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I

*(Acts whose publication is obligatory)***COMMISSION REGULATION (EEC) No 324/85****of 7 February 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 6 February 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 8 February 1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 7 February 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	75,25
10.01 B II	Durum wheat	103,81 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	74,40 ⁽⁶⁾
10.03	Barley	77,86
10.04	Oats	52,47
10.05 B	Maize, other than hybrid maize for sowing	59,60 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	52,63 ⁽⁴⁾
10.07 C	Grain sorghum	71,41 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	120,04
11.01 B	Rye flour	118,86
11.02 A I a)	Durum wheat groats and meal	174,49
11.02 A I b)	Common wheat groats and meal	127,78

⁽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 325/85

of 7 February 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
6 February 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 8 February
1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 7 February 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	11,71
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	5,57	5,57	5,57
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 326/85

of 7 February 1985

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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 231/85 ⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 663/84 ⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 663/84 and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁶⁾, as last amended by Regulation (EEC) No 1112/84 ⁽⁷⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁸⁾, as last amended by Regulation (EEC) No 664/84 ⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽¹⁰⁾;

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978 ⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general

rules for fixing the import levy on olive oil by tender ⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 4 and 5 February 1985 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

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

⁽²⁾ OJ No L 26, 31. 1. 1985, p. 12.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 73, 16. 3. 1984, p. 10.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 108, 25. 4. 1984, p. 4.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 73, 16. 3. 1984, p. 11.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 8 February 1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	57,00 ⁽¹⁾
15.07 A I b)	62,00 ⁽¹⁾
15.07 A I c)	60,00 ⁽¹⁾
15.07 A II a)	70,00 ⁽²⁾
15.07 A II b)	95,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Spain and Lebanon : 0,60 ECU/100 kg ;
- (b) Turkey : 11,48 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria and Morocco : 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by those countries ; however, the repayment may not exceed the amount of the tax in force.
- (d) Tunisia : 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this tariff subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	13,64
07.03 A II	13,64
15.17 B I a)	31,00
15.17 B I b)	49,60
23.04 A II	4,80

COMMISSION REGULATION (EEC) No 327/85
of 7 February 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 231/85 ⁽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 266/85 ⁽⁸⁾;

Whereas, in the absence of the indicative price for the 1985/86 marketing year for colza and rape seed, in case of advance fixing for July 1985, the amount of the subsidy on these products has been obtainable only on the basis of the indicative price proposed by the Commission to the Council for the marketing year 1985/86; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1985/86 marketing year is known;

Whereas, for the period 30 January to 5 February 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

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.
2. The amount of the subsidy in the case of advance fixing for July 1985 will, however, for colza and rape seed, be confirmed or replaced as from 8 February 1985 to take into account the indicative price which is fixed for these products for the 1985/86 marketing year.

Article 2

This Regulation shall enter into force on 8 February 1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 26, 31. 1. 1985, p. 12.

⁽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 28, 1. 2. 1985, p. 34.

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)	10,651	11,171	10,507	10,507	10,404	4,554 (!)
2. Final aids						
Seeds harvested and processed in :						
— Federal Republic of Germany (DM)	28,10	29,34	27,88	28,13	27,89	14,73 (!)
— Netherlands (Fl)	31,67	33,06	31,37	31,64	31,38	16,45 (!)
— BLEU (Bfrs/Lfrs)	494,33	518,47	487,65	486,05	481,26	197,73 (!)
— France (FF)	63,73	67,30	61,85	60,70	59,97	19,80 (!)
— Denmark (Dkr)	89,63	94,00	88,42	88,42	87,55	37,47 (!)
— Ireland (£ Irl)	7,989	8,379	7,875	7,801	7,724	2,794 (!)
— United Kingdom (£)	5,290	5,612	5,162	5,162	5,095	1,476 (!)
— Italy (Lit)	15 252	15 992	14 732	14 434	14 285	4 965 (!)
— Greece (Dr)	780,67	827,74	762,16	762,16	752,36	222,77 (!)

(!) On the basis of the Commission's proposal concerning the indicative price and subject to confirmation by the Council's decision.

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month
1. Gross aids (ECU)	19,763	20,378	20,378	19,999	19,999
2. Final aids					
Seeds harvested and processed in :					
— Federal Republic of Germany (DM)	49,96	51,42	51,46	50,84	50,84
— Netherlands (Fl)	56,29	57,94	57,94	57,24	57,24
— BLEU (Bfrs/Lfrs)	917,24	945,78	945,78	926,55	926,55
— France (FF)	125,89	130,12	129,49	125,62	125,62
— Denmark (Dkr)	166,31	171,48	171,48	168,29	168,29
— Ireland (£ Irl)	14,824	15,286	15,279	14,919	14,919
— United Kingdom (£)	10,868	11,249	11,249	11,002	11,002
— Italy (Lit)	28 112	28 988	28 674	27 822	27 822
— Greece (Dr)	1 597,23	1 652,91	1 652,91	1 616,85	1 616,85

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	2,223790	2,217670	2,211000	2,204960	2,204960	2,187920
Fl	2,516130	2,509730	2,502720	2,496290	2,496290	2,478380
Bfrs/Lfrs	44,510600	44,551200	44,602100	44,643300	44,643300	44,765600
FF	6,795360	6,801470	6,808420	6,818010	6,818010	6,851450
Dkr	7,938170	7,947000	7,957140	7,963070	7,963070	7,987340
£ Irl	0,715091	0,718057	0,720995	0,723479	0,723479	0,730925
£	0,622640	0,624455	0,626222	0,627576	0,627576	0,630494
Lit	1 369,69	1 375,18	1 381,76	1 387,76	1 387,76	1 405,07
Dr	90,784100	90,790200	90,812500	90,824200	90,824200	90,899400

COMMISSION REGULATION (EEC) No 328/85

of 6 February 1985

imposing a provisional anti-dumping duty on imports of certain glass mirrors
originating in South AfricaTHE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No
2176/84 of 23 July 1984 on protection against
dumped or subsidized imports from countries not
members of the European Community⁽¹⁾, and in parti-
cular Article 11 thereof,After consultation within the Advisory Committee
provided for by the said Regulation,

Whereas :

A. Procedure

- (1) In March 1984 the Commission received a complaint from a Community manufacturer representing a major proportion of Community output of the goods concerned. The complaint contained sufficient evidence of dumping and of material injury resulting therefrom to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of certain glass mirrors falling within heading No ex 70.09 of the Common Customs Tariff, corresponding to NIMEXE code 70.09-41, originating in South Africa and commenced an investigation.
- (2) The Commission officially so advised the exporter and the importers known to be concerned, the representatives of the exporting country and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing. Most of the known producers and one independent importer made their views known in writing.

