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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 566/85**of 5 March 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 4 March 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 6 March 1985.

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

Done at Brussels, 5 March 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 5 March 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)
		Levies
10.01 B I	Common wheat, and meslin	67,73
10.01 B II	Durum wheat	102,72 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	76,98 ⁽⁶⁾
10.03	Barley	72,00
10.04	Oats	51,59
10.05 B	Maize, other than hybrid maize for sowing	63,65 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	64,74 ⁽⁴⁾
10.07 C	Grain sorghum	68,76 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	109,80
11.01 B	Rye flour	122,75
11.02 A I a)	Durum wheat groats and meal	172,89
11.02 A I b)	Common wheat groats and meal	116,41

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 486/85 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 567/85

of 5 March 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
4 March 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 6 March
1985.

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

Done at Brussels, 5 March 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 5 March 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	10,90	10,90	10,90
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	2,91	2,91	2,91
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	7,26	7,26	0
10.07 C	Grain sorghum	0	20,92	20,92	20,92
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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 568/85**of 4 March 1985****amending for the 10th time Regulation (EEC) No 2730/79 laying down common detailed rules for the application of the system of export refunds on agricultural products**

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 16 (6) thereof, and to the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular the second subparagraph of Article 8 (2) and Article 8 (3) thereof, and to the corresponding provisions of the other Regulations laying down general rules for granting export refunds on agricultural products,

Whereas Article 6 of Commission Regulation (EEC) No 2730/79⁽⁴⁾, as last amended by Regulation (EEC) No 519/83⁽⁵⁾, stipulates that certain information must be entered in the control register provided for in the simplified procedure introduced by that same Article, not later than the first working day after supplies for victualling have been loaded; whereas this requirement cannot always be met where the supplies are loaded in a Member State other than the Member State of export; whereas, therefore, provision should be made so that these particulars must be entered in the register not later than the first working day following that on which the exporter should have been informed that the products had been loaded;

Whereas Article 10 of Regulation (EEC) No 2730/79 should make it clear that the proof of importation into a non-member country may be requested on payment of both differentiated and non-differentiated refunds;

Whereas experience has shown that provision should be made so that it is possible, in a customs office other than that in which customs export formalities were completed, to place products under the procedure provided for in Title IV, Section I, of Commission Regulation (EEC) No 233/77 of 22 December 1976 on provisions for the implementation of the Community

transit procedure and for certain simplifications of that procedure⁽⁶⁾, as last amended by Regulation (EEC) No 1499/82⁽⁷⁾;

Whereas, in certain cases and in certain circumstances, where supplies are delivered to drilling or extraction platforms, exporters may be exempted from the requirement to produce a certificate of receipt on board; whereas the criterion used to determine such cases is the export declaration; whereas, in view of the nature of the trade in question, it is necessary that deliveries should be taken into account as the criterion for the determination of such cases;

Whereas it should be stated that, for a differentiated refund to be awarded, importation into the non-member country must have taken place within the time limit for providing proof of such importation; whereas extensions of time limits should be allowed for exports which took place before the entry into force of this Regulation, where the exporter shows diligence;

Whereas, in view of the economic objectives which export refunds are designed to achieve and the fact that proof may in some cases be provided that products have been imported into the non-member country of destination, the Regulation should specify that the products imported into the non-member country must be those which were exported from the Community; whereas the competent authorities of the Member States should therefore be allowed to require proof to the effect that the products were, in the unaltered state, imported into and released on the market of the importing non-member countries concerned; whereas, however, a product which is processed in the importing non-member country before being released for home use should be regarded as having been imported in the unaltered state when proof is provided that processing took place in the non-member country in which all the products resulting from such processing have been released for home use;

Whereas certain documents not listed in Article 20 of Regulation (EEC) No 2730/79 may provide proof that the products have been released for home use in a non-member country; whereas other documents already listed in the said Article should attest to more than the mere unloading of the products in the non-member country; whereas, therefore, the said Article should be amended accordingly;

⁽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 317, 12. 12. 1979, p. 1.

