

Official Journal

of the European Communities

ISSN 0378-6978

L 16

Volume 28

19 January 1985

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- Commission Regulation (EEC) No 137/85 of 18 January 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal 1
- Commission Regulation (EEC) No 138/85 of 18 January 1985 fixing the premiums to be added to the import levies on cereals, flour and malt 3
- Commission Regulation (EEC) No 139/85 of 16 January 1985 on delivery of maize to the Republic of Botswana as food aid 5
- Commission Regulation (EEC) No 140/85 of 16 January 1985 on the supply of common wheat to the World Food Programme as food aid 11
- ★ Commission Regulation (EEC) No 141/85 of 18 January 1985 amending Regulation (EEC) No 2267/84 providing for the grant of private storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hind-quarters and forequarters of beef 13
- ★ Commission Regulation (EEC) No 142/85 of 18 January 1985 laying down detailed rules for the application of the import arrangements provided for in Regulations (EEC) No 106/85 and (EEC) No 3688/84 in the beef and veal sector 14
- ★ Commission Regulation (EEC) No 143/85 of 18 January 1985 concerning the quantity of high-quality beef and veal from the United States of America and from Canada that may be imported under the arrangements laid down in Regulation (EEC) No 142/85 for 1985 20
- Commission Regulation (EEC) No 144/85 of 18 January 1985 laying down to what extent applications for issue of export licences submitted during January 1985 for beef and veal products which may benefit from special import treatment in a third country may be accepted 21

(Continued overleaf)

Contents (continued)

★ Commission Decision No 145/85/ECSC of 18 January 1985 amending Decision No 3544/73/ECSC implementing Decision 73/287/ECSC on coking coal and coke	22
Commission Regulation (EEC) No 146/85 of 18 January 1985 amending Regulation (EEC) No 24/85 on the supply of various lots of skimmed-milk powder as food aid . .	24
★ Commission Regulation (EEC) No 147/85 of 18 January 1985 laying down for the 1984/85 wine year detailed implementing rules for the distillation referred to in Article 41 of Regulation (EEC) No 337/79	25
★ Commission Regulation (EEC) No 148/85 of 18 January 1985 opening the distillation operation provided for in Article 41 of Regulation (EEC) No 337/79 for the 1984/85 wine-growing year	32
Commission Regulation (EEC) No 149/85 of 18 January 1985 fixing the import levies on white sugar and raw sugar	34

II *Acts whose publication is not obligatory*

Commission

85/32/EEC :

★ Commission Decision of 7 December 1984 rejecting a programme on the marketing of cattle submitted by North Rhine Westphalia pursuant to Council Regulation (EEC) No 355/77	35
--	----

85/33/EEC :

★ Commission Decision of 7 December 1984 approving a specific programme for the tobacco sector in Greece pursuant to Council Regulation (EEC) No 355/77	36
---	----

85/34/EEC :

★ Commission Decision of 7 December 1984 on Community financial participation in eradicating blue tongue disease in Greece	37
--	----

(Continued on inside back cover)

Contents (continued)

85/35/EEC :

- ★ **Commission Decision of 10 December 1984 temporarily suspending the status of certain parts of the territory of the Federal Republic of Germany with regard to classical swine fever 38**

85/36/ECSC, EEC, Euratom :

- ★ **Commission Decision of 13 December 1984 concerning the Federal Republic of Germany pursuant to Article 13 (2) of Regulation (EEC, Euratom, ECSC) No 2892/77 concerning own resources accruing from value added tax 39**

85/37/ECSC, EEC, Euratom :

- ★ **Commission Decision of 13 December 1984 concerning the Kingdom of the Netherlands pursuant to Article 13 (2) of Regulation (EEC, Euratom, ECSC) No 2892/77 concerning own resources accruing from value added tax . . 40**

85/38/EEC :

- ★ **Commission Directive of 14 December 1984 amending Annexes I and II to Council Directive 66/401/EEC on the marketing of fodder plant seed . . 41**

85/39/EEC :

- ★ **Commission Decision of 14 December 1984 amending Council Decision 82/736/EEC as regards the list of establishments in Sweden approved for the purposes of importing fresh meat into the Community 43**

85/40/EEC :

- ★ **Commission Decision of 14 December 1984 concerning certain protective measures against foot-and-mouth disease in Italy 46**

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 137/85

of 18 January 1985

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation 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 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 import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regu-
lation (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 coeffi-
cient;

Whereas these exchange rates being those recorded on
17 January 1985;

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 19 January
1985.

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESEN

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 18 January 1985 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	57,41
10.01 B II	Durum wheat	103,14 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	64,99 ⁽⁶⁾
10.03	Barley	76,65
10.04	Oats	51,39
10.05 B	Maize, other than hybrid maize for sowing	61,11 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	27,23 ⁽⁴⁾
10.07 C	Grain sorghum	66,28 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	95,57
11.01 B	Rye flour	105,40
11.02 A I a)	Durum wheat groats and meal	174,44
11.02 A I b)	Common wheat groats and meal	101,66

⁽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 138/85

of 18 January 1985

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 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 coefficient;

Whereas these exchange rates being those recorded on 17 January 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 January 1985.

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESEN

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 18 January 1985 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 1	1st period 2	2nd period 3	3rd period 4
10.01 B I	Common wheat, and meslin	0	2,45	2,45	1,43
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	0,55	0,55	4,24
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	4,05	4,05	4,05
10.07 C	Grain sorghum	0	2,26	2,26	2,26
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	3,43	3,43	2,01

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	4,36	4,36	2,55	2,55
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	3,26	3,26	1,90	1,90
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 139/85

of 16 January 1985

on delivery of maize to the Republic of Botswana 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 20 July 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 for 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 agency mentioned in Annex I hereto is hereby required to implement the mobilization and supply of the product stated in the said Annex as food aid, subject to the provisions of this Regulation.
2. Supply of the products shall be organized under the tender procedure.
3. Annex I 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 Annex I.

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, 16 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

ANNEX I

1. **Programme :** 1984
2. **Recipient :** Republic of Botswana
3. **Place or country of destination :** Republic of Botswana
4. **Product to be mobilized :** maize
5. **Total quantity :** 4 000 tonnes
6. **Number of lots :**
one
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 : 6 %, 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 :
'YELLOW MAIZE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO BOTSWANA / FREE DISTRIBUTION'
11. **Port of shipment :** a Community port
12. **Delivery stage :**
delivered destination
Department of Food Resources, Food Resources Depot, Lobatse Station, Lobatse, via Durban
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 29 January 1985
15. **Shipment period :** 15 February to 15 March 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 Botswana 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 140/85

of 16 January 1985

on the supply of common wheat to the World Food Programme 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 1992/83 of 11 July 1983 laying down the implementing rules for 1983 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management⁽⁵⁾,

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⁽⁶⁾,

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⁽⁷⁾, as last amended by Regulation (EEC) No 2543/73⁽⁸⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 5 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⁽⁹⁾, as last amended by Regulation (EEC) No 3323/81⁽¹⁰⁾; 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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

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, 16 January 1985.

For the Commission

Frans ANDRIESEN

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 196, 20. 7. 1983, p. 1.

⁽⁶⁾ OJ No L 124, 11. 5. 1984, p. 1.

⁽⁷⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁸⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁹⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽¹⁰⁾ OJ No L 334, 21. 11. 1981, p. 27.

ANNEX

1. **Programme :** 1983 (10 986 tonnes) and 1984 (2 158 tonnes)
2. **Recipient :** World Food Programme (WFP)
3. **Place or country of destination :** Kenya
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 13 144 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Marktordnung (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 : maximum 14,5 %)
10. **Packaging :**
 - in bulk, plus 262 000 empty polypropylene sacks, of a capacity of 50 kilograms, 200 needles
and sufficient twine
 - marking on the bags in letters at least 5 cm high :
'KENYA 1398 RF / WHEAT / MOMBASA / GIFT OF THE EUROPEAN ECONOMIC
COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME'
11. **Port of shipment :**
any Community port accessible to ocean-going vessels with a shipping service to the recipient
country during the period for shipment laid down in point 16. The tender must be accompanied
by a statement from the port authorities attesting the existence of the service during the said
period.
12. **Delivery stage :** fob
13. **Port of landing :** —
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 29 January 1985
16. **Shipment period :** 15 February to 15 March 1985
17. **Security :** 6 ECU per tonne

Note

The successful tenderer shall contact the recipient in order to ascertain which shipping documents
are required.

COMMISSION REGULATION (EEC) No 141/85**of 18 January 1985****amending Regulation (EEC) No 2267/84 providing for the grant of private storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hindquarters and forequarters of beef**

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, and in particular Articles 6 (5)
(b) and 8 (2) thereof,

Whereas Article 3 (3) of Commission Regulation
(EEC) No 2267/84 ⁽²⁾, as last amended by Regulation
(EEC) No 3236/84 ⁽³⁾, lays down that placing in storage
must be carried out within 28 days of the date of the
conclusion of the contract; whereas adverse weather
conditions in the Community have made a normal
functioning of the beef markets impossible; whereas it
is therefore appropriate to extend the period for
placing in storage;

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

HAS ADOPTED THIS REGULATION:

Article 1

The '28 days' referred to in Article 3 (3) of Regulation
(EEC) No 2267/84 is hereby replaced by '42 days'.

Article 2

This Regulation shall apply to contracts concluded
after 8 December 1984.

Article 3

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

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 31.

⁽³⁾ OJ No L 302, 21. 11. 1984, p. 10.

