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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1698/85

of 19 June 1985

imposing a definitive anti-dumping duty on imports of electronic typewriters originating in Japan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional action

- (1) The Commission, by Regulation (EEC) No 3643/84⁽²⁾, imposed a provisional anti-dumping duty on imports of electronic typewriters originating in Japan and terminated the proceeding with regard to Nakajima All Co. Ltd. That duty was extended for a maximum period of two months by Regulation (EEC) No 1015/85⁽³⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional duty all exporters and a number of related and unrelated importers, with the exception of Nakajima All and those firms importing Nakajima All's products into the Community, as well as the complainant Community industry requested, and were granted, an opportunity to be heard by the Commission. The Commission informed them in detail of the facts on which it had based its provi-

sional findings. They also made written submissions making known their views on the findings.

- (3) Upon their request, parties were also informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were granted a period within which they could make representations subsequent to these disclosure meetings. Their comments were taken into consideration.

C. Normal value

- (4) The Commission had, for the imposition of the provisional duty, determined normal value on the basis of domestic sales prices for those models for which it was satisfied that they were sold in significant quantities in Japan ; for all other models normal value was determined on the basis of constructed value. In this context the Commission considered it appropriate and in the interest of legal certainty to establish that sales on the domestic market should normally be used for the purpose of establishing normal value if they exceed 5 % by volume of exports to the Community.

The possibility of determining normal value on the basis of a comparable price of the like product when exported to a third country was considered ; however, the only third country which appeared appropriate was one to which some of the exporters sold through related importers and therefore it would have been likely that the export price of that market would have to be constructed.

- (5) Some exporters argued that such a threshold should not be fixed because its use would prevent the Community from taking into account special circumstances in general and in this case in particular.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 335, 22. 12. 1984, p. 43.

⁽³⁾ OJ No L 108, 20. 4. 1985, p. 18.

However, the establishment of a threshold provides legal certainty which has hitherto been lacking. It is evident that in each case the Community institutions should consider whether any particular circumstances necessitate or warrant an exception from this general practice.

The Japanese market is not too small either relatively or absolutely to be used as a basis of comparison. In view of this there was no reason why the Community should deviate from the general line of establishing normal value on the basis of the domestic sales prices for those electronic typewriter models for which sales in Japan were greater than 5 % of export sales to the Community.

- (6) Brother argued that such a threshold should be established for future cases only. However, nothing in the Community's previous practice could lead Brother to believe that domestic sales of this volume would not be used for the purpose of determining normal value.
- (7) Consequently for those models exported by Brother, Canon and Silver Seiko which were sold in sufficient quantities for consumption on the Japanese market, normal value was established on the basis of the weighted average of the domestic sales prices actually paid or payable in the ordinary course of trade.
- (8) For this purpose the sales prices charged by the Japanese producers' sales companies to their customers were used.

This approach was contested by Brother, Silver Seiko and Canon. It is, however, considered that since Article (2) (3) (a) of Regulation (EEC) No 2176/84 required normal value to be based on prices actually paid or payable in the ordinary course of trade, Article 2 (7) allows the Commission to disregard the prices charged in transactions between associated companies, unless the prices and costs, involved are comparable to those involved in transactions between parties which have no such link.

In this case, since there were no sales by the manufacturing companies to non-associated third parties, the Commission could not satisfy itself that the prices and costs involved in the sales to the sales companies corresponded to transactions between non-associated companies.

The evidence given during the investigation showed that the manufacturing company and the sales company form an integral part of the corporate structure in which these sales companies have functions which are substantially similar to those of a sales branch or sales department. The fact that they are legally separate entities does not alter the existence of a single economic entity. What is relevant is not the legal structure but the fact that the principal function of these sales companies is to sell or to facilitate the sale of the corporate product, that they are either wholly owned or controlled by the corporate parent company, or that there are strong links with respect to management personnel and staff.

One or more of these three conditions were fulfilled for those firms investigated. Consequently, their sales companies are to be considered part of their respective corporate structures and it is only the sales prices of these sales companies to their customers that can be relied on to reflect the true normal value of the product.

With respect to Brother the provisional findings as stated in recitals 13 and 14 of Regulation (EEC) No 3643/84 are confirmed.

- (9) The complainant Community industry maintained that normal value for Canon should not be determined on the basis of the prices paid to Canon Sales Company (CSC) but on the prices paid to Canon-related dealers which had bought from CSC. However, after scrutiny of a number of agreements entered into by CSC and Canon-related dealers, the Commission is satisfied that the prices paid to CSC were comparable to those in sales by CSC to parties without links with Canon.
- (10) Normal value for all other models for which there were no sales in the quantities thought necessary on the Japanese market was established on the basis of constructed value, as for the provisional determination, by computing cost of production to which was added a reasonable margin of profit. The cost of production was computed on the basis of all costs, in the ordinary course of trade, both fixed and variable, of materials and manufacture, plus a reasonable amount for selling, administrative and other general expenses.
- (11) In general, the exporters did not contest the determination of fixed and variable costs of materials and manufacture.

- (12) Canon requested that factory costs be established on the basis of 'standard costs' which are actual costs at a given time reduced by cost savings which it is hoped to make in a future period. Whereas cost savings are, of course, to be taken into consideration if made during the period of investigation, the method proposed by Canon would have resulted *inter alia* in the use of artificial costs for certain models which would have been below the real variable costs during the period in question, which is clearly unacceptable. Consequently, factory costs were determined on the basis of actual costs at given times. These were increased by an amount to compensate for the below-cost purchases by Canon of a component manufactured by a Canon manufacturing unit.
- (13) In allocating its cost of production between products Towa (and not Tokyo Juki as was stated inadvertently in the provisional determination) based certain of its calculations on standard output and the figures were adjusted accordingly by the Commission so as to allocate on the basis of actual production quantities during the investigation period.
- (14) In the case of Sharp the findings resulting from the provisional determination were changed in so far as additional information concerning labour costs and factory overheads for the first six months of the investigation period was taken into consideration.

Sharp also submitted a revised cost allocation concerning certain overhead costs which was largely accepted. However, Sharp claimed to allocate certain research and development expenditure, which in fact concerned only electronic typewriters, partly to other products and this could not be accepted. Sharp also claimed to allocate research and development costs during the investigation period to subsequent sales: this was not accepted because Sharp had not applied this policy elsewhere.

- (15) Certain exporters contested the determination in connection with selling, administrative and general expenses. It was claimed in particular that no such expenses should be included in the constructed value either because no sales were made on the domestic market (and therefore no expenses were incurred there) or because sales were normally made through a legally independent sales company the costs of which it is said

should have no bearing on the constructed value. Although this point was already mentioned in recital 20 of Commission Regulation (EEC) No 3643/84, it was reiterated by certain exporters.

It is considered that the exporters' argument is contrary to Article 2 (3) (b) (ii) of Regulation (EEC) No 2176/84 and is moreover inconsistent with the structure and purpose of a normal value determination on the basis of constructed value. This method is designed to lead to a normal value as if sales on the domestic market had taken place. Since sales prices have necessarily to reflect selling, administrative and general expenses incurred by the seller, an amount of such expenses equal to that usually reflected in sales prices in the ordinary course of trade of a product of the same general class or kind has to be included in the constructed value. The constructed price should include such an amount whether sales on the domestic market have taken place or not. Further, since sales in the ordinary course of trade are made exclusively through wholly owned or controlled sales companies and since these have to be considered as sales branches of the exporters' corporate structure, the selling, administrative and general expenses incurred by the relevant sales company of each exporter are the determining cost factors to be taken into consideration for the determination of the individual exporter's constructed normal value.

The amount of these costs was generally determined by allocating costs to the product *pro rata* to turnover.

This method was contested by Tokyo Juki and Silver Seiko which considered that their own allocation should have been used. However, the firms involved did not submit satisfactory proof that their allocation method reflected more appropriately the costs incurred in relation to this product than an allocation based on turnover.

- (16) When provisionally computing the constructed value a profit margin of 10 % was included. The provisional conclusion was based on general information received at the time from the companies concerned. However, some exporters contested the use of a 10 % margin. Therefore, the Commission analyzed the profitability only of the domestic sales of electronic typewriters made by those three exporters for which normal value was determined on the basis of domestic sales.

This analysis revealed very substantial profit margins at corporate level, the lowest being 32,39 % on turnover. Since a constructed value has to include a reasonable margin of profit and Article (2) (3) (b) (ii) provides that the addition for profit shall not exceed the profit normally realized, it is considered that when deciding what constitutes a reasonable profit, the profit normally realized should usually be used unless there are reasons to the contrary. Therefore, it was considered reasonable finally to compute the constructed value for the three exporters in question using their respective profit margins on their sales on the domestic market.

As to those exporters for which no individual profit margin could be determined owing to lack of sufficient sales on the domestic market, it was considered reasonable to include in the constructed value of their models a margin of 32,39 % on turnover which corresponded to the lowest profit margin found for the three companies mentioned above which is to be considered as a normal profit margin on the domestic market.

Some exporters now claim that this profit margin is excessive and results from special circumstances on the domestic market. However, both Community legislation and international rules governing the inclusion of a profit margin in the normal value computation indicate that a realistic profit margin be included. No profit margin can be more reasonable to use than the actual margin. A constructed value is merely a substitute for a domestic price as a basis for normal value and the use of a domestic price cannot be challenged on the grounds that the profits made are exceptional, excessive or result from special circumstances.

- (17) Some exporters claimed that, at least in their case, the profit margin of 10 % as for the provisional determination, should have been maintained because it was used in the case of Nakajima All. Whereas it is correct that for the provisional finding the normal value determination for Nakajima All was based on a 10 % profit margin, that

de minimis dumping was found and that, consequently, the proceeding was terminated for this exporter, it has meanwhile been decided to re-open the proceeding concerning Nakajima All's case. As a result, exporters from Japan will all be subject to the same criteria and the claim referred to above has to be rejected.

- (18) The Council has considered the evidence which led to the other conclusions which had been provisionally reached and referred to in Regulation (EEC) No 3643/84. These provisional conclusions were confirmed by the final results of the investigation.

