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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 2355/86 of 24 July 1986 opening, allocating and providing for the administration of Community tariff quotas for certain fishery products originating in Sweden** 1
- ★ **Council Regulation (EEC) No 2356/86 of 24 July 1986 opening, allocating and providing for the administration of a Community tariff quota for frozen peas, falling within subheading 07.02 B of the Common Customs Tariff, originating in Sweden** 6
- ★ **Council Regulation (EEC) No 2357/86 of 24 July 1986 amending Regulations (EEC) No 3555/80, (EEC) No 3394/85 and (EEC) No 3668/85 as regards imports into Greece of certain products originating in Malta** 9
- Commission Regulation (EEC) No 2358/86 of 28 July 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal 11
- Commission Regulation (EEC) No 2359/86 of 28 July 1986 fixing the premiums to be added to the import levies on cereals, flour and malt 13
- Commission Regulation (EEC) No 2360/86 of 28 July 1986 fixing the specific levies on beef and veal from Portugal 15
- ★ **Commission Regulation (EEC) No 2361/86 of 25 July 1986 amending Regulation (EEC) No 2223/85 as regards the allocation among processing enterprises of certain quantities of fresh tomatoes** 17
- Commission Regulation (EEC) No 2362/86 of 28 July 1986 determining the extent to which applications lodged in July 1986 for the issue of import licences in respect of frozen beef intended for processing may be accepted 18
- Commission Regulation (EEC) No 2363/86 of 28 July 1986 specifying the extent to which applications lodged in July 1986 for import licences in respect of young male bovine animals for fattening may be accepted 19

★ Commission Regulation (EEC) No 2364/86 of 28 July 1986 amending, for the fifth time, Regulation (EEC) No 2858/85 on the sale of pigmeat held by the Belgian intervention agency pursuant to Regulations (EEC) No 772/85, (EEC) No 978/85 and (EEC) No 1477/85	20
★ Commission Decision No 2365/86/ECSC of 28 July 1986 laying down the conditions and criteria for the application of Article 7 of Decision No 3485/85/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry	21
★ Commission Regulation (EEC) No 2366/86 of 28 July 1986 amending Regulation (EEC) No 1871/86 on exemption from the coresponsibility levy of cereals in stocks at the end of the 1985/86 marketing year	23
Commission Regulation (EEC) No 2367/86 of 28 July 1986 fixing the sluice-gate prices and levies for poultrymeat	24
Commission Regulation (EEC) No 2368/86 of 28 July 1986 fixing the sluice-gate prices and levies for eggs	29
Commission Regulation (EEC) No 2369/86 of 28 July 1986 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin	32
Commission Regulation (EEC) No 2370/86 of 28 July 1986 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	35
Commission Regulation (EEC) No 2371/86 of 28 July 1986 fixing the import levies on white sugar and raw sugar	37

II *Acts whose publication is not obligatory*

Commission

86/348/EEC :

★ Commission Decision of 1 July 1986 amending Council Decision 82/730/EEC as regards the list of establishments in Austria approved for the purpose of importing fresh meat into the Community	38
--	----

86/349/EEC :

★ Commission Decision of 1 July 1986 amending Decision 81/91/EEC as regards the list of establishments in Argentina approved for the purpose of importing fresh meat into the Community	41
---	----

86/350/EEC :

★ Commission Decision of 4 July 1986 on the multiannual guidance programme in respect of aquaculture submitted by Portugal in accordance with Council Regulation (EEC) No 2908/83	44
---	----

86/351/EEC :

★ Commission Decision of 4 July 1986 on the guidance programme for the fishing fleet submitted by Portugal for 1986 in accordance with Council Regulation (EEC) No 2908/83	46
--	----

86/352/EEC :

★ Commission Decision of 10 July 1986 concerning extensions in the implementation by Germany of certain measures to adjust capacity in the fisheries sector, pursuant to Council Directive 83/515/EEC	50
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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 2355/86****of 24 July 1986****opening, allocating and providing for the administration of Community tariff quotas for certain fishery products originating in Sweden**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Sweden was concluded on 22 July 1972; whereas following Spain's and Portugal's accession to the Community, a supplementary Protocol is to be signed in the near future; whereas pending the entry into force of the said Protocol, Council Regulation (EEC) No 573/86⁽¹⁾ laid down the arrangements applicable to trade in fishery products with Sweden as a result of those accessions;

Whereas Regulation (EEC) No 573/86 provides for the opening, to run from 1 March 1986, of Community tariff quotas at a reduced rate of duty or duty free for certain fishery products originating in Sweden; whereas therefore the tariff quotas in question should be opened for the

period 1 March to 31 December 1986; whereas in the absence of a 'prorata temporis' clause, the proposed annual quota-volumes should be opened for the period under consideration;

Whereas equal and continuous access to the quotas should be ensured for all importers and the rates for the said quotas should be applied without interruption to all imports until the quotas are used up; whereas, in the light of the principles outlined above, a Community tariff quota system based on an allocation between the Member States would seem to preserve the Community nature of the quotas; whereas, to reflect as closely as possible the actual development of the market in the products in question, the allocation should be in proportion to the requirements of the Member States, calculated both from statistics of imports from Sweden during a representative reference period and according to the economic outlook for the quota year in question;

Whereas, during the last two years for which statistics are available, imports into each of the Member States were as follows:

(tonnes)

Member State	CCT heading No											
	03.01 B I h) 1 03.01 B I ij) 1 03.01 B I k) 1		ex 03.01 B II a)		16.04 A II		16.04 C II		16.04 G II		ex 16.05 B	
	1983	1984	1983	1984	1983	1984	1983	1984	1983	1984	1983	1984
Benelux	91	81	32	7	0	0	9	11	57	75	0	0
Denmark	14 637	23 280	173	222	0	1	92	60	51	78	21	8
Germany	116	152	125	113	0	38	190	177	30	26	20	13
Greece	0	0	0	0	0	20	0	0	0	0	0	1
Spain	2 411	3 001	743	997	2	3	9	6	1	2	1	1
France	240	273	36	42	0	33	1	1	0	1	44	37
Ireland	0	0	0	0	0	0	0	0	0	0	0	0
Italy	1	0	0	0	0	0	0	0	0	0	50	41
Portugal	0	37	0	0	0	0	0	0	0	0	2	3
United Kingdom	230	502	0	0	0	1	15	10	5	3	1	0
	17 726	27 326	1 109	1 381	2	96	316	265	144	185	139	104

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 110.

Whereas, during the two years under consideration, the products in question were imported only by certain Member States and not at all by the other Member States ; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas upon imports into those States of the products concerned being notified ; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff ;

Whereas in taking into account these factors, the Member States' initial percentage shares in the quota volumes can be set as follows :

Member State	CCT heading No					
	03.01 B I h) 1 03.01 B I ij) 1 03.01 B I k) 1	ex 03.01 B II a)	16.04 A II	16.04 C II	16.04 G II	ex 16.05 B
Benelux	0,38	1,57	—	3,44	40,12	—
Denmark	84,16	15,86	1,02	26,16	39,22	11,93
Germany	0,59	9,56	38,77	63,18	17,02	13,58
Greece	—	—	20,41	—	—	0,41
Spain	12,01	69,88	5,10	2,58	0,91	0,82
France	1,14	3,13	33,67	0,34	0,30	33,33
Ireland	—	—	—	—	—	—
Italy	0,01	—	—	—	—	37,46
Portugal	0,08	—	—	—	—	2,06
United Kingdom	1,63	—	1,02	4,30	2,43	0,41

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quota should be divided into two instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial shares and any additional requirements which might arise in the other Member States ; whereas, in order to give importers in each Member State a certain degree of security, it is appropriate to fix the first instalment of the Community quotas at a level which, in the circumstances, could be 60 % and 80 % respectively of each of the quota volume ;

Whereas, the Member States' initial shares may be used up at different times ; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota shares should draw an additional share from the corresponding reserve ; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows ; whereas the initial and additional shares must be valid until the end of the quota period ; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof ;

Whereas, if at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff quota from remaining unused in one Member State when it could be used in others ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. Until 31 December 1986 the Common Customs Tariff duties on the following fishery products originating in Sweden shall be suspended at the levels and within the limits of the Community tariff quotas shown against each one of them :

CCT heading No	Description	Quota volume (in tonnes)	Rate of duty (%)
03.01	Fish, fresh (live or dead), chilled or frozen : B. Saltwater fish : I. Whole, headless or in pieces : (h) Cod (<i>Gadus morhua</i>, <i>Boreogadus saida</i>, <i>Gadus ogac</i>) : 1. Fresh or chilled (ij) Saithe (<i>Pollachius virens</i>) : 1. Fresh or chilled (k) Haddock (<i>Melanogrammus aeglefinus</i>) : 1. Fresh or chilled II. Fillets ex (a) Fresh or chilled — of cod	3 500 1 500	0 0
16.04	Prepared or preserved fish, including caviar and caviar substitutes : A. Caviar and caviar substitutes : II. Other C. Herring : II. Other G. Other : II. Other	60 250 200	0 0 0
16.05	Crustaceans and molluscs, prepared or preserved : ex B. other : — shrimps and prawns, shelled and frozen, excluding shrimps of the genus <i>Crangon</i> spp.	120	7,5

2. Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply the duties shown in the following table :

<i>(Duties as a percentage)</i>		
CCT heading No	Spain	Portugal
03.01 B I h) 1	0	0
03.01 B I ij) 1	0	0
03.01 B I k) 1	0	0
ex 03.01 B II a)	0	0
16.04 A II	12,1	26,3
16.04 C II	12,1	26,3
16.04 G II	12,1	26,3
ex 16.05 B	6,3	27,2

Imports of the products in question shall not benefit from the tariff quotas referred to in paragraph 1 unless the free-at-frontier price, determined by the Member States in

accordance with Article 21 of Regulation (EEC) No 3796/81 (1), is at least equal to the referred price if such a price has been fixed by the Community for the product under consideration.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and the Kingdom of Sweden shall be applicable.

