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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 163/85**of 23 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

Whereas these exchange rates being those recorded on 22 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 24 January 1985.

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

Done at Brussels, 23 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 23 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	59,46
10.01 B II	Durum wheat	104,42 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	65,88 ⁽⁶⁾
10.03	Barley	77,47
10.04	Oats	52,28
10.05 B	Maize, other than hybrid maize for sowing	61,30 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	28,29 ⁽⁴⁾
10.07 C	Grain sorghum	72,04 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	97,65
11.01 B	Rye flour	106,65
11.02 A I a)	Durum wheat groats and meal	176,27
11.02 A I b)	Common wheat groats and meal	103,91

⁽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 164/85

of 23 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 organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84 ⁽²⁾, and in particular
Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary
Committee,

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

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

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

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

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

Whereas these exchange rates being those recorded on
22 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 24 January
1985.

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

Done at Brussels, 23 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 23 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	0	0	0,55
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	3,00
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	7,50	7,50	7,50
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0,76

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0,98	0,98
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0,73	0,73
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 165/85

of 23 January 1985

fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1025/84 ⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Regulation (EEC) No 2504/84 ⁽³⁾, as last amended by Regulation (EEC) No 109/85 ⁽⁴⁾;

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 ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2504/84 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 234, 1. 9. 1984, p. 5.

⁽⁴⁾ OJ No L 14, 17. 1. 1985, p. 8.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 23 January 1985 fixing the import levies on rice and broken rice

(ECU/tonne)			
CCT heading No	Description	Third countries ⁽³⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	242,23	117,51
	2. Long grain	230,17	111,48
	b) Husked rice :		
	1. Round grain	302,79	147,79
	2. Long grain	287,71	140,25
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	242,35	109,25
	2. Long grain	502,39	239,31
	b) Wholly milled rice :		
	1. Round grain	258,10	116,70
	2. Long grain	538,57	256,93
	III. Broken rice	60,10	27,05

⁽¹⁾ Subject to the application of the provisions of Article 10 of Regulation (EEC) No 435/80.

⁽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⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 166/85

of 23 January 1985

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1025/84 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Regulation (EEC) No 2505/84 ⁽³⁾, as last amended by Regulation (EEC) No 110/85 ⁽⁴⁾;

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 ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,

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

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 234, 1. 9. 1984, p. 8.

⁽⁴⁾ OJ No L 14, 17. 1. 1985, p. 10.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 23 January 1985 fixing the premiums to be added to the import levies on rice and broken rice

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

COMMISSION REGULATION (EEC) No 167/85**of 22 January 1985****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 1012/84 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of that Regulation provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in Regulation (EEC) No 1577/81 to the elements communicated to the Commission in accor-

dance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 January 1985.

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

Done at Brussels, 22 January 1985.

For the Commission

COCKFIELD

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 101, 13. 4. 1984, p. 25.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	2 252	401,68	112,22	343,88	36,10	68 845	126,90	31,56
1.12	ex 07.01-21 ex 07.01-22	ex 07.01 B I	Broccoli	6 678	1 190,99	332,76	1 019,61	107,04	204 126	376,27	93,57
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	804	144,90	39,53	121,24	12,90	24 246	44,59	10,52
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	2 132	380,30	106,25	325,58	34,18	65 181	120,15	29,88
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	5 814	1 036,85	289,69	887,66	93,19	177 708	327,57	81,46
1.22	ex 07.01-36	ex 07.01 D II	Endives	2 085	371,94	103,92	318,42	33,43	63 748	117,51	29,22
1.28	07.01-41 07.01-43	07.01 F I	Peas	6 469	1 153,79	322,36	987,77	103,70	197 751	364,52	90,65
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	5 296	944,56	263,90	808,64	84,89	161 890	298,41	74,21
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	2 222	396,37	110,74	339,34	35,62	67 935	125,22	31,14
1.40	ex 07.01-54	ex 07.01 G II	Carrots	2 369	422,50	118,04	361,71	37,97	72 413	133,48	33,19
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	5 356	955,21	266,88	817,76	85,85	163 714	301,78	75,05
1.60	07.01-63	ex 07.01 H	Onions (other than sets)	699	124,73	34,85	106,79	11,21	21 379	39,40	9,80
1.70	07.01-67	ex 07.01 H	Garlic	4 888	871,80	243,58	746,36	78,35	149 420	275,43	68,49
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	897	159,65	43,71	134,75	14,19	27 018	49,30	11,27
1.80		07.01 K	Asparagus :								
1.80.1	ex 07.01-71		— green	15 693	2 794,22	782,47	2 394,17	250,53	479 822	882,91	214,66
1.80.2	ex 07.01-71		— other	10 543	1 882,67	520,12	1 596,15	168,19	323 305	586,73	139,86
1.90	07.01-73	07.01 L	Artichokes	3 866	689,54	192,65	590,32	61,97	118 182	217,85	54,17
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	2 525	450,34	125,82	385,54	40,47	77 184	142,27	35,38
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	2 584	460,85	128,76	394,53	41,42	78 986	145,59	36,20
1.112	07.01-85	07.01 Q II	Chantarelles	39 816	7 113,98	1 966,27	6 023,74	633,12	1 211 715	2 215,74	516,49
1.118	07.01-91	07.01 R	Fennel	2 985	532,43	148,76	455,82	47,85	91 254	168,21	41,83
1.120	07.01-93	07.01 S	Sweet peppers	4 083	728,28	203,47	623,48	65,45	124 821	230,08	57,22
1.130	07.01-97	07.01 T II	Aubergines	3 467	618,35	172,76	529,38	55,57	105 981	195,36	48,58
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	2 277	406,08	113,45	347,65	36,49	69 599	128,29	31,90
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	2 431	433,58	121,14	371,19	38,96	74 311	136,98	34,06
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	3 810	679,44	189,83	581,67	61,06	116 451	214,65	53,38
2.10	08.01-31	ex 08.01 B	Bananas, fresh	2 297	409,71	114,47	350,76	36,82	70 221	129,44	32,19
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	2 778	495,45	138,43	424,16	44,53	84 917	156,53	38,92
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	5 878	1 048,28	292,88	897,44	94,21	179 666	331,18	82,36
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	8 433	1 503,93	420,19	1 287,53	135,17	257 762	475,14	118,16
2.50		08.02 A I	Sweet oranges, fresh :								
2.50.1	08.02-02 08.02-06 08.02-12 08.02-16		— Sanguines and semi-sanguines	2 404	428,76	119,79	367,07	38,53	73 486	135,46	33,68