D. Export price

- (19) With regard to exports by Japanese firms to independent importers in the Community, export prices were finally determined on the basis of the prices actually paid or payable for the product sold.
- (20) In all other cases where exports were made to subsidiary companies in the Community, it was considered appropriate, in view of the relationship, that export prices be constructed on the basis of the prices at which the imported product was first resold to an independent buyer, suitably adjusted to take account of all costs incurred between importation and resale, including all duties and taxes.
- (21) Following representations made by the exporters after the provisional determination, certain modifications to the export prices initially calculated were made. These modifications concern in particular:
- airfreight rates actually paid for the transport of certain electronic typewriters,
 - extended payment conditions granted by certain subsidiaries and financing costs resulting therefrom,
 - net sales prices to the first independent buyer in the Community after the deduction of give-aways and sales incentives in kind,
 - transport costs within the Community.

It was claimed that certain advertising costs relating to campaigns on the Community market and incurred by the parent company in Japan should be allocated to all electronic typewriters and amortized over the lifetime of the product. It was found, however, that the campaigns related to three specific models only in three Member States. In addition the costs in question were effectively incurred and paid for during the period of investigation, just like other advertising costs in previous and, no doubt, in subsequent years.

- (22) Brother claimed that for the construction of the export price no profit margin for the related importer should be taken into consideration.

This, however, is contrary to Article 2 (8) (b) of Regulation (EEC) No 2176/84 which provides for a reasonable profit margin to be included and, consequently, this claim has to be rejected.

- (23) Export prices were finally adjusted by a profit margin for the related importer of 5 % which was considered reasonable in the light of the profit margins of independent importers of the product concerned. One exporter which sells through its subsidiary in one Community Member State on a Common Customs Tariff duty-unpaid basis to exclusive dealers in other Community Member States maintained that for these sales a profit margin of less than 5 % should be used. However, in view of the profit margin of another independent importer in a similar situation, the Commission concluded that no change for these sales was warranted.

E. Comparison

- (24) For the purpose of a fair comparison between normal value and export prices the Commission took account, where appropriate, of differences affecting price comparability such as differences in physical characteristics and differences in conditions and terms of sale where claims of a direct relationship of these differences to the sales under consideration could be satisfactorily demonstrated, which was the case in respect of differences in credit terms, warranties, technical services, commissions, salaries paid to salesmen, packing, transport, insurance, handling and ancillary costs. All comparisons were made at ex works level. No allowance was granted for claims in

respect of overheads and general expenses. Indeed Community legislation limits the elements to be taken into account when establishing price comparability to certain factors considered relevant as set out in Article 2 (9) of Regulation (EEC) No 2176/84; physical characteristics, quantities, conditions and terms of sales, time, and level of trade. The only heading under which overheads and general expenses could be considered is conditions and terms of sales, but in this context any adjustments are limited to those differences which bear a direct relationship to the sales under consideration. Community legislation considers that this is not the case, generally, for differences in overheads and general expenses.

- (25) Some parties claimed that allowance should be made in addition for overheads and general expenses incurred by the domestic sales companies on the grounds that all of their costs bear a direct relationship to the sales on the domestic market because they were exclusively engaged in domestic sales.

This request cannot be granted. In the first place, this claim refers to a formal distinction between the sales branches of the manufacturing company and its sales companies, which cannot be accepted in view of the close relationship between the manufacturer and its sales subsidiaries, deriving from the overall control exercised by the former, which has already been referred to under recitals 8 and 15 above. Therefore the argument advanced by the parties — whereby the relationship of overheads with sales differs between the manufacturing and the sales companies — is not founded.

Moreover, under Regulation (EEC) No 2176/84 allowances can only be granted for differences in the factors mentioned in Article 2 (9). One of these factors is 'conditions and terms of sale'. This is a relatively narrow technical term referring to the obligations inherent in a sales contract, which may be laid down in the contract itself or in general conditions of sale issued by the seller. What is decisive is whether the costs are strictly necessary to fulfil the terms of the sales under consideration. Where this first criterion is met, it must be shown in addition that these costs bear a direct functional relationship to the sales under consideration, i.e. that they are incurred because a particular sale is made. In general, overheads and

general expenses, wherever they occur, do not have such a direct functional relationship and are therefore not allowable. There is no reason to deviate from this guideline because of formal legal differences such as the attribution of overall management functions to one company rather than another or to more than one company, the corporate structure of the group, or the handling of domestic sales by a sales subsidiary or a sales department.

Some exporters claimed allowances with respect to the entire costs of their sales companies (and one exporter claimed allowance for profit as well) to take account of an alleged difference in the level of trade. Such allowance would, however, presuppose that there is a difference in the categories of purchasers served resulting in a cost difference for the exporter. It was found, however, that the composition of the categories of customers is similar for both domestic and export sales. Therefore no adjustment could be granted.

- (26) Some parties also raised the point that since in the case of associated importers, all costs of the importer are taken into account for the purpose of constructing the export price, an identical approach should be followed where sales on the domestic market are being made indirectly through an associated sales company. This argument confuses two different issues, namely the construction of the export price on the basis of a resale price of a related importer, and the comparison between normal value and export price. For the purpose of constructing the export price, Regulation (EEC) No 2176/84 prescribes the deduction of all costs incurred between importation and resale. This is designed to arrive at an export price which is not influenced by the relationship between the exporting company and its associated importers. As to the comparison between normal value and export price other rules apply which have led to price adjustments for all allowable factors, as explained under recital 24 above.

F. Dumping margins

- (27) Normal value was generally compared with export prices on a transaction-by-transaction basis. The definitive examination of the facts shows the existence of dumping in respect of imports of electronic typewriters originating in Japan, the

margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

- (28) Brother claimed that for the purpose of establishing the dumping margin, no comparison on a model-by-model basis should be made. This argument could not be accepted since Articles 2 (2), 2 (3) (a) and 2 (3) (b) of Regulation (EEC) No 2176/84 stipulate that a comparison has to be made between like products.

- (29) All exporters, namely:

- Brother Industries Ltd,
- Canon Inc.,
- Sharp Corporation,
- Silver Seiko Ltd,
- TEC Tokyo Electric Co. Ltd,
- Tokyo Juki Industrial Co. Ltd,
- Towa Sankiden Corporation,

were found to be dumping at varying margins. The weighted average margin for these exporters varied between 31 and 76 %.

For those exporters which neither replied to the Commission's questionnaires nor made themselves otherwise known, or for those which made themselves known as potential exporters in the course of the investigation, dumping was determined on the facts available.

In conformity with past practice it is considered appropriate to use the highest dumping margin for this group of exporters. However, it may be appropriate to apply the provisions of Articles 14 and 16 of Regulation (EEC) No 2176/84 relating respectively to reviews and refunds of anti-dumping duties.

G. Injury

- (30) Two exporters claimed that there were two distinct markets for electronic typewriters; one for what was called 'portable' or 'compact', and the other for 'professional' typewriters. With regard to the latter the exporters claimed that no injury was caused by Japanese imports.

The exporters have not offered any support for this claim. In fact it was established during the investigation that Community production covered

all the models of electronic typewriters in question and, in consequence, all models were investigated.

Furthermore, it was found that, in general, production of the more expensive typewriters also suffered injury and the findings set out in recital 36 confirm this.

In addition, with further technical development, the borderline between different groups of models, if it has ever existed, is disappearing so that it is not appropriate to artificially divide the electronic typewriter market into groups of models.

- (31) Some exporters commented on the provisional findings with regard to the development of the Community industry's profitability without, however, suggesting that the Commission's provisional findings were erroneous or submitting evidence other than generally accessible newspaper and magazine reports. Nevertheless, and also in the context of recitals 33 to 36 below, the Commission considered it appropriate to carry out additional investigations at the premises of:

- Olympia-Werke AG, Wilhelmshaven (Federal Republic of Germany),
- Triumph-Adler Aktiengesellschaft für Büro- und Informationstechnik, Nürnberg (Federal Republic of Germany),
- Office and Electronic Machines plc, London (United Kingdom),
- Olivetti Belgium SA, Brussels (Belgium),
- British Olivetti Ltd, London (United Kingdom),
- Olivetti France SA, Paris (France),
- Olympia Business Machines Co. Ltd, London (United Kingdom),
- Triumph-Adler SA, Paris (France).

During these additional investigations the profitability of Community produced electronic typewriters was established for each Community producer on a consolidated Community basis to take account, where appropriate, of the situation of Community producers' subsidiaries situated in the Community. It was established that if the profitability of the total Community industry in 1982, i.e. the year when large-scale imports of Japanese typewriters were starting, was 100

(index) the profitability (expressed as a percentage of turnover before tax) has declined to 36,6 (index) during the reference period.

A provisional determination for the two producers who have consistently made profits since 1982 was made in Regulation (EEC) No 3643/84. A profitability analysis on the basis of the consolidated returns on sales in the Community since has shown that for both firms the reduction in the average return on sales was 50 and 45 % respectively and, furthermore, that the return was at a reasonably high level in 1982 and normal for this kind of growth industry. The result as finally established shows, therefore, for these firms a sharp decline but, contrary to the provisional finding, from a normal level.

Even allowing for seasonal distortions the quarterly consolidated profitability of sales in the Community during the period of investigation has been regularly below a level at which the existence of this industry could be guaranteed.

- (32) No fresh evidence regarding the other injury factors referred to in recitals 30 to 33 of Regulation (EEC) No 3643/84 has been submitted. These conclusions are therefore confirmed.
- (33) It was not considered necessary to undertake a detailed examination of price undercutting by Japanese imports since the prices realized by the Community producers had been depressed by the prices of the Japanese products. In view of this the sales price of imported Japanese typewriters was in each case set against a target sales price of the Community product; this target sales price consisted of each Community producer's cost of production per model, including selling, administrative and other general expenses, and a reasonable margin of profit. The target price was calculated for each company and for each Member State, on the basis of its costs there.
- (34) In this context it was found that, unlike many other products, an immediate comparison between imported and Community produced models was impossible because of their variety and their differing technical specifications. When it came to evaluating the technical differences between the most similar models, it became apparent that any evaluation would, to a substantial extent, be influenced by subjective appreciations of the anticipated reactions of prospective purchasers. Furthermore the exporters and the

Community industry expressed the view that no objective yardstick for a comprehensive comparison was available. In view of this, the Commission did not consider it appropriate to appoint an expert.

