land-based [2] sources which was signed in Paris on 4 June 1974 and which entered into force on 6 May 1978 and the Convention on long-range [3] transboundary air pollution which was signed in Geneva on 14 November 1979 and which entered into force on 16 March 1983;

Whereas a Protocol amending the Convention for the prevention of marine pollution from land-based sources in order to extend its scope to include marine pollution through the atmosphere was negotiated and adopted on 26 March 1986 at a diplomatic conference which was attended by the Contracting Parties to the Paris Convention, including the Community and nine Member States; whereas the said Protocol was signed on behalf of the Community;

Whereas the Community must therefore approve the Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol amending the Convention for the prevention of marine pollution from land-based sources is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall deposit the act of approval on behalf of the Community with the Government of the French Republic in accordance with Article VI, paragraph 5, of the Protocol.

Done at Brussels, 22 December 1986.

For the Commission

For the Council

G. SHAW

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[1] OJ No C 322, 15. 12. 1986.
[2] OJ No L 194, 25. 7. 1975, p. 5.
[3] OJ No L 171, 27. 6. 1981, p. 11.

PROTOCOLE D'AMENDEMENT

de la convention pour la prévention de la pollution marine d'origine tellurique

LES PARTIES CONTRACTANTES à la convention pour la prévention de la pollution marine d'origine tellurique, faite à Paris le 4 juin 1974 (ci-après dénommée « convention »);

RAPPELANT l'article 1er de la convention par lequel les parties contractantes s'engagent à prendre toutes les mesures possibles pour éviter la pollution de la mer;

RECONNAISSANT que la convention ne contient aucune disposition sur la prévention de la pollution transatmosphérique de la zone maritime;

DÉSIREUSES d'étendre la partie de la convention à ladite pollution,

SONT CONVENUS DES DISPOSITIONS CI-APRÈS:

Article premier

La clause ci-après est insérée après l'alinéa iii) point c) de l'article 3 de la convention:

« iv) par les émissions dans l'atmosphère, que celles-ci soient d'origine terrestre ou provenant de structures artificielles, telles que définies à l'alinéa iii) ci-avant ».

Article II

La première phrase du paragraphe 3 de l'article 4 est amendée par l'insertion des mots « et émissions dans l'atmosphère » après les mots « rejets dans les cours d'eau ».

Article III

La clause ci-après est insérée au début de l'article 16 point d) de la convention:

« d'examiner la faisabilité et, le cas échéant, ».

Article IV

1. Le présent protocole est ouvert à Paris, à partir du 26 mars 1986 et jusqu'au 30 juin 1986, à la signature des États parties à la convention à la date d'ouverture à la signature du présent protocole, ainsi qu'à la signature de la Communauté économique européenne.

2. Le présent protocole est soumis à ratification, acceptation ou approbation.

Article V

Après le 30 juin 1986, le présent protocole sera ouvert à l'adhésion des États visés à l'article 24 de la convention ainsi qu'à l'adhésion de la Communauté économique européenne.

Article VI

1. Le présent protocole entrera en vigueur le premier jour du deuxième mois après la date à laquelle la dernière des parties contractantes visées à l'article IV du présent protocole aura déposé son instrument de ratification, d'acceptation, d'approbation ou d'adhésion.

2. Pour tout autre État devenant partie au présent protocole après son entrée en vigueur, le présent protocole entrera en vigueur le premier jour du deuxième mois après la date à laquelle ledit État aura déposé son instrument d'adhésion.

3. Tout État devenant partie contractante au présent protocole, sans être partie contractante à la convention, sera considéré, à la date d'entrée en vigueur du présent protocole pour ledit État, comme partie contractante à la convention, telle qu'amendée par le présent protocole.

4. Tout État devenant partie contractante à la convention après l'entrée en vigueur du présent protocole, sera considéré comme partie contractante à la convention, telle qu'amendée par le présent protocole.

5. Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion seront disposés auprès du gouvernement de la République française.

Article VII

Le gouvernement dépositaire avisera les parties contractantes et les États visés à l'article 22 de la convention des signatures du présent protocole, des dépôts des instruments de ratification, d'acceptation, d'approbation ou d'adhésion, ce conformément aux articles IV, V et VI, ainsi que la date d'entrée en vigueur du présent protocole.

Article VIII

L'original du présent protocole, dont les textes français et anglais font également foi, sera déposé auprès du gouvernement de la République française.

EN FOI DE QUOI, les soussignés, dûment autorisés par leurs gouvernements respectifs, ont signé le présent protocole.

Fait à Paris, le 26 mars 1986.