COMMISSION REGULATION (EEC) No 142/85**of 18 January 1985****laying down detailed rules for the application of the import arrangements provided for by Regulations (EEC) No 106/85 and (EEC) No 3688/84 in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 106/85 of 14 January 1985 opening a Community tariff quota for fresh, chilled or frozen high-quality beef and veal falling within subheadings 02.01 A II a) and 02.01 A II b) of the Common Customs Tariff⁽¹⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 3688/84 of 19 December 1984 opening a Community tariff quota for frozen buffalo meat falling within subheading 02.01 A II b) 4 bb) 33 of the Common Customs Tariff⁽²⁾, and in particular Article 2 thereof,

Whereas Regulations (EEC) No 106/85 and (EEC) No 3688/84 opened quotas for high-quality beef and veal and for buffalo meat; whereas the rules for the application of these arrangements must be established;

Whereas the exporting non-member countries have undertaken to issue certificates of authenticity guaranteeing the origin of these products; whereas the form and layout of these certificates and the procedures for using them must be specified; whereas the certificate of authenticity must be issued by an appropriate authority in a non-member country, the standing of which is such as to ensure that the special arrangements are properly applied;

Whereas, under Article 2 of Commission Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EEC) No 1994/84⁽⁴⁾, a licence is required for all imports into the Community of beef and veal products; whereas some of the non-member countries exporting meat under this Regulation have undertaken to restrict their exports of such products; whereas the licence must be endorsed as required by the provisions in Article 12 of Regulation (EEC) No 2377/80;

Whereas provision must be made for the Member States to transmit relevant information in connection with these special imports;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quota for fresh, chilled or frozen beef and veal provided for in Article 1 (1) of Regulation (EEC) No 106/85 shall be allocated as follows:

(a) 12 500 tonnes of boned or boneless meat, falling within subheadings 02.01 A II a) 4 bb) and 02.01 A II b) 4 bb) of the Common Customs Tariff and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals aged between 22 and 24 months, having two permanent incisors and presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef", cuts of which may bear the letters "sc" (special cuts).'

(b) 5 000 tonnes product weight of meat, falling within subheadings 02.01 A II a) 4 or b) 4 of the Common Customs Tariff and answering the following definition:

'Selected cuts of fresh, chilled or frozen beef derived from bovine animals which do not have more than four permanent incisor teeth, the carcasses of which have a dressed weight of not more than 327 kilograms (720 pounds), a compact appearance with a good eye of meat of light and uniform colour, and adequate but not excessive fat cover. The meat shall be certified "high-quality beef EEC".'

(c) 2 300 tonnes of boned or boneless meat, falling within subheadings 02.01 A II a) 4 bb) and b) 4 bb) 33 of the Common Customs Tariff and answering the following definition:

⁽¹⁾ OJ No L 14, 17. 1. 1985, p. 3.

⁽²⁾ OJ No L 341, 29. 12. 1984, p. 16.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 186, 13. 7. 1984, p. 17.

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef". These cuts may bear the letters "sc" (special cuts).'

- (d) 10 000 tonnes product weight of meat, falling within subheadings 02.01 A II a) and b) of the Common Customs Tariff and answering the following definition :

'Carcases or any cuts from cattle not over 30 months of age which have been fed for 100 days or more on a nutritionally balanced, high energy feed concentration ration containing no less than 70 % grain and at least 20 pounds total feed per day. Beef graded USDA "choice" or "prime" automatically meets the definition above. Meat graded A2, A3 and A4 under the standards of the Canadian Ministry of Agriculture automatically meets the definition above.'

2. The tariff quota for frozen buffalo meat provided for in Article 1 (1) of Regulation (EEC) No 3688/84 shall be administered in accordance with the provisions of this Regulation.

Article 2

1. The total suspension of the import levy for the meat referred to in Article 1 shall be subject to the presentation, at the time it is put into free circulation, of a certificate of authenticity and, in respect of the meat referred to in Article 1 (1) (d), to the presentation of the import licence referred to in Article 12 of Regulation (EEC) No 2377/80.

2. The certificate of authenticity shall be made out in one original and not less than one copy on a form corresponding to the model in Annex I.

The form shall measure approximately 210 × 297 mm.

The paper shall weigh not less than 40 g/m² and shall be white.

3. The forms shall be printed and completed in one of the official languages of the Community and also, if desired, in the official language or one of the official languages of the exporting country.

The appropriate definition under Article 1 (1) relative to the meat originating from the exporting country shall be shown on the back of the form.

4. The particulars on the original and the copies shall be either typewritten or handwritten. In the latter case they must be printed in block capitals.

5. Each certificate of authenticity shall bear an individual serial number assigned by the issuing authority referred to in Article 4. The copies shall bear the same serial number as the original.

Article 3

1. The certificate of authenticity shall be valid for three months from the date it was issued.

The original certificate of authenticity and one copy shall be presented to the customs authority when the product covered by the certificate is put into free circulation.

However, the certificate may not be presented after 31 December of its year of issue.

2. The copy of the certificate of authenticity referred to in paragraph 1 shall be sent by the customs authorities of the Member State in which the product is placed in free circulation to the designated authorities of that Member State responsible for the communication under Article 6 (1).

Article 4

1. A certificate of authenticity shall be valid only if it is duly completed and endorsed, in accordance with the instruction in Annexes I and II, by one of the issuing authorities listed in Annex II.

2. The certificate of authenticity shall be deemed to have been duly endorsed if it specifies the date and place of issue and if it bears the stamp of the issuing authority and the signature of the person or persons empowered to sign it.

The stamp may be replaced on the original certificate of authenticity and its copies by a printed seal.

Article 5

1. The issuing authorities listed in Annex II shall :
- (a) be recognized as competent by the exporting country ;
 - (b) undertake to check the particulars set out in the certificates of authenticity ;
 - (c) undertake to communicate to the Commission and to the Member States, on request, any useful information enabling the particulars set out in the certificates of authenticity to be evaluated.

2. The list shall be amended if the requirement in paragraph 1 (a) is no longer met or if an issuing authority fails to fulfil one of the obligations incumbent on it.

Article 6

1. The Member States shall communicate to the Commission, in respect of each period of 10 days, not later than 15 days after that period, the quantities of products referred to in Article 1 that have been put into free circulation, broken down by their country of origin and tariff subheading.

2. Under this Regulation the period of 10 days means :

- from the first to 10th of the month inclusive,
- from the 11th to 20th of the month inclusive,
- from the 21st to the last day of the month inclusive.

Article 7

The lodging of licence applications and the issuing of import licences for the meat referred to in Article 1 (1)

(d) shall be effected in accordance with the provisions of Articles 12 and 15 of Regulation (EEC) No 2377/80.

Article 8

In all Community instruments in which reference is made to Regulation (EEC) No 263/81 ⁽¹⁾, or to Articles of that Regulation, such references shall be treated as references to this Regulation or to the corresponding Articles hereof.

Article 9

This Regulation shall enter into force on 19 January 1985.

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 27, 31. 1. 1981, p. 52.

ANNEX I

1 Exporter	2 Certificate No	ORIGINAL	
4 Consignee	3 Issuing authority		
6 Means of transport	5 CERTIFICATE OF AUTHENTICITY BEEF AND VEAL		
7 Marks, numbers, number and kind of packages ; description of goods		8 Gross weight (kg)	9 Net weight (kg)
10 Net weight (in words)			
11 CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the beef described in this certificate complies with the specification shown overleaf: (a) for high-quality beef (1) ; (b) for buffalo meat (1). Place Date Signature and stamp (or printed seal)			

(1) Delete as appropriate

DEFINITIONS

High-quality beef originating in
(appropriate definition)

Buffalo meat originating in Australia

*ANNEX II***LIST OF AUTHORITIES IN EXPORTING COUNTRIES EMPOWERED TO ISSUE
CERTIFICATES OF AUTHENTICITY**

— JUNTA NACIONAL DE CARNES

for meat originating in Argentina, answering the definition in Article 1 (1) (a).

— AUSTRALIAN MEAT AND LIVESTOCK CORPORATION

for meat originating in Australia:

(a) answering the definition in Article 1 (1) (b);

(b) referred to in Article 1 (2).

— INSTITUTO NACIONAL DE CARNES (INAC)

for meat originating in Uruguay, answering the definition in Article 1 (1) (c).

— FOOD SAFETY AND QUALITY SERVICE (FSQS) OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

for meat originating in the United States of America, answering the definition in Article 1 (1) (d).

— FOOD PRODUCTION AND INSPECTION BRANCH-AGRICULTURE CANADA, DIRECTION GÉNÉRALE PRODUCTION ET INSPECTION DES ALIMENTS-AGRICULTURE CANADA

for meat originating in Canada, answering the definition in Article 1 (1) (d).

COMMISSION REGULATION (EEC) No 143/85**of 18 January 1985****concerning the quantity of high-quality beef and veal from the United States of America and from Canada that may be imported under the arrangements laid down in Regulation (EEC) No 142/85 for 1985**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 106/85 of 14 January 1985 opening a Community tariff quota for high-quality fresh, chilled or frozen beef and veal falling within subheadings 02.01 A II a) and 02.01 A II b) of the Common Customs Tariff⁽¹⁾,

Whereas Article 7 of Commission Regulation (EEC) No 142/85 of 18 January 1985 laying down detailed rules for the application of the import arrangements provided for by Regulations (EEC) No 106/85 and (EEC) No 3688/84 in the beef and veal sector⁽²⁾ stipulates that import licences for the meat referred to in Article 1 (1) (d) of the Regulation must be applied for and issued in accordance with Articles 12 and 15 of Commission Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EEC) No 1994/84⁽⁴⁾;

Whereas the quantity for which licence applications can be submitted under these conditions from 1 January 1985 onwards should be stated; whereas, moreover, a derogation to Regulation (EEC) No 2377/80 should be introduced as regards the time limits for the submission of applications and licences should be issued under these special arrangements so as to permit the application of the import arrangements as soon as possible;

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

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications can be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80 for a total quantity of 10 000 tonnes of beef and veal originating in and imported from the United States of America and from Canada.