Given that the exporters and the Community industry have each made bona fide evaluations of the percentage differences in the value of the various models, it was concluded that the most reasonable solution was generally to use a figure at the mid-point between these evaluations.

- (35) As to the level of the reasonable profit margin to be included in the target price, the Community industry maintained that a level of between 18 and 20 % on turnover (before tax) and around 30 % on capital was required to operate an industry of this kind successfully.

However, and despite the fact that the Community industry produces the product in countries with different commercial conditions, it was considered appropriate to establish a single profit margin and, when doing so, to take into account past and present performance of the industry as a whole.

The final decision took into account the short product life cycle of electronic typewriters, the existence of financial risks when embarking on new research and development programmes, the need to carry out a number of such programmes in order to keep pace with new developments, a continuing level of investment to finance yet more production automation, the cost of financing at normal market rates in the Community and the need of the Community producers to be able to spend an amount on advertising similar to that of the Japanese exporters.

In view of the foregoing, a profit margin of 10 % on sales was considered adequate.

- (36) For each exporter and for each model for which there was a comparable Community produced model, a comparison was made between the target price and the price at which the imported model was sold on the Community market.

As a first step the net sales price of each imported model was adjusted to take into account the percentage difference in value referred to in recital 34 above.

As a second step the adjusted price of each imported model was then compared with a target price of the Community produced model (assuming for the sake of simplicity that there is only one); the same comparison was made individually for each model produced by each exporter. The individual results were then aggregated and weighted between the models concerned on the basis of the volume of sales of each imported model concerned on the national market in question in the Community. This gave an overall index of the price difference between one importer's total sales on that particular market and the target price (for all models) of the Community producer in question in that national market.

This calculation was made for the national markets in the Community in which each Japanese exporter sold the largest quantities of all models. This calculation based on at least two-thirds of each exporter's sales in the Community was considered appropriate to give a representative result for the Community as a whole.

As a final step the individual results for each national market considered were then aggregated and weighted on the basis of the importer's respective sales in each national market to reach a total Community result.

This result, for each exporter, was an aggregate figure corresponding to the difference between its overall export prices and the relevant target prices for the whole Community. This figure was then expressed as a percentage of the imported cif value.

Where a given imported model was comparable to more than one Community model the difference between the target prices for each Community model and the net sales price of the imported model (adjusted as mentioned in recital 34) was established in each instance. The individual results were aggregated and weighted on the basis of the importance of the Community producer's sales of the models in question on the relevant markets resulting in one index only of the difference between the price of the imported model and all the Community models with which the imported model was comparable.

The weighting between the different imported models and the weighting between different Community markets was then done as described above.

The total result for each exporter of the difference between sales prices of imported models and target prices is, in percentage of cif:

— Brother Industries Ltd	21 %
— Canon Inc.	35 %
— Sharp Corporation	32 %
— Silver Seiko Ltd	21 %
— TEC Tokyo Electric Co. Ltd	21 %
— Tokyo Juki Industrial Co. Ltd	17 %
— Towa Sankiden Corporation	20 %

(37) Apart from the actual injury caused during the period under investigation, the final production figures of alpha-numeric electronic typewriters in Japan for 1984 appear to be not 2,5 million units as estimated, for the provisional duty, but in excess of 4 million units, thus rendering the threat of injury in addition to the actual injury already incurred even more acute, since it is very probable that a large proportion of Japanese machines will be exported to the European Community.

(38) It is considered, therefore, that the facts as finally determined show that the injury being caused by dumped imports of electronic typewriters originating in Japan, taken in isolation from that caused by other factors, has to be considered as material. No other factors, such as volume and prices of other imports which were not dumped, or contraction in demand, were found to have been contributory to the injury established.

H. Community interest

(39) After the imposition of the provisional duty, it was considered whether it was in the Community interest to give protection to the Community electronic typewriter industry against dumping practices by the Japanese exporters.

In this context, it has been argued, in particular, that the future of the overall business equipment and office automation industry depends not so much on the viability of the electronic typewriter industry but rather on the viability of the office computer industry.

This argument is not convincing. Whether the electronic typewriter or the computer will, in the future, be the key element of business equipment and office automation, it is not for the Commu-

nity authorities to prejudice the outcome of this evolution by sacrificing the Community electronic typewriter producers.

(40) It was also submitted that it would not be in the Community interest if, as a result of anti-dumping measures, the prices of Japanese electronic typewriters were to increase, thereby resulting in higher prices to consumers and less competition on the Community market.

It should be noted that this point was not raised by any consumers but by the Japanese exporters and their related importers.

It is accepted that these measures may result in price increase representing, in the short term, disadvantages for the consumer. However, in view of the extent of the injury caused by dumped imports and the importance of the Community industry injured, it is considered that, in this case, the Community's interest to maintain the stability of the industry in question outweighs the interest of the consumers. Furthermore, in the long term, it is in the consumers' interest to have a viable Community industry which will compete with and offer an alternative to imports. It is also considered that the proposed measures allow for workable competition while at the same time ensuring that it commences from a fair base.

(41) Some exporters claimed that any measures should be assessed in relation to the most efficient Community producer or should not take into account the situation of the least efficient one. The exporters' views about the respective efficiency of the Community industry varied; the firm qualified as most efficient by one exporter was considered least efficient by another and, in general, no criteria for efficiency were given. It is in fact extremely difficult to measure precisely the efficiency and/or effectiveness of the different producers and to make comparison as between these and with the exporters.

Moreover, the Council is not convinced that Community interest necessarily requires that the specific situation of an allegedly less efficient producer when confronted with unfair trade practices be disregarded; the Council considers that by setting the injury elimination level by including all three Community producers rather than having regard to the allegedly less efficient one alone, Community interest is appropriately reflected.

- (42) In these circumstances, protection of the Community's interest calls for the imposition of a definitive anti-dumping duty on imports of electronic typewriters originating in Japan.

I. Undertaking

- (43) Kyushu Matsushita Electric Co. Ltd (Matsushita) offered a new undertaking regarding its future exports to the Community.

After consultation, this undertaking was not accepted by the Commission. The grounds on which this decision was taken were communicated by the Commission to Matsushita.

J. Duty

- (44) It was considered whether the level of duty should be below the dumping margins definitively determined, if such lesser duty would be adequate to remove the injury. Since it did not seem justified to impose a duty which would allow for increases in the Community producers' prices above the target prices described in recital 33, it was considered appropriate to limit the rate of the duties to be imposed to those percentages set out at recital 36 which would be sufficient to eliminate the injury caused.
- (45) Given the particularities of this case, in particular the variety of models and sub-types which undergo frequent changes, it was considered necessary to fix this duty on an *ad valorem* basis.
- (46) No other injury element led to the conclusion that these rates were inappropriate.
- (47) Brother maintained that a duty could only be imposed if dumped export sales had been financed by domestic sales. This theory, however, is inconsistent with the Community legislation and the GATT and therefore has to be rejected.
- (48) In the course of the investigation it was found that, technically, it is an easy operation to include a calculating mechanism into electronic typewriters which, although it would not alter the essential character of the machines, might lead to arguments whether such machines should fall under subheading ex 84.51 A or subheading ex 84.52 B of the Common Customs Tariff. It is therefore considered appropriate to include within the scope of the duty all electronic typewriters declared as falling under either of the abovementioned subheadings.
- (49) Certain exporters claimed that particular small-size electronic typewriters should be excluded

from the duty because they fall into a different category from those produced and investigated in the Community.

This is considered valid and, consequently, a list of the models excluded from the duty should be established.

K. Collection of provisional duty

- (50) The amounts secured by way of provisional anti-dumping duties should be collected to a maximum of the duty definitively imposed,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of electronic typewriters, whether or not incorporating calculating mechanisms, falling within subheadings ex 84.51 A or ex 84.52 B of the Common Customs Tariff and corresponding to NIMEXE codes 84.51 ex 12, ex 14, ex 19, ex 20 or 84.52 ex 95 originating in Japan.
2. The duty shall not apply to electronic typewriters, whether or not incorporating calculating mechanisms, manufactured by Nakajima All Co. Ltd.
3. The duty shall not apply to the following models manufactured by the following enterprises :
 - Brother : EP 20, EP 22, EP 41, EP 44, TC 600,
 - Canon : S 50 (Typestar 5), S 50 R (Typestar 5 R), S 60 (Typestar 6),
 - Casio : CW 10, CW 20, CW 25,
 - Silver Seiko : EXD 10, EXD 15.
4. The rate of the duty shall be as set out below, expressed as a percentage of the net, free-at-Community-frontier price before duty :

<i>Manufactured by</i>	<i>Rate of anti-dumping duty (%)</i>
— Brother Industries Ltd :	21
— Canon Inc. :	35
— Sharp Corporation :	32
— Selter Seiko Ltd :	21
— TEC Tokyo Electric Co. Ltd :	21
— Tokyo Juki Industrial Co. Ltd :	17
— Towa Sankiden Corporation :	20
— Others :	35

5. For the purpose of this Regulation an electronic typewriter is a machine which is steered by microprocessor(s) and which initiates, implements and/or controls its relevant functions by means of software programs. Its main application is printing of text derived from a keyboard, even if an electronic typewriter can be used for additional functions (e.g. computing, communication and storage).

6. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of a provisional anti-dumping duty under Regulation (EEC) No 3643/84

shall be collected at the rates of duty definitively imposed in the cases of Brother Industries Ltd, Silver Seiko Ltd, Tokyo Juki Industrial Co. Ltd, Towa Sankiden Corporation and 'others', and at the rates of provisional duty in the remaining cases, which are Canon Inc., Sharp Corporation and TEC Electric Co. Ltd.

Article 3

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 Luxembourg, 19 June 1985.

