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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 847/86**of 24 March 1986****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 the Act of Accession of Spain and Portugal,

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 3793/85⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, 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 Commission Regulation (EEC) No 720/86⁽⁴⁾ 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- 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 21 March 1986;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 720/86 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 25 March 1986.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 65, 7. 3. 1986, p. 31.

ANNEX

to the Commission Regulation of 24 March 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	167,18
10.01 B II	Durum wheat	15,06	215,98 ⁽¹⁾ ⁽²⁾
10.02	Rye	35,50	151,49 ⁽³⁾
10.03	Barley	30,24	153,91
10.04	Oats	71,14	138,29
10.05 B	Maize, other than hybrid maize for sowing	—	147,04 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	30,24	76,80 ⁽⁴⁾
10.07 C	Grain sorghum	—	154,47 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	—	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	—	248,89
11.01 B	Rye flour	64,67	227,41
11.02 A I a)	Durum wheat groats and meal	37,01	348,04
11.02 A I b)	Common wheat groats and meal	—	266,62

⁽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 848/86

of 24 March 1986

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 the Act of Accession of Spain and Portugal,

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 3793/85⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, 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 Commission Regulation (EEC) No 2160/85⁽⁴⁾ 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 corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— 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 21 March 1986;

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 Annexes 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 Annexes hereto.

Article 2

This Regulation shall enter into force on 25 March 1986.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1985, p. 11.

ANNEX I

to the Commission Regulation of 24 March 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from Portugal

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 3	1st period 4	2nd period 5	3rd period 6
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

ANNEX II

to the Commission Regulation of 24 March 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 3	1st period 4	2nd period 5	3rd period 6
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	2,14	2,14	2,14
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1,62	1,62	0,64
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	3,81	3,81	3,81	3,81
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	2,85	2,85	2,85	2,85
11.07 B	Roasted malt	0	3,32	3,32	3,32	3,32

COMMISSION REGULATION (EEC) No 849/86

of 24 March 1986

re-establishing the levying duties on footwear with outer soles of leather or composition leather footwear (other than footwear falling within heading 64.01) with outer soles of rubber or artificial plastic material falling within subheading 64.02 B originating in the Philippines to which the preferential arrangements set out in Council Regulation (EEC) No 3599/85 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3599/85 of 17 December 1985 applying generalized tariff preferences for 1986 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III, other than those in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I; whereas as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of footwear with outer soles of leather or composition leather footwear (other than footwear falling within heading 64.01) with outer soles of rubber or artificial plastic material falling within subheading 64.02 B the individual ceiling was fixed at 2 300 000 ECU; whereas, on 19 March 1986, imports of these products into the Community, originating in the Philippines reached that ceiling after being charged theragainst;

Whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against the Philippines,

HAS ADOPTED THIS REGULATION:

Article 1

As from 28 March 1986, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3599/85, shall be re-established on imports into the Community of the following products originating in the Philippines:

CCT heading No	Description
64.02 (64.02-60, 61, 69, 99)	Footwear with outer soles of leather or composition leather, footwear (other than footwear falling within heading 64.01), with outer soles of rubber or artificial plastic material: B. Other

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, 24 March 1986

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 850/86

of 24 March 1986

re-establishing the levying of customs duties on footwear with outer soles of leather or composition leather footwear (other than footwear falling within heading 64.01) with outer soles of rubber or artificial plastic material falling within subheading 64.02 B originating in Thailand to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3599/85 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3599/85 of 17 December 1985 applying generalized tariff preferences for 1986 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III, other than those in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I; whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of footwear with outer soles of leather or composition leather footwear (other than footwear falling within heading 64.01) with outer soles of rubber or artificial plastic material falling within subheading 64.02 B the individual ceiling was fixed at 2 300 000 ECU; whereas, on 19 March 1986, imports of these products into the Community, originating in Thailand reached that ceiling after being charged thereagainst;

Whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 28 March 1986, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3599/85, shall be re-established on imports into the Community of the following products originating in Thailand:

CCT heading No	Description
64.02 (64.02-60, 61, 69, 99)	Footwear with outer soles of leather or composition leather, footwear (other than footwear falling within heading 64.01), with outer soles of rubber or artificial plastic material: B. Other

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, 24 March 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 851/86
of 24 March 1986

**amending Regulation (EEC) No 2923/85 opening a standing invitation to tender
for the export of bread-making wheat held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 3768/85 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 1836/82 ⁽³⁾,
as last amended by Regulation (EEC) No 3826/85 ⁽⁴⁾, lays
down the procedure and conditions for the disposal of
cereals held by intervention agencies;

Whereas on 12 March 1986 Germany notified the
Commission that it wished to amend the Annex to Regu-
lation (EEC) No 2923/85 ⁽⁵⁾, as last amended by Regula-
tion (EEC) No 46/86 ⁽⁶⁾; whereas it is possible to accede
to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2923/85 is replaced by
the Annex hereto.

Article 2

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

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 371, 31. 12. 1985, p. 1.

⁽⁵⁾ OJ No L 280, 22. 10. 1985, p. 22.

⁽⁶⁾ OJ No L 8, 11. 1. 1986, p. 5.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	121 611
Niedersachsen/Bremen	369 839
Nordrhein-Westfalen	317 600
Hessen	74 012
Rheinland-Pfalz	94 938
Saarland	5 054
Baden-Württemberg	48 575
Bayern	219 593

COMMISSION REGULATION (EEC) No 852/86

of 24 March 1986

amending Regulation (EEC) No 3217/85 increasing to 500 000 tonnes the quantity of barley held by the United Kingdom intervention agency for which a standing invitation to tender for export has been opened

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 3793/85⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 3826/85⁽⁴⁾,

Whereas Commission Regulation (EEC) No 3217/85⁽⁵⁾, as last amended by Regulation (EEC) No 304/86⁽⁶⁾ opened a standing invitation to tender for the export of 400 000 tonnes of barley held by the United Kingdom intervention agency; whereas, in a communication of 20 March 1986, the United Kingdom informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the United Kingdom intervention agency for which a standing invitation to tender for export has been opened should be increased to 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 3217/85 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 3217/85 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of barley to be exported to all third countries.
2. The regions in which the 500 000 tonnes of barley are stored are listed in Annex I hereto'.

Article 2

Annex I to Regulation (EEC) No 3217/85 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 371, 31. 12. 1985, p. 1.

⁽⁵⁾ OJ No L 303, 16. 11. 1985, p. 30.

⁽⁶⁾ OJ No L 38, 13. 2. 1986, p. 11.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
North	133 000
Midlands/East	222 000
South	145 000'

COMMISSION REGULATION (EEC) No 853/86**of 24 March 1986****amending Regulation (EEC) No 3228/85 opening a standing invitation to tender
for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 3768/85 ⁽²⁾, and in particular Article 7 ⁽⁵⁾ thereof,

Whereas Commission Regulation (EEC) No 1836/82 ⁽³⁾,
as last amended by Regulation (EEC) No 3826/85 ⁽⁴⁾, lays
down the procedure and conditions for the disposal of
cereals held by intervention agencies;

Whereas on 12 March 1986 Germany notified the
Commission that it wished to amend the Annex to Regu-
lation (EEC) No 3228/85 ⁽⁵⁾, as last amended by Regula-
tion (EEC) No 3572/85 ⁽⁶⁾; whereas it is possible to
accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 3228/85 is replaced by
the Annex hereto.

Article 2

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

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 371, 31. 12. 1985, p. 1.

⁽⁵⁾ OJ No L 307, 19. 11. 1985, p. 7.

⁽⁶⁾ OJ No L 341, 19. 12. 1985, p. 12.

*ANNEX**'ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	147 793
Niedersachsen/Bremen	96 527
Nordrhein-Westfalen	48 358
Rheinland-Pfalz	1 466
Baden-Württemberg	10 162
Bayern	95 333'

COMMISSION REGULATION (EEC) No 854/86**of 24 March 1986****laying down detailed rules for applying compulsory distillation as referred to in
Article 41 of Council 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 3805/85 ⁽²⁾, and in particular Article 41 (9) thereof,

Whereas the distillation operations referred to in Article 41 of Regulation (EEC) No 337/79 must be carried out in accordance with the provisions of Council Regulation (EEC) No 2179/83 of 25 July 1983 laying down general rules for distillation operations involving wine and the by-products of wine-making ⁽³⁾, as amended by Regulation (EEC) No 2687/84 ⁽⁴⁾;

Whereas the criteria required to establish a situation of serious imbalance on the market, triggering off compulsory distillation, should be defined;

Whereas, in order to avoid the risk that compulsory distillation leads to inadequate supplies for the following year, it should be made clear that the need to ensure balance for the following year must be taken into account when the quantity for compulsory distillation is fixed;

Whereas, in order to spread the burden of compulsory distillation equitably throughout the Community, the criteria for delimiting production regions with homogeneous characteristics must be defined;

Whereas, in order to take into account the increase in the amount for compulsory distillation in line with yield per hectare, as provided for in Article 41 (4) of Regulation (EEC) No 337/79, provision should be made for a breakdown of production by region according to yield classes to which percentages of production will be applied to obtain the anticipated quantity for each region;

Whereas, to achieve proper, uniform application of the compulsory distillation measure, the yield to be taken into account and the quantity of wine and products upstream of wine to which the percentage referred to in Article 41 (4) of Regulation (EEC) No 337/79 applies must be made clear; whereas Commission Regulation (EEC) No 2102/84 ⁽⁵⁾, as amended by Regulation (EEC)

No 2391/85 ⁽⁶⁾, requires producers to declare quantities of wine and of products upstream of wine, and the production yield of such quantities;

Whereas the producers to be exempted from compulsory distillation should be defined with a view to bringing down the administrative costs of applying the measure;

Whereas the quantities of table wine obtained by applying the percentages fixed by the Commission to the production of each person subject to the compulsory distillation obligation must be known quickly in order to evaluate the impact of the measure on the market; whereas this may be achieved by requiring each person subject to the compulsory distillation, obligation to report the quantities which he must deliver for distillation, while allowing the competent authorities themselves to calculate as a matter of course the quantities for each producer and to notify producers of their obligations;

Whereas the procedure for checking the characteristics of the wine delivered for distillation provided for in Regulation (EEC) No 2179/83 relates to individual deliveries only and does not settle the problem of deliveries carried out jointly by several producers; whereas the latter situation is likely, however, to be encountered frequently in view of the small quantities to be delivered by certain producers subject to the compulsory distillation obligation; whereas, in consequence, provision should be made, in that case and in view of the varying situations applying in the various Member States, for checks on the characteristics of wines delivered to be carried out in accordance with national provisions;

Whereas the tolerances permitted should be determined so as to facilitate compliance with obligations without entailing unwarranted expenditure for the EAGGF;

Whereas, in order to ensure equal treatment for those subject to the obligation, producers who have disposed of their wine before compulsory distillation is triggered off should be permitted to fulfil their obligations; whereas it is also economically justifiable to allow producers whose wine can be disposed of without difficulty on the market on account of its quality to fulfil the obligation without being required to deliver their own wine; whereas, to achieve this result provisions should be made for producers to deliver, or have delivered, wine of other producers;

Whereas, in the absence of a Community definition of rosé wine and for reasons of clarity, it should be made clear that rosé table wines will be treated in the same way as red table wines on account of the close economic relationship existing between them;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 39.

⁽³⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽⁴⁾ OJ No L 255, 25. 9. 1984, p. 1.

⁽⁵⁾ OJ No L 194, 24. 7. 1984, p. 1.

⁽⁶⁾ OJ No L 225, 23. 8. 1985, p. 13.