Article 2

1. The tariff quotas laid down in Article 1 (1) shall be divided into two instalments.

2. A first instalment of each quota shall be shared among certain Member States; the respective shares, which, subject to Article 5, shall be valid until 31 December 1986, shall be as follows:

(¹) OJ No L 379, 31. 12. 1981, p. 1.

(tonnes)

Member State	CCT heading No					
	03.01 B I (h) 1 03.01 B I (j) 1 03.01 B I (k) 1	ex 03.01 B II (a)	16.04 A II	16.04 C II	16.04 G II	ex 16.05 B
Benelux	8	19	—	7	64	—
Denmark	1 767	190	1	52	63	11
Germany	12	115	18	126	27	13
Greece	—	—	10	—	—	1
Spain	252	838	2	5	1	1
France	24	38	16	1	1	32
Italy	1	—	—	—	—	35
Portugal	2	—	—	—	—	2
United Kingdom	34	—	1	9	4	1
	2 100	1 200	48	200	160	96

3. The second instalment of each quota being respectively:

- for subheadings 03.01 B I (h) 1, 03.01 B I (j) 1 and 03.01 B I (k) 1: 1 400 tonnes,
- for subheading ex 03.01 B II (a): 300 tonnes,
- for subheading 16.04 A II: 12 tonnes,
- for subheading 16.04 C II: 50 tonnes,
- for subheading 16.04 G II: 40 tonnes and
- for subheading ex 16.05 B: 24 tonnes,

shall constitute the corresponding reserve.

4. If an importer notifies the imminent import of the products in question into a Member State that does not participate in the initial allocation and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the corresponding reserve where Article 5 has been applied, has been used up, then to the extent permitted by the mount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next unit.

2. If, after one of its initial shares has been used up, 90 % or more of the second share drawn by a Member State has been used up, then that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up where necessary to the next unit.

3. If, after one of its second shares has been used up, 90 % or more of the third share drawn by a Member State

has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until each of the reserves is used up.

4. By way of derogation from paragraph 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1986.

Article 5

The Member States shall return to the reserve, not later than 15 November 1986, such unused portion of their initial share as, on 1 November 1986 is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 15 November 1986 of the total quantities of the products in question imported up to 1 November 1986 and charged against the tariff quota and of any quantity of the initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and, as soon as it is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 20 November 1986 of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take every measure necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the tariff quotas.
2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.
3. Member States shall charge imports of the products in question against their shares as and when the products are entered with the customs authorities for free circulation.
4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports of

the products concerned originating in Sweden and entered with customs authorities for free circulation.

Article 8

At the Commission's request, the Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

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

This Regulation is applicable from 1 March 1986.

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

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

COUNCIL REGULATION (EEC) No 2356/86

of 24 July 1986

opening, allocating and providing for the administration of a Community tariff quota for frozen peas, falling within subheading 07.02 B of the Common Customs Tariff, originating in Sweden

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Sweden was concluded on 22 July 1972; whereas following the accession to the Community of the Kingdom of Spain and the Portuguese Republic, a supplementary Protocol is to be signed in the near future; whereas until the entry into force of that Protocol, Council Regulation (EEC) No 744/86 of 1986⁽¹⁾ laid down arrangements applicable to trade in certain agricultural products with Sweden in particular;

Whereas the said Regulation (EEC) No 744/86 provides for the opening, to run from 1 March 1986, of a 6 000 tonnes Community tariff quota at a reduced rate of duty for frozen peas, originating in Sweden, 4 500 tonnes of which are reserved for Spain; whereas therefore the tariff quota in question should be opened for the period from 1 March to 31 December 1986; whereas in the absence of a 'prorata temporis' clause, the proposed annual quota volume should be opened for the period under consideration;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the real market trend of the product in question, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from Sweden during a representative reference period and according to the economic outlook for the tariff year in question;

Whereas during the last two years for which statistics are available, imports of frozen peas, including chick peas, originating in Sweden, into each of the Member States were as follows:

(tonnes)

Member State	1983	1984
Benelux	0	138
Denmark	121	254
Germany	1 365	1 432
Greece	231	0
France	0	0
Ireland	0	0
Italy	2 764	7 568
Portugal	223	0
United Kingdom	0	647
	4 704	10 039

Whereas, during the last two years under consideration, the products in question were imported only by certain Member States and not at all by the other Member States; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quota upon imports into those States of the products concerned being notified; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff;

Whereas in taking into account these factors, the Member States' initial percentage shares in the quota volume can be set as follows:

Benelux	0,94
Denmark	2,54
Germany	18,97
Greece	1,57
Italy	70,08
Portugal	1,51
United Kingdom	4,39

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial share and any additional requirements which might arise in the other Member States; whereas, in order to give importers in each Member State a certain degree of security, it is appropriate to fix the first instalment of the Community quota at a level which, in the circumstances, could be 98 % of the quota volume;

Whereas initial shares may be used up at different rates; whereas, to avoid disruption of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 113.

share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused it is essential that such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. Until 31 December 1986, a Community tariff quota of 6 000 tonnes shall be opened in the Community for frozen peas, falling within subheading ex 07.02 B of the Common Customs Tariff, originating in Sweden.

2. Within the limit of this tariff quota the applicable duty shall be 6 %. However, when these products are imported into Spain the duty applicable shall be 4,5 % within the limit of the quota-shares allocated to this Member State.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and Sweden shall be applicable.

Article 2

1. The tariff quota laid down in Article 1 (1) shall be divided into two instalments.

2. A first instalment of this quota shall be shared among certain Member States; the respective shares, which, subject to Article 5, shall be valid until 31 December 1986, shall be as follows:

	(tonnes)
Benelux	13
Denmark	36
Germany	266
Spain	4 500
Greece	22
Italy	981
Portugal	21
United Kingdom	61

3. The second instalment of the quota being 100 tonnes shall constitute the reserve.

4. If an importer notifies the imminent import of the products in question into a Member State that does not participate in the initial allocation and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraph 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1986.

Article 5

Member States shall, not later than 15 November 1986, return to the reserve the unused portion of their initial share which, on 1 November 1986, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may be used in full.

Member States shall, not later than 15 November 1986, notify the Commission of the total quantities of the product in question imported up to and including 1 November 1986 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 20 November 1986, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations

may be charged without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the product in question have free access to the shares allocated to them.

3. The Member States shall charge imports of the product in question against their shares as and when the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

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

It shall apply from 1 March 1986.

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

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

COUNCIL REGULATION (EEC) No 2357/86

of 24 July 1986

amending Regulations (EEC) No 3555/80, (EEC) No 3394/85 and (EEC) No 3668/85 as regards imports into Greece of certain products originating in Malta

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the provisions governing the first stage of the Agreement establishing an Association between the European Economic Community and Malta ⁽¹⁾, including the Protocol laying down certain provisions relating to that Agreement and the additional Protocol thereto, expired on 31 December 1980 and continue to be applied unilaterally by Council Regulation (EEC) No 3508/80 of 22 December 1980 extending the term of validity of the arrangements applicable to trade with Malta beyond 31 December 1980 ⁽²⁾, as last amended by Regulation (EEC) No 3681/85 ⁽³⁾;

Whereas in 1980, pending conclusion of the Protocol referred to in Article 118 of the Act of Accession of Greece, special arrangements for imports into Greece originating in Malta were adopted by Regulation (EEC) No 3555/80 ⁽⁴⁾; whereas consequently the other measures relating to imports into the Community of products originating in Malta concerned only the Community of Nine;

Whereas Malta has decided to apply in full in respect of Greece the provisions of the said Association Agreement; whereas consequently it is necessary to make provisions for the application in Greece of Council Regulation (EEC) No 3668/85 of 20 December 1985 totally or partially suspending Common Customs Tariff duties on certain products falling within Chapters 1 to 24 of the Common Customs Tariff and originating in Malta (1986) ⁽⁵⁾ and Council Regulation (EEC) No 3394/85 of 18 November 1985 establishing ceilings and Community surveillance of imports of certain products originating in Malta (1986) ⁽⁶⁾, and for the deletion from Regulation (EEC) No 3555/80 of the reference to products originating in Malta;

Whereas the provisions of the Association Agreement have been applied by Malta in respect of Greece with effect from 2 April 1986 and consequently provision should be made for this Regulation to apply from the same date;

Whereas in accordance with Articles 180 and 367 of the Act of Accession of Spain and Portugal the Council adopted Regulation (EEC) No 449/86 of 24 February 1986 determining the arrangements to be applied by the Kingdom of Spain and the Portuguese Republic to trade with certain third countries ⁽⁷⁾; whereas accordingly the Association Agreement and Regulation (EEC) No 3508/80, (EEC) No 3394/85 and (EEC) No 3668/85 apply to the Community as constituted on 31 December 1985.