For the Council

The President

G. ANDREOTTI

COUNCIL REGULATION (EEC) No 1699/85

of 19 June 1985

amending Regulation (EEC) No 525/77 establishing a system of production aid for tinned pineapple

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 Regulation (EEC) No 525/77 ⁽³⁾, as amended by Regulation (EEC) No 2990/78 ⁽⁴⁾ introduced a special production aid system for tinned pineapple which takes into account both the geographical location and the features peculiar to the production concerned which is found only in a particular French overseas department; whereas that Regulation should be amended in the light of the experience gained with that product and the aid system introduced for certain Mediterranean products pursuant to Regulation (EEC) No 516/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 988/84 ⁽⁶⁾;

Whereas, in view of the geographical location and the features peculiar to this production, the minimum price payable to the producer should reflect the trend of costs in the region; whereas the processing costs taken into account for the first fixing of the aid should be determined in the light of the rate of inflation in the production area in question,

HAS ADOPTED THIS REGULATION:

Article 1

Articles 3 to 8 of Regulation (EEC) No 525/77 are hereby replaced by the following:

Article 3

Production aid shall be paid to processors who have paid pineapple producers at least the minimum price specified in the contracts or supply commitments between, on the one hand, producers or recognized producers' groups or associations thereof and, on the other, processors or processors'

groups or associations thereof which have been legally set up in the Community.

Article 4

1. The minimum price payable to the producer shall be determined in the light of:

- (a) the minimum price applicable during the preceding marketing year;
- (b) the trend of production costs in the fruit and vegetables sector.

2. The minimum price shall be fixed before the beginning of each marketing year.

Article 5

1. Production aid shall be fixed at a level which makes possible the disposal of tinned pineapple produced in the Community.

2. For the purposes of calculating the aid, the following in particular shall be taken into account:

- for the first fixing of the aid: the difference between the minimum price for raw pineapples as referred to in Article 3 and the price set by non-member countries, the latter price being converted on a standard basis into its equivalent for raw pineapples,
- for any subsequent fixing of the aid: the aid applicable in respect of the preceding marketing year, adjusted to take account of changes in the minimum price referred to in Article 3, on the basis of the price set by non-member countries and, where necessary, any change in the processing costs, such change being determined on a standard basis.

3. The price set by non-member countries shall be determined in particular on the basis of:

- (a) the prices, in the Community, used by non-member supplying countries;
- (b) the prices obtaining on the international market.

4. For the first fixing of the aid, the standard conversion of the price set by non-member countries into its equivalent for raw pineapples shall take account of pineapple-processing costs in the Community, to be determined on the basis of the situation in 1984/85, adjusted by an amount not exceeding the rate of inflation in the pineapple-growing area concerned, due account being taken of the market outlook.

⁽¹⁾ OJ No C 112, 7. 5. 1985, p. 8.

⁽²⁾ Opinion delivered on 14 June 1985 (not yet published in the Official Journal).

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 46.

⁽⁴⁾ OJ No L 357, 21. 12. 1978, p. 1.

⁽⁵⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽⁶⁾ OJ No L 103, 16. 4. 1984, p. 11.

5. For any subsequent fixing of the aid, the adjustment for changes in processing costs shall be that required to enable the Community product to compete with those of non-member countries, account being taken of the features peculiar to the region of production.

6. The aid shall be fixed in respect of a net weight of the processed product. The coefficients representing the ratio between the weight of the raw pineapples used and the net weight of the processed product shall be calculated on the basis of the quantities of raw pineapples used and the net weight of tinned pineapple produced in the Community during the 1984/85 marketing year. Where appropriate, the coefficients shall be adjusted in the light of any changes which may subsequently be recorded.

Article 6

The marketing year for tinned pineapple shall begin on 1 June each year and end on 31 May of the following year.

Article 7

1. Production aid shall be paid to processors who apply therefor and who furnish proof that:

- they have manufactured the quantity of tinned pineapple stated in their application for aid,

- the pineapples used in the manufacture of the tinned pineapple were grown in the Community,
- they have paid the pineapple growers at least the minimum price laid down,
- the tinned pineapple produced complies with the quality standards in force.

2. However, advances on the aid shall be paid upon presentation of the contract or supply commitment referred to in Article 3, between the grower of fresh pineapples and the processor, provided that the latter lodges security to the effect that he will fulfil the conditions laid down in paragraph 1 of this Article.

Article 8

The minimum price referred to in Article 4, the amount of the aid referred to in Article 5 and the detailed rules for the application of this Regulation shall be laid down in accordance with the procedure laid down in Article 20 of Regulation (EEC) No 516/77.

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 as from 1 June 1985.

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

Done at Luxembourg, 19 June 1985.

For the Council

The President

G. ANDREOTTI

COUNCIL REGULATION (EEC) No 1700/85

of 19 June 1985

on the import system applicable in 1985 to products falling within subheading 07.06 A of the Common Customs Tariff and originating in third countries which are not members of GATT

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 604/83 of 14 March 1983 on the import system applicable in 1983 to 1986 to products falling within subheading 07.06 A of the Common Customs Tariff and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽¹⁾, and in particular Article 1 (d) thereof,

Having regard to the proposal from the Commission,

Whereas the quantities of manioc which may be exported to the Community in respect of 1983 by third countries which are not members of GATT under a levy of 6 % *ad valorem* amount to 370 000 tonnes;

Whereas the quantities of manioc imported in 1983 have been appreciably lower than the quota fixed by

the Council; whereas, accordingly, a quota of 300 000 tonnes should be fixed for 1985,

HAS ADOPTED THIS REGULATION:

Article 1

For 1985 for the products falling within subheading 07.03 A of the Common Customs Tariff — manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes — the import levy fixed at a maximum of 6 % *ad valorem* shall be limited to 300 000 tonnes for third countries of origin which are not members of GATT.

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 Luxembourg, 19 June 1985.

For the Council

The President

G. ANDREOTTI

⁽¹⁾ OJ No L 72, 18. 3. 1983, p. 3.

COMMISSION REGULATION (EEC) No 1701/85

of 21 June 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 20 June 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 22 June 1985.

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

Done at Brussels, 21 June 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 21 June 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	104,93
10.01 B II	Durum wheat	154,65 ⁽¹⁾ ⁽²⁾
10.02	Rye	107,36 ⁽⁶⁾
10.03	Barley	97,48
10.04	Oats	84,74
10.05 B	Maize, other than hybrid maize for sowing	89,94 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	77,84 ⁽⁴⁾
10.07 C	Grain sorghum	111,57 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	162,72
11.01 B	Rye flour	166,13
11.02 A I a)	Durum wheat groats and meal	253,54
11.02 A I b)	Common wheat groats and meal	172,63

⁽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 1702/85

of 21 June 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
20 June 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 22 June
1985.

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

Done at Brussels, 21 June 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 21 June 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 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	1,70	1,70	6,93
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	2,94
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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 1703/85

of 20 June 1985

on the supply of various lots of butteroil as food aid

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products ⁽¹⁾, as last amended
by Regulation (EEC) No 1298/85 ⁽²⁾, and in particular
Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No
1278/84 of 7 May 1984 laying down implementing
rules for 1984 for Regulation (EEC) No 3331/82 on
food-aid policy and food-aid management ⁽³⁾,

Having regard to Council Regulation (EEC) No 457/85
of 19 February 1985 laying down implementing rules
for 1985 for Regulation (EEC) No 3331/82 on food-aid
policy and food-aid management ⁽⁴⁾,

Whereas, under the food-aid programmes adopted by
the Council Regulations specified in the Annex,
certain third countries and beneficiary organizations
have requested the supply of the quantity of butteroil
set out therein;

Whereas, therefore, supply should be effected in
accordance with the rules laid down in Commission

Regulation (EEC) No 1354/83 of 17 May 1983 laying
down general rules for the mobilization and supply of
skimmed-milk powder, butter and butteroil as food
aid ⁽⁵⁾, as amended by Regulation (EEC) No
1886/83 ⁽⁶⁾; whereas, in particular, the periods and
terms for supply and the procedure to be used to
determine the costs arising therefrom should be laid
down;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies shall, in accordance with
the provisions of Regulation (EEC) No 1354/83,
supply butteroil as food aid on the special terms set
out in the Annex.

Article 2

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

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

Done at Brussels, 20 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 5.

⁽³⁾ OJ No L 124, 11. 5. 1984, p. 1.

⁽⁴⁾ OJ No L 54, 23. 2. 1985, p. 2.

⁽⁵⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁶⁾ OJ No L 187, 12. 7. 1983, p. 29.

ANNEX

Notice of invitation to tender ⁽¹⁾

Description of the lot	A
1. Programme :	1985
(a) legal basis	Council Regulation (EEC) No 457/85
(b) purpose	Commission Decision of 6 May 1985
2. Recipient	ICRC
3. Country of destination	Philippines
4. Stage and place of delivery	cif Manila
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	50 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter
8. Intervention agency holding the stocks	German
9. Specific characteristics	—
10. Packaging	2,5 kilograms
11. Supplementary markings on the packaging	A red cross 10 × 10 cm and 'PHL-35 / ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS / MANILA'
12. Shipment period	Before 31 August 1985
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾

Description of the lot	B
1. Programme :	1984
(a) legal basis	Council Regulation (EEC) No 1278/84
(b) purpose	Commission Decision of 14 November 1984
2. Recipient	UNRWA
3. Country of destination	Israel
4. Stage and place of delivery	cif Ashdod
5. Representative of the recipient ⁽³⁾	UNRWA Headquarters, attention of Mr Worm, PO box 700, A-1400 Vienna (telex 135310)
6. Total quantity	100 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter
8. Intervention agency holding the stocks	German
9. Specific characteristics	—
10. Packaging	⁽⁵⁾
11. Supplementary markings on the packaging	'TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / ASHDOD'
12. Shipment period	Before 31 August 1985
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁶⁾

Description of the lot	C	D
1. Programme :	1984	
(a) legal basis	Council Regulation (EEC) No 1278/84	
(b) purpose	Commission Decision of 20 July 1984	
2. Recipient	}	Bolivia
3. Country of destination		
4. Stage and place of delivery		Free-at-destination La Paz via Antofagasta
5. Consignee (3)	OFINAAL — Mr Luis Rios Jordan, Av. Montes 768, La Paz, Bolivia (tel. 36 40 51)	
6. Total quantity	100 tonnes	100 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter	
8. Intervention agency holding the stocks	German	
9. Specific characteristics	—	
10. Packaging	20 kilograms	
11. Supplementary markings on the packaging	'ACEITE DE MANTEQUILLA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA A BOLIVIA / DISTRIBUCIÓN GRATUITA'	
12. Shipment period	Before 31 August 1985	
13. Closing date for the submission of tenders	—	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	—	
(b) closing date for the submission of tenders	—	
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (7)	