Whereas the table wines considered for the purposes of this measure, as being in a close economic relationship with each type of wine should be determined ;

Whereas the risk that products of the distillation of certain wines cause disturbance on the market for wine spirits with a designation of origin should be avoided ; whereas, to this end, pursuant to Article 3 (2) of Regulation (EEC) No 2179/83, it should be laid down that a product with an alcoholic strength of less than 92 % vol may not be obtained by the direct distillation of such wines ;

Whereas certain deadlines must be laid down for completion of the operation by producers and distillers in order to ensure maximum effectiveness of the measure ;

Whereas distillers may, in accordance with Article 41 (5) of Regulation (EEC) No 337/79, either receive aid for the product to be distilled or deliver the product of distillation to the intervention agency ; whereas the amount of aid must be fixed on the basis of the criteria referred to in Article 16 of Regulation (EEC) No 2179/83 when the measure is triggered off ;

Whereas, in accordance with Article 17 of Regulation (EEC) No 2179/83, in order to receive aid, interested parties must submit an application together with certain supporting documents ; whereas, to ensure the uniform functioning of the scheme in Member States, deadlines should be laid down for the submission of applications, for the payment of the aid due to distillers and for the submission of evidence that the purchase price has been paid ;

Whereas the price to be paid by the intervention agencies for the products delivered to them must be fixed on the basis of the criteria referred to in Article 18 (2) of Regulation (EEC) No 2179/83 when the measure is triggered off ;

Whereas the wine which must be delivered for compulsory distillation may be processed into wine fortified for distillation ; whereas the provisions applicable to distillation operations should therefore be adopted, in accordance with rules laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83 ;

Whereas, in order to enable the Commission to gain an overall view of compliance with compulsory distillation obligations, the Member States concerned must keep it regularly informed, on the basis of notifications from distillers, of the progress and results of distillation operations ;

Whereas the production structures and administrative difficulties peculiar to Greece justify the introduction, in that Member State in wine years 1985/86 and 1986/87, of compulsory distillation arrangements which, while enabling a result to be obtained which approaches, in terms of quantity that deriving from the application of

the general arrangements, limit the measure to producers who have an adequate quantity of table wine available, and authorize the Greek Government itself to fix the percentages of table wine production to be delivered for distillation by the producers concerned ; whereas the percentages thus fixed must ensure equal treatment for the parties concerned and must be based on the criteria provided for in Article 41 of Regulation (EEC) No 337/79 ; whereas Greek producers who are not subject to the compulsory distillation obligation may qualify for the measures provided for in Title I of Regulation (EEC) No 337/79 ;

Whereas, pursuant to Article 6 of Regulation (EEC) No 337/79, the reference period for exclusion from intervention measures for producers subject to the obligation who have not made delivery should be determined ; whereas the application of that Article is without prejudice to the obligation on Member States to apply national penalties necessary to ensure in accordance with Article 64 of Regulation (EEC) No 337/79, the strict non-discriminatory application of compulsory distillation ;

Whereas it should be made clear that this Regulation is not applicable in Spain during the 1985/86 wine year or in Portugal before the end of the 1989/1990 wine year ; whereas persons for whom distillation is compulsory should be prohibited from carrying out the distillation or having it carried out in either Spain or Portugal ;

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

For the purposes of (a) and (b) of the second subparagraph of Article 41 (1) of Regulation (EEC) No 337/79 the following definitions shall apply :

(a) availabilities recorded at the beginning of the wine year :

the quantity equal to the sum of the beginning-of-year stocks and production of table wine and wine suitable for yielding table wine, minus :

- the quantity of table wine and wine lees to be distilled under Article 39 (2) of Regulation (EEC) No 337/79 during the wine year,
- the production and trade losses anticipated for the wine year ;

(b) normal utilization for the year :

the quantity of table wine equal to the sum of the quantities scheduled to be, during the wine year :

- used for direct human consumption,
 - processed into products falling within Common Customs Tariff headings Nos 22.06 or 22.10,
 - exported,
- minus the quantity of wine to be imported which is classifiable as table wine.

Article 2

1. The average referred to in (c) of Article 41 (1) of Regulation (EEC) No 337/79 shall be determined by applying the following coefficients to the representative price for each type of table wine:

A I: 25
 A II: 1
 A III: 0,5
 R I: 65
 R II: 8,4
 R III: 0,1

2. The condition laid down in Article 41 (1) (c) of Regulation (EEC) No 337/79 shall be considered to have been satisfied if, between 1 September and 31 December, the average referred to in paragraph 1 remains, for three consecutive weeks, at less than 82 % of the weighted average of the guide prices for each type of table wine to which the coefficients specified in paragraph 1 have been applied. Representative prices and guide prices shall be expressed in ECU per % vol alcohol. To this end, standard alcoholic strengths of 10 % vol for type A II and A III wines and 10,5 % vol for type R III wines shall be applied. If the representative price for a type of table wine is not available, the representative price used for that type of wine shall be the most recent one available.

Article 3

When the total quantity of table wine subject to compulsory distillation is being fixed, account shall be taken of the need to ensure a level of foreseeable end-of-year stocks which will guarantee that the availabilities for the following wine year will in any case be sufficient to cover normal utilization.

Article 4

1. The production regions referred to in Article 41 (3) of Regulation (EEC) No 337/79 shall be designated to take account, on the one hand, of production and climatic conditions and, on the other, of the differences existing between Member States in terms of administrative structure and legal requirements, particularly as regards the internal organization of cooperative wineries and producer groups.

The said regions must coincide with administrative units larger than communes and comprise administrative units on which statistics are available for the reference wine years referred to in the second indent of the second

subparagraph of Article 41 (3) of Regulation (EEC) No 337/79.

2. In respect of the wine years 1985/86 to 1989/90, the production regions referred to in Article 41 (3) of Regulation (EEC) No 337/79 shall be defined as follows:

- Region 1: the German sections of wine-growing zones A and B,
- Region 2: the wine-growing region of Luxembourg,
- Region 3: zone C I (a) and the French section of wine-growing zones B, C II and C III (b),
- Region 4: wine-growing zone C I (b) and the Italian section of wine-growing zones C II and C III (b),
- Region 5: wine-growing zone C III (a) and the Greek section of wine-growing zone C III (b).

3. Average production of table wine and products upstream of table wine in the regions referred to in paragraph 2 in the three consecutive wine years 1981/82, 1982/83 and 1983/84 was as follows:

- Region 1: 1 341 700 hl
- Region 2: 57 300 hl
- Region 3: 40 182 000 hl
- Region 4: 64 163 000 hl
- Region 5: 4 632 000 hl

Article 5

1. On the basis of the notifications from the Member States provided for in the first subparagraph of Article 41 (5) of Regulation (EEC) No 337/79, the table wine production of each region shall be classified according to yield class. The definition of such classes shall take account of the quantity of table wine to be distilled in the region in question and the percentage of table wine production in the region which this quantity represents. The abovementioned classes shall be fixed on the basis of the yield classes, laid down in Regulation (EEC) No 2102/84.

2. Where compulsory distillation is introduced, a rising scale shall be fixed for each region based on the yield classes referred to in paragraph 1. The steps in this scale shall be fixed at levels which ensure that, taking into account the foreseeable exemptions under Article 9, the total volume resulting from applying the scale to the quantities falling within each yield class for a given region corresponds to the volume to be distilled in the said region.

Article 6

1. The volume of a producer's production to which this Regulation applies shall be the sum of the quantities of products upstream of wine (grapes, grape musts, musts in fermentation, new wines still in fermentation, wines suitable for yielding table wine) and of wine entered in the 'Table wines' column of the production declaration, reproduced as Table B of Annex I to Regulation (EEC) No 2102/84.

This volume shall be :

- (a) increased by : — the quantity of wine suitable for yielding table wine entered in the 'Wines and other products' column of the abovementioned production declaration,
- the quantity of table wine made before 15 March from products upstream of wine acquired after the date on which a producer lodged his production declaration ;
- (b) reduced by the quantity of products upstream of wine and the quantity of wine suitable for yielding table wine entered in the 'Wines and other products' column of the production declaration for which a producer provides evidence before 15 March that they have been processed into products other than those entered in the 'Table wines' column of the abovementioned production declaration or that they have been disposed of to a third party before that date.

The evidence referred to in (b) shall consist of the relevant entries in the records referred to in Article 14 of Commission Regulation (EEC) No 1153/75⁽¹⁾. To enable the necessary checks to be carried out, producers disposing of products referred to in (b) after lodging their harvest declaration shall notify the name and address of the acquirer, the quantities involved and the date of disposal to the competent authorities.

2. For each producer who has obtained table wine from the processing and/or downgrading of one of the products entered in the 'Quality wines psr' column of the production declaration, the volume of production to be taken into consideration shall be the sum of all such products used to make that table wine during the period from 1 July preceding the wine year in question to 30 June of that wine year.

3. In the case of a producer who has made table wine from products bought after the final date for lodging his production declaration, the volume of production shall be the total quantity of products employed in vinification before 15 March and entered in the records referred to in Article 14 of Regulation (EEC) No 1153/75.

Article 7

The yield per hectare to be taken into consideration for each producer of table wine shall be the figure given in his grape harvest declaration, as provided for in Regulation (EEC) No 2102/84. Where this declaration is not required the yield shall be that stated on the wine production declaration provided for by that Regulation. In all

cases the yield must include all the grapes produced on the areas worked by the declarant.

However,

- in Member States where a member of a cooperative winery or group is not obliged to submit a harvest declaration, in accordance with Article 1 (2) of Regulation (EEC) No 2102/84, and cooperative wineries or producer groups lodge a single production declaration for all their members, the yield to be taken into consideration shall be that resulting from the weighted average of the yields of each consignment delivered by the members.

This average shall be determined in accordance with the method of calculation set out in the Annex of this Regulation,

- the yield to be taken into consideration for producers who have made table wine by vinification of purchased products shall be that resulting from the weighted average of the yields of each consignment purchased and, where appropriate, the yield of the consignment of his own production.

This average shall be determined in accordance with the method set out in the Annex of this Regulation,

- in the case of a table wine made from grape varieties classified, in respect of the same administrative unit, as both wine grapes and grapes for other uses, the yield to be taken into consideration shall be based on the quantities normally made into wine as referred to in Article 40 (2) of Regulation (EEC) No 337/79,
- where the table wine is obtained from the processing and/or downgrading of one of the products entered in the 'Quality wines psr' column of the production declaration, the yield to be taken into consideration shall be that according to which the quality wine psr in question was obtained. Where the table wine is obtained by processing or downgrading several quality wines psr or a single quality wine psr from several vintages, the yield shall be fixed at a standard rate by the Member State concerned at a level not lower than that recorded for quality wines psr in the area of production in the wine year of distillation.

Article 8

The quantity to be distilled by each producer subject to the obligation shall be calculated by applying to the volume referred to in Article 6 a percentage determined by reference to :

- the yield per hectare relating to the volume of production in question, determined in accordance with Article 7,
- the rising scale established in accordance with Article 5 (2) for the region in which the producer's holding is situated.

⁽¹⁾ OJ No L 113, 1. 5. 1975, p. 1.

Article 9

1. Exemption from the obligation specified in Article 41 of Regulation (EEC) No 337/79 shall be granted to :

- producers who have obtained during the wine year less than 50 hl of table wine, and
- producers who, irrespective of the quantity of table wine obtained during the wine year, are required, after any deductions under the fourth subparagraph of Article 41 (4) of Regulation (EEC) No 337/79, to deliver less than 5 hl of table wine for compulsory distillation.

2. Exemption from the obligation specified in Article 41 of Regulation (EEC) No 337/79 shall be granted to producers in Member States whose total wine production is less than 25 000 hectolitres.

Article 10

1. In each wine year during which the compulsory distillation referred to in Article 41 of Regulation (EEC) No 337/79 is introduced, producers subject to the obligation who have lodged a production declaration as provided for in Regulation (EEC) No 2102/84 shall, in accordance with Article 8, calculate the quantities that they are required to deliver for distillation and shall notify the result to the intervention agency or any other competent authority of the Member State in which their holding is located by 31 March at the latest, except in the case of 1985/86, when such notification shall take place not later than 18 April.

The competent authority shall ascertain whether the quantities in the notification correspond to the quantity which the person making the declaration is required to deliver for distillation.

2. The competent authorities may themselves calculate, in accordance with Article 8, the quantities to be sent for distillation by certain categories of producers and notify them thereof. Such notifications shall be transmitted by 31 March at the latest, except in the case of 1985/86, when such notification shall take place not later than 18 April.

Such notifications may be limited to certain categories of producer provided that the limitation is made on the basis of objective, non-discriminatory criteria.

3. Each producer who has obtained table wine from the processing and/or downgrading of one of the products entered in the 'Quality wines psr' column of the production declaration shall, in accordance with Article 8, calculate the quantities which he must deliver for compulsory distillation.

The producer shall notify the intervention agency or any other competent authority of the Member State on whose territory his holding is located

- not later than 31 March, except in the case of 1985/86, when such notification shall take place not later than 18 April, of the result of the calculation in

respect of the quantities of table wine obtained from 1 July of the previous year to 15 March,

- not later than 15 July, of the result of the calculation in respect of the quantities of table wine obtained from 16 March to 30 June.

4. At the time the notification referred to in this Article is transmitted or received, the producer or, as the case may be, the competent authority shall enter in the registers provided for in Article 53 (2) of Regulation (EEC) No 337/79 the quantities of table wine which must be delivered for distillation.