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	1 623	289,54	80,89	247,88	26,02	49 625	91,47	22,74
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	2 215	395,02	110,36	338,17	35,50	67 703	124,80	31,03
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :								
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	1 323	236,06	65,95	202,09	21,21	40 460	74,58	18,54
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	3 205	576,05	158,98	488,11	51,34	97 928	179,14	41,40
2.60.3	08.02-28	08.02 B I	— Clementines	2 454	437,71	122,29	374,73	39,34	75 020	138,28	34,39
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	3 396	605,73	169,23	518,57	54,44	103 817	191,37	47,59
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	1 949	347,64	97,13	297,62	31,24	59 583	109,83	27,31
2.80		ex 08.02 D	Grapefruit, fresh :								
2.80.1	ex 08.02-70		— white	2 168	386,74	108,05	331,09	34,76	66 285	122,18	30,38
2.80.2	ex 08.02-70		— pink	3 212	572,89	160,06	490,46	51,49	98 189	180,99	45,01
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	9 322	1 662,54	464,51	1 423,31	149,42	284 946	525,25	130,62
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	5 468	975,22	272,47	834,90	87,65	167 145	308,10	76,62
2.95	08.05-50	08.05 C	Chestnuts	3 066	546,76	152,76	468,09	49,14	93 711	172,74	42,95
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	2 967	529,13	147,83	452,99	47,55	90 688	167,17	41,57
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	4 136	737,69	206,11	631,54	66,30	126 434	233,06	57,96
2.120	08.07-10	08.07 A	Apricots	9 099	1 622,68	453,37	1 389,19	145,84	278 114	512,66	127,49
2.130	ex 08.07-32	ex 08.07 B	Peaches	9 715	1 732,52	484,06	1 483,22	155,71	296 939	547,36	136,12
2.140	ex 08.07-32	ex 08.07 B	Nectarines	10 553	1 882,02	525,83	1 611,21	169,15	322 563	594,59	147,86
2.150	08.07-51 08.07-55	08.07 C	Cherries	2 803	504,88	137,76	422,46	44,97	84 480	155,38	36,68
2.160	08.07-71 08.07-75	08.07 D	Plums	9 502	1 694,54	473,45	1 450,71	152,30	290 431	535,36	133,13
2.170	08.08-11 08.08-15	08.08 A	Strawberries	14 516	2 588,76	723,29	2 216,26	232,67	443 692	817,87	203,39
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	3 329	591,82	163,87	502,64	52,82	101 773	184,63	43,45
2.180	08.09-11	ex 08.09	Water melons	540	96,52	26,68	81,73	8,59	16 441	30,06	7,00
2.190		ex 08.09	Melons (other than water melons :								
2.190.1	ex 08.09-19		— elongated	3 553	633,76	177,07	542,56	56,96	108 621	200,22	49,79
2.190.2	ex 08.09-19		— other	6 441	1 148,74	320,95	983,44	103,24	196 884	362,92	90,25
2.195	ex 08.09-90	ex 08.09	Pomegranates	5 247	933,70	260,97	799,91	83,65	160 202	294,71	72,09
2.200	ex 08.09-90	ex 08.09	Kiwis	12 526	2 233,84	624,12	1 912,40	200,77	382 861	705,74	175,51
2.202	ex 08.09-90	ex 08.09	Khakis	5 711	1 018,56	284,58	872,00	91,54	174 574	321,80	80,02
2.203	ex 08.09-90	ex 08.09	Lychees	11 246	2 005,55	560,34	1 716,96	180,25	343 734	633,62	157,57

COMMISSION REGULATION (EEC) No 168/85

of 23 January 1985

re-establishing the levying of customs duties applicable to vitamin C, falling within subheading 29.38 B IV and originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3562/84 of 18 December 1984 applying generalized tariff preferences for 1985 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of vitamin C, falling within subheading 29.38 B IV, the individual ceiling was fixed at 578 800 ECU; whereas, on 21 January 1985, imports of these products into the Community originating in China reached the ceiling in question after

being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 January 1985, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3562/84 shall be re-established on imports into the Community of the following products originating in China:

CCT heading No	Description
29.38 B IV (NIMEXE code 29.38-50)	Vitamin C

Article 2

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

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

Done at Brussels, 23 January 1985.

For the Commission

COCKFIELD

Member of the Commission

⁽¹⁾ OJ No L 338, 27. 12. 1984, p. 1.

COMMISSION REGULATION (EEC) No 169/85

of 23 January 1985

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 871/84⁽²⁾,

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

Whereas the United Kingdom is the only country
which grants the variable slaughter premium, in region
5, within the meaning of Article 3 (5) of Regulation
(EEC) No 1837/80; whereas it is necessary therefore
for the Commission to fix, for the week beginning 24
December 1984, the level of the premium and the
amount to be charged on products leaving that region;

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

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

Whereas it follows from the application of the rules
laid down in Article 9 (1) of Regulation (EEC) No
1837/80 and in Article 4 (1) and (3) of Regulation

(EEC) No 1633/84 that the variable slaughter premium
for sheep certified as eligible in the United Kingdom,
and the amounts to be charged on products leaving
region 5 of the aforesaid Member State during the
week beginning 24 December 1984, shall be set out in
the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the
United Kingdom in region 5, within the meaning of
Article 3 (5) of Regulation (EEC) No 1837/80, for the
variable slaughter premium during the week beginning
24 December 1984, the level of the premium shall be
equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of
Regulation (EEC) No 1837/80 which left the territory
of region 5 during the week beginning 24 December
1984, the amounts to be charged shall be equivalent to
those fixed in Annex II hereto.

Article 3

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

It shall apply with effect from 24 December 1984.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 24 December 1984

Description	Premium
Certified sheep or sheepmeat	34,174 ECU per 100 kilograms of estimated or actual dressed carcase weight (¹)
(¹) Within the weight limits laid down by the United Kingdom.	

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
24 December 1984

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	16,062
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	34,174
	2. Short forequarters	23,922
	3. Chines and/or best ends	37,591
	4. Legs	44,426
	5. Other :	
	aa) Unboned (bone-in)	44,426
	bb) Boned or boneless	62,197
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	25,631
	2. Short forequarters	17,942
	3. Chines and/or best ends	28,194
	4. Legs	33,320
	5. Other :	
	aa) Unboned (bone-in)	33,320
	bb) Boned or boneless	46,648
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	44,426
	2. Boned or boneless	62,197
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	— unboned (bone-in)	44,426
	— boned or boneless	62,197

COMMISSION REGULATION (EEC) No 170/85
of 23 January 1985
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 3643/81⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Having regard to Council Regulation (EEC) No 855/84 of 31 March 1984 on the calculation and the dismantlement of the monetary compensatory amounts applying to certain agricultural products⁽³⁾, as last amended by Regulation (EEC) No 1004/84⁽⁴⁾, and in particular Article 1 thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75⁽⁵⁾, as last amended by Regulation (EEC) No 2300/77⁽⁶⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Regulation (EEC) No 2932/84⁽⁷⁾, last fixed for the period 1 November 1984 to 31 January 1985, they must be fixed anew for the period 1 February to 30 April 1985; whereas such prices and levies should in principle be calculated by reference to feed grain prices for the period 1 August to 31 December 1984;

Whereas, pursuant to Council Regulation (EEC) No 855/84, the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,033651 with effect from the 1984/85 marketing year; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting world market prices to a corrective factor of 0,967445 used for the calculation of levies and sluice-gate prices;

Whereas, when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate prices for the preceding quarter; whereas by Council Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required does not vary by 3 % or more from that used for the preceding quarter; whereas the sluice-gate prices fixed by Regulation (EEC) No 2932/84 should accordingly be maintained unchanged until 30 April 1985;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since no new sluice-gate prices have been fixed, the levies fixed by Regulation (EEC) No 2932/84 should accordingly be maintained unchanged until 30 April 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

The levies provided for in Article 3 of Regulation (EEC) No 2771/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall, for the period 1 February to 30 April 1985, be as fixed by Regulation (EEC) No 2932/84.

Article 2

This Regulation shall enter into force on 1 February 1985.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 364, 19. 12. 1981, p. 1.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁴⁾ OJ No L 101, 13. 4. 1984, p. 2.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁶⁾ OJ No L 271, 22. 10. 1977, p. 6.