Description of the lot	E
1. Programme : (a) legal basis (b) purpose	1985 Council Regulation (EEC) No 457/85 Commission Decision of 6 May 1985
2. Recipient	IMBEC
3. Country of destination	Mozambique
4. Stage and place of delivery	cif ports Mozambique
5. Representative of the recipient ⁽³⁾	IMBEC, E.E., CP 4229, Maputo, destinado aos desvios no 125 da Empresa do Abastecimento da cidade de Maputo e no 32 da Companhia Industrial da Matola (telex 6-206 IMBEC Mo Maputo — Mozambique)
6. Total quantity	100 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter
8. Intervention agency holding the stocks	Belgian
9. Specific characteristics	—
10. Packaging	5 kilograms
11. Supplementary markings on the packaging	'DOM DA COMUNIDADE ECONOMICA EUROPEIA'
12. Shipment period	Before 31 August 1985
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Belgian intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁸⁾

Notes :

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
 - (²) See list published in *Official Journal of the European Communities* No C 229 of 26 August 1983, p. 2.
 - (³) The successful tenderer shall contact the beneficiary without delay to determine the necessary shipping documents.
 - (⁴) Commission delegate to be contacted by the successful tenderer :
Thailand — Thai Military Bank Building, 9th and 10th floors, 34 Phya Thai Road, Bangkok (telex 086/2764 COMEUBK TH).
 - (⁵) In new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 190 to 200 kilograms (to be indicated in the tender) net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof.
 - (⁶) Commission delegate to be contacted by the successful tenderer :
2 Rehov Ibn Gvirol, 6 Eliahu House, 10th floor, Tel Aviv, Israel (telex 342108 DELEG II).
 - (⁷) Commission delegate to be contacted by the successful tenderer :
Valle Arriba, Calle Colibri, Carretera de Baruta, Caracas, Venezuela (telex 26336 COMEU VC).
 - (⁸) Commission delegate to be contacted by the successful tenderer :
A. Marongiu, Delegado CCE NA RPM, Hotel Polana, Quarto 143, Maputo (telex 6-146 CCE MO).
-

COMMISSION REGULATION (EEC) No 1704/85

of 20 June 1985

on the supply of various lots of skimmed-milk powder as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1298/85⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1278/84 of 7 May 1984 laying down implementing rules for 1984 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management⁽³⁾,

Having regard to Council Regulation (EEC) No 457/85 of 19 February 1985 laying down implementing rules for 1985 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management⁽⁴⁾,

Whereas, under the food-aid programmes adopted by the Council Regulations specified in the Annex, certain third countries and beneficiary organizations have requested the supply of the quantity of skimmed-milk powder set out therein;

Whereas, therefore, supply should be effected in accordance with the rules laid down in Commission

Regulation (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid⁽⁵⁾, as amended by Regulation (EEC) No 1886/83⁽⁶⁾; whereas, in particular, the periods and terms for supply and the procedure to be used to determine the costs arising therefrom should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies shall, in accordance with the provisions of Regulation (EEC) No 1354/83, supply skimmed-milk powder as food aid on the special terms set out in the Annex.

Article 2

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

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

Done at Brussels, 20 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 5.

⁽³⁾ OJ No L 124, 11. 5. 1984, p. 1.

⁽⁴⁾ OJ No L 54, 23. 2. 1985, p. 1.

⁽⁵⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁶⁾ OJ No L 187, 12. 7. 1983, p. 29.

ANNEX

Notice of invitation to tender ⁽¹⁾

Description of the lot	A
1. Programme :	1985
(a) legal basis	Council Regulation (EEC) No 457/85
(b) purpose	Commission Decision of 6 May 1985
2. Recipient	ICRC
3. Country of destination	Nicaragua
4. Stage and place of delivery	cif Corinto
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	10 tonnes
7. Origin of the skimmed-milk powder	Community market confined to Denmark, Ireland and the United Kingdom
8. Intervention agency holding the stocks	Irish
9. Specific characteristics	Annex I (B) to Regulation (EEC) No 1354/83
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	A red cross 10 × 10 cm and : 'NIC-124 / ACCIÓN DEL COMITÉ INTERNACIONAL DE LA CRUZ ROJA / CORINTO'
12. Shipment period	Before 31 August 1985
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Irish intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾

Description of the lot	B
1. Programme :	1984
(a) legal basis	Council Regulation (EEC) No 1278/84
(b) purpose	Commission Decision of 30 May 1984
2. Recipient	ICRC
3. Country of destination	Philippines
4. Stage and place of delivery	cif Manila
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	100 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency holding the stocks	French
9. Specific characteristics	Annex I (B) to Regulation (EEC) No 1354/83
10. Packaging	25 kilograms in accordance with point 4.2 of Annex I (B) to Regulation (EEC) No 1354/83
11. Supplementary markings on the packaging	A red cross 10 × 10 cm and 'PHL-38 / ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS / MANILA'
12. Shipment period	Before 31 August 1985
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the French intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽²⁾

Description of the lot	C	D
1. Programme :	1984	
(a) legal basis	Council Regulation (EEC) No 1278/84	
(b) purpose	Commission Decision of 14 November 1984	
2. Recipient	UNRWA	
3. Country of destination	Jordan	Syria
4. Stage and place of delivery	cif Aqaba	cif Lattakia
5. Representative of the recipient (3)	UNRWA Headquarters, attention of Mr Worm, PO box 700, A-1400 Vienna (telex 135310)	
6. Total quantity	150 tonnes	100 tonnes
7. Origin of the skimmed-milk powder	Community market	
8. Intervention agency holding the stocks	Dutch	Belgian
9. Specific characteristics	Annex I (B) to Regulation (EEC) No 1354/83	
10. Packaging	25 kilograms	
11. Supplementary markings on the packaging	'TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES AQABA' LATTAKIA'	
12. Shipment period	Before 31 August 1985	
13. Closing date for the submission of tenders	—	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	—	
(b) closing date for the submission of tenders	—	
15. Miscellaneous	The costs of supply are determined by the Dutch Belgian intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (6)	

Description of the lot	E	F	G
1. Programme :	1984		
(a) legal basis	Council Regulation (EEC) No 1278/84		
(b) purpose	Commission Decision of 3 July 1984		
2. Recipient	WFP		
3. Country of destination	Philippines		
4. Stage and place of delivery	fob		
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—		
6. Total quantity	66 tonnes	66 tonnes	134 tonnes
7. Origin of the skimmed-milk powder	Community market		
8. Intervention agency holding the stocks	German		
9. Specific characteristics	Annex I (B) to Regulation (EEC) No 1354/83		
10. Packaging	25 kilograms		
11. Supplementary markings on the packaging	'ACTION OF THE WORLD FOOD PROGRAMME / PHI 2318 / PI / ZAMBOANGA' CAGAYAN DE ORO' DAVAO'		
12. Shipment period	Before 31 August 1985		
13. Closing date for the submission of tenders	—		
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :			
(a) shipment period	—		
(b) closing date for the submission of tenders	—		
15. Miscellaneous	The costs of supply are determined by the French intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽²⁾		

Description of the lot	H	I	K
1. Programme :	1984		
(a) legal basis	Council Regulation (EEC) No 1278/84		
(b) purpose	Commission Decision of 3 July 1984		
2. Recipient	WFP		
3. Country of destination	Philippines		
4. Stage and place of delivery	fob		
5. Representative of the recipient (?) (?)	—		
6. Total quantity	20 tonnes	62 tonnes	6 tonnes
7. Origin of the skimmed-milk powder	Community market		
8. Intervention agency holding the stocks	Irish		
9. Specific characteristics	Annex I (B) to Regulation (EEC) No 1354/83		
10. Packaging	25 kilograms		
11. Supplementary markings on the packaging	'ACTION OF THE WORLD FOOD PROGRAMME / MANILA' TACLOBAN' ZAMBOANGA'		
12. Shipment period	Before 31 August 1985		
13. Closing date for the submission of tenders	—		
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :			
(a) shipment period	—		
(b) closing date for the submission of tenders	—		
15. Miscellaneous	The costs of supply are determined by the Irish intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (?)		

Description of the lot	L	M	N
1. Programme :	1984		
(a) legal basis	Council Regulation (EEC) No 1278/84		
(b) purpose	Commission Decision of 3 July 1984		
2. Recipient	WFP		
3. Country of destination	Philippines		
4. Stage and place of delivery	fob		
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—		
6. Total quantity	58 tonnes	28 tonnes	40 tonnes
7. Origin of the skimmed-milk powder	Community market		
8. Intervention agency holding the stocks	United Kingdom		
9. Specific characteristics	Annex I (B) to Regulation (EEC) No 1354/83		
10. Packaging	25 kilograms		
11. Supplementary markings on the packaging	'ACTION OF THE WORLD FOOD PROGRAMME / PHI 2607 / CAGAYAN DE ORO'	DAVAO'	POLLOC'
12. Shipment period	Before 31 August 1985		
13. Closing date for the submission of tenders	—		
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :			
(a) shipment period	—		
(b) closing date for the submission of tenders	—		
15. Miscellaneous	The costs of supply are determined by the United Kingdom intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁹⁾		

Description of the lot	O	P
1. Programme : (a) legal basis (b) purpose	1985 Council Regulation (EEC) No 457/85 Commission Decision of 6 May 1985 IMBEC Mozambique cif ports Mozambique IMBEC, E.E., CP 4229, Maputo — Destinado aos desvios no 125 da Empresa do Abastecimento da cidade de Maputo e no 32 da Companhia Industrial da Matola (telex 6-206 IMBEC Mo Maputo Mozambique)	
2. Recipient		
3. Country of destination		
4. Stage and place of delivery		
5. Representative of the recipient ⁽³⁾		
6. Total quantity	150 tonnes	150 tonnes
7. Origin of the skimmed-milk powder	Intervention stock	
8. Intervention agency holding the stocks	German	
9. Specific characteristics	Entered into Community stock after 1 October 1984	
10. Packaging	25 kilograms	
11. Supplementary markings on the packaging	'LEITE EM PO / DOM DA COMUNIDADE ECONÓMICA EUROPEIA'	
12. Shipment period	Before 31 August 1985	
13. Closing date for the submission of tenders	—	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	—	
(b) closing date for the submission of tenders	—	
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (7)	

