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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 1932/85****of 8 July 1985****amending Regulation (EEC) No 2744/75 with regard to products falling within subheading 23.02 A of the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to the proposal from the Commis-
sion ⁽³⁾,

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice ⁽⁴⁾, as
last amended by Regulation (EEC) No 1027/84 ⁽⁵⁾, laid
down the components to be used for calculating the
levy applicable to imports of cereal brans, with special
provisions as from the 1982/83 marketing year;

Whereas the temporary provisions currently in force as
a result of the general situation of the cereals market
have served to stabilize bran imports; whereas they
should therefore continue to be applied for the
1985/86 marketing year;

Whereas Regulation (EEC) No 2744/75 should there-
fore be amended to this end,

HAS ADOPTED THIS REGULATION:

Article 1

The coefficients and fixed components applicable to
the products falling within subheading 23.02 A of the
Common Customs Tariff in accordance with Annex I
to Regulation (EEC) No 2744/75 are hereby amended
as follows for the 1985/86 marketing year:

CCT heading No	Description	Basic product	Coefficients	Fixed components (ECU/tonne)
23.02	Bran, sharps and other residues derived from the sifting, milling or working of cereals or of leguminous vegetables:			
	A. Of cereals:			
	I. Of maize or rice:			
	a) With a starch content not exceeding 35 % by weight	Common wheat	0,14	6
		Barley	0,14	
		Maize	0,14	
	b) Other	Common wheat	0,30	6
		Barley	0,30	
		Maize	0,30	

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No C 67, 14. 3. 1985, p. 8.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

CCT heading No	Description	Basic product	Coefficients	Fixed components (ECU/tonne)
23.02 (cont'd)	II. Of other cereals : a) Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight b) Other			
		Common wheat	0,14	6
		Barley	0,14	
		Maize	0,14	
		Common wheat	0,30	6
		Barley	0,30	
		Maize	0,30	

Article 2

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

It shall apply from 1 August 1985.

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

Done at Brussels, 8 July 1985.

For the Council

The President

J. SANTER

COMMISSION REGULATION (EEC) No 1933/85

of 12 July 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 the 1985/86 marketing year for durum wheat begins on 1 July 1985; whereas the Council has not, to date, adopted the prices for this marketing year in respect of this product; 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 as regards durum wheat;

Whereas, in order to ensure continuity of operation of the import arrangements for durum wheat and for durum wheat groats and meal, a price equal to the threshold price fixed for the 1984/85 marketing year and applicable as from 1 July 1984 should be taken into account in calculating the levies, namely 352,67

ECU per tonne for durum wheat, and 547,09 ECU per tonne for durum wheat groats and meal; whereas these prices shall be adjusted as from 1 August 1985 by the same amounts as the monthly increments fixed by Regulation (EEC) No 1020/84⁽⁶⁾;

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⁽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 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 11 July 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 13 July 1985.

⁽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 107, 19. 4. 1984, p. 6.

⁽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, 12 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 12 July 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	122,24
10.01 B II	Durum wheat	138,10 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	118,81 ⁽⁶⁾
10.03	Barley	107,79
10.04	Oats	90,26
10.05 B	Maize, other than hybrid maize for sowing	95,19 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	83,90 ⁽⁴⁾
10.07 C	Grain sorghum	124,76 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	186,96
11.01 B	Rye flour	182,16
11.02 A I a)	Durum wheat groats and meal	227,06
11.02 A I b)	Common wheat groats and meal	199,57

⁽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 1934/85
of 12 July 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
11 July 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 13 July 1985.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESSEN

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 12 July 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 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	1,27	1,27	6,32
10.02	Rye	0	0	0	0
10.03	Barley	0	1,31	1,31	1,31
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	3,16	3,16	6,76
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	1,20
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 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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	2,33	2,33	2,33	2,33
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	1,74	1,74	1,74	1,74
11.07 B	Roasted malt	0	2,03	2,03	2,03	2,03

COMMISSION REGULATION (EEC) No 1935/85
of 12 July 1985
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

consists in adding together the various components defined in those Articles;

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 14 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 1300/85 ⁽⁴⁾;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1985/86 milk year by Council Regulation (EEC) No 1301/85 of 23 May 1985 ⁽⁵⁾;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 11 of that Regulation respectively; whereas this method

Whereas Commission Regulation (EEC) No 1073/68 of 24 July 1968 laying down detailed rules for determining free-at-frontier prices and for fixing levies in respect of milk and milk products ⁽⁶⁾, provides that the component of the levy fixed by means of a coefficient expressing the weight ratio between the milk powder contained in the product and the product itself is, for the products falling within subheading 04.02 B I b), calculated by multiplying the basic amount by the quantity of milk powder contained in the product; whereas the same applies to products falling within subheading 04.02 B II b) as regards the component of the levy fixed by means of a coefficient expressing the weight ratio between the milk components contained in the product and the product itself;

Whereas the basic amount must be equal to one hundredth part of the levy set out for each product in the second subparagraph of Article 9 (1) and the second subparagraph of Article 9 (2) of Regulation (EEC) No 1073/68;

Whereas Annex II to Regulation (EEC) No 2915/79 listed certain products of Group 11 originating in and consigned from certain non-member countries; whereas the levy applicable to these products is set out in Annex I to Regulation (EEC) No 1767/82 ⁽⁷⁾, as last amended by Regulation (EEC) No 1821/85 ⁽⁸⁾;

Whereas Commission Regulation (EEC) No 3700/81 of 23 December 1981 ⁽⁹⁾ laid down detailed interim rules in respect of the cheese agreements with Austria and Finland;

Whereas, within the tariff quotas referred to in Annex I to Regulation (EEC) No 1767/82, the levy on 100 kilograms of a product of Group 10 or 11 or falling within subheadings 04.04 E I b) 1 and b) 2 shall be the amount fixed in that Annex;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 5.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 137, 27. 5. 1985, p. 7.

⁽⁵⁾ OJ No L 137, 27. 5. 1985, p. 8.

⁽⁶⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽⁷⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁸⁾ OJ No L 172, 2. 7. 1985, p. 6.

⁽⁹⁾ OJ No L 369, 24. 12. 1981, p. 33.

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components :

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community ;

Whereas Article 14 (3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding ;

Whereas Regulation (EEC) No 1073/68 provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79 ; whereas these prices must be determined for products of good marketable quality ;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 (a) 2 and (b) to (g) of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products ; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets ;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market ;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality ; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product ; whereas

adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question ; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account ;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields ;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends ;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight ; whereas they may be altered in the intervening period if necessary ; whereas the levy remains valid until another becomes applicable ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾,

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14(1) of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 1985.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 12 July 1985 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.01 A I a)	0110	27,30
04.01 A I b)	0120	24,89
04.01 A II a) 1	0130	24,89
04.01 A II a) 2	0140	30,46
04.01 A II b) 1	0150	23,68
04.01 A II b) 2	0160	29,25
04.01 B I	0200	60,94
04.01 B II	0300	128,90
04.01 B III	0400	199,21
04.02 A I	0500	18,01
04.02 A II a) 1	0620	124,37
04.02 A II a) 2	0720	170,48
04.02 A II a) 3	0820	172,90
04.02 A II a) 4	0920	242,81
04.02 A II b) 1	1020	117,12
04.02 A II b) 2	1120	163,23
04.02 A II b) 3	1220	165,65
04.02 A II b) 4	1320	235,56
04.02 A III a) 1	1420	27,57
04.02 A III a) 2	1520	37,22
04.02 A III b) 1	1620	128,90
04.02 A III b) 2	1720	199,21
04.02 B I a)	1820	36,27
04.02 B I b) 1 aa)	2220	per kg 1,1712 ⁽⁴⁾
04.02 B I b) 1 bb)	2320	per kg 1,6323 ⁽⁴⁾
04.02 B I b) 1 cc)	2420	per kg 2,3556 ⁽⁴⁾
04.02 B I b) 2 aa)	2520	per kg 1,1712 ⁽⁵⁾
04.02 B I b) 2 bb)	2620	per kg 1,6323 ⁽⁵⁾
04.02 B I b) 2 cc)	2720	per kg 2,3556 ⁽⁵⁾
04.02 B II a)	2820	52,91
04.02 B II b) 1	2910	per kg 1,2890 ⁽⁵⁾
04.02 B II b) 2	3010	per kg 1,9921 ⁽⁵⁾
04.03 A	3110	234,37
04.03 B	3210	285,93
04.04 A	3300	182,02 ⁽⁶⁾
04.04 B	3900	219,40 ⁽⁷⁾
04.04 C	4000	162,97 ⁽⁸⁾
04.04 D I a)	4410	168,72 ⁽⁹⁾
04.04 D I b)	4510	177,02 ⁽⁹⁾
04.04 D II	4610	273,74
04.04 E I a)	4710	219,40
04.04 E I b) 1	4800	186,94 ⁽¹⁰⁾