⁽⁵⁾ OJ No L 58, 5. 3. 1983, p. 5.

⁽⁶⁾ OJ No L 38, 9. 2. 1977, p. 20.

⁽⁷⁾ OJ No L 161, 12. 6. 1982, p. 11.

Whereas the consequences of a compulsory destination should be made clear where a single rate of refund applies in respect of all destinations on the day of the advance fixing of the refund;

Whereas, for the sake of fairness, provision should be made so that, for the purpose of the clearance of advance payments, one export may be replaced by another equivalent export, subject to certain conditions, as is already the case with export licences or advance-fixing certificates;

Whereas proof equivalent to the control copy may be provided where the purpose of the control copy is to certify that the products concerned have left the geographical territory of the Community; whereas provision should also be made for equivalent proof in other cases;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2730/79 is hereby amended as follows:

1. In Article 6

— the text of the second subparagraph of paragraph 4 is replaced by the following:

'The information referred to in the preceding subparagraph must be entered in the register not later than the first working day after the day of loading. However, when loading is carried out in another Member State, the abovementioned information must be entered in the register not later than the first working day following that on which the exporter must be informed that the products have been loaded.'

— the following paragraph 5 is added:

'5. Member States may decide that the register may be replaced by the documents used for each delivery on which the customs authorities have certified the date of loading.'

2. Article 10 (1) is replaced by the following:

'1. In the following circumstances payment of the differentiated or non-differentiated refund shall be conditional not only on the product

having left the geographical territory of the Community but also — save where it has perished in transit as a result of *force majeure* — on its having been imported into a non-member country and where appropriate into a specific non-member country within the time limits referred to in Article 31:

- (a) where there is serious doubt as to the true destination of the product, or
- (b) where, by reason of the difference between the rate of refund on the exported product and the amount of the import duties applicable to an identical product on the day when customs export formalities are completed, it is possible that the product may be re-introduced into the Community.

In the cases referred to in the preceding subparagraph, the provisions of Article 20 (2), (3), (4), (5) and (6) shall apply.

In addition, the competent authorities of the Member States may require that additional proof be provided which shows, to their satisfaction, that the product has actually been placed on the market in the non-member country of import in the unaltered state.'

3. Article 12 is replaced by the following:

Article 12

1. Where the product is placed, in the Member State where the customs export formalities were completed, under the procedure provided for in Title IV, Section I of Regulation (EEC) No 223/77 for carriage to a station of destination or delivery to a consignee outside the geographical territory of the Community, the payment of the refund shall not be subject to production of proof as provided for in Article 11.

2. For the purposes of paragraph 1, the competent customs office shall ensure that the following endorsement is entered on the document issued for the purposes of payment of the export refund: 'Departure from the geographical territory of the Community under the simplified Community transit procedure for carriage by rail or large containers.'

3. The customs office where the requisite customs formalities are completed for the products to be placed under the procedure referred to in paragraph 1 may permit the contract of carriage to be varied so that carriage ends within the Community only if it is established:

- that, if the export refund has already been paid, such refund has been repaid, or
- that the necessary steps have been taken by the authorities concerned to ensure that the refund is not paid.

However, if the refund has been paid pursuant to paragraph 1 and the product has not left the geographical territory of the Community within the prescribed period, the competent customs office shall so inform the agency responsible for payment of the export refund and shall provide it as soon as possible with all the necessary particulars. In such cases the refund shall be regarded as having been wrongly paid.

4. Where the customs export formalities have been completed in one Member State and the product concerned, circulating under the external Community transit procedure, is placed under the procedure provided for in Title IV, Section I of Regulation (EEC) No 223/77 in another Member State for carriage to a station of destination or delivery to a consignee outside the geographical territory of the Community, the office at which the customs formalities for placing the products under the abovementioned procedure are completed shall fill in the section "Control as to the use and/or destination" on the back of the control copy referred to in Article 11 by deleting the first four lines and making one of the following entries under "Remarks":

„Udført fra Fællesskabets geografiske område i henhold til ordningen for den forenklede procedure for fællesskabsforsendelse med jernbane/store containere.