By way of derogation to Article 15 of Regulation (EEC) No 2377/80

- (a) applications may be submitted only from 21 to 25 January 1985;
- (b) the information referred to in Article 15 (4) (e) of the said Regulation shall be communicated on 28 January 1985;
- (c) the licences referred to in Article 15 (5) (b) of the said Regulation shall be issued on 31 January 1985.

Article 2

Regulation (EEC) No 3676/84⁽⁵⁾ is hereby repealed.

Article 3

This Regulation shall enter into force on 19 January 1985.

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESSEN

Member of the Commission

⁽¹⁾ OJ No L 14, 17. 1. 1985, p. 3.

⁽²⁾ See page 14 of this Official Journal.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 186, 13. 7. 1984, p. 17.

⁽⁵⁾ OJ No L 340, 28. 12. 1984, p. 52.

COMMISSION REGULATION (EEC) No 144/85**of 18 January 1985****laying down to what extent applications for issue of export licences submitted during January 1985 for beef and veal products which may benefit from special import treatment in a third country may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2931/79 of 20 December 1979 on the granting of assistance for export of agricultural products which may benefit from a special import treatment in a third country⁽¹⁾, and in particular Article 1 (2) thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽²⁾, as last amended by the Act of Accession of Greece,

Whereas Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 1994/84⁽⁴⁾, lays down, in Articles 14 and 15, detailed rules for export licence applications for the products referred to in Article 1 of Regulation (EEC) No 2973/79⁽⁵⁾; whereas Article 15 (6) (c) of Regulation (EEC) No 2377/80 requires the Commission, where the quantities in respect of which licences are applied for exceed the quantities available,

to reduce the quantities requested by a fixed percentage;

Whereas Regulation (EEC) No 3582/81 of 14 December 1981⁽⁶⁾, fixed the quantities of meat which might be exported on special terms for the first quarter of 1985;

Whereas the quantities for which licence applications have been lodged for the first quarter of 1985 are lower than those available; whereas these applications can, therefore, be met in full,

HAS ADOPTED THIS REGULATION:

Article 1

The applications for export licences lodged for the beef and veal referred to in Regulation (EEC) No 2973/79 for the first quarter of 1985 shall be met in full.

Article 2

This Regulation shall enter into force on 21 January 1985.

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 334, 28. 12. 1979, p. 8.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 186, 13. 7. 1984, p. 17.

⁽⁵⁾ OJ No L 336, 29. 12. 1979, p. 44.

⁽⁶⁾ OJ No L 359, 15. 12. 1981, p. 14.

COMMISSION DECISION No 145/85/ECSC

of 18 January 1985

amending Decision No 3544/73/ECSC implementing Decision 73/287/ECSC on
coking coal and cokeTHE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European
Coal and Steel Community,*Article 1*Having regard to Commission Decision 73/287/ECSC
of 25 July 1973 concerning coal and coke for the iron
and steel industry in the Community ⁽¹⁾, as last
amended by Decision No 759/84/ECSC ⁽²⁾, and in
particular Article 12 thereof,Decision No 3544/73/ECSC is hereby amended as
follows :Having regard to the opinion of the Consultative
Committee,1. The following subparagraph (c) is added to Article 3
(2) :

Having regard to the opinion of the Council,

'(c) The agreement relating to a fixed tonnage may
also provide that the variation fixed in accor-
dance with subparagraph (a) may be replaced
by the percentage variation that may arise
between the annual average of steel production
quotas assigned to the purchasing steel
producer on the one hand for the period of the
contract and on the other hand for the
reference period running from 1 July 1983 to
30 June 1984.'

Whereas Commission Decision No 3544/73/ECSC ⁽³⁾,
as last amended by Decision No 2287/78/ECSC ⁽⁴⁾,
provides, in Article 3 (2), that agreements relating to
fixed tonnages may provide for a variation of up to
10 % according to the duration of the contract ;

2. Article 3 (4) is replaced by the following :

Whereas the variations in the steel production quotas
assigned to each undertaking may give rise to a varia-
tion in requirements for coal and coke in excess of the
fixed rate envisaged in the contract ; whereas the
contracting parties should have the possibility of
substituting this variation for the fixed rate ;

'4 (a) Without prejudice to the conditions on dura-
tion defined in paragraph 1 and paragraph 2
(a), current contracts may be amended to
comply with the above criteria by amend-
ments or extensions for 1984 and 1985 until
28 February 1985 ;

Whereas, in order to facilitate the adaptation of
contracts to the changes in requirements resulting, in
particular, from the restructuring of the steel industry
and its technical development, a negotiating period
should be available for the contracting parties to adapt
their contracts if required with retroactive effect to 1
January 1984 ;

(b) Likewise new contracts for 1984 to 1986
(three-year contracts) and later (contracts for
four or more years) may be concluded until
28 February 1985.'

Whereas modern technology makes it possible in
certain cases to improve blast furnace operation and
performance through partial replacement of the coke
charged to the upper part of the furnace by coal
injected into the lower part ; whereas in future such
coal should be covered by the coking coal system,

3. The following paragraph 4 is added to Article 13 :

'4. The amount of Community coal injected
directly into the blast furnace shall be treated as
equivalent to the amount of coking coal capable of
benefiting from production or sales aid with effect
from 1 January 1984, in so far as the supply of such
coal is covered by a long-term contract notified in
accordance with Article 1 and conforming to the
criteria of Article 3. The contribution of the iron
and steel industry shall be calculated by adding the
consumption of coal injected into the blast furnace
to that of blast furnace coke.'

⁽¹⁾ OJ No L 259, 15. 9. 1973, p. 36.⁽²⁾ OJ No L 80, 23. 4. 1984, p. 14.⁽³⁾ OJ No L 361, 29. 12. 1973, p. 18.⁽⁴⁾ OJ No L 275, 30. 9. 1978, p. 78.

The obligations of the undertakings and the Member States with regard to the information to be transmitted to the Commission concerning coking coal and coke shall also cover coal injected into the blast furnace ; such information shall be communicated in printed form in a manner to be determined by the Commission.'

Article 2

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

It shall apply with effect from 1 January 1984.

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

Done at Brussels, 18 January 1985.

For the Commission

Nicolas MOSAR

Member of the Commission

COMMISSION REGULATION (EEC) No 146/85

of 18 January 1985

amending Regulation (EEC) No 24/85 on the supply of various lots of skimmed-milk powder as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1557/84 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 24/85 ⁽³⁾ opened an invitation to tender for the supply of various lots of skimmed-milk powder as food aid;

Whereas the recipient of lot BH has requested the cancellation of the delivery of the 470 tonnes of skimmed-milk powder;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EEC) No 24/85, lot BH is deleted.

Article 2

This Regulation shall enter into force on 19 January 1985.

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 6.

⁽³⁾ OJ No L 6, 8. 1. 1985, p. 20.

COMMISSION REGULATION (EEC) No 147/85

of 18 January 1985

laying down for the 1984/85 wine year detailed implementing rules for the distillation referred to in Article 41 of Regulation (EEC) No 337/79

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 337/79
of 5 February 1979 on the common organization of
the market in wine ⁽¹⁾, as last amended by Regulation
(EEC) No 1208/84 ⁽²⁾, and in particular Articles 41 (7)
and 65 thereof,

Whereas the distillation operations referred to in
Article 41 of Regulation (EEC) No 337/79 must be
performed in accordance with Council Regulation
(EEC) No 2179/83 of 25 July 1983 laying down
general rules for distillation operations involving wine
and the by-products of wine-making ⁽³⁾, as amended by
Regulation (EEC) No 2687/84 ⁽⁴⁾;

Whereas it is necessary to define, firstly, the various
factors enabling the total quantities of table wine to be
distilled for the wine year to be determined and,
secondly, the various categories of producer which are
subject to the obligation to distil and those which are
exempted in view of the disproportion between the
administrative costs and the quantity of wine to be
distilled;

Whereas Article 41 (3) of Regulation (EEC) No 337/79
lays down that the quantity to be distilled by each
producer is to be equal to a percentage of his table
wine production; whereas this percentage must be
adjusted by reference to each producer's yield per
hectare in relation to the normal yield for the different
Community zones or parts thereof; whereas it is
necessary to ensure that the measure is easy to apply
and to take account of the information supplied by
each Member State; whereas this indicates that average
yields vary greatly and are around 100 hectolitres per
hectare in the northern part of the Community, 70
hectolitres in the centre and some southern areas and
45 hectolitres in the rest of the Community; whereas

the territory of the Community should therefore be
divided into three production regions;

Whereas Commission Regulation (EEC) No 2102/84
of 13 July 1984 on harvest, production and stock
declarations relating to wine-sector products ⁽⁵⁾, as
amended by Regulation (EEC) No 2459/84 ⁽⁶⁾,
provided for Member States to notify their table wine
production to the Commission broken down in accor-
dance with certain yield classes; whereas it appears
reasonable to use these yield classes as the basis for
adjusting producers' obligations;

Whereas the particular production structures and the
administrative difficulties encountered in Greece
justify the introduction in that Member State of a
compulsory distillation scheme which, while enabling
quantitative results similar to those arising from the
application of the general scheme to be attained,
restricts the measure to those producers with a suffi-
cient quantity of table wine and authorizes the Greek
Government to fix itself the percentages of table wine
production to be delivered for distillation by the
producers concerned; whereas the percentages thus
fixed must ensure equal treatment for all concerned
and be based on the criteria laid down in Article 41 of
Regulation (EEC) No 337/79;

Whereas, in the absence of a Community definition of
rosé wine and in the interest of clarity, it should be
specified that rosé table wines are accorded the same
treatment as red table wines because of the close
economic relationship between them;

Whereas it is necessary to determine the table wines
which, for the purposes of this measure, are regarded
as being in close economic relationship with each of
the types of table wine;

Whereas the rules for checking the characteristics of
wine delivered for distillation laid down in Regulation
(EEC) No 2179/83 apply only to individual deliveries
and do not cover the problem of deliveries made
jointly by several producers; whereas, however, the
latter situation is likely to occur frequently in view of
the small volumes to be delivered by some producers

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 115, 1. 5. 1984, p. 77.