5. Member States shall compile a summary statement of the figures obtained pursuant to paragraphs 1, 2 and the first indent of paragraph 3 and shall inform the Commission by 15 June of the quantities to be distilled, broken down by the yield classes fixed in accordance with Article 5 (1).

The volumes to be distilled as referred to in the second indent of paragraph 3 shall be notified to the Commission by 15 September.

Article 11

1. Should quantities of wine be transported together to the distillery the wine's characteristics, including quantity, colour and alcoholic strength, shall be verified in accordance with the provisions adopted by the Member States concerned.

2. No downward tolerance shall apply to the quantity to be delivered for distillation by each producer subject to the obligation calculated in accordance with Article 8.

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

- to the sum of the quantities of table wine delivered by several producers subject to the obligation, where the application for aid or the application to deliver distillation products to the intervention agency submitted by a distiller concerns the wines corresponding to those producers' obligations ;
- to the quantity delivered by each producer subject to the obligation in other cases.

Article 12

1. Persons subject to the obligation specified in Article 41 (4) of Regulation (EEC) No 337/79 may deliver both table wine of their own production and table wine obtained from other producers as referred to in the second indent of Article 2 (1) (a) of Regulation (EEC) No 2179/83.

They may also :

- carry out distillation in their own distillation facilities,
- arrange for distillation to be carried out in the facilities of an approved distiller working under contract.

2. The obligation specified in Article 41 of Regulation (EEC) No 337/79 shall be considered to have been satisfied even if the table wine is delivered by another person who himself produced it.

In such cases, the certificate issued by the distiller pursuant to Article 15 of Regulation (EEC) No 2179/83 shall specify, in addition to the name and address of the producer delivering the wine, the name and address of the producer subject to the compulsory distillation requirement.

The second subparagraph of Article 13 (2) of Regulation (EEC) No 2179/83 shall apply only to producers subject to the obligation specified in Article 41 (4) of Regulation (EEC) No 337/79.

3. Member States shall, in particular for the purposes of applying the first subparagraph of paragraph 1 and paragraph 2, take the measures necessary to ensure that the quantities of wine delivered in performance of an obligation are those covered by the said obligation.

However, in cases where the wine has been obtained and delivered for distillation in a Member State other than that of the producer subject to the obligation :

- a certificate issued by the authority in the Member States of the producer subject to the obligation, as referred to in Article 10, and attesting that the quantity in question is that covered by the producer's obligation, must be presented to the distiller. A copy of this certificate must be forwarded to the competent authority of the Member State in which distillation takes place,
- the certificate referred to in Article 15 of Regulation (EEC) No 2179/83 shall be authenticated by the competent authority of the Member State in which distillation takes place,
- a copy of this certificate shall be forwarded by the said authority to the authority referred to in the first indent before 25 October of the following wine year.

4. Deliveries of table wine must be made not later than :

- 31 July if delivery is made to a distillery,
- 15 July if delivery is made to a fortifier of wine for distillation.

Deliveries may be made in the fortnight after the above dates. In that case the purchase price for the quantities concerned shall be reduced by an amount equal to 50 % of the aid fixed for the wine year in question. Both the aid and the price of the alcohol which is produced and delivered to the intervention agency shall be reduced by the same amount.

5. The distillation operations referred to in Article 41 of Regulation (EEC) No 337/79 may not be carried out after 31 August.

However, the distillation of wine delivered pursuant to Article 11 (2) or Article 23 of Regulation (EEC) No

2179/83 may be carried out up to the date fixed by the competent national authority, in accordance with the said Articles.

In the circumstances mentioned in the first paragraph of Article 23 of this Regulation, the competent authorities shall set time limits for distillation as necessary.

Distillers shall forward to the intervention agency, not later than the tenth day of each month in respect of the previous month, a statement of the quantities of table wine distilled and the quantities of products obtained by distillation, broken down according to the categories specified in the first subparagraph of Article 3 (1) of Regulation (EEC) No 2179/83.

Article 13

1. The purchase price provided for in Article 41 (6) of Regulation (EEC) No 337/79 shall be fixed at the time when the distillation measure referred to in the same Article becomes applicable.

2. The purchase price referred to in paragraph 1 shall be paid by the distiller to the producer within three months of the day on which each consignment of table wine enters the distillery.

Article 14

1. The provisions of this Regulation relating to red table wine shall apply also to rosé table wine.

2. The provisions of this Regulation relating to a given type of table wine shall apply also to table wine that is in a close economic relationship with that type of table wine. For the purposes of this Regulation, the following shall be considered as being in a close economic relationship with table wine of type :

- A I, white table wine that is not of type A I, A II or A III,
- R I, red table wine with an actual alcoholic strength of not more than 12,5 % vol that is not of type R I or R III,
- R II, red table wine with an actual alcoholic strength of not more than 12,5 % vol that is not of type R II or R III.

Article 15

Only products with an alcoholic strength of at least 92 % vol may be obtained by the direct distillation of wines made from grapes of varieties which are classified, simultaneously for the same administrative unit, both as wine grape varieties and as varieties intended for the manufacture of wine spirits.

Article 16

1. Distillers may receive aid in respect of the products obtained by the distillation referred to in Article 41 of Regulation (EEC) No 337/79. The amount of the aid shall be fixed at the time when such distillation becomes applicable.

No aid shall be due for the quantity of alcohol contained in the product obtained by distillation in excess of that contained in the quantities of wine delivered in compliance with the limits laid down in Article 11 (3).

2. Distillers who wish to receive the aid specified in paragraph 1 shall submit, by 31 October, an application and the documents specified in Article 17 of Regulation (EEC) No 2179/83.

3. The intervention agency shall pay the aid referred to in paragraph 1 within three months of submission of the application and documents referred to in paragraph 2.

The distiller must provide the intervention agency, before 1 February of the following year, with evidence that he paid the producer the purchase price for the wine within the time limit laid down in Article 13 (2).

If such evidence is not provided before 1 February, the intervention agency shall recover the aid paid. However, if the evidence is provided after the expiry of this time limit but before 1 May, the intervention agency shall recover only 20 % of the aid paid.

If it is found that the distiller has not paid the producer the purchase price, the intervention agency shall pay the producer, before 1 June, an amount equal to the aid, if necessary through the intervention agency of his Member State.

Article 17

1. Where the distiller intends to take advantage of the possibility provided for in the second indent of the first subparagraph of Article 41 (7) of Regulation (EEC) No 337/79, delivery to the intervention agency of products with an alcoholic strength of at least 92 % vol shall be made by 31 October or, if Article 11 (2) of Regulation (EEC) No 2179/83 applies, by the date set by the competent national authority.

In the circumstances mentioned in the first subparagraph of Article 23 (1) of this Regulation the competent authorities shall set time limits for delivery as necessary.

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 (7) of Regulation (EEC) No 337/79 may not

exceed that contained in the quantities of wine delivered in compliance with the limits laid down in Article 11 (3).

Pursuant to the first indent of the second subparagraph of Article 41 (7) of Regulation (EEC) No 337/79, the Member States where the overall volume for compulsory distillation does not exceed 100 000 hl may provide for their intervention agencies not to buy in the product referred to in the first subparagraph.

2. The price to be paid by the intervention agency to the distiller for the product delivered shall be fixed at the time when the distillation referred to in Article 41 of Regulation (EEC) No 337/79 becomes applicable.

If the distiller has received aid under Article 16, the price referred to in the first subparagraph shall be reduced by the amount of that aid.

If the distiller has not received the aid referred to in the second subparagraph, Article 16 (2) shall be applicable *mutatis mutandis*.

3. The prices referred to in paragraph 2 shall be for neutral spirits as defined in the Annex to Regulation (EEC) No 2179/83.

For other alcohol, the prices referred to in paragraph 2 shall be reduced, per % vol of alcohol and per hectolitre, by an amount fixed at the time when the distillation measure referred to in Article 41 of Regulation (EEC) No 337/79 becomes applicable.

4. The price shall be paid by the intervention agency to the distiller within three months of the day on which the alcohol was delivered.

The second, third and fourth subparagraphs of Article 16 (3) shall be applicable *mutatis mutandis*.

Article 18

1. In cases as referred to in Article 26 (1) of Regulation (EEC) No 2179/83 the contract or the declaration of delivery of wine for fortification for distillation shall be submitted for approval to the competent intervention agency by 30 June.

The intervention agency shall notify the producer of the outcome of the approval procedure within 15 days of the date on which the contract or declaration was submitted.

2. Fortification of wine for distillation may not take place after 31 July.

3. The fortified wine may not be distilled until approval of the contract or declaration has been given but must be distilled by 31 August at the latest.

4. The fortifier shall send the intervention agency, by the 10th day of each month, a statement of the quantities of wine delivered to him during the previous month.

5. Fortifiers of wine for distillation shall receive aid. This aid, calculated per hectolitre and per % vol of actual alcohol before the wines conversion into wine fortified for distillation, shall be fixed at the time when the distillation measure referred to in Article 41 of Regulation (EEC) No 337/79 becomes applicable.

In order to receive the aid the fortifier shall submit an application and the documents specified in Article 17 of Regulation (EEC) No 2179/83 to the competent intervention agency by 31 October.

The aid shall be paid within three months of the date of submission of evidence of the lodging of the security referred to in Article 26 (4) of Regulation (EEC) No 2179/83 but in all cases after the date on which the contract or declaration was approved.

6. Subject to Article 23 of Regulation (EEC) No 2179/83 the security shall be released only if, before 1 March of the following year, evidence is produced:

- that all the wine covered by the contract or declaration has been distilled, and
- that the purchase price for the wine was paid to the producer within the time limit specified in Article 13 (2),

the security being released in proportion to the quantities in respect of which such evidence is produced.

If the evidence referred to in the first subparagraph is provided after the date specified in the first subparagraph but before 1 June, the amount to be released shall be equal to 80 % of the security.

If it is found that the fortifier has not paid the producer the purchase price the intervention agency shall, before 1 July, pay the producer an amount equal to the aid, if necessary through the intervention agency of his Member State.

Article 19

1. Member States shall send the Commission, by the 20th day of each month in respect of the previous month, a statement of:

- the quantities of table wine and fortified wine distilled under the distillation operation referred to in Article 41 of Regulation (EEC) No 337/79, broken down by colour,
- the quantities of alcohol delivered to intervention agencies,
- the quantities of wine spirits produced and their alcoholic strength,
- the quantities of other products of at least 52 % vol alcoholic strength for which aid has been requested.

2. Member States shall notify the Commission, by 31 March, of cases where distillers or fortifiers of wine for distillation have not fulfilled their obligations and of the action being taken in consequence.

Article 20

Conversion into national currencies of amounts to be fixed pursuant to this Regulation shall be at the representative rates applying for the wine sector on the date of the entry into force of the Regulation whereby the distillation measure referred to in Article 41 of Regulation (EEC) No 337/79 becomes applicable.

Article 21

For the 1985/86 and 1986/87 wine years the following provisions shall apply in Greece pursuant to the first subparagraph of Article 41 (10) of Regulation (EEC) No 337/79:

- (a) The persons subject to the distillation requirement referred to in this Regulation shall be those producers, including wine cooperatives and producers' associations, who have obtained in the course of the wine year a quantity of table wine to be fixed by the Greek authorities before 10 March of the year in question;
- (b) The Greek Government shall set, before 10 March and in accordance with the criteria laid down in Article 41 (4) of Regulation (EEC) No 337/79, the percentages of table wine production that the producers specified in (a) must deliver for distillation, while ensuring equality of treatment of producers subject to the obligation; these percentages must ensure that the quantity distilled in Greece as a whole represents the sum of the quantities to be distilled in that Member State;
- (c) The Greek Government shall notify the Commission, before 15 March, of the measures which it has adopted pursuant to this Article.

Article 22

Pursuant to Article 6 (1) of Regulation (EEC) No 2179/83 and without prejudice to Article 11 (2) thereof, producers shall not be eligible for the intervention measures provided for in Title I of Regulation (EEC) No 337/79 and decided on for the following wine year if they have carried out no deliveries during the period from 1 March of the wine year in question to:

- 15 August in the case of producers who deliver to a distillery,
- 31 July in the case of producers who deliver to a fortifier of wine for distillation,
- 31 August in the case of producers who make use of the possibility provided for in the second subparagraph of Article 12 (1) of this Regulation.