— Transportdokument : type :
nummer :

— Dato for overtagelse ved jernbane eller ved det pågældende transportfirma :

„Verlassen des geographischen Gebietes der Gemeinschaft im Rahmen des vereinfachten gemeinschaftlichen Versandverfahrens mit der Eisenbahn oder in Großbehältern.

— Beförderungspapier : Art :
Nummer :

— Zeitpunkt der Annahme zur Beförderung durch die Eisenbahnverwaltung oder das betreffende Beförderungsunternehmen :
.....

„Έξοδος από το γεωγραφικό έδαφος της Κοινότητας υπό το απλοποιημένο καθεστώς της κοινοτικής διαμετακόμισης με σιδηρόδρομο ή μεγάλα εμπορευματοκιβώτια.

— Έγγραφο μεταφοράς: τύπος:
αριθ.:

— Ημερομηνία αποδοχής για μεταφορά από τη σιδηροδρομική αρχή ή την ενδιαφερόμενη εταιρεία μεταφοράς:

„Departure from the geographical territory of the Community under the simplified Community transit procedure for carriage by rail or large containers.

— Transport document : type :
number :

— Date of acceptance for carriage by the railway authorities or the transport undertaking concerned :

„Sortie du territoire géographique de la Communauté sous le régime du transit communautaire simplifié par fer ou par grands conteneurs.

— Document de transport : espèce :
numéro :

— Date d'acceptation pour le transport par l'administration des chemins de fer ou par l'entreprise de transports concernée :
.....

„Uscita dal territorio geografico della Comunità in regime di transito comunitario semplificato per ferrovia o grandi contenitori.

— Documento di trasporto : tipo :
numero :

— Data di accettazione per il trasporto da parte delle ferrovie o dell'impresa di trasporto interessata :

„Heeft het geografisch grondgebied van de Gemeenschap verlaten onder de regeling vereenvoudigd communautair douanevervoer per spoor of in grote containers.

— Vervoerdocument : type :
nummer :

— Datum van aanneming ten vervoer door de betrokken spoorwegadministratie of de betrokken vervoeronderneming :

Where the transport contract is amended in such a way that the transport operation is terminated within the Community, the provisions of paragraph 3 shall apply *mutatis mutandis*.

4. The first sentence of the third subparagraph of Article 19b (3) is replaced by the following:

‘By way of derogation from paragraph 2, in the case of supplies to platforms, Member States may exempt exporters from the requirement to produce a certificate of receipt on board in the case of a delivery:

— giving entitlement to a refund not greater than 2 500 ECU per exporter,

— for which the Member State concerned is satisfied that it has sufficient evidence that the products have arrived at their destination, and

— for which the transport document and proof of payment are submitted.’

5. Article 20 (1) is replaced by the following:

'1. Where the rate of refund varies according to destination, payment of the refund on exports to non-member countries shall be made, subject to the provisions of Article 21, only if the product has, in the unaltered state, been imported into the non-member country or one of the non-member countries for which the refund is prescribed within the time limits referred to in Article 31. Products shall be regarded as having been imported in the unaltered state if there is no reference, in any of the documents, to the effect that such processing has taken place.

However:

- operations which are designed to ensure that the products remain in the unaltered state, and which are referred to in Article 4 (5) of Regulation (EEC) No 798/80, may be carried out within the time limits referred to in the first subparagraph; the operations specified in point 4 of the said Article 4 (5) may be carried out only if the product imported into the non-member country concerned does not fall within another subheading in the table of refunds, the refund for which differs from that applicable in respect of the exported product,
- a product which was processed before being imported shall be regarded as having been imported without further processing if the processing took place in the non-member country into which all the products resulting from such processing were imported.'