<i>(ECU/100 kg net weight, unless otherwise indicated)</i>		
CCT heading No	Code	Import levy
04.04 E I b) 2	5000	181,14 ⁽¹¹⁾
04.04 E I c) 1	5210	135,86
04.04 E I c) 2	5250	277,86
04.04 E II a)	5310	219,40
04.04 E II b)	5410	277,86
17.02 A II	5500	41,80 ⁽¹²⁾
21.07 F I	5600	41,80
23.07 B I a) 3	5700	90,26
23.07 B I a) 4	5800	117,20
23.07 B I b) 3	5900	109,23
23.07 B I c) 3	6000	88,79
23.07 B II	6100	117,20

- (¹) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria.
- (²) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (³) In calculating the fat content the weight of any added sugar shall be disregarded.
- (⁴) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
 - (b) 7,25 ECU ; and
 - (c) 23,82 ECU.
- (⁵) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ; and
 - (b) 23,82 ECU.
- (⁶) The levy is limited to :
- 18,13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
 - 9,07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (⁷) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (⁸) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (⁹) The levy is limited to 36,27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (¹⁰) The levy per 100 kg net weight is limited to :
- 12,09 ECU for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
 - 15,00 ECU for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (¹¹) The levy is limited to :
- 77,70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
 - 50 ECU for products listed under (o) and (p) of that Annex imported from Austria,
 - 101,88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
 - 65,61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Yugoslavia and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey, Cyprus or Yugoslavia,
 - 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria, for products listed under (s) of that Annex imported from Finland and for products listed under (r) of that Annex imported from Norway,
 - 18,13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland,
 - 15,00 ECU for products listed under (f) of that Annex imported from Australia and New Zealand.
- (¹²) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (¹³) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and sub-headings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
-

COMMISSION REGULATION (EEC) No 1936/85**of 12 July 1985****on the sale by special tendering procedure of boned beef and veal held by certain intervention agencies**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Article 1

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 7 (3) thereof,

Whereas the Danish, German, Irish and United Kingdom intervention agencies are holding stocks of boned intervention meat ; whereas an extension of the period of storage for the meat should be avoided on account of the ensuing high costs ; whereas, in consequence, it is advisable to make use of the periodic tendering procedure provided for by Commission Regulation (EEC) No 2326/79 ⁽²⁾ ;

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

1. The sale shall take place of approximately :
 - 500 tonnes of boned beef and veal held by the Danish intervention agency and put into store before 1 October 1984,
 - 2 000 tonnes of boned beef and veal held by the German intervention agency and put into store before 1 September 1984,
 - 1 800 tonnes of boned beef and veal held by the Irish intervention agency and put into store before 1 May 1984,
 - 1 000 tonnes of boned beef and veal held by the United Kingdom intervention agency and put into store before 1 October 1984.
2. The sale shall take place by means of a tendering procedure, in accordance with Regulation (EEC) No 2326/79.
3. Only those tenders may be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 2 September 1985.

Article 2

This Regulation shall enter into force on 15 July 1985.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 266, 24. 10. 1979, p. 6.

COMMISSION REGULATION (EEC) No 1937/85

of 12 July 1985

on the sale at a price fixed in advance of certain boned beef held by certain intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 7 (3) thereof,

Whereas the possibility of permanent intervention in beef and veal has led to the build-up of considerable stocks in the Community; whereas some of the intervention purchases have been stored in the form of boned meat in order to improve the intervention system in accordance with Commission Regulation (EEC) No 2226/78 ⁽²⁾, as last amended by Regulation (EEC) No 1362/85 ⁽³⁾;

Whereas Article 2 (1) of Council Regulation (EEC) No 98/69 ⁽⁴⁾, as amended by Regulation (EEC) No 429/77 ⁽⁵⁾, provides that the selling prices of frozen beef and veal bought in by the intervention agencies may be fixed in advance; whereas it is appropriate to make use of this system of selling;

Whereas it is important to comply with the provisions of Commission Regulation (EEC) No 2173/79 ⁽⁶⁾ with regard to selling at a price fixed in advance;

Whereas Council Regulation (EEC) No 1055/77 ⁽⁷⁾ provides that, in the case of products held by an intervention agency and stored outside the territory of the Member State within whose jurisdiction that agency falls, a selling price different from that for products stored on that territory may be fixed; whereas Commission Regulation (EEC) No 1805/77 ⁽⁸⁾ laid down the method of calculating the selling prices for those products; whereas, in order to avoid any confusion, it should be made clear that the prices fixed by this Regulation do not apply as they stand to those products;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 15 July to 30 August 1985, the sale shall take place of approximately:

- 634 tonnes of boned beef held by the United Kingdom intervention agency and put into store before 1 January 1984,
- 412 tonnes of boned beef and veal held by the Irish intervention agency and put into store before 1 August 1983.

The qualities and prices of this meat are given in Annex I.

2. During the period 15 July to 30 August 1985, the sale shall take place of approximately:

- 1 000 tonnes of boned beef held by the Danish intervention agency and put into store before 1 October 1984,
- 2 500 tonnes of boned beef held by the German intervention agency and put into store before 1 September 1984,
- 1 640 tonnes of boned beef and veal held by the Irish intervention agency and put into store before 1 May 1984,
- 1 000 tonnes of boned beef held by the United Kingdom intervention agency and put into store before 1 October 1984.

The qualities and prices of this meat are given in Annex II.

3. The intervention agencies shall sell first the meat which has been in storage longest.

4. Sales shall take place in accordance with the provisions of Regulation (EEC) No 2173/79, and in particular Articles 2 to 5 thereof.

5. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex III.

Article 2

This Regulation shall enter into force on 15 July 1985.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽³⁾ OJ No L 139, 27. 5. 1985, p. 2.

⁽⁴⁾ OJ No L 14, 21. 1. 1969, p. 2.

⁽⁵⁾ OJ No L 61, 5. 3. 1977, p. 18.

⁽⁶⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁷⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽⁸⁾ OJ No L 198, 5. 8. 1977, p. 19.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

*BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I —
BIJLAGE I*

Salgspriser i ECU/ton ⁽¹⁾ ⁽²⁾ — Verkaufspreise, ausgedrückt in ECU/Tonne ⁽¹⁾ ⁽²⁾ — Τιμές πωλήσεως εκφραζόμενες σε ECU ανά τόνο ⁽¹⁾ ⁽²⁾ — Selling prices expressed in ECU per tonne ⁽¹⁾ ⁽²⁾ — Prix de vente exprimés en Écus par tonne ⁽¹⁾ ⁽²⁾ — Prezzi di vendita espressi in ECU per tonnellata ⁽¹⁾ ⁽²⁾ — Verkooprijzen uitgedrukt in Ecu per ton ⁽¹⁾ ⁽²⁾

1. IRELAND

Steers 1, 2

Forequarters (excluding cube rolls)	2 550
Plates and flanks	1 800
Thin flanks	1 800
Briskets	2 400
Plates	1 800
Shins and shanks	2 500
Shins	2 500

2. UNITED KINGDOM

Foreribs	3 600
Ponies	2 600
Hindquarter skirts	1 800
Striploin flank edges	1 800
Thick ribs	1 800
Chucks	1 800

⁽¹⁾ I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

⁽¹⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽¹⁾ Στην περίπτωση που τα προϊόντα είναι αποθεματοποιημένα εκτός του κράτους μέλους στο οποίο υπάγεται ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

⁽¹⁾ In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.

⁽¹⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽¹⁾ Qualora i prodotti siano immagazzinati fuori dello stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

⁽¹⁾ Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

⁽²⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽²⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽²⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽²⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽²⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽²⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.

⁽²⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

*BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II*

Salgspriser i ECU/ton ⁽¹⁾ ⁽²⁾ — Verkaufspreise, ausgedrückt in ECU/Tonne ⁽¹⁾ ⁽²⁾ — Τιμές
πωλήσεως εκφραζόμενες σε ECU ανά τόνο ⁽¹⁾ ⁽²⁾ — Selling prices expressed in ECU per
tonne ⁽¹⁾ ⁽²⁾ — Prix de vente exprimés en Écus par tonne ⁽¹⁾ ⁽²⁾ — Prezzi di vendita espressi in
ECU per tonnellata ⁽¹⁾ ⁽²⁾ — Verkoopprijzen uitgedrukt in Ecu per ton ⁽¹⁾ ⁽²⁾