HAS ADOPTED THIS REGULATION:

Article 1

1. In Article 1 of Regulation (EEC) No 3555/80 the word 'Malta' is hereby deleted.
2. In the first subparagraph of Article 1 (1) of Regulation (EEC) No 3394/85 the expression 'Community of Nine' is hereby replaced by 'Community as constituted on 31 December 1985'.
3. In Article 1 (1) of Regulation (EEC) No 3668/85 the expression 'Community of Nine' is hereby replaced by 'Community as constituted on 31 December 1985'.

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 2 April 1986.

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 2.

⁽²⁾ OJ No L 367, 31. 12. 1980, p. 86.

⁽³⁾ OJ No L 351, 28. 12. 1985, p. 8.

⁽⁴⁾ OJ No L 382, 31. 12. 1980, p. 1.

⁽⁵⁾ OJ No L 354, 30. 12. 1985, p. 12.

⁽⁶⁾ OJ No L 327, 6. 12. 1985, p. 29.

⁽⁷⁾ OJ No L 50, 28. 2. 1986, p. 40.

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

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

COMMISSION REGULATION (EEC) No 2358/86

of 28 July 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 1579/86⁽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 2010/86⁽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 25 July 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2010/86 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 29 July 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

ANNEX

to the Commission Regulation of 28 July 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	159,50
10.01 B II	Durum wheat	11,04	232,34 ⁽¹⁾ ⁽²⁾
10.02	Rye	26,75	139,85 ⁽²⁾
10.03	Barley	23,68	164,96
10.04	Oats	61,67	145,17
10.05 B	Maize, other than hybrid maize for sowing	—	159,44 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	23,68	32,52 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	169,42 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	—	0 ⁽²⁾
11.01 A	Wheat or meslin flour	1,61	236,56
11.01 B	Rye flour	50,45	208,79
11.02 A I a)	Durum wheat groats and meal	30,11	373,12
11.02 A I b)	Common wheat groats and meal	1,74	255,48

⁽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 2359/86

of 28 July 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 1579/86⁽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 2011/86⁽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 25 July 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 Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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 originating in Portugal shall be zero.

2. 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 28 July 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	2,77
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	5,13
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2360/86
of 28 July 1986
fixing the specific levies on beef and veal from Portugal

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 and in particular Article 272 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Articles 10 (1), 11 (1) and 12 (8) thereof,

Whereas in accordance with Article 272 (1) and (2) of the Act of Accession the arrangements applicable, during the first stage, by the Community as constituted at 31 December 1985 in respect of imports of products from Portugal must be those that it applied to Portugal before accession, account being taken of any price alignment that may have taken place during the first stage; whereas the levies in question should therefore be fixed;

Whereas Commission Regulation (EEC) No 588/86 ⁽³⁾, as last amended by Regulation (EEC) No 1972/86 ⁽⁴⁾, lays

down detailed implementing rules for the specific levies applicable to trade in beef and veal in the case of Portugal;

Whereas, in the light of the arrangements set out in Regulation (EEC) No 588/86, the specific levies applicable in respect of the beef and veal imports concerned should be as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific levies applicable in the case of imports from Portugal into the Community as constituted at 31 December 1985 shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 August 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 45.

⁽⁴⁾ OJ No L 170, 27. 6. 1986, p. 31.

ANNEX

Special levies on imports of beef and veal from Portugal

CCT heading No	Description	Amount of the special levies
01.02 A II	Live animals, including animals of the buffalo species, of domestic bovine species other than pure-bred breeding animals	5,79
02.01 A II a)	Fresh or chilled meat of bovine animals	
	1. Carcases, half-carcases or 'compensated' quarters	10,93
	2. Separated or unseparated forequarters	8,74
	3. Separated or unseparated hindquarters	13,12
	4. Other :	
	aa) Unboned (bone-in)	16,40
	bb) Boned or boneless	18,80
02.01 A II b)	Frozen meat of bovine animals :	
	1. Carcases, half-carcases, or 'compensated' quarters	9,84
	2. Separated or unseparated forequarters	7,87
	3. Separated or unseparated hindquarters	12,24
	4. Other :	
	aa) Unboned (bone-in)	14,76
	bb) Boned or boneless :	
	11. Forequarters, whole or cut into a maximum of five pieces, each quarter being in a single block ; 'compensated' quarters in two blocks, one of which contains the forequarter, whole or cut into a maximum of five pieces, and the other, the hindquarter, excluding the tenderloin, in one piece	12,24
	22. Crop, chuck and blade and brisket cuts (a)	12,24
	33. Other	16,94
02.06 C I a)	Meat of bovine animals, salted, in brine, dried or smoked :	
	1. Unboned (bone-in)	16,40
	2. Boned or boneless	18,80
16.02 B III b) 1 aa)	Other prepared or preserved meat or meat offal containing bovine meat or offal, either uncooked or a mixture of cooked meat or offal and uncooked meat or offal	18,80

(a) Entry under this subheading is subject to the production of a certificate issued in accordance with the conditions laid down by the competent authorities of the European Communities.

COMMISSION REGULATION (EEC) No 2361/86

of 25 July 1986

amending Regulation (EEC) No 2223/85 as regards the allocation among processing enterprises of certain quantities of fresh tomatoes

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as amended by Regulation (EEC) No 1838/86 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EEC) No 2077/86 ⁽³⁾ fixes, for the 1986/87 marketing year, the minimum price to be paid to producers for tomatoes and the amount of production aid for processed tomato products;

Whereas Article 5 (4) of Commission Regulation (EEC) No 2223/85 ⁽⁴⁾ authorizes Member States to redistribute quantities already allocated and not used among processing enterprises which have used a quantity of fresh tomatoes exceeding that allocated to them; whereas, in the light of experience, it should further be provided that the quantities released and for which processing contracts have not been concluded may be redistributed, during the marketing year, among enterprises which state that they are prepared to conclude contracts for processing additional quantities; whereas, accordingly, a specific additional period should be laid down for the conclusion of these new contracts, by way of derogation from Article 7 of Commission Regulation (EEC) No 1599/84 of 5 June 1984 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables ⁽⁵⁾, as last amended by Regulation (EEC) No 1155/86 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 5 is added to Article 5 of Regulation (EEC) No 2223/85:

'5. Without prejudice to paragraph 4, where a Member State has established that the total quantity allocated to its processing enterprises will not be used during the current marketing year, that Member State may redistribute the quantity thus available among processing enterprises which state that they are prepared to conclude additional processing contracts for those quantities.'

By way of derogation from Article 7 (1) and (3) of Regulation (EEC) No 1599/84, the abovementioned contracts shall be concluded by the 15th day following the date on which the competent authority notifies to the enterprises its decision regarding further redistribution.'

Article 2

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

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

Done at Brussels, 25 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 159, 14. 6. 1986, p. 1.

⁽³⁾ OJ No L 179, 3. 7. 1986, p. 11.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 19.

⁽⁵⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽⁶⁾ OJ No L 105, 22. 4. 1986, p. 24.

COMMISSION REGULATION (EEC) No 2362/86

of 28 July 1986

determining the extent to which applications lodged in July 1986 for the issue of import licences in respect of frozen beef intended for processing may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 14 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 1998/86 ⁽³⁾ fixed the quantity of frozen beef intended for processing which may be imported under special terms in the third quarter of 1986;

Whereas Article 15 (6) (a) of Commission Regulation (EEC) No 2377/80 ⁽⁴⁾, as last amended by Regulation (EEC) No 3815/85 ⁽⁵⁾, lays down that the quantities applied for may be reduced; whereas, the applications lodged in conformity with the conditions of Commission Regulation (EEC) No 1136/79 ⁽⁶⁾, as last amended by Regulation (EEC) No 2036/84 ⁽⁷⁾, relate to total quantities which far exceed the quantities available in accordance with Article 1 of Regulation (EEC) No 1998/86; whereas, under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate, for the system referred to in Article 14 (1) (a)

of Regulation (EEC) No 805/68, to reduce proportionally the quantities applied for;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Every application for an import licence lodged in accordance with Regulation (EEC) No 1136/79 for the quarter beginning 1 July 1986 shall be granted to the following extent, expressed as bone-in beef:

- (a) 3,013 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (5) of Regulation (EEC) No 1136/79;
- (b) 100 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (6) of Regulation (EEC) No 1136/79.

2. In conformity with Article 15 (3) of Regulation (EEC) No 2377/80, all applications from any one applicant shall be regarded as a single application.

Article 2

This Regulation shall enter into force on 30 July 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 171, 28. 6. 1986, p. 32.

⁽⁴⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 11.

⁽⁶⁾ OJ No L 141, 9. 6. 1979, p. 10.

⁽⁷⁾ OJ No L 189, 17. 7. 1984, p. 14.

COMMISSION REGULATION (EEC) No 2363/86

of 28 July 1986

specifying the extent to which applications lodged in July 1986 for import licences in respect of young male bovine animals for fattening may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 13 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 1999/86 ⁽³⁾ fixed the quantity of young male bovine animals which may be imported on special terms during the third quarter of 1986; whereas, having regard to the applications for import licences lodged by each of the categories of applicants referred to in that Regulation, such licences should be issued as provided below;

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

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for young male bovine animals for fattening in respect of which applications were lodged between 1 and 10 July 1986, shall be issued as follows:

1. The quantities requested in Italy:

- (a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia:

- (aa) by agricultural producers or their organizations shall be reduced by 96,530 %;

- (bb) by other applicants shall be reduced by 97,283 %;

- (b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries:

- (aa) by agricultural producers or their organizations shall be reduced by 96,304 %;

- (bb) by other applicants shall be reduced by 98,544 %.