⁽³⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽⁴⁾ OJ No L 255, 25. 9. 1984, p. 1.

⁽⁵⁾ OJ No L 194, 24. 7. 1984, p. 1.

⁽⁶⁾ OJ No L 231, 29. 8. 1984, p. 5.

who are subject to compulsory distillation ; whereas it therefore appears advisable to provide that, in such cases and in view of the diversity of situations in the different Member States, the characteristics of the wine delivered are to be checked in accordance with national provisions ;

Whereas, in order for the measures to be as effective as possible, it is necessary to lay down certain time limits for producers and distillers for performing the operation ;

Whereas, in accordance with Article 41 (5) of Regulation (EEC) No 337/79, distillers may either receive aid for the product to be distilled or deliver the product obtained by distillation to the intervention agency ; whereas the amount of the aid must be fixed on the basis of the criteria in Article 16 of Regulation (EEC) No 2179/83 ; whereas in order to prevent the production of poor-quality spirits it is necessary, in the absence of Community provisions on the subject, to provide that the spirits produced must comply with the national provisions in force ;

Whereas, in accordance with Article 17 of Regulation (EEC) No 2179/83, in order to receive the aid applicants must submit an application accompanied by a number of supporting documents ; whereas, in order to ensure that the system functions uniformly in all the Member States, it is necessary to lay down time limits for the submission of applications, for the payment of the aid due to the distiller and for the presentation of proof that the buying-in price has been paid ;

Whereas the price to be paid by the intervention agencies for the products delivered to them must be fixed on the basis of the criteria in Article 18 (2) of Regulation (EEC) No 2179/83 ;

Whereas the wine which has to be delivered for the distillation referred to in Article 41 of Regulation (EEC) No 337/79 may be fortified for distillation ; whereas the provisions applicable to the distillation operations should therefore be adopted, in accordance with the rules laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83 ;

Whereas, to enable the Commission to have an overall view of compliance with obligations in respect of the distillation referred to in Article 41 of Regulation (EEC) No 337/79, the Member States concerned must inform it regularly, on the basis of communications from distillers, of the progress and results of the distillation operations ;

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

HAS ADOPTED THIS REGULATION :

TITLE I

Definitions

Article 1

For the purposes of Article 41 (1) and (2) of Regulation (EEC) No 337/79 the following definitions shall apply :

- (a) 'availabilities recorded at the beginning of the wine year' : the quantity of table wine equal to the sum of the wine stocks and table wine production figures given in the forward estimate, reduced by :
 - the quantity of table wine to be distilled under Article 39 (2) of Regulation (EEC) No 337/79 during the 1984/85 wine year,
 - the anticipated production and trade losses for the 1984/85 wine year,
 - the anticipated quantity of wine to be delivered for distillation under Regulations (EEC) No 2460/84 and, (EEC) No 2463/84 ;
- (b) 'foreseeable end of year stocks' : the quantity of table wine equal to the difference between the availabilities recorded at the beginning of the wine year as defined at (a) and the normal utilization for the year ;
- (c) 'normal utilization for the year' : the quantity of table wine equal to the sum of the quantities of table wine scheduled to be, during the 1984/85 wine year :
 - sold for human consumption,
 - processed into products of tariff heading No 22.06 or No 22.10,
 - exported,
 reduced by the quantity of wine to be imported classifiable as table wine ;
- (d) 'total quantity to be distilled' : the quantity of table wine equal to the difference between the foreseeable end of year stocks as defined at (b) and the quantity corresponding to five months of normal utilization, increased by the quantity of wine covered by preventive distillation contracts and which is expected to be deducted from producers' obligations.

Article 2

1. For the purposes of this Regulation the territory of the Community shall be considered as consisting of three regions defined as follows:

- region 1:
wine-growing zone A and the German part of wine-growing zone B,
- region 2:
the French part of zone B, zone C I a, zone C I b, wine-growing zone C II and the Italian and French parts of wine-growing zone C III b,
- region 3:
all the other wine-growing zones of the Community.

2. If distillation as mentioned in Article 41 (1) of Regulation (EEC) No 337/79 is decided on:

- the provisions of Title II shall be applicable in regions 1 and 2,
- the provisions of Title III shall be applicable in region 3.

TITLE II**Provisions applicable in regions 1 and 2***Article 3*

1. When distillation as mentioned in Article 41 (1) of Regulation (EEC) No 337/79 is decided on, percentages of table wine production to be delivered for distillation shall be fixed for each class of producer mentioned below on the basis of the yield obtained in the 1984/85 wine year:

- (a) producers who have obtained a yield per hectare of not more than:
 - 60 hectolitres in region 1,
 - 45 hectolitres in region 2;
- (b) producers who have obtained a yield of:
 - more than 60 but not more than 100 hectolitres in region 1,
 - more than 45 but not more than 70 hectolitres in region 2;
- (c) producers who have obtained a yield of:
 - more than 100 but not more than 130 hectolitres in region 1,
 - more than 70 but not more than 90 hectolitres in region 2.

2. The percentage referred to in paragraph 1 (c) shall also apply to producers who have obtained a yield of more than:

- 130 hectolitres in region 1,
- 90 hectolitres in region 2

for that part of their production for which this yield is obtained.

These producers shall also deliver for distillation percentages of their production in excess of those yields. These shall be established on initiation of the distillation provided for in Article 41 (1) of Regulation (EEC) No 337/79 progressively for each of the following categories:

- (a) quantities corresponding to a yield per hectare:
 - of more than 130 but not more than 160 hectolitres in region 1,
 - of more than 90 but not more than 110 hectolitres in region 2;
- (b) quantities corresponding to a yield
 - of more than 160 but not more than 200 hectolitres in region 1,
 - of more than 110 but not more than 140 hectolitres in region 2;
- (c) quantities corresponding to yields higher than those specified at (b).

3. By way of derogation from Article 11 (3) of Regulation (EEC) No 2102/84, the rates for producers who have submitted harvest or production declarations which do not contain the information enabling the yield per hectare to be determined shall be those applicable to producers with the highest yield specified in paragraph 2.

4. The yields to be taken into account for the purposes of paragraphs 1 and 2 shall be:

- (a) in region 1, the yield of the holding relative to wine production as a whole;
- (b) in region 2, the yield of the holding relative to table wine production alone.

Article 4

The following shall be exempt from the obligation specified in Article 41 of Regulation (EEC) No 337/79;

- (a) producers in Member States whose table wine production does not exceed 60 000 hectolitres in the 1984/85 wine year;
- (b) those individual producers and wine cooperatives which, when the quantity of wine delivered for preventive distillation was taken into account, would be obliged to deliver for compulsory distillation less than 5 hectolitres of table wine.

The Member States, however, may exempt producers who have vinified in installations other than cooperative installations and have obtained during the 1984/85 wine year less than 50 hectolitres of table wine.

Article 5

The quantities of table wine to be delivered for distillation by wine cooperatives and by producer groups that have produced wine from the grapes of their members shall be determined on the basis of the production declaration for the 1984/85 wine year.

The quantities to be delivered by producers who have obtained table wine by vinification of purchased products shall be calculated by reference to the weighted average of the yields relating to each consignment of products purchased.

TITLE III

Provisions applicable in region 3*Article 6*

1. In region 3 wine shall be delivered for compulsory distillation by producers, including cooperatives and associations of producers, who have produced in the 1984/85 wine year a quantity of table wine to be determined when the measure is activated.

2. The Greek Government shall set before 10 February 1985, and in accordance with the criteria in Article 41 (3) of Regulation (EEC) No 337/79, the percentages of table wine production that the producers specified in paragraph 1 are to deliver for distillation, ensuring equality of treatment of producers subject to the obligation.

These percentages must guarantee distillation in region 3 as a whole of a quantity of table wine to be determined that is additional to the quantities delivered for the preventive distillation operation opened by Regulation (EEC) No 2460/84.

3. The Greek Government shall before 15 February 1985 notify the Commission of the provisions that it has adopted pursuant to paragraph 2.

TITLE IV

General provisions*Article 7*

1. Persons subject to the obligation to deliver for distillation under Article 41 (1) of Regulation (EEC) No 337/79 shall calculate the quantities that they are required to deliver pursuant to Titles II and III and notify these quantities before 15 March 1985 to the intervention agency or any other competent authority of the Member State in which their holding is located.

Member States may, however, calculate and notify to producers the quantities to be delivered by each. Such notifications shall be made before 31 March 1985.

2. Member States shall compile a summary statement of the figures obtained pursuant to paragraph 1 and shall notify the Commission before 15 April 1985 of the quantity to be delivered for distillation by each of the classes specified in Article 3.

Article 8

1. Without prejudice to Article 14b of Regulation (EEC) No 337/79, the buying-in price referred to in Article 41 (4) of Regulation (EEC) No 337/79 shall be :

- 1,90 ECU per % vol of alcohol and per hectolitre for white table wine of type A I,
- 4,26 ECU per % vol of alcohol and per hectolitre for white table wine of type A II,
- 4,87 ECU per % vol of alcohol and per hectolitre for white table wine of type A III,
- 2,05 ECU per % vol of alcohol and per hectolitre for red table wine of types R I and R II,
- 3,05 ECU per % vol of alcohol and per hectolitre for red table wine of type R III.