1. DANMARK	<i>Ungtyre 1. kvalitet Tyre under 2 år</i>	<i>Stude 1. kvalitet</i>
Mørbrad med bimørbrad	9 800	9 300
Filet med entrecôte og tyndsteg	5 775	5 550
Inderlår med kappe	4 650	4 400
Tykstegsfilet med kappe	3 500	3 300
Klump med kappe	3 500	3 300
Yderlår med lårtunge	3 750	3 550
Skank og muskel sammenhængende	2 650	2 425
Øvrigt kød af forfjerdinger	2 925	2 640
Bryst og slag	2 300	1 875
2. BUNDESREPUBLIK DEUTSCHLAND	<i>Bullen A</i>	<i>Ochsen A</i>
Filet	11 400	10 910
Roastbeef	6 580	6 385
Oberschalen	4 120	4 075
Unterschalen	4 035	3 985
Kugeln	4 000	3 950
Hüften	3 830	3 700
Kniekehlfleisch	3 050	3 010
Dünnung	2 055	2 055
Hesse	2 600	2 480
3. IRELAND		<i>Steers 1, 2</i>
Fillets		10 210
Striploins		7 065
Insides		3 980
Outsides		3 760
Knuckles		3 645
Rumps		4 185
Cube rolls		5 745
Forequarters (excluding cube rolls)		2 575
Plates and flanks		1 900
Thin flanks		1 900
Briskets		2 605
Plates		1 900
Shins and shanks		2 600
Shins		2 600
Shanks		2 600
4. UNITED KINGDOM		<i>Steers</i>
Fillets		10 800
Striploins		6 750
Topsides		4 180
Silversides		4 050
Thick flanks		3 475
Rumps		4 305
Thin flanks		1 950
Flanks (plate)		1 950
Shins and shanks		2 800
Pony parts		2 325
Clod and sticking		2 500
Brisket		2 450

- (1) I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.
- (1) Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.
- (1) Στην περίπτωση που τα προϊόντα είναι αποθεματοποιημένα εκτός του κράτους μέλους στο οποίο υπάγεται ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.
- (1) In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.
- (1) Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.
- (1) Qualora i prodotti siano immagazzinati fuori dello stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.
- (1) Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.
- (2) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.
- (2) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.
- (2) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.
- (2) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.
- (2) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.
- (2) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.
- (2) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

*BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III —
ALLEGATO III — BIJLAGE III*

Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus

- DANMARK :** Direktoratet for markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
Tel. (01) 92 70 00, telex 151 37 DK
- BUNDESREPUBLIK
DEUTSCHLAND :** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (06 9) 1 56 40 App. 7 72/7 73, Telex : 411 156
- IRELAND :** Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- UNITED KINGDOM :** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berks.
Tel. (0734) 58 36 26
Telex 848 302
-

COMMISSION REGULATION (EEC) No 1938/85

of 12 July 1985

on the sale at prices fixed at a standard rate in advance of certain beef from intervention stocks for processing in the Community and repealing Regulation (EEC) No 1380/85

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽²⁾, as last amended by Regulation (EEC) No 1297/85 ⁽³⁾,

Whereas the application of intervention measures in respect of beef has created large stocks in certain Member States;

Whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made subject to the rules laid down by Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, should also be governed by the rules laid down by Commission Regulation (EEC) No 1687/76 ⁽⁵⁾, as last amended by Regulation (EEC) No 1708/85 ⁽⁶⁾, and by those laid down by Commission Regulation (EEC) No 2182/77 ⁽⁷⁾, as last amended by Regulation (EEC) No 1560/84 ⁽⁸⁾, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Council Regulation (EEC) No 1055/77 ⁽⁹⁾ provides that, in the case of products stored by an intervention agency outside the territory of the Member State within whose jurisdiction it falls, a different selling price from that for products stored on that territory may be fixed; whereas Commission Regulation (EEC) No 1805/77 ⁽¹⁰⁾ fixed the method for

calculating the selling prices for such products; whereas, to avoid all confusion, it should be expressly stated that the prices fixed by this Regulation are subject to adjustment in the case of those products;

Whereas it seems appropriate to waive the second subparagraph of Article 2 (2) of Regulation (EEC) No 2173/79 taking into account the administrative difficulties which the application of this rule raises in certain Member States;

Whereas Commission Regulation (EEC) No 1380/85 ⁽¹¹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 15 July to 30 August 1985, the following approximate quantities of beef products shall be put up for sale for processing within the Community:

- 170 tonnes of bone-in beef held by the Belgian intervention agency and bought in before 1 January 1984,
- 2 000 tonnes of bone-in beef held by the French intervention agency and bought in before 1 January 1984,
- 1 900 tonnes of bone-in beef held by the Irish intervention agency and bought in before 1 October 1983,
- 2 150 tonnes of bone-in beef held by the Italian intervention agency and bought in before 1 January 1984,
- 1 000 tonnes of bone-in beef held by the Dutch intervention agency and bought in before 1 January 1984,
- 1 000 tonnes of boned beef held by the Danish intervention agency and bought in before 1 October 1984,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽³⁾ OJ No L 137, 27. 5. 1985, p. 1.

⁽⁴⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁵⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁶⁾ OJ No L 163, 22. 6. 1985, p. 40.

⁽⁷⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ No L 150, 6. 6. 1984, p. 11.

⁽⁹⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽¹⁰⁾ OJ No L 198, 5. 8. 1977, p. 19.

⁽¹¹⁾ OJ No L 136, 25. 5. 1985, p. 14.

- 830 tonnes of boned beef held by the German intervention agency and bought in before 1 January 1984,
- 1 900 tonnes of boned beef held by the Irish intervention agency and bought in before 1 May 1984,
- 1 250 tonnes of boned beef held by the United Kingdom intervention agency and bought in before 1 October 1984.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The prices, quality and quantities of this meat are set out in Annex I hereto.

4. The sales shall be conducted in accordance with Regulation (EEC) No 2173/79 together with Regulations (EEC) No 1687/76, (EEC) No 2182/77 and this Regulation.

5. Notwithstanding the second subparagraph of Article 2 (2) of Regulation (EEC) No 2173/79, purchase applications shall not name the coldstore or stores where the products applied for are stored.

6. Information concerning the quantities available and the places where the products are stored may be obtained by prospective purchasers from the addresses listed in Annex II hereto.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, applications to purchase :

(a) shall be valid only if presented by a natural or legal person who for at least 12 months has been engaged in the processing of products containing beef and who is entered in a public register of a Member State ;

(b) must be accompanied by :

- a written undertaking by the applicant to process the meat purchased within the period referred to in Article 5 (1) of Regulation (EEC) No 2182/77,

- a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

The security provided for in Article 4 (1) of Regulation (EEC) No 2182/77 shall be :

- 30 ECU per 100 kilograms for unboned fore-quarters intended for the manufacture of the products specified in Article 1 (1) (a) of Regulation (EEC) No 2182/77,
- 15 ECU per 100 kilograms for unboned fore-quarters intended for the manufacture of the products specified in Article 1 (1) (b) of Regulation (EEC) No 2182/77,
- 75 ECU per 100 kilograms for boned meats intended for the manufacture of the products specified in Article 1 (1) (a) of Regulation (EEC) No 2182/77,
- 65 ECU per 100 kilograms for boned meats intended for the manufacture of the products specified in Article 1 (1) (b) of Regulation (EEC) No 2182/77.

Article 4

Regulation (EEC) No 1380/85 is hereby repealed.

Article 5

This Regulation shall enter into force on 15 July 1985.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat	Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten	Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton)	Salgspris (ECU/100 kg) ⁽¹⁾ Verkaufspreise (ECU/100 kg) ⁽¹⁾ Τιμές πώλησεως (ECU/100 kg) ⁽¹⁾ Selling prices (ECU/100 kg) ⁽¹⁾ Prix de vente (Écus/100 kg) ⁽¹⁾ Prezzi di vendita (ECU/100 kg) ⁽¹⁾ Verkoopprijzen (Ecu/100 kg) ⁽¹⁾
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a) Ikke-udbenet kød — Fleisch mit Knochen — Κρέας μη αποστεωμένο — Unboned beef — Viande avec os — Carni con osso — Vlees met been

			A	B
Belgique/België	— <i>Quartiers avant, découpe droite à 8 côtes, provenant des :</i> — <i>Voorvoeten, recht afgesneden op 8 ribben, afkomstig van :</i> Bœufs 55 % / Ossen 55 %	162	125,00	135,00
France	— <i>Quartiers avant, découpe à 5 côtes, le caparaçon faisant partie du quartier avant, provenant des :</i> Bœufs U, R, O	2 000	135,00	145,00
Ireland	— <i>Forequarters, straight cut at 10th rib from :</i> Steers 1 and 2	1 877	145,00	155,00
Italia	— <i>Quarti anteriori, taglio a 8 costole, il pancettone fa parte del quarto anteriore, provenienti dai :</i> Vitelloni 1 Vitelloni 2 — <i>Quarti anteriori, taglio a 5 costole, il pancettone fa parte del quarto anteriore, provenienti dai :</i> Vitelloni 2	708 1 420 22	125,00 118,00 113,00	135,00 128,00 123,00
Nederland	— <i>Voorvoeten, recht afgesneden op 8 ribben, afkomstig van :</i> Stieren, 1e kwaliteit	1 000	135,00	145,00

b) Udbenet kød⁽²⁾ — Fleisch ohne Knochen⁽²⁾ — Αποστεωμένο κρέας⁽²⁾ — Boned beef⁽²⁾ — Viande désossée⁽²⁾ — Carni senza osso⁽²⁾ — Vlees zonder been⁽²⁾