2. The quantities requested in Greece:

- (a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia:

- (aa) by agricultural producers or their organizations shall be reduced by 96,660 %;

- (bb) by other applicants shall be reduced by 89,362 %;

- (b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries:

- (aa) by agricultural producers or their organizations shall be reduced by 92,638 %;

- (bb) by other applicants shall be reduced by 89,362 %.

Article 2

This Regulation shall enter into force on 30 July 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 171, 28. 6. 1986, p. 33.

COMMISSION REGULATION (EEC) No 2364/86

of 28 July 1986

amending, for the fifth time, Regulation (EEC) No 2858/85 on the sale of pigmeat held by the Belgian intervention agency pursuant to Regulations (EEC) No 772/85, (EEC) No 978/85 and (EEC) No 1477/85

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾, and in particular Article 20 thereof,

Whereas Article 2b of Commission Regulation (EEC) No 2858/85⁽³⁾, as last amended by Regulation (EEC) No 1495/86⁽⁴⁾, provides for the sale of pigmeat held by the Belgian intervention agency, pursuant to Commission Regulations (EEC) No 772/85⁽⁵⁾, (EEC) No 978/85⁽⁶⁾, and (EEC) No 1477/85⁽⁷⁾, at prices fixed at a standard rate in advance;

Whereas a relaxation of the conditions on the time limits for taking delivery and treatment of meat purchased in accordance with the said provision could accelerate its disposal;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2858/85 is hereby amended as follows:

1. The following subparagraph is added to Article 12 (1):
'However where Article 2b applies the treatment of the meat shall be carried out within five months of the date on which the purchaser takes delivery.'
2. The following paragraph is added to Article 17:
'However where Article 2b applies, the purchaser shall take delivery of the product by 28 November 1986 at the latest.'

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, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No 133, 21. 5. 1986, p. 39.

⁽³⁾ OJ No L 274, 15. 10. 1985, p. 22.

⁽⁴⁾ OJ No L 131, 17. 5. 1986, p. 26.

⁽⁵⁾ OJ No L 86, 27. 3. 1985, p. 20.

⁽⁶⁾ OJ No L 105, 17. 4. 1985, p. 6.

⁽⁷⁾ OJ No L 145, 4. 6. 1985, p. 17.

COMMISSION DECISION No 2365/86/ECSC

of 28 July 1986

laying down the conditions and criteria for the application of Article 7 of Decision No 3485/85/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 3485/85/ECSC of 27 November 1985 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽¹⁾, and in particular Article 7 thereof,

Whereas :

1. Purpose

The purpose of Article 7 of Decision No 3485/85/ECSC is to limit to a maximum of 1 % the loss of relativity during two consecutive quarters suffered by a company not benefiting or benefiting relatively less than Community undertakings viewed as a whole, from the additional quotas granted under Articles 14 and 14A of Decision No 3485/85/ECSC.

The position on quotas must be corrected category by category, with the proviso that the undertaking must also have been suffering a loss of at least 1 % in all the categories it produces for two consecutive quarters.

It is the Commission's responsibility to lay down the conditions and criteria for application to enable the principle established by the above Article to be realised.

2. References

The reference figures to be used are those calculated in accordance with Article 6 of Decision No 3485/85/ECSC, including those calculated in accordance with Article 4 (5) and exchanges and/or transfers and adjustments granted by the Commission pursuant to Article 2 (1), Article 13 and Article 15 (1), (2), (3) and (4) of that Decision.

3. Calculation of the 'basic quotas'

The 'basic quotas' are obtained solely by applying the abatement rates to the reference figures for the undertaking during the quarters considered.

4. Calculation of the 'final quotas'

The 'final quotas' of an undertaking are defined, for production and deliveries in each category, as the sum of

the 'basic quota' and adjustments pursuant to Article 14 or 14A of Decision No 3485/85/ECSC for the quarter concerned.

5. Method for determining eligibility for the application of Article 7 of Decision No 3485/85/ECSC

The method for determining whether or not an undertaking is eligible for the application of Article 7 is as follows :

- For each undertaking and for each quarter from the first quarter of 1986, the ratio of the sum of the undertaking's 'basic quotas' to the sum of the 'basic quotas' of all Community undertakings for the same categories is compared to the ratio of the sum of the undertaking's 'final quotas' to the sum of the 'final quotas' of all Community undertakings for the same categories.
- If the difference between the ratio of the 'final quotas' and the ratio of the 'basic quotas' is negative and exceeds 1 % of the ratio of the 'basic quotas' during two consecutive quarters, the calculation must then be made of the adjustments necessary to reduce the loss to a maximum of 1 % for each of the categories for each quarter in terms of the production quotas and proportions of such quotas which may be delivered in the common market. The sum of the adjustments for each category may not result in a positive overall difference between the ratios of 'final quotas' and the ratio of 'basic quotas' for all categories together, nor may that sum result in a negative difference that is less than 1 % in absolute terms. The adjustments thus calculated are to be spread over a reasonable period to enable the undertaking to use them adequately and to avoid too great a concentration of deliveries in a short space of time, which could disturb the market. Spreading over two quarters the adjustments for the two preceding quarters will obviate such disadvantages.
- The calculation set out above is repeated in each quarter in order to check whether the undertaking fulfils the eligibility conditions during two consecutive quarters, bearing in mind that the application of Article 7 of Decision No 3485/85/ECSC may not be granted more than once per quarter. Where an undertaking no longer fulfils the eligibility conditions during a quarter, the sequence is interrupted for that undertaking and will not be resumed until the conditions are again fulfilled during two consecutive quarters.

⁽¹⁾ OJ No L 340, 18. 12. 1985, p. 5.

6. Procedure

After the end of each quarter the Commission will draw up the list of undertakings eligible for the application of Article 7 of Decision No 3485/85/ECSC. The Commission will automatically allocate the resulting additional quotas to the recipient undertakings.

HAS ADOPTED THIS DECISION :

Article 1

The reference figures to be used for the purposes of Article 7 of Decision No 3485/85/ECSC shall be those calculated in accordance with Article 6 of that Decision, including those calculated in accordance with Article 4 (5) and exchanges and/or transfers and adjustments granted by the Commission pursuant to Articles 2 (1), 13 and 15 (1), (2), (3), (4) of that Decision.

Article 2

The 'basic quotas' within the meaning of Articles 3 and 4 shall be obtained by applying the abatement rates to the reference figures for the undertaking during the quarter or quarters considered.

Article 3

The 'final quotas' within the meaning of Article 4 shall be equal to the sum :

'basic quotas' + adjustment under Article 14 of Decision No 3485/85/ECSC
or the sum :
'final quotas' + adjustment under Article 14A of Decision No 3485/85/ECSC.

Article 4

The chance of relativity during a quarter, by category and for all categories produced by an undertaking, shall be equal to the difference between the ratios 1. and 2. below, calculated as follows for the same quarter :

1.

$$\frac{\text{undertaking's 'basic quotas' } \times 100,00}{\text{'basic quotas' for the Community as a whole for the category or categories in question}}$$

2.

$$\frac{\text{undertaking's 'final quotas' } \times 100,00}{\text{'final quotas' for the Community as a whole for the category or categories in question}}$$

Article 5

Application of Article 7 of Decision No 3485/85/ECSC shall be granted to undertakings for which the difference, for all categories, between the ratios 2. and 1. set out in Article 4 of the Decision is negative and exceeds 1 % of ratio 1. during at least two consecutive quarters.

Article 6

The calculations and the allocation of additional quotas granted under Article 7 of Decision No 3485/85/ECSC shall be made separately by category for production quotas and for that proportion of the quotas which may be delivered in the common market.

Article 7

The additional production quotas and the proportions of those quotas which may be sold on the common market, which may be granted category by category under Article 7 of Decision No 3485/85/ECSC, shall be calculated in such a way that the ratio between the 'final quotas' of the undertaking concerned (including additional quotas granted under Article 7 of Decision No 3485/85/ECSC) and the 'final quotas' for Community undertakings as a whole in the category in question shall not differ by more than 1 % from the equivalent ratio between the 'basic quotas' for the undertaking concerned and the 'basic quotas' for Community undertakings as a whole. However, the difference calculated for all categories between the ratios 2. and 1. set out in Article 4 (including additional quotas granted to the undertaking in question under Article 7 of Decision No 3485/85/ECSC) must be negative and may not be less than 1 % in absolute terms.

Article 8

The adjustments granted under Article 5 shall be valid for use by the recipient undertaking until the end of the second quarter following the last quarter for which the adjustment was granted.

Article 9

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

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

Done at Brussels, 28 July 1986.

For the Commission

Karl-Heinz NARJES

Vice-President

COMMISSION REGULATION (EEC) No 2366/86

of 28 July 1986

amending Regulation (EEC) No 1871/86 on exemption from the coresponsibility
levy of cereals in stocks at the end of the 1985/86 marketing year

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 1579/86 ⁽²⁾, and in particular Article 4 thereof,

Whereas sorghum, a cereal produced in the southern
Member States of the Community, is in the same situa-
tion as maize in respect of the harvesting period ; whereas
sorghum should, therefore, be treated in the same way as
maize as regards the requirements for exemption from the
co-responsibility levy of stocks of sorghum from harvests
prior to 1986 ;

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

Commission Regulation (EEC) No 1871/86 ⁽³⁾ is hereby
amended as follows :

1. In the first subparagraphs of Article 3 (1) and (2), 'and
sorghum' is inserted after 'other than maize'.
2. In the first subparagraph of Article 4, 'and sorghum' is
inserted after 'other than maize'.