⁽⁷⁾ OJ No L 276, 19. 10. 1984, p. 22.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESSEN

Member of the Commission

COMMISSION REGULATION (EEC) No 171/85

of 23 January 1985

fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Articles 3 and 7 (1) thereof,

Having regard to Council Regulation (EEC) No 855/84 of 31 March 1984 on the calculation and the dismantlement of the monetary compensatory amounts applying to certain agricultural products⁽²⁾, as last amended by Regulation (EEC) No 1004/84⁽³⁾, and in particular Article 1 thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75⁽⁴⁾, as last amended by Regulation (EEC) No 750/81⁽⁵⁾;

Whereas, since sluice-gate prices and levies for poultrymeat were, by Regulation (EEC) No 2929/84⁽⁶⁾, last fixed for the period 1 November 1984 to 31 January 1985 they must be fixed anew for the period 1 February to 30 April 1985; whereas such prices and levies should in principle be calculated by reference to feed grain prices for the period 1 August to 31 December 1984;

Whereas, pursuant to Council Regulation (EEC) No 855/84, the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,033651 with effect from the 1984/85 marketing year; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting world market prices to a corrective factor of 0,967445 used for the calculation of levies and sluice-gate prices;

Whereas, when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed,

trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required does not vary by 3 % or more from that used for the preceding quarter; whereas the sluice-gate prices fixed by Regulation (EEC) No 2929/84 should accordingly be maintained unchanged until 30 April 1985 for these products;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since no new sluice-gate price has been fixed, the levies fixed by Regulation (EEC) No 2929/84 should accordingly be maintained unchanged until 30 April 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2777/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall, for the period 1 February to 30 April 1985, be as fixed by Regulation (EEC) No 2929/84.

2. In the case of products falling within heading No 02.03 and within subheading 15.01 B or 16.02 B I of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that.

Article 2

This Regulation shall enter into force on 1 February 1985.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽³⁾ OJ No L 101, 13. 4. 1984, p. 2.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁵⁾ OJ No L 80, 26. 3. 1981, p. 1.

⁽⁶⁾ OJ No L 276, 19. 10. 1984, p. 17.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION REGULATION (EEC) No 172/85

of 23 January 1985

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2783/75 of 29 October 1975 on the common system
of trade for ovalbumin and lactalbumin⁽¹⁾, and in
particular Article 2 (2) and the second subparagraph of
Article 5 (5) thereof,

Having regard to Council Regulation (EEC) No 855/84
of 31 March 1984 on the calculation and the dis-
mantlement of the monetary compensatory amounts
applying to certain agricultural products⁽²⁾, as last
amended by Regulation (EEC) No 1004/84⁽³⁾, and in
particular Article 1 thereof,

Whereas the sluice-gate prices and import duties for
the products specified in Article 1 of Regulation (EEC)
No 2783/75 must be fixed quarterly in advance in
accordance with the methods of calculation laid down
in Commission Regulation (EEC) No 2084/84⁽⁴⁾;

Whereas, pursuant to Council Regulation (EEC) No
855/84, the central rate used under the common agri-
cultural policy has been subjected to a corrective factor
of 1,033651 with effect from the 1984/85 marketing
year; whereas the corrected central rate has led to a
change in the relationship between the Community
price and the world market price; whereas account
should therefore be taken of this fact by subjecting
world market prices to a corrective factor of 0,967445
used for the calculation of levies and sluice-gate
prices;

Whereas, since sluice-gate prices and import duties for
ovalbumin and lactalbumin were, by Regulation (EEC)
No 2930/84⁽⁵⁾, last fixed for the period 1 November
1984 to 31 January 1985, they must be fixed anew for
the period 1 February to 30 April 1985; whereas such
prices and duties should be calculated by reference to
the sluice-gate price and levy applicable to eggs in
shell during the same period;

Whereas, these have been fixed by Commission Regu-
lation (EEC) No 170/85⁽⁶⁾;

Whereas the sluice-gate price and levy applicable to
eggs in shell have been maintained unchanged by the
aforementioned Regulation; whereas it is therefore
necessary likewise to maintain unchanged the sluice-
gate prices and import duties for ovalbumin and lactal-
bumin fixed by Regulation (EEC) No 2930/84;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import duties provided for in Article 2 of Regu-
lation (EEC) No 2783/75 in respect of the products
specified in Article 1 of that Regulation and the
sluice-gate prices provided for in Article 5 of that
Regulation in respect of the like products shall, for the
period 1 February to 30 April 1985, be as fixed by
Regulation (EEC) No 2930/84.

Article 2

This Regulation shall enter into force on 1 February
1985.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESSEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽³⁾ OJ No L 101, 13. 4. 1984, p. 2.

⁽⁴⁾ OJ No L 192, 20. 7. 1984, p. 24.

⁽⁵⁾ OJ No L 276, 19. 10. 1984, p. 19.

⁽⁶⁾ See page 16 of this Official Journal.

COMMISSION REGULATION (EEC) No 173/85
of 23 January 1985
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 3589/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 115/85 ⁽⁸⁾;

Whereas, for the period 9 to 15 January 1985, for certain currencies:

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

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

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 1.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 332, 20. 12. 1984, p. 63.

⁽⁸⁾ OJ No L 14, 17. 1. 1985, p. 19.

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU)	11,864	12,932	12,856	13,376	11,493	11,493
2. Final aids						
Seeds harvested and processed in :						
— Federal Republic of Germany (DM)	30,88	33,39	33,28	34,76	30,41	31,18
— Netherlands (Fl)	34,79	37,62	37,46	39,12	34,21	34,99
— BLEU (Bfrs/Lfrs)	550,63	600,20	596,67	619,32	531,85	520,15
— France (FF)	72,48	79,94	78,71	81,21	67,75	67,77
— Denmark (Dkr)	99,84	108,82	108,18	112,56	96,71	95,88
— Ireland (£ Irl)	8,899	9,700	9,638	9,959	8,543	8,015
— United Kingdom (£)	6,131	6,809	6,743	7,064	5,840	5,840
— Italy (Lit)	16 989	18 514	18 118	18 586	15 861	14 943
— Greece (Dr)	898,49	997,70	988,07	1 035,14	855,98	855,98

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month
1. Gross aids (ECU)	19,736	20,101	20,771	20,722	20,444
2. Final aids					
Seeds harvested and processed in :					
— Federal Republic of Germany (DM)	49,85	50,74	52,37	52,51	51,87
— Netherlands (Fl)	56,17	57,17	58,97	59,12	58,40
— BLEU (Bfrs/Lfrs)	915,98	932,92	964,02	960,13	947,22
— France (FF)	125,85	128,29	132,29	130,79	128,80
— Denmark (Dkr)	166,08	169,15	174,79	174,38	172,04
— Ireland (£ Irl)	14,804	15,078	15,574	15,463	15,254
— United Kingdom (£)	10,907	11,125	11,541	11,509	11,328
— Italy (Lit)	28 076	28 593	29 242	28 871	28 468
— Greece (Dr)	1 597,50	1 629,39	1 690,30	1 685,64	1 659,19

ANNEX III

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

(value of 1 ECU)

	Current month	1st month	2nd month	3rd month	4th month	5th month
DM	2,223260	2,216330	2,210600	2,204780	2,204780	2,187590
Fl	2,512180	2,505060	2,498850	2,492020	2,492020	2,474050
Bfrs/Lfrs	44,514300	44,570800	44,612600	44,661200	44,661200	44,796700
FF	6,808150	6,816170	6,824330	6,834970	6,834970	6,871070
Dkr	7,947690	7,961630	7,974850	7,987670	7,987670	8,023040
£ Irl	0,715155	0,718418	0,721170	0,723988	0,723988	0,731129
£	0,623387	0,624945	0,626154	0,627267	0,627267	0,629851
Lit	1 365,56	1 372,35	1 378,02	1 383,52	1 383,52	1 400,26
Dr	90,601100	90,614300	90,624000	90,647900	90,647900	90,782000

COMMISSION REGULATION (EEC) No 174/85

of 23 January 1985

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 31 December 1984 to 6 January 1985

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1063/84 of 16 April 1984 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom during the 1984/85 marketing year ⁽¹⁾, and in particular Article 5 thereof,

Whereas, under Article 3 of Regulation (EEC) No 1063/84, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Commission Regulation (EEC) No 1355/84 of 16 May 1984 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom during the 1984/85 marketing year ⁽²⁾, as amended by Regulation (EEC) No 2018/84 ⁽³⁾, the amounts to be charged on departure from the territory of the United Kingdom of the

products listed in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 31 December 1984 to 6 January 1985 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of Regulation (EEC) No 1063/84, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1355/84 which left the territory of the United Kingdom during the week 31 December 1984 to 6 January 1985 shall be those set out in the Annex.