Bundesrepublik Deutschland	— <i>Dünnung, stammend von :</i> Bullen A — <i>Dünnung, stammend von :</i> Ochsen A	430 400	170,00 170,00	180,00 180,00
Danmark	— <i>Ungtyre, 1. kvalitet, tyre under 2 år :</i> Bryst og slag Øvrigt kød, forfjerdinger	400 600	170,00 230,00	180,00 240,00
Ireland	— <i>From steers 1 and 2 :</i> Forequarters (excluding cube rolls) Plates and flanks Flanks Shins and shanks Shins Shanks Plate	700 250 600 20 30 150 150	230,00 170,00 170,00 205,00 205,00 205,00 170,00	240,00 180,00 180,00 215,00 215,00 215,00 180,00
United Kingdom	— <i>From steers :</i> Briskets Thin flanks Pony parts Ponies Clod and sticking Flanks (plates)	200 150 50 500 200 150	200,00 170,00 200,00 225,00 220,00 170,00	210,00 180,00 210,00 235,00 230,00 180,00

- (1) I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.
- (1) Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.
- (1) Σε περίπτωση που η αποθεματοποίηση των προϊόντων αυτών πραγματοποιείται εκτός του κράτους μέλους στο οποίο υπάγεται ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.
- (1) In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.
- (1) Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.
- (1) Qualora i prodotti siano immagazzinati fuori dello stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.
- (1) Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.
- (2) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.
- (2) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.
- (2) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.
- (2) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.
- (2) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.
- (2) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.
- (2) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.
- A. Finder anvendelse på kød bestemt til konserverfremstilling i henhold til artikel 1, stk. 1, litra a), i forordning (EØF) nr. 2182/77.
- A. Anwendbar für zur Herstellung von Konserven gemäß Artikel 1 Absatz 1 Buchstabe a) der Verordnung (EWG) Nr. 2182/77 bestimmtes Fleisch.
- A. Εφαρμόζεται στα κρέατα που προορίζονται για την παρασκευή κονσερβών όπως καθορίζονται στο άρθρο 1 παράγραφος 1 στοιχείο α) του κανονισμού (ΕΟΚ) αριθ. 2182/77.
- A. Applicable to meat intended for the manufacture of preserves as specified in Article 1 (1) (a) of Regulation (EEC) No 2182/77.
- A. Applicables aux viandes destinées à la fabrication des conserves visées à l'article 1^{er} paragraphe 1 point a) du règlement (CEE) n° 2182/77.
- A. Applicabili alle carni destinate alla fabbricazione delle conserve di cui all'articolo 1, paragrafo 1, lettera a), del regolamento (CEE) n. 2182/77.
- A. Van toepassing op vlees dat is bestemd voor de vervaardiging van de in artikel 1, lid 1, sub a), van Verordening (EEG) nr. 2182/77 bedoelde conserven.
- B. Finder anvendelse på kød bestemt til fremstilling af produkter i henhold til artikel 1, stk. 1, litra b), i forordning (EØF) nr. 2182/77.
- B. Anwendbar für zur Herstellung von Erzeugnissen gemäß Artikel 1 Absatz 1 Buchstabe b) der Verordnung (EWG) Nr. 2182/77 bestimmtes Fleisch.
- B. Εφαρμόζεται στα κρέατα που προορίζονται για την παρασκευή προϊόντων όπως καθορίζονται στο άρθρο 1 παράγραφος 1 στοιχείο β) του κανονισμού (ΕΟΚ) αριθ. 2182/77.
- B. Applicable to meat intended for the manufacture of products as specified in Article 1 (1) (b) of Regulation (EEC) No 2182/77.
- B. Applicables aux viandes destinées à la fabrication des produits visés à l'article 1^{er} paragraphe 1 point b) du règlement (CEE) n° 2182/77.
- B. Applicabili alle carni destinate alla fabbricazione dei prodotti di cui all'articolo 1, paragrafo 1, lettera b), del regolamento (CEE) n. 2182/77.
- B. Van toepassing op vlees dat is bestemd voor de vervaardiging van de in artikel 1, lid 1, sub b), van Verordening (EEG) nr. 2182/77 bedoelde produkten.

*BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II*

Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus

BELGIQUE/BELGIË :	Office belge de l'économie et de l'agriculture rue de Trèves 82 1040 Bruxelles Tél. 02/230 17 40, télex 240 76 OBEA BRU B	Belgische Dienst voor Bedrijfs- leven en Landbouw Trierstraat 82 1040 Brussel
BUNDESREPUBLIK DEUTSCHLAND :	Bundesanstalt für landwirtschaftliche Marktordnung (BALM) Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse) Postfach 180 107 — Adickesallee 40 D-6000 Frankfurt am Main 18 Tel. (06 9) 1 56 40 App. 772/702, Telex : 04 11 56	
FRANCE :	OFIVAL Tour Montparnasse 33, avenue du Maine 75755 Paris Cedex 15 Tél. 538 84 00, télex 26 06 43	
IRELAND :	Department of Agriculture Agriculture House Kildare Street Dublin 2 Tel. (01) 78 90 11, ext. 22 78 Telex 4280 and 5118	
ITALIA :	Azienda di stato per gli interventi nel mercato agricolo (AIMA) Roma, via Palestro 81 Tel. 49 57 283 — 49 59 261 Telex 613003	
UNITED KINGDOM :	Intervention Board for Agricultural Produce Fountain House 2 Queens Walk Reading RG1 7QW Berks. Tel. (0734) 58 36 26 Telex 848 302	
DANMARK :	Direktoratet for markedtsordningerne EF-Direktoratet Frederiksborggade 18 DK-1360 København K Tel. (01) 92 70 00, telex 151 37 DK	
NEDERLAND :	Voedselvoorzienings in- en verkoopbureau Ministerie van Landbouw en Visserij Postbus 960 6430 AZ Hoensbroek Tel. (045) 22 20 20 Telex : 56 396	

COMMISSION REGULATION (EEC) No 1939/85

of 12 July 1985

on the sale at a price fixed at a standard rate in advance of boned beef held by the intervention agencies of Denmark, France, Ireland and the United Kingdom and intended for export

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 7 (3) thereof,

Whereas the intervention agencies of Denmark, France, Ireland and the United Kingdom hold substantial stocks of boned intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain non-member countries for the products in question;

Whereas it is appropriate therefore to offer this meat for sale at a price fixed at a standard rate in advance in accordance with Commission Regulation (EEC) No 985/81 ⁽²⁾;

Whereas Council Regulation (EEC) No 1055/77 ⁽³⁾ provides that, in the case of products held by an intervention agency and stored outside the territory of the Member State within whose jurisdiction that agency falls, a selling price different from that for products stored on that territory may be fixed; whereas Commission Regulation (EEC) No 1805/77 ⁽⁴⁾ laid down the method of calculating the selling price for those products; whereas, in order to avoid any confusion, it should be made clear that the prices fixed by this Regulation do not apply as they stand to those products;

Whereas it is necessary to provide for the lodging of a security sufficiently high to guarantee the export of this beef;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas Commission Regulations (EEC) No 1348/85 ⁽⁵⁾ and (EEC) No 1802/85 ⁽⁶⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The sale shall take place of approximately:
 - (a) 5 500 tonnes of boned beef held by the French intervention agency;
 - (b) 3 400 tonnes of boned beef held by the Irish intervention agency;
 - (c) 2 000 tonnes of boned beef held by the Danish intervention agency;
 - (d) 900 tonnes of boned beef held by the intervention agency of the United Kingdom.

This meat is for export.

The sale shall take place in accordance with the provisions of Regulation (EEC) No 985/81.

2. The qualities and the selling price of the products are given in Annex I hereto.

3. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The security provided for in Article 3 of Regulation (EEC) No 985/81 is hereby fixed at 270 ECU per 100 kilograms.

Article 3

No export refund shall be granted in respect of cuts referred to under 2b and 3b of Annex I and sold pursuant to this Regulation.

Article 4

Regulations (EEC) No 1348/85 and (EEC) No 1802/85 are hereby repealed.

Article 5

This Regulation shall enter into force on 15 July 1985.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽³⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽⁴⁾ OJ No L 198, 5. 8. 1977, p. 19.

⁽⁵⁾ OJ No L 135, 24. 5. 1985, p. 9.