Article 2

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

It shall apply from 18 June 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 162, 18. 6. 1986, p. 18.

COMMISSION REGULATION (EEC) No 2367/86

of 28 July 1986

fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾ and in particular Articles 3 and 7 (1) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1986 on the monetary compensatory amounts applying to the agricultural sector⁽³⁾, as last amended by Council Regulation (EEC) No 2062/86⁽⁴⁾, and in particular Article 6 (3) thereof,

Whereas a levy fixed quarterly in advance must be charged on imports into the Community for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75; whereas levies were last fixed by Regulation (EEC) No 1254/86⁽⁵⁾ for the period ending 31 July 1986 and levies must therefore be fixed anew for the period 1 August to 31 October 1986;

Whereas, pursuant to Council Regulation (EEC) No 1677/85 the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,083682 with effect from 9 April 1986; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting world market prices to a corrective factor of 0,92278 used for the calculation of levies and sluice-gate prices;

Whereas the levy on slaughtered poultry is made up of two components;

Whereas the first component must be equal to the difference between prices within the Community and on the world market for the quantity of feed grain specified in

Annex I to Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽⁶⁾, as last amended by Regulation (EEC) No 1475/86;

Whereas the price within the Community for that quantity of feed grain must be determined in accordance with Article 2 of Regulation (EEC) No 2778/75; whereas the price for the like quantity on the world market must be determined in accordance with Article 3 thereof;

Whereas the said Article 3 provides that the price for each type of feed grain on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component is calculated; whereas that period is 1 February to 30 June 1986;

Whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable for the four quarters to 1 May in each year;

Whereas the levy on chicks must be calculated in the same way as the levy on slaughtered poultry; whereas however, the quantity of feed grain used in the calculation must be that shown in Annex I to Regulation (EEC) No 2778/75; whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable to chicks;

Whereas the levy on the products specified in Article 1 (2) (d) of Regulation (EEC) No 2777/75 must be derived from the levy on slaughtered poultry on the basis of the coefficients set out in the Annex to Commission Regulation (EEC) No 3011/79 of 20 December 1979 fixing the coefficients for calculating levies on derived poultrymeat products and repealing Regulation No 199/67/EEC⁽⁷⁾, as amended by Regulation (EEC) No 1507/82⁽⁸⁾;

Whereas, in the case of products falling within heading No 02.03 and within subheadings 15.01 B or 16.02 B I of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levies must not exceed the amount resulting from that binding;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 34.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 176, 1. 7. 1986, p. 15.

⁽⁵⁾ OJ No L 113, 30. 4. 1986, p. 29.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁷⁾ OJ No L 337, 29. 12. 1979, p. 65.

⁽⁸⁾ OJ No L 168, 15. 6. 1982, p. 5.

Whereas, sluice-gate prices for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed in advance for each quarter; whereas sluice-gate prices were last fixed by Regulation (EEC) No 1254/86 for the period ending 31 July 1986 and prices must therefore be fixed anew for the period 1 August to 31 October 1986;

Whereas the sluice-gate price for slaughtered poultry is made up of two components;

Whereas the first component must be equal to the price on the world market for the quantity of feed grain shown in Annex II to Regulation (EEC) No 2778/75;

Whereas the price for that quantity of cereals must be determined in accordance with Article 4 (2) and (3) of Regulation (EEC) No 2778/75;

Whereas the said Article 4 provides that the price for each cereal on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component is calculated; whereas that period is 1 February to 30 June 1986;

Whereas the second amount, which represents other feeding costs and overhead costs of production and marketing, is fixed in Annex II to Regulation (EEC) No 2778/75;

Whereas the sluice-gate price for chicks must be calculated in the same way as the sluice-gate price for slaughtered poultry; whereas, however, the quantity of feed grain used in the calculation must be that shown in Annex II to Regulation (EEC) No 2778/75; whereas the standard amount must be that fixed in the same Annex;

Whereas the sluice-gate price for the products specified in Article 1 (2) (d) of Regulation (EEC) No 2777/75 must be

derived from the sluice-gate prices for slaughtered poultry on the basis of the coefficients fixed for these products in accordance with Article 5 (3) of that Regulation;

Whereas, Commission Regulation (EEC) No 631/86 of 28 February 1986 on the application of import levies on products from Portugal and amending Regulation (EEC) No 177/86⁽¹⁾, suspended the application of import levies on poultrymeat products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2777/75 and the sluice-gate prices provided for in Article 7 thereof, in respect of the products specified in Article 1 (1), shall be as set out in the Annex hereto.
2. Nevertheless, in the case of products falling within heading No 02.03 and within subheadings 15.01 B or 16.02 B I of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.
3. For imports of products specified in paragraph 1 from Portugal, application of the levies specified in the Annex shall be suspended.

Article 2

This Regulation shall enter into force on 1 August 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 60, 1. 3. 1986, p. 11.

ANNEX

to the Commission Regulation of 28 July 1986 fixing the sluice-gate prices and levies for poultrymeat

CCT heading No	Description	Sluice-gate price	Levy
1	2	3	4
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea-fowls : A. Of a weight not exceeding 185 g, known as 'chicks': I. Turkeys and geese II. Other B. Other : I. Fowls II. Ducks III. Geese IV. Turkeys V. Guinea-fowls	ECU/100 units	ECU/100 units
		81,07	18,16
		21,54	7,40
		ECU/100 kg	ECU/100 kg
		72,49	27,91
		91,48	42,79
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea-fowls) and edible offals thereof (except liver), fresh, chilled or frozen : A. Whole poultry : I. Fowls : (a) Plucked and gutted, with heads and feet, known as '83 % chickens' (b) Plucked and drawn, without heads and feet, but with hearts, livers and gizzards, known as '70 % chickens' (c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens' II. Ducks : (a) Plucked, bled, not drawn or gutted, with heads and feet, known as '85 % ducks' (b) Plucked and drawn, without heads and feet, with hearts, livers and gizzards, known as '70 % ducks' (c) Plucked and drawn, without heads and feet, without hearts, livers and gizzards, known as '63 % ducks' III. Geese : (a) Plucked, bled, not drawn, with heads and feet, known as '82 % geese' (b) Plucked and drawn, without heads and feet, with or without hearts and gizzards, known as '75 % geese' IV. Turkeys (a) Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as '80 % turkeys' (b) Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as '73 % turkeys' V. Guinea-fowls	111,38	40,64
		99,48	31,56
		120,62	48,41
		91,07	35,06
		103,55	39,87
		112,83	43,45
		107,61	50,34
		130,68	61,13
		145,20	67,92
		159,12	58,05
		149,79	61,77
		142,12	45,08
		155,74	49,39
		172,32	69,15

CCT heading No	Description	Sluice-gate price	Levy
1	2	3	4
		ECU/100 kg	ECU/100 kg
02.02 (cont'd)	B. Poultry cuts (excluding offals): I. Boned or boneless : (a) Of geese (b) Of turkeys (c) Of other poultry II. Unboned (bone-in): (a) Halves or quarters : 1. Of fowls 2. Of ducks 3. Of geese 4. Of turkeys 5. Of guinea-fowls (b) Whole wings, with or without tips (c) Backs, necks, backs with necks attached, rumps and wing tips (d) Breasts and cuts of breasts : 1. Of geese 2. Of turkeys 3. Of other poultry (e) Legs and cuts of legs : 1. Of geese 2. Of turkeys : aa) Drumsticks and cuts of drumsticks bb) Other 3. Of other poultry (f) Goose or duck paletots (!) (g) Other C. Offals		
02.03	Poultry liver, fresh, chilled, frozen, salted or in brine : A. Fatty liver of goose or duck B. Other	1 591,20 160,64	580,50 63,71
02.05	Pig fat, free of lean meat and poultry fat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked : C. Poultry fat	139,69	55,40
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted : B. Poultry fat	167,63	66,48

- (1) For the purposes of subheading 02.02 B II (f), 'goose or duck paletots' shall be taken to mean geese or ducks plucked and completely drawn, without heads or feet, with carcase bones (breastbone, ribs, backbone and sacrum) removed but with the femurs, tibias and humeri.
- (2) For the purpose of determining the percentage of poultrymeat, weight of any bones shall be disregarded.