2. The buying-in price referred to in paragraph 1 shall be paid by the distiller to the producer within three months of the day on which each consignment of table wine enters the distillery.

Article 9

1. The provisions of this Regulation relating to red table wine shall apply also to rosé table wine.

2. The provisions of this Regulation relating to a given type of table wine shall apply also to table wine that is in a close economic relationship with that type of table wine.

For the purposes of this Regulation, the following shall be considered as being in a close economic relationship with table wine of type :

- A I, white table wine that is not of type A I, A II or A III,
- R I, red table wine with an actual alcoholic strength of not more than 12,5 % vol that is not of type R I and R III,
- R II, red table wine with an actual alcoholic strength of more than 12,5 % vol that is not of type R II and R III.

3. Should quantities of wine being delivered for distillation by a number of producers be transported together to the distillery the wine's characteristics, including quality, colour and alcoholic strength, shall be verified in accordance with the provisions adopted by the Member State.

Article 10

1. Persons subject to the obligation specified in Article 41 (3) of Regulation (EEC) No 337/79 may, in addition to table wine of their own production, deliver table wine bought from persons who themselves produced it.

They may also :

- carry out distillation in their own distillation facilities,
- arrange for distillation to be carried out in the facilities of an approved distiller working under contract.

2. Delivery of table wine shall be made :

- by 31 August 1985 at the latest if delivery is to a distillery,
- by 31 July 1985 at the latest if delivery is to a producer of wine fortified for distillation.

3. Subject to the provisions of Article 12 (3) distillation operations under Article 41 of Regulation (EEC) No 337/79 may not be carried out after 30 September 1985.

4. Distillers shall transmit to the intervention agency, by the tenth day of each month at the latest in respect of the previous month, a statement of the quantities of table wine distilled and of the quantities of products obtained, broken down in accordance with the categories specified in the first subparagraph of Article 3 (1) of Regulation (EEC) No 2179/83.

Article 11

1. Distillers may receive aid subject to the conditions set out in paragraph 2. The amount of the aid shall be as follows :

(a) where the product obtained by distillation corresponds to the definition of neutral spirits given in the Annex to Regulation (EEC) No 2179/83 :

- 1,55 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of type R I and R II,
- 2,57 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of type R III,
- 1,40 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A I,
- 3,79 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A II,
- 4,41 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A III;

(b) where the product obtained by distillation is a wine spirit with the quality characteristics laid down by the relevant national provisions :

- 1,44 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of types R I and R II,
- 2,46 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of type R III,
- 1,29 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A I,
- 3,68 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A II,
- 4,30 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A III;

(c) where the product obtained by distillation is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol :

- 1,44 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of types R I and R II,
- 2,46 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of type R III,
- 1,29 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A I,
- 3,68 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A II,
- 4,30 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A III.

2. Distillers who wish to receive the aid specified in paragraph 1 shall by 31 October 1985 at the latest submit an application and the documents specified in Article 17 of Regulation (EEC) No 2179/83.

3. The intervention agency shall pay the aid referred to in paragraph 1 within three months at the latest of submission of the application and documents referred to in paragraph 2.

The distiller must, before 1 February 1986, provide the intervention agency with evidence that he paid the producer the buying-in price for the wine within the time limit laid down in Article 8 (2).

If evidence is not provided before 1 February 1986 the intervention agency shall recover the aid paid. If the evidence is presented before 1 May 1986, however, 20 % only of the aid shall be recovered.

If it is found that the distiller has not paid the producer the buying-in price the intervention agency shall, before 1 June 1986, pay the producer an amount equal to the aid, if necessary through the intervention agency of his Member State.

Article 12

1. Delivery to the intervention agency of products with an alcoholic strength of at least 92 % vol shall be made by 31 October 1985 at the latest or, if Article 11 (2) of Regulation (EEC) No 2179/83 applies, by the date set by the competent national authority.

2. The price to be paid by the intervention agency to the distiller for the product delivered shall be :

- 2,51 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of types R I and R II,
- 3,53 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of type R III,
- 2,36 ECU per % vol alcohol and per hectolitre if it was obtained from white table wine of type A I,
- 4,75 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A II,
- 5,37 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A III.

If the distiller has received aid under Article 11 the price shall be reduced by the amount of that aid.

If the distiller has not received such aid Article 11 (2) shall be applicable *mutatis mutandis*.

3. The prices given in paragraph 2 shall be for neutral spirits as defined in the Annex to Regulation (EEC) No 2179/83.

For other alcohol, the prices given in paragraph 2 shall be reduced by 0,11 ECU per % vol of pure alcohol and per hectolitre.

4. The distiller shall be paid by the intervention agency within three months at the latest of the day on which the alcohol was delivered.

The second, third and fourth subparagraphs of Article 11 (3) shall be applicable *mutatis mutandis*.

Article 13

1. In cases as referred to in Article 26 (1) of Regulation (EEC) No 2179/83 the contract or the declaration of delivery of wine for fortification for distillation shall be submitted for approval to the competent intervention agency by 30 June 1985 at the latest.

The intervention agency shall notify the producer of the outcome of the approval procedure within 15 days of the day on which the contract or declaration was submitted.

2. Fortification of wine for distillation may not take place after 31 August 1985.

3. The fortified wine may not be distilled until approval of the contract or declaration has been given but must be distilled by 30 September 1985 at the latest.

4. The fortifier shall send the intervention agency by the 10th of each month at the latest a statement of the quantities of wine delivered to him during the previous month.

5. Fortifiers of wine for distillation shall receive aid. This aid, calculated per hectolitre and per % vol of actual alcohol before the wine's conversion into wine fortified for distillation, shall be as follows :

- 1,41 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of types R I and R II,
- 2,41 ECU per % vol of alcohol and per hectolitre if it was obtained from red table wine of type R III,
- 1,26 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A I,
- 3,62 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A II,
- 4,23 ECU per % vol of alcohol and per hectolitre if it was obtained from white table wine of type A III.

In order to receive the aid the fortifier shall submit an application and the documents specified in Article 17 of Regulation (EEC) No 2179/83 to the competent intervention agency by 31 October 1985 at the latest.

The aid shall be paid within three months at the latest of the date of submission of evidence of lodging of the security referred to in Article 26 (4) of Regulation (EEC) No 2179/83 but in all cases after the date on which the contract or declaration was approved.

6. Subject to Article 23 of Regulation (EEC) No 2179/83 the security shall be released only if, by 28 February 1986 at the latest, evidence is provided :

- that all the wine covered by the contract or declaration has been fortified, for distillation and distilled, and
- that the buying-in price for the wine was paid to the producer within the time limit specified in Article 8 (2).

If evidence is not provided by 28 February 1986 at the latest the intervention agency shall recover the aid paid. If it is presented before 1 June 1986, however, 20 % only of the aid shall be recovered.

If it is found that the fortifier has not paid the producer the buying-in price the intervention agency shall, before 1 July 1986, pay the producer an amount equal to the aid, if necessary, through the intervention agency of his Member State.

Article 14

1. Member States shall send the Commission, by the 20th day of each month for the previous month, a statement of:

- the quantities of table wine distilled under Article 41 of Regulation (EEC) No 337/79,
- the quantities of alcohol delivered to intervention agencies,
- the quantities of wine spirits produced and their alcoholic strength,
- the quantities of other products of at least 52 % vol alcoholic strength for which aid has been requested.

2. Member States shall notify the Commission by 31 March 1986 at the latest of cases where distillers or

producers of wine fortified for distillation have not fulfilled their obligations and of the action being taken in consequence.

Article 15

Conversion into national currencies of the amounts given in this Regulation shall be at the representative rate applying for the wine sector on 1 September 1984.

Article 16

The reference period referred to in Article 6 (1) of Regulation (EEC) No 337/79 in connection with exclusion from the advantages of intervention operations shall, as far as the obligations specified in Article 41 of that Regulation are concerned for 1984/85, run from 1 January to 31 August 1985.

Article 17

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, 18 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION REGULATION (EEC) No 148/85
of 18 January 1985

opening the distillation operation provided for in Article 41 of Regulation (EEC)
No 337/79 for the 1984/85 wine-growing year

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 337/79
of 5 February 1979 on the common organization of
the market in wine ⁽¹⁾, as last amended by Regulation
(EEC) No 1208/84 ⁽²⁾, and in particular Article 41 (7)
thereof,

Whereas the figures contained in the forward estimate
of Community supplies issued on 11 January 1985 ⁽³⁾
reveal that for table wines availabilities recorded at the
beginning of the year exceed normal utilization for the
year by more than five months; whereas the condi-
tions laid down in Article 41 (1) of Regulation (EEC)
No 337/79 for activating a compulsory distillation
operation in respect of table wine is therefore met;

Whereas Article 1 (d) of Commission Regulation
(EEC) No 147/85 of 18 January 1985 laying down for
the 1984/85 wine year detailed implementing rules for
the distillation referred to in Article 41 of Regulation
(EEC) No 337/79 ⁽⁴⁾ defines the total quantity to be
distilled; whereas, on the basis of this definition and
the figures contained in the forward estimate, this
quantity should be fixed at 12 million hectolitres;
whereas it is possible, by means of this quantity, to
attain the objective referred to in the first subpara-
graph of Article 41 (2) of Regulation (EEC) No
337/79;

Whereas, in view of the legal disparities between the
administrative units of the Community as regards the
internal organization of wine cooperatives, Regulation
(EEC) No 2102/84 on harvest, production and stock
declarations relating to wine-sector products ⁽⁵⁾ intro-
duced a differentiated system for production declara-
tions; whereas, in certain administrative units of the
Community, this system makes it possible to offset the
yields of some producers against those of others, which
is not possible in other units;

Whereas, moreover, the economic importance of the
cooperatives and producer groups varies significantly
from one administrative unit to another; whereas,

whilst ensuring that the various parties subject to the
distillation obligation in the same administrative unit
are treated equally, a distinction therefore has to be
made, when fixing the scales applicable to the produ-
cers concerned, according to whether the production
declarations and information concerning the determi-
nation of yields per hectare are received directly from
the producers who have themselves produced the
grapes intended for wine-making or from producer
groups or cooperatives;

Whereas the quantity of table wine delivered for distil-
lation by each producer may under no circumstances
be less than that corresponding to his obligation;
whereas in order to facilitate compliance with the obli-
gation provision should be made for the quantity deli-
vered to be greater than that provided for whilst
ensuring that this does not involve any unjustified
expenditure for the EAGGF;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The distillation operation referred to in Article
41 (1) of Regulation (EEC) No 337/79 is hereby
opened for the 1984/85 wine-making year.
2. The total quantity of table wine to be distilled
shall be 12 million hectolitres. This quantity
comprises that part of the quantities covered by
preventive distillation contracts under Regulation
(EEC) No 2460/84 which are to be deducted from
producers' obligations.