⁽⁶⁾ OJ No L 169, 29. 6. 1985, p. 65.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

Salgspriser i ECU/ton ⁽¹⁾ ⁽²⁾ — Verkaufspreise, ausgedrückt in ECU/Tonne ⁽¹⁾ ⁽²⁾ — Τιμές πωλήσεως εκφραζόμενες σε ECU ανά τόνο ⁽¹⁾ ⁽²⁾ — Selling prices expressed in ECU per tonne ⁽¹⁾ ⁽²⁾ — Prix de vente exprimés en Écus par tonne ⁽¹⁾ ⁽²⁾ — Prezzi di vendita espressi in ECU per tonnellata ⁽¹⁾ ⁽²⁾ — Verkoopprijzen uitgedrukt in Ecu per ton ⁽¹⁾ ⁽²⁾

1. FRANCE

Filet	7 350
Faux filet	3 750
Tende de tranche	3 550
Tranche grasse	3 250
Rumsteak	3 050
Bavette	3 050
Entrecôte	3 450
Boule de macreuse	3 100
Jarret	1 400
Boule de gîte	2 950
Gîte à la noix	3 950

2. IRELAND

a) Fillets	8 550
Striploins	4 750
Insides	2 750
Outsides	2 700
Knuckles	2 650
Rumps	2 800
Cube rolls	4 250
b) Shins and shanks	1 100
Shanks	1 100
Shins	1 100
Plates and flanks	700
Forequarters	1 400
Flanks	700
Plates	700

3. DANMARK

Ungtyre 1
Tyre under
2 år

a) Mørbrad med bimørbrad	7 450	7 350
Filet med entrecôte og tyndsteg	3 650	3 550
Inderlår med kappe	2 750	2 650
Tykstegsfilet med kappe	2 850	2 750
Klump med kappe	2 650	2 550
Yderlår med lårtunge	2 650	2 550
b) Bryst og slag	800	800
Øvrigt kød af forfjerdinger	1 200	1 200

4. UNITED KINGDOM

Fillets	8 450
Striploin	4 550
Topsides	2 850
Silversides	2 750
Thick flanks	2 450
Rumps	2 750

⁽¹⁾ I tilfælde, hvor varerne er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

⁽¹⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽¹⁾ Στην περίπτωση που τα προϊόντα είναι αποθεματοποιημένα εκτός του κράτους μέλους στο οποίο υπάγεται ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

⁽¹⁾ In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.

⁽¹⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽¹⁾ Qualora i prodotti siano immagazzinati fuori dello stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

⁽¹⁾ Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

⁽²⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽²⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽²⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽²⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽²⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽²⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.

⁽²⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

*BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II*

Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus

- DANMARK :** Direktoratet for markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
Tlf. (01) 92 70 00, telex 151 37 DK
- FRANCE :** OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
tél. 538 84 00, télex 26 06 43
- IRELAND :** Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- UNITED KINGDOM :** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berks.
Tel. (0734) 58 36 26
Telex 848 302
-

COMMISSION REGULATION (EEC) No 1940/85

of 12 July 1985

amending Regulation (EEC) No 953/85 amending Regulation (EEC) No 147/85
laying down for the 1984/85 wine year detailed implementing rules for the
distillation referred to in Article 41 of Regulation (EEC) No 337/79

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 337/79
of 5 February 1979 on the common organization of
the market in wine ⁽¹⁾, as last amended by Regulation
(EEC) No 798/85 ⁽²⁾, and in particular Article 41 (7)
thereof,

Whereas Commission Regulation (EEC) No 953/85 ⁽³⁾
amended the detailed implementing rules for the
compulsory distillation operation opened by Commis-
sion Regulation (EEC) No 148/85 ⁽⁴⁾;

Whereas, in order to ensure that these measures are
uniformly applied to all producers, they should be
made applicable from the opening of the distillation
operation ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The following paragraph is hereby added to Article 2
of Regulation (EEC) No 953/85 :

'It shall apply with effect from 19 January 1985.'

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, 12 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 89, 29. 3. 1985, p. 1.

⁽³⁾ OJ No L 102, 12. 4. 1985, p. 19.

⁽⁴⁾ OJ No L 16, 19. 1. 1985, p. 32.

COMMISSION REGULATION (EEC) No 1941/85

of 12 July 1985

amending Regulation (EEC) No 148/85 opening the distillation operation provided for in Article 41 of Regulation (EEC) No 337/79 for the 1984/85 wine-growing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 798/82⁽²⁾, and in particular Article 41 (7) thereof,

Whereas Commission Regulation (EEC) No 148/85⁽³⁾ lays down a tolerance by which the quantity to be delivered for distillation by each producer concerned may be exceeded; whereas experience has shown that the majority of applications for aid or for delivery of distillation products to the intervention agency submitted by the distillers relate to grouped deliveries from several producers; whereas this entails multiple checks that are difficult to carry out; whereas, in order to ensure that the distillation operation is implemented effectively, these formalities should be simplified whilst ensuring that the objective of the measure is respected and that this does not involve any additional expenditure for the EAGGF; whereas it seems desirable, in such cases, to apply the tolerance to the quantity resulting from the grouping of the deliveries;

Whereas the figures that result from the application of the criteria adopted by Greece and approved by the Commission to determine the quantity to be delivered for distillation are slightly different from those fixed in Article 4 (2) of Regulation (EEC) No 148/85; whereas, in line with the continuing concern to ensure effective implementation of the measure, these figures should be adapted to the results of the application of the criteria;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 148/85 is hereby amended as follows:

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 89, 29. 3. 1985, p. 1.

⁽³⁾ OJ No L 16, 19. 1. 1985, p. 32.

1. Article 3 is replaced by the following:

Article 3

1. No lower tolerance shall apply to the quantity to be delivered for distillation by each producer concerned and resulting from the application of the percentage laid down in Article 2 (2) and (3) to the quantities of table wine which he has produced.

2. An upper tolerance of 2 % in relation to the quantity referred to in paragraph 1 shall apply:

- to the sum total of the quantities of table wine delivered by several producers where the application for aid or for delivery of distillation products to the intervention agency submitted by a distiller relates to the quantities of wine that correspond to the obligation of these producers concerned,
- to the quantity delivered by each producer concerned in other cases.

3. No aid shall be payable in respect of quantities of wine in excess of those referred to in paragraph 2.

The quantity of alcohol contained in the product delivered by the distiller to the intervention agency in accordance with the second indent of the first subparagraph of Article 41 (5) of Regulation (EEC) No 337/79 shall not exceed that contained in the quantities of wine delivered in accordance with the limits laid down in paragraph 2.'

2. Article 4 (2) is replaced by the following:

'2. The quantity of table wine referred to in the second subparagraph of Article 6 (2) of Regulation (EEC) No 147/85 shall not be less than 120 000 hectolitres and not more than 160 000 hectolitres.'

Article 2

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

It shall apply with effect from 19 January 1985.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1942/85

of 12 July 1985

amending Regulation (EEC) No 2742/82 on protective measures applicable to imports of dried grapes

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,

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,

Whereas Article 2 (3) of Commission Regulation (EEC) No 2742/82⁽⁵⁾, as last amended by Regulation (EEC) No 1382/85⁽⁶⁾, provides that the minimum price and the countervailing charge shall, after having been converted into national currency, be multiplied by a coefficient;

Whereas that multiplication is made to ensure that the minimum price expressed in national currencies should not lead to distortion of trade;

Whereas the conversion rate of the pound sterling has changed;

Whereas that fact could lead to distortion of trade; whereas to avoid that risk, the coefficient in force for the pound sterling should be adapted,

HAS ADOPTED THIS REGULATION:

Article 1

The coefficient for the pound sterling referred to in Article 2 (3) of Regulation (EEC) No 2742/82 is replaced by 0,941

Article 2

This Regulation shall enter into force on 15 July 1985.

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

Done at Brussels, 12 July 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 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 290, 14. 10. 1982, p. 28.

⁽⁶⁾ OJ No L 136, 25. 5. 1985, p. 20.

COMMISSION REGULATION (EEC) No 1943/85

of 12 July 1985

amending Regulation (EEC) No 95/69 as regards certain marketing standards for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2772/75 of 29 October 1975 on marketing standards for eggs⁽¹⁾, as last amended by Regulation (EEC) No 3341/84⁽²⁾, and in particular Articles 18 (1) and 21 thereof,

Whereas provisions for the implementation of marketing standards for hen eggs in shell were laid down in Commission Regulation (EEC) No 95/69⁽³⁾, as last amended by the Act of Accession of Greece; whereas those provisions should be supplemented in accordance with the recent amendment to Regulation (EEC) No 2772/75;

Whereas Article 18 (1) of Regulation (EEC) No 2772/75 requires that additional provisions be laid down concerning the conditions under which the recommended sell-by date may be indicated on small packs; whereas it seems appropriate to relate that date to the quality criteria for eggs;

Whereas Article 21 (c) of Regulation (EEC) No 2772/75 provides that indications concerning the type of farming and the origin of eggs may be used only in accordance with rules determined at Community level;

Whereas, in view of current commercial practice, it seems unnecessary to provide for specific indications for the eggs of laying hens kept in batteries; whereas, however, provision should be made for a limited number of indications for the eggs of hens not raised in batteries so as to avoid confusion amongst consumers as regards the principal non-battery production system; whereas detailed rules should be laid down for ensuring the correct use of such indications and for monitoring such use;

Whereas the indications concerning the origin of eggs should refer to the region of production; whereas packing centres which make use of these indications should be obliged to keep detailed records of

purchases and sales of eggs by origin in order to enable effective monitoring to be carried out;

Whereas, in order to ensure uniform application of the provisions of Article 21 (c) of Regulation (EEC) No 2772/75, provision should be made for the continuous exchange of information between Member States and the Commission concerning monitoring;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 95/69 is hereby amended as follows:

1. After Article 9, the following Articles are inserted:

Article 10

The recommended sell-by date mentioned in Article 18 (1) (e) of Regulation (EEC) No 2772/75 is an indication of the last date eggs should be offered for sale to the consumer, after which there remains a reasonable storage period in the home. It shall be fixed in such a way that grade A eggs will retain the characteristics described in Article 7 of that Regulation until the end of that storage period when properly stored. The indication must be worded in such a way that the meaning of this date is clear.