- (3) The exporter and one associated importer, through their legal representatives, expressed opposition to the proceeding in writing and presented their views in detail, though without providing the necessary supporting evidence. In particular, they failed to reply to the questionnaire sent to them, although the Commission extended the deadline several times and referred in writing on a number of occasions to the importance of this information for the objective establishment of the facts and to the consequences for the outcome of the proceeding of failure to provide the necessary information, particularly in the light of Article 7 (7) (b) of Regulation (EEC) No 2176/84, which provides that should any interested party refuse access to necessary information, preliminary or final findings may be made on the basis of the facts available.

- (4) The Commission gathered and checked all the information made available to it which it deemed necessary for the initial establishment of the facts and carried out inspections at the premises of the following firms, with their cooperation :

*Manufacturers in the Community*Garfield Glass Limited, London, United Kingdom
Charles André SA, Tours, France

Lack of cooperation on the part of the exporter and the associated importer prevented the Commission from carrying out checks at their premises.

The Commission requested and received detailed written submissions from the complainant producer, one other Community producer who supported the complaint after the proceeding had been initiated and one independent importer, who in addition requested and was granted a hearing. The Commission checked the information made available to it to the extent deemed necessary and in accordance with the supporting evidence available.

- (5) The dumping investigation covered the period from January to December 1983.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.⁽²⁾ OJ No C 167, 27. 6. 1984, p. 2.

B. Normal value

- (6) The normal value was established by the Commission on the basis of selling prices on the South African domestic market for rectangular self-adhesive or pre-drilled unframed mirrors intended for wall decoration. Because of the failure of the South African producer and exporter to provide the relevant information, these selling prices were established by the Commission, pursuant to Article 7 (7) (b) of Regulation (EEC) No 2176/84, on the basis of the information provided by the complainant. In order to calculate the ex-works price, the Commission deducted any customary discount which had been brought to its knowledge and took account of approximate internal transport and delivery costs.

C. Export prices

- (7) As the exporter did not provide the Commission with any information on export prices, the latter were constructed on the basis of price information relating to sales of the goods in question to independent buyers in the Community; this information was provided by the complainant, another Community producer and an importer. In this connection the Commission enquired into costs and profit margins in the industry concerned and took these into account as appropriate when calculating the export prices.

D. Comparison

- (8) For the purposes of comparing the normal value with the export prices at the ex works stage, adjustments were made on the basis of expert estimates for transport costs, credit terms and additional costs.

E. Margins

- (9) The preliminary examination of the facts showed the existence of dumping in respect of the exports investigated, the margin of dumping being equal to the amount by which the normal value as established exceeds the prices for export to the Community.
- (10) These margins vary according to the importing Member State and the format of mirrors concerned; they are appreciably in excess of 50 %. The Commission was unable to calculate a weighted average margin since the statistics

available on the quantities imported did not allow any subdivision by format of mirrors.

F. Injury

- (11) With regard to the injury caused by the dumped imports, the evidence available to the Commission shows that imports into the Community of certain glass mirrors originating in South Africa rose from 212 000 kilograms in 1982 to 566 000 kilograms in 1983, an increase of 167 %.
- (12) For calculating the market share of the products in question the Commission relied on information supplied separately by each of the complainants; this information was provided in confidence, as the number of Community manufacturers active on this particular market is very small and publication of market shares could have adverse effects on the firms supplying the information. On the basis of this information it can be provisionally established that the combined market share of imports from South Africa of unframed mirrors intended for use as wall decoration in the markets for these products in France and the United Kingdom, which are the only countries affected by the imports in question, rose from under 10 % in 1982 to over 15 % in 1983.
- (13) The effect on the Community industry producing this special type of mirrors has been apparent in virtually stagnant sales in the face of appreciable rising consumption, persistent under-employment of capacity and loss of market share to the dumped imports.
- (14) The prices of the dumped imports undercut the prices of Community manufacturers by between 15 % and 20 %. Community manufacturers were consequently obliged to hold their prices stable, despite rising costs, and in some cases to make price concessions involving sales at less than cost.
- (15) The downward pressure on prices exerted by the dumped imports resulted in an appreciable deterioration of the return available to Community manufacturers in this specialized manufacturing sector.
- (16) The Commission has considered whether injury has been caused by other factors, such as the trend of consumption in the Community. It has been established that consumption in the Community grew by around 30 % between 1982 and 1983, whereas during this time the market share of Community manufacturers declined by 13 %. The information made available to the Commission also suggests that there were no significant imports of the mirrors in question

from other non-member countries. The Commission therefore concludes that the dumped imports originating in South Africa must be regarded as the cause of material injury to the Community industry concerned.

G. Community interest

- (17) In view of the serious difficulties affecting the Community industry concerned, the Commission has come to the conclusion that action should be taken.
- (18) In order to prevent further injury being caused during the remainder of the proceeding and in view of the size of the dumping margin, this action should take the form of a provisional anti-dumping duty.

H. Rate of duty

- (19) Having regard to the extent of injury caused, the rate of duty should be lower than the dumping margin provisionally determined but should be sufficient to remove the damage caused.
- (20) Taking into account the prices at which Community producers must sell in order to make a reasonable profit and the cost of the imported goods to Community importers, the Commission has provisionally determined that the rate of duty needed to remove the injury caused is 17,5 %.
- (21) A period should be fixed within which the parties concerned may make their views known in writing and request a hearing.
- (22) The Advisory Committee has raised no objections to this procedure.

HAS ADOPTED THIS REGULATION :

Article 1

- 1. A provisional anti-dumping duty is hereby imposed on imports of glass mirrors, unframed, falling within heading No ex 70.09 of the Common Customs Tariff corresponding to NIMEXE code 70.09-41 and originating in South Africa.
- 2. The amount of the duty shall be equal to 17,5 % of the free-at-Community-frontier net price before duty.
- 3. The provisions in force concerning customs duties shall apply.
- 4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

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

Article 3

- 1. This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.
- 2. Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, Articles 1 and 2 shall apply for a period of four months unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 6 February 1985.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 329/85

of 7 February 1985

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 21 to 27 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 21 to 27 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 21 to 27 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 21 January 1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 21 to 27 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	26,26474 21,01179 31,51769 21,01179 35,98269
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	21,01179 29,94180
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	 29,94180 21,01179

COMMISSION REGULATION (EEC) No 330/85

of 7 February 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 208/85⁽⁷⁾, as last amended by Regulation (EEC) No 318/85⁽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 6 February 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 208/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 February 1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 24, 29. 1. 1985, p. 5.

⁽⁸⁾ OJ No L 34, 7. 2. 1985, p. 30.

⁽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 7 February 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 G ⁽²⁾	77,88	74,86
11.02 A VII ⁽²⁾	77,88	74,86
11.02 B II d) ⁽²⁾	120,44	117,42
11.02 C VI ⁽²⁾	120,44	117,42
11.02 D VI ⁽²⁾	77,88	74,86
11.02 E II d) 2 ⁽²⁾	138,14	132,10
11.02 F VII ⁽²⁾	77,88	74,86

⁽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.