Article 2

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

It shall apply with effect from 31 December 1984.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 105, 18. 4. 1984, p. 1.

⁽²⁾ OJ No L 131, 17. 5. 1984, p. 19.

⁽³⁾ OJ No L 187, 14. 7. 1984, p. 46.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during the week 31 December 1984 to 6 January 1985

(ECU/100 kg net weight)

CCT heading No	Description	Amount
1	2	3
ex 02.01 A II a) and ex 02.01 A II b)	Meat of adult bovine animals, fresh, chilled or frozen : 1. Carcases, half-carcases or 'compensated' quarters 2. Separated or unseparated forequarters 3. Separated or unseparated hindquarters 4. Other : aa) Unboned (bone-in) bb) Boned or boneless	 24,80811 19,84649 29,76973 19,84649 33,98711
ex 02.06 C I a)	Meat salted, in brine, dried or smoked, of adult bovine animals : 1. Unboned (bone-in) 2. Boned or boneless	 19,84649 28,28125
ex 16.02 B III b) 1	Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals : aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal : 11. Containing 80 % or more by weight of beef meat excluding offals and fat 22. Other	 28,28125 19,84649

COMMISSION REGULATION (EEC) No 175/85

of 23 January 1985

altering the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds ⁽³⁾, as last amended by Regulation (EEC) No 2429/72 ⁽⁴⁾, and in particular the second sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁷⁾, as last amended by Regulation (EEC) No 1474/84 ⁽⁸⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the export refunds on oil seeds were fixed by Regulation (EEC) No 3701/84 ⁽⁹⁾, as last amended by Regulation (EEC) No 67/85 ⁽¹⁰⁾;

Whereas, for the period 9 to 15 January 1985, for certain currencies :

- for the current month, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 differs by more than one point from the percentage adopted for the previous fixing,
- for certain following months the difference referred to in Article 2 (2) of Regulation (EEC) No 1569/72 exceeds 0,5 % ; whereas this difference in the case of certain forward differential amounts differs by more than one point from the percentage adopted for the previous fixing ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3701/84 to the information at present known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 ⁽¹¹⁾, fixed in the Annex to amended Regulation (EEC) No 3701/84 are altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

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

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 1.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁸⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁹⁾ OJ No L 341, 29. 12. 1984, p. 37.

⁽¹⁰⁾ OJ No L 10, 11. 1. 1985, p. 13.

⁽¹¹⁾ OJ No L 75, 30. 3. 1971, p. 16.

ANNEX

to the Commission Regulation of 23 January 1985 altering the export refunds on colza
and rape seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month	5th month
1. Gross refunds (ECU)	9,900	10,420	10,940	11,460	11,460	11,460
2. Final refunds						
Seeds harvested and exported from :						
— Federal Republic of Germany (DM)	26,33	27,57	28,84	30,33	30,33	31,10
— Netherlands (Fl)	29,66	31,06	32,46	34,13	34,13	34,90
— BLEU (Bfrs/Lfrs)	459,48	483,61	507,75	530,32	530,32	518,60
— France (FF)	58,52	62,09	65,06	67,52	67,52	67,53
— Denmark (Dkr)	83,31	87,68	92,06	96,44	96,44	95,61
— Ireland (£ Irl)	7,426	7,816	8,200	8,518	8,518	7,990
— United Kingdom (£)	4,853	5,175	5,496	5,818	5,818	5,818
— Italy (Lit)	14 177	14 917	15 359	15 813	15 813	14 895
— Greece (Dr)	711,62	758,69	805,76	852,84	852,84	852,84

COMMISSION REGULATION (EEC) No 176/85

of 23 January 1985

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 syrups and certain other sugar products were fixed by Regulation (EEC) No 3698/84⁽³⁾, as last amended by Regulation (EEC) No 91/85⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3698/84 to the information known to the Commission that the basic

amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 3698/84 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESSEN

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 341, 29. 12. 1984, p. 30.

⁽⁴⁾ OJ No L 12, 15. 1. 1985, p. 10.

ANNEX

to the Commission Regulation of 23 January 1985 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,4614	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	57,08
	ex II. Other	0,4614	—
	E. Artificial honey, whether or not mixed with natural honey	0,4614	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4614	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	57,08
	IV. Other	0,4614	—

COMMISSION REGULATION (EEC) No 177/85
of 23 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 162/85⁽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 Regu-
lation (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 24 January
1985.

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

Done at Brussels, 23 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 19, 23. 1. 1985, p. 16.

ANNEX

to the Commission Regulation of 23 January 1985 fixing the import levies on white sugar
and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	46,14
	B. Raw sugar	42,86 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the levy applicable
is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 178/85**of 23 January 1985****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 last 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 the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 111/85⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 111/85 to the information known to the Commission that the export

refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 111/85, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 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 14, 17. 1. 1985, p. 12.

ANNEX

to the Commission Regulation of 23 January 1985 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	40,66	
	(b) Other	40,35	
	(II) Flavoured or coloured sugar		0,4066
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	37,40 ⁽¹⁾	
	(b) Other raw sugar	37,12 ⁽¹⁾	

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

COMMISSION REGULATION (EEC) No 179/85
of 23 January 1985

fixing the maximum export refund for white sugar for the 22nd partial invitation to tender issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2382/84

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2382/84 of 14 August 1984 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2382/84, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 22nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 22nd partial invitation to tender for white sugar issued under Regulation (EEC) No 2382/84 is hereby fixed at 42,446 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 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 221, 18. 8. 1984, p. 5.

COMMISSION REGULATION (EEC) No 180/85**of 23 January 1985****fixing the maximum export refund for raw sugar for the 16th partial invitation to tender issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2383/84**

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2383/84 of 14 August 1984 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2383/84, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 16th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 16th partial invitation to tender for raw sugar issued under Regulation (EEC) No 2383/84 is hereby fixed at 38,989 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESSEN

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 221, 18. 8. 1984, p. 10.

COMMISSION REGULATION (EEC) No 181/85

of 23 January 1985

fixing additional amounts for certain pigmeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 2966/80⁽²⁾, and in particular the second subparagraph of Article 13 (5) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 202/67/EEC of 28 June 1967 on fixing the additional amount for imports of pigmeat products from third countries⁽³⁾, as amended by Regulation No 614/67/EEC⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports listed according to product and country of origin in that Annex;

Whereas Council Regulation (EEC) No 2767/75 of 29 October 1975⁽⁵⁾, as last amended by Regulation (EEC) No 1906/83⁽⁶⁾, laid down general rules for the fixing of additional amounts for those products for which no sluice-gate price is fixed;

Whereas Regulation No 202/67/EEC lays down certain detailed rules, to that end, and in particular for

determining the free-at-frontier offers for those products; whereas, according to the information received by the Commission, offers from third countries in the determination of which not only the prices shown in customs documents but also all other indications concerning the prices ruling in third countries, are taken into account, are developing in such a way that additional amounts should be fixed for those products at the level shown in the Annex;

Whereas, in accordance with Article 1 of Regulation No 121/65/EEC⁽⁷⁾ and with Regulations (EEC) No 564/68⁽⁸⁾, (EEC) No 998/68⁽⁹⁾, as amended by Regulation (EEC) No 328/83⁽¹⁰⁾, (EEC) No 2260/69⁽¹¹⁾, as amended by Regulation (EEC) No 328/83, and (EEC) No 1570/71⁽¹²⁾, as amended by Regulation (EEC) No 328/83, the levy on certain products listed in those Regulations which originate in and come from the Federal Republic of Austria, the People's Republic of Poland, the Hungarian People's Republic, the Socialist Republic of Romania and the People's Republic of Bulgaria should not be increased by an additional amount;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 13 of Regulation (EEC) No 2759/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 28 January 1985

(¹) OJ No L 282, 1. 11. 1975, p. 1.
(²) OJ No L 307, 18. 11. 1980, p. 5.
(³) OJ No 134, 30. 6. 1967, p. 2837/67.
(⁴) OJ No 231, 27. 9. 1967, p. 6.
(⁵) OJ No L 282, 1. 11. 1975, p. 29.
(⁶) OJ No L 190, 14. 7. 1983, p. 4.