Article 2

1. For the purposes of the application of this Regu-
lation, the term 'administrative unit' shall be taken to
mean:

- in Germany: the Bundesländer,
- in France: the départements,
- in Greece: the Nomi,
- in Italy: the Regioni.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 115, 1. 5. 1984, p. 77.

⁽³⁾ OJ No C 17, 18. 1. 1985, p. 2.

⁽⁴⁾ See page 25 of this Official Journal.

⁽⁵⁾ OJ No L 194, 24. 7. 1984, p. 1.

2. In administrative units in which all the production declarations referred to in Article 2 of Regulation (EEC) No 2102/84 are submitted by natural or legal persons or groups of such persons who themselves have produced the grapes intended for wine-making, the percentages of production to be delivered for distillation as regards the categories referred to in Article 3 (1) of Regulation (EEC) No 147/85 shall be as follows :

- for the category referred to under (a) : 0,
- for the category referred to under (b) : 2 %,
- for the category referred to under (c) : 4 %.

By way of derogation to the first subparagraph of Article 3 (2) of Regulation (EEC) No 147/85, the percentage to be applied to the producers referred to in the second indent of the same subparagraph shall, in the administrative units referred to in the foregoing subparagraph, be 11,5 %.

In these same administrative units the percentages of table wine production to be delivered for distillation over and above the obligation arising from the second subparagraph as regards the categories referred to in the second subparagraph of Article 3 (2) of Regulation (EEC) No 147/85 shall be as follows :

- for the category referred to under (a) : 55 %,
- for the category referred to under (b) : 85 %,
- for the category referred to under (c) : 100 %.

3. In administrative units other than those referred to in paragraph 2, the percentages of production to be delivered for distribution as regards the categories referred to in Article 3 (1) of Regulation (EEC) No 147/85 shall be as follows :

- for the category referred to under (a) : 0,
- for the category referred to under (b) : 3 %,
- for the category referred to under (c) : 11 %.

In the administrative units referred to in the foregoing subparagraph, the percentages of table wine production to be delivered for distillation over and above the obligation arising from this subparagraph as regards the categories referred to in the second subparagraph

of Article 3 (2) of Regulation (EEC) No 147/85 shall be as follows :

- for the category referred to under (a) : 35 %,
- for the category referred to under (b) : 55 %,
- for the category referred to under (c) : 80 %.

Article 3

The quantity delivered for distillation by each producer concerned shall be neither less than that resulting from the application of the percentages laid down in Article 2 (2) and (3) to the quantities of table wine which he has produced nor greater than 102 % of the said quantities.

Without prejudice to the terms of Regulation (EEC) No 2395/84 :

- no aid shall be payable in respect of quantities of wine in excess of those referred to in the foregoing subparagraph,
- the quantity of alcohol contained in the product delivered by the distiller to the intervention agency in accordance with the second indent of the first subparagraph of Article 41 (5) of Regulation (EEC) No 337/79 shall not exceed that contained in the quantities of wine delivered in accordance with the limits laid down in the first subparagraph.

Article 4

1. The minimum quantity of table wine referred to in Article 6 (1) of Regulation (EEC) No 147/85 shall be fixed by Greece by 10 February 1985 and communicated to the Commission by 15 February 1985 at the latest.

2. The quantity of table wine referred to in the second subparagraph of Article 6 (2) of Regulation (EEC) No 147/85 shall be not less than 120 000 hectolitres and not more than 150 000 hectolitres.

Article 5

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, 18 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION REGULATION (EEC) No 149/85

of 18 January 1985

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 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 124/85⁽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 19 January 1985.

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

Done at Brussels, 18 January 1985.

For the Commission

Frans ANDRIESEN

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 15, 18. 1. 1985, p. 25.

ANNEX

to the Commission Regulation of 18 January 1985 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	45,99 42,59 ⁽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)

COMMISSION

COMMISSION DECISION

of 7 December 1984

rejecting a programme on the marketing of cattle submitted by North Rhine Westphalia pursuant to Council Regulation (EEC) No 355/77

(Only the German text is authentic)

(85/32/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fish products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 1932/84⁽²⁾, and in particular Article 5 thereof,

Whereas the Government of the Federal Republic of Germany has, pursuant to Regulation (EEC) No 355/77, forwarded the programme on the marketing of cattle submitted by North Rhine Westphalia;

Whereas the said programme is designed primarily to introduce a continuous yield-monitoring system for dairy cattle by setting up a monitoring station in order to improve dairy breeds and increase the yield per cow; whereas it does not, therefore, relate to any of the measures specified in Article 6 of Regulation (EEC) No 355/77;

Whereas, moreover, the programme relates to a single project only; whereas it does not, therefore, meet the

objectives laid down in Articles 1 and 2 of Regulation (EEC) No 355/77;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

The programme on the marketing of cattle submitted by North Rhine Westphalia and forwarded on 10 May 1984 by the Government of the Federal Republic of Germany pursuant to Regulation (EEC) No 355/77 is hereby rejected.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 7 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 180, 7. 7. 1984, p. 1.

COMMISSION DECISION

of 7 December 1984

**approving a specific programme for the tobacco sector in Greece pursuant to
Council Regulation (EEC) No 355/77**

(Only the Greek text is authentic)

(85/33/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 355/77
of 15 February 1977 on common measures to improve
the conditions under which agricultural and fish
products are processed and marketed⁽¹⁾, as last
amended by Regulation (EEC) No 1932/84⁽²⁾, and in
particular Article 5 thereof,

Whereas the Greek Government on 25 October 1983
notified the specific programme for the tobacco
sector ;

Whereas the said programme concerns the construc-
tion of facilities for storage, processing, packaging,
insect control and drying with the aim of adapting this
sector to future market needs ; whereas it therefore
constitutes a programme within the meaning of
Article 2 of Regulation (EEC) No 355/77 ;

Whereas approval of this programme does not affect
decisions to be taken pursuant to Article 14 of Regula-
tion (EEC) No 355/77 in respect of Community
finance for projects in particular with a view to veri-
fying if the new facilities envisaged correspond to the
real needs of the region and that they will not be used
for the storage of products coming from intervention ;

Whereas the programme contains the details referred
to in Article 3 of Regulation (EEC) No 355/77,
showing that the objectives laid down in Article 1 of

the said Regulation can be achieved in respect of the
said sector ; whereas the scheduled time for imple-
mentation of the programme does not exceed the limit
laid down in Article 3 (1) (g) of the Regulation ;

Whereas the Standing Committee on Agricultural
Structure has not delivered an opinion within the time
limit set by its chairman,

HAS ADOPTED THIS DECISION :

Article 1

The specific programme communicated by the Greek
Government on 25 October 1983 for the tobacco
sector pursuant to Regulation (EEC) No 355/77 is
hereby approved.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 7 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 180, 7. 7. 1984, p. 1.

COMMISSION DECISION**of 7 December 1984****on Community financial participation in eradicating blue tongue disease in Greece****(Only the Greek text is authentic)****(85/34/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 77/97/EEC of 21 December 1976 on the financing by the Community of certain emergency measures in the field of animal health ⁽¹⁾, as last amended by Decision 81/477/EEC ⁽²⁾, and in particular Article 1 (1) and (3) thereof,

Whereas cases of blue tongue disease have been discovered in Greece;

Whereas the appearance of that exotic disease represents a serious danger for livestock in the Community;

Whereas the Community should therefore participate in rapidly eradicating the disease by granting Greece a financial contribution;

Whereas, before her accession to the Community, Greece took the appropriate measures to control and restrict the spread of the disease when it appeared and was officially confirmed on the island of Lesbos; whereas Greece since accession continues to apply appropriate measures as provided for in Article 1 (1) of Decision 77/97/EEC by means of national regulations and by the application of Commission Decision 81/11/EEC ⁽³⁾ which prohibits the movement of bovine animals from Lesbos to the other Member States;

Whereas the conditions required for Community financial participation have been met; whereas, in order to be fully effective, this participation must be the maximum authorized by the aforementioned Council Decision;

Whereas further measures on a Community level are planned to ensure the eradication and continuing surveillance of blue tongue disease;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Community shall with effect from 1 January 1981 cover 50 % of the expenses incurred by Greece in compensating owners for the slaughter and, where appropriate, the destruction of animals susceptible to blue tongue disease and the disinfection of the farms following the detection on its territory of animals clinically affected with blue tongue disease or animals giving positive results to serological tests for blue tongue disease.