Article 23

Expiry of the timelimits referred to in Article 12 (4) or, in the case of producers exercising the option provided for in the second subparagraph of Article 12 (1), of the time limits referred to in the first subparagraph of Article 12 (5) or of those fixed by the Member State pursuant to Article 11 of Regulation (EEC) No 2179/83 shall have no bearing whatsoever on the accomplishment of the requirement that the quantities due from each producer be distilled.

After expiry of the said time limits, the purchase price for the quantities delivered and the price of the alcohol which is produced from those quantities and which is delivered to the intervention agency shall be reduced by an amount equal to the aid laid down for that distillation operation in respect of neutral spirits. No aid shall be paid for distillation products which are not delivered to the intervention agency.

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

Done at Brussels, 24 March 1986.

Article 24

1. This Regulation shall not be applicable :
 - in Spain during the 1985/86 wine year,
 - in Portugal during the 1985/86 to 1989/90 wine years.
2. Notwithstanding the second indent of Article 12 (1) persons subject to the obligation specified in Article 41 (4) of Regulation (EEC) No 337/79 may not during the 1985/86 wine year carry out the distillation in Spain or during the 1985/86 to 1989/90 wine years carry it out in Portugal.

Notwithstanding the first and second subparagraphs of Article 12 (2) delivery may not be made during the 1985/86 wine year by producers whose production was obtained in Spain or during the 1985/86 to 1989/90 wine years by producers whose production was obtained in Portugal.

Article 25

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

For the Commission

Frans ANDRIESEN

Vice-President

*ANNEX***Method for calculating the weighted average of yields referred to in Article 7 first and second indent**

1. The following formula shall be used for calculating the weighted average (M) referred to in Article 7, the first and second indents :

$$M = \frac{Q}{S} \text{ [hl/ha]}$$

or

$$S = \frac{V_1}{r_1} + \frac{V_2}{r_2} + \frac{V_3}{r_3} + \dots + \frac{V_n}{r_n}$$

V_1 = volume of the first consignment delivered to the cooperative or purchased by the declarant (in hectolitres of wine) as entered in the production declaration.

r_1 = yield fixed in accordance with Article 7, first subparagraph, with which the first consignment was produced (in hectolitres/hectare).

$Q = V_1 + V_2 + V_3 + \dots + V_n$ (in hectolitres of wine).

2. In the case of cooperative wineries and producer groups as referred to in Article 7, first indent, whose total volume of production as referred to in Article 6 (1) is obtained by all the members delivering their entire production, Q represents the total volume of products delivered to the cooperative winery or producer group and S represents the wine-growing area cultivated by all of the members producing the said products.
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**COMMISSION REGULATION (EEC) No 855/86
of 24 March 1986**

**providing, for the 1985/86 wine year, 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 3805/85 ⁽²⁾, and in particular Article 41 (5) (4), third indent, and (9) thereof,

Having regard to Council Regulation (EEC) No 775/85 of 26 March 1985 amending Regulation (EEC) No 337/79 on the common organization of the market in wine ⁽³⁾, and in particular Article 2 thereof,

Whereas the situation on the market for table wine requires a decision to be taken quickly on the basis of data available at present to the Commission and in particular those in the forward estimate for the 1985/86 wine year, although the figures may be altered in line with subsequent notifications from the Member States concerned;

Whereas a feature of the 1985/86 wine year is a serious imbalance on the market for table wine and wine suitable for yielding table wine; whereas the conditions laid down in Article 41 (1) of Regulation (EEC) No 337/79 for initiating compulsory distillation are therefore fulfilled;

Whereas, taking account of prices and the desirable level of availabilities at the end of the year, the distillation in the Community of 7 500 000 hectolitres of table wine appears necessary;

Whereas Article 41 (3) of Regulation (EEC) No 337/79 lays down the rule for sharing the total quantity to be distilled between the various production regions as determined in Article 4 (2) of Commission Regulation (EEC) No 854/86 ⁽⁴⁾ by comparing production of the table wine produced by the latter during the wine year and a reference production; whereas that reference production was fixed in Article 4 (3) of that Regulation; whereas, for the 1985/86 wine year, the production of table wine in Regions 1 and 2 is less than the reference quantity and consequently no quantity is to be distilled in those regions; whereas, as a result of the application of the

abovementioned rule and taking into consideration the special situation regarding stocks from the past existing at the beginning of the first year of application of the new system, Region 3 is allotted 51,4 %, Region 4 is allotted 44,6 % and Region 5 is allotted 4 % of the total quantity to be distilled;

Whereas, in view of the derogation provided for in Article 41 (10) of Regulation (EEC) No 337/79, it should be specified that the quantity for preventive distillation is to be deducted from the quantity for compulsory distillation in Greece;

Whereas, since the scale required to determine the quantities to be delivered for distillation by each producer can only be drawn up after the Member States concerned have been consulted, provision should be made for that scale to be fixed at a later date, but before 31 March 1986; whereas, when the scale is drawn up, provision should be made for a minimum quantity to be distilled at the buying-in price as provided for in Article 41 (6) of Regulation (EEC) No 337/79 in order to ensure that the total quantity and the quantities allotted to the regions are attained;

Whereas the application of the rule laid down in Article 41 (6) of Regulation (EEC) No 337/79 results in the buying-in price for table wine to be delivered for distillation being set at 50 % of the guide price for each type of table wine concerned;

Whereas, in accordance with Article 41 (7) of Regulation (EEC) No 337/79, distillers may either receive aid in respect of the product to be distilled or deliver the product obtained from distillation to the intervention agency; whereas the amount of the aid must be fixed on the basis of the criteria referred to in Article 16 of Council Regulation (EEC) No 2179/83 ⁽⁵⁾, as amended by Regulation (EEC) No 2687/84 ⁽⁶⁾; whereas, to avoid production of wine spirits of mediocre quality and since there are no Community provisions on the subject, it should be laid down that wine spirits produced must comply with national provisions in force;

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

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 39.

⁽³⁾ OJ No L 88, 28. 3. 1985, p. 1.

⁽⁴⁾ See page 14 of this Official Journal.

⁽⁵⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽⁶⁾ OJ No L 255, 25. 9. 1984, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. Distillation as provided for in Article 41 (1) of Regulation (EEC) No 337/79 is hereby decided for the 1985/86 wine year.

2. The total quantity of table wine to be distilled shall be 7,5 million hectolitres.

3. The quantities to be distilled in the regions as referred to in Article 4 (2) of Regulation (EEC) No 854/86 shall be as follows:

- Region 1 0 hectolitres,
- Region 2 0 hectolitres,
- Region 3 3 850 000 hectolitres,
- Region 4 3 350 000 hectolitres,
- Region 5 300 000 hectolitres.

In the case of Region 5, the quantity provided for preventive distillation in that Region pursuant to Commission Regulation (EEC) No 2607/85⁽¹⁾ shall be deducted from the abovementioned quantity.

4. The quantities provided for in paragraphs 2 and 3 may be altered up to 30 March 1986 where warranted by subsequent notifications from Member States.

Article 2

By 30 March 1986, the following shall be drawn up:

- the breakdown of production according to yield classes;
- the sliding scales referred to in Article 5 (2) of Regulation (EEC) No 854/86.

The scales referred to in the second indent of the first subparagraph shall be drawn up so that the quantity to be distilled at the buying-in price as provided for in the first subparagraph of Article 41 (6) of Regulation (EEC) No 337/79 is at least:

- 1 900 000 hectolitres in Region 3.
- 950 000 hectolitres in Region 4.

Article 3

Without prejudice to the application of Article 14b of Regulation (EEC) No 337/79, the buying-in price for table wines to be delivered for compulsory distillation shall be:

- 1,59 ECU per % vol alcohol and per hectolitre for white table wines of type A I,
- 1,71 ECU per % vol alcohol and per hectolitre for red table wines of type R I or R II.

Article 4

The amount of aid for which the distiller may qualify shall be as follows:

- (a) where the product obtained from distillation complies with the definition of neutral spirits as set out in the Annex to Regulation (EEC) No 2179/83:

— 1,08 ECU per % vol alcohol and per hectolitre where it is obtained from white table wines of type A I,

— 1,21 ECU per % vol alcohol and per hectolitre where it is obtained from red table wines of type R I or R II;

- (b) where the product obtained from distillation is a wine spirit complying with the quality criteria laid down by national provisions in force:

— 0,97 ECU per % vol alcohol and per hectolitre where it is obtained from white table wines of type A I,

— 1,10 ECU per % vol alcohol and per hectolitre where it is obtained from red table wines of type R I or R II;

- (c) where the product obtained from distillation is a raw alcohol with an alcoholic strength of at least 52 % vol:

— 0,97 ECU per % vol alcohol and per hectolitre where it is obtained from white table wines of type A I,

— 1,10 ECU per % vol alcohol and per hectolitre where it is obtained from red table wines of type R I or R II.

Article 5

1. The price to be paid to the distiller by the intervention agency for the product delivered in accordance with the second indent of the first subparagraph of Article 41 (7) of Regulation (EEC) No 337/79 shall be as follows:

— 2,04 ECU per % vol alcohol and per hectolitre where it is obtained from white table wines of type A I,

— 2,17 ECU per % vol alcohol and per hectolitre where it is obtained from red table wines of type R I or R II;

Those prices shall apply to neutral spirits complying with the definition as set out in the Annex to Regulation (EEC) No 2179/83.

2. For spirits other than those referred to in paragraph 1, the prices provided for in that paragraph shall be reduced by 0,11 ECU per % vol alcohol and per hectolitre.

Article 6

Aid for which fortifiers of wine for distillation qualify shall be as follows:

— 0,95 ECU per % vol alcohol and per hectolitre where it is obtained from white table wines of type A I,

— 1,07 ECU per % vol alcohol and per hectolitre where it is obtained from red table wines of type R I or R II.

Article 7

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

⁽¹⁾ OJ No L 249, 18. 9. 1985, p. 5.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 856/86

of 24 March 1986

providing, for the 1985/86 wine year, for the distillation of table wine referred to in Article 15 (1) 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 3805/85⁽²⁾, and in particular Articles 6 (3), 15 (9) and 65 thereof,

Whereas Article 15 (1) of Regulation (EEC) No 337/79 provides that in years during which the distillation referred to in Article 41 is decided on, support distillation must be introduced as soon as the said measure enters into force;

Whereas Commission Regulation (EEC) No 855/86⁽³⁾ provides, in respect of the 1985/86 wine year, that the distillation referred to in Article 41 of Regulation (EEC) No 337/79 should be introduced; whereas the distillation provided for in Article 15 (1) of Regulation (EEC) No 337/79 must, therefore, be introduced;

Whereas, if this measure is to make an effective contribution to the improvement of market conditions, it is necessary to introduce distillation for all table wines; whereas, however, the minimum buying-in prices for the wines delivered for distillation are fixed at a percentage of the guide prices for the various types of table wine; whereas it is therefore necessary also to define the table wines which have a close economic relationship with each type of table wine;

Whereas, given the lack of a Community definition of rosé wine and for the sake of clarity, it should be made clear that rosé table wines are treated as red table wines because of the close economic relationship between them;

Whereas Article 6 of Regulation (EEC) No 337/79 provides that only producers fulfilling the obligations laid down in Article 39 and, where appropriate, Articles 40 and 41 of that Regulation during a reference period to be determined may qualify for the intervention measures; whereas that period must therefore be specified;

Whereas, in view of the improvement in market conditions which is expected to result from the application, during the marketing year in question, of the distillation measure provided for in Article 41 of Regulation (EEC)

No 337/79, the overall quantity of table wine which may be distilled under support distillation arrangements should be limited to two million hectolitres and the total quantity of table wine for which each producer may submit one or more delivery contracts on declarations for approval by the intervention agency should be limited to an appropriate percentage of the quantity of table wine which he has produced during the 1985/86 wine year; whereas the quantity of table wine produced to which the said percentage is applied should be that shown in the production declaration provided for in Commission Regulation (EEC) No 2102/84 of 13 July 1984 on harvest, production and stock declarations relating to wine-sector products⁽⁴⁾, as last amended by Regulation (EEC) No 2391/85⁽⁵⁾, and in the records provided for in Commission Regulation (EEC) No 1153/75 of 30 April 1975 prescribing the form of accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers⁽⁶⁾, as last amended by Regulation (EEC) No 3203/80⁽⁷⁾;

Whereas, in certain Member States where wine is produced directly from grapes by the growers, it is possible to determine the quantities eligible for distillation by reference to the area utilized; whereas this approach makes for a fairer distribution of the benefits of the measure, whilst ensuring the same degree of economic effectiveness;

Whereas support distillation must be carried out in accordance with Council Regulation (EEC) No 2179/83 of 25 July 1983 laying down general rules for distillation operations involving wine and the by-products of wine-making⁽⁸⁾, as amended by Regulation (EEC) No 2687/84⁽⁹⁾; whereas, in the context of such distillation, a reminder should also be issued concerning the consequences of failing to submit or of providing incomplete or erroneous declarations;

Whereas it should be stipulated that delivery contracts and declarations must contain the particulars necessary for the identification of the wines to which they refer;

Whereas it is necessary to set certain time-limits, applicable to both producers and distillers, for the performance of the operation, in order to ensure that the measure is as effective as possible;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 39.

