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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3623/84
of 18 December 1984**

**temporarily suspending the autonomous Common Customs Tariff duty on krill,
intended for processing, falling within subheading ex 03.03 A V b)**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Whereas Community production of the product in
question is not sufficient to meet the needs of user
industries in the Community; whereas it is therefore
in the Community's interest to partially suspend the
autonomous Common Customs Tariff duties on this
product;

Whereas, taking account of the difficulties involved in
accurately assessing the development of the economic
situation in the sector concerned in the near future,

this suspension measure should be taken only
temporarily,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 30 June 1985, the autonomous
Common Customs Tariff duty on krill, intended for
processing, falling within subheading ex 03.03 A V b)
shall be suspended at a level of 9,5 %.

Control of the use for this special purpose shall be
carried out by applying the Community provisions
laid down in the matter.

Article 2

This Regulation shall enter into force on 1 January
1985.

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

Done at Brussels, 18 December 1984.

For the Council

The President

P. BARRY

COUNCIL REGULATION (EEC) No 3624/84
of 18 December 1984

**amending Regulation (EEC) No 2204/82 laying down general rules for the
granting of a special carry-over premium for Mediterranean sardines and
anchovies**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3796/81 of 29 December 1981 on the common
organization of the market in fishery products ⁽¹⁾, and
in particular Article 14 (6) thereof,

Having regard to the proposal from the Commission,

Whereas Article 3 (1) of Regulation (EEC) No
2204/82 ⁽²⁾ provides for the granting of a special carry-
over premium for Mediterranean sardines and
anchovies to processors who conclude contracts with
producers' organizations or to producers' organizations
in respect of the quantities processed either directly by
these organizations or on their behalf;

Whereas, since no producers' organizations existed in
Greece, Article 3 (2) of Regulation (EEC) No 2204/82,
by way of derogation from the general rules, admitted
individual producers established in Greece to the same
scheme as producers' organizations for a two-year
transitional period expiring on 31 December 1984;

Whereas producers' organizations have been esta-
blished in Greece in the meantime; whereas, however,

producers' organizations have not yet been established
in certain regions where the production of sardines
and anchovies is concentrated, in particular in ports
regarded as representative under Community rules;
whereas this situation may be attributed to the diffi-
culty met in setting up effective producers' organiza-
tions quickly in regions where no equivalent structure
existed before accession; whereas under these circum-
stances the derogation granted to individual producers
in Greece should be extended by a year,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 (2) of Regulation (EEC) No 2204/82, 'two'
is hereby replaced by 'three'.

Article 2

This Regulation shall enter into force on 1 January
1985.

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

Done at Brussels, 18 December 1984.

For the Council

The President

J. BRUTON

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 235, 10. 8. 1982, p. 7.

COUNCIL REGULATION (EEC) No 3625/84**of 18 December 1984****amending for the fifth time Regulation (EEC) No 171/83 laying down certain technical measures for the conservation of fishery resources**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 2 of Regulation (EEC) No 170/83, the Council has to formulate, in the light of the available scientific advice and, in particular, of the report prepared by the Scientific and Technical Committee for Fisheries, the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation;

Whereas Regulation (EEC) No 171/83⁽²⁾, as last amended by Regulation (EEC) No 2664/84⁽³⁾, lays

down general rules for the fishing of biological resources found in Community waters;

Whereas, taking into account the latest scientific advice, the decision to increase the mesh size in the English Channel to 80 mm should be postponed,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (3) of Regulation (EEC) No 171/83, '31 December 1984' is hereby replaced by '1 July 1987', and '1 July 1985' is replaced by '1 January 1989'.

Article 2

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

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

Done at Brussels, 18 December 1984.

For the Council

The President

J. BRUTON

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 24, 27. 1. 1983, p. 14.

⁽³⁾ OJ No L 253, 21. 9. 1984, p. 1.

COUNCIL REGULATION (EEC) No 3626/84
of 19 December 1984

**amending Regulation No 11 concerning the abolition of discrimination in
transport rates and conditions, in implementation of Article 79 (3) of the Treaty
establishing the European Economic Community**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 75
thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European
Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and
Social Committee ⁽²⁾,

Whereas, Council Directive 84/647/EEC ⁽³⁾ makes
provision for carriers for hire or reward and carriers for
own account to use hired vehicles;

Whereas the definition of own-account carriage of
goods by road contained in Article 9 of Regulation No

11 ⁽⁴⁾ excludes the use of hired vehicles; whereas it is
therefore necessary to amend the said Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

First indent of Article 9 of Regulation No 11 is hereby
replaced by the following:

‘— the goods must be carried by vehicles owned
or obtained on deferred terms or hired by the
undertaking, provided that in the latter case
they meet the conditions of Article 2 of
Directive 84/647/EEC ⁽¹⁾.

⁽¹⁾ OJ No L 335, 22. 12. 1984, p. 72.’

Article 2

This Regulation shall enter into force on 1 July 1986.

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

Done at Brussels, 19 December 1984.

For the Council

The President

J. BRUTON

⁽¹⁾ OJ No C 10, 16. 1. 1984, p. 91.

⁽²⁾ OJ No C 35, 9. 2. 1984, p. 19.

⁽³⁾ See p. 72 of this Official Journal.

⁽⁴⁾ OJ No 52, 16. 8. 1960, p. 1121/60.

COUNCIL REGULATION (EEC) No 3627/84**of 19 December 1984****extending beyond 31 December 1984 the arrangements applicable to trade with
Malta**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3508/80⁽¹⁾, as last
amended by Regulation (EEC) No 1832/84⁽²⁾, has
extended the arrangements applicable to trade with
Malta until 31 December 1984;

Whereas the conditions justifying this extension still
exist; whereas the period of validity of the said Regu-
lations should therefore be extended,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3508/80, '31
December 1984' is hereby replaced by '30 June 1985'.

Article 2

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

It shall apply from 1 January 1985.

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

Done at Brussels, 19 December 1984.

For the Council

The President

J. BRUTON

⁽¹⁾ OJ No L 367, 31. 12. 1980, p. 86.

⁽²⁾ OJ No L 172, 30. 6. 1984, p. 4.

**COUNCIL REGULATION (EEC) No 3628/84
of 19 December 1984**

**extending beyond 31 December 1984 the arrangements applicable to trade with
the Republic of Cyprus**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3700/83⁽¹⁾, as last
amended by Regulation (EEC) No 1833/84⁽²⁾, has
extended the arrangements applicable to trade with
the Republic of Cyprus until 31 December 1984;

Whereas the conditions justifying this extension still
exist; whereas the period of validity of the said Regu-
lations should therefore be extended,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3700/83, '31
December 1984' is hereby replaced by '30 June 1985'.

Article 2

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

It shall apply from 1 January 1985.

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

Done at Brussels, 19 December 1984.

For the Council

The President

J. BRUTON

⁽¹⁾ OJ No L 369, 30. 12. 1983, p. 1.

⁽²⁾ OJ No L 172, 30. 6. 1984, p. 5.

COUNCIL REGULATION (EEC) No 3629/84**of 19 December 1984****on export arrangements for certain types of non-ferrous metal waste and scrap**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2603/69 of 20 December 1969 establishing common
rules for exports⁽¹⁾, as amended by Regulation (EEC)
No 1934/82⁽²⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No
1023/70 of 25 May 1970 establishing a common
procedure for administering quantitative quotas⁽³⁾, as
last amended by the 1979 Act of Accession, and in
particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas, under Regulation (EEC) No 3685/83⁽⁴⁾,
exports of aluminium and lead waste and scrap were
made subject, for 1984, to production of a prior export
licence to be issued by the relevant authorities of the
Member States according to procedures to be laid
down; whereas this arrangement expires on 31
December 1984; whereas it is advisable to retain it for
1985 with a view to following closely the evolution of
the products concerned;

Whereas, in order to avoid supply difficulties for
copper ash and residues and for copper waste and
scrap, Community quantitative export quotas were
fixed in Regulation (EEC) No 3685/83; whereas these
quotas remain in force until 31 December 1984;
whereas it has proved necessary to retain them for
1985 and increase them in such a way that the whole
of the increases are allocated to the Community
reserve at the time of the share-out;

Whereas the estimate of requirements is a satisfactory
criterion for the allocation of the said quotas;

Whereas the provisions relating to the monitoring of
intra-Community trade laid down in Commission
Regulation (EEC) No 223/77 of 22 December 1976 on
provisions for the implementation of the Community

transit procedure and for certain simplifications of that
procedure⁽⁵⁾ apply only if the measures introducing
export restrictions provide for their application;

Whereas the Committee set up by Regulation (EEC)
No 2603/69 has been consulted,

HAS ADOPTED THIS REGULATION:

Article 1

1. Community exports between 1 January and 31
December 1985 of aluminium waste and scrap falling
within subheading 76.01 B of the Common Customs
Tariff and lead waste and scrap falling within sub-
heading 78.01 B shall be subject to production of an
export licence to be issued by the relevant authorities
of the Member States. The licence shall be issued free
of charge, for such quantities as are requested subject
to the provisions set out below.

2. The export licence shall be issued within not
more than 15 working days of the date of the request,
on presentation by the applicant of a sale contract for
the entire quantity requested.

The licence shall be valid for two months.

3. Each Member State shall inform the Commission
of the following within the first 15 days of each
month:

- (a) the quantities in tonnes and the prices of the
products for which export licences have been
issued during the previous month;
- (b) the quantities in tonnes of products which have
been exported during the month preceding that
referred to under point (a);
- (c) the quantities in tonnes authorized for export or
exported as part of inward or outward processing
arrangements;
- (d) the third country of destination.

The Commission shall pass this information to the
Member States.

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 25.

⁽²⁾ OJ No L 211, 20. 7. 1982, p. 1.

⁽³⁾ OJ No L 124, 8. 6. 1970, p. 1.

⁽⁴⁾ OJ No L 368, 29. 12. 1983, p. 10.

⁽⁵⁾ OJ No L 38, 9. 2. 1977, p. 20.

Article 2

Community quantitative export quotas shall be established as follows for 1985;

<i>(tonnes)</i>		
CCT heading No	Description	Quantity
ex 26.03	Ash and residues of copper and copper alloys	26 000
ex 74.01 D	Waste and scrap of copper and copper alloys	37 000

Article 3

The quotas fixed in Article 2 shall be allocated according to the estimate of requirements.

Article 4

1. Exports of the goods referred to in Article 2 shall not be charged against the quota of the exporting Member State:

- where the goods are exported in the unaltered state or as compensating products within the meaning of Council Directive 69/73/EEC of 4 March 1979 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing⁽¹⁾ as long as goods complying with the conditions of Articles 9 and 10 of the Treaty are not used in the manufacture of the said compensating products.

Equivalent compensation shall not be authorized;

- where goods not complying with Articles 9 and 10 of the Treaty are exported after having been placed in customs warehouses in accordance with Council Directive 69/74/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action relating to

customs warehousing procedure⁽²⁾ or in free zones in accordance with Council Directive 69/75/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action relating to free zones⁽³⁾. Where the goods have been obtained under an inward processing arrangement the conditions referred to in the first indent must be observed.

The provisions of Article 1 (3) (c) and (d) shall apply.

2. Temporary exports of the goods referred to in Article 2 shall be charged against the quota of the exporting Member State.

However, decisions allowing goods not to be exchanged under the arrangements provided for by Council Directive 76/119/EEC of 18 December 1975 on the harmonization of provisions laid down by law, regulation or administrative action in respect of outward processing⁽⁴⁾ may be taken by the procedure set out in Article 11 (2) and (3) of Regulation (EEC) No 1023/70 following consultation of the Committee for Customs Processing Arrangements set up by Article 26 of Directive 69/73/EEC.

Article 5

Regulation (EEC) No 223/77 shall apply to the movement within the Community of the products listed in Article 2.

Article 6

The Council shall decide in due time, and in any case before 31 December 1985, on the measures to be taken regarding the export of the products listed in Articles 1 and 2 after the validity of this Regulation has expired.

Article 7

This Regulation shall enter into force on 1 January 1985.

It shall apply until 31 December 1985.

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

Done at Brussels, 19 December 1984.

For the Council

The President

J. BRUTON

⁽¹⁾ OJ No L 58, 8. 3. 1969, p. 1.

⁽²⁾ OJ No L 58, 8. 3. 1969, p. 7.

⁽³⁾ OJ No L 58, 8. 3. 1969, p. 11.

⁽⁴⁾ OJ No L 24, 30. 1. 1976, p. 58.

COUNCIL REGULATION (EEC) No 3630/84**of 19 December 1984****amending Regulation (EEC) No 2925/78 as regards the period of suspension of application of the price condition to which imports into the Community of certain types of citrus fruit originating in Spain are subject**

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas Regulation (EEC) No 2925/78 ⁽²⁾, as last amended by Regulation (EEC) No 3666/83 ⁽³⁾, suspended, until 31 December 1984, application of Article 7 (2) and (3) of Annex I to the Agreement between the European Economic Community and Spain ⁽⁴⁾, in respect of certain fresh citrus fruits falling within subheadings 08.02 A I and ex B of the Common Customs Tariff and application of Council Regulation (EEC) No 2047/70 of 13 October 1970 on imports of citrus fruit originating in Spain ⁽⁵⁾;

Whereas the conditions which led to this suspension are still satisfied; whereas the said suspension should therefore be extended,

HAS ADOPTED THIS REGULATION:

Article 1

The date appearing in the second paragraph of Article 3 of Regulation (EEC) No 2925/78 is replaced by '31 December 1985'.

Article 2

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

It shall apply from 1 January 1985.

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

Done at Brussels, 19 December 1984.

For the Council

The President

J. BRUTON

⁽¹⁾ Opinion delivered on 14 December 1984 (not yet published in the Official Journal).

⁽²⁾ OJ No L 350, 14. 12. 1978, p. 4.

⁽³⁾ OJ No L 366, 28. 12. 1983, p. 15.

⁽⁴⁾ OJ No L 182, 16. 8. 1970, p. 4.

⁽⁵⁾ OJ No L 228, 15. 10. 1970, p. 2.