Description of the lot	Q
1. Programme :	1984
(a) legal basis	Council Regulation (EEC) No 1278/84
(b) purpose	Commission Decision of 30 May 1984
2. Recipient	ICRC
3. Country of destination	Nicaragua
4. Stage and place of delivery	cif Corinto
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	90 tonnes
7. Origin of the skimmed-milk powder	Community market confined to Denmark, Ireland and the United Kingdom
8. Intervention agency holding the stocks	Irish
9. Specific characteristics	Annex I (B) to Regulation (EEC) No 1354/83
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	A red cross 10 × 10 cm and 'NIC-124 / ACCION DEL COMITÉ INTERNACIONAL DE LA CRUZ ROJA / CORINTO'
12. Shipment period	Before 31 August 1985
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Irish intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾

Notes :

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
 - (²) See list published in *Official Journal of the European Communities* No C 229 of 26 August 1983, p. 2.
 - (³) The successful tenderer shall contact the recipient without delay to determine the necessary shipping papers.
 - (⁴) Commission delegate to be contacted by the successful tenderer :
Valle Arriba, Calle Colibri, Carretera de Baruta, Caracas, Venezuela (telex 26336 COMEU VC).
 - (⁵) Commission delegate to be contacted by the successful tenderer :
Thailand — Thai Military Bank Building, 9th and 10th floors, 34 Phya Thai Road, Bangkok (telex 086/2764 COMEUBK TH).
 - (⁶) Commission delegate to be contacted by the successful tenderer :
Jordan — Schmeisani, Wadi Sagra Circle, PO box 926794, Amman (telex 22260 — DELEUR JO).
Syria — 73 rue Al Rachid, PO box 11269, Damascus (telex DELCOM SY 412919).
 - (⁷) Commission delegate to be contacted by the successful tenderer :
A. Marongiu, Delegado CCE NA RPM, Hotel Polana, Quarto 143, Maputo (telex 6-146 CCE MO).
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COMMISSION REGULATION (EEC) No 1705/85**of 21 June 1985****closing the standing invitation of tender for olive oil held by the Greek intervention agency opened by Regulation (EEC) No 355/85**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 231/85 ⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Commission Regulation (EEC) No 355/85 ⁽³⁾, as last amended by Regulation (EEC) No 1256/85 ⁽⁴⁾, opened a standing invitation to tender for the sale on the Community market of a quantity of olive oil held by the Greek intervention agency;

Whereas, following the first four series of sales, the remaining quantities held by the Greek intervention agency are marginal; whereas a tendering procedure is no longer appropriate for such small amounts; whereas the last two series of sales originally planned should be abandoned;

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

HAS ADOPTED THIS REGULATION:

Article 1

The fifth and sixth indents in the second subparagraph of Article 3 of Regulation (EEC) No 355/85 are hereby deleted.

Article 2

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

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

Done at Brussels, 21 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 26, 31. 1. 1985, p. 12.

⁽³⁾ OJ No L 41, 12. 2. 1985, p. 8.

⁽⁴⁾ OJ No L 130, 16. 5. 1985, p. 22.

COMMISSION REGULATION (EEC) No 1706/85

of 21 June 1985

amending Regulation (EEC) No 1477/85 adopting exceptional support measures for the market in pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 2966/80⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the present health situation in the livestock sector in Belgium, exceptional support measures for the market in pigmeat have been introduced in that Member State by Commission Regulations (EEC) No 686/85⁽³⁾, (EEC) No 772/85⁽⁴⁾, as amended by Regulation (EEC) No 890/85⁽⁵⁾, (EEC) No 978/85⁽⁶⁾, as amended by Regulation (EEC) No 1086/85⁽⁷⁾, and (EEC) No 1477/85⁽⁸⁾;

Whereas the outbreak of African swine fever in the infection zone has not yet been entirely contained; whereas, therefore, the deadline for applications for aid under Regulation (EEC) No 1477/85 should be extended;

Whereas the boundary of the infection zone has been modified by the competent veterinary authorities to exclude parts of the communes of Torhout and Kortemark from the area where restrictions apply;

Whereas it has become evident that the pigmeat stored in the infected zone is to be bought in in view of its heat treatment before being brought into consumption; whereas it is therefore no longer necessary to grant a considerably higher rate of aid than is generally given in this sector; whereas provision should therefore be made, in cases where meat is bought in, to reduce the amount of aid ultimately granted near to the normal rate;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1477/85 is hereby amended as follows:

1. In Article 1 (1), '21 June 1985' is replaced by '19 July 1985'.
2. The rate of '30 %' for the reduction in aid referred to in the second subparagraph of Article 7 (1) is replaced by '40 %'.
3. The second subparagraph of Article 1 (1) is replaced by the following:

'Only products from pigs kept and slaughtered in the zones detailed below shall be eligible for aid:

— communes of Tielt

Pittem

Meulebeke

Ardoos

Ingelmunster

Lendelede

Izegem

Ledegem

Moorslede

Staden

Hoogbeke

Zonnebeke

Poelkapelle

Lichtervelde

Zwevezele

Roeselare;

- an area with a radius of three kilometres around the outbreak centres in the communes of Reninge and Ichtegem;
- the commune of Kortemark but excluding the former commune of Zarren-Werken;
- within the commune of Torhout, an area with a radius of three kilometres around the six holdings where the Belgian authorities have ordered preventive slaughtering.

The list of products qualifying for aid and the relevant amounts of aid are set out in the Annex hereto.'

Article 2

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

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 75, 16. 3. 1985, p. 12.

⁽⁴⁾ OJ No L 86, 27. 3. 1985, p. 20.

⁽⁵⁾ OJ No L 96, 3. 4. 1985, p. 17.

⁽⁶⁾ OJ No L 105, 17. 4. 1985, p. 6.

⁽⁷⁾ OJ No L 114, 27. 4. 1985, p. 36.

⁽⁸⁾ OJ No L 145, 4. 6. 1985, p. 17.

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

Done at Brussels, 21 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 1707/85

of 21 June 1985

on the sale of unprocessed dried figs by storage agencies for the manufacture of alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 746/85⁽²⁾, and in particular Articles 4 (8) and 18 thereof,

Having regard to Council Regulation (EEC) No 1277/84 of 8 May 1984 laying down general rules for the system of production aid for processed fruit and vegetables⁽³⁾, and in particular Article 6 (1) thereof,

Whereas Article 6 (2) of Commission Regulation (EEC) No 626/85 of 12 March 1985 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies⁽⁴⁾ provides that products intended for specific uses to be determined shall be sold at prices fixed in advance or determined by an invitation to tender;

Whereas unprocessed dried figs have traditionally been used by the distillation industries; whereas products purchased by storage agencies should be sold for that purpose; whereas the conditions governing the sales must be such that they avoid disturbing the Community market in alcohol and spirituous beverages; whereas the products should be sold at prices fixed in advance;

Whereas, in order to ensure uniform treatment of the distillation industries in all Member States, the finished product to be obtained should be defined; whereas a processing security should be required to ensure that the unprocessed dried figs are used in accordance with applicable provisions;

Whereas Regulation (EEC) No 626/85 lays down the provisions to be complied with when products are sold by storage agencies; whereas the purchase application referred to in Article 7 (2) of that Regulation should be

completed by a declaration from the purchaser indicating the limitation in uses of the products;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Unprocessed dried figs purchased by storage agencies pursuant to Regulation (EEC) No 626/85 may be sold at a price fixed in advance to distillation industries in accordance with the provisions laid down in this Regulation.

Article 2

1. The unprocessed dried figs shall be used for the manufacture of alcohol of an alcoholic strength of 80 % vol or higher, falling within subheading 22.08 B of the Common Customs Tariff. The manufacture shall be finished not later than 90 days after the day of acceptance of the purchase application as referred to in Article 8 (2) of Regulation (EEC) No 626/85.

2. A processing security guaranteeing that the unprocessed dried figs are used within the period fixed for the manufacture of alcohol as referred to in paragraph 1 shall be lodged.

Article 3

The purchase application shall, in addition to the particulars provided for in Article 7 (2) of Regulation (EEC) No 626/85, contain a declaration whereby the applicant undertakes to use the products for the purposes referred to in Article 2 (1) of this Regulation.

Article 4

The Member States shall, during the period where unprocessed dried figs are offered for sale pursuant to this Regulation, communicate to the Commission:

- (a) not later than the 10th of each month, the quantity sold in the period from the 16th to the last day of the preceding month;

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 81, 23. 3. 1985, p. 10.

⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.

⁽⁴⁾ OJ No L 72, 13. 3. 1985, p. 7.

(b) not later than the 25th of each month, the quantity sold in the period from the first to the 15th of that month.

Article 5

The storage agencies which shall undertake the sale pursuant to this Regulation, the prices to be applied

and the amount of the processing security shall be determined in accordance with the procedure laid down in Article 20 of Regulation (EEC) No 516/77.

Article 6

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

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

Done at Brussels, 21 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1708/85

of 21 June 1985

amending Regulation (EEC) No 1687/76 laying down common detailed rules for verifying the use and/or destination of products from intervention

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 746/85⁽²⁾, and in particular Article 4 (8) thereof,

Whereas the provisions of Commission Regulation (EEC) No 1687/76⁽³⁾, as last amended by Regulation (EEC) No 1591/85⁽⁴⁾, are applicable to products sold pursuant to Commission Regulation (EEC) No 1707/85 of 21 June 1985 on the sale of unprocessed dried figs by storage agencies for the manufacture of alcohol⁽⁵⁾;

Whereas to that end the Annex to Regulation (EEC) No 1687/76 should be amended;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 1687/76 under 'II. Products subject to a use and/or destination other than that mentioned under I', the following is added:

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

Done at Brussels, 21 June 1985.

'30. Commission Regulation (EEC) No 1707/85 of 21 June 1985 on the sale of unprocessed dried figs by storage agencies for the manufacture of alcohol⁽³⁾

Section 104:

"Til fremstilling af alkohol (forordning (EØF) nr. 1707/85)",

"Zur Herstellung von Alkohol (Verordnung (EWG) Nr. 1707/85)",

"Για την παρασκευή αλκοόλης (Κανονισμός (ΕΟΚ) αριθ. 1707/85)",

"For the manufacture of alcohol (Regulation (EEC) No 1707/85)",

"Destiné à la fabrication d'alcool (règlement (CEE) n° 1707/85)",

"Destinato alla fabbricazione di alcole (regolamento (CEE) n. 1707/85)",

"Voor vervaardiging van alcohol (Verordening (EEG) nr. 1707/85)".