COMMISSION REGULATION (EEC) No 331/85

of 7 February 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 231/85⁽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 258/85⁽⁹⁾;

Whereas, in the absence of the indicative price for the 1985/1986 marketing year for colza and rape seed, in case of advance fixing for July 1985, the amount of the refunds on these products has been obtainable only on the basis of the indicative price proposed by the Commission to the Council for the marketing year

1985/86; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1985/86 marketing year is known;

Whereas, for the period 30 January to 5 February 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 258/85 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⁽¹⁰⁾, fixed in the Annex to Regulation (EEC) No 258/85, are altered as shown in the Annex hereto.

The amount of the refunds in the case of advance fixing for July 1985 will, however, for colza and rape seed, be confirmed or replaced as from 8 February 1985 to take into account the indicative price which is fixed for these products for the 1985/86 marketing year.

Article 2

This Regulation shall enter into force on 8 February 1985.

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

⁽²⁾ OJ No L 26, 31. 1. 1985, p. 12.

⁽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 28, 1. 2. 1985, p. 19.

⁽¹⁰⁾ OJ No L 75, 30. 3. 1971, p. 16.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 7 February 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)	9,000	9,520	10,040	10,040	10,040	4,190 ⁽¹⁾
2. Final refunds						
Seeds harvested and exported from :						
— Federal Republic of Germany (DM)	24,28	25,52	26,79	27,05	27,05	13,90 ⁽¹⁾
— Netherlands (Fl)	27,35	28,75	30,15	30,43	30,43	15,51 ⁽¹⁾
— BLEU (Bfrs/Lfrs)	417,71	441,84	465,97	464,36	464,36	180,72 ⁽¹⁾
— France (FF)	52,00	55,57	58,52	57,37	57,37	17,20 ⁽¹⁾
— Denmark (Dkr)	75,73	80,11	84,49	84,49	84,49	34,40 ⁽¹⁾
— Ireland (£ Irl)	6,751	7,141	7,525	7,450	7,450	2,515 ⁽¹⁾
— United Kingdom (£)	4,215	4,536	4,858	4,858	4,858	1,239 ⁽¹⁾
— Italy (Lit)	12 888	13 628	14 060	13 759	13 759	4 430 ⁽¹⁾
— Greece (Dr)	623,58	670,65	717,73	717,73	717,73	188,14 ⁽¹⁾

⁽¹⁾ On the basis of the Commission's proposal concerning the indicative price and subject to confirmation by the Council's decision.

COMMISSION REGULATION (EEC) No 332/85

of 7 February 1985

fixing the export refunds 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 the fourth subparagraph of Article 16 (2) 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 the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1027/84⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Regulation (EEC) No 1077/68⁽⁹⁾, as amended by Regulation (EEC) No 2764/71⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

⁽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 L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product ;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products ; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time ;

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

Whereas Regulation (EEC) No 2806/71 ⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice ;

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

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

No 974/71 ⁽²⁾, as last amended by Regulation (EEC) No 855/84 ⁽³⁾,

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

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 February 1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 7 February 1985 fixing the export refunds on products processed from cereals and rice

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund (ECU/tonne)
11.01 C (I)	Barley flour, of an ash content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	73,02
11.01 C (II)	Barley flour not included under No 11.01 C (I)	—
11.01 D (I)	Oat flour, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 1,8 % by weight, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	70,67
11.01 D (II)	Oat flour not included under No 11.01 D (I)	—
11.01 E (I)	Maize flour, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	85,50
11.01 E (II)	Maize flour, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	—
11.01 E (III)	Maize flour not included under No 11.01 E (I) and (II)	—
11.01 F	Rice flour	—
11.02 A III (a)	Barley groats and meal, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	75,45
11.02 A III (b)	Barley groats and meal not included under No 11.02 A III (a)	—
11.02 A IV (a)	Oat groats and meal, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	70,67
11.02 A IV (b)	Oat groats and meal not included under No 11.02 A IV (a)	—
11.02 A V (a)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ⁽¹⁾ ⁽⁷⁾	109,93
11.02 A V (b)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ⁽¹⁾ ⁽⁷⁾	85,50
11.02 A V (c)	Maize groats and meal, of a fat content, referred to dry matter, exceeding 1,3 % by weight but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight ⁽¹⁾ ⁽⁷⁾	73,28
11.02 A VI	Rice groats and meal	—
11.02 B I a) 1 (aa)	Hulled (shelled or husked) barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ⁽²⁾	73,02
11.02 B I a) 1 (bb)	Hulled (shelled or husked) barley not included under No 11.02 B I a) 1 (aa) ⁽²⁾	—
11.02 B I a) 2 (aa)	Clipped oats	—

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund (ECU/tonne)
11.02 B I a) 2 bb) (11)	Hulled (shelled or husked) oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of tegument content not exceeding 0,5 % of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ⁽²⁾	62,82
11.02 B I a) 2 bb) (22)	Hulled (shelled or husked) oats, not included under No 11.02 B I a) 2 bb) (11) ⁽²⁾	—
11.02 B I b) 1 (aa)	Hulled and sliced or kibbled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ('Grütze' or 'Grutten') ⁽²⁾	73,02
11.02 B I b) 1 (bb)	Hulled and sliced or kibbled barley, not included under No 11.02 B I b) 1 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B I b) 2 (aa)	Hulled and sliced or kibbled oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ('Grütze' or 'Grutten') ⁽²⁾	66,74
11.02 B I b) 2 (bb)	Hulled and sliced or kibbled oats not included under No 11.02 B I b) 2 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B II a) (1)	Hulled (shelled or husked) wheat, not sliced or kibbled ⁽²⁾	—
11.02 B II c) (1)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ('gruetze' or 'grutten') ⁽²⁾	91,61
11.02 C III (a)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 1st category ⁽³⁾	97,36
11.02 C III (b)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 2nd category ⁽³⁾	77,89
11.02 C IV	Pearled oats ⁽³⁾	—
11.02 D I	Wheat not otherwise worked than kibbled	20,00
11.02 D II	Rye not otherwise worked than kibbled	35,00
11.02 E I b) 1 (aa)	Flaked barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	73,02
11.02 E I b) 1 (bb)	Flaked barley not included under 11.02 E I b) 1 (aa)	—
11.02 E I b) 2 (aa)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	78,52
11.02 E I b) 2 (bb)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content exceeding 0,1 % but not exceeding 1,5 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	62,82
11.02 E I b) 2 (cc)	Flaked oats not included under Nos 11.02 E I b) 2 (aa) and 11.02 E I b) 2 (bb)	—
ex 11.02 E II c) (1)	Flaked maize, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,7 % by weight	97,71