PROTOCOL

amending the Convention for the prevention of marine pollution from land-based sources

THE CONTRACTING PARTIES to the Convention for the prevention of marine pollution from land-based sources, done at Paris on 4 June 1974 (hereinafter referred to as 'the Convention');

RECALLING Article 1 of the Convention, in which the Contracting Parties pledge themselves to take all possible steps to prevent pollution of the sea;

RECOGNIZING that the Convention does not contain provisions referring to the prevention of pollution of the maritime area through the atmosphere;

DESIRING to extend the scope of the Convention to such pollution;

HAVE AGREED AS FOLLOWS:

Article I

The following is inserted in Article 3 of the Convention after iii. of subparagraph c:

'iv. by emissions into the atmosphere from land or from man-made structures as defined in subparagraph iii. above'.

Article II

The first sentence of Article 4, paragraph 3, is amended by inserting 'and emissions into the atmosphere', after 'discharges into watercourses'.

Article III

The following is inserted at the beginning of Article 16 d of the Convention:

'to examine the feasibility of and, as appropriate.'

Article IV

1. This Protocol shall be open for signature at Paris from 26 March 1986 until 30 June 1986 by the States which are parties to the Convention on the date of the opening for signature of this Protocol, and by the European Economic Community.

2. This Protocol shall be subject to ratification, acceptance or approval.

Article V

After 30 June 1986 this Protocol shall be open for accession by any State referred to in Article 24 of the Convention and by the European Economic Community.

Article VI

1. This Protocol shall enter into force on the first day of the second month following the date on which the last of the contracting parties referred to in Article IV of this Protocol has deposited its instrument of ratification, acceptance, approval or accession.

2. For any other State becoming party to this Protocol after its entry into force, this Protocol shall enter into force on the first day of the second month following the date on which that State has deposited its instrument of accession.

3. Any State which becomes a contracting party to this Protocol without being a contracting party to the Convention shall be considered as a contracting party to the Convention as amended by this Protocol as of the date of entry into force of this Protocol for that State.

4. Any State which becomes a contracting party to the Convention after the entry into force of this Protocol shall be considered as a contracting party to the Convention as amended by this Protocol.

5. The instruments of ratification, acceptance, approval or accession shall be deposited with the Government of the French Republic.

Article VII

The Depository Government shall inform the Contracting Parties and those States referred to in Article 22 of the Convention of signature of this Protocol, of the deposit of instruments of ratification, acceptance, approval or accession, made pursuant to Articles IV, V and VI, and of the date of entry into force of this Protocol.

Article VIII

The original of this Protocol, of which the English and French texts shall be equally authentic, shall be deposited with the Government of the French Republic.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Protocol.

Done in Paris, this 26 March 1986.

COUNCIL DECISION

of 22 December 1986

introducing a supplementary Community measure for the eradication of brucellosis, tuberculosis and leucosis in cattle

(87/58/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas, by adopting Directive 77/391/EEC [4], as last amended by Regulation (EEC) No 3768/85 [5], the Council introduced Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle; whereas, in view of the results obtained and of the satisfactory progress of the programmes presented by the Member States, the Council, by its Directive 82/400/EEC [6], introduced a supplementary Community measure for the eradication of brucellosis, tuberculosis and leucosis in cattle;

Whereas, by its Directive 78/52/EEC [7], the Council established the Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leucosis in cattle;

Whereas, in view of the results obtained within the framework of the above Directive and of the satisfactory progress of the previous programmes presented by the Member States, it is necessary in particular to make similar arrangements for cattle herds in Spain and Portugal to be brought up to the same standards in respect of brucellosis and tuberculosis;

Whereas in respect of brucellosis and tuberculosis it is necessary for small areas of certain other Member States to achieve routine control of all of their herds;

Whereas it is still necessary for some Member States to submit plans for the accelerated eradication of enzootic bovine leucosis;

Whereas the final eradication of these diseases constitutes an essential prerequisite for the establishment — with regard to trade in beef cattle — of the internal market in bovine animals as well as for increasing the productivity of breeding and, consequently, improving the standard of living of persons engaged in this sector;

Whereas, to achieve these objectives, it is necessary to allow for a new period of three years for each eligible Member State;

Whereas the Community should participate financially in this measure;

Whereas the plans presented by the Member States should comply with Community criteria and objectives; whereas they must therefore be approved in accordance with a Community procedure and whereas the implementation of the plans must be controlled regularly on the spot,

HAS ADOPTED THIS DECISION:

Article 1

A supplementary Community measure is hereby established with a view to completing the eradication of brucellosis, tuberculosis and leucosis in cattle.

Article 2

1. The Kingdom of Spain and the Portuguese Republic shall prepare eradication plans in accordance with Articles 2 and 3 of Directive 77/391/EEC and conforming with the criteria established by Directive 78/52/EEC.

2. Other Member States, as appropriate, shall also draw up new accelerated eradication plans for tuberculosis and brucellosis in cattle.

These plans shall be submitted to the Commission within three months of the notification of this Decision.