(⁷) OJ No 155, 18. 9. 1965, p. 2560/65.
(⁸) OJ No L 107, 8. 5. 1968, p. 6.
(⁹) OJ No L 170, 19. 7. 1968, p. 14.
(¹⁰) OJ No L 38, 10. 2. 1983, p. 12.
(¹¹) OJ No L 286, 14. 11. 1969, p. 22.
(¹²) OJ No L 165, 23. 7. 1971, p. 23.

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

Done at Brussels, 23 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

ANNEX

to the Commission Regulation of 23 January 1985 fixing additional amounts for certain pigmeat products

(ECU/100 kg)

CCT heading No	Description	Supplementary amount	Origin of imports
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04 fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 6. Other : bb) Other	70,00	Origin : Hungary and Bulgaria

COMMISSION REGULATION (EEC) No 182/85

of 23 January 1985

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1025/84⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 3665/84⁽⁷⁾, as amended by Regulation (EEC) No 3717/84⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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⁽¹¹⁾, as last amended by Regulation (EEC) No 855/84⁽¹²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 22 January 1985;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹³⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 3665/84, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1985.

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

Done at Brussels, 23 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 340, 28. 12. 1984, p. 24.

⁽⁸⁾ OJ No L 341, 29. 12. 1984, p. 82.

⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 23 January 1985 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 F ⁽²⁾	66,23	63,21
11.02 A VI ⁽²⁾	66,23	63,21
11.02 E II d) 1 ⁽²⁾	113,37	107,33
11.02 F VI ⁽²⁾	66,23	63,21
11.08 A II	85,12	54,29

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 December 1984

relating to a proceeding under Article 85 of the EEC Treaty

(IV/30.261 — Ideal-Standard's distribution system)

(Only the German text is authentic)

(85/45/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 17 of 6
February 1962 First Regulation implementing Articles
85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act
of Accession of Greece, and in particular Articles 2, 3
and 6 thereof,

Having regard to the notification to the Commission
on 6 January 1981 by Ideal-Standard GmbH, Bonn,
Federal Republic of Germany, pursuant to Article 4 of
Regulation No 17, of an EEC-wide dealership agree-
ment for which it sought negative clearance or an
exemption under Article 85 (3) of the Treaty,

Having decided on 6 July 1983 to open proceedings
in the case,

Having given the undertaking concerned the opportu-
nity to reply to the objections raised by the Commis-
sion pursuant to Article 19 (1) of Regulation No 17
and Commission Regulation No 99/63/EEC of 25
July 1963 on the hearings provided for in Article 19
(1) and (2) of Council Regulation No 17 ⁽²⁾,

Having heard, pursuant to Article 19 (2) of Regulation
No 17 and Commission Regulation No 99/63/EEC,

the views of the Bundesverband des Sanitär-
Fachhandels eV, Bonn, the Zentralverband Sanitär,
Heizung, Klima, St Augustin, and the Bundesverband
der Selbstbedienungs-Warenhäuser eV, Bonn,

Having consulted the Advisory Committee on Restrictive
Practices and Dominant Positions,

Whereas :

I. THE FACTS

A. Ideal-Standard

- (1) Ideal-Standard GmbH (Ideal), which has its
registered office in Bonn, Federal Republic of
Germany, manufactures fittings for plumbing
systems. The Ideal range of plumbing fittings is
very wide and Ideal distributes them in all
Community countries through a network of
wholesalers specializing in plumbing fittings
and sanitary ware. In 1983 Ideal had a turnover
within the Community of ... million ECU ⁽³⁾.
Ideal is a well-known and leading brand of
plumbing fittings and the firm supplies the
majority of plumbing and sanitary ware whole-
salers in the Community.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

⁽³⁾ Pursuant to Article 21 (2) of Regulation No 17, business
secrets are not published in the Official Journal.

- (2) According to its own estimates, Ideal's share (in terms of numbers of units sold) of the plumbing fittings market for the year 1981 was ... in the Federal Republic of Germany, ... in France, ... in Italy, ... in the United Kingdom, ... in the Netherlands and ... in Belgium. The bulk of Ideal's sales are in three product lines: two-hole mixers, single-lever mixers and thermostats. These three lines account for by far the biggest part of its plumbing fitting sales.

(v) have adequate transport facilities to provide rapid and damage-free transport to the plumbing contractor and/or construction site (clause 3.1 (d));

(vi) undertake to use his best endeavours to boost sales of the Ideal plumbing fittings range (clause 6.1).

- (b) The wholesaler may supply Ideal plumbing fittings within the Community only to the following classes of customer (clause 4.2):

B. The Ideal-Standard dealership agreement

- (3) On 6 January 1981 Ideal notified to the Commission a standard dealership agreement which it proposed to sign with specialist plumbing and sanitary ware wholesalers throughout the common market. Ideal began to introduce the new agreement at the beginning of 1981. On 12 June 1981 the Bundesverband der Selbstbedienungs-Warenhäuser eV (BdSW) complained to the Commission about the introduction of the Ideal dealership agreement.

The main features of the Ideal dealership agreement are as follows:

- (a) Ideal only supplies its plumbing fittings to specialist plumbing and sanitary ware wholesalers who satisfy the dealer criteria set out in the Ideal dealership agreement and who sign that agreement. The wholesaler must:

(i) specialize in the sale of plumbing fittings and sanitary ware (clause 3.1 (a));

(ii) display a representative selection of Ideal's entire plumbing fittings range in attractive and sufficiently large trading premises (preamble and clause 3.1 (b));

(iii) keep adequate stocks of the Ideal plumbing fittings range including spare parts and accessories (clause 3.1 (b)). In order to be able to supply customers quickly as and when required, these stocks must be kept within easy reach in suitable and properly managed premises and in sufficient quantities of the entire range (preamble);

(iv) employ staff with the requisite specialist qualifications to provide advice and service to plumbing contractors and final consumers (clause 3.1 (c));

(i) plumbing contractors, i.e. firms 'which meet all the statutory, and in particular commercial and training requirements for installing plumbing systems'. Ideal's warranty on fittings applies only if they are installed by a plumbing contractor (preamble);

(ii) other plumbing and sanitary ware wholesalers authorized by Ideal;

(iii) in exceptional cases, since Ideal normally supplies such customers direct, public bodies, mutual or commercial organizations or private individuals having building work carried out for them, provided that it is certain that the goods supplied will not be used otherwise than for the particular building project in question.