COMMISSION REGULATION (EEC) No 3631/84
of 21 December 1984

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 3131/84⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC)

No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

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

Whereas these exchange rates being those recorded on 20 December 1984;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3131/84 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 22 December 1984.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.
⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.
⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.
⁽⁵⁾ OJ No L 293, 10. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.
⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 21 December 1984 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	65,52
10.01 B II	Durum wheat	99,92 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	61,23 ⁽⁶⁾
10.03	Barley	78,54
10.04	Oats	53,71
10.05 B	Maize, other than hybrid maize for sowing	69,41 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	75,46 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	105,24
11.01 B	Rye flour	99,85
11.02 A I a)	Durum wheat groats and meal	168,29
11.02 A I b)	Common wheat groats and meal	112,41

⁽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 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3632/84

of 21 December 1984

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2222/84 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁷⁾,

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

Whereas these exchange rates being those recorded on
20 December 1984;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in
force, which are to be added to the levies, should be
altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation
(EEC) No 2727/75 to be added to the import levies
fixed in advance in respect of cereals and malt shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 December
1984.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 21 December 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
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	0	0	0
10.07 B	Millet	0	0	0	33,30
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

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

COMMISSION REGULATION (EEC) No 3633/84

of 21 December 1984

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1027/84⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the

quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁷⁾, as last amended by Regulation (EEC) No 855/84⁽⁸⁾,
- 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 preceding indent, and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1985.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁸⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 21 December 1984 fixing the corrective amount applicable to the refund on malt

CCT heading No	(ECU/tonne)					
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
11.07 A I a)	0	0	0	0	0	0
11.07 A I b)	0	0	0	0	0	0
11.07 A II a)	0	0	0	0	0	0
11.07 A II b)	0	0	0	0	0	0
11.07 B	0	0	0	0	0	0

CCT heading No	(ECU/tonne)					
	6th period 7	7th period 8	8th period 9	9th period 10	10th period 11	11th period 12
11.07 A I a)	0	0	0	0	0	0
11.07 A I b)	0	0	0	0	0	0
11.07 A II a)	0	0	0	0	0	0
11.07 A II b)	0	0	0	0	0	0
11.07 B	0	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3634/84**of 21 December 1984****fixing the export refunds on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1025/84 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary

to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,
- 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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1985.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 21 December 1984 fixing the export refunds on rice and broken rice

CCT heading No	Description	Amount of refund (ECU/tonne)
ex 10.06	Rice : B. I. Paddy rice ; husked rice : b) Husked rice : 1. Round grain — 2. Long grain — for export to : — Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italia 108,00 — Other third countries — II. Semi-milled or wholly milled rice : a) Semi-milled rice : 1. Round grain — 2. Long grain — b) Wholly milled rice : 1. Round grain — 2. Long grain — in bulk or packaged for export to : — Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia as well as destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 ⁽¹⁾ 135,00 — Zone I — — Other third countries — in immediate packings of 5 kg net or less for export to : — Zones I, II b) and VI 165,00 — Zones V a) 175,00 III. Broken rice —	

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

NB: The zones are those defined in the Annex to Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as amended by Regulation (EEC) No 3634/83 (OJ No L 360, 23. 12. 1983).

COMMISSION REGULATION (EEC) No 3635/84

of 21 December 1984

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1025/84 ⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence;

Whereas Regulation No 474/67/EEC ⁽³⁾, as amended by Regulation (EEC) No 1397/68 ⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than 0,30 ECU per tonne; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than 0,30 ECU per tonne;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76; whereas the cif forward delivery price is that determined in accordance with Article 3 (2) of Regulation

(EEC) No 1428/76 ⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1985.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 21 December 1984 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)					
CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4
ex 10.06	Rice :				
	B. I. Paddy rice, husked rice :				
	a) Paddy rice :				
	1. Round grain	—	—	—	—
	2. Long grain	—	—	—	—
	b) Husked rice :				
	1. Round grain	—	—	—	—
	2. Long grain	0	0	0	0
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	—	—	—	—
	2. Long grain	—	—	—	—
	b) Wholly milled rice :				
	1. Round grain	—	—	—	—
	2. Long grain	0	0	0	0
	III. Broken rice	—	—	—	—

COMMISSION REGULATION (EEC) No 3636/84**of 21 December 1984****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 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 the Act
of Accession of Greece ⁽²⁾, and in particular Article 12
(8) thereof,

Whereas the import levies on live cattle and on beef
and veal other than frozen were fixed by Regulation
(EEC) No 2140/84 ⁽³⁾, as last amended by Regulation
(EEC) No 3309/84 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2140/84 to the

quotations and other 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 on live cattle and on beef and veal
other than frozen shall be as specified in the Annex
hereto.

Article 2

This Regulation shall enter into force on 7 January
1985.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 196, 26. 7. 1984, p. 29.

⁽⁴⁾ OJ No L 308, 27. 11. 1984, p. 31.

ANNEX

to the Commission Regulation of 21 December 1984 fixing the import levies on live cattle and on beef and veal other than frozen⁽¹⁾ for the period beginning 7 January 1985

(ECU/100 kg)

CCT heading No	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
01.02 A II (a)	— Live weight —		
	53,790	24,790	122,641
	— Net weight —		
02.01 A II a) 1	102,201	47,101	233,018
02.01 A II a) 2	81,761	37,682	186,415
02.01 A II a) 3	122,641	56,522	279,621
02.01 A II a) 4 aa)	—	70,653	349,527
02.01 A II a) 4 bb)	—	80,817	399,811
02.06 C I a) 1	—	70,653	349,527
02.06 C I a) 2	—	80,817	399,811
16.02 B III b) 1 aa)	—	80,817	399,811

⁽¹⁾ In accordance with Regulation (EEC) No 435/80, 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.

⁽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 of 27 June 1968, and in the provisions adopted for its application, is totally or partially suspended in accordance with those provisions.

COMMISSION REGULATION (EEC) No 3637/84
of 21 December 1984
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 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 the Act
of Accession of Greece ⁽²⁾, and in particular Article 12
(8) thereof,

Whereas the import levies on frozen beef and veal
were fixed by Regulation (EEC) No 2141/84 ⁽³⁾, as last
amended by Regulation (EEC) No 3310/84 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2141/84 to the

quotations and other information known to the
Commission that the levies should be altered to the
amounts 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 7 January
1985.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 196, 26. 7. 1984, p. 33.

⁽⁴⁾ OJ No L 308, 27. 11. 1984, p. 33.

ANNEX

to the Commission Regulation of 21 December 1984 fixing the import levies on frozen beef and veal ⁽¹⁾ for the period beginning 7 January 1985

(ECU/100 kg)

CCT heading No	Levy
	— Net weight —
02.01 A II b) 1	178,791
02.01 A II b) 2	143,032 (a)
02.01 A II b) 3	223,489
02.01 A II b) 4 aa)	268,186
02.01 A II b) 4 bb) 11	223,489 (a)
02.01 A II b) 4 bb) 22 (b)	223,489 (a)
02.01 A II b) 4 bb) 33	307,520 (a)

(¹) In accordance with Regulation (EEC) No 435/80, 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 of 27 June 1968 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.

COMMISSION DECISION No 3638/84/ECSC

of 19 December 1984

fixing the rate of the levies for the 1985 financial year and amending Decision No 3-52 on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the ECSC Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 49 and 50 thereof,

The rate of the levies on output from 1 January 1985 shall be 0,31 % of the figures used as the basis of assessment for such levies.

Having regard to Decision No 3289/75/ECSC on the definition and conversion of the unit of account to be used in decisions, recommendations, opinions and communications for the purposes of the Treaty establishing the European Coal and Steel Community ⁽¹⁾, as amended by Decision No 3334/80/ECSC ⁽²⁾,

Article 2

Article 2 of Decision No 3-52, as last amended by Article 2 of Decision No 3693/83 ^(*), is hereby replaced by the following:

Whereas, in view of the variations in average values recorded during the reference period, Decision No 3-52 of 23 December 1952 on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the Treaty ⁽³⁾ should be amended;

'The average value in ECU of the products on which the levies are assessed shall from 1 January 1985 be as follows:

(ECU)

Product	Average value
Brown coal briquettes and semi-coke derived from brown coal	56,22
Hard coal of all categories	76,22
Pig iron other than that used for making ingots	193,75
Steel in ingots	245,36
Finished products and end products of iron and steel as described in Annex I to the Treaty	408,93'

Whereas the requirements of the European Coal and Steel Community are estimated in the operating budget for the 1985 financial year at 359,5 million ECU; whereas that budget, which was adopted by the Commission of the European Communities on 19 December 1984 in the form shown in the Annex to this Decision, indicates the amount of income to be provided from levies in the course of the financial year 1985, namely 147 million ECU;

Article 3

Whereas the estimated yield of the levies at a rate of 0,01 % is 4,74 million ECU;

Article 4 of Decision No 3-52, as last amended by Article 3 of Decision No 3693/83/ECSC, is hereby amended to read as follows:

Having noted the opinion delivered on 13 December 1984 by the European Parliament,

'The scale provided for in Article 2 (4) of Decision No 2-52 shall accordingly be as follows, the figures being given in ECU:

⁽¹⁾ OJ No L 327, 19. 12. 1975, p. 4.

⁽²⁾ OJ No L 349, 23. 12. 1980, p. 27.

⁽³⁾ OJ of the ECSC No 1, 30. 12. 1952, p. 4.

^(*) OJ No L 368, 29. 12. 1983, p. 29.

Product	Assessment January 1985 and subsequent months, and collection March 1985 and subsequent months
Brown coal briquettes and semi-coke derived from brown coal ⁽¹⁾	0,17428
Hard coal of all categories ⁽²⁾	0,23628
Pig iron other than that used for making ingots	0,45177
Steel in ingots	0,66256
Finished products and end products of iron and steel as described in Annex I to the Treaty	0,30779

⁽¹⁾ For purposes of the deductions provided for in Article 3 the levy fixed above shall be applied to the net tonnage of brown coal and semi-coke derived from brown coal, less 3 %.

⁽²⁾ For purposes of the deductions provided for in Article 3 the levy fixed above shall be applied to the net tonnage of hard coal as defined in Article 1 of Decision No 2-52, less 14 %.

The amount of the levies per tonne to be paid in the currencies of the Member States of the Community shall be determined in accordance with Article 3 of Decision No 3289/75/ECSC.

Article 4

This Decision shall enter into force on 1 January 1985.

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

Done at Brussels, 19 December 1984.

For the Commission
Christopher TUGENDHAT
Vice-President

ANNEX

DRAFT ECSC OPERATING BUDGET FOR 1985

(million ECU)

Requirements	Estimates	Resources	Estimates
Operations to be financed from current resources (non-repayable)		Resources for the financial year	
1. Administrative expenditure	5	1. Current resources :	
2. Aid for redeployment (Article 56)	125	1.1. Yield from levy at 0,31 %	147
3. Aid for research (Article 55) ⁽¹⁾	51	1.2. Interest on investments and on loans from non-borrowed funds	70
3.1. Steel	24	1.3. Fines and surcharges for late payment	17
3.2. Coal	19	1.4. Miscellaneous	p.m.
3.3. Social	8	2. Cancellation of commitments unlikely to be implemented	3
4. Interest subsidies ⁽¹⁾	50	3. Revaluation of assets and liabilities	p.m.
4.1. Investment (Article 54)	6	4. Unused resources carried over from 1984	p.m.
4.2. Conversion (Article 56)	44	5. Extraordinary revenue	
5. Aid to coking coal and coke for the steel industry (Article 95)	6	5.1. Social measures connected with restructuring of the steel industry	62,5
6. Social measures connected with restructuring of the steel industry ⁽²⁾	62,5	5.2. Measures for restructuring of the coal industry	60
7. Social measures connected with restructuring of the coal industry ⁽²⁾	60	6. Contingency reserve	p.m.
	359,5		359,5
Operations financed by loans from non-borrowed funds		Origin of non-borrowed funds	
8. Subsidized housing	12	7. Special reserve and former ECSC Pension Fund	12

⁽¹⁾ Any supplementary resources will be used for research and interest subsidies⁽²⁾ Additional redeployment aid.

COMMISSION REGULATION (EEC) No 3639/84**of 20 December 1984****making the importation of certain textile products originating in Turkey subject to quantitative limitation**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1842/71 of 21 June 1971 ⁽¹⁾, and in particular Article 1 thereof,

After consultation within the Advisory Committee established by Article 3 of that Regulation,

Whereas imports of textile products on the Community market have during recent years given rise to market disturbance and are causing serious damage to Community producers resulting in the closure of factories and considerable loss of employment;

Whereas, in consequence of this situation, imports of certain textile products originating in the majority of low-cost supplier countries are at present subject to a Community system of authorization and quantitative limitation;

Whereas the extremely rapid increase in recent years of imports into the community of T-shirts (category 4), trousers (category 6) and outer garments (category 83) originating in Turkey, have helped to exacerbate the cumulative disturbance of the Community market; whereas the Community has already made imports of such products subject to Community or regional quantitative limits; whereas these measures expire on 31 December 1984;

Whereas import statistics show that, despite the limits imposed by the above protective measures, imports into the Community of T-shirts, trousers and outer garments originating in Turkey have increased considerably in recent years;

Whereas, in the first nine months of 1984, imports of T-shirts (category 4), trousers (category 6) and outer garments (category 83) amounted to 133 %, 100 % and 122 % respectively of 1983 imports;

Whereas, while taking account of seasonal factors which may affect the spread over the year of imports into the Community of T-shirts (category 4), trousers (category 6) and outer garments (category 83), such

imports have increased suddenly and substantially, particularly at the beginning of each of the last few years, adding to the cumulative disturbance of the markets;

Whereas in the first three months of 1983, import into the Community of T-shirts (category 4), trousers (category 6) and outer garments (category 83) originating in Turkey amounted to 43 %, 48 % and 117 % respectively of 1982 imports; whereas in the first three months of 1984, imports into the Community of T-shirts (category 4), trousers (category 6) and outer garments (category 83) originating in Turkey amounted to 65 %, 43 % and 66 % respectively of 1983 imports;

Whereas the foregoing reveals the existence of a critical situation in which any delay would cause very serious injury to Community producers which would be difficult to remedy and, in these circumstances, immediate action must be taken in the interests of the Community; whereas the foregoing justifies the adoption, pursuant to Article 60 of the Additional Protocol to the Association Agreement between the European Economic Community and Turkey, of the protective measures needed to overcome these difficulties; whereas the object of these measures must be to establish quantitative limits for imports into the Community of T-shirts, trousers and outer garments, originating in Turkey, as from 1 January 1985;

Whereas, in the interests of trade flows, provision should be made for products subject to these measures to be imported even before the import authorization system is established by the national authorities,

HAS ADOPTED THIS REGULATION:

Article 1

1. The importation into the Community of the textile products of categories 4, 6 and 83 listed in the Annex, originating in Turkey, shall be subject to the quantitative limits carried over in that same Annex from 1 January until 30 June 1985.