⁽³⁾ See page 24 of this Official Journal.

⁽⁴⁾ OJ No L 194, 24. 7. 1984, p. 1.

⁽⁵⁾ OJ No L 225, 23. 8. 1985, p. 13.

⁽⁶⁾ OJ No L 113, 1. 5. 1975, p. 1.

⁽⁷⁾ OJ No L 333, 11. 12. 1980, p. 18.

⁽⁸⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽⁹⁾ OJ No L 255, 25. 9. 1984, p. 1.

Whereas the price of wine for distillation is usually such that the products obtained by distillation cannot be offered for sale at market rates; whereas it is therefore necessary to provide for aid at a level based on the criteria laid down in Article 8 of Regulation (EEC) No 2179/83, account also being taken of the present uncertainty surrounding prices on the market for the products of distillation;

Whereas it is necessary to avoid the risk that the products of the distillation of certain wines may disturb the market in wine spirits with a designation of origin; whereas, to this end, provision should be made pursuant to Article 3 (2) of Regulation (EEC) No 2179/83 so that the direct distillation of such wines cannot give rise to a product with an alcoholic strength of less than 92 % vol;

Whereas provision should be made so that the minimum price guaranteed to producers is, as a rule, paid in time for them to derive therefrom a benefit comparable to that which they would obtain from a commercial sale; whereas, this being the case, it is necessary that payment of the aids for the distillation in question should be made as early as possible, with proper performance of the operations being guaranteed by appropriate security arrangements;

Whereas certain wines delivered for the distillation provided for in this Regulation may be fortified for distillation; whereas, consequently, the provisions applicable to the distillation operations should be adjusted in accordance with the rules laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83;

Whereas, in order that all producers are treated in the same manner where a reduction in the quantities of wine for distillation covered by delivery contracts and declarations has to be decided on, provision must be made so that distillation operations do not commence until all contracts and declarations have been submitted to the intervention agencies and until the total quantities offered are known;

Whereas the intervention agencies and the Commission must be informed of the performance of the distillation operations and must know in particular the quantities of wine distilled and the quantities of products obtained;

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

1. For the 1985/86 wine year, all table wines shall be eligible for distillation pursuant to Article 15 (1) of Regulation (EEC) No 337/79, subject to a maximum quantity of 2 million hectolitres.

2. In accordance with Article 6 (1) of Regulation (EEC) No 337/79, producers who were subject to the obligations referred to in Articles 39, 40 or 41 of Regulation (EEC) No 337/79 during the 1984/85 wine year shall not be entitled to benefit from the measures provided for in this Regulation unless they provide evidence that they have complied with their obligations during the reference periods laid down in Article 16 of Commission Regulation (EEC) No 2461/84⁽¹⁾, Article 13 of Commission Regulation (EEC) No 2462/84⁽²⁾ and Article 16 of Commission Regulation (EEC) No 147/85⁽³⁾.

Article 2

The contracts and declarations referred to in Article 4 (1) and 5 (1) respectively of Regulation (EEC) No 2179/83 shall be submitted for approval to the competent intervention agency not later than 21 April 1986.

Article 3

1. The total quantity of table wine in respect of which each producer may conclude one or more contracts must not exceed 5 % of the quantity of table wine which he produced in 1985/86.

However, Member States may provide that the total quantity in respect of which each producer may conclude one or more contracts must not exceed four hectolitres per hectare of vineyard used for the production of table wine by the producer in question. Such provisions may apply to the entire territory of the Member State or to an entire wine-growing zone or to the part of a wine-growing zone located within the territory of the Member State.

The minimum quantity of table wine which may be delivered by a producer shall be five hectolitres.

2. The quantity of table wine to which the percentage specified in the first subparagraph of paragraph 1 is applied shall be, in the case of each producer, the sum of the quantities stated in his production declaration and the quantities produced by him after the date on which the production declaration provided for in Regulation (EEC) No 2102/84 was submitted which are entered in the records referred to in Article 14 of Regulation (EEC) No 1153/75.

Article 4

The contracts and declarations referred to in Article 2 shall include at least the following particulars:

(a) the quantity, colour and actual alcoholic strength by volume of the table wines to be distilled;

⁽¹⁾ OJ No L 231, 29. 8. 1984, p. 12.

⁽²⁾ OJ No L 231, 29. 8. 1984, p. 18.

⁽³⁾ OJ No L 16, 19. 1. 1985, p. 25.

- (b) the name and address of the producer;
- (c) the place where the wine is stored;
- (d) the name of the distiller or distillery;
- (e) the address of the distillery.

Article 5

1. Member States shall communicate to the Commission, not later than 5 May 1986, the data relating to the quantities of table wine covered by the contracts submitted to the intervention agency.

2. Where the communications referred to in paragraph 1 show that the total quantity of table wines covered by contracts submitted to intervention agencies exceeds two million hectolitres, the contracts can be approved only in respect of a certain percentage of the quantity proposed. The said percentage shall be set by the Commission not later than 20 May 1986 in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

3. The intervention agency shall inform the producer of the outcome of the approval procedure not later than 10 June 1986.

4. Approval shall be conditional on compliance with the conditions referred to in Article 10a of Regulation (EEC) No 2102/84.

Article 6

Without prejudice to the second subparagraph of Article 4 (2) of Regulation (EEC) No 2179/83 distillation operations may not commence before 30 May 1985 and may not be carried out after 31 August 1986.

Article 7

Only products with an alcoholic strength of at least 92 % vol may be obtained by the direct distillation of wines made from grapes of varieties which are classified, simultaneously for the same administrative unit, both as wine grape varieties and as varieties intended for the manufacture of wine spirits.

Article 8

1. Without prejudice to Article 14b of Regulation (EEC) No 337/79, the minimum buying-in price referred to in Article 15 (5) of the said Regulation shall be:

- 2,80 ECU per % vol and per hectolitre for table wines of types R I and R II and for table wines having a close economic relationship with those types of table wine,
- 4,17 ECU per % vol and per hectolitre for table wines of type R III,

- 2,60 ECU per % vol and per hectolitre for table wines of type A I and for table wines having a close economic relationship with that type of table wine,
- 5,82 ECU per % vol and per hectolitre for table wines of type A II,
- 6,65 ECU per % vol and per hectolitre for table wines of type A III.

2. The minimum buying-in price referred to in paragraph 1 shall be paid by the distiller to the producer within three months of the day on which each consignment of wine enters the distillery.

Article 9

1. The amount of the aid referred to in Article 15 (7) of Regulation (EEC) No 337/79 shall be as follows:

(a) where the product obtained by distillation meets the definition of neutral spirits given in the Annex to Regulation (EEC) No 2179/83:

- 2,31 ECU per % vol and per hectolitre if it has been obtained from red table wines of types R I or R II,
- 3,70 ECU per % vol and per hectolitre if it has been obtained from red table wines of type R III,
- 2,11 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A I,
- 5,38 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A II,
- 6,22 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A III,

(b) where the product obtained by distillation is a wine spirit with the quality characteristics laid down by the relevant national provisions:

- 2,20 ECU per % vol and per hectolitre if it has been obtained from red table wines of types R I or R II,
- 3,59 ECU per % vol and per hectolitre if it has been obtained from red table wines of type R III,
- 2,00 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A I,
- 5,27 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A II,
- 6,11 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A III,

(c) where the product obtained by distillation is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol:

- 2,20 ECU per % vol and per hectolitre if it has been obtained from red table wines of types R I or R II,
- 3,59 ECU per % vol and per hectolitre if it has been obtained from red table wines of type R III,

- 2,00 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A I,
- 5,27 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A II,
- 6,11 ECU per % vol and per hectolitre if it has been obtained from white table wines of type A III.

2. Without prejudice to the third subparagraph of Article 3 (1), the aid shall be calculated on the basis of the amount corresponding to the wine actually delivered, account being taken of the tolerances referred to in Article 6 (2) of Regulation (EEC) No 2179/83.

Article 10

1. The provisions of this Regulation relating to red wines shall apply also to rosé wines.
2. The provisions of this Regulation relating to a given type of table wine shall apply also to table wines which have a close economic relationship with that type of table wine.

For the purposes of this Regulation and without prejudice to Article 6 (2) of Regulation (EEC) No 337/79, the following shall be considered as having a close economic relationship with table wine of type :

- A I : white table wines which are not of types A I, A II or A III,
- R I : red table wines which have an actual alcoholic strength of not more than 12,5 % vol and which are not of types R I or R III
- R II : red table wines which have an actual alcoholic strength of more than 12,5 % vol and which are not of type R III.

Article 11

The distiller must, within four months of the date on which evidence is furnished that the entire quantity of wine specified in the contract has been distilled, provide the intervention agency with evidence that he has paid the minimum buying-in price laid down in Article 8 (1) within the time-limit set in Article 8 (2).

If such evidence is not provided within the set time-limit, the intervention agency shall recover the aid paid. However, if the evidence is provided after the expiry of the time-limit but not later than 28 February 1987, the intervention agency shall recover only 20 % of the aid paid.

If it is found that the distiller has not paid the producer the minimum buying-in price, the intervention agency shall, before 1 May 1987, pay the producer an amount equal to the aid, if necessary through the intervention agency of his Member State.

Article 12

1. The amount of the advance payment referred to in Article 9 (1) of Regulation (EEC) No 2179/83 shall be paid within three months of submission of evidence that the security has been lodged.

2. Subject to Article 23 of Regulation (EEC) No 2179/83, the security referred to in the first paragraph shall be released only if evidence that the total quantity of wine has been distilled and, where appropriate, evidence of payment of the purchase price for the wine within the period set is provided before 1 November 1986.

If that evidence is provided after the deadline set but before 1 February 1987, the amount to be released shall be 80 % of the security.

Article 13

1. In cases as referred to in Article 26 of Regulation (EEC) No 2179/83, contracts or declarations concerning the delivery of wine to be fortified for distillation shall be submitted for approval to the competent intervention agency not later than 21 April 1986.

The intervention agency shall notify the producer of the outcome of the approval procedure not later than 10 June 1986.

2. Wine may not be fortified for distillation until the contract or declaration has been approved and it must be fortified not later than 31 July 1986.

3. The fortified wine may not be distilled after 31 August 1986.

4. The fortifier shall send the intervention agency, by the 10th of each month at the latest, a statement of the quantities of wine delivered to him during the previous month.

5. Fortifiers of wine for distillation shall qualify for aid, calculated per hectolitre and per % vol of actual alcohol before conversion into wine fortified for distillation, which shall be as follows :

- 2,16 ECU for red table wines of types R I and R II,
- 3,53 ECU for red table wines of type R III,
- 1,96 ECU for white table wines of type A I,
- 5,18 ECU for white table wines of type A II,
- 6,01 ECU for white table wines of type A III.

In order to receive the aid the fortifier shall submit an application to the competent intervention agency not later than 30 June 1986, attaching copies of the accompanying documents for the transport of the wine for which aid is requested or a summary statement of their contents.

Member States may require that the copies or statement referred to in the second subparagraph be stamped by a control authority.

The aid shall be paid within three months of the date on which evidence is provided that the security referred to in Article 26 (4) of Regulation (EEC) No 2179/83 has been lodged, but in all cases after the date on which the contract or declaration is approved.

6. Subject to Article 23 of Regulation (EEC) No 2179/83, the security shall be released only if, not later than 28 November 1986, evidence is provided:

- that all the wine covered by the contract or declaration has been fortified for distillation and distilled, and
- that the buying-in price for the wine has been paid to the producer within the time-limit specified in Article 4 (2).

If the said evidence is not provided by 28 November 1986, the intervention agency shall recover the aid from the fortifier.

However, if the said evidence is provided after the expiry of the time-limit but before 1 March 1987, the intervention agency shall recover only 20 % of the amount paid.

If it is found that the fortifier has not paid the producer the buying-in price, the intervention agency shall, before 1 April 1987, pay the producer an amount equal to the aid, if necessary through the intervention agency of his Member State.