- (4) On 19 July 1983 the Commission sent Ideal a Statement of Objections in which it questioned whether the terms of the standard dealership agreement outlined in paragraph 3 above were compatible with Article 85 (1) of the Treaty. It objected in particular to the criteria for admission to the Ideal wholesale network and to the restriction of resale only to plumbing contractors.

- (5) Regarding the selection criteria for wholesalers, Ideal maintained that the criteria contained in its agreement reflected the particular distribution functions performed by plumbing and sanitary ware wholesalers. The wholesalers had to assume special distribution functions such as stockholding, providing advice and guidance to customers as and when required, handling complaints, supplying spare parts and maintaining a showroom. Plumbing contractors generally did not keep complete stocks or have

- a showroom. They often placed orders from individual customers with the wholesaler. Ideal also observed that the requirement for a wholesaler to be specialist in plumbing fittings and sanitary ware was satisfied if the wholesaler had a department specializing in the sale of such products.
- (6) In defence of the restriction of resale to plumbing contractors, Ideal argued that plumbing fittings were semi-finished products which because of their technical complexity and the need for them to be installed required competent advice and guidance and professional standards of workmanship in their installation. Ideal also submitted that consumers were in any case obliged under the German Water Supply Regulations (AVB Wasser V) of 20 June 1980 to have their water supply systems installed and any major alterations to them carried out only by the water distribution company or a plumbing contractor registered with the water distribution company. There were similar regulations, Ideal said, in other Community countries. By reserving sale and installation for skilled craftsmen, the Ideal dealership agreement was protecting the consumer from risk. The restriction of warranty to fittings installed by plumbing contractors was also justified by the need for professional standards of workmanship in installing what before installation was only a semi-finished product.
- (7) Ideal further claimed that its dealership agreement was necessary to prevent damage to its reputation by the misuse of Ideal products as loss-leaders by department stores. Its trade mark could also be harmed, it said, by installation by DIY enthusiasts, who tended to blame any faults on the manufacturer rather than on faulty installation.
- (8) Ideal also argued that if it did not restrict retailing to plumbing contractors it would lose a lot of their custom and suffer a considerable drop in sales revenue, which might even jeopardize its future. Since 1979 department stores had been selling Ideal products extensively at rock-bottom prices, which had produced strong reactions from the plumbers' guilds and led to a fall in its sales revenue. Ideal maintained that introduction of its dealership agreement was necessary to avoid possible boycotts by plumbing contractors. Its dealership agreement was also a reaction to the introduction of a selective distribution system by Hansa Metallwerke AG in the Federal Republic of Germany. Hansa was one of its competitors on the German market.
- (9) Ideal further submitted that its dealership agreement would help to maintain the competitiveness of the traditional plumbing trade. If plumbing contractors could not earn a minimum profit margin on the sale of fittings, they would be forced to put up the rates they charged for plumbing work to levels many consumers would be unable to afford. This would encourage moonlighting and threaten the survival of the traditional plumbing trade. In the Metro case, Ideal submitted, the European Court of Justice had expressly recognized it as a legitimate concern of a manufacturer to preserve traditional distribution channels.
- (10) Finally, Ideal denied that its dealership agreement would appreciably affect trade between Member States. It said that in the Federal Republic of Germany only 1 % of the wholesalers it was supplying at the time the dealership agreement was introduced had not signed the agreement and were no longer supplied by the company. At the retail level its products were sold by 15 400 plumbing contractors, whereas there were only about 300 to 400 DIY stores that were no longer supplied with its products. Introduction of the Ideal dealership agreement had also caused department stores to go over increasingly to buying plumbing fittings from smaller manufacturers and importers, which had actually intensified competition on the plumbing fittings market.
- (11) The VSI, representing the wholesalers, and the ZVSHK, representing the plumbing contractors, supported the position taken by Ideal. They referred *inter alia* to the regulations governing skilled trades, the laws against moonlighting and unfair competition and public health and building standards regulations. They submitted several memoranda and reports supporting Ideal's position. However, Ideal and the two associations did not deny that other makes of plumbing fittings, even high value-added and modern ones like single-lever mixers and thermostats, were sold in department stores, ironmongers' shops and other types of retail outlet and that before the introduction of the Ideal dealership agreement even Ideal fittings had been widely sold from such outlets. Nor did they deny that plumbing contractors also sell fittings to private householders to install themselves.

- (12) The Bundesverband der Selbstbedienungs-Warenhäuser (BdSW), which had lodged a complaint against the Ideal dealership agreement, stated that plumbing wholesalers had been supplying the newer forms of retail outlet for years and there had never before been any restriction on how the products were distributed. The plumbing contractors now appeared to have got the major manufacturers to introduce restrictive distribution systems for their products with the aim of completely excluding the low-price retailers. The Ideal distribution system would severely restrict the retailing of plumbing fittings by retailers who were not also plumbing contractors. Householders buying plumbing fittings to install themselves did not usually need individual advice and guidance because the shop displays, the extensive standardization of threads and connections and the fitting instructions enclosed with the goods enabled non-experts to fit them themselves. Ideal's claim that its distribution system helped avoid the hazards which could arise for public water supplies was not supported by a single example of an accident. The danger, the BdSW said, was rather when old fittings were not replaced early enough. In any case, accident prevention was a matter for the public authorities, which had already introduced regulations in this area, and not for the manufacturers of plumbing fittings.

II. LEGAL ASSESSMENT

A. Article 85 (1)

- (13) The Ideal dealership agreement establishes a selective distribution system which has as its object and effect restrictions of competition within the common market which may appreciably affect trade between Member States.
- (14) The Court of Justice has held (see judgments in Cases 26/76 Metro [1977] ECR 1875, 31/80 L'Oréal [1980] ECR 3775 and 126/80 Salonia [1981] ECR 1563) that selective distribution systems constitute an aspect of competition which accords with Article 85 (1), provided that resellers are chosen on the basis of objective criteria of a qualitative nature relating to the technical qualifications of the reseller and his staff and the suitability of his trading premises and that such conditions are laid down uniformly for all potential resellers and are not applied in a discriminatory fashion (so-called

'qualitative selective distribution system'). With regard to the qualitative criteria, the Court stated that it was necessary to consider whether the characteristics of the product in question necessitated a selective distribution system in order to preserve its quality and ensure its proper use and whether those objectives were not already satisfied by national rules governing admission to the resale trade or the conditions of sale of the product. Finally, inquiry should be made as to whether the criteria laid down did not exceed the requirements of a selective distribution system based on qualitative requirements.

- (15) Since it is doubtful whether plumbing fittings can be considered as technically advanced products and since wholesalers generally do not sell directly to final consumers but to retailers, it is questionable, at least at the wholesaler level, whether the characteristics of the products necessitate a selective distribution system in order to preserve their quality and ensure their proper use. It is thus doubtful whether the purely qualitative criteria which Ideal imposes in its dealership agreement with wholesalers are compatible with Article 85 (1) of the Treaty. These criteria concern the requirements that the wholesalers should be specialists in the sale of plumbing fittings and sanitary ware or have a department specializing in the sale of such products (clause 3.1 (a)), that they should display Ideal products in attractive and sufficiently large premises (preamble and clause 3.1 (b)), employ trained sales staff with the necessary specialist knowledge to give competent advice to customers (clause 3.1 (c)) and have adequate transport facilities to provide rapid and damage-free transport to the plumbing contractor and/or site (clause 3.1 (d)).

It is also doubtful whether the obligations in terms of sales effort, namely the obligation to permanently keep adequate stocks of the entire range of Ideal products (preamble and clause 3.1 (b)) and the obligation to use their best endeavours to boost sales of the IS plumbing fittings range (clause 6.1), are compatible with Article 85 (1). The stocking requirement, at least in so far as it obliges wholesalers to stock the whole range of Ideal products, can mean that wholesalers have to make a particular effort to promote Ideal products and are correspondingly restricted in their dealings with other manufacturers of plumbing fittings. A proliferation of such comprehensive stocking obligations is also

relevant in this context. The same applies to the obligation to make efforts to boost sales of Ideal products, in that such an obligation is likely to restrict the freedom of action of Ideal wholesalers.