6. In the Danish version of Article 20 (2) and Annex II, in the space reserved for endorsement by the customs office of the country where the product is released for home use, 'fri omsætning' is replaced by 'frit forbrug'.

7. Article 20 (3) is replaced by the following:

'3. Proof that these formalities have been completed shall be furnished by production of:

- (a) the relevant customs document, or a copy or photocopy thereof certified as true by either the body which endorsed the original document, an official agency of the non-member country concerned or an official agency of a Member State; or
- (b) the customs entry certificate made out in accordance with the specimen in Annex II in one or more official languages of the Community and in a language used in the non-member country concerned; or
- (c) any other document endorsed by the customs authorities of the non-member country

concerned on which the products are identified and which proves that they have been released for home use in that country.'

8. In the Dutch version of Article 20 (4), point (a) is replaced by the following:

'(a) een kopie van het lossingsdocument afgegeven of geïssueerd in het derde land of in één van de derde landen waarvoor de restitutie is vastgesteld;'

9. In Article 20 (4), points (b), (c) and (d) are replaced by the following:

- '(b) a certificate of unloading issued by an official agency of one of the Member States established in or competent for the country of destination, certifying also that the product has left the port zone or at least that, to its knowledge, the product has not subsequently been loaded for re-export;
- (c) a certificate of unloading drawn up by an international control and supervisory agency approved by the Member State in which customs export formalities were completed, certifying also that the product has left the port zone or at least that, to its knowledge, the product has not subsequently been loaded for re-export;
- (d) a bank document issued by approved intermediaries established in the Community, certifying, in the case of the non-member countries listed in Annex III, that payment for the export in question has been credited to the exporter's account with them;'

10. The following point (g) is added to Article 20 (4):

'(g) a statement of acceptance of delivery issued by a body in a non-member country in respect of which tendering procedures can be accepted for the purposes of Article 43 of Regulation (EEC) No 3183/80 if the goods have been bought by that body.'

11. Article 24 is replaced by the following:

Article 24

1. Where a single rate of refund applies in respect of all destinations on the day of advance fixing and a compulsory destination is prescribed, the refund shall be treated as varying according to destination if the rate of refund applying on the day customs export formalities are completed is less than the rate fixed in advance, as adjusted, where appropriate, on the date customs export formalities are completed.

2. Refunds fixed under a tendering procedure shall rank as refunds fixed in advance.

3. To qualify for the refund fixed in advance, where a product is exported under a licence or certificate issued pursuant to Article 43 of Regulation (EEC) No 3183/80 and the refund varies according to destination, the exporter must show, in addition to the proof required under Article 20, that the product has been delivered in the non-member country of import to the agency specified under the invitation to tender to which the licence refers.'

12. Paragraphs 2 and 3 of Article 25 are replaced by the following:

'2. Where the amount advanced is greater than the amount actually due in respect of the export operation or the export of equivalent products as defined in paragraph 4, the exporter shall pay the difference between the two amounts plus 15 % of that difference.

Where, however, by reason of *force majeure*:

- the proof referred to in this Regulation to be furnished in order to qualify for the refund cannot be produced, or
- the product reaches a destination other than that for which the advance was calculated,

the additional 15 % shall not be charged.

Securities shall be released in proportion to the amount of refund for which documentary proof, as required by this Regulation to qualify for the refund, has been produced.

3. If the amount payable by the exporter is not repaid after being requested, the security shall be forfeited in the amount outstanding.

4. "Export of equivalent products" shall mean the export, after reimportation under return arrangements, of equivalent products falling within the same subheading of the Common Customs Tariff, provided that the conditions referred to in Article 39 (2) (a) and (b) of Regulation (EEC) No 3183/80 are fulfilled.

This provision shall apply only where the return arrangements have been used in the Member State in which the customs formalities for the first export were completed.'

