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I

(Information)

COMMISSION

ECU (1)

22 January 1987

(87/C 17/01)

Currency amount for one unit:

Belgian and Luxembourg franc con.	42,7915	Spanish peseta	145,526
Belgian and Luxembourg franc fin.	43,5049	Portuguese escudo	159,229
German mark	2,06228	United States dollar	1,13250
Dutch guilder	2,32513	Swiss franc	1,73102
Pound sterling	0,739470	Swedish krona	7,39409
Danish krone	7,81594	Norwegian krone	8,02319
French franc	6,88559	Canadian dollar	1,53703
Italian lira	1467,44	Austrian schilling	14,5039
Irish pound	0,775153	Finnish markka	5,16703
Greek drachma	150,566	Japanese yen	172,649
		Australian dollar	1,71591
		New Zealand dollar	2,10697

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

— call telex number Brussels 23789;

— give their own telex code;

— type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ECU;

— the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

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(1) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as amended by Regulation (EEC) No 2626/84 (OJ No L 247, 16. 9. 1984, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Commission Communications under Article 115 of the EEC Treaty

(87/C 17/02)

By Decision dated 19 January 1987 the Commission has authorized the Italian Republic not to apply Community treatment to ball, roller or needle roller bearings, falling within subheading 84.62 A of the Common Custons Tariff, originating in the USSR and Japan and in free circulation in the other Member States.

The said Decision is applicable from 2 January to 30 September 1987.

By Decision dated 19 January 1987 the Commission has authorized the Italian Republic not to apply Community treatment to motor vehicles for the transport of goods or materials, falling within subheading 87.02 ex B of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States.

The said Decision is applicable from 2 January to 31 May 1987.

By Decision dated 20 January 1987 the Commission has authorized the French Republic not to apply Community treatment to woven fabrics of synthetic fibres (discontinuous or waste), falling within subheading 56.07 A of the Common Customs Tariff (category 3), originating in Romania and in free circulation in the other Member States.

The said Decision is applicable from 2 January to 30 June 1987.

By Decision dated 20 January 1987 the Commission has authorized the French Republic not to apply Community treatment to woven fabrics of cotton and woven fabrics of synthetic fibres (discontinuous) falling within heading 55.09 and subheading 56.07 A of the Common Customs Tariff (categories 2 and 3), originating in Thailand and in free circulation in the other Member States.

The said Decision is applicable from 13 January to 30 June 1987.

II

(Preparatory Acts)

COMMISSION

Amendments to the proposals for

— Council Regulation concerning coordinated action to safeguard free access to cargoes in ocean trades,

— Council Regulation applying the principle of freedom to provide services to maritime transport,

— Council Regulation laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport,

— Council Regulation on unfair pricing practices in maritime transport [1]

COM(86) 744 final

(Submitted by the Commission to the Council pursuant to the second paragraph of Article 149 of the EEC Treaty on 22 December 1986)

(87/C 17/03)

Amendment to the proposal for a Council Regulation concerning coordinated action to safeguard free access to cargoes in ocean trades

The Commission's original proposal is hereby amended as follows:

1. Article 1 (1) is amended as follows:

— after 'country' insert 'or by its agents',

— replace 'the access of' by 'free access by'

— replace 'or another OECD county' by 'or by ships registered in a Member State in accordance with its legislation'.

First indent is replaced by the following two indents:

'— liner cargoes in code trades, except where such action is taken in accordance with the United Nations Convention on a Code of Conduct for Liner Conferences'

— liner cargoes in non-Code trades'.

Second indent is replaced by:

'— bulk cargoes and any other cargo on tramp services'.

Add the following indents:

' — passengers,

— persons or goods to or between offshore instalations'.

[1] OJ No C 212, 23. 8. 1985, p. 2-12.

2. Replace Article 2 by the following:

'Coordinated action may be requested by a Member State.