It is unnecessary, however, to examine in detail whether in the present case the abovementioned obligations fall within Article 85 (1), since the Ideal dealership agreement contains in any event an important restriction on resale which does fall within Article 85 (1) and cannot be exempted under Article 85 (3) (see paragraphs 16 and 20 to 22 below). The Ideal dealership agreement is principally based on exclusive supplies to plumbing contractors.

- (16) The obligation upon wholesalers to supply Ideal plumbing fittings only to plumbing contractors is a restriction of competition falling within Article 85 (1). It prevents the wholesalers supplying the fittings to retailers which are not plumbing contractors. In addition, the Ideal warranty on fittings applies only when they are installed by plumbing contractors.

The restriction on resale has the effect of excluding any retailer which is not a plumbing contractor from buying and selling Ideal plumbing fittings anywhere in the common market. It affects all retailers which are not also contractors, be they traditional retailers such as ironmongers' shops or modern types of outlet for plumbing fittings such as department stores, with or without a specialized plumbing and sanitary ware department. The restriction on resale also excludes from the network wholesalers who, though meeting the selection criteria, are not prepared to undertake nor to supply Ideal products to retailers that are not plumbing contractors. Such wholesalers are no longer supplied by Ideal. The restriction also inhibits wholesalers which join the network in their competitive behaviour by preventing them satisfying demand from retail outlets which are not plumbing contractors, in particular department stores.

- (17) The restriction of Ideal's warranty on fittings to those installed by plumbing contractors has as its object and effect to keep consumers from

purchasing the fittings from retailers other than plumbing contractors and thereby to exclude such other retailers from the distribution of Ideal plumbing fittings. The linking of warranty services to installation by a plumber substantially reduces the scope for other retailers to sell the Ideal products.

- (18) As the notified Ideal dealership agreement applies throughout the common market (see paragraph 3), it is inherently likely to affect trade between Member States. Inter-State trade is in particular likely to be affected because all the wholesalers and retailers which are barred from selling Ideal Plumbing fittings will be unable to export these products to other Member States. As regards the appreciability of the restrictions and their impact on inter-State trade, the exclusion of wholesalers who refuse to supply the goods only to plumbing contractors and the blanket exclusion of retail outlets other than plumbing contractors are by their very nature likely appreciably to affect inter-State trade. This is confirmed by the important market shares of Ideal in almost all Community countries (see paragraph 2). Ideal's claim that only 1 % of the German wholesalers previously supplied by it have not signed the dealership agreement and that the bulk of its sales are made through plumbing contractors anyway does not prove that the restrictions of competition contained in the dealership agreement cannot have an appreciable effect on inter-State trade. Though the percentage of wholesalers and retailers not supplied in the Federal Republic of Germany may be small, over the Community as a whole the numbers of distributors barred from the network is likely to be considerable. The argument that introduction of the Ideal dealership agreement has caused department stores to buy plumbing fittings increasingly from smaller manufacturers and importers does not alter the fact that the agreement contains serious restrictions of competition which may appreciably affect inter-State trade.

B. Article 85 (3)

- (19) The Ideal dealership agreement does not fulfil the conditions of Article 85 (3).

- (20) The restriction of resale to plumbing contractors does not fulfil the conditions of Article 85 (3). This is a serious restriction of competition imposed on wholesalers, which bars all retailers which are not themselves plumbing contractors from the distribution of Ideal plumbing fittings. The disadvantages of this restriction heavily outweigh any improvement in distribution which might arise from sale through plumbing contractors.

The sale and installation of plumbing fittings are two separate functions which can be, and for many years have been, performed by different persons. Plumbing fittings of other makes are sold in retail outlets such as ironmongers' shops, DIY stores and department stores. Until 1980 Ideal plumbing fittings, too, were sold without dealer selection or resale restrictions. They were sold extensively from department stores, for example. Plumbing contractors also sell plumbing fittings to private householders to install themselves.

Even assuming that there was a need for expert advice and guidance to be provided when selling plumbing fittings to final consumers, such a need would not mean that plumbing fittings could only be sold by plumbing contractors. It is not necessary to be a trained plumber to sell plumbing fittings. The advice and guidance at the point of sale can be provided by specially trained sales staff, and such staff can also be employed in other retail outlets. There is nothing to prevent retail outlets which do not offer plumbing contracting services from employing trained sales staff to sell plumbing fittings. The Ideal selective distribution system, however, simply excludes all retailers other than plumbing contractors from the distribution of Ideal fittings. Even assuming that plumbers provide better customer advice when selling plumbing fittings — which has not been demonstrated — this advantage is not sufficient to outweigh the disadvantages associated with the blanket exclusion of all non-plumbers.

- (21) A restriction of resale to plumbing contractors is certainly not indispensable for meeting the alleged requirement for advice and guidance in the sale of plumbing fittings, since the sale and installation of plumbing fittings are two separate functions. The advice and guidance in the sale of plumbing fittings, if such advice and guidance are at all necessary, can be provided by

specially trained sales staff, which can also be employed in other retail outlets.

- (22) The restriction of Ideal's warranty on fittings to those installed by plumbing contractors serves the same purpose as the restriction on resale to plumbing contractors. It underpins that restriction and therefore has the same status in law.
- (23) Ideal, the VSI and the ZVSHK have referred to the fact that under the German Water Supply Regulations and other statutory provisions consumers are obliged to have their water supply systems installed and any major alterations to them carried out only by licensed plumbing contractors. They said similar regulations existed in other Community countries (see paragraph 6).

As far as the German Water Supply Regulations are concerned, it should be noted that these regulations do not prevent the sale of plumbing fittings by persons who are not plumbing contractors. Nor do these regulations oblige the manufacturers of plumbing fittings to ensure that their fittings are installed only by plumbing contractors. They merely require the consumer to have certain parts of his plumbing system installed and altered by a plumbing contractor. German law thus requires the consumer to call in a plumber for certain work connected with the installation of plumbing fittings. Similar regulations exist in other Community countries.

Since the use of a particular trade for certain work on plumbing systems is required by law, there is no need for any private regulation of such work by the manufacturer. The consumer must in any case call in a plumber for any major and potentially hazardous work in installing or altering his plumbing system. It is not the task of a selective distribution system to impose restrictions on the installation or replacement of plumbing fittings by the consumer which exceed those imposed by legislation. The householder who does not wish to purchase plumbing fittings from a plumbing contractor but from another retailer should be free to do so. He should also be free to install the fittings himself or, if he does not feel competent or if it is against the law to install it himself, to have the fittings installed by a plumbing contractor.

- (24) Ideal also claimed that its selective distribution system is necessary to prevent its reputation being damaged by loss-leader selling by department stores and improper installation by DIY

enthusiasts (see paragraph 7). As far as loss-leader selling is concerned, national unfair competition laws offer effective remedies for such abuses. Ideal's claim that improper installation by DIY enthusiasts has also damaged the reputation of its products is a blunt and unsubstantiated assertion which contains an unduly sweeping condemnation of self-help by practical householders. First of all, Ideal has produced no specific evidence of alleged improper installation of its plumbing fittings by DIY enthusiasts. If on occasion a householder did badly install a fitting, he would not necessarily blame the fault on the manufacturer's product. If he did not notice his mistake himself, he would probably have it pointed out to him by an expert when he eventually called one in to rectify the fault. Another factor is that most DIY work on plumbing systems is concerned with replacing fittings at withdrawal points, since for major alterations to their plumbing systems householders are by law obliged to call in a plumber anyway. It is also a fact that plumbing contractors, too, sell fittings to householders to install themselves. The Ideal selective distribution system does not close this avenue to the alleged improper installation of fittings by DIY householders. However, even if Ideal's allegation were adequately substantiated, it would still not be a sufficient reason to exclude all retailers who are not plumbing contractors from the distribution of its products.