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund (ECU/tonne)
ex 11.02 E II c) (2)	Flaked maize, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	79,39
ex 11.02 E II c) (3)	Flaked maize, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	—
11.02 E II d) 1	Flaked rice	—
11.02 F III	Barley pellets	—
11.02 F IV	Oat pellets	—
11.02 F V	Maize pellets	—
11.02 G I	Wheat germ, whole, rolled, flaked or ground	6,25
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	15,27
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	44,50
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	86,65
11.08 A I	Maize starch (*)	67,07
11.08 A II	Rice starch (*)	42,03
11.08 A III	Wheat starch (*)	0,00
11.08 A IV	Potato starch (*)	67,07
11.08 A V	Starches other than maize, rice, wheat, or potato starch (*)	—
11.09 A	Dried wheat gluten, of a protein content, referred to dry matter, of 82 % or more by weight (N × 6,25)	0,00
17.02 B II a)	Glucose and malto-dextrine, other than glucose containing, in the dry state, 99 % or more by weight of the pure product, in the form of white crystalline powder, whether or not agglomerated (*)	87,49
17.02 B II b)	Malto-dextrine and malto-dextrine syrup ; glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product, other than glucose in the form of white crystalline powder, whether or not agglomerated (*)	67,07
17.02 F II a)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, in the form of powder, whether or not agglomerated	91,65
17.02 F II b)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, other than in the form of powder	63,74
21.07 F II	Flavoured or coloured glucose syrup, and malto-dextrine syrup	67,07
23.02 A I a)	Brans sharps and other residues derived from the sifting, milling or working of maize or rice of a starch content not exceeding 35 % by weight	10,78
23.02 A I b) 2	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content exceeding 35 % by weight, and not having undergone a denaturing process, or of a starch content exceeding 45 % by weight and having undergone denaturing process	10,78
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, of a starch content not exceeding 28 % by weight and of which the percentage which passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or of which the sifted product has an ash content, calculated on dry matter, not exceeding 1,5 % by weight	10,78
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not included under No 23.02 A II a)	10,78
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on dry matter, of 63 % or more by weight (N × 6,25)	33,33

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- (¹) The export refund is paid in respect of maize, groats and meal :
- of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 microns,
 - of which a percentage not exceeding 5 % passes through a sieve with an aperture of 150 microns.
- (²) 'Hulled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (³) 'Pearled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (⁴) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I enjoys the same export refund as the product falling within subheading 17.02 B II.
- (⁵) The export refund is granted on products falling within this subheading which have a starch content of not less than 85 % by weight.
- (⁶) The export refund is granted on products falling within this subheading which have a starch content of not less than 78 % by weight.
- (⁷) The procedure to be followed for the determination of the fatty matter content is as follows :
- the sample has to be crushed so that 90 % or more can pass through a sieve with an aperture of 500 microns and 100 % can pass through a sieve with an aperture of 1 000 microns,
 - the analytical method to be used afterwards is that which is printed in Annex 1 (Method A) to Commission Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
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COMMISSION REGULATION (EEC) No 333/85**of 7 February 1985****fixing the export refunds on cereal-based compound feedingstuffs**

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 the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as amended by Regulation (EEC) No 2560/77⁽⁵⁾, provides that, when export refunds on cereal-based compound feedingstuffs are being fixed, only the products normally used in the manufacture of compound

feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 537/83⁽⁷⁾, provides that calculation of the export refund must be based on the average of the refunds granted on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the month of exportation and on the levy applicable to maize; whereas this calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of a quantity of maize which is representative of the usual cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as amended by Regulation (EEC) No 3634/83⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 63, 9. 3. 1983, p. 10.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 360, 23. 12. 1983, p. 21.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾,
- 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 the refund must be fixed once a month ;
whereas it may be altered in the intervening period ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 February 1985.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 7 February 1985 fixing the export refunds on cereal-based compound feedingstuffs

(ECU / tonne)

CCT heading No	Special specification for refund	Nomenclature in simplified wording	Refund
23.07 B I		Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 2743/75, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04 and subheadings 17.02 A and 21.07 F I): Of a milk powder content of less than 50 % by weight and of a cereal products ⁽¹⁾ content by weight:	
	0510	— Exceeding 5 % but not exceeding 10 %	1,86 ⁽²⁾ 3,19 ⁽²⁾⁽³⁾ — ⁽⁴⁾
	1010	— Exceeding 10 % but not exceeding 20 %	3,72 ⁽²⁾ 6,39 ⁽²⁾⁽³⁾ — ⁽⁴⁾
	2010	— Exceeding 20 % but not exceeding 30 %	7,44 ⁽²⁾ 12,78 ⁽²⁾⁽³⁾ — ⁽⁴⁾
	3010	— Exceeding 30 % but not exceeding 40 %	11,17 ⁽²⁾ 19,16 ⁽²⁾⁽³⁾ — ⁽⁴⁾
	4010	— Exceeding 40 % but not exceeding 50 %	14,89 ⁽²⁾ 25,55 ⁽²⁾⁽³⁾ — ⁽⁴⁾
	5010	— Exceeding 50 % but not exceeding 60 %	18,61 ⁽²⁾ 31,94 ⁽²⁾⁽³⁾ — ⁽⁴⁾
	6010	— Exceeding 60 % but not exceeding 70 %	22,33 ⁽²⁾ 38,33 ⁽²⁾⁽³⁾ — ⁽⁴⁾
	7010	— Exceeding 70 %	24,36 ⁽²⁾ 41,81 ⁽²⁾⁽³⁾ — ⁽⁴⁾

⁽¹⁾ 'Cereal products' means the products falling within Chapter 10 and heading Nos 11.01 and 11.02 (excluding subheading 11.02 G) of the Common Customs Tariff.

⁽²⁾ For exports to Zones A, B, C, D and E specified in Annex II to Regulation (EEC) No 1124/77, as amended by Regulation (EEC) No 3634/83.

⁽³⁾ Minimum content of maize and/or sorghum exceeding: 0510: 5 %; 1010: 10 %; 2010: 20 %; 3010: 30 %; 4010: 40 %; 5010: 50 %; 6010: 60 %; 7010: 60 %.

In so far as this minimum is observed, these refunds shall, at the request of the party concerned, also apply where the cereal products' content exceeds the maximum specified on the same line.

⁽⁴⁾ For export to other third countries.