The request shall be made to the Commission; the latter shall make the appropriate recommendations or proposals to the Council within four weeks.

The Council, acting in accordance with the voting procedure laid down in Article 84 (2) of the Treaty, may decide on the coordinated action provided for in Article 3.

In deciding on coordinated action, the Council shall also take due account of the external trade policy considerations as well the port interests and the shipping policy considerations of the Member States concerned.'

3. Insert new Article 7 to read:

'The procedure provided for by this Regulation may be applied when action by a third country or its agents restricts or threatens to restrict the access of shipping companies of another OECD country where, on a basis of reciprocity, it has been agreed between that country and the European Economic Community to resort to coordinated resistance in the case of restriction of access to cargoes.

Such country may make a request for coordinated action and join in such coordinated action in accordance with this Regulation.'

4. Existing Article 7 becomes Article 8.

Amendment to the proposal for a Council Regulation applying the principle of freedom to provide services to maritime transport

The Commission's original proposal is hereby amended as follows:

1. Insert new recital after fourth recital:

'Whereas the application of this principle would be in conformity with the spirit of the ruling of the European Court of Justice in its judgment on freedom to provide services and the conditions under which it should apply.

2. In Article 1 insert new second paragraph to read:

'The provisions of this Regulation shall also apply to nationals of Member States established outside the Community and to shipping companies established outside the Community and controlled by nationals of any Member State, if their vessels are registered in any Member State in accordance with its legislation.'

Existing paragraph 2 becomes paragraph 3.

3. At the end of Article 5 add:

'Such measures shall be on the basis of reciprocity'.

4. At the end of Article 9 add:

'without prejudice to Article 1 of this Regulation.'

Amendment to the proposal for a Council Regulation laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport

The Commission's original proposal is hereby amended as follows:

In Article 4 replace 'Article 3' by 'Articles 3 and 6'.

Add new second paragraph to read:

'Any agreement or decision or, if it is severable, any part of such an agreement or decision not complying with the preceding paragraph shall automatically be void pursuant to Article 85 (2) of the Treaty.'

Amendment to the Council Regulation on unfair pricing practices in maritime transport

The Commission's original proposal is hereby amended as follows:

1. Insert, in the seventh recital, after the first section ending with 'complaint', as second section to read:

   'whereas it is desirable, in view of the harmful effect of unfair pricing practices on employment, that seafarers should also be entitled to lodge a complaint;'

2. Article 1 is amended as follows:

   'This Regulation lays down the procedure to be followed in order to respond to unfair pricing practices by certain third country shipowners engaged in international cargo liner shipping, which cause serious disruption of the freight pattern on a particular route to, from or within the Community and cause or threaten to cause major injury to Community shipowners operating on that route and to Community interests.

3. In Article 3 (1) (a), first indent, after 'owned or controlled' insert 'or subsidized'.

4. In Article 3 (1) (b), after 'certain selected commodities which' insert the following two indents:

   '— taking due account of the possibility that a new operator may adopt innovative management practices and introduce advanced techniques, and

   — taking account also of the method of providing services, the shipping capacity available and the quality of the services,'

   For 'an established and representative non-conference shipowner' substitute 'established and representative conference or non-conference shipowners'.

5. In Article 3 (1) (c), replace 'during a significant period of time' by 'for at least a year'.

6. Article 3 (1) (e) is amended as follows:

' "Community shipowners" means:

— all cargo shipping companies established under the Treaty in a Member State of the Community,

— nationals of Member States established outside the Community or cargo shipping companies established outside the Community and controlled by nationals of Member States, if their ships are registered in a Member State in accordance with its legislation.'

7. Article 3 (2) is deleted.

8. Article 4 (1) (b) is deleted.

9. In Article 5, after 'unfair pricing practices' insert:

'and any group of seafarers or their representatives, employed by Community shipowners, who are affected or consider themselves threatened by such practices,

10. In Article 12 insert new paragraph 2:

'In deciding on the redressive duties, the Council and the Commission shall also take due account of the external trade policy considerations as well as the port interests and the shipping policy considerations of the Member States concerned.'