Article 11

1. Small packs containing grade A eggs may carry one of the following terms, as appropriate, to indicate the type of farming as referred to in Article 21 (c) of Regulation (EEC) No 2772/75:

(a) "Æg fra fritgående høns",

"Eier aus Freilandhaltung",

"Αυγά ορνίθων από εκτροφή σε ελεύθερο χώρο δόσκησης",

"Free range eggs",

"Œufs de poules élevées en plein air — système extensif",

"Uova di allevamento all'aperto — sistema estensivo",

"Eieren van hennen met vrije uitloop — extensief systeem";

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 56.

⁽²⁾ OJ No L 312, 30. 11. 1984, p. 7.

⁽³⁾ OJ No L 13, 18. 1. 1969, p. 13.

- (b) "Æg fra fritgående høns — intensivt system",
 "Eier aus intensiver Auslaufhaltung",
 "Αυγά ορνίθων από εκτροφή σε περιορισμένο χώρο δόσκησης",
 "Semi-intensive eggs",
 "Œufs de poules élevées en plein air",
 "Uova di allevamento all'aperto",
 "Eieren van hennen met vrije uitloop";
- (c) "Skrabeæg",
 "Eier aus Bodenhaltung",
 "Αυγά ορνίθων από εκτροφή εδάφους",
 "Deep litter eggs",
 "Œufs de poules élevées au sol",
 "Uova di galline allevate al suolo",
 "Scharreleieren";
- (d) "Æg fra volierehønselhold",
 "Eier aus Volierenhaltung",
 "Αυγά ορνίθων από εκτροφή σε θάλαμο με κλιμακωτό σκαρωτό δάπεδο",
 "Perchery eggs (Barn eggs)",
 "Œufs de poules élevées en volière",
 "Uova di galline allevate in voliera",
 "Eieren van in volières gehouden hennen".

The terms given in (a), (b), (c) and (d) may be used only for eggs produced in poultry enterprises meeting the criteria set out in the Annex.

2. Packing centres authorized to use the terms referred to in paragraph 1 (a), (b), (c) and (d) shall be subject to special registration in accordance with Article 2. They shall keep a separate record, by type of farming:

- of the names and addresses of the producers of such eggs, who shall be registered following an inspection by the competent authority of the Member State,
- at the request of this authority the number of laying hens kept by each producer.

The said producers shall subsequently be inspected regularly. They shall keep current records of the number of laying hens by type of poultry system, showing also the number of eggs produced and delivered and the names of the purchasers.

3. Each Member State shall provide the other Member State and the Commission with a list of the packing centres in its territory thus registered, showing their names and addresses and the code

number allotted to each centre. Any alteration to that list shall be communicated to the other Member States and to the Commission at the beginning of each quarter of the calendar year.

4. Eggs as referred to in paragraph 1 (a), (b), (c) and (d) shall be delivered to packing centres in containers bearing one of the terms mentioned in paragraph 1 (a), (b), (c) or (d) in one or more Community languages. Deliveries shall be identified by name and address of producer, type, number or weight of eggs and date of delivery, and up-to-date records thereof shall be kept at the packing centre.

5. Eggs as referred to in paragraph 1 (a), (b), (c) or (d) shall be graded and packed only on days indicated at least one working day in advance to the competent authority of the Member State. During storage, grading and packing they shall be clearly separated from any other eggs.

6. Packing centres as referred to in paragraph 2 shall keep separate records of sales of small packs marked in accordance with paragraph 1 (a), (b), (c) or (d), including name and address of buyer, number of packs, number and/or weight of eggs sold by grade of weight and date of delivery. Instead of keeping records, they may however, keep files of invoices or delivery notes marked as indicated in 1 (a), (b), (c) or (d).

7. Large packs containing small packs marked in accordance with paragraph 1 (a), (b), (c) or (d) shall bear one of the following indications:

"FREE RANGE EGGS"

"SEMI-INTENSIVE EGGS"

"DEEP LITTER EGGS"

"PERCHERY EGGS (BARN EGGS)".

8. The forms of wording referred to in paragraphs 1 and 7 shall be affixed at least in the language or languages of the Member State in which retailing or any other use takes place.

9. These provisions shall apply without prejudice to national technical measures going beyond the minimum requirements given in the Annex, which are applicable only to producers of the Member State concerned, provided that they are compatible with Community law and are in conformity with the common marketing standards for eggs.

10. The national measures referred to in paragraph 8 shall be communicated to the Commission in accordance with Article 30 of Regulation (EEC) No 2772/75.

11. At any time and at the request of the Commission, Member States shall provide all the information necessary for assessing the compatibility of the measures referred to in this Article with Community law and their conformity with the common marketing standards for eggs.

Article 12

1. In order to indicate the origin of eggs on small packs in accordance with Article 21 (c) of Regulation (EEC) No 2772/75, terms may be used which refer to the Member State and/or to an administrative or other region, defined by the competent authority of the Member State in which the eggs were produced.

2. Packing centres which make use of the terms referred to in paragraph 1 shall keep a detailed record of deliveries by origin, showing name and address of the producer, number or weight of eggs and date of delivery. The producer shall keep current records of the number of laying hens, showing also the number of eggs produced and delivered.

3. Packing centres as referred to in paragraph 2 shall keep separate records of sales of small packs marked with the terms referred to in paragraph 1, including name and address of buyer, number of packs, number or weight of eggs sold and date of delivery.

Instead of keeping records, they may however keep files of invoices or delivery notes marked as indicated in paragraph 1.

4. Large packs containing small packs marked with the terms referred to in paragraph 1 shall bear the same terms.

Article 13

1. Each Member State shall report to the other Member States and to the Commission:

- the monitoring methods applied for the implementation of this Regulation,
- annually, before 1 April, the average number of laying hens present ⁽¹⁾, the number or weight of eggs delivered as recorded in accordance with Article 11 (2) and (4) as well as the number or weight of eggs sold, as recorded in accordance with Article 11 (6), in the previous calendar year.

2. The checks carried out in the Member States shall be discussed, on a regular basis, in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 2771/75.

(¹) Average number of laying hens present =
$$\frac{\text{number of hens placed} \times \text{laying weeks}}{52}$$

2. Articles 10 to 16 are renumbered 14 to 20.

3. The Annex to this Regulation is added.

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, 12 July 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

ANNEX

Minimum criteria to be met by poultry enterprises producing eggs as referred to in Article 11 (1) (a), (b), (c) and (d)

- (a) Eggs in small packs bearing the words "Free range eggs" must be produced in poultry enterprises in which :
- hens have continuous daytime access to open-air runs,
 - the ground to which hens have access is mainly covered with vegetation,
 - the maximum stocking density is not greater than 1 000 hens per hectare of ground available to the hens or one hen per 10 m²,
 - the interior of the building must satisfy the conditions specified in (c) or (d).
- (b) Eggs in small packs bearing the words "Semi-intensive eggs" must be produced in poultry enterprises in which :
- hens have continuous daytime access to open-air runs,
 - the ground to which hens have access is mainly covered with vegetation,
 - the maximum stocking density is not greater than 4 000 hens per hectare of ground available to the hens or one hen per 2,5 m²,
 - the interior of the building must satisfy the conditions specified in (c) or (d).
- (c) Eggs in small packs bearing the words "Deep litter eggs" must be produced in poultry enterprises in which :
- the maximum stocking density is not greater than seven hens per square metre of floor space available to the hens,
 - at least a third of this floor area is covered with a litter material such as straw, wood shavings, sand or turf,
 - a sufficiently large part of the floor area available to the hens is used for the collection of bird droppings.
- (d) Eggs in small packs bearing the words "Perchery eggs" (Barn eggs) must be produced in poultry enterprises in which :
- the maximum stocking density is not greater than 25 hens per square metre of floor space in that part of the building available to the hens,
 - the interior of the building is fitted with perches of a length sufficient to ensure at least 15 cm of perch space for each hen.
-

COMMISSION REGULATION (EEC) No 1944/85

of 12 July 1985

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of cherries originating in Turkey

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 Commission Regulation (EEC) No 1768/85 of 27 June 1985⁽³⁾ introduced a countervailing charge on cherries originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas for this product originating in Turkey there were no prices for six consecutive working days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled

and the countervailing charge on imports of cherries originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁴⁾, as amended by Regulation (EEC) No 1555/84⁽⁵⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1768/85 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 July 1985.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 168, 28. 6. 1985, p. 24.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 1945/85

of 12 July 1985

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 1312/85⁽²⁾,

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

Whereas the United Kingdom is the only country
which grants the variable slaughter premium, in region
5, within the meaning of Article 3 (5) of Regulation
(EEC) No 1837/80; whereas it is necessary therefore
for the Commission to fix, for the week beginning 17
June 1985, the level of the premium and the amount
to be charged on products leaving that region;

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

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

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

(EEC) No 1633/84 that the variable slaughter premium
for sheep certified as eligible in the United Kingdom,
and the amounts to be charged on products leaving
region 5 of the aforesaid Member State during the
week beginning 17 June 1985, shall be set out in the
Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

For products referred to in Article 1 (a) and (c) of
Regulation (EEC) No 1837/80 which left the territory
of region 5 during the week beginning 17 June 1985,
the amounts to be charged shall be equivalent to those
fixed in Annex II hereto.