COMMISSION REGULATION (EEC) No 2368/86
of 28 July 1986
fixing the sluice-gate prices and levies for eggs

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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on the monetary compensatory amounts in the agricultural sector⁽³⁾, as last amended by Council Regulation (EEC) No 2062/86⁽⁴⁾, and in particular Article 6 (3) thereof,

Whereas a levy fixed quarterly in advance must be charged on imports into the Community for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75; whereas levies were last fixed by Commission Regulation (EEC) No 1253/86⁽⁵⁾ for the period ending 31 July 1986 and levies must therefore be fixed anew for the period 1 August to 31 October 1986;

Whereas, pursuant to Council Regulation (EEC) No 1677/85, the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,083682 with effect from 9 April 1986; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting world market prices to a corrective factor of 0,92278 used for the calculation of levies and sluice-gate prices;

Whereas the levy on eggs in shell is made up of two components;

Whereas the first component must be equal to the difference between prices within the Community and on the world market for the quantity of feed grain specified in Annex I to Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs⁽⁶⁾, as last amended by Regulation (EEC) No 1475/86;

Whereas the price within the Community for that quantity of feed grain must be determined in accordance with Article 2 of Regulation (EEC) No 2773/75; whereas the price for the like quantity on the world market must be determined in accordance with Article 3 thereof;

Whereas the said Article 3 provides that the prices for each type of feed grain on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component is calculated; whereas that period is 1 February to 30 June 1986;

Whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable for the four quarters to 1 May in each year;

Whereas the levy on eggs for hatching must be calculated in the same way as the levy on eggs in shell; whereas, however, the quantity of feed grain used in the calculation must be that shown in Annex I to Regulation (EEC) No 2773/75; whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable to eggs for hatching;

Whereas the levy on the products specified in Article 1 (1) (b) of Regulation (EEC) No 2771/75 must be derived from the levy on eggs in shell on the basis of the coefficients set out in the Annex to Commission Regulation No 164/67/EEC of 26 June 1967 fixing the factors for calculating levies and sluice-gate prices for derived egg products⁽⁷⁾, as last amended by Regulation (EEC) No 1775/74⁽⁸⁾;

Whereas sluice-gate prices for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed in advance for each quarter; whereas sluice-gate prices were last fixed by Regulation (EEC) No 1253/86 for the period ending 31 July 1986 and prices must therefore be fixed anew for the period 1 August to 31 October 1986;

Whereas the sluice-gate price for eggs in shell is made up of two components;

Whereas the first component must be equal to the price on the world market for the quantity of feed grain specified in Annex II to Regulation (EEC) No 2773/75;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 176, 1. 7. 1986, p. 15.

⁽⁵⁾ OJ No L 113, 30. 4. 1986, p. 27.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁷⁾ OJ No 129, 28. 6. 1967, p. 2578/67.

⁽⁸⁾ OJ No L 186, 10. 7. 1974, p. 14.

Whereas the price for that quantity of grain must be determined in accordance with Article 4 (2) and (3) of Regulation (EEC) No 2773/75;

Whereas the said Article 4 provides that the price for each cereal on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component is calculated; whereas that period is 1 February to 30 June 1986;

Whereas the second amount, which represents other feeding costs and overhead costs of production and marketing, is fixed in Annex II to Regulation (EEC) No 2773/75;

Whereas the sluice-gate price for eggs for hatching must be calculated in the same way as the sluice-gate price for eggs in shell; whereas, however, the quantity of feed grain used in the calculation must be that specified in Annex II to Regulation (EEC) No 2773/75; whereas the standard amount must be that fixed in the same Annex;

Whereas the sluice-gate prices for the products specified in Article 1 (1) (b) of Regulation (EEC) No 2771/75 must be derived from the sluice-gate prices for eggs in shell, taking into account the value of the basic product, the coefficients for those products fixed in accordance with Article 5 (2) of that Regulation and the standard amount fixed in the Annex to Regulation No 164/67/EEC;

Whereas, as regards the lower value to be allowed for in the calculation of the sluice-gate prices for whole products, account must be taken of the absence of certain marketing costs specific to eggs in shell, and of a percentage reflecting the lower prices generally obtained for eggs intended for processing; whereas these marketing costs — to be deducted from the sluice-gate price for eggs in shell — may be assessed at 0,0967 ECU per kilogram; whereas the percentage to be deducted from that reduced sluice-gate price may be assessed at 20 %;

Whereas, as regards the lower value to be allowed for in the calculation of the sluice-gate prices for separated

products, the same reduction in marketing costs as for whole products should be allowed for; whereas, however, the percentage to be deducted should be lower than that taken for whole products, as the production of separated products requires the use of fresh eggs; whereas this percentage may be assessed at 7 %;

Whereas, Commission Regulation (EEC) No 630/86 of 28 February 1986 on the application of import levies on egg products from Portugal and amending Regulation (EEC) No 176/86⁽¹⁾ suspended the application of import levies on egg products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2771/75 and the sluice-gate prices provided for in Article 7 thereof, in respect of the products specified in Article 1 (1) thereof, shall be as set out in the Annex hereto.

2. For imports from Portugal of products specified in paragraph 1, application of the levies specified in the Annex shall be suspended.

Article 2

This Regulation shall enter into force on 1 August 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 60, 1. 3. 1986, p. 10.

ANNEX

to the Commission Regulation of 28 July 1986 fixing the sluice-gate prices and levies for eggs

CCT heading No	Description	Sluice-gate price	Levy
1	2	3	4
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not : A. Eggs in shell, fresh or preserved : I. Poultry eggs : a) Eggs for hatching (a) : 1. Of turkeys or geese 2. Other b) Other B. Eggs, not in shell ; egg yolks : I. Suitable for human consumption : a) Eggs not in shell : 1. Dried 2. Other b) Egg yolks : 1. Liquid 2. Frozen 3. Dried	ECU/100 units	ECU/100 units
		41,12	11,75
		10,44	4,42
		ECU/100 kg	ECU/100 kg
		81,24	44,32
		332,57	200,33
		88,18	51,41
		179,30	90,41
		191,04	96,62
		396,13	207,42

(a) Only poultry eggs which fulfil the conditions stipulated by the competent authorities of the European Communities are eligible for entry under this subheading.

COMMISSION REGULATION (EEC) No 2369/86

of 28 July 1986

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

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 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽¹⁾, and in particular Article 2 (2) and the second subparagraph of Article 5 (5) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on the monetary compensatory amounts in the agricultural sector⁽²⁾, as last amended by Council Regulation (EEC) No 2062/86⁽³⁾, and in particular Article 6 (3) thereof,

Whereas the sluice-gate prices and import duties for the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Regulation (EEC) No 1255/86⁽⁴⁾, last fixed for the period ending 31 July 1986, they must be fixed anew for the period 1 August to 31 October 1986; whereas they must be fixed by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas, pursuant to Council Regulation (EEC) No 1677/85, the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,083682 with effect from 9 April 1986; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting world market prices to a corrective

factor of 0,92278 used for the calculation of levies and sluice-gate prices;

Whereas these have been fixed by Commission Regulation (EEC) No 2368/86 of 28 July 1986 fixing the sluice-gate prices and levies for eggs⁽⁵⁾;

Whereas the methods for calculating sluice-gate prices and import duties are laid down in Regulation No 200/67/EEC⁽⁶⁾; whereas these methods should be used to calculate the sluice-gate prices and import duties for the coming quarter;

Whereas Commission Regulation (EEC) No 632/86 of 28 February 1986 on the application of import duties on ovalbumin and lactalbumin products from Portugal⁽⁷⁾ suspended the application of import levies on ovalbumin and lactalbumin products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties provided for in Article 2 of Regulation (EEC) No 2783/75 and the sluice-gate prices provided for in Article 5 thereof, in respect of the products specified in Article 1 shall be as set out in the Annex hereto.

2. Application of the duties shown in the Annex shall be suspended in respect of imports from Portugal of the products specified in paragraph 1.

Article 2

This Regulation shall enter into force on 1 August 1986.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 176, 1. 7. 1986, p. 15.

⁽⁴⁾ OJ No L 113, 30. 4. 1986, p. 34.

⁽⁵⁾ See page 29 of this Official Journal.

⁽⁶⁾ OJ No 134, 30. 6. 1967, p. 2834/67.

⁽⁷⁾ OJ No L 60, 1. 3. 1986, p. 12.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 28 July 1986 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

CCT heading No	Description	Sluice-gate price	Import duty
1	2	3	4
35.02	Albumins, albuminates and other albumin derivatives : A. Albumins : II. Other (than unfit or rendered unfit for human consumption) : a) Ovalbumin and lactalbumin : 1. Dried (for example, in sheets, scales, flakes, powder) 2. Other	ECU/100 kg	ECU/100 kg
		381,45	179,94
		51,12	24,38

COMMISSION REGULATION (EEC) No 2370/86**of 28 July 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 Regulation (EEC) No 934/86 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 2012/86 ⁽³⁾, as last amended by Regulation (EEC) No 2293/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2012/86 to the infor-

mation 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 2012/86, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.

⁽³⁾ OJ No L 173, 1. 7. 1986, p. 8.

⁽⁴⁾ OJ No L 200, 23. 7. 1986, p. 31.

ANNEX

to the Commission Regulation of 28 July 1986 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

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	0,4807	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	59,06
	ex II. Other	0,4807	—
	E. Artificial honey, whether or not mixed with natural honey	0,4807	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4807	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	59,06
	IV. Other	0,4807	—

COMMISSION REGULATION (EEC) No 2371/86

of 28 July 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 934/86 ⁽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 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 2354/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 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 29 July 1986.

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

Done at Brussels, 28 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.
⁽³⁾ OJ No L 173, 1. 7. 1986, p. 91.
⁽⁴⁾ OJ No L 203, 26. 7. 1986, p. 48.

ANNEX

to the Commission Regulation of 28 July 1986 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	48,07 42,87 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 July 1986

amending Council Decision 82/730/EEC as regards the list of establishments in Austria approved for the purpose of importing fresh meat into the Community

(86/348/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Articles 4 (1) and 18 (1) thereof,

Having regard to Council Directive 77/96/EEC of 21 December 1976 on the examination for trichinae (*Trichinella spiralis*) upon importation from third countries of fresh meat derived from domestic swine ⁽³⁾, as last amended by Regulation (EEC) No 3768/85, and in particular Article 4 thereof,

Whereas a list of establishments in Austria, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Council Decision 82/730/EEC ⁽⁴⁾, as last amended by Commission Decision 86/54/EEC ⁽⁵⁾;

Whereas a routine inspection under Article 5 of Directive 72/462/EEC and Article 3 (1) of Commission Decision 83/196/EEC of 8 April 1983 concerning on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat from

non-member countries ⁽⁶⁾ has revealed that the level of hygiene of one establishment has altered since the last inspection;

Whereas the list of establishments should therefore be amended;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 82/730/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 26, 31. 1. 1977, p. 67.