Existing paragraph 2 becomes paragraph 3.

Proposal for a Council Directive relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion within the scope of the national health insurance system

COM(86) 765 final

(Submitted by the Commission to the Council on 30 December 1986)

(87/C 17/04)

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,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas marketing authorizations for proprietary medicinal products issued pursuant to Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products [1] may be refused only for reasons relating to the quality, safety or efficacy of the proprietary medicinal product concerned;

Whereas Member States have adopted measures of an economic nature on the marketing of medicinal products in order to control or reduce public health expenditures on medicinal products; whereas such measures include direct and indirect controls on the prices of medicinal products and limitations on the range of products covered by the national health insurance system;

Whereas the primary objective of such measures is the promotion of public health by ensuring the availability of adequate supplies of medicinal products at a reasonable cost; whereas however such measures should also be intended to promote efficiency in the production of medicinal products and to encourage research and development into new medicinal products, on which the maintenance of a high level of public health within the Community ultimately depends;

Whereas disparities in such measures may hinder or distort intra-Community trade in medicinal products and thereby directly affect the functioning of the common market in medicinal products;

[1] OJ No 22, 9. 2. 1965, p. 369/65.

Whereas as a first step towards the removal of these disparities, it is urgently necessary to lay down a series of requirements intended to ensure that all concerned can verify that the national measures do not constitute quantitative restrictions on imports or exports or measures having equivalent effect thereto; whereas, however, these requirements do not effect the policies of the Member States who rely primarily upon free competition to determine the price of medicinal products;

Whereas the further approximation of such measures must take place progressively,

HAS ADOPTED THE FOLLOWING DIRECTIVE:

Article 1

1. Member States shall ensure that any national measure, whether laid down by law, regulation or administrative action, to control the prices of medicinal products for human use or to restrict the range of medicinal products covered by their national health insurance systems complies with the requirements of this Directive.

2. The definition of 'medicinal products' laid down in Article 1 of Council Directive 65/65/EEC of 26 January 1965 shall apply to this Directive.

3. Nothing in this Directive shall permit the marketing of a proprietary medicinal product in respect of which the authorization provided for in Article 3 of Council Directive 65/65/EEC of 26 January 1965 has not been issued.

Article 2

The following provisions shall apply if the marketing of a medicinal product is permitted only after the competent authorities of the Member State concerned have approved the price of the product:

1. Member States shall ensure that a decision on the price which may be charged for the medicinal product concerned is adopted and communicated to the applicant within 90 days of the receipt of an application submitted in due form. In the absence of such a decision, the applicant shall be entitled to market the product at the price proposed.

2. Should the competent authorities decide not to permit the marketing of the medicinal product concerned at the price proposed by the applicant, the decision shall contain a detailed statement of reasons. In addition, the applicant shall be informed of the remedies available to him under the laws in force and the time-limits allowed for applying for such remedies.

3. At least once every six months the competent authorities shall publish in an appropriate official publication and communicate to the Commission a list of the medicinal products whose price has been fixed during the relevant period together with the prices which may be charged for such products.

Article 3

Without prejudice to Article 4, the following provisions shall apply if an increase in the price of a medicinal product is permitted only after prior approval has been obtained from the competent authorities:

1. Member States shall ensure that a decision is adopted on an application submitted in due form to increase the price of a medicinal product and communicated to the applicant within 90 days of its receipt. In the absence of such a decision, the applicant shall be entitled to apply in full the price increase requested.

2. Should the competent authorities decide not to permit the whole or part of the price increase requested, the decision shall contain a detailed statement of reasons and the applicant shall be informed of the remedies available to him under the laws in force and the time-limits allowed for applying for such remedies.