Article 3

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

It shall apply with effect from 17 June 1985.

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

Done at Brussels, 12 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 22.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 17 June 1985

Description	Premium
Certified sheep or sheepmeat	76,393 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

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

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
17 June 1985

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	35,905
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	76,393
	2. Short forequarters	53,475
	3. Chines and/or best ends	84,032
	4. Legs	99,311
	5. Other :	
	aa) Unboned (bone-in)	99,311
	bb) Boned or boneless	139,035
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	57,295
	2. Short forequarters	40,107
	3. Chines and/or best ends	63,025
	4. Legs	74,484
	5. Other :	
	aa) Unboned (bone-in)	74,484
	bb) Boned or boneless	104,277
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	99,311
	2. Boned or boneless	139,035
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	— unboned (bone-in)	99,311
	— boned or boneless	139,035

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 April 1985

on the German Government's proposal to grant an aid in favour of a producer of polyamide yarn situated in Neumünster

(Only the German text is authentic)

(85/343/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice to the parties concerned to submit their comments as provided for in the said Article 93, and having regard to those comments,

Whereas :

I

By letter dated 5 November 1984, the Government of the Federal Republic of Germany notified the Commission, pursuant to Article 93 (3) of the EEC Treaty, of its intention to grant financial assistance to a producer of polyamide filament yarn and polyamide staple and carpet yarn situated in Neumünster.

The aid would be granted under the Law relating to investment subsidies (Investitionszulagengesetz) and would amount to DM 4,5 million, that is 10 % of the total investment to be undertaken by the company in question.

Following an initial scrutiny, the Commission considered that the proposed aid would not help to restructure the production facility in question within the meaning of the Commission's synthetic fibre and yarn aid code of 1977 as extended in 1979, 1981 and 1983 as the assistance would neither lead to a decrease

in capacity nor a conversion away from synthetic fibres and yarns.

As the projected investment concerned only the modernization of the production facility and because in the notification of 5 November 1984 the German Government itself referred to the aid as being for the purpose of replacing certain machines which had been installed during the 1960s, the Commission also considered that the aid would equally not meet the conditions set by the 1971 and 1977 Community guidelines for aid to the textile, clothing and man-made fibre industry under which only restructuring efforts qualify for aid.

Finally, the Commission considered that in a situation where the other Community synthetic fibre and yarn producers continued to undertake great efforts to adapt to the present market situation by considerably reducing capacities, the aid in question would not promote a development which from the Community point of view would be adequate to counteract its trade-distorting effects and that the aid — by favouring the undertaking in question in a sector where there is a high volume of trade and where competition is very keen — would be liable to affect trade between Member States and would, thus, be incompatible with the common market.

Therefore, the Commission took the view that the aid did not meet the conditions necessary to benefit from one of the exceptions laid down in Article 92 and initiated the procedure provided for in the first subparagraph of Article 93 (2) of the EEC Treaty.

By letter of 18 December 1984, it gave the German Government notice to submit its comments.

II

The German Government, in submitting its comments under the procedure provided for in Article 93 (2) by letter of 13 February 1985, pointed out that only about 50 % of the projected investment concerned polyamide yarn, while the rest related to texturization, polyester, general services, production process technique and utilisation technique for textile purposes. It also declared that in polyamide production a continuous process would be installed which would have considerable rationalization effects and that the capacity would not increase beyond 35 000 tonnes, which it stated to be the present production capacity. Equally, the market share of the firm in Western Europe would remain unchanged at 1,4 % and the projected investment would maintain and secure 1 210 permanent jobs.

The German Government also pointed out that the normal administrative procedure under the Investitionszulagengesetz would rule out the granting of an aid for pure replacement purposes. Therefore, it concluded that the proposed aid would be in line with the synthetic fibre and yarn aid code.

In commenting under the same procedure, three other Member States, one federation of firms in the sector and four individual companies, supported the Commission's view and expressed great concern about the proposed support measure. In these comments it was stressed that the sector in question still suffered from serious problems of overcapacity and depressed prices and that in such a situation the aid would be liable to distort competition in the Community by giving an unfair advantage to the potential beneficiary.

III

There is a high volume of trade in polyamide filament yarn and staple and carpet yarn with 66 % of total Community production being traded within the Community. The company in question, which, in contrast to the German Government's claim, has a market share of 4,1 % in filament yarn and of 5,1 % in staple and carpet yarn in the Community, participates very actively in this intra-Community trade by shipping 69 % of its production output of these products to other Member States.

There is substantial overcapacity in polyamide yarn in the EEC as — despite a recent cyclical upswing resulting primarily from lower imports from the USA because of the higher value of the dollar and which must also be seen in the light of very low shipment levels in previous years — the geographical shift in production shares continues in favour of the Third

World and as the general shift from polyamide towards polyester also persists. As a result, there is heavy competition amongst polyamide producers in the Community, most of which continue to lose money in polyamide production as prices are very depressed. Polyamide belongs to the group of products which is subject to industry agreements under which capacities are to be reduced.

When State financial aid strengthens the position of an undertaking compared with other undertakings competing in intra-Community trade the latter must be regarded as affected by that aid. In this case, the proposed aid, which would reduce the investment costs which the firm situated in Neumünster, Germany, would normally have to bear, is liable to affect trade and distort or threaten to distort competition between Member States by favouring the said enterprise within the meaning of Article 92 (1) of the EEC Treaty. Article 92 (1) lays down the principle that aid having the features there described is incompatible with the common market.

The exceptions from this principle set out in Article 92 (2) are not applicable in this case because of the character of the proposed aid and as the Law under which the aid is to be granted is not intended for such a purpose.

Article 92 (3) sets out which aids may be considered to be compatible with the common market. Compatibility with the Treaty must be determined in the context of the Community and not of a single Member State. In order to safeguard the proper functioning of the common market and taking into account the principles of Article 3 (f) of the EEC Treaty, the exceptions from the principle laid down in Article 92 (1) as set out in Article 92 (3) must be construed narrowly when an aid scheme or any individual award is scrutinized.

In particular, they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aids, would not induce the prospective aid recipient to adopt a course of action contributing to attainment of one of the said objectives.

To apply the exceptions to cases not contributing to such an objective or where an aid is not necessary to that end would be to give unfair advantages to certain Member States' industries or undertakings, the financial positions of which would merely be bolstered, and allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest within the meaning of Article 92 (3).

The German Government has been unable to give, or the Commission to discover, any justification for a finding that the planned aid falls within one of the categories of exceptions in Article 92 (3).

In synthetic fibres and yarns in general and particularly in polyamide filament yarn and polyamide staple and carpet yarn there is a high level of trade between Member States and competition is very keen, because of persistent and uncontested overcapacities and depressed prices as documented above. For these reasons, synthetic fibres and yarns including polyamide, are subject to the synthetic fibre discipline introduced by the Commission in 1977 and notified to the Member States by letter of 19 July 1977 and published in the Bulletin of the European Communities of July/August 1977 (point 1.5.3) and of November 1977 (point 2.1.47), and extended in 1979, 1981 and 1983.

In its letter of 8 August 1983 by which it extended the system of control of aids for a further two-year period ending 19 July 1985, the Commission pointed out to Member States that it would express an unfavourable a priori opinion with regard to proposed aids, be they sectoral, regional or general, which had the effect of increasing the net production capacity of companies in this sector. It also reminded Member States that it would continue to give sympathetic consideration to proposals to grant aid for the purpose of speeding up or facilitating the process of conversion away from synthetic fibres into other activities or restructuring leading to reductions in capacity.

All aids to the synthetic fibre sector do not only have to meet the conditions of the synthetic fibre discipline but are also subject to the 1971 and 1977 Commission guidelines for aids to the textile industry, under which the granting of aids to investment must be linked to the achievement of clear restructuring objectives as opposed to a simple modernization of production facilities.