⁽⁴⁾ OJ No L 311, 8. 11. 1982, p. 1.

⁽⁵⁾ OJ no L 68, 11. 3. 1986, p. 14.

⁽⁶⁾ OJ No L 108, 26. 4. 1983, p. 18.

ANNEX

LIST OF ESTABLISHMENTS

Approval No	Establishment	Address
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I. BOVINE MEAT

A. Slaughterhouses and cutting premises

N 12	Josef Grandits	Kirchschlag
N 15	Rumpold	Martinsberg
O 4	Vieh- und Fleisch GmbH	Linz
St 7	Alpenfleisch KG	Stainach
St 22	Alfred Scheucher	Wolfsberg im Schwartzautal

B. Slaughterhouses

K 1	Städtischer Schlachthof	Klagenfurt
K 7	Städtischer Schlachthof	St. Veit
N 4	WÖV, Versandschlachthof	Greinsfurth
N 9	WÖV, Versandschlachthof	Mistelbach
O 6	Welser Schlachthof GmbH & Co. KG	Wels
O 11	Fürst und Söhne, Vieh- und Fleischexport	Pregarten
O 25	Schlachthof Rudolf Grossfurtner	Utzenaich
St 5	Scheucher-Fleisch GmbH	Jagerberg-Ungerdorf
St 6	Städtischer Schlacht- und Viehhof	Graz
St 20	Prettenhofer	Gross-Steinbach
St 21	Rudolf Jöbstl	Strass
St 23	Johann Zsifkowics KG	Fürstenfeld
W 2	Markt- und Schlachtbetrieb St. Marx	Wien

C. Cutting premises

O 15	Zerlegungsbetrieb Handlbauer und Co.	Wels
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II. PIGMEAT (1)

A. Slaughterhouses and cutting premises

N 12 T	Josef Grandits	Kirchschlag
N 15 T	Rumpold	Martinsberg
O 4 T	Vieh- und Fleisch GmbH	Linz
St 22 T	Alfred Scheucher	Wolfsberg im Schwartzautal

Approval No	Establishment	Address
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B. Slaughterhouses

K 7 T	Städtischer Schlachthof	St. Veit
N 4 T	WÖV, Versandschlachthof	Greinsfurth
N 9 T	WÖV, Versandschlachthof	Mistelbach
O 6 T	Welser Schlachthof GmbH & Co. KG	Wels
O 11 T	Fürst und Söhne, Vieh- und Fleischexport	Pregarten
O 25 T	Schlachthof Rudolf Grossfurtner	Utzenaich
St 5 T	Scheucher-Fleisch GmbH	Jagerberg-Ungerdorf
St 6 T	Städtischer Schlacht- und Viehhof	Graz
St 20 T	Prettenhofer	Gross-Steinbach
St 21 T	Rudolf Jöbstl	Strass
St 23 T	Johann Zsifkowics KG	Fürstenfeld
W 2 T	Markt- und Schlachtbetrieb St. Marx	Wien

C. Cutting premises

O 15	Zerlegungsbetrieb Handlbauer & Co.	Wels
St 7	Alpenfleisch KG	Stainach

(¹) The establishments with the indication 'T' are authorized, within the meaning of Article 4 of Directive 77/96/EEC, to perform the examination for detection of trichinae provided for in Article 2 of the aforementioned Directive.

III. COLD STORE

W 19	Frigoscandia GmbH, Wiener Kühlhaus	Wien
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COMMISSION DECISION

of 1 July 1986

**amending Decision 81/91/EEC as regards the list of establishments in Argentina
approved for the purpose of importing fresh meat into the Community**

(86/349/EEC)

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

Having regard to Council Directive 72/462/EEC of 12
December 1972 on health and veterinary inspection
problems upon importation of bovine animals and swine
and fresh meat from third countries ⁽¹⁾, as last amended by
Regulation (EEC) No 3768/85 ⁽²⁾, and in particular
Articles 4 (1) and 18 (1) thereof,

Whereas a list of establishments in Argentina, approved
for the purpose of importing fresh meat into the Commu-
nity, was drawn up initially by the Commission Decision
of 25 November 1980, and was amended and published
by Decision 81/91/EEC ⁽³⁾, as last amended by Decision
86/294/EEC ⁽⁴⁾;

Whereas a routine inspection under Article 5 of Directive
72/462/EEC and Article 3 (1) of Commission Decision
83/196/EEC of 8 April 1983 concerning on-the-spot
inspections to be carried out in respect of the importation
of bovine animals and swine and fresh meat from non-
member countries ⁽⁵⁾ has revealed that the level of
hygiene of one establishment has altered since the last
inspection;

Whereas the list of establishments should therefore be
amended;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Veterinary
Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 81/91/EEC is hereby replaced by
the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 58, 5. 3. 1981, p. 39.

⁽⁴⁾ OJ No L 182, 5. 7. 1986, p. 32.

⁽⁵⁾ OJ No L 108, 26. 4. 1983, p. 18.

ANNEX

LIST OF ESTABLISHMENTS FROM WHICH IMPORTS OF FRESH MEAT MAY BE
AUTHORIZED WITHOUT TIME LIMIT

Approval No	Establishment	Address
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I. BOVINE MEAT

A. Slaughterhouses and cutting premises

8	Corporación argentina de productores de carnes (CAP) — Cuatros	Daniel Cerri, Buenos Aires
13	Swift Armour SA Argentina	Rosario, Santa Fé
16	Frigorífico regional Santa Elena SA	Santa Elena, Entre Ríos
20	SA Frigorífico Monte Grande	Monte Grande, Buenos Aires
89	Frigorífico Carcarana SACI	Carcarana, Santa Fé
164	Frigorífico Gualeguaychu SA	Gualeguaychu, Entre Ríos
249	Industrias frigoríficas Nelson SACIA	Nelson, Santa Fé
1014	San Jorge SA	San Jorge, Santa Fé
1113	La Morocha SAAICF	Villa Mercedes, San Luis
1352	Frigorífico Meatex SA	Alejandro Korn, Buenos Aires
1399	Frigorífico regional industria Argentina SAIC (FRIA)	Casilda, Santa Fé
1905	Frigorífico Yaguane SACIFA	González Catan, Buenos Aires
1918	Cía de carniceros SAICAI (COCARSA)	San Fernando, Buenos Aires
1920	Frigorífico rioplatense SAICIF	General Pacheco, Buenos Aires
1921	San Telmo SACIAFIF	Mar del Plata, Buenos Aires
1930	Vizental y Cía SACIA	San José, Entre Ríos
1970	Frigorífico regional industrias alimenticias reconquista SA (FRIAR)	Reconquista, Santa Fé
1984	Matadero y Frigorífico regional de Azul SAGIC	Azul, Buenos Aires
2019	Frigorífico MCV	Tres Lomas, Buenos Aires
2035	Frigorífico Hughes SA	Hughes, Santa Fé
2052	Matadero y Frigorífico Antártico SAIC	González Catan, Buenos Aires
2065	Frigorífico Mediterráneos SAICIFA	Pajas Blancas, Córdoba
2067	Cía elaboradora de productos animales SAICAGT	Pontevedra, Buenos Aires
2073	Tomas Arias SA	Riachuelo, Corrientes

B. Cutting premises

18	Quickfood, alimentos rápidos SA	Martínez, Buenos Aires
1085	Vigna Hnos	Cap. Federal
1098	Azul y Blanco	Avellaneda, Buenos Aires
1122	Frigorífico Lafayette SAICAG	Cap. Federal
1175	Frigorífico ganadero SACIAFIGMS	Mercedes, Corrientes
1311	Frymat SAICFA	Santa Fé, Santa Fé

II. SHEEP MEAT

A. Slaughterhouses and cutting premises

1408	Subpga SACIEI	Berazategui, Buenos Aires
1879	Troncomar	Ayacucho, Buenos Aires
2006	Vizental y Cía SACIA	General Pico, La Pampa
2062	Finexcor SACIFIA	Bernal, Buenos Aires
2072	Frigorífico ganadero SACIAFIGMS	Curuzu Cuatia, Corrientes

B. Cutting premises

1175	Frigorífico ganadero SACIAFIGMS	Mercedes, Corrientes
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Approval No	Establishment	Address
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III. HORSE MEAT

Slaughterhouses and cutting premises

351	SA Indio Pampa ICAG	Trenque Lauquen, Buenos Aires
1369	Frigorífico Felmar SA	San Francisco, Córdoba
1400	Frigorífico Juchco SCA	Gualeguay, Entre Ríos
1451	Frigorífico Lamar SA	Mercedes, Buenos Aires
2009	Frigorífico Aimar SA	Río Cuarto, Córdoba
2028	Lamar SA	Resistencia, Chaco

IV. COLD STORES

152	Comalfri	Pilar, Buenos Aires
267	Frymat SA	Santa Fé, Santa Fé
391	Frigorífico Siracusa SA	Avellaneda, Buenos Aires
1101	Frigorífico Oneto y Cía SAIC	Virrey Cevallos, Buenos Aires
1326	Establecimiento Azul SRL	Azul, Buenos Aires
1838	Guaicos SAICIF	Cap. Federal

LIST OF ESTABLISHMENTS FROM WHICH FRESH MEAT MAY BE INTRODUCED INTO THE TERRITORY OF THE COMMUNITY ONLY UNTIL THE STATED DATE

Approval No	Establishment	Address
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I. BOVINE MEAT

Slaughterhouses and cutting premises

189 ⁽¹⁾	Frigorífico regional Salto SA	Salto, Buenos Aires
1383 ⁽²⁾	Barreca Hnos	Vivorata, Buenos Aires
1408 ⁽¹⁾	Subpga SACIEI	Berazategui, Buenos Aires
2062 ⁽¹⁾	Finexcor SAICIFA	Bernal, Buenos Aires

⁽¹⁾ Until 28 November 1986.⁽²⁾ Until 31 July 1986.