3. At least once every six months the competent authorities shall publish in an appropriate official publication and communicate to the Commission a list of the medicinal products for which price increases have been granted during the relevant period together with the new price which may be charged for such products.

Article 4

1. In the event of a freeze being imposed on the prices of all medicinal products or certain categories of medicinal products, Member States shall ensure that prices are reviewed, and where appropriate adjusted, at least once a year or when the national resale price index has increased by 10 % since the last review, whichever is the sooner. Within 90 days of the commencement of this review the competent authorities shall announce what increases or decreases in prices are being made.

2. Any person who is responsible for marketing a medicinal product may apply for a derogation from a price freeze, stating his reasons in detail. Member States shall ensure that a reasoned decision on any such application is adopted and communicated to the applicant within 90 days. In the absence of such a decision, the applicant shall be entitled to apply in full the price increase requested. Should the derogation be granted, the competent authorities shall forthwith publish an announcement of the price increase allowed.

Article 5

Where a Member State adopts a system of direct or indirect controls on the profitability of manufacturers and importers of medicinal products, the Member State concerned shall publish the following information in an appropriate official publication and communicate it to the Commission:

(a) the method or methods used to define profitability; return on sales and/or return on capital,

(b) the criteria according to which target rates of profit are accorded to individual manufacturers or importers together with the criteria according to which manufacturers or importers will be allowed to retain profits above their given targets,

(c) the range of target profit, including the average target rate of profit for manufacturers or importers for the previous year and the current year,

(d) whether any company failed to reach their allocated target,

(e) the maximum percentage profit which any manufacturer or importer has been allowed to retain above their target.

This information shall be updated at least once a year.

Where, in addition to a system of direct or indirect controls on profits, a Member State operates a system of controls on the prices of certains types of medicinal products, which are excluded from the scope of the profit control scheme, the provisions of Articles 2 to 4 shall apply to such price controls. However, Articles 2 to 4 shall not apply where the normal operation of a system of direct or indirect controls on profits results exceptionally in a price being fixed for an individual medicinal product.

Article 6

The following provisions shall apply if a medicinal product is covered by the national health insurance system only after the competent authorities have decided to include the medicinal product concerned in a positive list of medicinal products covered by the national health insurance system.

1. Member States shall ensure that a decision on an application submitted in due form to include a medicinal product in the list of medicinal products covered by the health insurance system is adopted and communicated to the applicant within 90 days of its receipt. An application under this Article may be made before the competent authorities have agreed the price to be charged for the product pursuant to Article 2.

2. Any decision not to include a medicinal product in the list of products covered by the health insurance system shall state in detail the reasons upon which it is based. In addition the applicant shall be informed of the remedies available to him under the laws in force, and the time limits allowed for applying for such remedies.

3. Before the date referred to in Article 11 (1) of this Directive the Member States shall publish in an appropriate official publication and communicate to the Commission the criteria which are to be taken into account by the competent authorities in deciding whether or not to include medicinal products on the lists.

4. Within one year of the date referred to in Article 11 (1) of this Directive, the Member States shall publish in an appropriate official publication and communicate to the Commission a complete list of the products covered by their health insurance system, together with their prices. This information shall be updated at least once every six months.

Article 7

The following provisions shall apply if the competent authorities of a Member State are empowered to adopt decisions to exclude individual or categories of medicinal products from the coverage of its national health insurance system (negative lists).

1. Any decision to exclude a category of medicinal products from the coverage of the national health insurance system shall state in detail the reasons on which it is based and be published in an appropriate official publication.

2. Before the date referred to in Article 11 (1) of this Directive, Member States shall publish in an appropriate official publication and communicate to the Commission the criteria which are to be taken into account by the competent authorities in deciding whether or not to exclude an individual medicinal product from the coverage of the national health insurance system.