— Section 106:

The date of the acceptance of the purchase application.

⁽³⁾ OJ No L 163, 22. 6. 1985, p. 38.'

Article 2

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

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 81, 23. 3. 1985, p. 10.

⁽³⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁴⁾ OJ No L 154, 13. 6. 1985, p. 31.

⁽⁵⁾ See page 38 of this Official Journal.

COMMISSION REGULATION (EEC) No 1709/85

of 21 June 1985

introducing a new countervailing charge on aubergines originating in Spain and
repealing Regulation (EEC) No 1641/85

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⁽¹⁾, as last
amended by Regulation (EEC) No 1332/84⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Article 25 (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a third country remains at least 0,6
ECU below the reference price for two consecutive
market days, a countervailing charge must be intro-
duced in respect of the exporting country concerned,
save in exceptional circumstances; whereas this charge
is equal to the difference between the reference price
and the arithmetic mean of the last two entry prices
available for that exporting country;

Whereas Commission Regulation (EEC) No 752/85 of
22 March 1985 fixing for the 1985 marketing year the
reference prices for aubergines⁽³⁾ fixed the reference
price for products of class I for June 1985 at 77,78
ECU per 100 kilograms net;

Whereas the entry price for a given exporting country
is equal to the lowest representative prices recorded for
at least 30 % of the quantities from the exporting
country concerned which are marketed on all repre-
sentative markets for which prices are available less the
duties and the charges indicated in Article 24 (3) of
Regulation (EEC) No 1035/72; whereas the meaning
of representative price is defined in Article 24 (2) of
Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regula-
tion (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-
tion (EEC) No 3110/83⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets;

Whereas the entry price thus calculated for Spanish
aubergines results in the fixing of a higher counter-
vailing charge than that laid down by Commission
Regulation (EEC) No 1641/85 of 17 June 1985 intro-
ducing a countervailing charge on aubergines
originating in Spain⁽⁶⁾;

Whereas, pursuant to Article 26 (2) of Regulation
(EEC) No 1035/72, a new countervailing charge
should be fixed and Regulation (EEC) No 1641/85
should be repealed;

Whereas, if the system is to operate normally, the
entry price 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⁽⁷⁾, as last amended by Regulation (EEC)
No 855/84⁽⁸⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded over a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 17,18 ECU per 100 kilo-
grams net is applied to aubergines (subheading 07.01
T II of the Common Customs Tariff) originating in
Spain.

Article 2

This Regulation shall enter into force on 22 June
1985.

Commission Regulation (EEC) No 1641/85 of 17 June
1985 is hereby repealed.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 81, 23. 3. 1985, p. 22.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 303, 5. 11. 1983, p. 5.

⁽⁶⁾ OJ No L 158, 18. 6. 1985, p. 16.

⁽⁷⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁸⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 21 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 1710/85

of 21 June 1985

fixing the difference in white sugar prices to be used in calculating the levy for
processed fruit and vegetable products and for wine

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 516/77
of 14 March 1977 on the common organization of the
market in products processed from fruit and vege-
tables⁽¹⁾, as last amended by Regulation (EEC) No
746/85⁽²⁾, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 337/79
of 5 February 1979 on the common organization of
the market in wine⁽³⁾, as last amended by Regulation
(EEC) No 798/85⁽⁴⁾, and in particular Article 19 (3)
thereof,

Whereas, in order that the Member States may deter-
mine the amount of the levy applicable, in respect of
the various added sugars, to imports of the products
listed in Annex I to Regulation (EEC) No 516/77 and
of the products falling within subheadings 20.07 A I b)
1, B I b) 1 aa) 11 and B I b) 1 bb) 11 of the Common
Customs Tariff which are listed in Article 1 (2) (a) of
Regulation (EEC) No 337/79, it is necessary in accor-
dance with Article 2 (2) of Regulation (EEC) No
516/77 and Article 19 (2) of Regulation (EEC) No
337/79 to determine the difference between, firstly, the

average of the threshold prices for one kilogram of
white sugar for each month of the quarter for which
the difference is being determined and, secondly, the
average of the cif prices for one kilogram of white
sugar used in fixing the levies on white sugar, as calcu-
lated for a period comprising the first 15 days of the
month preceding the quarter for which the difference
is being determined and the two months immediately
preceding that month; whereas, pursuant to the
abovementioned Regulations, this difference must be
determined by the Commission for each quarter of the
calendar year,

HAS ADOPTED THIS REGULATION :

Article 1

For the period 1 July to 30 September 1985, the
difference referred to in Article 2 (2) of Regulation
(EEC) No 516/77 and in Article 19 (2) of Regulation
(EEC) No 337/79 is fixed at 0,4835 ECU.

Article 2

This Regulation shall enter into force on 1 July 1985.

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

Done at Brussels, 21 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 81, 23. 3. 1985, p. 10.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁴⁾ OJ No L 89, 29. 3. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1711/85

of 21 June 1985

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 1407/85⁽⁷⁾, as last amended by Regulation (EEC) No 1694/85⁽⁸⁾;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽¹¹⁾ as last amended by Regulation (EEC) No 855/84⁽¹²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 20 June 1985;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹³⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 1407/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 June 1985.

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

Done at Brussels, 21 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.
⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.
⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.
⁽⁷⁾ OJ No L 141, 30. 5. 1985, p. 23.
⁽⁸⁾ OJ No L 162, 21. 6. 1985, p. 30.
⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.
⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.
⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.
⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 21 June 1985 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.02 B II a) ⁽²⁾	144,41	141,39
11.02 C I ⁽²⁾	173,12	170,10
11.02 D I ⁽²⁾	111,46	108,44
11.02 E II a) ⁽²⁾	197,40	191,36
11.02 F I ⁽²⁾	197,40	191,36
11.02 G I	85,77	79,73
11.07 A I a)	200,11	189,23
11.07 A I b)	152,27	141,39
11.08 A III	193,29	172,74
11.09	495,42	314,08
23.02 A I a)	46,97	40,97
23.02 A I b)	93,78	87,78
23.02 A II a)	46,97	40,97
23.02 A II b)	93,78	87,78

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

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

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

COMMISSION REGULATION (EEC) No 1712/85

of 21 June 1985

amending the German, Greek, English, French, Italian and Dutch versions of Regulation (EEC) No 1626/85 on protective measures applicable to imports of certain Morello cherries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 746/85 ⁽²⁾, and in particular Article 14 (2) thereof,

Whereas Commission Regulation (EEC) No 1626/85 ⁽³⁾ introduced protective measures applicable to imports of certain Morello cherries; whereas it has been found on examination that, owing to a mistake, certain terms do not appear correctly in the German, Greek, French, Italian and Dutch versions and that certain figures are wrong in the English, French and Italian versions; whereas it is therefore necessary to amend these versions of Regulation (EEC) No 1626/85;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1626/85 is hereby amended as follows:

1. In the title of the Regulation, the table to Article 1 (1), the Annex on countervailing charges, in the German, Greek, Italian and Dutch versions, the term or terms 'Morellen', 'κερασιών Morello/Κεράσια Morello' 'marasche' and 'morellen' are replaced respectively by the term or terms 'Sauerkirschen', 'βυσσίνων/Βύσσινα' 'amarene' and 'morellen (zure kersen)'.
2. The Italian version of subheading B II b) in the table to Article 1 (1), opposite CCT heading No ex 20.06, is replaced by the following:
 'b) con aggiunta di zuccheri, in imballaggi immediati di contenuto netto di 1 kg o meno:
 ex 8. amarene sciroppate'.
3. The German version of Article 2 is replaced by the following:

Artikel 2

- (1) Beim Abschluß der Zollformalitäten zur Überführung in den zollrechtlichen freien Verkehr vergleichen die Zollstellen bei jeder Warenpartie den Einfuhrpreis mit dem entsprechenden Mindestpreis.
 - (2) Der Mindestpreis gilt als eingehalten, wenn sich aus dem in Absatz 1 genannten Vergleich ergibt, daß der Einfuhrpreis in der Währung des einführenden Mitgliedstaats nicht unter dem Mindestpreis liegt, der am Tag der Annahme der Anmeldung zur Überführung in den Zollrechtlich freien Verkehr gilt.
 - (3) Der Einfuhrpreis ist in der Anmeldung zur Überführung in den zollrechtlich freien Verkehr anzugeben, und dieser Anmeldung sind sämtliche zur Überprüfung dieses Preises erforderlichen Unterlagen beizufügen.
4. The French version of Article 2 (1) is replaced by the following:
 '1. Les autorités douanières comparent, pour chaque expédition, au moment de l'accomplissement des formalités douanières de mise en libre pratique, le prix à l'importation avec le prix minimal correspondant'.
 5. The Dutch version of Article 2 (2) is replaced by the following:
 '2. De minimumprijs bij invoer is in acht genomen wanneer uit de in lid 1 bedoelde vergelijking blijkt dat de in de munteenheid van de Lid-Staat van invoer uitgedrukte invoerprijs niet lager is dan de minimumprijs die geldt op de dag waarop de aangifte ten invoer tot verbruik wordt aanvaard'.
 6. The German version of the second indent of Article 4 (2) is replaced by the following:
 '— beim Schienentransport den Frachtbrief, der von der Bahnbehörde des Lieferlandes vor diesem Tag angenommen wurde',
 7. The German version of Article 4 (3) is replaced by the following:
 '(3) Die Absätze 1 und 2 gelten nur, soweit die Anmeldung zur Überführung in den zollrechtlich freien Verkehr vor dem 15. September 1985 angenommen ist'.

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 81, 23. 3. 1985, p. 10.

⁽³⁾ OJ No L 156, 15. 6. 1985, p. 13.

8. The Italian version of the second subparagraph of Article 5 is replaced by the following:

‘Esso è applicabile fino al 9 maggio 1986’.

9. The Italian version of the text *in limine* in point 3 in the Annex on countervailing charges is replaced by the following:

‘3. Amarene sciroppate, in imballaggi immediati di contenuto netto di 1 kg o meno, della sotto-

voce 20.06 B II b) 8 della tariffa doganale comune’:

10. In the table set out under point 4 of the Annex on countervailing charges the figure 51,09 in the central column is replaced by 52,09.