The projected investment in this case, however, concerns the installation of a continuous process instead of the currently-employed 'high-speed' process, which is divided into two separate stages. This continuous technique replaced the old process several years ago and most polyamide producers already use it, so that the project in question is no more than a normal modernization of an out-of-date plant in order to remain competitive. It cannot be described as restructuring and therefore should be carried out using the financial resources of the undertaking without the use of State aid.

Furthermore, the Commission has always been opposed in principle to operating aids and has considered that particularly in textiles, clothing and synthetic fibres and yarn investment made by an enterprise for the purpose of keeping it in business or maintaining its level of business without affecting any basic change does not qualify for assistance.

While explaining in its comments under the Article 93 (2) procedure the normal administrative procedures under the Investitionszulagengesetz in order to avoid aids in favour of replacement investments, the German Government has not presented any evidence from which it would be clear that aids in favour of normal modernization and rationalization and in favour of investments in order to adapt to modern technical standards, which have developed since the installment of the plant to be replaced, can be avoided.

In 1979, when examining the Investitionszulagengesetz, the Law under which the aid in question is to be granted, the Commission requested from the German Government that the criteria adopted for promoting rationalization investment should be amended in order to rule out any granting of operating aids. In 1981 the Commission reiterated its objections in respect of these criteria since they could still not ensure that only basic rationalization investment and not replacement investment would qualify for aid.

In addition, the German Government in its notification of 5 November 1984 explicitly referred to the investment proposed as replacement investment.

In respect of the German Government's claim that only about 50 % of the projected investment concerned polyamide, it has to be noted that the 'texturization' processing stage cannot logically be separated from the actual production of the yarn as it is only after texturizing — which in most firms is a fully integrated production stage — that most yarns are sold on the market for the purpose of textile utilization. Equally, the projects proposed in the fields of general services of the firm in question, production process technique and utilization technique for textile purposes, are part of a synthetic fibre and yarn producer's normal strategy for remaining in business, and are necessary to maintain a company's competitive position in the market place, particularly in areas of continuous and relatively rapidly changing product characteristics such as fibres and yarns.

There is therefore nothing peculiar to the investment projects in question which would justify the Commission in exempting the proposed aid in favour of these investments from the rules set by the synthetic fibres and yarn aid code under which such aids are to be avoided.

Nor can the remainder of the aid proposed in favour of polyester be exempted from the rules of the aid code, as polyester is also a product covered by this discipline and the German Government has been unable to give any justification for a finding that the proposed aid for polyester would be in line with the conditions set by this aid code.

The German Government indicated in its comments under the procedure that the proposed investment would not increase the existing production capacity of the firm, which is stated to be 35 000 tonnes. However, the company itself, for the purpose of the synthetic fibre and yarn producers' agreement to jointly reduce capacities, authorized by the Commission in 1984, has declared several times, most recently in December 1984, that it has a total production capacity of 28 500 tonnes. Only this difference of 6 500 tonnes which would imply an increase of capacity under the investment project in question, would explain why the company, by installing the continuous production process, can rationalize and improve productivity as claimed while at the same time maintaining and securing all its present 1 210 permanent jobs.

The German Government points to the market share of 1,4 % of the potential beneficiary. This figure, however, is calculated on the basis of total man-made fibre and yarn production in Western Europe, takes into account all synthetic and cellulosic products for textile and non-textile utilization and, therefore, is misleading.

In the sector of polyamide filament yarn and staple and carpet yarn the share of the firm in total Community production stands at 4,1 % and 5,1 % respectively. As a result, the negative impact an aid in favour of these products would have on trade is much more significant than claimed.

Finally, the potential beneficiary is a subsidiary of the foremost industrial group in Germany, with diversified interests in many sectors, which is partly State-owned and whose financial strength is considerable, so that market forces are sufficient in themselves to secure normal development and the investment envisaged without State intervention.

In view of the above and with regard to the exception provided for in Article 92 (3) (c) of the EEC Treaty in favour of 'aid to facilitate the development of certain economic activities', it must be observed that the proposed aid, by artificially lowering the modernization and rationalization costs of the undertaking in question, would weaken the competitive position of other producers in the Community and would therefore have the effect of further reducing capacity utilization and depressing prices, to the detriment of and possible withdrawal from the market of producers

which have hitherto survived owing to restructuring, productivity and quality improvements undertaken from their own resources. Thus the proposed aid, which would favour the undertaking in question, the market position of which would no longer be solely determined by its own efficiency, merits and powers, cannot be considered as 'facilitating the development' or contributing to a development which from the Community point of view would be adequate to counteract the trade distorting effects of the aid.

With regard to the exceptions provided for in Article 92 3 (a) and (c) of the EEC Treaty relating to aids intended to promote or facilitate the development of certain areas, it must be observed that the standard of living in the Neumünster area is not abnormally low nor is there serious under-employment within the meaning of the exception in Article 92 (3) (a). In addition, the sectoral effects of regional aids to the industry in question in this case need to be controlled even for the most underdeveloped areas, to which Neumünster does not even belong, which is why the Commission must exercise its analysis of the economic and social situation in the framework of the Community interest which in this sector is to reduce capacities. In the situation the industry concerned is currently in and likely to remain in the foreseeable future, the investment which is proposed to be aided does not restructure the production plant and, thus, is not likely to make it financially and economically viable and would not secure the jobs currently provided.

Therefore, the proposed aid would not promote the economic development of the Neumünster area within the meaning of Article 92 (3) (c), as it would not bring to the area any lasting increase in income or reduction in unemployment, but would be likely to distort competition in intra-Community trade without making the necessary compensatory contribution to regional development.

As regards the exemption provided for in Article 92 (3) (b) of the EEC Treaty, it is evident that the aid in question is not intended to promote the execution of an important project of common European interest, or to remedy a serious disturbance in the German economy. Although the economy of Germany faces social and economic difficulties, these are not the most serious in the Community. In this situation the danger of an escalation of State aids is most immediate and any State aid is most likely to affect trade between Member States.

Consequently, the aid proposal in question does not meet the conditions which must be fulfilled in order for exceptions in Article 92 (2) and (3) of the EEC Treaty to apply,

HAS ADOPTED THIS DECISION :

Article 1

The Federal Republic of Germany shall not implement its proposal, notified to the Commission by letter of 5 November 1984 and supplemented by letter of 13 February 1985 in the course of the procedure under Article 93 (2) to grant an aid of DM 4,5 million to a producer of polyamide yarn situated in Neumünster.

Article 2

The Federal Republic of Germany shall inform the Commission within two months of the date of notification of this Decision of the measures taken to comply herewith.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 2 April 1985.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 28 June 1985

determining the world market price for peas and field beans

(85/344/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2036/82 of 19 July 1982 adopting general rules concerning special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1734/84 ⁽²⁾, and in particular Article 2 (1) thereof,

Whereas under Regulation (EEC) No 2036/82, the world market price for peas and field beans, as referred to in Article 3 (2) of Council Regulation (EEC) No 1431/82 ⁽³⁾, as last amended by Regulation (EEC) No 1032/84 ⁽⁴⁾, is to be determined on the basis of offers made on the world market, disregarding those which cannot be considered representative of actual market trends; whereas in cases where no offer can be used for determining the world market price, this price is determined from prices recorded on the markets of the principal exporting countries; whereas in cases where no offer price can be used for determining the world market price, this price is fixed at a level equal to the guide price for the products in question;

Whereas under Commission Regulation (EEC) No 2049/82 ⁽⁵⁾, as amended by Regulation (EEC) No 574/83 ⁽⁶⁾, and under Regulation (EEC) No 2036/82 and Council Regulation (EEC) No 1033/84 ⁽⁷⁾, the average world market price should be established per 100 kilograms of products in bulk, delivered at Rotterdam, of sound quality; whereas, for the purpose of establishing this price, only the most favourable offers should be used relating to deliveries closest in distance, excluding those relating to products being transported by ship;

Whereas for offers and prices which do not comply with the conditions laid down above, the necessary adjustments should be made, and in particular those referred to in Article 5 of Regulation (EEC) No 2049/82;

Whereas the world market price may be amended during the intervening period if the factors taken into consideration at the time of its fixing undergo a significant change;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Dried Fodder,

HAS ADOPTED THIS DECISION:

Article 1

The world market price referred to in Article 2 of Regulation (EEC) No 2036/82 shall be 27,07 ECU per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽²⁾ OJ No L 164, 22. 6. 1984, p. 3.

⁽³⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 39.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽⁶⁾ OJ No L 69, 15. 3. 1983, p. 7.

⁽⁷⁾ OJ No L 107, 19. 4. 1984, p. 41.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1686/85 of 20 June 1985 amending Regulation (EEC) No 3714/84 laying down detailed rules for the granting of aid for the use of partly skimmed milk and partly skimmed milk powder in feedingstuffs

(Official Journal of the European Communities No L 162 of 21 June 1985)

Page 14, Article 1, point 2, third line :

for: 'production in aid ...',

read: 'reduction in aid ...'.