3. Any decision to exclude an individual medicinal product from the coverage of the national health insurance system shall state in detail the reasons on which it is based. Such decisions shall be communicated to the person responsible, who shall be informed of the remedies available to him under the laws in force and the time limits allowed for applying for such remedies.

4. Within one year of the date referred to in Article 11 (1) of this Directive, the competent authorities shall published in an appropriate official publication and communicate to the Commission a list of the individual medicinal products which have been excluded from the scope of its health insurance system. This information shall be updated at least every six months.

Article 8

1. Before the date referred to in Article 11 (1) of this Directive, the Member States shall communicate to the Commission any therapeutic classification of medicinal products which is used by the competent authorities for the purposes of the national social security system. If it considers it necessary, the Commission may, after considering the opinion of the Committee referred to in Article 10, adopt a directive on the approximation of national provisions relating to the classification of medicinal products for social security purposes.

2. Before the date referred to in Article 11 (1) of this Directive, the Member States shall communicate to the Commission the criteria which are used by the competent authorities in verifying the fairness of the prices charged for transfers within a group of companies of active principles or intermediate products used in the manufacture of medicinal products. If it considers it necessary, the Commission may, after considering the opinion of the Committee referred to in Article 10, adopt a directive or issue guidelines on the approximation of national criteria for the verification of the fairness of such prices.

Article 9

1. In the light of experience, the Commission shall, not later than two years after the date referred to in Article 11 (1) of this Directive, submit to the Council a proposal containing appropriate measures leading towards the abolition of any remaining barriers to or distortions of the free movement of proprietary medicinal products.

2. The Council shall decide on the Commission proposal not later than one year after its submission.

Article 10

1. A Committee called the Consultative Committee on Pharmaceutical Pricing and Reimbursement shall be set up and attached to the Commission.

2. The tasks of the committee shall be:

— to examine any question relating to the application of this Directive which is brought up by its chairman either on his initiative or at the request of a Member State,

— to discuss and provide an opinion on matters referred to it by the Commission pursuant to Article 8 of this Directive or in accordance with the provisions of any future directive. When seeking the opinion of the Committee, the Commission may set a time limit within which such an opinion shall be given. No vote shall be taken. However any member of the Committee may demand that his views be set down in the minutes.

3. The Committee shall consist of one representative from each Member State. There shall be one deputy for each representative. This deputy shall be entitled to participate in meetings of the committee.

4. A representative of the Commission shall chair the committee.

5. The committee shall adopt its rules of procedure.

Article 11

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1989 at the latest. They shall forthwith inform the Commission thereof.

2. Before the date referred to in paragraph 1, Member States shall communicate to the Commission the texts of any law, regulations or administrative provisions relating to the pricing of medicinal products, the profitability of manufacturers of medicinal products and the coverage of medicinal products by the national health insurance system. Amendments and modifications to these laws, regulations or administrative provisions shall be communicated to the Commission forthwith.

Article 12

This Directive is addressed to the Member States.

III

(Notices)

COMMISSION

Notice of invitation to tender for the sale for export of 5 059 948 kilograms of baled tobacco from the 1985 crop held by the Greek intervention agency

(87/C 17/05)

Pursuant to Commission Regulation (EEC) No 3389/73 of 13 December 1973 laying down the procedure and conditions for sale of tobacco held by intervention agencies (1), as last amended by Regulation (EEC) No 3263/85 (2), the Commission hereby invites tenders for the export of five lots of baled tobacco from the 1985 crop held by the Greek intervention agency.

The numbers of the lots, the place of storage, the varieties and grades in the lots, their weight, the form in which they are put up, the amount of the security and the price of samples and the daily charge for delay in removal of the tobacco are set out in the Annex hereto.

I. Tenders

1. Tenders are to be submitted in respect of the lots listed in the Annex hereto. Tenders may not be submitted for part of a lot.

2. Tenders must be submitted or given, against receipt of delivery, to the Commission of the European Communities, rue de la Loi, 200, B-1049 Brussels.