Article 14

1. Member States shall notify the Commission not later than 30 June 1986, of the quantities of wine which are covered by approved delivery contracts.

2. Distillers shall send the intervention agency, not later than the 10th of each month, a statement of the quantities of wine distilled during the previous month, broken down by the categories specified in the first subparagraph of Article 3 (1) of Regulation (EEC) No 2179/83.

3. Member States shall send the Commission by telex, not later than the 20th of each month for the previous month, a statement of the quantities of wine and fortified wine which have been distilled and the quantities of products obtained, expressed in terms of pure alcohol and broken down as provided for in paragraph 2.

4. Member States shall notify the Commission, not later than 30 September 1986, of cases where distillers or fortifiers have not fulfilled their obligations and of the action taken in consequence.

Article 15

The amounts specified in this Regulation shall be converted into national currencies at the representative rates applicable to the wine sector on 1 September 1985.

Article 16

The provisions of this Regulation shall not apply in Spain and Portugal.

Article 17

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, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 857/86

of 24 March 1986

amending, for the third time, Regulation (EEC) No 525/86 introducing a countervailing charge on cucumbers originating in the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 3768/85⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 525/86⁽³⁾, as last amended by Regulation (EEC) No 795/86⁽⁴⁾, introduced a countervailing charge on cucumbers originating in the Canary Islands;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of cucumbers originating in the Canary Islands must be altered,

Whereas, in accordance with Article 1 (5) of Protocol 2 to the Act of Accession of Spain and Portugal⁽⁵⁾, the

Community must apply in its trade with the Canary Islands, for products covered by Annex II to the EEC Treaty, the general arrangements which it applies in its foreign trade;

Whereas, in accordance with Article 4 of the said Protocol, the products, including cucumbers, specified in Annex A to the Protocol, qualify for preferential arrangements, subject to the tariff quota opened by way of Community Regulation (EEC) No 3806/85⁽⁶⁾;

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of amended Regulation (EEC) No 525/86, 32,61 and 33,28 ECU is hereby replaced by 34,45 and 35,15 ECU.

Article 2

This Regulation shall enter into force on 25 March 1986.

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

Done at Brussels, 24 March 1986

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 51, 28. 2. 1986, p. 71.

⁽⁴⁾ OJ No L 74, 19. 3. 1986, p. 28.

⁽⁵⁾ OJ No L 302, 15. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 367, 31. 12. 1985, p. 44.

COMMISSION REGULATION (EEC) No 858/86
of 24 March 1986
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 27 (4),

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Council Regulation (EEC) No 505/86⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 1474/84⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 552/86⁽⁷⁾, as last amended by Regulation (EEC) No 830/86⁽⁸⁾;

Whereas, in the absence of the target price for the 1985/86 marketing year for colza and rape seed and in the absence of the amount of the monthly increase for April, May and June 1986 for colza and rape seed, the amount of the subsidy in the case of advance fixing for March, April, May and June 1986 for colza and rape seed has been obtainable only provisionally on the basis of the target price and the monthly increase as last proposed by the Commission to the Council for the marketing year 1985/86; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1985/86 marketing year is known;

Whereas, in the absence of the indicative price for the 1986/87 marketing year for colza and rape seed, in case of advance fixing for July and August 1986, the amount of the subsidy on these products has been obtainable only on the basis of the indicative price proposed by the Commission to the Council for the marketing year 1986/87; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1986/87 marketing year is known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 552/86 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ shall be as set out in the Annexes hereto.
2. The amount of the subsidy in the case of advance fixing for March, April, May and June 1986 for colza and rape seed will, however, be confirmed or replaced as from 25 March 1986 to take into account the indicative price which is fixed for these products for the 1985/86 marketing year, and the amount of the monthly increase for April, May and June 1986 for colza and rape seed.
3. The amount of the subsidy in the case of advance fixing for July and August 1986 will, however, for colza and rape seed, be confirmed or replaced as from 25 March 1986 to take into account the indicative price which is fixed for these products for the 1986/87 marketing year.

Article 2

This Regulation shall enter into force on 25 March 1986.

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

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 51, 28. 2. 1986, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 55, 1. 3. 1986, p. 61.

⁽⁸⁾ OJ No L 76, 21. 3. 1986, p. 34.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month (1)	2nd month (1)	3rd month (1)	4th month (1)	5th month (2)	6th month (2)
1. Gross aids (ECU)						
— Spain	—	—	—	—	0,610	0,610
— Portugal	—	—	—	—	0,000	0,000
— Other Member States	28,095	28,615	28,115	28,999	23,857	23,660
2. Final aids						
(a) Seed harvested and processed in :						
— Federal Republic of Germany (DM)	68,50	69,74	68,60	70,79	58,59	58,58
— Netherlands (Fl)	77,19	78,58	77,28	79,73	65,99	65,92
— BLEU (Bfrs/Lfrs)	1 303,94	1 328,07	1 304,87	1 345,05	1 106,36	1 090,55
— France (FF)	194,38	198,02	194,13	199,81	163,66	159,96
— Denmark (Dkr)	236,42	240,79	236,59	244,03	200,76	198,63
— Ireland (£ Irl)	21,074	21,464	21,086	21,544	17,677	17,420
— United Kingdom (£)	15,776	16,098	15,752	16,363	13,110	12,820
— Italy (Lit)	39 960	40 728	39 773	40 995	33 285	32 355
— Greece (Dr)	1 994,17	2 047,39	1 942,51	2 041,54	1 473,11	1 334,21
(b) Seed harvested in Spain and processed :						
— in Spain (Pta)	—	—	—	—	96,57	10,65
— in Portugal (Pta)	—	—	—	—	2 652,29	2 575,36
— in a Member State listed at (a) (Pta)	—	—	—	—	2 652,29	2 575,36
(c) Seed harvested in Portugal and processed :						
— in Spain (Esc)	—	—	—	—	3 432,81	3 281,93
— in Portugal (Esc)	—	—	—	—	0,00	0,00
— in a Member State listed at (a) (Esc)	—	—	—	—	3 432,81	3 281,93
(d) Seed harvested in a Member State listed at (a) and processed :						
— in Spain		The amounts given at (a) remain unchanged				
— in Portugal		The amounts given at (a) remain unchanged				

(1) On the basis of the Commission's proposal concerning the indicative price for the 1985/86 marketing year and subject to confirmation by the Council's decision.

(2) Contingent on the Council's decision on prices and related matters for the 1986/87 marketing year.

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU)					
— Spain	—	—	—	—	—
— Portugal	—	—	—	—	—
— Other Member States	39,526	39,026	38,526	42,260	42,236
2. Final aids					
(a) Seed harvested and processed in :					
— Federal Republic of Germany (DM)	95,74	94,58	93,44	102,21	102,15
— Netherlands (Fl)	107,87	106,57	105,26	115,14	115,07
— BLEU (Bfrs/Lfrs)	1 834,47	1 811,27	1 788,06	1 960,63	1 959,51
— France (FF)	274,46	270,91	267,01	293,06	292,89
— Denmark (Dkr)	332,61	328,40	324,20	355,62	355,42
— Ireland (£ Irl)	29,649	29,274	28,895	31,518	31,500
— United Kingdom (£)	22,880	22,534	22,188	24,771	24,755
— Italy (Lit)	56 935	56 153	55 197	60 905	60 867
— Greece (Dr)	3 181,78	3 110,54	3 005,57	3 518,59	3 515,11
(b) Seed harvested in Spain and processed :					
— in Spain (Pta)	—	—	—	—	—
— in Portugal (Pta)	—	—	—	—	—
— in a Member State listed at (a) (Pta)	—	—	—	—	—
(c) Seed harvested in Portugal and processed :					
— in Spain (Esc)	—	—	—	—	—
— in Portugal (Esc)	—	—	—	—	—
— in a Member State listed at (a) (Esc)	—	—	—	—	—
(d) Seed harvested in a Member State listed at (a) and processed :					
— in Spain	The amounts given at (a) are to be multiplied by 1,037269 The amounts given at (a) remain unchanged				
— in Portugal					

ANNEX III

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current month	2nd month	3rd month	4th month	5th month	6th month
DM	2,161150	2,149810	2,140850	2,132900	2,132900	2,114190
Fl	2,439810	2,429160	2,421320	2,414750	2,414750	2,399820
Bfrs/Lfrs	44,258300	44,312300	44,325500	44,359900	44,359900	44,369600
FF	6,643330	6,684220	6,711190	6,732380	6,732380	6,764930
Dkr	7,987470	7,965080	7,951900	7,943250	7,943250	7,926160
£ Irl	0,710860	0,713607	0,716157	0,718665	0,718665	0,722587
£	0,651503	0,652257	0,653443	0,654617	0,654617	0,658589
Lit	1 470,43	1 481,17	1 490,39	1 498,52	1 498,52	1 523,47
Dr	134,400200	135,78510	137,41430	138,97430	138,97430	144,97300
Pta	136,038000	136,41840	136,77260	137,36460	137,36460	138,37080
Esc	142,125800	144,58420	147,10200	148,84130	148,84130	155,10610

COMMISSION REGULATION (EEC) No 859/86
of 24 March 1986

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 3793/85⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 3768/85⁽⁴⁾ and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾ and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 536/86⁽⁶⁾, as last amended by Regulation (EEC) No 811/86⁽⁷⁾;

Whereas Council Regulation (EEC) No 1027/84⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75⁽⁹⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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

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

Done at Brussels, 24 March 1986.

— 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 21 March 1986;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to the amended Regulation (EEC) No 536/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 55, 1. 3. 1986, p. 25.
⁽⁷⁾ OJ No L 75, 20. 3. 1986, p. 24.
⁽⁸⁾ OJ No L 107, 19. 4. 1984, p. 15.
⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 24 March 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 G (?)	159,18	156,16
11.02 A VII (?)	159,18	156,16
11.02 B II d) (?)	247,98	244,96
11.02 C VI (?)	247,98	244,96
11.02 D VI (?)	159,18	156,16
11.02 E II d) 2 (?)	281,62	275,58
11.02 F VII (?)	159,18	156,16

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

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

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

COMMISSION REGULATION (EEC) No 860/86
of 24 March 1986
altering the basic amount of the import levies on syrups and certain other
products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1785/81
of 30 June 1981 on the common organization of the
markets in the sugar sector ⁽¹⁾, as last amended by Regula-
tion (EEC) No 3768/85 ⁽²⁾, and in particular Article 16 (8)
thereof,

Whereas the import levies on syrups and certain other
sugar products were fixed by Regulation (EEC) No
533/86 ⁽³⁾, as last amended by Regulation (EEC) No
771/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 533/86 to the informa-

tion known to the Commission that the basic amount of
the levy on syrups and certain other sugar products at
present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products
listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81,
as fixed in the Annex to amended Regulation (EEC) No
533/86, are hereby altered to the amounts shown in the
Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 1986.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 362, 31. 21. 1985, p. 8.

⁽³⁾ OJ No L 55, 1. 3. 1986, p. 18.

⁽⁴⁾ OJ No L 72, 15. 3. 1986, p. 25.

ANNEX

to the Commission Regulation of 24 March 1986 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		—
	C. Maple sugar and other syrup	0,4588	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		58,68
	I. Isoglucose	—	—
	ex II. Other	0,4588	—
	E. Artificial honey, whether or not mixed with natural honey	0,4588	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4588	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	58,68
	IV. Other	0,4588	—

COMMISSION REGULATION (EEC) No 861/86
of 24 March 1986
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
 Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1809/85 ⁽³⁾, as last amended by Regulation (EEC) No 809/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 to the infor-

mation 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 referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 1986.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 75, 20. 3. 1986, p. 22.

ANNEX

to the Commission Regulation of 24 March 1986 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	45,88
	B. Raw sugar	39,36 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 862/86

of 24 March 1986

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 last on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular the second subparagraph of Article 19 ⁽⁴⁾ thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 737/86 ⁽³⁾, as last amended by Regulation (EEC) No 808/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 737/86 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to the amended Regulation (EEC) No 737/86 are hereby altered to the amounts shown in the Annex hereto.

Article 2

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

It shall apply with effect from 25 March 1986.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 70, 13. 3. 1986, p. 11.

⁽⁴⁾ OJ No L 75, 20. 3. 1986, p. 20.

ANNEX

to the Commission Regulation of 24 March 1986 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	41,08	
	(b) Other	38,79	
	(II) Flavoured or coloured sugar		0,4108
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	36,00 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4108
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	34,69 ⁽¹⁾	
	(d) Other raw sugar	⁽²⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 863/86
of 24 March 1986
altering the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 3793/85 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Regulation (EEC) No 834/86 ⁽⁴⁾;

Whereas, the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 834/86 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 1986.