13. The second subparagraph of Article 30 (2) is replaced by the following:

'The supporting documents to be presented with the request that other documents be regarded as equivalent must include:

- where a control copy has been issued to furnish proof that the products have left the geographical territory of the Community; in addition to the transport document, a document which proves that the product has been presented at a customs office in a non-member country or one or more of the documents referred to in Article 20 (3), (4) and (6);
- where Articles 5, 19b or 26 are applied: confirmation by the customs office responsible for checking the destination in question that the conditions for annotation of the control copy concerned by the said office have been fulfilled.

The extension of time referred to in Article 31 (2) shall apply for the furnishing of the equivalent proof.'

14. In Article 31 (2), that part of the sentence which reads 'paragraphs 3, 4 and 6' is replaced by 'paragraphs 3 to 6'.

15. Annex III is replaced by the Annex to this Regulation.

Article 2

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

It shall apply to operations subject to acceptance of an export declaration and to the loading on board of supplies from 1 April 1985.

At the request of those concerned the provisions of Article 1 (5) and (14) shall apply to cases pending.

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

Done at Brussels, 4 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

*ANNEX**ANNEX III*

**List of non-member countries from which funds cannot be transferred until the goods
have been imported, as referred to in Article 20 (4) (d)**

Algeria
Burundi
Chile
Equatorial Guinea
Guatemala
Hungary
Iceland

Kenya
Lesotho
Malawi
Malta
St Lucia
Senegal
Tanzania

COMMISSION REGULATION (EEC) No 569/85

of 4 March 1985

opening a standing invitation to tender for the export of 71 000 tonnes of barley
held by the Irish intervention agency

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular
Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No
2738/75 of 29 October 1975 laying down general rules
for intervention on the market in cereals⁽³⁾ provides
that cereals held by the intervention agencies shall be
disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82
of 7 July 1982⁽⁴⁾ lays down the procedure and condi-
tions for the disposal of cereals held by intervention
agencies;

Whereas on 22 February 1985 Ireland notified the
Commission that it wished to put up for sale for
export to third countries 71 000 tonnes of barley held
by its intervention agency; whereas it is possible to
accede to that request;

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 Irish intervention agency may, on the conditions
laid down in Regulation (EEC) No 1836/82, open a

standing invitation to tender for the export of 71 000
tonnes of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum
of 71 000 tonnes of barley to be exported to all third
countries.
2. The regions in which the 71 000 tonnes of barley
are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of
issue, within the meaning of Article 9 of Regulation
(EEC) No 1836/82, until the end of the second month
following.

Article 4

1. The time limit for submission of tenders under
the first partial invitation to tender shall expire on
20 March 1985 at 12 noon (Brussels time).
2. The time limit for submission of tenders under
the subsequent partial invitations to tender shall expire
each Wednesday at 12 noon (Brussels time).
3. The last partial invitation to tender shall expire
on 29 May 1985.
4. The tenders shall be lodged with the Irish inter-
vention agency.

Article 5

The Irish intervention agency shall notify the
Commission of the tenders received not later than two
hours after expiry of the time limit for the submission
thereof. Notification shall be given as specified in the
table in Annex II to this Regulation.

Article 6

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 9. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 49.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

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

Done at Brussels, 4 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

(tonnes)	
Place of storage	Quantity
Carlow	8 100
Cork	6 500
Dublin	600
Kildare	18 100
Kilkenny	8 500
Laois	1 900
Offaly	3 600
Tipperary	1 200
Waterford	500
Westmeath	2 400
Wexford	12 600
Wicklow	6 900
Total	70 900

ANNEX II

Standing invitation to tender for the export of 71 000 tonnes of barley held by the Irish intervention agency

(Regulation (EEC) No 569/85)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne)	Price increases (+) or reductions (—) (ECU/tonne)	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

COMMISSION REGULATION (EEC) No 570/85

of 5 March 1985

fixing the export refunds on baled tobacco from the 1984 harvest

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1461/82 ⁽²⁾, and in particular the first sentence of the third subparagraph of Article 9 (2) thereof,

Whereas, under Article 9 of Regulation (EEC) No 727/70, the difference between world prices and Community prices for the products referred to in Article 1 of the said Regulation may be covered by an export refund;

Whereas, under Council Regulation (EEC) No 326/71 of 15 February 1971 laying down general rules for granting export refunds on raw tobacco and fixing the amount of such refunds ⁽³⁾, the granting of refunds must be limited to baled tobacco produced from leaf tobacco harvested in the Community; whereas the refunds must be fixed for each variety produced in the Community in the light of the factors referred to in Article 2(1) of Regulation (EEC) No 326/71;

Whereas for some varieties the outlets are very limited or involve high transport costs; whereas, moreover, some third countries exporting tobacco charge prices which have a marked effect on the competitive position of Community tobacco; whereas this situation constitutes an exceptional case as referred to in the

second subparagraph of Article 9(1) of Regulation (EEC) No 727/70 and as defined in Article 4 of Regulation (EEC) No 326/71, and therefore justifies the refund being fixed outside the limits specified in the said Article for the varieties concerned;

Whereas, to apply the rules and criteria referred to above in the present situation on the market in tobacco, and in particular in the light of Community and world prices, a refund should be fixed for the products listed in the Annex, at the levels and for the countries specified therein;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of varieties of baled tobacco from the 1984 harvest on which the export refund referred to in Article 9 of Regulation (EEC) No 727/70 is to be granted, the amount of the refund and the countries of destination shall be as specified 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 until 31 December 1985.

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

Done at Brussels, 5 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 27.

⁽³⁾ OJ No L 39, 17. 2. 1971, p. 1.

ANNEX

Serial No	Varieties	Amount of refund (ECU/kg)	Countries of destination
1	Badischer Geudertheimer	0,34	} to all third countries
2	Badischer Burley E	0,34	
4	(a) Paraguay	0,34	
	(b) Dragon vert and hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appel terre	0,34	
7	Bright	0,30	} to all third countries with the exception of the USA and Canada
8	Burley I	0,30	
9	Maryland	0,30	
10	Kentucky	0,44	
11	(a) Forchheimer Havanna II c)	0,34	to all third countries
13	Xanti-Yakà	0,44	} to all third countries with the exception of Turkey and Yugoslavia
14	(a) Perustitza	0,44	
	(b) Samsun	0,30	
15	Erzegovina	0,44	
16	(a) Round Tip	} 0,72	to all third countries with the exception of the USA and Canada
	(b) Scafati		
	(c) Sumatra I		
17	Basmas	0,34	} to all third countries with the exception of Turkey and Yugoslavia
18	Katerini and similar varieties	0,34	
19	Kaba Koulak classic	0,34	
20	(a) Kaba Koulak non classic	0,44	
	(b) Elassona, Myrodata Smyrne, Trapezous, and Phi 1	0,44	
21	Myrodata Agrinion	0,44	
22	Zichnomyrodata	0,34	
23	Tsebelia	0,44	
24	Mavra	0,44	
25	Burley GR	0,30	} to all third countries with the exception of the USA and Canada
26	Virginia GR	0,30	

COMMISSION REGULATION (EEC) No 571/85**of 5 March 1985****amending Regulation (EEC) No 24/84 fixing export refunds for raw tobacco in respect of the 1983 crop**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1461/82 ⁽²⁾, and in particular the first sentence of the third subparagraph of Article 9 (2) thereof,

Whereas export refunds were fixed in respect of certain varieties of tobacco from the 1983 crop by Commission Regulation (EEC) No 24/84 ⁽³⁾, as last amended by Regulation (EEC) No 3678/84 ⁽⁴⁾;

Whereas the final date for granting those refunds was set at 31 March 1985; whereas, for those varieties of tobacco in respect of which refunds have already been fixed, export possibilities after that date have presented themselves; whereas it is advisable to grant refunds in

respect of these varieties until 31 December 1985, in order to enable those exports to be carried out;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EEC) No 24/84, '31 March 1985' is hereby replaced by '31 December 1985'.

Article 2

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

It shall apply from 1 April 1985.

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

Done at Brussels, 5 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 27.

⁽³⁾ OJ No L 4, 6. 1. 1984, p. 8.

⁽⁴⁾ OJ No L 340, 28. 12. 1984, p. 55.

COMMISSION REGULATION (EEC) No 572/85**of 5 March 1985****amending for the second time Regulation (EEC) No 1864/84 fixing
countervailing charges on seeds**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2358/71 of 26 October 1971 on the common organi-
zation of the market in seeds⁽¹⁾, as last amended by
Regulation (EEC) No 1581/83⁽²⁾, and in particular
Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No
1864/84⁽³⁾, as amended by Regulation (EEC) No
286/85⁽⁴⁾, fixed countervailing charges on seeds in
respect of a certain type of hybrid maize for sowing ;

Whereas, since that time, a significant variation has
been recorded in the free-at-frontier offer prices
which, under the terms of Article 4 (2) of Commission

Regulation (EEC) No 1665/72⁽⁵⁾, requires that these
charges be amended ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to Regulation (EEC) No 1864/84 is
replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 11 March
1985.

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

Done at Brussels, 5 March 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 23.

⁽³⁾ OJ No L 172, 30. 6. 1984, p. 69.

⁽⁴⁾ OJ No L 30, 2. 2. 1985, p. 10.

⁽⁵⁾ OJ No L 175, 2. 8. 1972, p. 49.

ANNEX

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CCT heading No	Description	Amount of countervailing charge ⁽¹⁾	Country of origin
ex 10.05	Maize :		
	A. Hybrid for sowing :		
	I. Double hybrids and top cross hybrids	5,7	Hungary
		19,2	Austria
		27,4	Romania
		27,4	Other countries ⁽²⁾
	II. Three cross hybrids	8,1	Austria
		9,3	Yugoslavia
		17,5	Hungary
		30,0	Romania
		30,0	Other countries ⁽³⁾
	III. Single hybrids	15,5	Canada
		46,2	Spain
		78,9	Austria
		78,9	Other countries ⁽⁴⁾

⁽¹⁾ The countervailing charge may not exceed 4 % of the customs value.

⁽²⁾ With the exception of Spain, USA, Canada and Yugoslavia.

⁽³⁾ With the exception of Canada, Spain, USA, Chili and Japan.

⁽⁴⁾ With the exception of the USA, Bulgaria, Yugoslavia, Hungary and Romania.

COMMISSION REGULATION (EEC) No 573/85

of 5 March 1985

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Whereas the United Kingdom is the only country
which grants the variable slaughter premium, in region
5, within the meaning of Article 3 (5) of Regulation
(EEC) No 1837/80; whereas it is necessary therefore
for the Commission to fix, for the week beginning 11
February 1985, the level of the premium and the
amount to be charged on products leaving that region;

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

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

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

(EEC) No 1633/84 that the variable slaughter premium
for sheep certified as eligible in the United Kingdom,
and the amounts to be charged on products leaving
region 5 of the aforesaid Member State during the
week beginning 11 February 1985, shall be set out in
the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the
United Kingdom in region 5, within the meaning of
Article 3 (5) of Regulation (EEC) No 1837/80, for the
variable slaughter premium during the week beginning
11 February 1985 the level of the premium shall be
equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of
Regulation (EEC) No 1837/80 which left the territory
of region 5 during the week beginning 11 February
1985, the amounts to be charged shall be equivalent to
those fixed in Annex II hereto.

Article 3

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

It shall apply with effect from 11 February 1985.

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

Done at Brussels, 5 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 11 February 1985

Description	Premium
Certified sheep or sheepmeat	121,426 ECU per 100 kilograms of estimated or actual dressed carcase weight (1)

(1) Within the weight limits laid down by the United Kingdom.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
11 February 1985

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	57,070
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	121,426
	2. Short forequarters	84,998
	3. Chines and/or best ends	133,569
	4. Legs	157,854
	5. Other :	
	aa) Unboned (bone-in)	157,854
	bb) Boned or boneless	220,995
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	91,070
	2. Short forequarters	63,749
	3. Chines and/or best ends	100,177
	4. Legs	118,391
	5. Other :	
	aa) Unboned (bone-in)	118,391
	bb) Boned or boneless	165,747
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	157,854
	2. Boned or boneless	220,995
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	— unboned (bone-in)	157,854
	— boned or boneless	220,995

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 28 February 1985

amending for the 23rd time Directive 64/54/EEC on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption

(85/172/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Directive 64/54/EEC ⁽⁴⁾, as last amended by Directive 84/458/EEC ⁽⁵⁾, sets out a list of preservatives the use of which is authorized for the protection of foodstuffs intended for human consumption against deterioration caused by micro-organisms;

Whereas the Commission proposal currently under review aims, on the one hand, to add to the list of authorized preservatives potassium bisulphite and natamycin and, on the other hand, to authorize thiabendazol for surface treatment of citrus fruit and bananas, without any time limit;

Whereas, pending a Council decision on the whole of this proposal and without prejudice to current discus-

sions on this subject, the authorization for thiabendazol should, as a precautionary measure, be extended on a transitional basis from 16 March to 31 December 1985 in order to avoid any interruption in the traditional trade flows concerning citrus fruit and bananas,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In No E 233 (c) of section I of the Annex to Directive 64/54/EEC, '16 March 1985' is hereby replaced by '1 January 1986'.

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 28 February 1985.

For the Council

The President

G. ANDREOTTI

⁽¹⁾ OJ No C 330, 17. 12. 1981, p. 7.

⁽²⁾ OJ No C 125, 17. 5. 1982, p. 147.

⁽³⁾ OJ No C 178, 15. 7. 1982, p. 4.

⁽⁴⁾ OJ No 12, 27. 1. 1964, p. 161/64.

⁽⁵⁾ OJ No L 256, 26. 9. 1984, p. 19.

COUNCIL DIRECTIVE**of 28 February 1985****amending Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products****(85/173/EEC)**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Whereas, by Directive 77/93/EEC ⁽³⁾, as last amended by Directive 81/7/EEC ⁽⁴⁾, the Council laid down protective measures against the introduction into the Member States of organisms harmful to plants or plant products;

Whereas it has appeared that it has been impossible to take all measures necessary to comply with the provisions of this Directive within the transitional period adopted in respect of the Hellenic Republic; whereas a more appropriate date should therefore be fixed for the expiry of that period,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 20 (4) (b) of Directive 77/93/EEC, '1 January 1983' is hereby replaced by '1 March 1985'.

Article 2

1. Member States shall bring into force, with effect from 1 January 1983, the laws, regulations or administrative provisions necessary to comply with this Directive.

2. Member States shall immediately communicate to the Commission the texts of all the provisions of national law which they adopt in implementation of this Directive. The Commission shall inform the other Member States thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 28 February 1985.

For the Council

The President

G. ANDREOTTI

⁽¹⁾ OJ No C 186, 13. 7. 1984, p. 11.

⁽²⁾ OJ No C 300, 12. 11. 1984, p. 52.

⁽³⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽⁴⁾ OJ No L 14, 16. 1. 1981, p. 23.

CORRIGENDA

**Corrigendum to Commission Regulation (EEC) No 463/85 of 22 February 1985 amending
Regulation (EEC) No 2268/84 as regards the granting of aid for butter under private storage
contract**

(Official Journal of the European Communities No L 54 of 23 February 1985)

Page 19, the first subparagraph of Article 1 (1):

for: 'Article 8 (3)',

read: 'Article 8 (2)'.