3. Tenders must reach the Commission not later than 3 p.m. Brussels time on 13 March 1987.

4. Tenders must be enclosed in a sealed envelope marked 'Tenders for DG VI-E-3 tobacco sale. To be opened only at the meeting of the Group' and itself enclosed in an envelope addressed to the Commission.

5. Tenders must include the name and address of the tenderer and give:

   (a) the numbers of the lots to which they relate;

   (b) the price tendered for each lot in Greek drachma per kilogram.

6. Each tender must be accompanied by proof that the security required under heading II below has been provided.

7. A tender, once submitted, may not be withdrawn.

8. Tenders not submitted in conformity with these rules will not be considered.

II. Security

1. To be valid, tenders must be accompanied by proof that security of 0,339 ECU per kilogram of tobacco has been lodged.

2. Such security must be lodged with and by the Ypiresia Diachirisis Agoron Georgikon Proionton (YDAGEP), Acharnon 5, Athens 108 (Greece) for the equivalent in Greek drachma of 0,339 ECU per kilogram of tobacco, converted using the representative rate of 1 ECU = 116,673 Greek drachma.

3. The security must be provided either in cash or in the form of a guarantee from a credit institution which meets the criteria laid down by Greece.

4. The security shall be released in accordance with Article 5 of Commission Regulation (EEC) No 47/87 of 8 January 1987 opening an invitation to tender for the sale for export of baled tobacco held by the Greek intervention agency (3) where:

   (a) the tender was not validly submitted;

   (b) the tender is unsuccessful; or

   (c) the successful tenderer has paid the price at which the contract was awarded and has furnished proof that quantities corresponding to the lots in respect of which the contract was awarded have been exported.

   On application by the person concerned, the security is released by instalments in proportion to the quantities of tobacco in respect of which the proofs referred to in Article 7 (c) of Regulation (EEC) No 3389/73 have been provided.

(1) OJ No L 345, 15. 12. 1973, p. 47.
(2) OJ No L 311, 22. 11. 1985, p. 22.
(3) OJ No L 7, 9. 1. 1987, p. 10.

Moreover, where the country of destination is Switzerland or Austria, or if those countries are crossed in order to reach the country of destination, the release of the security shall be subject to proof that the product has been imported by a non-member country, unless lost *en route* as a result of *force majeure.*

Such proof shall be furnished in the same way as for the export refund.

5. Where the product purchased is subjected to market preparation before exportation, such operations shall be carried out under the supervision of the intervention agency holding the tobacco, which, when releasing the security, will take account of losses and of any quantities destroyed. The purchaser must notify the agency in writing of the treatment proposed.

III. **Samples and examination of the tobacco**

1. Prospective buyers may, on payment of the price shown in the Annex hereto, obtain from the warehouse samples of the tobacco put up for sale taken by the representatives of the intervention agencies concerned. The weight of the sample may not, however, exceed five kilograms for each grade in any one lot.

2. Persons wishing to examine *in situ* the raw tobacco put up for sale must send written notification to the intervention agencies concerned, indicating the places of storage and the lots. The intervention agency shall, where necessary, fix the date on which the sample shall be taken and shall inform the person concerned thereof.

3. The total of the samples and of the tobacco taken for examination may not however exceed 3 % of the bales in each lot.

4. YDAGEP shall provide all relevant information concerning the characteristics of the lots they hold. No complaint relating to the conditions of the sale by tender or to the characteristics of the tobacco put up for sale shall be entertained after the contracts have been awarded.

IV. **Award of contracts**

Contracts shall be awarded to the tenderer offering the best terms. Where two or more tenders are at identical prices and identical terms the contract shall be awarded by drawing lots.

Immediately after taking a decision, the Commission shall inform each tenderer of the result of his tender.