COMMISSION REGULATION (EEC) No 334/85

of 7 February 1985

fixing the export refunds 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 the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽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 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 set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 February 1985.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 7 February 1985 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne) Refund
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10,00 0
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10,00 20,00
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10,00 20,00
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	31,00 38,00 — 10,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	— —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 B	Millet	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	26,00 26,00 23,00 22,00 21,00 19,00

CCT heading No	Description	(ECU/tonne) Refund
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	26,00 26,00 26,00 26,00
11.02 A I a)	Durum wheat groats and meal : — of an ash content of 0 to 1 300 ⁽¹⁾ — of an ash content of 0 to 1 300 ⁽²⁾ — of an ash content of 0 to 1 300 — of an ash content of more than 1 300	124,00 117,00 105,00 99,00
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	26,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

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

COMMISSION REGULATION (EEC) No 335/85

of 7 February 1985

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1027/84⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products

processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 February 1985.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 7 February 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 7 February 1985 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	13,30
11.07 A II b)	72,51
11.07 B	84,51

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 December 1984

concerning animal health conditions and veterinary certification for imports of fresh meat from Uruguay

(85/96/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries⁽¹⁾, as last amended by Directive 83/91/EEC⁽²⁾, and in particular Articles 16, 18 (2), 19 (a) and 28 thereof,

Whereas animal health conditions and veterinary certification requirements for imports of fresh meat from Uruguay have been established by Commission Decision 78/695/EEC⁽³⁾, as last amended by Decision 84/354/EEC⁽⁴⁾, in parallel with the Decisions relating to Argentina, Brazil and Paraguay, particularly as regards foot-and-mouth disease;

Whereas up to now and by way of derogation from Article 1 (2) of Decision 78/695/EEC, the system under which masseter muscles have been imported from Uruguay has been a temporary one permitted by Commission Decision 79/277/EEC⁽⁵⁾, as last amended by Decision 84/26/EEC⁽⁶⁾; whereas, now, Directive 72/462/EEC authorizes Member States to allow imports into their territory of whole masseter muscles;

Whereas there should therefore be a single Decision covering animal health conditions and veterinary certification requirements for imports of fresh meat, including masseter muscles, from Uruguay and the Decision in force should be replaced by a new Decision;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall authorize the importation of fresh meat from Uruguay as follows:

- (a) de-boned fresh meat of bovine animals, sheep and goats, excluding offal, from which have been removed the major accessible lymphatic glands, which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex A;
- (b) fresh meat of domestic solipeds which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex B;
- (c) the following offal of bovine animals:
 - completely trimmed hearts,
 - completely trimmed livers,

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 59, 5. 3. 1983, p. 34.

⁽³⁾ OJ No L 236, 26. 8. 1978, p. 37.

⁽⁴⁾ OJ No L 186, 13. 7. 1984, p. 51.

⁽⁵⁾ OJ No L 65, 15. 3. 1979, p. 32.

⁽⁶⁾ OJ No L 20, 25. 1. 1984, p. 24.

— completely trimmed tongues without bone, cartilage or tonsils,

which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex C.

2. Member States may authorize the importation of completely trimmed whole masseter muscles of bovine animals from Uruguay into their territory under Article 18 (2) of Directive 72/462/EEC which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex C.

3. Member States shall prohibit the import of categories of fresh meat from Uruguay other than those referred to in paragraphs 1 and 2.

Article 2

1. By way of derogation from Article 1 (3), Member States may also authorize the importation of trimmed lungs of bovine animals which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex C and which are to be used exclusively in the manufacture of pet food.

2. The authorization referred to in paragraph 1 shall be given only to a processing establishment approved by the national authorities and under continuous veterinary supervision and on condition that a guarantee is provided that the raw material will be used only for the specified purpose without risk of contact with any product which remains unsterilized, and that it will not leave the establishment in its original state, except in case of necessity where it is officially consigned to an animal carcass destruction plant under the control of an official veterinarian. In addition the following minimum conditions shall be met:

- (a) before arrival in Community territory the raw material shall be enclosed in leak-proof containers which shall bear the mark 'Use restricted to the manufacture of pet food'. The accompanying documents shall be endorsed 'Use restricted to the manufacture of pet food', together with the name and address of the consignee;
- (b) the raw material shall be transported from the point of arrival in Community territory in vehicles or containers or other means of transport which are leak-proof, duly sealed, to the processing establishment approved by the national authorities and under continuous veterinary supervision.

However, in case of necessity, the raw material may be consigned temporarily to an approved cold store

which is under continuous veterinary supervision provided the above conditions are met;

- (c) on arrival in the territory of the Member State of destination and before dispatch of the raw material to the approved processing establishment, notification of intending dispatch shall be made as quickly as possible to the local official veterinarian;
- (d) the raw material, during manufacture, shall be sterilized in tins in such a way as to achieve a minimum Fc value of 3 and a veterinary inspection shall be made to ensure that the finished product has actually achieved that value;
- (e) the vehicles and containers or any other means of transport referred to in (b) and all equipment and utensils which come into contact with the raw material before sterilization shall be cleansed and disinfected and packagings shall be destroyed in an incinerator.

3. The authorization referred to in paragraph 1 shall be notified to the competent authorities of Member States through which the raw material will pass.

Article 3

While continuing to prohibit routine vaccination against foot-and-mouth disease in their territories, Denmark, Ireland and the United Kingdom may, in respect of the de-boned fresh meat of bovine animals, sheep and goats referred to under Article 1 (1) (a) and of the offal referred to in Article 1 (1) (c), retain the regime which they were applying to the importation of this fresh meat prior to the date of application of this Decision.

Article 4

This Decision shall not apply to imports of glands and organs authorized by the country of destination for pharmaceutical manufacturing purposes.

Article 5

This Decision shall apply from 1 January 1985. However, the certificates currently used, amended if necessary in accordance with the provisions of this Decision, may be used until 31 March 1985.

Article 6

This Decision shall be reviewed in the light of the evolution of foot-and-mouth disease in the Community and of the measures taken to combat this disease.

Article 7

Done at Brussels, 21 December 1984.

Decision 78/695/EEC is hereby repealed.

Article 8

This Decision is addressed to the Member States.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX A

ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat ⁽¹⁾ of bovine animals, sheep and goats, excluding offals, intended
for consignment to the European Economic Community

Country of destination

Reference to the public health certificate ⁽²⁾

Exporting country: URUGUAY

Ministry

Department

References

(Optional)

I. Identification of meat

Meat of
(Animal species)

Nature of cuts ⁽³⁾

Nature of packaging

Number of cuts or packages

Net weight

II. Origin of meat

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved slaughterhouse(s)

.....

.....

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved cutting plant(s)

.....

.....

III. Destination of meat

The meat will be sent from
(Place of loading)

to
(Country and place of destination)

by the following means of transport ⁽⁴⁾

Name and address of consignor

.....

Name and address of consignee

.....

IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

1. the de-boned fresh meat described above is obtained from :

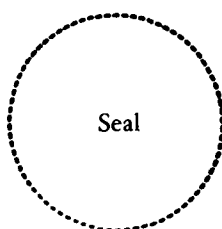
- animals which have remained in the territory of Uruguay for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- animals which have spent this period in a region in which foot-and-mouth disease vaccination of bovine animals is regularly carried out and officially controlled,
- animals which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 60 days, and around which within a radius of 25 km there has been no case of foot-and-mouth disease for 30 days,
- animals which have been transported direct from their holding of origin to the approved slaughterhouse concerned without passing through a market, without contact with animals which do not comply with the conditions required for export of their meat to the Community, and if conveyed in a means of transport, the latter has been cleaned and disinfected before loading,
- animals which have passed the ante-mortem health inspection referred to in Chapter V of Annex I to Directive 64/433/EEC ⁽¹⁾ at the slaughterhouse during the 24 hours before slaughter and have in particular been subject to examination of the mouth and feet and showed no evidence of foot-and-mouth disease,
- in the case of fresh meat from sheep and goats, animals which have not come from a holding which for health reasons is subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks ;

2. the de-boned fresh meat is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the European Community has only been authorized after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishment(s) under the control of an official veterinarian ;

3. the de-boned fresh meat described above originates from carcasses which have matured at a room temperature of more than + 2 °C for at least 24 hours before the bones were removed ;

4. ⁽⁶⁾

Done at, on



.....
(Signature of official veterinarian)

⁽¹⁾ Fresh meat : means all parts fit for human consumption from domestic bovine animals, sheep and goats which have not undergone any preserving process ; however, chilled and frozen meat shall be considered as fresh meat.

⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in implementation of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ Only de-boned fresh meat from bovine animals, sheep and goats from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

⁽⁴⁾ For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

⁽⁵⁾ As last amended by Directive 83/90/EEC.

⁽⁶⁾ Additional conditions required by the United Kingdom.

ANNEX B

ANIMAL HEALTH CERTIFICATE

for fresh meat⁽¹⁾ of domestic solipeds intended for consignment to the European
Economic Community

Country of destination

Reference to public health certificate⁽²⁾

Exporting country: URUGUAY

Ministry

Department

References

(Optional)

I. Identification of meat

Meat of domestic solipeds.

Nature of cuts

Type of packaging

Number of cuts or packages

Net weight

II. Origin of meat

Address(es) and veterinary approval number(s)⁽²⁾ of the approved slaughterhouse(s)

.....

Address(es) and veterinary approval number(s)⁽²⁾ of the approved cutting plant(s)

.....

.....

III. Destination of meat

The meat will be sent from

(Place of loading)

to

(Country and place of destination)

by the following means of transport⁽³⁾

Name and address of consignor

.....

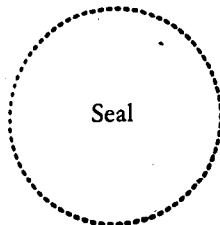
Name and address of consignee

.....

IV. Attestation of health

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory of Uruguay for at least three months before being slaughtered or since birth in the case of animals less than three months old.

Done at, on



.....
(Signature of official veterinarian)

- (¹) Fresh meat : means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process ; however, chilled and frozen meat shall be considered as fresh meat.
- (²) Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in implementation of Article 19 (a) of Directive 72/462/EEC.
- (³) For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

ANNEX C

ANIMAL HEALTH CERTIFICATE

for offal⁽¹⁾ of bovine animals intended for consignment to the European Economic Community

Country of destination

Reference to the public health certificate⁽²⁾

Exporting country: URUGUAY

Ministry

Department

References

(Optional)

I. Identification of offal

Offal of bovine animals.

Nature of offal

Nature of packaging

Number of packages

Net weight

II. Origin of offal

Address(es) and veterinary approval number(s)⁽²⁾ of the approved slaughterhouse(s)

.....

.....

Address(es) and veterinary approval number(s)⁽²⁾ of the approved cutting plant(s)

.....

.....

III. Destination of offal

The offal will be sent from

(Place of loading)

to

(Country and place of destination)

by the following means of transport⁽³⁾

Name and address of consignor

.....

Name and address of consignee

.....

IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

1. The offal described above is obtained from :

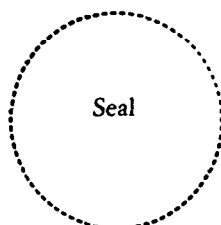
- bovine animals which have remained in the territory of Uruguay for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- bovine animals which have spent this period in a region in which foot-and-mouth disease vaccination of bovine animals is regularly carried out and officially controlled,
- bovine animals which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 60 days, and around which within a radius of 25 km there has been no case of foot-and-mouth disease for 30 days,
- bovine animals which have been transported direct from their holding of origin to the approved slaughterhouse concerned without passing through a market, without contact with animals which do not comply with the conditions required for export of their meat to the Community, and if conveyed in a means of transport, the latter has been cleaned and disinfected before loading,
- bovine animals which have passed the ante-mortem health inspection referred to in Chapter V of Annex I to Directive 64/433/EEC (*) at the slaughterhouse during the 24 hours before slaughter and have in particular been subject to examination of the mouth and feet and showed no evidence of foot-and-mouth disease ;

2. the offal is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the European Community has only been authorized after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishment(s) under the control of an official veterinarian ;

3. the offal described above has matured at a room temperature of more than + 2 °C for at least three hours, or, in the case of masseter muscles, for at least 24 hours.

4.(9)

Done at, on



.....
(Signature of official veterinarian)

(1) Only the following offal of bovine animals is authorized for importation : hearts and livers from which lymphatic glands, adhering connective tissue and fat have been completely removed and tongues without bone, cartilage and tonsils and, in accordance with Article 18 (2) of Directive 72/462/EEC, whole masseter muscles, incised in accordance with paragraph 41 (A) of Chapter VII of Annex I to Directive 64/433/EEC (*), from which lymphatic glands, adhering connective tissue and fat have been completely removed. However, the following may also be authorized for importation under the conditions laid down in Article 2: trimmed lungs of bovine animals intended exclusively for the manufacture of pet food, from which tracheae, and main bronchi and the mediastinal and bronchial lymphatic glands have been removed.

(2) Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in implementation of Article 19 (a) of Directive 72/462/EEC.

(3) For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

(*) As last amended by Directive 83/90/EEC.

(9) Additional conditions required by the United Kingdom.

COMMISSION DECISION

of 21 December 1984

concerning animal health conditions and veterinary certification for imports of fresh meat from Brazil

(85/97/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries⁽¹⁾, as last amended by Directive 83/91/EEC⁽²⁾, and in particular Articles 16, 18 (2), 19 (a) and 28 thereof,

Whereas animal health conditions and veterinary certification requirements for imports of fresh meat from Brazil have been established by Commission Decision 78/694/EEC⁽³⁾, as last amended by Decision 84/354/EEC⁽⁴⁾, in parallel with the Decisions relating to Argentina, Paraguay and Uruguay, particularly as regards foot-and-mouth disease;

Whereas up to now and by way of derogation from Article 1 (2) of Decision 78/694/EEC, the system under which masseter muscles have been imported from Brazil has been a temporary one permitted by Commission Decision 79/277/EEC⁽⁵⁾, as last amended by Decision 84/26/EEC⁽⁶⁾; whereas, now, Directive 72/462/EEC authorizes Member States to allow imports into their territory of whole masseter muscles;

Whereas there should therefore be a single Decision covering animal health conditions and veterinary certification requirements for imports of fresh meat, including masseter muscles, from Brazil and the Decision in force should be replaced by a new Decision;

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

1. Member States shall authorize the importation of fresh meat from Brazil as follows:

- (a) de-boned fresh meat of bovine animals, excluding offal, from the States of Rio Grande do Sul, Minas Gerais, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Goiás, Bahia and Espírito Santo, from which have been removed the major accessible lymphatic glands, which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex A;
- (b) fresh meat of domestic solipeds which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex B;
- (c) the following offal of bovine animals from the States of Rio Grande do Sul, Minas Gerais, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Goiás, Bahia and Espírito Santo;
 - completely trimmed hearts,
 - completely trimmed livers,
 - completely trimmed tongues without bone, cartilage or tonsils,

which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex C.