2. The provisions of paragraph 1 shall not apply to products which have been placed on board and are in the course of shipment to the Community before the entry into force of this Regulation.

⁽¹⁾ OJ No L 192, 26. 8. 1971, p. 14.

3. For the purposes of implementing paragraph 1, the Member States shall institute an import authorization system from 1 January 1985, or from 1 February 1985 at the latest.

Prior to the establishment of such a system, the products subject to the quantitative limits referred to in paragraph 1 may be imported into the Community under cover of the import document provided for in

Article 2 of Commission Regulation (EEC) No 2819/79 of 11 December 1979 ⁽¹⁾. Quantities imported in this way shall be deducted from the quantitative limits referred to in paragraph 1.

Article 2

This Regulation shall enter into force on 1 January 1985.

It shall apply until 30 June 1985.

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

Done at Brussels, 20 December 1984.

For the Commission

Wilhelm HAFFERKAMP

Vice-President

⁽¹⁾ OJ No L 320, 15. 2. 1979, p. 9.

ANNEX

Category	CCT heading No	NIMEXE code (1985)	Description	Third countries	Member States	Units	Quantitative limits from 1 January to 30 June 1985
4	60.04 B I II a) b) c) IV b) 1 aa) dd) 2 ee) d) 1 aa) dd) 2 dd)	60.04-19, 20, 22, 23, 24, 26, 41, 50, 58, 71, 79, 89	Under garments, knitted or crocheted, not elastic or rubberized : Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers, undervests and the like, knitted or crocheted, not elastic or rubberized, other than babies' garments, of cotton or synthetic textile fibres ; T-shirts and lightweight fine knit roll, polo or turtle necked jumpers and pullovers, of regenerated textile fibres, other than babies' garments	Turkey	D F I BNL UK IRL DK GR EEC	1 000 pieces	10 200 800 280 1 000 3 000 50 100 45 15 475
6	61.01 B V d) 1 2 3 e) 1 2 3 61.02 B II e) 6 aa) bb) cc)	61.01-62, 64, 66, 72, 74, 76 61.02-66, 68, 72	Men's and boys' outer garments : Women's, girls' and infants' outer garments : B. Other : Men's and boys' woven breeches, shorts and trousers (including slacks); women's, girls' and infants' woven trousers and slacks, of wool, of cotton or of man-made textile fibres	Turkey	D F I BNL UK IRL DK GR EEC	1 000 pieces	3 900 240 160 300 320 8 280 6 5 214
83	60.05 A II a) b) 4 hh) 11 22 33 44 ijj) 11 kk) 11 ll) 11 22 33 44	60.05-04, 76, 77, 78, 79, 81, 85, 88, 89, 90, 91	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : A. Outer garments and clothing accessories : II. Other : Outer garments, knitted or crocheted, not elastic or rubberized, other than garments of categories 5, 7, 26, 27, 28, 71, 72, 73, 74 and 75, of wool, of cotton or of man-made textile fibres	Turkey	D F I BNL UK IRL DK GR EEC	Tonnes	810 95 20 50 130 5 7 3 1 120

COMMISSION REGULATION (EEC) No 3640/84

of 20 December 1984

on the supply of common wheat for non-governmental organizations (NGO) as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid⁽³⁾, as amended by Regulation (EEC) No 3331/82⁽⁴⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management⁽⁵⁾,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁶⁾, as last amended by Regulation (EEC) No 2543/73⁽⁷⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 21 November 1984 the Commission of the European Communities decided to grant, under

Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁸⁾, as last amended by Regulation (EEC) No 3323/81⁽⁹⁾; whereas it is necessary to specify, for the purposes of the Community measures envisaged, the characteristics of the products to be supplied and the supply conditions;

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

The intervention agency specified in the Annex hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 20 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽⁵⁾ OJ No L 124, 11. 5. 1984, p. 1.

⁽⁶⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁷⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁸⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁹⁾ OJ No L 334, 21. 11. 1981, p. 27.

ANNEX

1. **Programme :** 1984
2. **Recipient :** NGO (Trocaire, 169 Booterstown Ave, Blackrock, Co. Dublin. Tel. 88 53 85)
3. **Place or country of destination :** Ethiopia
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 5 000 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Markttordnung (BALM), Adickesallee, 40, D-6000 Frankfurt/
Main (telex 411 475)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
the common wheat must be of fair and sound merchantable quality and correspond at least to
the minimum bread-making quality required for intervention (moisture : 14,5 % maximum)
10. **Packaging :**
 - in new bags :
 - jute sacks of a minimum weight of 600 g, or
 - polypropylene sacks of a minimum weight of 120 g
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
'WHEAT / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF
CRDA / FOR FREE DISTRIBUTION / ASSAB'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Assab
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 8 January 1985
16. **Shipment period :** 1 to 28 February 1985
17. **Security :** 6 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Ethiopia, c/o 'Diplomatic Bag', Berlaymont 1/123, 200, rue de la Loi,
B-1049 Brussels.

COMMISSION REGULATION (EEC) No 3641/84

of 20 December 1984

on the supply of maize to the People's Republic of Mozambique as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid⁽³⁾, as amended by Regulation (EEC) No 3331/82⁽⁴⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management⁽⁵⁾,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁶⁾, as last amended by Regulation (EEC) No 2543/73⁽⁷⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 21 November 1984 the Commission of the European Communities decided to grant, under

Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁸⁾, as last amended by Regulation (EEC) No 3323/81⁽⁹⁾; whereas it is necessary to specify, for the purposes of the Community measures envisaged, the characteristics of the products to be supplied and the supply conditions;

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

The intervention agency specified in the Annex hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 20 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽⁵⁾ OJ No L 124, 11. 5. 1984, p. 1.

⁽⁶⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁷⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁸⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁹⁾ OJ No L 334, 21. 11. 1981, p. 27.

ANNEX

1. **Programme :** 1984
2. **Recipient :** Mozambique
3. **Place or country of destination :** Mozambique
4. **Product to be mobilized :** maize
5. **Total quantity :** 10 000 tonnes
6. **Number of lots :** one in two parts (part 1 : 8 000 tonnes for Maputo / part 2 : 2 000 tonnes for Beira)
7. **Intervention agency responsible for conducting the procedure :**
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-Paris 7^e (telex OFIBLE 200 490 F)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - (a) maize for human consumption, of sound merchantable quality, free of odour and pests
 - (b) moisture content : 15 %
 - (c) total percentage of matter other than basic cereals of unimpaired quality : 5 %, of which :
 - percentage of broken grains : 3 % ('broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter)
 - percentage of grain impurities : 2 % ('grain impurities' means grains of other cereals, grains damaged by pests and grains of abnormal coloration, the latter being grains which have acquired through heating a darkish brown colour on a fairly substantial part of the tegument and of the kernel and are not damaged grains)
 - percentage of sprouted grains : 0,5 %
 - percentage of miscellaneous impurities : 0,5 % ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects)
10. **Packaging :**
 - in new bags :
 - jute sacks of a minimum weight of 600 g, or
 - polypropylene sacks of a minimum weight of 120 g
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
'MILHO / DOM DA COMUNIDADE ECONÓMICA EUROPEIA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Maputo (8 000 tonnes) and Beira (2 000 tonnes)
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 8 January 1985
16. **Shipment period :** 20 January to 20 February 1985
17. **Security :** 6 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Swaziland, c/o 'Diplomatic Bag', Berlaymont 1/123, 200, rue de la Loi, B-1049 Brussels.

COMMISSION REGULATION (EEC) No 3642/84

of 20 December 1984

on the supply of various consignments of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid⁽³⁾, as amended by Regulation (EEC) No 3331/82⁽⁴⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down the implementing rules for 1984 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management⁽⁵⁾,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁶⁾, as last amended by Regulation (EEC) No 2543/73⁽⁷⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 21 and 25 November 1984 the Commission of the European Communities decided to grant, under Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas, pursuant to Article 3 (3) of Council Regulation (EEC) No 2750/75, the goods may be purchased anywhere on the Community market;

Whereas an invitation to tender should be issued for supply of the products delivered unloaded at destination in view of the final use to be made of the goods delivered;

Whereas the provisions of Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-

aid operations involving cereals and rice⁽⁸⁾, as last amended by Regulation (EEC) No 3323/81⁽⁹⁾, should be applied as far as possible, particularly in respect of the procedure for submission of tenders, since the manner in which the security is lodged must guarantee that the successful tenderer complies with his obligations;

Whereas, however, the specific provisions concerning delivery to destination must be set out; whereas the successful tenderer must thus bear all risk in the goods up to unloading at the stipulated destination; whereas payment can be made only when proof of delivery to the destination is provided;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the period stipulated;

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

1. The intervention agencies mentioned in the Annexes hereto are hereby required to implement the mobilization and supply of the product stated in the said Annexes as food aid, subject to the provisions of this Regulation.

2. Supply of the products shall be organized under the tendering procedure.

3. The Annexes shall take the place of a notice of invitation to tender. The intervention agency responsible shall make further publications as necessary.

Article 2

1. For the purposes of the invitation to tender, the following provisions of Regulation (EEC) No 1974/80 shall apply:

- Article 4, except the provisions of paragraphs 3 (e) and 4 (d) and (e), in respect of submission of tenders,
- Article 5 in respect of provision of security,
- Article 6 in respect of opening and reading tenders,
- Article 8 in respect of comparing tenders.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽⁵⁾ OJ No L 124, 11. 5. 1984, p. 1.

⁽⁶⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁷⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁸⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁹⁾ OJ No L 334, 21. 11. 1981, p. 27.

2. The tender shall indicate the amount of the tender expressed per tonne of product, in the currency of the Member State where the tendering procedure is taking place. The tender must include the cost of fumigation, unloading and warehousing at the final destination stated in the Annexes.

The tender shall state separately the amount of cost in respect of sea and land transport to the stipulated final destination.

The tender shall indicate the Member State in which the tenderer, in the event of his being declared successful, undertakes to complete the customs export formalities.

3. The tenderer shall carry out his obligations pursuant to this Regulation and the undertakings referred to in Article 4 (4) of Regulation (EEC) No 1974/80, with the exception of points (d) and (e) thereof.

4. The tenderer shall undertake to ship in vessels, listed in the larger classes in recognized classification registers, not more than 15 years old and attested by a competent body as meeting hygiene requirements.

Article 3

1. Without prejudice to paragraphs 2 and 3, the contract shall be awarded within 48 hours to the tenderer who has submitted the most favourable tender.

2. Where the most favourable tender is submitted by more than one tenderer, the intervention agency shall award the contract to one of those tenderers by drawing lots.

3. If the tenders do not appear to be in line with the prices normally prevailing on the market, the intervention agency may, with the agreement of the Commission, decide not to award the contract.

4. The intervention agency shall communicate the results of the tendering procedure to all the tenderers by letter or telex sent not later than the first working day following the award decision.

Article 4

1. The successful tenderer shall contract as necessary, at his own expense, for carriage of the goods to the final destination and shall bear all the costs involved, including those of unloading and warehousing at the destination. He shall take out suitable insurance.

2. The successful tenderer shall bear all the risks relating to the goods, in particular of loss or deterioration to which the goods are subject, until they have

effectively been unloaded and delivered to the final destination.

3. The successful tenderer shall communicate as soon as possible to the recipient's representative the date of loading, the means of transport used to consign the goods to the final destination, and the probable date of arrival. He shall immediately send this information to the intervention agency responsible for payment, which shall forward it without delay to the Commission.

The tenderer shall advise the recipient's representative, at least three days in advance, of the probable date of arrival of the goods at the final destination.

Article 5

1. The intervention agency of the country of shipment shall arrange for a check at the port, before loading, on the quantity, quality and packaging of the goods. Following inspection an attestation shall be issued by the intervention agency. The costs relating thereto shall be borne by the successful tenderer.

The successful tenderer shall provide that intervention agency with the certificate showing that the fumigation has been carried out.

2. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment. The successful tenderer and the recipient's representative shall be invited to take part in the operation.

Two sealed samples shall be kept by the intervention agency until issue by the recipient of the taking-over certificate or until issue of the certificate referred to in Article 6 (2).

3. If the inspection referred to in paragraph 1 gives rise to a dispute, the intervention agency shall arrange for a second inspection by a service different from that mentioned in paragraph 1, the findings of which shall be final. The costs relating thereto shall be borne by the losing party.

4. Where the inspection provided for in the preceding paragraphs reveals that the goods do not satisfy the requirements stipulated, they must be refused and replaced. Where some quantities are missing the successful tenderer must make up the cargo.

Article 6

1. A taking-over certificate shall be issued by the recipient immediately following unloading at the final destination. It shall state the place and date of taking

over and give a description of the goods taken over in the form given in Annex II and any comments by the recipient.

2. Where the taking-over certificate is not issued for reasons other than a dispute about the goods, proof of delivery may be provided by means of a certificate of the form given in Annex II endorsed by the Community representative in the country of destination.

Article 7

1. Payment to the successful tenderer shall be made by the intervention agency of the Member State in which the customs export formalities are completed.

2. The amount to be paid shall be that of the tender plus, where appropriate, the costs referred to in Article 9. It shall be paid in the currency of the Member State which is responsible for payment. For this purpose this amount shall be converted by using:

- where the currencies in question are maintained within a maximum spread at any one time of 2,25 %, the conversion rate resulting from their central rate,
- in other cases, the relationship between the two currencies concerned established by using the latest statement of their spot exchange rates made immediately prior to the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

3. The amount referred to in paragraph 2 shall be paid to the successful tenderer on presentation of the original of the taking-over certificate or a certified copy thereof, or, if this is not available, of the certificate referred to in Article 6 (2).

4. The intervention agency is hereby authorized to make without delay an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of a copy of that document, of the attestation referred to in Article 5 (1) and of the fumigation certificate, and subject to the provision of a security for an amount equal to the initial payment.

The said security shall be provided as laid down in Article 5 (2) of Regulation (EEC) No 1974/80.

Article 8

1. The security referred to in Article 2 shall be immediately released to:

- every tenderer whose tender was not successful or was not accepted,
- the successful tenderer in respect of quantities not delivered on account of *force majeure*,
- the successful tenderer in respect of the quantities delivered in accordance with this Regulation and on presentation of the original of the taking-over certificate or a certified true copy thereof or, where appropriate, the certificate referred to in Article 6 (2).

2. The security referred to in Article 7 (4) shall be released immediately when the successful tenderer furnishes the proof in accordance with Article 6 that at least 80 % of the quantity provided for has been delivered in conformity with the conditions laid down in this Regulation.

Article 9

If the successful tenderer, for reasons of *force majeure*, has to bear exceptional costs in respect of the delivery made under this Regulation which cannot be covered by insurance, he may receive compensation therefor on production of supporting documents and with the prior agreement of the Commission.

Article 10

Except in case of *force majeure* the successful tenderer shall bear all the financial consequences of the non-delivery of the goods under the conditions laid down in this Regulation if the recipient had made delivery possible under such conditions.

The costs resulting from the non-delivery of the goods following a case of *force majeure* shall be borne by the intervention agency responsible for payment.

Article 11

Articles 21 and 22 (1) and (2) of Regulation (EEC) No 1974/80 shall apply in the context of this Regulation.

The intervention agency responsible for payment shall, on receipt, send the information referred to in Article 4 (3) to the Commission.

The intervention agency in the country of shipment shall send the Commission, without delay, the results of the inspection referred to in Article 5.

Article 12

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

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

Done at Brussels, 20 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX Ia

1. **Programme :** 1984
2. **Recipient :** Republic of Mali
3. **Place or country of destination :** Republic of Mali
4. **Product to be mobilized :** maize
5. **Total quantity :** 8 000 tonnes
6. **Number of lots :**
one in two parts (part 1 : 4 000 tonnes for Gao / part 2 : 4 000 tonnes for Tombouctou)
7. **Intervention agency responsible for conducting the procedure :**
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (telex OFIBLE 270 807 F)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - (a) maize for human consumption, of sound merchantable quality, free of odour and pests
 - (b) moisture content : 15 %
 - (c) total percentage of matter other than basic cereals of unimpaired quality : 5 %, of which :
 - percentage of broken grains : 3 % ('broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter)
 - percentage of grain impurities : 2 % ('grain impurities' means grains of other cereals, grains damaged by pests and grains of abnormal coloration, the latter being grains which have acquired, through heating, a darkish brown colour on a fairly substantial part of the tegument and of the kernel and are not damaged grains)
 - percentage of sprouted grains : 0,5 %
 - percentage of miscellaneous impurities : 0,5 % ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects)
10. **Packaging :**
 - in new bags :
 - jute sacks of a minimum weight of 600 g, or
 - polypropylene sacks of a minimum weight of 120 g
 - net weight of the bags 50 kg
 - marking on the bags in letters at least 5 cm high :
'MAÏS / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE DU MALI'
11. **Port of shipment :** a Community port
12. **Delivery stage :**
delivered destination — Centre de stockage de l'OPAM :
 - part 1 : 4 000 tonnes Gao, via Lomé
 - part 2 : 4 000 tonnes Tombouctou, via Lomé
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 8 January 1985
15. **Shipment period :** 20 January to 20 February 1985
16. **Security :** 6 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Mali, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

ANNEX Ib

1. **Programme :** 1984
2. **Recipient :** Rwanda
3. **Place or country of destination :** Kicukiro
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 3 000 tonnes
6. **Number of lots :** two of 1 500 tonnes each
7. **Intervention agency responsible for conducting the procedure :**
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris 7^e
(telex OFIBLE 200 490 F)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
the common wheat must be of fair and sound merchantable quality and correspond at least to the minimum bread-making quality required for intervention (moisture : 14,5 % maximum)
10. **Packaging :**
 - in new bags :
 - jute sacks of a minimum weight of 600 g, or
 - polypropylene sacks of a minimum weight of 120 g
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
'FROMENT / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE RWANDAISE'
11. **Port of shipment :** a Community port
12. **Delivery stage :** delivered destination.
 - 1 500 tonnes — Kigali (Kicukiro) via Mombasa — Oprovia, BP 953 à Kigali, tél. 2945/2946
 - 1 500 tonnes — Kigali via Mombasa — Trafipro, BP 302 à Kigali, tél. 4730, télex 511
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 15 January 1985
15. **Shipment period :** 1 to 31 May 1985
16. **Security :** 6 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Rwanda, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi, B-1049 Brussels.

ANNEX Ic

1. **Programme :** 1984
2. **Recipient :** Rwanda
3. **Place or country of destination :** Kicukiro
4. **Product to be mobilized :** maize flour
5. **Total quantity :** 590 tonnes (1 000 tonnes of cereals)
6. **Number of lots :** one in two parts (295 tonnes each part)
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Marktordeung (BALM), Adickesallee 40, D-6000 Frankfurt/
Main (telex 411 475)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - maize flour (11.01 E I) for human consumption, of sound merchantable quality, free of odour and pests
 - moisture content : maximum 13 %
 - acidity : 0,6 % maximum
10. **Packaging :**
 - in new bags :
 - jute sacks of a minimum weight of 600 g, or
 - polypropylene sacks of a minimum weight of 120 g
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
'FARINE DE MAÏS / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À
LA RÉPUBLIQUE RWANDAISE'
11. **Port of shipment :** a Community port
12. **Delivery stage :** delivered destination.
 - 295 tonnes — Kigali (Kicukiro) via Mombasa — Oprovia, BP 953 à Kigali, tél. 2945/2946
 - 295 tonnes — Kigali via Mombasa — Trafipro, BP 302 à Kigali, tél. 4730, télex 511
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 8 January 1985
15. **Shipment period :** 1 to 28 February 1985
16. **Security :** 6 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Rwanda, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi,
B-1049 Brussels.

*ANNEX II***TAKING-OVER CERTIFICATE**

Recipient

I, the undersigned,
(Name, forename, business name)

acting on behalf of

certify that delivery has been taken of the goods listed below :

— Cereals or products

— Net tonnage accepted

— Packaging

in bulk

in bags

— Number of bags at kg net

marking

number of marked empty bags

— Place of taking over

— Date of taking over

The quality of the goods delivered is in accordance with that fixed.

COMMISSION REGULATION (EEC) No 3643/84

of 20 December 1984

imposing a provisional anti-dumping duty on imports of electronic typewriters originating in Japan and terminating the anti-dumping proceeding with regard to Nakajima All Co. Ltd

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9 and 11 thereof,

After consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Procedure

(1) In March 1984 the Commission received a complaint lodged by the Committee of European Typewriter Manufacturers (CETMA) on behalf of producers representing substantially all Community production of electronic typewriters. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of all kinds of electronic typewriters falling within subheading ex 84.51 A of the Common Customs Tariff, corresponding to NIMEXE codes 84.51 ex 14, ex 19 and ex 20, originating in Japan, and commenced an investigation.

(2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

All the known producers and exporters and some importers made their views known in writing. Some of the exporters concerned requested and were granted hearings.

(3) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

EEC producers :

- Ing. C. Olivetti & C. SpA, Ivrea (Italy),
- Olympia Werke AG, Wilhelmshaven (Federal Republic of Germany),
- Triumph-Adler Aktiengesellschaft für Büro- und Informationstechnik, Nürnberg (Federal Republic of Germany).

Exporters to the EEC :

- Brother Industries Ltd (Nagoya),
- Canon Inc. (Tokyo),
- Nakajima All Co. Ltd (Tokyo and Nagano),
- Sharp Corporation (Osaka),
- Silver Seiko (Tokyo),
- TEC Tokyo Electric Co. Ltd (Tokyo),
- Tokyo Juki Industrial Co. Ltd (Tokyo and Yukote),
- Towa Sankiden Corporation (Tokyo).

EEC importers :

- Brother International (Belgium) SA, Zellik (Belgium),
- Brother International Maskin A/S, Ishøj (Denmark),
- Brother International GmbH, Bad Vilbel (Federal Republic of Germany),
- Brother Office Equipment Division, Manchester (United Kingdom),
- Brother International Corporation (Irl) Ltd, Dublin (Ireland),
- Canon Copier Belgium NV/SA, Diegem (Belgium),
- Canon Europa NV, Amsterdam (Netherlands),
- Canon Europa SA, le Blanc Mesnil (France),
- Canon-Rechner Deutschland, München (Federal Republic of Germany),
- Canon Verkoopsorganisatie Nederland BV, Heemstede (Netherlands),
- Canon Italia SpA, Bussolengo (Italy),
- Canon (UK) Ltd, Croydon (United Kingdom),
- NV SCM Europe SA, Brussels (Belgium),
- Olympia-Werke AG, Wilhelmshaven (Federal Republic of Germany),

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 83, 24. 3. 1984, p. 4.

- Sharp Electronics (Europe) GmbH, Hamburg (Federal Republic of Germany),
 - Sharp Electronics (UK) Ltd, Manchester (United Kingdom),
 - Silver Seiko International GmbH, Keltersbach (Federal Republic of Germany),
 - Silver Reed, Watford (United Kingdom),
 - TEC Belgium SA, Brussels (Belgium),
 - TEC France, Gentilly (France),
 - TOWA Sankiden — Welco, Paris (France).
- (4) Tottori Sanyo Electric Co. requested the Commission to carry out an investigation at its offices in Japan. However, since this company had neither manufactured nor sold any electronic typewriters during the period under investigation, the Commission decided that no investigation was warranted for this company.
- (5) The Commission requested and received detailed written submissions from all complainant Community producers, all exporters and some importers and verified the information therein to the extent considered necessary.
- (6) The investigation of dumping covered the period 1 April 1983 to 31 March 1984.

B. Normal value

- (7) For Brother and Silver Seiko, both of whom sell the like product on the Japanese market, normal value was provisionally determined on the basis of the weighted average domestic prices of those models which were sold in significant quantities in Japan. For all other models, where sales volume on the domestic market was not sufficiently large to allow the determination of a normal value on that basis, normal values were established on the basis of constructed value.
- (8) Both exporters concerned objected to the use of domestic prices for the establishment of normal values on the grounds that the volume of sales on the Japanese market was too small and that it did not reach the level of 5 % of exports to non-EEC countries that would have been used as a criterion by the American administration in similar circumstances. It was further argued that the Commission had in the past discarded the domestic market as a basis for normal value wherever the volume of domestic sales had been low in relation to total exports.
- (9) The Commission carefully considered the arguments put forward. It notes that under GATT and the Community legislation prices on the domestic market in the country of exportation are, as a rule, the basis for determining normal value. However, the legislation of other trading partners and the Community's past practice show that where the volume of sales on the domestic market is relatively small, account must be taken of the fact that the prices of such sales may be influenced by other than normal commercial considerations and that their quantities may be residual or so negligible that they cannot be considered as reliably reflecting pricing in the ordinary course of trade.
- The Commission therefore considers that where there is a disproportion between the sales volumes on the domestic market and the sales volumes to the Community, the domestic market should be disregarded as a basis for the determination of normal value. Hitherto this has been decided by the Commission on a case by case basis. The Commission now considers that in cases such as this it is appropriate to apply a threshold below which sales on the domestic market should be disregarded. Given the commercial importance of the Community as an import market, the Commission considers it reasonable to apply this threshold in relation to exports to the Community and at a level of 5 %.
- (10) In the present case, where the volume of the sales of individual models on the domestic market was equal to or less than 5 % of the volume of exports to the Community, the Commission established normal value on the basis of the constructed value. For all other models, it used domestic prices.
- (11) Consequently, for all models exported by Nakajima, TEC and Towa and for certain models exported by Brother and Silver Seiko, normal value was established on the basis of the constructed value. For the remaining models exported by Brother and Silver Seiko, normal value was established on the basis of domestic prices.
- (12) For Canon and Sharp, certain detailed information in respect of domestic sales remains to be clarified; therefore, for the purpose of the provisional determination, normal value was established for all models on the basis of the constructed value.
- (13) Brother Industries Ltd (BIL) contended that the domestic selling prices to unrelated dealers of its related trading company Brother Sales Ltd (BSL) were not controlled by BIL since it does not wholly own BSL. Therefore these prices should not be used to determine normal value for BIL's export operations. It was also argued by BIL that the use of said domestic selling prices amounted to a reconstruction of the domestic price which is not provided for in Regulation (EEC) No 2176/84

- (14) The Commission considers that BIL has effectively a controlling interest in BSL since all other shareholders have individually only very minor shareholdings and that the main reason for BSL's existence is to sell BIL's products in Japan. The trading company has therefore been treated as the sales branch of the parent company in Japan. Consequently, the Commission considered that BSL's selling price constituted a comparable price actually paid 'in the ordinary course of trade' within the meaning of Article 2 (3) (a) of Regulation (EEC) No 2176/84 and it has therefore used this price for determining normal value. This in no way corresponds to a reconstruction of the domestic selling price.
- (15) The preliminary investigation has shown that the prices of Tokyo Juki's sales on its domestic market were, over an extended period of time and in respect of substantial quantities, lower than all costs both fixed and variable incurred in their production. The normal value for this company was therefore determined on the basis of the constructed value.
- (16) The constructed value was computed by taking all costs both fixed and variable in the country of origin of materials and manufacture plus selling, administrative and other general expenses and a profit margin of 10 % considered to be reasonable in the light of the companies' general performance during a representative profitable period in so far as sales of this product on the domestic market were concerned.
- (17) In the case of Sharp, all information necessary to compute the normal value was made available only for the second half of the period under investigations. As to the first half, Sharp stated that information about cost of material had been destroyed with the exception of the last month during which production took place, and that information about labour costs and factory overheads was extremely difficult, if not impossible to compile.
- On the basis of other data collected in the course of the investigation the Commission concluded that the constructed value in the period suggested by Sharp was not representative of constructed value in the entire period of investigation. Consequently, cost elements for the months lacking were determined on the basis of evidence available, i.e. by reference to the cost evolution found for other exporters.
- (18) In the case of Sharp and Makajima certain cost allocations in respect of direct and indirect labour and factory overheads were found unacceptable and were replaced by allocations made in proportion to the turnover pursuant to Article 2 (11) of Regulation (EEC) No 2176/84.
- (19) Several exporters claimed that selling, general and administrative expenses (S, G & A) incurred by their sales organizations in Japan should not be included in the calculation of constructed value because *inter alia* export transactions were not made by these organizations, and such expenses were directly attributable to domestic sales and because the sales organizations in Japan should be assimilated to the related importers in the EEC whose costs are deducted in order to construct export price.
- (20) The Commission considers that such expenses should be included in the determination of normal value for the following reasons:
- where normal value is based on domestic selling prices these prices, if they are in the ordinary course of trade, cover all S, G & A, incurred by the sales organizations,
 - where normal value is based on constructed value, under the structure of Regulation (EEC) No 2176/84 this surrogate method should yield the same result as above. Article 2 (3) (b) (ii) therefore expressly provides that S, G & A expenses be included.
- However, this does not preclude the possibility in both cases of subsequently reducing the normal value, as determined, by those S, G & A expenses for which deductions are permissible under the terms of Article 2 (10) (c), which is not generally the case for overheads and general expenses.
- (21) In allocating its cost of production between products, Tokyo Juki based certain of its calculations on standard output and the figures were adjusted accordingly by the Commission so as to allocate on the basis of actual production quantities.

- (22) In determining the amount to be included for S, G & A expenses the Commission did not accept certain cost allocations made by certain companies based on an alleged direct relationship between these overhead expenses and the sales under consideration, since the existence of such a direct relationship was not satisfactorily demonstrated. Allocations for the costs in question were accordingly made in proportion to the turnover for each product and market under consideration.

C. Export price

- (23) With regard to exports by Japanese firms to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold.
- (24) In all other cases where exports were made to subsidiary companies in the Community, export prices were constructed on the basis of the prices at which the imported product was first resold to an independent buyer, suitably adjusted to take account of all costs incurred between importation and resale including all duties, and of a profit margin of 5 %. This profit margin was considered reasonable in the light of the profit margins of independent importers of the product concerned. The costs incurred included specifically the following :
- give-aways and sales incentives in kind,
 - advertising campaigns directly financed by the exporter.

- (25) Certain costs borne directly by an exporter were found to relate to personnel seconded by the exporter in order to collate market and product information, which did not, however, relate to the product in question. These costs were therefore ignored.

D. Comparison

- (26) In order to put normal value and export prices on a comparable basis the Commission took account, where appropriate, of differences in conditions and terms of sale affecting price comparability and allowances were made for differences in credit terms, commissions and transport.

All comparisons were made at ex-works level.

E. Margins

- (27) Normal value was generally set against export prices on a transaction-by-transaction basis. However, for the purposes of the Commission's

preliminary findings with regard to dumping, monthly weighted averages were used for those exporters whose volume of transactions was so large that a transaction-by-transaction analysis would have unduly delayed the taking of a provisional decision.

- (28) The above preliminary examination of the facts shows the existence of dumping in respect of imports of electronic typewriters originating in Japan, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

These margins vary according to the exporter concerned, the weighted average margin for each of the exporters investigated being as follows :

Brother Industries Ltd	43,7 %
Canon Inc.	33,3 %
Nakajima All Co. Ltd	1,2 %
Sharp Corporation	21,1 %
Silver Seiko Ltd	26,6 %
TEC Tokyo Electric Co. Ltd	6,9 %
Tokyo Juki Industrial Co. Ltd	34,2 %
Towa Sankiden Corporation	20,2 %

- (29) In view of the characteristics of the market for the product concerned, the dumping margin found for Nakajima All Co. Ltd should be regarded as *de minimis* and consequently this company is excluded from protective action.

F. Injury

- (30) With regard to the injury caused by the dumped imports, the evidence available to the Commission shows that sales in the Community of electronic typewriters originating in Japan increased from 145 277 units in 1982 to 368 722 units in the year ended 31 March 1984, with a consequent increase in the market share held by Japanese exporters from 28,0 to 39,7 % during the same period.
- (31) The resale prices of the dumped imports generally undercut the prices of the Community producers during the period under investigation by varying degrees depending on models and markets. Although there were instances of no undercutting, the latter generally ranged between 11,4 and 30 % and in some cases reached 48,5 %.

The impact of the low-priced imports has been to decrease significantly the profitability of Community producers. For the two producers who have consistently made profits over the period, the average return on sales was reduced by more than 46 % between 1982 and the year ended 31 March 1984, although from a low base in both cases.

Profitability on electronic typewriters has now reached a level where new investments in research and development and facilities which are vital for the future of the electronic typewriter industry are threatened. Due to significant price depression the remaining Community producer finds it impossible to increase its sales prices to a level which would cover its costs and thus incurs considerable losses.

- (32) The Commission has considered whether injury has been caused by other factors such as the volume and prices of undumped imports or the stagnation of demand. It has been established that imports from countries other than Japan remained stable between 1982 and 1983/84 and were not at prices such as to cause injury to Community producers. With regard to consumption the investigation has shown that between 1982 and 1983/84 the market for these products in the EEC increased by almost 79 %. During the same period sales of the Community producers on the EEC market did not increase as rapidly as demand and as a result their market share fell from about 63 % in 1982 to about 51 % in 1983/84.

- (33) In assessing injury the Commission took into account that the dumping margin on Nakajima's sales in the EEC was regarded as *de minimis*.

Due regard was also given to the fact that all of Tokyo Juki's sales in the Community were to one of the complainants. It was considered that the Community industry excluding that complainant was injured by these imports.

- (34) Quite apart from the actual injury caused during the period under consideration, the preliminary investigation has shown that the capacity of Japanese electronic typewriter manufacturers is approximately 2,5 million units per annum. Since sales of alpha-numeric typewriters in Japan are limited, most of the electronic typewriters produced in Japan are destined to be exported, and since the market for this product in the EEC is less developed than in the US it is very probable that a large proportion of the Japanese machines will be exported to the EEC in the immediate future, thus further posing a threat of injury in addition to the actual injury already incurred.

- (35) The volume of the dumped imports, their market share and the prices at which they are offered for sale in the Community led the Commission to

determine that the effects of dumped imports of electronic typewriters originating in Japan taken in isolation have to be considered as constituting material injury to the Community industry concerned.

G. Community interest

- (36) The preliminary investigation has shown that the whole future of the business equipment industry in the Community may depend on the viability of the product concerned. Because of the extent of the injury caused the Commission has come to the conclusion that it is in the Community's interest to take action. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty on imports of electronic typewriters from Japan with the exception of those imported from Nakajima All Co. Ltd.

H. Undertaking

- (37) Kyushu Matsushita Electric Co. Ltd (Matsushita), a producer which did not sell on the Japanese market and which had never exported to the Community, requested exclusion from the scope of any protective measures taken in connection with this product and offered an undertaking regarding future exports. In support of its offer the company submitted preliminary information relating to costs of production for the models which it intends to export to the EEC.

- (38) The reasons why, in general, undertakings from potential exporters should not be accepted have already been set out in Council Regulation (EEC) No 3337/84⁽¹⁾. In the particular case of Matsushita the Commission considers that the data presented by the company are not relevant to its investigation since they do not relate to the same period of time for which investigations have been carried out with those Japanese producers which did export to the Community.

Furthermore, in view of the fact that it has been stated that any future sales in the Community will be made through Matsushita's subsidiaries, which have not been investigated by the Commission, it is not possible to determine satisfactory future export prices to the EEC for Matsushita's products.

⁽¹⁾ OJ No L 311, 29. 11. 1984, p. 26.

- (39) In the light of the foregoing the Commission has decided, after consultation, not to accept the undertaking offered by Matsushita. However, if the company begins to export to the Community it may be appropriate to apply the provisions of Articles 14 and 16 of Regulation (EEC) No 2176/84 relating respectively to reviews and refunds of anti-dumping duties.

I. Rate of duty

- (40) Having regard to the extent of injury caused, the rate of such duty should correspond to the margin of dumping provisionally estimated.
- (41) A period should be fixed within which the parties concerned may make their views known and request a hearing,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of electronic typewriters falling within subheading ex 84.51 A of the Common Customs Tariff, corresponding to NIMEXE codes 84.51 ex 14, ex 19 and ex 20, originating in Japan.
2. The duty shall not apply to electronic typewriters produced and exported by Nakajima All Co. Ltd in respect of which the proceeding is hereby terminated.
3. The rate of the duty shall be as set out below expressed as a percentage of the price net, free-at-Community-frontier, before duty:

Manufacturers/Exporters

Rate of anti-dumping duty (%)

Brother Industries Ltd	43,7
Canon Inc.	33,3
Sharp Corporation	21,1
Silver Seiko Ltd	26,6
TEC Tokyo Electric Co. Ltd	6,9
Tokyo Juki Industrial Co. Ltd	34,2
Towa Sankiden Corporation	20,2
Others	43,7

4. The provisions in force concerning customs duties shall apply.

5. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views and apply to be heard orally by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 20 December 1984.

For the Commission

Wilhelm HAERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 3644/84**of 20 December 1984****fixing the reference prices for fishery products for the 1985 fishing year**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3796/81 of 29 December 1981 on the common
organization of the market in fishery products⁽¹⁾, and
in particular the first subparagraph of Article 21 (6)
thereof,

Whereas Article 21 (1) of Regulation (EEC) No
3796/81 provides, among other things, for reference
prices valid for the Community to be fixed each year,
by product category, for the products specified in
Annexes I, II, III, IV (B) and V to that Regulation ;

Whereas Article 21 (2) of Regulation (EEC) No
3796/81 provides that the reference price for the
products specified in Annex I (A) and (D) thereto must
be equal to the withdrawal price fixed in accordance
with Article 12 (1) thereof ;

Whereas the withdrawal prices for the 1984 fishing
year for the fishery products specified in Annex I (A)
and (D) to Regulation (EEC) No 3796/81 were fixed by
Commission Regulation (EEC) No 3580/84⁽²⁾ ;

Whereas the reference prices for the products specified
in Annex II to Regulation (EEC) No 3796/81 must be
derived from their guide prices by reference to the
price level at which the intervention measures
provided for in Article 16 (1) thereof may be taken,
and fixed taking account of the situation on the
market in those products ; whereas the reference prices
for those products should therefore be 85 % of the
guide prices fixed by Council Regulation (EEC) No
3432/84⁽³⁾ ;

Whereas the reference prices for the tuna specified in
Annex III to Regulation (EEC) No 3796/81 are based
on the weighted average of the free-at-frontier prices
recorded on the most representative markets in the
Member States during the three preceding years ;

Whereas the reference prices for the products specified
in Annexes I (B) and (C) and IV (B) to Regulation
(EEC) No 3796/81 are determined on the basis of the
average of the reference prices for the fresh product,
account being taken of the processing costs and of the
need to ensure a price relationship in keeping with the
market situation ;

Whereas, for the frozen products specified in Annex V
to Regulation (EEC) No 3796/81 for which no
reference price is fixed for the fresh product, the
reference prices are determined on the basis of the
reference price applied to a commercially similar fresh
product ;

Whereas, because of the volume and the conditions of
importation of certain products, it is not necessary to
fix immediately a reference price for these products ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The reference prices for the 1985 fishing year for the
products specified in Annexes I, II, III, IV (B) and V to
Regulation (EEC) No 3796/81 shall be as shown in the
Annex hereto.

Article 2

This Regulation shall enter into force on 1 January
1985.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 332, 20. 12. 1984, p. 43.

⁽³⁾ OJ No L 318, 7. 12. 1984, p. 3.

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

Done at Brussels, 20 December 1984.

For the Commission
Giorgios CONTOGEORGIS
Member of the Commission

ANNEX

1. Reference prices for the products listed in Annex I (A) and (D) to Regulation (EEC) No 3796/81

Fresh or chilled products		Reference prices (ECU/tonne)			
Species	Size (1)	Gutted fish with head		Whole fish	
		Extra, A (1)	B (1)	Extra, A (1)	B (1)
Herring	1	0	0	242	242
03.01 B I a) 1 aa) and	2	0	0	227	227
03.01 B I a) 2 aa)	3	0	0	143	143
Sardines	1	0	0	251	160
03.01 B I d) 1	2	0	0	251	160
(a) from the Atlantic	3	0	0	388	160
	4	0	0	251	160
(b) from the Mediterranean	1	0	0	206	131
	2	0	0	206	131
	3	0	0	319	131
	4	0	0	206	131
Dogfish	1	506	371	479	338
(Squalus acanthias)	2	432	304	405	270
ex 03.01 B I e) 1 aa)	3	236	169	203	135
Dogfish	1	521	391	488	326
(Scyliorhinus spp)	2	521	391	456	326
ex 03.01 B I e) 1 aa)	3	358	260	293	163
Redfish	1	0	0	665	665
03.01 B I f) 1	2	0	0	665	665
	3	0	0	562	562
Cod	1	804	759	580	446
(Gadus morrhua)	2	804	759	580	446
ex 03.01 B I h) 1	3	759	625	446	357
	4	607	420	348	250
	5	429	250	259	170
Saithe	1	449	449	349	349
03.01 B I ij) 1	2	449	449	349	349
	3	444	444	344	344
	4	369	270	195	145
Haddock	1	595	529	463	397
03.01 B I k) 1	2	595	529	463	397
	3	509	430	357	245
	4	483	404	351	245
Whiting	1	487	457	365	244
03.01 B I l) 1	2	487	457	365	244
	3	463	371	335	140
	4	335	225	244	140
Ling	1	596	456	491	350
03.01 B I m) 1	2	582	442	477	336
	3	526	385	420	280
Mackerel	1	0	0	202	202
(Scomber scombrus)	2	0	0	202	179
ex 03.01 B I o) 1 aa) and	3	0	0	202	167
ex 03.01 B I o) 2 aa)					

(1) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3796/81.

Fresh or chilled products		Reference prices (ECU/tonne)			
Species	Size (°)	Gutted fish with head		Whole fish	
		Extra, A (°)	B (°)	Extra, A (°)	B (°)
Anchovies 03.01 B I p) 1	1	0	0	340	219
	2	0	0	413	219
	3	0	0	340	219
	4	0	0	141	141
Plaice 03.01 B I q) 1 — 1 January to 30 April 1985 — 1 May to 31 December 1985	1	556	525	303	303
	2	556	525	303	303
	3	525	494	303	303
	4	414	383	296	296
	1	758	716	413	413
	2	758	716	413	413
	3	716	674	413	413
	4	564	522	404	404
Hake (Merluccius merluccius) ex 03.01 B I t) 1	1	1 825	1 723	1 419	1 318
	2	1 825	1 723	1 419	1 318
	3	1 581	1 480	1 257	1 054

Simply boiled in water	Size (°)	Reference prices (ECU/tonne)	
		A (°)	B (°)
Shrimps of the genus Crangon crangon ex 03.03 A IV b) 1	1	869	735
	2	401	401

(°) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EEC) No 3796/81.

2. Reference prices for the products listed in Annex II to Regulation (EEC) No 3796/81

CCT heading No	Description	Reference prices (ECU/tonne)
A. Frozen products falling within CCT heading No 03.01 :		
03.01 B I d) 2	Sardines (<i>Sardina pilchardus</i>)	331
03.01 B I s) 2	Sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i> spp	1 051
B. Frozen products falling within CCT heading No 03.03 :		
03.03 B IV a) 1 aa)	Squid (<i>Loligo</i> spp): — <i>Loligo vulgaris</i> : not cleaned cleaned — <i>Loligo pealei</i> : not cleaned cleaned — Other species: not cleaned cleaned	2 061
03.03 B IV a) 1 bb)	Squid (<i>Todarodes sagittatus</i>): not cleaned cleaned	978
03.03 B IV a) 1 cc)	Squid (<i>Illex</i> spp): — <i>Illex illecebrosus</i> : not cleaned cleaned — Other species: not cleaned cleaned	1 028 1 028
03.03 B IV a) 2	Cuttle-fish of the species <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeleti</i>	1 329
03.03 B IV a) 3	Octopus	1 009

3. Reference prices for the products listed in Annex III to Regulation (EEC) No 3796/81

Tuna, fresh, chilled or frozen, for the industrial manufacture of products falling within heading No 16.04 — subheading 03.01 B I c) 1.

Product	Reference prices (ECU/tonne)		
	Whole	Gilled and gutted	Other
A. Yellowfin tuna (<i>Thunnus albacares</i>):			
1. weighing more than 10 kg each ⁽¹⁾	731	833	906
2. weighing not more than 10 kg each ⁽¹⁾	665	758	825
B. Albacore (<i>Thunnus alalunga</i>):			
1. weighing more than 10 kg each ⁽¹⁾	833	949	1 033
2. weighing not more than 10 kg each ⁽¹⁾	1 060	1 208	1 314
C. Other species	468	534	580

⁽¹⁾ Reference to weight applies to whole products.

4. Reference prices for the products listed in Annex IV (B) and V to Regulation (EEC) No 3796/81

Frozen products falling within subheadings 03.01 B I, B II and 16.04 G I

Species	Presentation	Reference prices (ECU/tonne)
1. Redfish	Whole fish : — With or without head — Other Filletts : — With bones (standard) — Boneless — Blocks in immediate packing weighing not more than 4 kg Minced blocks	 723 1 101 1 441 1 694 1 902 895
2. Cod	Whole fish : — With or without head — Other Filletts : — Industrial blocks, with bones (standard) — Industrial blocks, boneless — Individual filletts, with skin — Individual filletts, skinless — Blocks in immediate packing weighing not more than 4 kg Minced blocks	 865 1 293 1 866 2 133 1 983 2 309 2 391 982
3. Saithe	Whole fish : — With or without head — Other Filletts : — Industrial blocks, with bones (standard) — Industrial blocks, boneless — Individual filletts, with skin — Individual filletts, skinless — Blocks in immediate packing weighing not more than 4 kg Minced blocks	 560 836 1 153 1 269 1 189 1 330 1 427 648

Species	Presentation	Reference prices (ECU/tonne)
4. Haddock	Whole fish :	
	— With or without head	706
	— Other	994
	Fillets :	
	— Industrial blocks, with bones (standard)	1 704
	— Industrial blocks, boneless	2 130
	— Individual fillets, with skin	1 931
	— Individual fillets, skinless	2 172
	— Blocks in immediate packing weighing not more than 4 kg	2 272
	Minced blocks	792
5. Mackerel	Whole fish :	
	— With head	313
	— Headless	348
	— Sides	482
	Fillets	608
6. Hake	Whole fish :	
	— With or without head	654
	— Other	988
	Fillets :	
	— Industrial blocks, with bones (standard)	1 000
	— Industrial blocks, boneless	1 188
	— Individual fillets, with skin	1 069
	— Individual fillets, skinless	1 256
	— Blocks in immediate packing weighing not more than 4 kg	1 327
	Minced blocks	772

COMMISSION REGULATION (EEC) No 3645/84**of 21 December 1984****on transitional measures concerning the application of certain monetary compensatory amounts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 2836/84 of 8 October 1984 on transitional measures concerning the application of certain monetary compensatory amounts in the trade of certain Member States⁽¹⁾, as amended by Regulation (EEC) No 3027/84⁽²⁾, and in particular Article 9 thereof,

Whereas Regulation (EEC) No 2836/84 laid down a framework for measures, the practical details of which remain to be determined, intended to prevent artificial traffic at the time of changes in the agri-monetary arrangements;

Whereas new representative rates fixed by Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 855/84⁽⁴⁾, will be applied in the Federal Republic of Germany from 1 January 1985; whereas as a result the monetary compensatory amounts to be applied from that date will be significantly modified;

Whereas it is likely that on this occasion speculative traffic in certain products will occur, and possibly deflect trade;

Whereas in order to prevent such deflections it should be specified, pursuant to Annex C to Regulation (EEC) No 2836/84, that the monetary compensatory amounts for these products applicable before 1 January 1985 shall remain applicable for a limited period beyond

that date; whereas the exact products and the length of the period applicable to each must be determined in the light of the specific conditions governing the marketing of these products;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2836/84 shall apply from 1 January 1985 as follows:

- (a) the date of the change shall be 1 January 1985;
- (b) the initial date shall be 1 December 1984;
- (c) the products and the periods indicated in Annex I to the said Regulation shall be those indicated in Annex I to this Regulation;
- (d) application of Annex II to the said Regulation shall be limited to Part C thereof; the movements and products affected shall be those indicated in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 268, 9. 10. 1984, p. 11.

⁽²⁾ OJ No L 287, 31. 10. 1984, p. 8.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX I

Products concerned	Applicable until
Cereals 10.01 B I 10.02 10.03 10.05 B 23.07 B I a) 1 a) 2 b) 1 b) 2 c) 1 c) 2	31 January 1985
Pigmeat ex 02.01 A III a) fresh or chilled meat ex 02.01 A III a) frozen meat 02.06 B I 16.01 16.02 A II 16.02 B III a)	10 January 1985 31 January 1985
Beef and veal 02.01 A II a) 02.01 A II b) 16.02 B III b) 1 aa)	10 January 1985 31 January 1985
Milk and milk products 04.03	31 January 1985
Eggs and poultrymeat ex 02.02 B I ex 02.02 B II d) } fresh or chilled ex 02.02 B II g) } ex 02.02 B I ex 02.02 B II d) } frozen ex 02.02 B II g) } 04.05 B I a) 1 04.05 B I b) 3 35.02 A II a) 1	10 January 1985 31 January 1985
Goods covered by Regulation (EEC) No 3033/80 21.07 G VI to IX	31 January 1985

ANNEX II

C

1	2	3
<i>Importations into</i>	<i>Products concerned</i>	<i>Provenance</i>
— Federal Republic of Germany	Those listed in Annex I	— The other Member States — For products in one of the situations mentioned in Article 9 (2) of the Treaty, Switzerland or Austria

COMMISSION REGULATION (EEC) No 3646/84

of 21 December 1984

amending Regulation (EEC) No 3138/82 laying down detailed rules for the grant of a special carry-over premium for Mediterranean sardines and anchovies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, and in particular Article 14 (7) thereof,

Having regard to Council Regulation (EEC) No 2204/82 of 28 July 1982 laying down general rules for the granting of a special carry-over premium for Mediterranean sardines and anchovies⁽²⁾, and in particular Article 5 thereof,

Whereas experience gained since the entry into force of Commission Regulation (EEC) No 3138/82⁽³⁾ has shown the need for certain adjustments to the above-mentioned Regulation, and in particular for greater flexibility in the application of the system of contracts taking into account the general characteristics of production of the species concerned;

Whereas, to this end, the contracting parties should be authorized to reduce the quantities initially agreed below the 25 % tolerance margin laid down at present, when it has not been possible to comply with this margin for reasons outside the operators' control;

Whereas significant differences have been found to occur in the granting of the premium where the quantities delivered have remained more than 25 % below the quantities initially agreed, and whereas the new more flexible provision should therefore be introduced in the interest of the operators concerned, with retroactive effect from 1 January 1983, and a new time limit should be fixed for the submission of applications capable of benefiting from this new provision;

Whereas since processors' supply requirements may lead to supplementary supplies being sought, the provisions relating to the conclusion of new contracts between the operators concerned should be amended;

Whereas the second paragraph of Article 10 of the same Regulation lays down that, in the event of late submission of an application for the premium, the security lodged against the grant of an advance on the

premium can nevertheless be refunded subject to a deduction of 10 %; whereas the same provision should be laid down, with retroactive effect from 1 January 1983, for the grant of the premium itself, and a new time limit should be fixed for the submission of applications capable of benefiting from this provision.

Whereas, in particular where certain contracts are not fully executed, the processor may be forced to use, for the same lot of processed products, supplies of raw materials of various origins; whereas this situation entails serious difficulties in keeping stock records as regards the intended use of the merchandise; whereas it should consequently be made clear that, with a view to the control of the processed products at the marketing stage, the total daily output of the undertaking should be entered into the general records of stocks of total finished products;

Whereas, where an infringement of limited importance is committed against the special carry-over premium scheme, the limited financial benefit deriving from such an infringement should not be penalized by complete loss of entitlement to the premium but simply by a flat-rate reduction in the latter;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3138/82 is hereby amended as follows:

1. The following subparagraph is added to Article 3 (2):

'However, the additional clauses may relate to quantities falling short of the quantities originally specified by more than the abovementioned 25 % tolerance if it is shown to the satisfaction of the Member State that the failure to comply with the tolerance in question is due to significant changes in the conditions affecting production of the raw material, in particular biological and climatic conditions, or to any other reason beyond the control of the operators.'

⁽¹⁾ OJ No L 379, 29. 12. 1981, p. 1.

⁽²⁾ OJ No L 235, 10. 8. 1982, p. 7.

⁽³⁾ OJ No L 335, 29. 11. 1982, p. 9.

2. Article 3 (3) is replaced by the following :

'3. During the period of validity of each purchase contract, the contracting parties may not conclude with each other new contracts for the products in question unless the current contract has been fully executed by the date of expiry of the period of validity.'

3. Article 6 (1) (c) is replaced by the following :

'(c) as regards the intended use of the merchandise :

— total daily output as entered in the records of stocks of total finished products.'

4. The following subparagraph is added to Article 8 (1) :

'However, if the application is submitted at the latest in the second month following the dates of expiry of the abovementioned time limits, the premium or proportion thereof for which an advance has not been requested shall be paid, less an amount equal to 10 % of the amount of the premium for each month or part of a month by which the application in question overran the time limit.'

5. The third indent of Article 8 (2) is replaced by the following :

'— in the case of a purchase contract, the invoice number, the contract number and, where appropriate, proof of the circumstances mentioned in the last subparagraph of Article 3 (2).'

6. The first subparagraph of Article 9 is replaced by the following :

'In the cases referred to in Article 8 (1) (a) and (c), the Member State shall each month grant an advance on the special carry-over premium to

persons applying therefor, provided that the latter provide a security equal to 105 % of the amount of the advance.'

7. The following Article is inserted after Article 12 :

'Article 12a

1. Where a limited infringement against the system of special carry-over premium has been committed by the recipient of the premium and it is shown by the latter, to the satisfaction of the Member State concerned, that the infringement was not committed with fraudulent intent or as a result of serious negligence, the Member State shall withhold an amount equal to 10 % of the Community withdrawal price applicable to the quantities in respect of which the infringement was committed which are intended to qualify or already have qualified for the special carry-over premium.

2. Member States shall notify the Commission of cases where they have applied paragraph 1.'

Article 2

By way of derogation from Article 8 (1) of Regulation (EEC) No 3138/82, a new time limit of three months from the date of entry into force of this Regulation is set for the submission of an application for payment of the special carry-over premium relating to quantities processed before that date and capable of benefiting from the provisions set out in the second subparagraph of Article 3 (2) and the second subparagraph of Article 8 (1) of Regulation (EEC) No 3138/82.

Article 3

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

Article 1 (1), (4) and (5) shall apply with effect from 1 January 1983.

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

Done at Brussels, 21 December 1984.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission

COMMISSION REGULATION (EEC) No 3647/84

of 21 December 1984

amending Regulation No 282/67/EEC on detailed rules for intervention for oilseeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2260/84 ⁽²⁾, and in particular Article 26 (3) thereof,

Whereas since Council Regulation (EEC) No 1102/84 ⁽³⁾ provided for an upward adjustment as regards the oil content of sunflower seed of the standard quality used for the intervention price for sunflower seed, it is necessary to amend Annex I (II) of Commission Regulation (EEC) No 282/67/EEC ⁽⁴⁾, as last amended by Regulation (EEC) No 2712/84 ⁽⁵⁾, which details the unit intervention price increases or decreases above or below the standard quality;

Whereas Commission Regulation (EEC) No 1470/68 ⁽⁶⁾, as amended by Regulation (EEC) No 3519/84 ⁽⁷⁾, permits Member States to use a second method for determining the oil content of colza and rape seed using nuclear magnetic resonance spectrometry in addition to the existing method; whereas it is necessary to provide for the use of this second method for determining the oil content of colza and rape seed accepted for intervention;

Whereas since Regulation (EEC) No 1204/72 ⁽⁸⁾ has been repealed and has been replaced by Regulation

(EEC) No 2681/83 ⁽⁹⁾, references in Regulation No 282/67/EEC to Regulation (EEC) No 1204/72 should be replaced by references to Regulation (EEC) No 2681/83;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation No 282/67/EEC is hereby amended as follows:

1. In Article 4, the words 'a single method' are replaced by the words 'common methods'.
2. In Annex I where the term 'Regulation (EEC) No 1204/72' appears, it is replaced by the term 'Regulation (EEC) No 2681/83'.
3. In Annex I and II, the figure '40 kg' is replaced by the figure '42 kg'.

Article 2

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

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 1.

⁽³⁾ OJ No L 113, 28. 4. 1984, p. 8.

⁽⁴⁾ OJ No 151, 13. 7. 1967, p. 1.

⁽⁵⁾ OJ No L 258, 27. 9. 1984, p. 14.

⁽⁶⁾ OJ No L 239, 28. 9. 1968, p. 2.

⁽⁷⁾ OJ No L 328, 15. 12. 1984, p. 12.

⁽⁸⁾ OJ No L 133, 10. 6. 1972, p. 1.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

COMMISSION REGULATION (EEC) No 3648/84**of 21 December 1984****amending for the sixth time Regulation (EEC) No 2108/83 opening a standing invitation to tender for the sale of dried grapes and dried figs intended for specific uses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1603/83 of 14 June 1983 laying down special measures for the disposal of dried grapes and dried figs held by storage agencies ⁽¹⁾, as amended by Regulation (EEC) No 3489/84 ⁽²⁾, and in particular Article 1 (5) thereof,

Whereas Commission Regulation (EEC) No 2108/83 ⁽³⁾, as last amended by Regulation (EEC) No 2713/84 ⁽⁴⁾, opened a standing invitation to tender for the sale of dried grapes and dried figs from the 1981 harvest; whereas products from the 1982 harvest should also be included in this invitation; whereas the Regulation should be amended accordingly;

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

Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2108/83 is hereby amended as follows:

1. In the title the words 'from the 1981 harvest' are deleted.
2. In Article 1 (1) '1982' is replaced by '1983'.

Article 2

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

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 159, 17. 6. 1983, p. 5.

⁽²⁾ OJ No L 327, 14. 12. 1984, p. 1.

⁽³⁾ OJ No L 204, 28. 7. 1983, p. 41.

⁽⁴⁾ OJ No L 258, 27. 9. 1984, p. 15.

COMMISSION REGULATION (EEC) No 3649/84
of 21 December 1984

**on the sale at a price fixed in advance of dried grapes and dried figs from the
 1982 harvest intended for specific uses**

THE COMMISSION OF THE EUROPEAN
 COMMUNITIES,

Having regard to the Treaty establishing the European
 Economic Community,

Having regard to Council Regulation (EEC) No
 1603/83 of 14 June 1983 laying down special
 measures for the disposal of dried grapes and dried figs
 held by storage agencies ⁽¹⁾, as amended by Regulation
 (EEC) No 3489/84 ⁽²⁾, and in particular Article 1 (5)
 thereof,

Whereas Regulation (EEC) No 1603/83 provides that
 dried grapes and dried figs may be sold for the making
 of certain food preparations or for distillation; whereas
 dried grapes and dried figs from the 1982 harvest
 intended for such uses should be sold at a price fixed
 in advance; whereas the quantity sold for food prepa-
 rations should be limited to a specific quantity to
 avoid products sold for this use competing with dried
 grapes from the 1984 harvest;

Whereas the prices should be fixed at a level which
 reflects the age of the products as well as their specific
 use; whereas, in respect of products intended for
 distillation, the price combined with the yield must be
 such to avoid disturbing the Community market in
 alcohol and spirituous beverages;

Whereas, if the products are not used for the intended
 use, it should be ensured that the risk of disturbance of
 the normal market is limited; whereas, to that end, a
 processing security should be required;

Whereas Commission Regulation (EEC) No 3263/81
 of 16 November 1981 laying down rules covering sales
 by tender or at prices fixed in advance of dried figs
 and dried grapes held by storage agencies ⁽³⁾ contains
 provisions for sale at prices fixed in advance of the
 products intended for consumption; whereas certain
 of these rules should also be applied to products sold
 under this Regulation;

Whereas products from intervention stocks destined
 for a specific use and/or destination are subject to the

measures provided for in Commission Regulation
 (EEC) No 1687/76 of 30 June 1976 laying down
 common detailed rules for verifying the use and/or
 destination of products from intervention ⁽⁴⁾, as last
 amended by Regulation (EEC) No 2956/84 ⁽⁵⁾;
 whereas products from storage agencies destined for a
 specific use are in a similar situation to those covered
 by Regulation (EEC) No 1687/76; whereas the provi-
 sions of that Regulation should also apply to products
 sold under this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1.

1. The storage agencies listed in Annex I shall
 undertake the sale of:

- (a) dried grapes and dried figs from the 1982 harvest
 to distillation industries;
- (b) dried grapes from the 1982 harvest for the manu-
 facture of:
 - pickles falling within subheading ex 20.01 C of
 the Common Customs Tariff, or
 - sauces, mixed condiments and mixed season-
 ings falling within subheading 21.04 C of the
 Common Customs Tariff.

2. Dried grapes and figs for distillation industries
 shall be sold to buyers undertaking to use the dried
 grapes or figs for the manufacture of alcohol of an
 alcoholic strength of 80 % vol or higher falling within
 subheading 22.08 B of the Common Customs Tariff.

⁽¹⁾ OJ No L 159, 17. 6. 1983, p. 5.

⁽²⁾ OJ No L 327, 14. 12. 1984, p. 1.

⁽³⁾ OJ No L 329, 17. 11. 1981, p. 8.

⁽⁴⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁵⁾ OJ No L 279, 23. 10. 1984, p. 4.

The price is fixed at :

- 20 ECU per 100 kilograms for dried grapes to be distilled on Crete,
- 15 ECU per 100 kilograms for dried grapes to be distilled outside Crete, and
- 7,5 ECU per 100 kilograms for dried figs.

These prices are independent of quality characteristics.

3. The sale of dried grapes for the manufacture of the products referred to in paragraph 1 (b) shall be limited to a maximum of 1 500 tonnes and shall be sold to buyers undertaking to use the dried grapes for those purposes. The price of such dried grapes is fixed at 35 ECU per 100 kilograms, independent of quality characteristics.

4. A processing security guaranteeing fulfilment of the obligations undertaken shall be required.

Article 2

1. The provisions of Articles 2 to 5, 14, 15, 16 (1), 18 and 19 of Regulation (EEC) No 3263/81 shall apply to sales under this Regulation.

2. The purchase application must, in addition to the particulars provided for in Article 2 (2) of Regulation (EEC) No 3263/81, contain a declaration whereby the applicant undertakes to use the products for the purposes referred to in Article 1 (2) or that referred to in Article 1 (3) of this Regulation.

3. Applications to purchase must be submitted in writing to the Greek storage agency, at the head office of IDAGEP, 5 Acharnon Street, Athens, for dried grapes and figs held by the Greek storage agency.

4. Information on the quantities and places where the products are stored may be obtained by those concerned from the addresses given in Annex I.

Article 3

Before the purchaser takes delivery of the products, the processing security referred to in Article 1 (4) shall be lodged in accordance with the provisions of Article 13 of Regulation (EEC) No 1687/76. The security is fixed at :

- 30,5 ECU per 100 kilograms for dried grapes covered by Article 1 (2),
- 7,0 ECU per 100 kilograms for dried figs covered by Article 1 (2), and
- 10,5 ECU per 100 kilograms for dried grapes covered by Article 1 (3).

Article 4

1. When the purchase price has been paid and the processing security lodged, the storage agency shall issue a removal order indicating the particulars required by Article 6 (1) of Regulation (EEC) No 1687/76.

2. The provisions laid down in Regulation (EEC) No 1687/76 shall apply to transactions covered by this Regulation.

3. The additional information to be inserted in box 104 of the control copy is indicated in Annex II.

Article 5

Except in cases of *force majeure*, the security provided for in Article 16 (1) of Regulation (EEC) No 3263/81 shall be released only for quantities in respect of which :

- (a) the application is not accepted ; or
- (b) the purchaser has paid the purchase price and lodged the processing security.

Article 6

The Member States shall communicate to the Commission the quantity of products sold with indication of the intended use of the products. The communication shall be made not later than the 25th for products sold in the period from the first to the 15th of a month and not later than the 10th of the following month for products sold in the period from the 16th to the last day of the preceding month.

Article 7

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

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I**List of storage agencies referred to in Article 1****A. Dried grapes**

1. KSOS, Kanaris Street 24, Athina, Greece.
2. Enosis Georgicon Sineterismon Iracliou Critis, Iracliou Critis, Greece.
3. Enosis Georgicon Sineterismon Messaras, Mires Iracliou Critis, Greece.
4. Enosis Georgicon Sineterismon Monofatsiou, Assimi Iracliou Critis, Greece.
5. Eleourgicos, Oinopiiticos ke Pistoticos Sineterismos Archanon Critis, Archanes Critis, Greece.
6. Eleourgicos ke Oinopiiticos Sineterismos Casteliou Pediados Critis, Casteli Pediados Critis, Greece.
7. Eleourgicos Sineterismos Kroussonos Iracliou Critis, Iraclio Critis, Greece.
8. Enosis Paragogicon Sineterismon Pezon, Kalloni Iracliou Critis, Greece.
9. Enosis Paragogicon Sineterismon, Melopotamos Critis, Greece.
10. Enosis Paragogicon Sineterismon, Sitia Critis, Greece.

B. Figs

1. Sykiki, Kritis Street 13, Kalamata, Greece.
2. Giat, Monfrassano Scalo, 87010 Cosenza, Italy.

ANNEX II**Additional information to be indicated in section 104 of the control copy****A. Dried grapes or figs destined for distillation industries:**

Section 104: 'Til fremstilling af alkohol (forordning (EØF) nr. 3649/84)',
'Zur Herstellung von Alkohol (Verordnung (EWG) Nr. 3649/84)',
'Για την παρασκευή αλκοόλης (κανονισμός (ΕΟΚ) αριθ. 3649/84)',
'For the manufacture of alcohol (Regulation (EEC) No 3649/84)',
'Destiné à la fabrication d'alcool (règlement (CEE) n° 3649/84)',
'Destinato alla fabbricazione di alcole (regolamento (CEE) n. 3649/84)',
'Voor vervaardiging van alcohol (Verordening (EEG) nr. 3649/84)'.

B. Dried grapes destined for the manufacture of pickles, sauces, mixed condiments or mixed seasonings:

Section 104: 'Til forarbejdning (forordning (EØF) nr. 3649/84)',
'Zur Verarbeitung (Verordnung (EWG) Nr. 3649/84)',
'Για μεταποίηση (κανονισμός (ΕΟΚ) αριθ. 3649/84)',
'For processing (Regulation (EEC) No 3649/84)',
'Destiné à la transformation (règlement (CEE) n° 3649/84)',
'Destinato alla trasformazione (regolamento (CEE) n. 3649/84)',
'Voor verwerking (Verordening (EEG) nr. 3649/84)'.

COMMISSION DECISION No 3650/84/ECSC
of 21 December 1984

laying down the conditions and criteria for the application of Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2177/83/ECSC of 28 July 1983 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽¹⁾, and in particular Article 14e thereof,

Having regard to Commission Decision No 234/84/ECSC of 31 January 1984 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽²⁾, and in particular Article 8 thereof,

Whereas :

1. Aim

of Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC :

The purpose of the Articles is to enable the Commission to limit to a maximum of 3 % the loss of relativity during a quarter by a company not benefiting, or benefiting relatively less than Community undertakings viewed as a whole, from the Articles concerning adjustments in the form of supplementary quotas.

The position on quota must be corrected category by category, with the proviso that the undertaking must also be suffering a 'substantial loss' in all the categories it produces.

It is the Commission's responsibility to lay down the conditions and criteria for application to enable the principle established by the above Articles to be realized.

2. Eligibility

The loss of relativity per category must exceed 3 %.

By definition, the condition of 'substantial loss' in all categories produced does not apply to 'mono-producers'.

In order to avoid discrimination between 'mono-production' and 'multi-producers' the 'substantial

loss' suffered by 'multi-producers' in all categories provided should be fixed at over 3 %.

3. Calculation of 'basic quotas'

The part of the loss of relativity in excess of 3 % to be fully compensated is that suffered 'during a quarter'; the 'basic quotas' resulting solely from the application of the abatement rates should therefore be compared with the undertaking's reference figures during that quarter and the final quotas for the quarter, including any adjustment to the quotas.

Pursuant to the provisions of Article 14e of Decision No 2177/83/ECSC and of Article 8 of Decision No 234/84/ECSC, the reference figures to be taken into consideration are those calculated in accordance with the provisions of Articles 6 and 7 of the above Decisions, including the adjustments obtained by the application of Article 14d of the former Decision.

The reference figures taken into consideration should also include adjustments made thereto at a later date under the regime of Decision No 234/84/ECSC.

4. Calculation of the adjusted quotas

As the purpose of the Article is to provide partial compensation for loss of relativity by an undertaking not benefiting, or benefiting relatively less than other undertakings, from the Articles concerning adjustment, the following Articles should be excluded :

— Article 10 (1), under which the Commission authorizes an undertaking to produce amounts in respect of which application has been made and which are in excess of its specific reference figures and compatible with the particular market for material for the production of small tubes. This is a mechanism which, by monitoring the destination of the products, makes it possible to respond to demand in this particular market although the product comes under category Ia in which overall demand follows a different trend. Under this mechanism the products

⁽¹⁾ OJ No L 208, 31. 7. 1983, p. 1.

⁽²⁾ OJ No L 29, 1. 2. 1984, p. 1.

used for production — although monitored — are to some extent treated as products outside the system (e.g. products used for the production of tinplate, of large welded tubes, etc.) and are therefore not eligible to be taken into account in the implementation of this Article ;

- Article 11 (5), which authorized the Commission to grant additional quotas to an undertaking which, for technical reasons, produces for another undertaking an amount equivalent to that previously produced by that undertaking. This is a technical measure to rationalize work without increasing production ;
- Article 16, by which the Commission grants references, and therefore additional quotas, to Greek and Irish undertakings for reasons not relating to the situation of these undertakings as such, but to their situation *vis-à-vis* the particular trends in the economies of those two Member States.

5. Calculation of additional quotas

Article 9a of Decision No 2177/83/ECSC and Article 9A of Decision No 234/84/ECSC indicate that the additional quotas which may be granted under Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC are to be taken from the reserve referred to in Articles 9a and 9A taking into account, on one hand the priorities, laid down in the same Article in favour of Article 14, for dealing with individual cases and for agreed supplementary quantities, and on the other hand, the very nature of Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC which implies that these Articles may not be invoked until after applications under the other Articles dealing with the adjustment of quotas have been dealt with.

In addition, as the Articles concerning the adjustment of production differ from the Articles dealing with delivery in the common market, the calculations and the allocation of additional quotas should be made separately.

Finally, in accordance with Article 9a and 9A mentioned above, where several undertakings are eligible in one or more categories and where the amount available in the reserve for this category or categories is insufficient to cover all applications, the additional production quotas will be established *pro rata* on the basis of the reference production figures of the undertakings concerned.

Where deliveries in the common market are concerned, if a proportional reduction has to be made, it should be made *pro rata* on the basis of

the reference quantities of the undertakings concerned,

HAS ADOPTED THIS DECISION :

Article 1

The 'substantial loss' within the meaning of Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC shall be taken to mean a loss of over 3 %.

Article 2

Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC shall apply in the circumstances set out below where the loss of share within the meaning of Article 3 is more than 3 % of x.

Article 3

The loss of relativity during a quarter, by category and by all categories produced by an undertaking, shall be equal to the difference between the ratios (1) and (2) below, calculated as follows for the same quarter :

$$(1) = \frac{\text{undertaking's 'basic quotas'} \times 100,00}{\text{'basic quotas' for the Community as a whole for the category or categories in question}} = x$$

$$(2) = \frac{\text{undertaking's 'final quotas'} \times 100,000}{\text{'final quotas' for the Community as a whole for the category or categories in question}} = y$$

Article 4

The references to be used in laying down the 'basic quotas' within the meaning of Article 3 above shall be those calculated in accordance with the provisions of Articles 6 and 7 of Decision No 2177/83/ECSC and Decision No 234/84/ECSC, including the adjustments granted in applying Article 14d of the first of the above Decisions. Adjustments to the references made under the regime of Decision No 234/84/ECSC shall also be taken into account.

Article 5

The 'final quotas' within the meaning of Article 3 above shall be obtained by adding to the 'basic quotas' the sum of the additional quotas granted for the quarter in question under the provisions of Articles 14, 14a, 14b and 17 of Decision No 2177/83/ECSC, Articles 14, 14A, 14B, 14C and 17 of Decision No 234/84/ECSC and Article 10 (2) of the second of the above Decisions.

Article 6

The calculations and the allocation of additional quotas granted under the provisions of Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC shall be made separately for production quotas and for that proportion of the quotas which may be delivered in the common market.

Article 7

The additional production quotas and the proportion of these quotas which can be sold on the common market, which may be granted category by category under Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC, shall be calculated in such a way that the ratio between the final quotas of the undertaking concerned and the final quotas for Community undertakings as a whole in the category in question (including additional quotas granted under the provisions of Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC shall not differ by more than 3 % from the equivalent ratio between the basic quotas for the

undertaking concerned and the basic quotas for Community undertakings as a whole.

The quotas and parts of additional quotas referred to above shall be taken from the reserve laid down under the provisions of Articles 9a and 9A of the abovementioned Decisions after processing of the applications made under Articles 14, 14a and 14A, and 14b and 14B. If the amount available in this reserve is insufficient to meet all applications, the quotas and parts of additional quotas shall be established *pro rata* on the basis of the reference figures for the undertakings concerned.

Article 8

Article 14e of Decision No 2177/83/ECSC and Article 8 of Decision No 234/84/ECSC shall be implemented subject to the undertakings concerned submitting applications.

Article 9

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

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

Done at Brussels, 21 December 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION REGULATION (EEC) No 3651/84

of 20 December 1984

concerning the stopping of fishing for saithe by vessels flying the flag of the
Federal Republic of GermanyTHE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No
2057/82 of 29 June 1982 establishing certain control
measures for fishing activities by vessels of the
Member States⁽¹⁾, as amended by Regulation (EEC) No
1729/83⁽²⁾, and in particular Article 10 (3) thereof,Whereas Council Regulation (EEC) No 320/84 of 31
January 1984 fixing, for certain fish stocks and groups
of fish stocks occurring in the Community's fishing
zone, provisional total allowable catches for 1984, the
provisional share of these catches available to the
Community, the allocation of that share between the
Member States and the conditions under which the
total allowable catches may be fished⁽³⁾, as last
amended by Regulation (EEC) No 3434/84⁽⁴⁾, provides
for saithe quotas for 1984;Whereas, in order to ensure compliance with the
provisions relating to the quantitative limitations on
catches of stocks subject to quotas, it is necessary for
the Commission to fix the date by which catches
made by vessels flying the flag of a Member State are
deemed to have exhausted the quota allocated;Whereas, according to the information communicated
to the Commission, catches of saithe in the waters ofICES division V b (EC zone), VI, by vessels flying the
flag of the Federal Republic of Germany or registered
in the Federal Republic of Germany, have reached the
quota allocated for 1984,

HAS ADOPTED THIS REGULATION:

*Article 1*Catches of saithe in the waters of ICES division V b
(EC zone), VI, by vessels flying the flag of the Federal
Republic of Germany or registered in the Federal
Republic of Germany are deemed to have exhausted
the quota allocated to the Federal Republic of
Germany for 1984.Fishing for saithe in the waters of ICES division V b
(EC zone), VI, by vessels flying the flag of the Federal
Republic of Germany or registered in the Federal
Republic of Germany is prohibited, as well as the
retention on board, the transshipment and the landing
of such stock captured by the abovementioned vessels
after the date of application of this Regulation.*Article 2*This Regulation shall enter into force on the day of its
publication in the *Official Journal of the European
Communities*.

It shall apply with effect from 21 December 1984.

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

Done at Brussels, 20 December 1984.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.⁽²⁾ OJ No L 169, 28. 6. 1983, p. 14.⁽³⁾ OJ No L 37, 8. 2. 1984, p. 1.⁽⁴⁾ OJ No L 318, 7. 12. 1984, p. 6.

COMMISSION REGULATION (EEC) No 3652/84
of 21 December 1984
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2260/84 ⁽²⁾, and in particular Article 27 (4),

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 1474/84 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 3589/84 ⁽⁷⁾;

Whereas, for the period 21 to 27 November 1984, for certain currencies:

— for the current month, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72

differs by more than one point from the percentage adopted for the previous fixing,

— for certain following months the difference referred to in Article 2 (2) of Regulation (EEC) No 1569/72 exceeds 0,5 %; whereas this difference in the case of certain forward differential amounts differs by more than one point from the percentage adopted for the previous fixing;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3589/84 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 24 December 1984.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 1.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 332, 20. 12. 1984, p. 63.

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU)	14,012	14,434	13,817	14,017	14,483	14,172
2. Final aids						
Seeds harvested and processed in :						
— Federal Republic of Germany (DM)	42,20	36,83	35,47	36,20	37,31	37,32
— Netherlands (Fl)	41,46	41,50	39,93	40,74	42,00	41,91
— BLEU (Bfrs/Lfrs)	650,32	669,91	641,27	649,11	670,74	645,37
— France (FF)	87,86	90,74	85,68	85,94	89,13	86,92
— Denmark (Dkr)	117,91	121,46	116,27	117,95	121,87	118,48
— Ireland (£ Irl)	10,511	10,827	10,359	10,442	10,791	10,066
— United Kingdom (£)	8,414	8,674	8,285	8,406	8,694	8,499
— Italy (Lit)	20 065	20 666	19 505	19 521	20 188	18 881
— Greece (Dr)	1 105,27	1 143,02	1 081,91	1 098,54	1 140,47	1 110,88

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month
1. Gross aids (ECU)	18,626	19,241	20,624	20,919	21,385
2. Final aids					
Seeds harvested and processed in :					
— Federal Republic of Germany (DM)	55,01	48,71	51,99	52,97	54,05
— Netherlands (Fl)	54,57	54,88	58,54	59,63	60,85
— BLEU (Bfrs/Lfrs)	864,47	893,01	957,20	969,29	990,93
— France (FF)	118,10	122,33	131,40	132,20	135,53
— Denmark (Dkr)	156,74	161,91	173,55	176,03	179,95
— Ireland (£ Irl)	13,972	14,433	15,464	15,611	15,961
— United Kingdom (£)	11,225	11,605	12,466	12,646	12,938
— Italy (Lit)	26 484	27 548	29 221	29 343	30 018
— Greece (Dr)	1 494,73	1 550,41	1 679,15	1 704,38	1 748,72

ANNEX III

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current month	1st month	2nd month	3rd month	4th month	5th month
DM	2,231710	2,225550	2,219270	2,213730	2,213730	2,195580
Fl	2,519090	2,512280	2,505780	2,500170	2,500170	2,482190
Bfrs/Lfrs	44,839200	44,902900	44,961100	45,012800	45,012800	45,170500
FF	6,842570	6,853250	6,865830	6,877110	6,877110	6,919570
Dkr	7,985990	8,005450	8,020880	8,033130	8,033130	8,070200
£ Irl	0,715031	0,718653	0,722188	0,725041	0,725041	0,733642
£	0,605187	0,605563	0,605975	0,606333	0,606333	0,607599
Lit	1 377,46	1 384,53	1 391,40	1 397,57	1 397,57	1 416,76
Dr	91,4755	91,5383	91,6011	91,6653	91,6653	91,9250

COMMISSION REGULATION (EEC) No 3653/84

of 21 December 1984

fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2260/84 ⁽²⁾,

Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods ⁽³⁾, as amended by Regulation (EEC) No 3176/84 ⁽⁴⁾, and in particular Article 3 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the manufacture of certain preserved fish and vegetables;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for oils falling within subheading 15.07 A

II a) of the Common Customs Tariff; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For January and February 1985, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- 102,81 ECU per 100 kilograms for olive oil produced in the Community and utilized in Member States other than Greece,
- 96,65 ECU per 100 kilograms for olive oil produced in the Community and utilized in Greece,
- 55,00 ECU per 100 kilograms for olive oil other than that referred to in the preceding indents.

Article 2

This Regulation shall enter into force on 1 January 1985.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 1.

⁽³⁾ OJ No L 78, 30. 3. 1979, p. 2.

⁽⁴⁾ OJ No L 298, 16. 11. 1984, p. 4.

COMMISSION REGULATION (EEC) No 3654/84
of 21 December 1984
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1854/84⁽³⁾, as last amended by Regulation (EEC) No 3613/84⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1854/84 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 22 December 1984.

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

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 333, 21. 12. 1984, p. 45.

ANNEX

to the Commission Regulation of 21 December 1984 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	47,41
	B. Raw sugar	43,85 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 19 December 1984

on the use of vehicles hired without drivers for the carriage of goods by road

(84/647/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas, from a macroeconomic point of view, the use of hired vehicles permits, in certain situations, an optimum allocation of resources by limiting the wasteful use of factors of production;

Whereas, from a microeconomic point of view, this possibility brings an element of flexibility to the organization of transport, and thus increases the productivity of the undertakings concerned;

Whereas the First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road between Member States ⁽³⁾, as last amended by Directive 82/50/EEC ⁽⁴⁾, must be amended,

Article 1

For the purposes of this Directive:

- 'vehicle' means a motor vehicle, a trailer, a semi-trailer, or a combination of vehicles intended exclusively for the carriage of goods,
- 'hired vehicle' means any vehicle which, for remuneration and for a determined period, is put at the disposal of an undertaking which engages in the carriage of goods by road for hire or reward or for its own account on the basis of a contract with the undertaking which makes the vehicles available.

Article 2

Each Member State shall allow the use within its territory, for the purposes of traffic between Member States, of vehicles hired by undertakings established on the territory of another Member State provided that:

1. the vehicle is registered or put into circulation in compliance with the laws in the latter Member State;
2. the contract relates solely to the hiring of a vehicle without a driver and is not accompanied by a service contract concluded with the same undertaking covering driving or accompanying personnel;

⁽¹⁾ OJ No C 10, 16. 1. 1984, p. 91.

⁽²⁾ OJ No C 35, 9. 2. 1984, p. 19.

⁽³⁾ OJ No 70, 6. 8. 1962, p. 2005/62.

⁽⁴⁾ OJ No L 27, 4. 2. 1982, p. 22.

3. the hired vehicle is at the sole disposal of the undertaking using it during the period of the hire contract;
4. the hired vehicle is driven by personnel of the undertaking using it;
5. proof of compliance with the above conditions is provided by the following documents, which must be on board the vehicle:
 - (a) the contract of hire, or a certified extract from that contract giving in particular the name of the lessor, the name of the lessee, the date and duration of the contract and the identification of the vehicle;
 - (b) where the driver is not the person hiring the vehicle, the driver's employment contract or a certified extract from that contract giving in particular the name of employer, the name of the employee and the date and duration of the employment contract or a recent pay slip.

If need be, the documents referred to in (a) and (b) may be replaced by an equivalent document issued by the competent authorities of the Member State.

Article 3

1. Member States shall take the necessary measures to ensure that their undertakings may use, for the carriage of goods by road, under the same conditions as vehicles owned by them, hired vehicles registered or put into circulation in compliance with the laws in their countries, provided that those undertakings fulfil the conditions laid down in Article 2.
2. Member States may exclude own-account carriage from the provisions of paragraph 1.

Article 4

1. This Directive shall not affect the regulations of a Member State which lays down less restrictive conditions for the use of hired vehicles than those specified in Articles 2 and 3.
2. This Directive shall not affect the regulations of a Member State which lays down a minimum hire period for the use of hired vehicles by its undertakings.

Article 5

Without prejudice to Articles 2 and 3, this Directive shall not affect the application of the rules concerning:

- the organization of the market for the carriage of goods by road for hire or reward and own account

and in particular access to the market and, in particular, concerning quota restrictions on road capacities,

- prices and conditions for the carriage of goods by road,
- the formation of hire prices,
- the import of vehicles,
- the conditions governing access to the activity or occupation of road-vehicle lessor.

Article 6

In Annex I to the First Council Directive of 23 July 1962, point 11 (d), first subparagraph is replaced by the following:

- '(d) the vehicles carrying the goods must be owned by the undertaking or have been bought by it on deferred terms or hired provided that in the latter case they meet the conditions of Council Directive 84/647/EEC on the use of vehicles hired without drivers for the carriage of goods by road (1).

(1) OJ No L 335, 22. 12. 1984, p. 72.'

Article 7

Member States shall take the measures necessary to comply with this Directive not later than 30 June 1986 and shall forthwith inform the Commission thereof.

Article 8

No later than 30 June 1989 the Council shall re-examine Articles 3 (2) and 4 (2) hereof on the basis of a report from the Commission accompanied by proposals, if appropriate.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1984.

For the Commission

The President

J. BRUTON

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3522/84 of 14 December 1984 amending Regulation (EEC) No 900/84 with regard to the non-application of monetary compensatory amounts on certain cheeses imported from Australia and New Zealand

(Official Journal of the European Communities No L 328 of 15 December 1984, page 18)

Article 1, footnote (¹²), 10th line :

for: 'Article 11 (2)',

read: 'Articles 9 (1) and 11 (2)'.

COMMUNITY LAW

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This publication is an extract from the Seventeenth General Report on the Activities of the European Communities (1983).

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