The result of the sale by tender shall be published in the *Official Journal of the European Communities.*

V. **Payment and removal**

1. The intervention agency concerned shall send the successful tenderer an invoice specifying a provisional amount corresponding to the price at which the tobacco was awarded to him at the latest 30 days after the publication of the result of the tender in the *Official Journal of the European Communities.*

2. The successful tenderer must, within two weeks following the date on which the invoice was sent (as indicated by the postmark), pay this amount to the YDAGEP account:

   Ypiresia, Diachirisis Agoron Georgikon Proionton (YDAGEP), Acharnon 5, GR-Athens 108.

3. Immediately upon receipt of the provisional amount due in respect of the sale, the intervention agency concerned shall fix, in agreement with the successful tenderer, the date for the removal of the tobacco pursuant to Article 4 of Regulation (EEC) No 47/87.

   When the tobacco is removed it shall be weighed in the presence of the successful tenderer or his representative.

   A certificate shall be signed by the representative of the intervention agency concerned and the successful tenderer or his representative.

   The successful tenderer shall receive, on the basis of this certificate, a removal order authorizing him to withdraw the tobacco from the place of storage.

4. On the basis of the weight recorded when the tobacco is removed, the intervention agency concerned shall immediately draw up the final invoice, which the successful tenderer must pay within two weeks of its being drawn up.

5. The successful tenderer shall be required to remove the tobacco no later than:

   — at the end of the fourth month following the date of the publication of the result of the tendering procedure in the *Official Journal of the European Communities* in respect of at least one-third of the lots,

   — at the end of the six month following the said date in respect of the remaining tobacco.

   Except in cases of *force majeure,* after the date referred to above and in respect of the lots and parts of lots which relate to those dates, the successful tenderer must reimburse the intervention agency, in accordance with the following arrangements, the costs of storage and financing entailed by his delay:

   (a) for the first 60 days after the expiry of each of the abovementioned periods, he shall pay the intervention agency the amount shown in the last column of the Annex;

   (b) for the next 60 days thereafter he shall pay the said amount increased by 50 %;

(c) on expiry of the period referred to under (b) he shall pay the amount referred to under (a) increased by 100 % and the Commission of the European Communities may decide to cancel the sale. In such a case the tenderer shall forfeit the security.

6. Each quantity of tobacco withdrawn in accordance with Article 4 of Regulation (EEC) No 47/87 must be exported within 36 months of the final date fixed for its withdrawal.

In accordance with Article 10a (1) of Regulation (EEC) No 3389/73 such tobaccos shall not be eligible for export refunds.

7. Customs export formalities must be completed in Greece.

8. The courts of Athens shall have exclusive jurisdiction regarding any dispute which may arise between YDAGEP and the tenderer.

ANNEX

Lot No	Place of storage	Variety and year of crop — Class	Packing and number of lots	Weight (kg)	Amount of security (ECU)	Price of sample (ECU/kg)	Daily charge for delay in removal of tobacco (100 kg/day) (ECU)
1	Kavala	Burley 1985 A/B (I/III) C (IV)	Bales 7 977 973	 809 628 98 137			
		Lot 1 total	8 950	907 765	307 732	3,084	0,049
2	Alexandria	Burley 1985 A/B (I/III) C (IV)	Bales 9 450 3 182	 932 482 314 526			
		Lot 2 total	12 632	1 247 008	422 736	3,084	0,049
3	Sindos	Burley 1985 A/B (I/III) C (IV)	Bales 6 051 2 081	 599 272 204 703			
		Lot 3 total	8 132	803 975	272 548	3,084	0,049
4	Giannitsa	Burley 1985 A/B (I/III) C (IV)	Bales 10 000 2 283	 998 060 229 838			
		Lot 4 total	12 283	1 227 898	416 257	3,084	0,049
5	Giannitsa	Burley 1985 A/B (I/III) C (IV)	Bales 8 054 690	 803 837 69 465			
		Lot 5 total	8 744	873 302	296 049	3,084	0,049