Article 2

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

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

Done at Brussels, 21 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION

of 13 June 1985

on social protection for volunteer development workers

(85/308/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the draft recommendation submitted by 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 the European Council which met on 25 and 26 June 1984 called on the Member States to take steps to encourage young people to participate in projects organized by the Community beyond its frontiers, and in particular to support the creation of national committees of European volunteers for development, bringing together young Europeans who wish to work on projects in developing countries;

Whereas measures to encourage volunteers to work on such projects will contribute to the practical implementation of cooperation policies determined jointly by the Community, the Member States and Third World countries, the aim of which is to promote the economic, social and cultural development of the developing countries;

Whereas such work can provide valuable experience and further training for persons who are motivated and qualified in areas relevant to development work, in line with the objectives set out in Article 128 of the Treaty;

Whereas steps should therefore be taken to remove obstacles to taking up employment as a volunteer development worker;

Whereas a disincentive to this form of employment is the absence of adequate cover for such persons and for members of their families under the social security systems of certain Member States during or in respect of the period spent as a volunteer development worker or the period spent in preparation for such work;

Whereas, however, the powers necessary for achieving this Community objective are not provided for elsewhere in the Treaty; whereas recourse should therefore be had to Article 235 thereof,

⁽¹⁾ OJ No C 16, 17. 1. 1985, p. 11.

⁽²⁾ OJ No C 122, 20. 5. 1985, p. 80.

⁽³⁾ Opinion delivered on 27 March 1985 (not yet published in the Official Journal).

HEREBY RECOMMENDS THE MEMBER STATES :

- A. — to recognize as one of the objectives of their social policy the introduction of social protection for volunteer development workers or the removal of shortcomings in this area,
- to regards as 'volunteer development workers' those persons who are sent, where appropriate pursuant to national law, to developing countries through the intermediary of approved non-governmental organizations, whether State-aided or not, under conditions of remuneration similar to local conditions, for the purpose of making a positive contribution to the physical, economic and social development of such countries ; to regard as 'members of their families' those persons so defined under national laws and practices,
- to take, to this end, the measures necessary for the achievement of social protection for volunteer development workers and for members of their families on the basis of the following principles :

1. Volunteer development workers and members of their families should benefit from a level of social protection similar to that which exists in the sending country for persons carrying out a comparable activity in that country.

That cover shall extend to the period of preparation spent under contract by the person concerned in the sending country.

The cover should relate to benefits during service in a developing country and the acquisition and maintenance of social entitlements during such service with a view to guaranteeing social protection on return.

2. Cover should relate to the following :

- (a) sickness ;
- (b) maternity ;
- (c) invalidity ;
- (d) old age ;
- (e) death ;
- (f) accidents at work and occupational diseases recognized as such by the Member State concerned ;
- (g) unemployment on return ;
- (h) family benefits paid within the territory of the Community.

In the case of exporting of benefits, national laws may limit benefits or adjust the amounts thereof.

3. Cover for volunteer development workers and members of their families should be organized as fully as possible under the national systems.

This implies that volunteer development workers should not be excluded from social protection for their development activities, even if their remuneration in the developing countries is lower than the minimum amount used for determining eligibility for social protection.

4. The cost of such cover should be borne in an appropriate way pursuant to national laws and practices.

5. Member States should guarantee equal treatment between volunteer development workers and the members of their families referred to above who are nationals of other Member States and national volunteer development workers and the members of their families referred to above, in so far as Community rules on migrant workers apply to them.

6. Member States should, where appropriate, base their measures on the following procedures :

(1) Cover should be organized using one or more of the following methods :

- (a) treatment of periods of service in a developing country as periods of insurance, occupational activity or residence under the legislation or practice of the sending State, for the purpose of determining entitlement to benefits due (and, if necessary, for calculating the amount of such benefits) in circumstances which might arise after return to the sending country ;
- (b) retention of entitlement for a period prescribed by the legislation of the sending State for persons who would otherwise no longer be subject to that legislation in respect of short-term occurrences which might take place during the period of preparatory training or the period of service ;
- (c) use of secondment, as laid down by social security agreements concluded between the sending State and the developing countries concerned or, failing such agreements, by the legislation of the sending State ;
- (d) use of voluntary insurance for expatriates provided for under the legislation of the sending State, or in the absence of such a scheme, the setting up of a special voluntary insurance scheme for volunteer development workers and members of their families ;
- (e) continuation of payment of remuneration in periods of temporary incapacity due to sickness, maternity or accident for the duration of the stay of volunteer development workers and members of their families in a developing country.

(2) Member States are to ensure that the fact that volunteer development workers' remuneration during development service is lower than the minimum used for determining eligibility for social protection does not result in their being excluded from entitlement to such protection or to affiliation to voluntary insurance under that legislation.

(3) (a) The medical costs incurred by volunteer development workers or the members of their families in a developing country should be refunded pursuant to the legislation of the sending State ;

- (b) However, where the refunding of health care is not provided for, voluntary workers and members of their families could, in cases of sickness, maternity and accident during the period of a stay in a developing country, be covered by private insurance ;

- (c) Entitlement to health care extended to volunteer development workers on secondment or covered by voluntary insurance and to members of their families should be maintained so as to cover a prescribed period following return to the sending State, unless those concerned are covered during that period as residents or unemployed persons.

(4) During their preparatory period spent under contract in the sending country, volunteer development workers should, if necessary, be treated as employees for application of the legislation or practice of the sending country, for the purposes of determining entitlement to health care in cases of sickness and accident, unless they are in any event covered as residents. Members of their families should also be covered during and in respect of such periods.

- (5) In order to be eligible for cover against unemployment on their return, volunteer development workers and members of their families who have also worked as volunteer development workers and who, if necessary, have made contributions for the period referred to in point 4 above should be able to claim the periods spent in carrying out that activity as periods of insurance or employment.
- B. Within a period of two years of the adoption of this recommendation, Member States will provide the Commission with the necessary information to enable it to draw up a report for the Council on progress achieved and obstacles encountered in the provision of social protection for volunteer development workers and, if appropriate, to propose any other measures required to achieve common objectives.

Done at Luxembourg, 13 June 1985.

For the Council

The President

G. DE MICHELIS

COMMISSION

COMMISSION DECISION

of 20 June 1985

on precautionary measures with regard to the buying in of cereals in Greece,
Italy and certain regions of France

(Only the French, Greek and Italian texts are authentic)

(85/309/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Articles 5
and 155 thereof,

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⁾,

Whereas the Council has not, to date, adopted the
prices for the 1985/86 marketing year, in accordance
with Article 3 (1) of Regulation (EEC) No 2727/75 ;
whereas the Commission, in compliance with the tasks
entrusted to it by the Treaty, is obliged to adopt the
precautionary measures essential to ensure continuity
of operation of the common agricultural policy in the
cereals sector ; whereas these measures are taken as a
precaution and without prejudice to the Council's
price decisions for the 1985/86 marketing year ;

Whereas Article 3 (3) of Regulation (EEC) No 2727/75
lays down that, in order not to handicap the producers
of early crops in certain southern areas in relation to
producers in other areas of the Community, the inter-
vention prices fixed for the new marketing year begin-
ning on 1 August shall apply from 16 May in Greece
for barley and from 1 June for the other cereals in that
country, and for all cereals in Italy and in certain
administrative regions in the south of France ;

Whereas the retention, even on a provisional basis, of
the intervention prices paid during the 1984/85
marketing year would definitely involve the threat of
very heavy sales of cereals from the new crop to inter-
vention in the abovementioned areas of the Commu-
nity in the light of the possible reduction in the prices
that will be adopted for the new marketing year ;
whereas, in order to avoid the management of the
cereals sector being disrupted, the buying-in prices
fixed for the 1984/85 marketing year should be
reduced as a precautionary and interim measure ;

Whereas Article 3a of Regulation (EEC) No 2727/75
provides for a compulsory reduction in the target and
intervention prices where the average actual produc-
tion of the three most recent marketing years exceeds
the guarantee thresholds set ; whereas an automatic
reduction of the prices in accordance with the provi-
sions of that Article, on the basis of the amount by
which the said thresholds were exceeded, would lead
to a price reduction that would be excessive as a
precautionary measure ; whereas, accordingly, in the
light of the positions adopted in the Council and in
line with the Commission's amended proposal, this
reduction should be limited to 1,8 % ; whereas such a
reduction leaves open the possibility of a later adjust-
ment in the event that the prices are fixed at a higher
level ; whereas such a reduction should not be applied
for durum wheat, since the guarantee threshold for this
product has not been exceeded ; whereas the price
arrangements applied during the 1984/85 marketing
year should be retained for the purpose of implemen-
ting Article 3 (3) of Regulation (EEC) No 2727/75 in
respect of this last-mentioned product,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

HAS ADOPTED THIS DECISION :

Article 1

1. For cereals other than durum wheat that are harvested and sent to intervention before 1 August 1985 in Greece, in Italy and in France in the administrative regions of Aquitaine, Midi-Pyrénées, Languedoc-Roussillon, Provence, Alpes, Côte d'Azur and Corsica, the intervention agencies concerned shall apply the intervention prices fixed by Council Regulation (EEC) No 1019/84 ⁽¹⁾ for the 1984/85 marketing year and applicable for the first month of that year, less 1,8 %.

2. For durum wheat that is harvested and sent to intervention in the areas referred to in paragraph 1 before 1 July 1985, the intervention agencies concerned shall apply the intervention price fixed by Regulation (EEC) No 1019/84 for the 1984/85 marketing year and applicable for the first month of that year.

3. The prices fixed in accordance with paragraphs 1 and 2 shall be adjusted on the basis of the premiums and penalties provided for by Commission Regulation (EEC) No 1570/77 ⁽²⁾.

4. The buying-in price fixed in accordance with paragraphs 1, 2 and 3 shall be applied without prejudice to the decisions to be adopted by the Council in accordance with Article 3 of Regulation (EEC) No 2727/75.

Article 2

This Decision is addressed to the Hellenic Republic, the French Republic and the Italian Republic.

Done at Brussels, 20 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 107, 19. 4. 1984, p. 4.

⁽²⁾ OJ No L 174, 14. 7. 1977, p. 18.

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