Article 2

The Community financial participation shall be granted after supporting documents have been submitted.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 7 December 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 78.

⁽²⁾ OJ No L 186, 8. 7. 1981, p. 22.

⁽³⁾ OJ No L 33, 5. 2. 1981, p. 32.

COMMISSION DECISION**of 10 December 1984****temporarily suspending the status of certain parts of the territory of the Federal Republic of Germany with regard to classical swine fever****(85/35/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 84/336/EEC⁽²⁾, and in particular Article 4c (1) c thereof,

Having regard to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat⁽³⁾, as last amended by Directive 84/336/EEC, and in particular Article 13a (2) thereof,

Whereas Council Decision 82/838/EEC of 3 December 1982⁽⁴⁾ recognizes certain parts of the territory of the Federal Republic of Germany as being either officially swine-fever-free or swine-fever-free;

Whereas outbreaks of classical swine fever have been recorded in some of the parts of the territory of the Federal Republic of Germany referred to in Annexes I and II to Decision 82/838/EEC;

Whereas, therefore, the status of the affected parts of the territory of the Federal Republic of Germany with

regard to classical swine fever should be temporarily suspended,

HAS ADOPTED THIS DECISION:

Article 1

The status of those parts of the territory of the Federal Republic of Germany constituted by the regions set out in the Annex to this Decision, as areas recognized to be officially swine-fever-free within the meaning of Article 4c (1) c of Directive 64/432/EEC, shall be suspended for a period of 15 days.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

Regions in the Federal Republic of Germany whose status as officially swine-fever-free is suspended

Land of Schleswig-Holstein.

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 177, 4. 7. 1984, p. 22.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 27.

COMMISSION DECISION

of 13 December 1984

concerning the Federal Republic of Germany pursuant to Article 13 (2) of Regulation (EEC, Euratom, ECSC) No 2892/77 concerning own resources accruing from value added tax

(Only the German text is authentic)

(85/36/ECSC, EEC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Decision 70/243/ECSC, EEC, Euratom of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources⁽¹⁾,

Having regard to Council Regulation (EEC, Euratom, ECSC) No 2892/77 of 19 December 1977 implementing in respect of own resources accruing from value added tax the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources⁽²⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3625/83⁽³⁾, and in particular the first subparagraph of Article 9 (3), the second subparagraph of Article 11 (1) and Article 13 (2) thereof,

Whereas the Commission, pursuant to Article 13 (2) of Regulation (EEC, Euratom, ECSC) No 2892/77, adopted, for 1980, Decision 81/478/Euratom, ECSC, EEC⁽⁴⁾, for 1981, Decision 82/758/ECSC, EEC, Euratom⁽⁵⁾, for 1982, Decision 83/141/EEC, Euratom,

ECSC⁽⁶⁾ and, for 1983, Decision 84/273/Euratom, ECSC, EEC⁽⁷⁾;

Whereas the carriage of persons by inland waterway has been taxed in the Federal Republic of Germany from 1 January 1984; whereas, in these circumstances, there is no longer any need to grant an authorization in respect of such transactions;

Whereas the Advisory Committee on Own Resources has approved the report recording the opinions of its members on this Decision,

HAS ADOPTED THIS DECISION:

Article 1

Point 6 of Article 3 of Decision 81/478/Euratom, ECSC, EEC is hereby repealed with effect from 1 January 1984.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 13 December 1984.

For the Commission

Christopher TUGENDHAT

Vice-President

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 19.

⁽²⁾ OJ No L 336, 27. 12. 1977, p. 8.

⁽³⁾ OJ No L 360, 23. 12. 1983, p. 1.

⁽⁴⁾ OJ No L 186, 8. 7. 1981, p. 23.

⁽⁵⁾ OJ No L 320, 17. 11. 1982, p. 16.

⁽⁶⁾ OJ No L 96, 15. 4. 1983, p. 45.

⁽⁷⁾ OJ No L 135, 22. 5. 1984, p. 16.

COMMISSION DECISION

of 13 December 1984

concerning the Kingdom of the Netherlands pursuant to Article 13 (2) of Regulation (EEC, Euratom, ECSC) No 2892/77 concerning own resources accruing from value added tax

(Only the Dutch text is authentic)

(85/37/ECSC, EEC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Decision 70/243/ECSC, EEC, Euratom of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources ⁽¹⁾,

Having regard to Council Regulation (EEC, Euratom, ECSC) No 2892/77 of 19 December 1977 implementing in respect of own resources accruing from value added tax the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources ⁽²⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3625/83 ⁽³⁾, and in particular the second subparagraph of Article 9 (1) and Article 13 (2) thereof,

Whereas the Commission, pursuant to Article 13 (2) of Regulation (EEC, Euratom, ECSC) No 2892/77, adopted for 1979, Decision 80/822/EEC, Euratom, ECSC ⁽⁴⁾, for 1980, Decision, 81/440/Euratom, ECSC, EEC ⁽⁵⁾, for 1981, Decision 82/761/ECSC, EEC, Euratom ⁽⁶⁾, for 1982, Decision 83/194/EEC, Euratom,

ECSC ⁽⁷⁾ and, for 1983, Decision 84/279/Euratom, ECSC, EEC ⁽⁸⁾;

Whereas the transitional arrangements applying to immovable property transactions expired on 1 January 1984; whereas, in these circumstances, there is no longer any need to grant an authorization in respect of such transactions;

Whereas the Advisory Committee on Own Resources has approved the report recording the opinions of its members on this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The reference to Annex E to the Sixth Directive in Article 1 of Decision 83/194/EEC, Euratom, ECSC and point 1 of Article 1 of the Decision are hereby repealed with effect from 1 January 1984.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 13 December 1984.

For the Commission

Christopher TUGENDHAT

Vice-President

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 19.

⁽²⁾ OJ No L 336, 27. 12. 1977, p. 8.

⁽³⁾ OJ No L 360, 23. 12. 1983, p. 1.

⁽⁴⁾ OJ No L 239, 12. 9. 1980, p. 23.

⁽⁵⁾ OJ No L 168, 25. 6. 1981, p. 24.

⁽⁶⁾ OJ No L 320, 17. 11. 1982, p. 22.

⁽⁷⁾ OJ No L 108, 26. 4. 1983, p. 14.

⁽⁸⁾ OJ No L 135, 25. 5. 1984, p. 24.

COMMISSION DIRECTIVE

of 14 December 1984

amending Annexes I and II to Council Directive 66/401/EEC on the marketing of fodder plant seed

(85/38/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 82/287/EEC ⁽²⁾, and in particular Article 21a thereof,

Whereas, in the light of the development of scientific and technical knowledge, Annexes I and II to Directive 66/401/EEC should be amended for the reasons set out hereafter;

Whereas it is well known, in the case of a certain type of varieties of smooth-stalked meadowgrass (*Poa pratensis* L.), that the varietal purity can more easily be examined than in other varieties; whereas, therefore, specific tolerance levels for varietal purity have already been set up for this type in Annex II of the before-mentioned Directive;

Whereas the varietal purity standards applicable to smooth-stalked meadowgrass as well as the procedure to examine satisfaction of them should be adjusted in such a way as to eliminate possible discrimination between the different types of varieties, to give references for field inspection in all cases and to take into account current certification practices;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 66/401/EEC is hereby amended as follows:

1. In the table in paragraph 2, 'apomictic uniclonal varieties of *Poa* spp' is replaced by 'varieties of *Poa*

pratensis referred to in the second part of the third sentence of paragraph 4'.

2. In the second sentence of paragraph 4, 'or of apomictic uni-clonal varieties of *Poa* spp' is replaced by 'or of *Poa* *pratensis*'.

3. In paragraph 4, the following is inserted after the second sentence:

'In the case of *Poa* *pratensis*, the number of plants of the crop species which are recognizable as obviously not being true to the variety shall not exceed:

- one per 20 m² for the production of basic seed,
- four per 10 m² for the production of certified seed;

however, in the case of varieties which are officially classified as "apomictic uni-clonal varieties" under agreed procedures, a number of plants recognizable as not being true to the variety, which does not exceed six per 10 m², may be regarded as satisfying the beforementioned standards for the production of certified seed. Upon application, a Member State may be authorized, in accordance with the procedure laid down in Article 21, to assess the satisfaction of the varietal purity standards in the case of crops of *Poa* *pratensis* belonging to such varieties not only on the basis of the results of the field inspection carried out in accordance with paragraph 6 of Annex I, where there is evidence that compliance with the varietal purity standards set up in Annex II is ensured by appropriate seed testing or other appropriate means.'

4. In the last sentence of paragraph 4, 'and of apomictic uni-clonal varieties of *Poa* spp' is deleted.

Article 2

Annex II to Directive 66/401/EEC is hereby amended as follows:

1. In the first indent of the second sentence of paragraph 1 of section I, 'Poa spp, apomictic uni-clonal varieties' is replaced by 'Poa *pratensis*, varieties referred to in the second part of the third sentence of paragraph 4 of Annex I'.
2. In the first sentence of paragraph 1 of section II, 'and of apomictic uni-clonal varieties of *Poa* spp' is

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 131, 13. 5. 1982, p. 24.

replaced by 'and of varieties of *Poa pratensis* referred to in the second part of the third sentence of paragraph 4 of Annex I'.