2. Member States may authorize the importation of completely trimmed whole masseter muscles of bovine animals from the Brazilian States of Rio Grande do Sul, Minas Gerais, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Goiás, Bahia and Espírito Santo into their territory under Article 18 (2) of Directive 72/462/EEC which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex C.

3. Member States shall prohibit the import of categories of fresh meat from Brazil other than those referred to in paragraphs 1 and 2.

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 59, 5. 3. 1983, p. 34.

⁽³⁾ OJ No L 236, 26. 8. 1978, p. 29.

⁽⁴⁾ OJ No L 186, 13. 7. 1984, p. 51.

⁽⁵⁾ OJ No L 65, 15. 3. 1979, p. 32.

⁽⁶⁾ OJ No L 20, 25. 1. 1984, p. 24.

Article 2

1. By way of derogation from Article 1 (3), Member States may also authorize the importation of trimmed lungs of bovine animals which present the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex C and which are to be used exclusively in the manufacture of pet food.

2. The authorization referred to in paragraph 1 shall be given only to a processing establishment approved by the national authorities and under continuous veterinary supervision and on condition that a guarantee is provided that the raw material will be used only for the specified purpose without risk of contact with any product which remains unsterilized, and that it will not leave the establishment in its original state, except in case of necessity where it is officially consigned to an animal carcase destruction plant under the control of an official veterinarian. In addition the following minimum conditions shall be met:

- (a) before arrival in Community territory the raw material shall be enclosed in leak-proof containers which shall bear the mark 'Use restricted to the manufacture of pet food'; the accompanying documents shall be endorsed 'Use restricted to the manufacture of pet food' together with the name and address of the consignee;
- (b) the raw material shall be transported from the point of arrival in Community territory in vehicles or containers or other means of transport which are leak-proof, duly sealed, to the processing establishment approved by the national authorities and under continuous veterinary supervision.
However, in case of necessity, the raw material may be consigned temporarily to an approved cold store which is under continuous veterinary supervision provided the above conditions are met;
- (c) on arrival in the territory of the Member State of destination and before dispatch of the raw material to the approved processing establishment, notification of intending dispatch shall be made as quickly as possible to the local official veterinarian;
- (d) the raw material, during manufacture, shall be sterilized in tins in such a way as to achieve a minimum Fc value of 3 and a veterinary inspection shall be made to ensure that the finished product has actually achieved that value;
- (e) the vehicles and containers or any other means of transport referred to in (b) and all equipment and

utensils which come into contact with the raw material before sterilization shall be cleansed and disinfected and packagings shall be destroyed in an incinerator.

3. The authorization referred to in paragraph 1 shall be notified to the competent authorities of Member States through which the raw material will pass.

Article 3

While continuing to prohibit routine vaccination against foot-and-mouth disease in their territories, Denmark, Ireland and the United Kingdom may, in respect of the de-boned fresh meat of bovine animals referred to under Article 1 (1) (a), and of the offal referred to in Article 1 (1) (c), retain the regime which they were applying to the importation of this fresh meat prior to the date of application of this Decision.

Article 4

This Decision shall not apply to imports of glands and organs authorized by the country of destination for pharmaceutical manufacturing purposes.

Article 5

This Decision shall apply from 1 January 1985. However, the certificates currently used, amended if necessary in accordance with the provisions of this Decision, may be used until 31 March 1985.

Article 6

This Decision shall be reviewed in the light of the evolution of foot-and-mouth disease in the Community and of the measures taken to combat this disease.

Article 7

Decision 78/694/EEC is hereby repealed.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX A

ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat ⁽¹⁾ of bovine animals, excluding offal, intended for consignment to the European Economic Community

Country of destination

Reference to the public health certificate ⁽²⁾

Exporting country : BRAZIL (Rio Grande do Sul, Minas Gerais, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Goiás, Bahia, Espírito Santo).

Ministry

Department

References

(Optional)

I. Identification of meat

Meat of bovine animals.

Nature of cuts ⁽³⁾

Nature of packaging

Number of cuts or packages

Net weight

II. Origin of meat

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved slaughterhouse(s)

.....

.....

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved cutting plant(s)

.....

.....

III. Destination of meat

The meat will be sent from

(Place of loading)

to

(Country and place of destination)

by the following means of transport ⁽⁴⁾

Name and address of consignor

.....

Name and address of consignee

.....

IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

1. The de-boned fresh meat described above is obtained from :

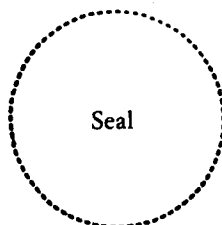
- bovine animals which have remained in the territory of Brazil (States of Rio Grande do Sul, Minas Gerais, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Goiás, Bahia, Espírito Santo) for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- bovine animals which have spent this period in a region in which foot-and-mouth disease vaccination of bovine animals is regularly carried out and officially controlled,
- bovine animals which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 60 days and around which within a radius of 25 km there has been no case of foot-and-mouth disease for 30 days,
- bovine animals which have been transported direct from their holding of origin to the approved slaughterhouse concerned without passing through a market, without contact with animals which do not comply with the conditions required for export of their meat to the Community, and if conveyed in a means of transport, the latter has been cleaned and disinfected before loading,
- bovine animals which have passed the ante-mortem health inspection referred to in Chapter V of Annex I to Directive 64/433/EEC⁽⁵⁾ at the slaughterhouse during the 24 hours before slaughter and have in particular been subject to examination of the mouth and feet and showed no evidence of foot-and-mouth disease ;

2. the de-boned fresh meat is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the European Community has only been authorized after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishment(s) under the control of an official veterinarian ;

3. the de-boned fresh meat described above originates from carcasses which have matured at a room temperature of more than + 2 °C for at least 24 hours before the bones were removed.

4.⁽⁶⁾

Done at, on



.....
(Signature of official veterinarian)

⁽¹⁾ Fresh meat : means all parts fit for human consumption from domestic bovine animals, which have not undergone any preserving process ; however, chilled and frozen meat shall be considered as fresh meat.

⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in implementation of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ Only de-boned fresh meat from bovine animals, from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

⁽⁴⁾ For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

⁽⁵⁾ As last amended by Directive 83/90/EEC.

⁽⁶⁾ Additional conditions required by the United Kingdom.

*ANNEX B***ANIMAL HEALTH CERTIFICATE**

for fresh meat⁽¹⁾ of domestic solipeds intended for consignment to the European Economic Community

Country of destination

Reference to public health certificate ⁽²⁾

Exporting country: BRAZIL

Ministry

Department

References

(Optional)

I. Identification of meat

Meat of domestic solipeds.

Nature of cuts

Type of packaging

Number of cuts or packages

Net weight

II. Origin of meat

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved slaughterhouse(s)

.....

.....

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved cutting plant(s)

.....

.....

III. Destination of meat

The meat will be sent from

(Place of loading)

to

(Country and place of destination)

by the following means of transport ⁽³⁾

Name and address of consignor

.....

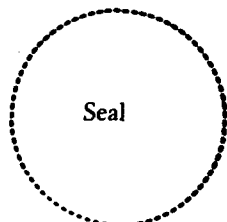
Name and address of consignee

.....

IV. Attestation of health

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory of Brazil for at least three months before being slaughtered or since birth in the case of animals less than three months old.

Done at, on



.....
(Signature of official veterinarian)

- _____
- (¹) Fresh meat : means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process ; however, chilled and frozen meat shall be considered as fresh meat.
 - (²) Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in implementation of Article 19 (a) of Directive 72/462/EEC.
 - (³) For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

ANNEX C

ANIMAL HEALTH CERTIFICATE

for offal⁽¹⁾ of bovine animals intended for consignment to the European Economic Community

Country of destination

Reference to the public health certificate⁽²⁾

Exporting country : BRAZIL (Rio Grande do Sul, Minas Gerais, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Goiás, Bahia, Espírito Santo).

Ministry

Department

References

(Optional)

I. Identification of offal

Offal of bovine animals.

Nature of offal

Nature of packaging

Number of packages

Net weight

II. Origin of offal

Address(es) and veterinary approval number(s)⁽²⁾ of the approved slaughterhouse(s)

.....

.....

Address(es) and veterinary approval number(s)⁽²⁾ of the approved cutting plant(s)

.....

.....

III. Destination of offal

The offal will be sent from

(Place of loading)

to

(Country and place of destination)

by the following means of transport⁽³⁾

Name and address of consignor

.....

Name and address of consignee

.....

IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

1. The offal described above is obtained from :

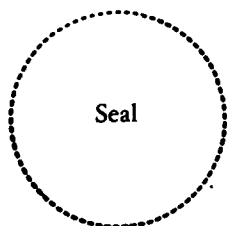
- bovine animals which have remained in the territory of Brazil (States of Rio Grande do Sul, Minas Gerais, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Goiás, Bahia, Espírito Santo) for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- bovine animals which have spent this period in a region in which foot-and-mouth disease vaccination of bovine animals is regularly carried out and officially controlled,
- bovine animals which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 60 days, and around which within a radius of 25 km there has been no case of foot-and-mouth disease for 30 days,
- bovine animals which have been transported direct from their holding of origin to the approved slaughterhouse concerned without passing through a market, without contact with animals which do not comply with the conditions required for export of their meat to the Community, and if conveyed in a means of transport, the latter has been cleaned and disinfected before loading,
- bovine animals which have passed the ante-mortem health inspection referred to in Chapter V of Annex I to Directive 64/433/EEC⁽⁴⁾ at the slaughterhouse during the 24 hours before slaughter and have in particular been subject to examination of the mouth and feet and showed no evidence of foot-and-mouth disease,

2. the offal is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the European Community has only been authorized after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishment(s) under the control of an official veterinarian ;

3. the offal described above has matured at a room temperature of more than + 2 °C for at least three hours, or, in the case of masseter muscles, for at least 24 hours.

4.⁽⁵⁾

Done at, on



.....
(Signature of official veterinarian)

⁽¹⁾ Only the following offal of bovine animals is authorized for importation : hearts and livers from which lymphatic glands, adhering connective tissue and fat have been completely removed and tongues without bone, cartilage and tonsils and, in accordance with Article 18 (2) of Directive 72/462/EEC, whole masseter muscles, incised in accordance with paragraph 41 (A) of Chapter VII of Annex I to Directive 64/433/EEC⁽⁴⁾, from which lymphatic glands, adhering connective tissue and fat have been completely removed. However, the following may also be authorized for importation under the conditions laid down in Article 2 : trimmed lungs of bovine animals intended exclusively for the manufacture of pet food, from which tracheae, and main bronchi and the mediastinal and bronchial lymphatic glands have been removed.

⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in implementation of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

⁽⁴⁾ As last amended by Directive 83/90/EEC.

⁽⁵⁾ Additional conditions required by the United Kingdom.

COMMISSION DECISION**of 21 December 1984****on veterinary measures relating to certain meat establishments in Belgium and in the Netherlands****(85/98/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽¹⁾, as last amended by Directive 83/90/EEC ⁽²⁾, and in particular Article 8 thereof,

Whereas import checks carried out by the Italian authorities revealed that meat from four meat establishments, in Belgium (No 642 and No 943) and in the Netherlands (No 88 and its annexes 88-1 and 88-2 and No 98) was contaminated; whereas there was reason to suspect, in conformity with the first indent of Article 8 (3) of Directive 64/433/EEC, that the provisions governing the approval were not observed in these establishments;

Whereas the Italian authorities had transmitted their findings to the Belgian and Netherlands authorities; whereas the Commission was asked to arrange for an expert opinion in accordance with the fourth indent of Article 8 (3) of Directive 64/433/EEC;

Whereas the Belgian authorities informed the Commission of the withdrawal of approval from establishment No 943;

Whereas, following their inspection, the experts designated by the Commission were of the opinion that some improvements were necessary in the three other establishments visited in order to make these establishments conform to the Community standards laid down in Directive 64/433/EEC; whereas the Belgian

and Netherlands authorities gave an assurance that measures were taken to effect these improvements;

Whereas, in the light of the conclusions of the experts, there is no reason to believe that the requirements to which approval of establishments is subject are not being met or, therefore, to authorize Member States to refuse the admission into their territory of fresh meat from the three establishments concerned;

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

HAS ADOPTED THIS DECISION:

Article 1

The conditions for authorizing the suspension of the introduction into the territory of the other Member States of fresh meat from establishment No 642 (cutting plant) in Belgium and No 88 (slaughterhouse), 88-1 and 88-2 (cutting plants) and No 98 (cutting plant) in the Netherlands, are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 121, 29. 7. 1964, p. 2012/64.

⁽²⁾ OJ No L 59, 5. 3. 1983, p. 10.

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