3. In respect of enzootic bovine leucosis, Member States, as appropriate, shall prepare plans for eradication in accordance with Article 4 of Directive 77/391/EEC.

These plans shall be submitted to the Commission within nine months of the notification of this Decision.

(1) OJ No C 292, 18. 11. 1986, p. 2.
(2) Opinion delivered on 19 December 1986 (not yet published in the Official Journal).
(3) Opinion delivered on 16 December 1986 (not yet published in the Official Journal).
(4) OJ No L 145, 13. 6. 1977, p. 44.
(5) OJ No L 362, 31. 12. 1985, p. 8.
(6) OJ No L 173, 19. 6. 1982, p. 18.
(7) OJ No L 15, 19. 1. 1978, p. 34.

Article 3

1. The Commission, after examination of the proposed plans and any amendments thereto, shall approve them in accordance with the procedure laid lown in Article 10.

2. The Fund Committee shall be consulted on the financial aspects.

3. On the dates fixed by the Commission in its decision of approval, as referred to in paragraph 1, Member States shall bring into force the laws, regulations or administrative provisions required to implement the new accelerated eradication plans.

Article 4

1. Community financial aid shall be given for the measures provided for in this Decision.

2. Expenditure incurred by the Member States in connection with measures adopted pursuant to the new accelerated eradication plans approved in accordance with Article 3 shall qualify for Community aid within the limits fixed in Articles 5 and 6.

Article 5

1. The duration of the Community financial aid shall be three years for each Member State, commencing from the date to be laid down by the Commission decision of approval as referred to in Article 3 (1).

2. The estimated amount of aid to be charged to the chapter of the Community budget covering expenditure in the agricultural sector for the period laid down in paragraph 1 shall be 31,7 million ECU.

Article 6

1. Community financial aid shall be available for compensation for animals slaughtered in respect of:

— brucellosis, those animals coming from herds which have not at any time attained the status of B_3 or B_4 as defined in Article 2 (1) of Directive 78/52/EEC,

— tuberculosis, those animals coming from herds which have not at any time attained the status of T_3 as defined in Article 2 (2) of Directive 78/52/EEC,

— enzootic bovine leucosis, those animals coming from herds which have not at any time attained enzootic bovine leucosis-free status as defined by the respective Member State.

2. The Community shall reimburse to the Member States 72,5 ECU for each cow slaughtered in the context of the measures provided for by this Decision and complying with the special technical provisions referred to in Chapter I of Directive 77/391/EEC and 36,25 ECU for each other bovine animal so slaughtered.

Article 7

1. The provisions of Article 7 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy [1] shall apply to Commission decisions concerning the Community financing of the present measure.

2. Applications for payment shall relate to slaughterings carried out by Member States in the course of a calendar year and shall be submitted before 1 July of the following year.

3. Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure set out in Article 13 of Regulation (EEC) No 729/70.

Article 8

Council Regulation (EEC) No 129/78 of 24 January 1978 on the exchange rates to be applied for the purposes of the common agricultural structures policy [2] and Articles 8 and 9 of Regulation No 729/70 EEC shall apply *mutatis mutandis.*

Article 9

1. Veterinary control of the application of the new accelerated eradication plans shall be carried out in accordance with Article 10 of Directive 77/391/EEC.

2. When all the new accelerated eradication plans have been executed, the Commission shall submit a general report to the Council on the results obtained, with a proposal for further harmonization of national preventive measures, should this be necessary.

Article 10

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter forthwith to the Standing Veterinary Committee, hereinafter referred to as the 'Committee', either on his own initiative or at the request of the Member State.

2. Within the Committee the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by a majority of 54 votes.

[1] OJ No L 94, 28. 4. 1970, p. 13.
[2] OJ No L 20, 25. 1. 1978, p. 16.

4. The Commission shall adopt the measures and shall apply them immediately when they are in accordance with the Committee's opinion, or in the absence of any opinion, the Commission shall forthwith submit to the Council a proposal relating to the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, on the expiry of three months from the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and apply them immediately.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1986.

For the Council

The President

G. SHAW

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 3879/86 of 18 December 1986 amending Regulation (EEC) No 2315/86, amending Annex IV of Regulation (EEC) No 3796/81 on the common organization of the market in fishery products

(Official Journal of the European Communities No L 361 of 20 December 1986)

In the contents, the title on page 5 and in the first consideration:

for: 'Annex IV',
read: 'Annex VI'.

Corrigendum to Commission Regulation (EEC) No 152/87 of 21 January 1987 fixing, for the period 1 January to 31 December 1987, the maximum quantity of certain products of the oils and fats sector to be released for consumption and imported into Spain and Portugal

(Official Journal of the European Communities No L 20 of 22 January 1987)

Page 8, Article 1, paragraph 1 (b), third line:

for: '75 000 tonnes',
read: '100 000 tonnes'.

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