- (25) Finally, Ideal has sought to justify its selective distribution system by claiming that there was a danger of plumbing contractors deserting its products unless it introduced the system and that the system was in the interests of the survival of the plumbing trade (see paragraphs 8 and 9).

Regarding the alleged danger of plumbing contractors deserting the Ideal brand in the absence of its selective distribution system, the first observation to make is that the majority of the other manufacturers of plumbing fittings, some of whom have much smaller market shares than Ideal, continue to supply retailers who are not plumbing contractors. Therefore, Ideal is not put at a disadvantage compared with other manufacturers and has no reason to fear that plumbing contractors would go over to these other manufacturers. Since the Commission is at the same time refusing an exemption for the similarly worded dealership agreement introduced by Grohe, Ideal has no reason to fear that plumbers will go over to this competitor either. As far as the dealership agreement of Hansa Metallwerke is concerned, it must be

noted that this agreement, which is already the subject of a prohibition decision by the Federal Cartel Office, only applies in the Federal Republic of Germany. A Hansa selective distribution system in the Federal Republic of Germany cannot justify Ideal in introducing a Community-wide selective distribution system which contravenes Article 85 (1) of the Treaty.

As far as the alleged drop in sales which Ideal claims has resulted from supplying department stores is concerned, there is no clear causal relation between this and the reactions of plumbing contractors. The fall in Ideal's sales may be due to other factors, such as the general decline in activity in the building industry, fiercer competition, and even the exclusion of retailers other than plumbing contractors from the distribution of Ideal fittings.

- (26) As to the alleged threat to the survival of the traditional specialist plumbing trade, here too it must be said that a concern to protect the trade of plumbing contractor does not justify the blanket exclusion of all other types of distribution channels from the sale of plumbing fittings. IDEAL cites the Metro judgment in support of its contention that the preservation of traditional distribution channels can be a legitimate concern of a manufacturer and claims that by helping to ensure that plumbing contractors can earn a minimum profit on the sale of plumbing fittings, its selective distribution system helps to keep down the rates plumbing contractors charge for installation work and to keep them in business.

In the Metro judgment the Court of Justice said that the desire to maintain a certain price level, where this corresponded to the desire to preserve, in the interests of consumers, the possibility of the continued existence of a specialist channel of distribution in conjunction with new methods of distribution based on a different type of competition policy was one of the objectives that could rightfully be pursued. However, the selective distribution system at issue in the Metro case did not wholly exclude certain types of distribution channels *a priori*. The Court in fact stated expressly in the Metro judgment (ground 50) that the conditions laid down by SABA for appointment as a wholesaler could largely be fulfilled without inconvenience by self-service wholesalers. The Ideal dealership agreement, however, eliminates competition from all retailers other than plumbing contractors.

- (27) In its judgment of 25 October 1983 in case 107/82 AEG-Telefunken [1983] ECR 3151 the Court of Justice further stated that the mainte-

nance of a certain price level was only permissible in so far as it was 'directly warranted by the requirements of the system, within which competition must continue to play the role assigned to it by the Treaty, the sole purpose of such a system being to improve competition, in so far as this is based on factors other than price, and not to guarantee a high profit margin for the authorized dealers' (ground 42). A restriction of price competition is thus only permissible if it is necessary for improvement of competition by the services provided by a specialist trade. If such services can be provided, however, by department stores or by other new types of retail outlet, 'which because of their form of organization can provide these services more cheaply, then the maintenance of a minimum profit margin would lose all justification, because such a margin would no longer serve to ensure competition in areas other than price' (ground 73).

It follows from this judgment that the preservation of a traditional form of distribution may not be secured by shielding it from other forms which are able to offer lower prices. Since there is nothing to stop other retailers meeting the need for advice and guidance when selling plumbing fittings, assuming such advice and guidance are at all necessary, they can provide the same services in the sale of plumbing fittings as are provided by plumbing contractors. If other retailers provide these services more cheaply, then this makes for effective competition between plumbing contractors and other retailers on the plumbing fittings market. If certain types of outlet provide such services at much lower prices, this by itself is not a justification to restrict resale to plumbing contractors.

- (28) The actual plumbing work of plumbing contractors is not affected as long as a real need for this activity and sufficient demand for it from consumers persist. The consumer is in any case obliged under statutory provisions to have his water supply system installed and any major alterations to it carried out by a licensed plumbing contractor. As for moonlighting, this is against the law in most Community countries. In any case, it is not for the manufacturer to intervene in such areas touching on the public interest by means of private agreements.

It concluded that the restrictions of competition established in paragraphs 16 and 17 above infringe Article 85 (1) and are not eligible for exemption under Article 85 (3).

- (29) On 22 November 1984 Ideal informed the Commission that it intended to amend its notified dealership agreement so that it would in future apply only in the Federal Republic of Germany. In this Decision the Commission therefore finds only that the dealership agreement which Ideal notified on 6 January 1981 infringed Article 85 (1) during the period from 6 January 1981 until the date on which the amendment of the agreement takes effect. The Decision is necessary in order to clarify the legal status of the Ideal dealership agreement during that period *vis-à-vis* third parties. The Commission reserves its position with regard to a dealership agreement applying only in the Federal Republic of Germany,

HAS ADOPTED THIS DECISION :

Article 1

The Ideal-Standard dealership agreement as notified on 6 January 1981 constitutes an infringement of Article 85 (1) of the EEC Treaty in so far as it :

- (i) imposes on plumbing and sanitary ware wholesalers the obligation to supply Ideal plumbing fittings within the EEC only to plumbing contractors meeting all the statutory, and in particular commercial and training, requirements for installing plumbing systems ; and
- (ii) restricts the Ideal warrants on plumbing fittings to those installed by plumbing contractors.

Article 2

The application for negative clearance or an exemption under Article 85 (3) of the EEC Treaty in respect of the Ideal dealership agreement notified on 6 January 1981 is hereby refused.

Article 3

This Decision is addressed to Ideal-Standard GmbH, Euskirchener Straße 80, D-5300 Bonn 1.

Done at Brussels, 10 December 1984.

For the Commission

Frans ANDRIESEN

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 1/85 of 19 December 1984 fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1985 and certain conditions under which they may be fished

(Official Journal of the European Communities No L 1 of 1 January 1985)

Page 22, Annex II, Common sole, Bay of Biscay :

for: 'Netherlands
United Kingdom 105',
read: 'Netherlands 105
United Kingdom'.

Corrigendum to Council Regulation (EEC) No 96/85 of 14 January 1985 imposing a definitive anti-dumping duty on imports of pentaerythritol originating in Canada

(Official Journal of the European Communities No L 13 of 16 January 1985)

Page 3, paragraph (15) is hereby replaced by the following :

'(15) In these circumstances, protection of the Community's interests calls for the imposition of a definitive anti-dumping duty on imports of pentaerythritol originating in Canada. Although the exporter concerned expressed an interest in offering a price undertaking, no offer was made.'

COMMUNITY LAW

Offprint from the Seventeenth General Report on the Activities of the European Communities (1983)

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

The text has in no way been modified: references to 'this Report' should therefore be construed as references to the Seventeenth General Report. Nor has the text been brought up to date since that Report was published.

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