Article 3

Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive not later than 1 January 1986. They shall forthwith inform the Commission and the other Member States thereof.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION DECISION

of 14 December 1984

amending Council Decision 82/736/EEC as regards the list of establishments in Sweden approved for the purposes of importing fresh meat into the Community

(85/39/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals, swine and fresh meat from third countries⁽¹⁾, as last amended by Directive 83/91/EEC⁽²⁾, and in particular Articles 4 (1) and 18 (1) (a) and (b) thereof,

Whereas a list of establishments in Sweden, approved for the purposes of the importation of fresh meat into the Community, was drawn up initially by Council Decision 82/736/EEC⁽³⁾, as last amended by Commission Decision 84/574/EEC⁽⁴⁾;

Whereas a routine inspection under Article 5 of Directive 72/462/EEC and Article 3 (1) of Commission Decision 83/196/EEC of 8 April 1983 concerning on-the-spot inspections to be carried out in respect of the importation of bovine animals, swine and fresh meat from non-member countries⁽⁵⁾ has revealed that the level of hygiene of certain establishments has altered since the last inspection;

Whereas the list of establishments should, therefore, be amended;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 82/736/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 59, 5. 3. 1983, p. 34.

⁽³⁾ OJ No L 311, 8. 11. 1982, p. 18.

⁽⁴⁾ OJ No L 315, 5. 12. 1984, p. 19.

⁽⁵⁾ OJ No L 108, 26. 4. 1983, p. 18.

ANNEX

LIST OF ESTABLISHMENTS FROM WHICH IMPORTS OF FRESH MEAT MAY BE
AUTHORIZED WITHOUT TIME LIMIT

Approval No	Establishment	Address
I. BOVINE MEAT		
A. Slaughterhouses and cutting premises		
51-462	Scan KLS	Kalmar
78-294	Farmek	Visby
93-422	Jönköpings läns slakteriförening	Sävsjö
108-404	Lindahls Slakteri AB	Aneby
B. Slaughterhouses		
7	Helsingborgs off. slakthus	Helsingborg
44	Kronobergs läns slakteriförening	Alvesta
80	Kristianstad-Blekinge slakteriförening	Kristianstad
81	Scan Väst	Skara
82	A. J. Dahlbergs Slakteri AB	Bralanda
C. Cutting premises		
203	Meat Master AB	Svalöv
237	Gunnar Dafgård AB	Källby
296	Fyra Styckare AB	Johanneshov
444	Styckmastaren KB	Västervik
487	Rimfo AB	Johanneshov
II. PIGMEAT		
A. Slaughterhouses and cutting premises		
51-462	Scan KLS	Kalmar
78-294	Farmek	Visby
80-279	Kristianstad-Blekinge slakteriförening	Kristianstad
108-404	Lindahls Slakteri AB	Aneby
B. Slaughterhouses		
7	Helsingborgs off. slakthus	Helsingborg
44	Kronobergs läns slakteriförening	Alvesta
56	Skaneek	Halmstad
65	Eslövs Slakteri AB	Eslöv
66	Bröderna Karlssons Slakteri AB	Vara
75 ⁽¹⁾	Bröderna Gustavssons Slakteri AB	Lovene
81	Scan Väst	Skara
82	A. J. Dahlbergs Slakteri AB	Bralanda
93	Jönköpings läns slakteriförening	Sävsjö

⁽¹⁾ Offal excluded.

Approval No	Establishment	Address
-------------	---------------	---------

C. Cutting premises

203	Meat Master AB	Svarlöv
208	Gubbanges Kött och Fläsk	Johanneshov
237	Gunnar Dafgård AB	Källby
240	AB Lords Livsmedel	Helsingborg
296	Fyra Styckare AB	Johanneshov
299	AB Primefood	Ystad
417	Apes Slakteri AB	Johanneshov
461	AB Samfood	Malmö
481	Mårtensson AB	Johanneshov
487	Rimfo AB	Johanneshov

III. COLD STORES

244 (1)	Ystads Fryshus AB	Ystad
248	Frigoscandia	Helsingborg
253	Frigoscandia	Johanneshov
255 (1)	Västsvenska Kylhus AB	Göteborg
259 (1)	AB Stockholms Kylhus	Stockholm
402 (1)	Frigoscandia	Göteborg
439	Frigoscandia	Staffanstorp
447 (1)	Scan KLS	Kalmar
450	AB Empaco	Åhus
452 (1)	Skara Fryshus AB	Skara
454	Syd Frys AB	Mörarp
455	AB Kristianstads Fryshus	Kristianstad
469 (1)	Cold Stores i Eslöv AB	Eslöv
470 (1)	AB Stockholms Kylhus	Handen
482 (1)	Frigoscandia	Jordbro
485	AB Gotlandsfrysen	Visby

(1) Packaged meat only.

LIST OF ESTABLISHMENTS FROM WHICH MEAT MAY BE INTRODUCED INTO THE TERRITORY OF THE COMMUNITY ONLY UNTIL THE STATED DATE

Establishment No	Establishment	Address
------------------	---------------	---------

I. BOVINE MEAT

A. Slaughterhouses

62 (1)	Scan Väst	Varberg
--------	-----------	---------

II. PIGMEAT

Slaughterhouses and cutting premises

62-298 (1)	Scan Väst	Varberg
------------	-----------	---------

(1) Until 30 June 1985.

COMMISSION DECISION

of 14 December 1984

concerning certain protective measures against foot-and-mouth disease in Italy

(85/40/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 64/432/EEC of 26
June 1964 on animal health problems affecting intra-
Community trade in bovine animals and swine ⁽¹⁾, as
last amended by Directive 84/336/EEC ⁽²⁾, and in
particular Article 9 thereof,

Having regard to Council Directive 72/461/EEC of 12
December 1972 on health problems affecting intra-
Community trade in fresh meat ⁽³⁾, as last amended by
Directive 84/336/EEC, and in particular Article 8
thereof,

Having regard to Council Directive 80/215/EEC of 22
January 1980 on animal health problems affecting
intra-Community trade in meat products ⁽⁴⁾, as
amended by Directive 81/476/EEC ⁽⁵⁾, and in parti-
cular Article 7 thereof,

Whereas an outbreak of foot-and-mouth disease has
occurred in Italy; whereas this outbreak is liable to
endanger the herd of other Member States, in view of
the large-scale trade both in animals and fresh meat;

Whereas measures taken by the Italian authorities have
enabled the disease to be restricted to a limited part of
their territory and it is therefore suitable to limit
restrictive measures to consignments from this region;

Whereas certain Member States have taken protective
measures in this regard;

Whereas, by consequence, all Member States must
adopt adequate measures to assure their protection
during the time necessary for the eradication of the
disease;

Whereas the measures provided for in this Decision
are in accordance with the opinion of the Standing
Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Member States shall forbid the introduction into
their territory of bovine animals and pigs coming from
that part of the territory of Italy as mentioned in the
Annex.

Article 2

The Member States shall forbid the introduction into
their territory of fresh meat of cattle, pigs, sheep and
goats and meat-based products, other than products
which have been submitted to treatments as foreseen
by Article 4(1) of Directive 80/215/EEC, coming from
that part of the territory of Italy as mentioned in the
Annex or obtained from animals from that part of the
territory slaughtered outside it after 1 November 1984.

Article 3

1. The animal health certificate provided for in
Council Directive 64/432/EEC and accompanying the
animals coming from Italy must be completed in the
following manner:

'Animals conforming to the Commission Decision of
14 December 1984'.

2. The health certificate provided for in Council
Directive 64/433/EEC of 26 June 1964 on health
problems affecting intra-Community trade in fresh
meat ⁽⁶⁾ and accompanying fresh meat dispatched from
Italy must bear the following entry:

'Meat conforming to the Commission Decision of 14
December 1984'.

3. The health certificate provided for in Council
Directive 77/99/EEC of 21 December 1976 on health
problems affecting intra-Community trade in meat
products ⁽⁷⁾ and accompanying meat products as
referred to in Article 2 dispatched from Italy must
bear the following entry:

'Products conforming to the Commission Decision of
14 December 1984'.

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 177, 4. 7. 1984, p. 22.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽⁵⁾ OJ No L 186, 8. 7. 1981, p. 20.

⁽⁶⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁷⁾ OJ No L 26, 31. 1. 1977, p. 85.

Article 4

The Member States will modify the measures applicable to trade to render them in conformity with this Decision. They will immediately inform the Commission.

Article 5

The Commission shall follow the development of the situation and may amend this Decision in the light of such development.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

- Province of Modena
 - Any other part of the territory within a radius of 10 km at the location of any outbreak of foot-and-mouth disease.
-

EUROPA TRANSPORT
OBSERVATION OF TRANSPORT MARKETS

ANNUAL REPORT — 1982

The annual report of the European Commission's observation of the transport markets system, published under the umbrella title of 'Europa Transport' contains a comprehensive review of recent developments in the international intra-Community goods transport market. The presentation of the publication is by mode of transport and there are individual chapters on the three modes which are covered by the system, i.e. road, rail and inland waterways. There is also a general market appraisal of international transport developments within the Community and its short-term prospects, and a chapter on regional traffic flows.

1984. 76 pages.

Published in: Danish, Dutch, English, French, German, Greek and Italian.

ISBN 92-825-4204-1

Catalogue No CB-38-83-766-EN-C

Price (excluding VAT) in Luxembourg: 4,91 ECU Bfrs 225 £ Irl 3,60 £ 2,90 US \$ 4,50.

OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg

Guide to the provisions applying to the international carriage of passengers by road by means of occasional coach and bus services

This practical guide for transport firms is intended to bring about an improvement in the understanding and application of the provisions governing most of the occasional international coach and bus services in Western Europe.

The guide — which contains practical examples — makes a comparative analysis of the rules to which these services are subject under Community rules and the rules established by the Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR).

1984 — 42 pp. — 21,0 × 29,7 cm.

Published in: Danish, Dutch, English, French, German, Greek and Italian.

ISBN 92-825-4444-3,

Catalogue No CB-40-84-173-EN-C

Price (excluding VAT) in Luxembourg: 3,95 ECU Bfrs 180 £ Irl 2,90 £ 2,40; US \$ 3,50

OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg