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## I

*(Acts whose publication is obligatory)*

## COMMISSION REGULATION (EEC) No 1385/85

of 28 May 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(4)</sup>, 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<sup>(5)</sup> 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 855/84<sup>(7)</sup>,

— 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 24 May 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 29 May 1985.

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

Done at Brussels, 28 May 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 293, 10. 11. 1984, p. 1.

<sup>(6)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(7)</sup> OJ No L 90, 1. 4. 1984, p. 1.

## ANNEX

to the Commission Regulation of 28 May 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                  | 103,58                               |
| 10.01 B II     | Durum wheat                               | 144,42 <sup>(1)</sup> <sup>(5)</sup> |
| 10.02          | Rye                                       | 96,78 <sup>(6)</sup>                 |
| 10.03          | Barley                                    | 93,38                                |
| 10.04          | Oats                                      | 79,27                                |
| 10.05 B        | Maize, other than hybrid maize for sowing | 80,87 <sup>(2)</sup> <sup>(3)</sup>  |
| 10.07 A        | Buckwheat                                 | 0                                    |
| 10.07 B        | Millet                                    | 65,44 <sup>(4)</sup>                 |
| 10.07 C        | Grain sorghum                             | 101,63 <sup>(4)</sup>                |
| 10.07 D I      | Triticale                                 | <sup>(7)</sup>                       |
| 10.07 D II     | Canary seed; other cereals                | 0 <sup>(5)</sup>                     |
| 11.01 A        | Wheat or meslin flour                     | 160,55                               |
| 11.01 B        | Rye flour                                 | 151,03                               |
| 11.02 A I a)   | Durum wheat groats and meal               | 238,65                               |
| 11.02 A I b)   | Common wheat groats and meal              | 170,60                               |

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

<sup>(2)</sup> 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'.

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

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

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> 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 1386/85

of 28 May 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 <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73 <sup>(4)</sup>, 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 <sup>(5)</sup> 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 <sup>(6)</sup>, as last amended by Regulation (EEC)  
No 855/84 <sup>(7)</sup>,

- 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  
24 May 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 29 May 1985.

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

Done at Brussels, 28 May 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 205, 1. 8. 1984, p. 4.

<sup>(6)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(7)</sup> OJ No L 90, 1. 4. 1984, p. 1.

## ANNEX

to the Commission Regulation of 28 May 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<br>5 | 1st period<br>6 | 2nd period<br>7 | 3rd period<br>8 |
| 10.01 B I      | Common wheat, and meslin                  | 0            | 0,47            | 0,47            | 0,66            |
| 10.01 B II     | Durum wheat                               | 0            | 0               | 0               | 1,33            |
| 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            | 1,33            | 1,33            | 1,33            |
| 10.07 A        | Buckwheat                                 | 0            | 0               | 0               | 0               |
| 10.07 B        | Millet                                    | 0            | 0               | 0               | 0               |
| 10.07 C        | Grain sorghum                             | 0            | 0               | 0               | 0,66            |
| 10.07 D        | Other cereals                             | 0            | 0               | 0               | 0               |
| 11.01 A        | Wheat or meslin flour                     | 0            | 0,64            | 0,64            | 0,92            |

## B. Malt

| (ECU/tonne)    |                                                                                      |              |                 |                 |                 |                 |
|----------------|--------------------------------------------------------------------------------------|--------------|-----------------|-----------------|-----------------|-----------------|
| CCT heading No | Description                                                                          | Current<br>5 | 1st period<br>6 | 2nd period<br>7 | 3rd period<br>8 | 4th period<br>9 |
| 11.07 A I (a)  | Unroasted malt, obtained from wheat, in the form of flour                            | 0            | 0,84            | 0,84            | 1,17            | 1,17            |
| 11.07 A I (b)  | Unroasted malt, obtained from wheat, other than in the form of flour                 | 0            | 0,63            | 0,63            | 0,88            | 0,88            |
| 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 1387/85

of 28 May 1985

on the sale on the internal market of 40 000 tonnes of common wheat held by  
the German 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<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84<sup>(2)</sup>, and in particular  
Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No  
1836/82 of 7 July 1982 laying down the procedure  
and conditions for the disposal of cereals held by  
intervention agencies<sup>(3)</sup>, and in particular Article 4  
thereof,

Whereas German intervention stores already hold  
large quantities of common wheat; whereas, in the  
interests of the management of the Community  
market, part of those stocks should be disposed of;

Whereas there is a demand for supplies for the milling  
trade and for use as animal feed; whereas considera-  
tion should therefore be given to putting up for sale  
on the internal market common wheat held by the  
German intervention agency;

Whereas, moreover, as regards monitoring, the provi-  
sions of Commission Regulation (EEC) No 1687/76 of  
30 June 1976 laying down common detailed rules for  
verifying the use and/or destination of products from  
intervention<sup>(4)</sup>, as last amended by Regulation (EEC)  
No 2794/83<sup>(5)</sup>, are applicable;

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 German intervention agency shall sell on the  
internal market by invitation to tender 40 000 tonnes

of common wheat with a view to its use in the milling  
trade and in animal feed in the German Democratic  
Republic.

*Article 2*

The control referred to in Article 2 of Regulation  
(EEC) No 1687/76 must ensure that all the quantities  
sold will be used pursuant to Article 1.

*Article 3*

When setting additional terms and conditions compa-  
tible with the provisions of this Regulation, the  
German intervention agency may *inter alia* impose a  
time limit for the use of common wheat sold pursuant  
to Article 1.

*Article 4*

The following point 20 and footnote relating thereto  
are hereby added to part II of the Annex to Regulation  
(EEC) No 1687/76, 'Products subject to a use and/or  
destination other than that mentioned under I':

- '20. Commission Regulation (EEC) No 1387/85 of  
28 May 1985 on the sale on the internal  
market of 40 000 tonnes of common wheat  
held by the German intervention agency<sup>(20)</sup>.

On the dispatch of common wheat for proces-  
sing;

- section 104: "For processing" (Article 1 of  
Regulation (EEC) No 1387/85),
- section 106: the date on which the  
common wheat withdrawn from interven-  
tion.

<sup>(20)</sup> OJ No L 140, 29. 5. 1985, p. 5.'

*Article 5*

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

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 9. 1984, p. 1.

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 190, 14. 7. 1976, p. 1.

<sup>(5)</sup> OJ No L 274, 7. 10. 1983, p. 18.

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

Done at Brussels, 28 May 1985.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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## COMMISSION REGULATION (EEC) No 1388/85

of 24 May 1985

classifying goods under subheading 12.04 A of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 97/69  
of 16 January 1969 on measures to be taken for  
uniform application of the nomenclature of the  
Common Customs Tariff<sup>(1)</sup>, as last amended by  
Council Regulation (EEC) No 2055/84<sup>(2)</sup>, and in parti-  
cular Article 3 thereof,

Whereas, in order to ensure uniform application of the  
nomenclature of the Common Customs Tariff, provi-  
sion must be made for the classification of sliced sugar  
beet, partly de-sugared, whether or not pelletized  
either directly by compression or by the addition of a  
binder (up to 3 % by weight) having a sucrose content  
including any sucrose contained in the binder)  
exceeding 10 % by weight by reference to the dry  
matter ;

Whereas subheading 12.04 A of the Common  
Customs Tariff annexed to Council Regulation (EEC)  
No 950/68<sup>(3)</sup>, as last amended by Regulation (EEC)  
No 3400/84<sup>(4)</sup>, relates to sugar beet ;

Whereas subheading 23.03 B I relates *inter alia* to  
sugar beet pulp ;

Whereas, in order to draw a distinction between sugar  
beet and sugar beet pulp, it is necessary to set a limit

for the sucrose content, and it is appropriate to set that  
limit at 10 % by weight ;

Whereas as a result, sliced sugar beet, partly de-sugared  
having a sucrose content (including any sucrose in the  
binder) exceeding 10 % by weight by reference to the  
dry matter, should be classified in subheading 12.04  
A ;

Whereas the measures provided for in this Regulation  
are in accordance with the opinion of the Committee  
on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION :

*Article 1*

Sliced sugar beet, partly de-sugared, whether or not  
pelletized either directly by compression or by the  
addition of a binder (up to 3 % by weight), having a  
sucrose content (including any sucrose contained in  
the binder) exceeding 10 % by weight by reference to  
the dry matter, shall be classified in the Common  
Customs Tariff under subheading :

12.04 Sugar beet, whole or sliced, fresh, dried or  
powdered ; sugar cane :

A. Sugar beet :

*Article 2*

This Regulation shall enter into force on the 21st day  
following its publication in the *Official Journal of the  
European Communities*.

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

Done at Brussels, 24 May 1985.

*For the Commission*

COCKFIELD

*Vice-President*

<sup>(1)</sup> OJ No L 14, 21. 1. 1969, p. 1.

<sup>(2)</sup> OJ No L 191, 16. 7. 1984, p. 1.

<sup>(3)</sup> OJ No L 171, 22. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 320, 10. 12. 1984, p. 1.

## COMMISSION REGULATION (EEC) No 1389/85

of 24 May 1985

amending Regulation (EEC) No 625/85 opening a standing invitation to tender  
for the export of barley held by the Danish intervention agency

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European  
Economic Community,

*Article 1*

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

Article 4 (3) of Regulation (EEC) No 625/85 is hereby  
replaced by the following:

Having regard to Commission Regulation (EEC) No  
1836/82 of 7 July 1982 laying down the procedure  
and conditions for the disposal of cereals held by  
intervention agencies<sup>(3)</sup>,

'3. The last partial invitation to tender shall  
expire on 26 June 1985.'

Whereas the last partial invitation to tender under  
Commission Regulation (EEC) No 625/85<sup>(4)</sup>, as  
amended by Regulation (EEC) No 1350/85<sup>(5)</sup>, should  
be postponed;

*Article 2*

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

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

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

Done at Brussels, 24 May 1985.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 72, 13. 3. 1985, p. 5.

<sup>(5)</sup> OJ No L 135, 24. 5. 1985, p. 16.

## COMMISSION REGULATION (EEC) No 1390/85

of 24 May 1985

amending Regulation (EEC) No 710/85 opening a standing invitation to tender  
for the export of barley held by the British intervention agency

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84 <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No  
1836/82 of 7 July 1982 laying down the procedure  
and conditions for the disposal of cereals held by  
intervention agencies <sup>(3)</sup>,

Whereas the last partial invitation to tender under  
Commission Regulation (EEC) No 710/85 <sup>(4)</sup>, as  
amended by Regulation (EEC) No 1350/85 <sup>(5)</sup>, should  
be postponed;

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

*Article 1*

Article 4 (3) of Regulation (EEC) No 710/85 is hereby  
replaced by the following:

'3. The last partial invitation to tender shall  
expire on 26 June 1985.'

*Article 2*

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

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

Done at Brussels, 24 May 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 77, 20. 3. 1985, p. 14.

<sup>(5)</sup> OJ No L 135, 24. 5. 1985, p. 16.

## COMMISSION REGULATION (EEC) No 1391/85

of 28 May 1985

opening an invitation to tender for the refund for the export of common wheat to countries of zones I, II a), III, IV a) and b), V, VI, VII and the German Democratic Republic

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>,

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<sup>(3)</sup>, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of common wheat to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II a), III, IV a) and b), V, VI, VII and the German Democratic Republic;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75<sup>(4)</sup>, as amended by Regulation (EEC) No 2944/78<sup>(5)</sup>; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical; whereas, however, a special period of validity should be laid down for exports to the People's Republic of China;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to common wheat for export to the countries of zones I, II a), III, IV a) and b), V, VI, VII and the German Democratic Republic.
3. The invitation shall remain open until 26 June 1986. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*Article 3*

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

*Article 4*

1. Notwithstanding Article 21 (1) of Regulation (EEC) No 3183/80<sup>(6)</sup>, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

However, for exports to the People's Republic of China, licences shall be valid from their date of issue as defined in paragraph 1 until the end of the sixth month following.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 31, 5. 2. 1975, p. 8.

<sup>(5)</sup> OJ No L 351, 15. 12. 1978, p. 16.

<sup>(6)</sup> OJ No L 388, 13. 12. 1980, p. 1.

3. For the purposes of applying paragraph 2, licences issued in connection with this invitation to tender shall bear, in space 19, a statement of the last day of validity calculated in accordance with the provisions of the first subparagraph of paragraph 2. They shall also bear, in space 18, a statement of the last day of validity calculated in accordance with the provisions of the second subparagraph of paragraph 2; for this purpose, one of the following statements shall be entered in space 18:

- 'Sidste gyldighedsdag ved udførsel til Den kinesiske Folkerepublik: ....., Forordning (EØF) nr. 1391/85.'
- 'Letzter Gültigkeitstag bei Ausfuhr in die Volksrepublik China: ....., Verordnung (EWG) Nr. 1391/85.'
- 'Σε περίπτωση εξαγωγής προς τη Λαϊκή Δημοκρατία της Κίνας, τελευταία ημέρα ισχύος: ....., Κανονισμός (ΕΟΚ) αριθ. 1391/85.'
- 'In case of export to the People's Republic of China, last day of validity: ....., Regulation (EEC) No 1391/85.'
- 'En cas d'exportation vers la république populaire de Chine, dernier jour de validité: ....., règlement (CEE) n° 1391/85.'
- 'In caso di esportazione verso la Repubblica popolare di Cina, ultimo giorno di validità: ....., Regolamento (CEE) n. 1391/85.'
- 'In geval van uitvoer naar de Volksrepubliek China, laatste geldigheidsdag: ....., Verordening (EEG) nr. 1391/85.'

Where the licence is used after the date given in space 19, it shall carry the obligation to export to the People's Republic of China.

#### Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

#### Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

#### Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

#### Article 8

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

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

Done at Brussels, 28 May 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

ANNEX

Weekly tender for the refund for the export of common wheat to countries of zones I, II a), III, IV a) and b), V, VI, VII and the German Democratic Republic

(Closing date for the submission of tenders (date/time))

| 1                  | 2                     | 3                                                         |
|--------------------|-----------------------|-----------------------------------------------------------|
| Number of tenderer | Quantity<br>in tonnes | Amount of export refund<br>in national currency per tonne |
| 1                  |                       |                                                           |
| 2                  |                       |                                                           |
| 3                  |                       |                                                           |
| 4                  |                       |                                                           |
| 5                  |                       |                                                           |
| etc.               |                       |                                                           |

## COMMISSION REGULATION (EEC) No 1392/85

of 28 May 1985

opening an invitation to tender for the refund for the export of barley to countries of zones I, II a), III, IV, V, VI, VII a), VII c) and the German Democratic Republic

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84 <sup>(2)</sup>,

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 <sup>(3)</sup>, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of barley to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas there is demand for barley on certain specific markets; whereas, in order to ensure supply, the invitation to tender for export should be limited to exports to zones I, II a), III, IV, V, VI, VII a), VII c) and the German Democratic Republic;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 <sup>(4)</sup>, as amended by Regulation (EEC) No 2944/78 <sup>(5)</sup>; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment to all concerned, it is necessary to make provision such that the periods of validity of licences issued are identical;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to barley for export to countries of zones I, II a), III, IV, V, VI, VII a), VII c) and the German Democratic Republic, defined in Annex I to Regulation (EEC) No 1124/77 <sup>(6)</sup>.
3. The invitation shall remain open until 26 June 1986. During this period weekly awards shall be made, for which the quantity and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*Article 3*

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

*Article 4*

1. Notwithstanding Article 21 (1) of Regulation (EEC) No 3183/80 <sup>(7)</sup>, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 31, 5. 2. 1975, p. 8.

<sup>(5)</sup> OJ No L 351, 15. 12. 1978, p. 16.

<sup>(6)</sup> OJ No L 134, 28. 5. 1977, p. 53.

<sup>(7)</sup> OJ No L 388, 13. 12. 1980, p. 1.

*Article 5*

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

*Article 6*

Tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period

for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

*Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

*Article 8*

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

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

Done at Brussels, 28 May 1985.

*For the Commission*  
Frans ANDRIESEN  
*Vice-President*

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*ANNEX*

**Weekly tender for the refund for the export of barley to countries of zones I, II a), III, IV, V, VI, VII a), VII c) and the German Democratic Republic**

(Closing date for the submission of tenders (date/time))

| 1                  | 2                     | 3                                                         |
|--------------------|-----------------------|-----------------------------------------------------------|
| Number of tenderer | Quantity<br>in tonnes | Amount of export refund<br>in national currency per tonne |
| 1                  |                       |                                                           |
| 2                  |                       |                                                           |
| 3                  |                       |                                                           |
| 4                  |                       |                                                           |
| 5                  |                       |                                                           |
| etc.               |                       |                                                           |

## COMMISSION REGULATION (EEC) No 1393/85

of 28 May 1985

opening an invitation to tender for the refund for the export of common wheat to countries of zone IV c) and d)

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>,

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<sup>(3)</sup>, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of common wheat to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas there is demand for common wheat on certain specific markets; whereas, in order to ensure supply, the invitation to tender for export should be limited to zone IV c) and d);

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75<sup>(4)</sup>, as amended by Regulation (EEC) No 2944/78<sup>(5)</sup>; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment to all concerned, it is necessary to make provision such that the periods of validity of licences issued are identical;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to common wheat for export to the countries of zone IV c) and d) as defined in Annex I to Regulation (EEC) No 1124/77<sup>(6)</sup>.
3. The invitation shall remain open until 26 June 1986. During this period weekly awards shall be made, for which the quantity and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*Article 3*

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

*Article 4*

1. Notwithstanding Article 21 (1) of Regulation (EEC) No 3183/80<sup>(7)</sup>, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

*Article 5*

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 31, 5. 2. 1975, p. 8.

<sup>(5)</sup> OJ No L 351, 15. 12. 1978, p. 16.

<sup>(6)</sup> OJ No L 134, 28. 5. 1977, p. 53.

<sup>(7)</sup> OJ No L 388, 13. 12. 1980, p. 1.

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

#### *Article 6*

Tenders submitted must reach the Commission through the intermediary of Member States at the latest, one and a half hours after expiry of the period for the weekly submission of tenders as specified in

the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

#### *Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

#### *Article 8*

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

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

Done at Brussels, 28 May 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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*ANNEX***Weekly tender for the refund for the export of common wheat to countries of zone IV c)  
and d)**

(Closing date for the submission of tenders (date/time))

| 1                  | 2                     | 3                                                         |
|--------------------|-----------------------|-----------------------------------------------------------|
| Number of tenderer | Quantity<br>in tonnes | Amount of export refund<br>in national currency per tonne |
| 1                  |                       |                                                           |
| 2                  |                       |                                                           |
| 3                  |                       |                                                           |
| 4                  |                       |                                                           |
| 5                  |                       |                                                           |
| etc.               |                       |                                                           |

## COMMISSION REGULATION (EEC) No 1394/85

of 28 May 1985

## abolishing the countervailing charge on cucumbers originating in Poland

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
1035/72 of 18 May 1972 on the common organization  
of the market in fruit and vegetables<sup>(1)</sup>, as last  
amended by Regulation (EEC) No 1332/84<sup>(2)</sup>, and in  
particular the second subparagraph of Article 27 (2)  
thereof,

Whereas Commission Regulation (EEC) No 1235/85  
of 13 May 1985<sup>(3)</sup> introduced a countervailing charge  
on cucumbers originating in Poland;

Whereas for this product originating in Poland there  
were no prices for six consecutive working days;

whereas the conditions specified in Article 26 (1) of  
Regulation (EEC) No 1035/72 are therefore fulfilled  
and the countervailing charge on imports of cucum-  
bers originating in Poland can be abolished,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1235/85 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 29 May 1985.

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

Done at Brussels, 28 May 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 130, 16. 5. 1984, p. 1.

<sup>(3)</sup> OJ No L 128, 14. 5. 1985, p. 7.

## COMMISSION REGULATION (EEC) No 1395/85

of 28 May 1985

amending Regulation (EEC) No 1282/85 introducing a countervailing charge on tomatoes originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1332/84<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1282/85 of 20 May 1985<sup>(3)</sup> introduced a countervailing charge on tomatoes originating in Morocco;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a

charge introduced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of tomatoes originating in Morocco must be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 1282/85, '9,05 ECU' is hereby replaced by '47,62 ECU'.

*Article 2*

This Regulation shall enter into force on 29 May 1985.

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

Done at Brussels, 28 May 1985.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.  
<sup>(2)</sup> OJ No L 130, 16. 5. 1984, p. 1.  
<sup>(3)</sup> OJ No L 132, 21. 5. 1985, p. 16.

## NOTICE

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