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

Done at Brussels, 24 March 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 76, 21. 3. 1986, p. 45.

ANNEX

to the Commission Regulation of 24 March 1986 altering the corrective amount applicable
to the refund on cereals

(ECU/tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
10.01 B I	Common wheat and meslin for exports to :							
	— China	0	+ 6,00	+ 6,00	+ 10,00	— 30,00	— 30,00	— 30,00
	— other third countries	0	0	0	+ 4,00	— 36,00	— 36,00	— 36,00
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	0	0	0	—	—
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

N. B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 10 March 1986

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (Second EDF) for the financial year 1984

(86/90/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community⁽¹⁾, signed at Yaoundé on 20 July 1963,

Having regard to Council Decision 64/349/EEC of 25 February 1964 relating to the association of the overseas countries and territories with the European Economic Community⁽²⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽³⁾, signed at Yaoundé on 20 July 1963, and in particular Article 17 thereof,

Having regard to the Financial Regulation of the European Development Fund set up under the Internal Agreement of the financing and administration of Community aid⁽⁴⁾, and in particular Articles 7 and 8 thereof,

Having regard to the Council Decisions of 30 May 1972 and 30 October 1978 on the transfer and utilization of the unexpended balances of the First and Second EDFs.

Having regard to the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1963) (Second EDF) as at 31 December 1984,

Having regard to the report of the Court of Auditors for the financial year 1984 together with the Commission's replies⁽⁵⁾,

Recalling that in accordance with the provisions applicable to the implementation of the European Develop-

ment Fund (1963) (Second EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund,

Whereas by Decision 80/1184/EEC⁽⁶⁾, the European unit of account was replaced by the ECU to express the amounts of financial assistance under the Second ACP-EEC Convention and the previous conventions;

Whereas revenue for the financial year 1984 consisted mainly of the contributions of the Member States, amounting to 730 million ECU and of miscellaneous revenue of the Fund;

Whereas, pursuant to the abovementioned Council Decision of 30 May 1972, an amount of 11 806 540,11 ECU was transferred as the unexpended balance from the First EDF to the Second EDF;

Whereas, pursuant to the abovementioned Council Decision of 30 October 1978, an amount of 11 516 474,8 ECU was transferred as the unexpended balance of the Second EDF to the Third EDF;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1963) (Second EDF) during the financial year 1984 was such as to warrant its being given a discharge in respect of the implementation of these operations.

HAS DECIDED AS FOLLOWS:

Article 1

The Council shall close the revenue and expenditure accounts of the European Development Fund (1963) (Second EDF) as at 31 December 1984 as follows:

- revenue: at the sum of 730 375 219,30 ECU
- expenditure (payments): at the sum of 730 375 219,30 ECU.

⁽¹⁾ OJ No 93, 11. 6. 1964, p. 1431/64.

⁽²⁾ OJ No 93, 11. 6. 1964, p. 1472/64.

⁽³⁾ OJ No 93, 11. 6. 1964, p. 1493/64.

⁽⁴⁾ OJ No 93, 11. 6. 1964, p. 1498/64.

⁽⁵⁾ OJ No C 326, 16. 12. 1985, p. 107 and 208.

⁽⁶⁾ OJ No L 349, 18. 12. 1980, p. 34.

Article 2

The Council hereby gives a discharge to the Commission in respect of the implementation of the operation of the European Development Fund (1963) (Second EDF) for the financial year 1984.

Done at Brussels, 10 March 1986.

For the Council

The President

H. RUDING

COUNCIL DECISION

of 10 March 1986

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (Third EDF) for the financial year 1984

(86/91/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community⁽¹⁾, signed at Yaoundé on 29 July 1969,

Having regard to Council Decision 70/549/EEC of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community⁽²⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽³⁾, signed at Yaoundé on 29 July 1969, and in particular Article 22 thereof,

Having regard to the Financial Regulation of the European Development Fund (1969) set up under the Internal Agreement on the financing and administration of Community aid⁽⁴⁾, and in particular Articles 7 and 8 thereof,

Having regard to the Council Decisions of 30 May 1972 and 30 October 1978 on the transfer and utilization of the unexpended balances of the First and Second EDFs,

Having regard to the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1969) (Third EDF) as at 31 December 1984,

Having regard to the report of the Court of Auditors for the financial year 1984 together with the Commission's replies⁽⁵⁾,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1969) (Third EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas, by Decision 80/1184/EEC⁽⁶⁾, the European unit of account was replaced by the ECU to express the

amounts of financial assistance under the Second ACP-EEC Convention and the previous conventions;

Whereas revenue for the financial year 1984 consisted of the contributions of the Member States, amounting to 905 000 000 ECU, and of miscellaneous revenue of the Fund;

Whereas, pursuant to the abovementioned Council Decision of 30 October 1978, an amount of 11 516 474,85 ECU was transferred as the unexpended balance of the Second EDF to the Third EDF;

Whereas an advance of 36 463 458,18 ECU was paid to the European Development Fund (1979) (Fifth EDF);

Whereas advances of 4 537 130,01 ECU have been paid into the price stabilization funds.

Whereas, the overall implementations by the Commission of the operations of the European Development Fund (1969) (Third EDF) during the financial year 1984 was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

Article 1

The Council shall close the revenue and expenditure accounts of the European Development Fund (1969) (Third EDF) as at 31 December 1984 as follows:

- revenue: at the sum of 916 516 474,85 ECU,
- expenditure (payments): at the sum of 875 515 886,66 ECU.

Article 2

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (Third EDF) for the financial year 1984.

Done at Brussels, 10 March 1986.

For the Council

The President

H. RUDING

⁽¹⁾ OJ No L 282, 28. 10. 1970, p. 2.

⁽²⁾ OJ No L 282, 28. 12. 1970, p. 83.

⁽³⁾ OJ No L 282, 28. 12. 1970, p. 47.

⁽⁴⁾ OJ No L 31, 8. 2. 1971, p. 1.

⁽⁵⁾ OJ No C 326, 16. 12. 1985, p. 107 and 208.

⁽⁶⁾ OJ No L 349, 18. 12. 1980, p. 34.

COUNCIL RECOMMENDATION

of 10 March 1986

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1984

(86/92/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the ACP-EEC Convention of Lomé, signed on 28 February 1975,

Having regard to Council Decision 75/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 11 July 1975, and in particular Article 31 (3) thereof,

Having regard to the Financial Regulation of 27 July 1976 applicable to the Fourth European Development Fund⁽³⁾ and in particular Articles 64 to 67 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1975) (Fourth EDF) as at 31 December 1984 and the Court of Auditors' report relating to the financial year 1984 together with the Commission's replies⁽³⁾.

Whereas, pursuant to Article 31 (3) of the Internal Agreement the discharge for the management of the European

Development Fund (1975) (Fourth EDF must be given to the Commission according to the procedure provided for in Article 206 of the Treaty;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1975) (Fourth EDF) during the financial year 1984 has been satisfactory.

RECOMMENDS

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1984.

Done at Brussels, 10 March 1986.

For the Council

The President

H. RUDING

⁽¹⁾ OJ No L 176, 1. 7. 1976, p. 8.

⁽²⁾ OJ No L 25, 30. 1. 1976, p. 168.

⁽³⁾ OJ No L 229, 20. 8. 1975, p. 9.

⁽⁴⁾ OJ No C 326, 16. 12. 1985, p. 107 and 208.

COUNCIL RECOMMENDATION

of 10 March 1986

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1984

(86/93/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the Second ACP-EEC Convention, signed at Lomé on 31 October 1979,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the 1979 Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 20 November 1979, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 17 March 1981 applicable to the Fifth European Development Fund⁽³⁾, and in particular Articles 66 to 70 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1979) (Fifth EDF) as at 31 December 1984 and the Court of Auditors report relating to the financial year 1984 together with the Commission's replies⁽²⁾.

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1979) (Fifth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1979) (Fifth EDF) during the financial year 1984 has been satisfactory.

RECOMMENDS

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) of the financial year 1984.

Done at Brussels, 10 March 1986.

For the Council

The President

H. RUDING

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 347, 22. 12. 1980, p. 210.

⁽³⁾ OJ No L 101, 11. 4. 1981, p. 12.

⁽²⁾ OJ No C 326, 16. 12. 1985, p. 107 and 208.

COUNCIL DIRECTIVE
of 10 March 1986
amending for the second time Directive 73/404/EEC on the approximation of the
laws of the Member States relating to detergents

(86/94/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Article 2a of Council Directive 73/404/EEC⁽⁴⁾, as amended by Directive 82/242/EEC⁽⁵⁾, provides for certain exemptions until 31 March 1986 from the requirement of a minimum biodegradability level for the non-ionic surfactants contained in detergents;

Whereas the substances in question are non-ionic surfactants which do not comply with the biodegradability limits laid down in Directive 73/404/EEC; whereas they are used for some purposes because of technical problems and in order to avoid other undesirable effects on health and the environment;

Whereas research on biodegradability of these substances has progressed since the adoption of Directive 82/242/EEC; whereas, however, the results of that research have not made it possible to dispense with all the exemption rules; whereas this derives from very wide disparities that exist between Member States as regards, *inter alia*, water properties, eating habits and machine design;

Whereas, although substitutes are already being used in dish-washing machine products in certain regions of the Community, no suitable substitution products have yet been found for the metal-working industry, despite intensive efforts;

Whereas, a relatively small quantity of surfactants is involved, which, however, are of considerable economic

significance; whereas it is desirable to give Member States the possibility of allowing exemptions until 31 December 1989, insofar as their national situations so require,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 2a (1) of Directive 73/404/EEC is hereby replaced by the following:

'1. Until 31 December 1989, Member States may, exempt the following products from the requirements of the first paragraph of Article 2:

- (a) low-foaming alkene oxide additives on such substances as alcohols, alkylphenols, glycols, polyols, fatty acids, amides or amines, used in dish-washing products;
- (b) alkali-resistant terminally blocked alkyl and alkyl-aryl polyglycol ethers and substances of the type referred to in subparagraph (a), used in cleaning agents for the food, beverage and metal-working industries.'

Article 1

Member States shall forthwith inform the Commission of any measures they take in order to implement this Directive.

Article 3

This Directive is addressed to Member States.

Done at Brussels, 10 March 1986.

For the Council

The President

H. van den BROEK

⁽¹⁾ OJ No C 139, 7. 6. 1985, p. 4.

⁽²⁾ OJ No C 68, 24. 3. 1986.

⁽³⁾ OJ No C 303, 25. 11. 1985, p. 26.

⁽⁴⁾ OJ No L 347, 17. 12. 1973, p. 51.

⁽⁵⁾ OJ No L 109, 22. 4. 1982, p. 1.

COUNCIL DECISION**of 18 March 1986**

on the conclusion of an Agreement in the form of an exchange of letters on the interim extension of the Protocol annexed to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for a six-month period as from 8 February 1986

(86/95/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the Government of the Republic of Guinea and the European Economic Community on fishing off the Guinean coast ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Guinea have embarked upon negotiations, as provided for in the second paragraph of Article 15 of the Agreement, in order to determine the arrangements that will apply after 7 February 1986, when the Protocol annexed to the Agreement expires;

Whereas on 28 January 1986 the two parties agreed to extend the said Protocol for a six-month interim period as from 8 February 1986, pending the final result of these negotiations,

Article 1

The Agreement in the form of an exchange of letters on the interim extension of the Protocol annexed to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for a six-month period as from 8 February 1986 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 18 March 1986.

*For the Council**The President*

W.G. van EEKELEN

⁽¹⁾ OJ No L 111, 27. 4. 1983, p. 1.

AGREEMENT

in the form of an exchange of letters on the interim extension of the Protocol annexed to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for a six-month period as from 8 February 1986

A. Letter from the Community

Sir,

I have the honour to confirm that we have agreed on the following interim arrangements to ensure the continued application of the Agreement on fishing between the Government of the Republic of Guinea and the European Economic Community pending the conclusion of the negotiations on the amendments to be agreed to the Protocol annexed to the Agreement on fishing:

1. As from 8 February 1986 and for a six-month period, the arrangements applicable during the last three years shall be extended.

The compensation to be paid by the Community and its contribution to the financing of a Guinean scientific programme under the interim arrangements shall correspond *pro rata temporis* to that provided for in Articles 2 and 5 of the current Protocol.

The same *pro rata temporis* rule shall apply to the arrangements for training grants provided for in Annex I.E. of the Agreement.

2. Licences shall be granted during the interim period within the limits fixed in Articles 1 and 3 of the current Protocol subject to payment of the fees which correspond *pro rata temporis* to those laid down in part A of Annex I to the Agreement.
3. The rights and obligations that derive from the Agreement on fishing between the Government of the Kingdom of Spain and the Government of the Republic of Guinea, which the Community is responsible for managing as from 1 January 1986, shall not be affected by this interim extension.

I should be obliged if you would acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

B. Letter from the Government of the Republic of Guinea

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'I have the honour to confirm that we have agreed on the following interim arrangements to ensure the continued application of the Agreement on fishing between the Government of the Republic of Guinea and the European Economic Community pending the conclusion of the negotiations on the amendments to be agreed to the Protocol annexed to the Agreement on fishing :

1. As from 8 February 1986 and for a six-month period, the arrangements applicable during the last three years shall be extended.

The compensation to be paid by the Community and its contribution to the financing of a Guinean scientific programme under the interim arrangements shall correspond *pro rata temporis* to that provided for in Articles 2 and 5 of the current Protocol.

The same *pro rata temporis* rule shall apply to the arrangements for training grants provided for in Annex I.E. of the Agreement.

2. Licences shall be granted during the interim period within the limits fixed in Articles 1 and 3 of the current Protocol subject to payment of the fees which correspond *pro rata temporis* to those laid down in part A of Annex I to the Agreement.
3. The rights and obligations that derive from the Agreement on fishing between the Government of the Kingdom of Spain and the Government of the Republic of Guinea, which the Community is responsible for managing as from 1 January 1986, shall not be affected by this interim extension.

I should be obliged if you would acknowledge receipt of this letter.'

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Republic of Guinea and that your letter and this letter constitute an agreement in accordance with your proposals.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Republic of Guinea*

COUNCIL DIRECTIVE**of 18 March 1986****amending Directive 80/232/EEC on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain prepackaged products**

(86/96/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

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

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

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

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

Whereas, since the adoption on 15 January 1980 of Directive 80/232/EEC ⁽⁴⁾, difficulties have arisen, particularly as regards the designation of certain products in Annex I and the interpretation of the introductory paragraph of Annex III;

Whereas the said Annexes should be amended as a result,

Article 1

Annexes I and III to Directive 80/232/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

Member States shall take the measures necessary to comply with this Directive within 18 months of its notification ⁽⁵⁾. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 18 March 1986

For the Council

The President

W. F. EEKELEN

⁽¹⁾ OJ No C 18, 25. 1. 1984, p. 7.

⁽²⁾ OJ No C 46, 18. 2. 1985, p. 92.

⁽³⁾ OJ No C 206, 6. 8. 1984, p. 17.

⁽⁴⁾ OJ No L 51, 25. 2. 1980, p. 1.

⁽⁵⁾ This Directive was notified to the Member States on 18 March 1986.

ANNEX

1. In Annex I, points 1.5.4. and 4. shall be replaced by the following :

'1.5.4. *Prepared foods obtained similar the swelling or roasting of cereals or cereal products* (puffed rice, corn flakes and smilar products) (Common Customs Tariff heading No 19.05)
250 — 375 — 500 — 750 — 1 000 — 1 500 — 2 000.'

4. READY-TO-USE PAINTS AND VARNISHES (with or without added solvents ; Common Customs Tariff subheading 32.09 A II excluding dispersead pigments and solutions) (quantity in ml)

25 — 50 — 125 — 250 — 375 — 500 — 750 — 1 000 — 2 000 — 2 500 — 4 000 — 5 000 — 10 000.'

2. In Annex III, the introductory paragraph shall be replaced by the following :

'By way of derogation from Article 8 (1) (e) of Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (1), products sold in aerosols complying with the requirements of this Directive need not be marked with the nominal weight of their contents.'

COMMISSION

COMMISSION DECISION

of 5 March 1986

authorizing Spain to adopt protective measures in respect of imports of certain steel products

(Only the Spanish text is authentic)

(86/97/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Whereas, by letter of 3 March 1986, the Spanish Government applied to the Commission for authorization to adopt, pursuant to Article 379 of the Act of Accession, protective measures in the sector of steel products;

Whereas in their application the Spanish authorities provided the Commission with information enabling the latter to establish that the Spanish steel industry is currently experiencing serious difficulties that are likely to persist;

Whereas, pursuant to Commission Decision No 3485/85/ECSC⁽¹⁾, production by Spanish undertakings is subject to a system of monitoring; whereas, pursuant to Commission Decision No 3717/83/ECSC⁽²⁾, which has been applicable to Spanish undertakings since 1 March 1986, deliveries of certain products must be accompanied by a production certificate and an accompanying document;

Whereas deliveries to Spain from steel undertakings in the other Member States have increased sharply since January 1986; whereas import certificates issued for the month of January for the products in these sectors involve quantities of around 400 000 tonnes; whereas according to the figures provided by the Spanish Government actual deliveries in January amounted to some 261 000 tonnes; whereas deliveries of these products in recent years have averaged 100 000 tonnes a month;

Whereas deliveries of the products concerned have thus risen sharply by about 160 % on average since accession; whereas this rise has been particularly marked for the sectors covered by categories Ia, Ib and II, as defined in Decision No 3485/85/ECSC;

Whereas Spanish steel undertakings are currently in the process of restructuring and hence highly vulnerable; whereas the rise in deliveries of steel products from the other Member States is liable to jeopardize this process of restructuring; whereas the volume of deliveries of products from the other Member States is one of the main reasons for the difficulties indicated by the Spanish authorities in their application; whereas if no immediate action is taken these difficulties are likely to persist;

Whereas, under the circumstances, a quantitative restriction on deliveries from the other Member States should allow Spanish steel undertakings to continue their process of restructuring along the lines of the plans referred to in Protocol No 10 attached to the Act of Accession and to redress the situation; whereas this measure should allow the sector, and in particular the undertakings concerned, to adapt to the economy of the common market;

Whereas it is sufficient for the quantitative restriction to apply to categories Ia, Ib and II, as defined by Decision No 3485/85/ECSC, given that the increase in deliveries from the other Member States is concentrated in these three categories;

Whereas authorization of a quantitative restriction up to 31 December 1986 will serve the desired purpose;

Whereas an extension to Spanish undertakings and the Spanish steel market of the quota system applicable to undertakings in the other Member States could help to solve the problems of Spanish steel undertakings; whereas the Commission will take the necessary measures to apply that system to these undertakings as soon as possible;

Whereas in addition to these restrictions on deliveries there is the system of surveillance of products originating in non-member countries established by Commission Recommendation No 3658/85/ECSC⁽³⁾; whereas this system should be reinforced by more rapid provision of information to the Commission;

⁽¹⁾ OJ No L 340, 18. 12. 1985, p. 5.

⁽²⁾ OJ No L 373, 31. 12. 1983, p. 9.

⁽³⁾ OJ No L 348, 24. 12. 1985, p. 32.

Whereas the provisions adopted may not under any circumstances restrict deliveries of each of the products in question to a level below that of actual imports in 1984;

Whereas, to achieve an equitable distribution of the authorized quantities both among the Member States and among the operators concerned, the existing patterns of trade must be respected yet account must also be taken of the interests of any new operators;

Whereas the situation is so grave that the protective measures must apply even to current contracts; whereas, to avoid additional prejudice to the operators concerned, this Decision must not affect goods already in shipment; whereas, however, the Spanish authorities should be allowed the possibility of taking into account the total volume of these shipments for the purposes of distribution of total quantities;

Whereas the proper application of the provisions of this Decision requires the establishment of highly specific implementation and management rules; whereas, to prevent the disturbance in the market of the products in question from worsening, the quantities admitted into Spain up to the end of 1986 should be distributed by quarter, the quantities of the second quarter of 1986 also comprising the quantities for the days in March after this Decision takes effect; whereas, to allow adjustment to demand, it should also be possible to transfer authorizations between the categories stipulated by this Decision up to 5 % of the limit established for each category;

Whereas the proper application of this Decision requires the establishment of joint information and consultation procedures by the Commission and the Spanish authorities;

Whereas, since this Decision can only be justified if the condition of application referred to in Article 379 of the Act of Accession are still present, the Commission may be prompted to amend or rescind it; whereas the Commission must therefore keep a constant check on the facts underlying this Decision;

Whereas the Commission is obliged to take, in the first place, measures which least disrupt the functioning of the common market; whereas, in the light of the examination that the Commission has conducted of the economic difficulties, the restrictions adopted constitute measures which, while enabling the desired result to be obtained, least disturb the functioning of the common market,

HAS ADOPTED THIS DECISION:

Article 1

Spain is hereby authorized under the conditions specified below to restrict up to 31 December 1986 deliveries to

Spain of products originating in the other Member countries as listed in Article 2 and defined in the Annex.

Article 2

The restricted quantities established in accordance with Article 1 shall not be lower than:

- category Ia: 296 083 tonnes,
- category Ib: 172 716 tonnes,
- category II: 36 234 tonnes.

Article 3

1. The application of this Decision shall under no circumstances result in deliveries of each of the products listed in Article 2 being restricted to a level below that of actual imports in 1984 during a period corresponding to that of the validity of this Decision.
2. For the purposes of the administration of the import restrictions provided for by this Decision, the Spanish authorities shall respect existing trade patterns both in respect of the countries of origin of the products concerned and in respect of the operators involved.

Article 4

1. The Spanish authorities shall issue the authorizations free of charge within five days of receipt of the application up to the limit of the share of each operator. However, the Spanish authorities shall set the dates on which the authorizations take effect in such a way as to ensure distribution of the quantities by quarter, the first quarter also comprising the corresponding quantities for the days in March from the date on which this Decision takes effect.
2. The Spanish authorities shall set aside 3 % of the total restricted quantities of each product for any operators not having so far made deliveries to Spain.
3. The Spanish authorities shall carry forward for distribution in the following quarter the quantities corresponding to all the shares not used in each quarter.
4. For quantities not exceeding 5 % of the permitted total in each category, the Spanish authorities may agree that authorizations issued for one of the categories listed in this Decision may be used for the delivery of products in one of the other categories.

5. The Spanish authorities may not require the authorization provided for in paragraph 1 for the delivery of goods referred to by this Decision which were already in the process of shipment on the day it took effect. However, the Spanish authorities may deduct these deliveries from the quantities provided for by this Decision for each of the categories in question.

Article 5

1. The Spanish authorities shall communicate to the Commission, not later than 15 April 1986, the national measures for implementing this Decision.

2. The Spanish authorities shall also transmit on the 30th of each month the data relating to deliveries from the other Member States for the previous month. These data, which shall be broken down by country, shall relate both to the quantities of products actually delivered and to the authorizations issued.

Article 6

1. The Spanish authorities shall transmit to the Commission each week the data concerning imports from non-member countries, broken down by country, which have been collected in accordance with Recommendation No 3658/85/ECSC.

2. The Spanish authorities shall inform the Commission immediately of any marked change in the imports of products listed in Article 2 from non-member countries.

Article 7

1. The Commission shall monitor the application of this Decision and reserves the right to amend or repeal it.

2. In addition, on the basis of the results observed and verification of the data relating to the sectors concerned, the Commission shall if necessary revise the restrictions applicable to the last six months of the period of validity of this Decision.

3. Any difficulties which may arise in the application of this Decision shall be examined jointly by the Spanish authorities and the Commission.

Article 8

1. This Decision shall take effect on the day following its notification to the Spanish Government and shall remain valid until 31 December 1986.

2. This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 5 March 1986.

For the Commission

Karl-Heinz NARJES

Vice-President

ANNEX

Definition of products

	NIMEXE code
Category Ia :	73.08-01, 73.08-03, 73.08-05, 73.08-07, 73.08-21, 73.08-25, 73.08-29, 73.08-41, 73.08-45, 73.08-49, 73.12-11, 73.12-19, 73.13-17, 73.13-21, 73.13-23, 73.62-10, 73.64-20, 73.65-23, 73.72-11, 73.72-19, 73.74-29, 73.75-39 ;
Category Ib :	73.13-16, 73.13-26, 73.13-32, 73.13-34, 73.13-36, 73.13-41, 73.13-43, 73.13-45, 73.13-47, 73.13-49, 73.13-50, 73.65-25, 73.65-53, 73.65-55, 73.75-49, 73.75-59, 73.75-69 ;
Category II :	73.09-00, 73.13-19, 73.13-92, 73.62-30, 73.65-21, 73.65-81, 73.72-39, 73.75-29, 73.75-89.

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