II. SHEEP MEAT

Slaughterhouses and cutting premises

14 ⁽¹⁾	Frigorífico Austral	Rio Grande, Tierra del Fuego
97 ⁽²⁾	Carnes Santacrucenas SA	Pto. Deseado, Santa Cruz
286 ⁽¹⁾	Frigorífico San Jorge SAIC	Comodoro Rivadavia, Chubut
2044 ⁽¹⁾	Frigorífico Siracusa SAACIF	Comodoro Rivadavia, Chubut

⁽¹⁾ Until 30 January 1987.⁽²⁾ Until 15 July 1986.

COMMISSION DECISION

of 4 July 1986

on the multiannual guidance programme in respect of aquaculture submitted by
Portugal in accordance with Council Regulation (EEC) No 2908/83

(Only the Portuguese text is authentic)

(86/350/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2908/83
of 4 October 1983 on a common measure for restructuring,
modernizing and developing the fishing industry and for
developing aquaculture⁽¹⁾, as amended by Regulation
(EEC) No 3733/85⁽²⁾, and in particular Article 5
thereof,

Whereas on 7 January 1986 the Portuguese Government
forwarded to the Commission a multiannual guidance
programme in respect of aquaculture, hereinafter referred
to as 'the programme'; whereas on 3 March 1986 it
forwarded the latest additional information concerning
the programme;

Whereas the time required for the execution of the
programme is in conformity with the first paragraph of
Article 3 of Regulation (EEC) No 2908/83;

Whereas the programme contains the information
referred to in Article 4 of Regulation (EEC) No 2908/83;

Whereas a feature of aquaculture in Portugal is the tradi-
tional shellfish-farming industry which is of economic
and social importance; whereas, in addition, there are fish
and crustacean-farming enterprises in lagoons and river
estuaries;

Whereas the programme proposes to encourage shellfish
culture and the rearing of high-market-value species, in
particular molluscs the rearing technology for which
appears well established;

Whereas the programme provides for public funds for the
rearing of trout carried out exclusively in fresh water;

Whereas the programme may, having regard to produc-
tion potential, the demand for the products concerned
and the guidelines of the common fisheries policy, con-
stitute a suitable framework for projects which may
qualify for financial support from the Community;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Committee
for the Fishing Industry,

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme in respect of aqua-
culture forwarded by the Portuguese Government on 7
January 1986, at last supplemented on 3 March 1986, the
main features of which are set out in Annex I, is hereby
approved for the year 1986, subject to the provisions set
out in Annex II.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 4 July 1986.

For the Commission

Antonio CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 78.

ANNEX I

**MAIN FEATURES OF THE MULTIANNUAL GUIDANCE PROGRAMME IN RESPECT OF
AQUACULTURE DRAWN UP BY THE PORTUGUESE GOVERNMENT WITHIN THE
FRAMEWORK OF COUNCIL REGULATION (EEC) No 2908/83****1. Objective of the programme**

Development of aquaculture, taking into account the suitability of species for culture commercial viability and market prospects.

2. Duration

The programme will cover the four years from the beginning of 1986 until the end of 1989.

3. Areas concerned

The whole of the Portuguese littoral.

4. Development policy

Future activity will be concentrated on species with good market prospects and with well-established rearing technology. Among these species the most important in value are :

- (a) Clams
- (b) Sea bream
- (c) Eel

5. Present output and production targets

	Present	1988
Clams	4 000	4 500
Sea bream	262	300
Eel	227	450

6. Investment requirement

To achieve these production targets an investment of about 617 000 ECU would be necessary during the period covered by the programme. National aid to be allocated to these investments may be estimated at 168 000 ECU.

ANNEX II

FINAL CONCLUSIONS

1. The Commission notes that the programme submitted by the Government of Portugal as a framework for future Community and national financing constitutes an initial measure to guide investments in aquaculture.
2. In view of the situation on the Community market in trout reared exclusively in fresh water, the Commission cannot approve that part of the programme relating to the establishment of new installations for farming such species. Furthermore, it points out that with regard to projects for modernizing existing fish farms in this field, it will give priority to investments aimed at reducing pollution, and in particular pollution generated by waste water, and investments enabling the mortality rate in ponds to be reduced.
3. The Commission points out that the investment requirement contained in the programme does not imply any commitment as regards financial support from the Community.
4. The Commission considers that the programme targets and their attainment should be the subject of a more detailed analysis in the light of developments in the structural and economic situation of fish farming in Portugal. Moreover, it reserves the right to reassess its decision in the light of developments in the structural aspects of the common fisheries policy after 1986.

COMMISSION DECISION

of 4 July 1986

on the guidance programme for the fishing fleet submitted by Portugal for 1986
in accordance with Council Regulation (EEC) No 2908/83

(Only the Portuguese text is authentic)

(86/351/EEC)

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

Having regard to Council Regulation (EEC) No 2908/83 of 4 October 1983 on a common measure for restructuring, modernizing and developing the fishing industry and for developing aquaculture⁽¹⁾, as amended by Regulation (EEC) No 3733/85⁽²⁾, and in particular Article 5 thereof,

Whereas on 7 January 1986 the Portuguese Government submitted to the Commission a programme with the meaning of Article 3 of Regulation (EEC) No 2908/83, hereinafter referred to as 'the programme'; whereas on 18 and 27 February 1986 it submitted the most recent supplementary information concerning the programme;

Whereas the period for implementing the programme is in accordance with the first paragraph of Article 3 of Regulation (EEC) No 2908/83;

Whereas the programme contains the information referred to in Article 4 of Regulation (EEC) No 2908/83;

Whereas the Portuguese fishing fleet comprises a majority of small inshore vessels and a small number of large distant-water vessels for fishing primarily in third-country waters; whereas its degree of obsolescence is considerable, notably as regards the age of the hulls;

Whereas this programme provides, in the short-term, for the stabilization of the existing global mainland fleet capacity, for a modest development of the capacity of the fleet in the Azores and in Madeira, for renewal of the fleet and to redeployment of the fishing effort towards deeper and less-exploited waters;

Whereas this overall programme should be accompanied by vessel withdrawal, particularly on the mainland, and its entry into force signifies merely a slight increase of the

fleet's total tonnage; whereas it encourages the modernization and diversification of fishing methods;

Whereas in view of production prospects, the measures to conserve and manage fish stocks, the requirements of the products concerned and the guidelines of the common fisheries policy, the programme may constitute a framework for presenting projects which are liable to be eligible for Community financing;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

Article 1

The guidance programme for the fishing fleet, applicable until 31 December 1986, submitted by the Portuguese Government on 7 January 1986 and supplemented most recently on 18 and 27 February 1986, and whose main points are set out in Annex I, is hereby approved subject to the provisions contained in Annex II.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 4 July 1986.

For the Commission

Antonio CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 78.

ANNEX I

**MAIN POINTS OF THE GUIDANCE PROGRAMME FOR THE FISHING FLEET DRAWN UP
BY THE PORTUGUESE GOVERNMENT UNDER REGULATION (EEC) No 2908/83**

1. Purpose of the programme

To restructure the fishing fleet by replacing obsolete vessels and modernizing vessels in service.

2. Demarcation of the area covered by the programme

Mainland Portugal and the Islands of the Azores and Madeira.

3. Duration of the programme

The programme refers only to 1986.

4. Aims of the programme

The aims are as follows:

- to stabilize in the short term the existing overall capacity of the fleet in the case of mainland Portugal, and to develop the capacity of the fleet in the Azores and Madeira,
- to renew the fleet, given that it is on average too old,
- to redeploy fishing effort carried out in inshore areas and estuaries towards deep, less exploited waters,
- to modernize and diversify the fleet by introducing new fishing techniques and methods.

5. Means of attaining these aims**5.1. Construction of fishing vessels**

- stabilizing by 31 December 1986 the capacity of the fishing fleet in mainland Portugal at the level recorded on 31 December 1984, namely 181 000 gross registered tonnes (grt), a very slight increase in the overall tonnage of vessels above 25 grt which will go from 173 000 to 176 000 grt and from 948 to 985 vessels⁽¹⁾, which will rise from 3 000 to 4 645 grt,
- adapting the existing capacity of the distant-water fleet fishing in third-country waters and the capacity of the inshore fleet; directing the fleet towards new fishing zones and new stocks,
- controlling additions to the fleet, which must be offset by the withdrawal of vessels with overall gross registered tonnage equivalent to the newly-built tonnage,
- introducing a system of temporary or permanent laying-up of vessels pursuant to Directive 83/515/EEC⁽²⁾,
- fixing priority criteria for the selection of projects which may be eligible for state aids.

5.2. Modernization of fishing vessels

Modernizing, as a priority, vessels aged between 10 and 20 years, with a view to improving their technical and economic performance and to improving working conditions and safety on board. When only the replacement of engines is concerned, no increase will be permitted.

6. Measures planned for reaching the objective set out in point 4**6.1. Building of vessels of more than 25 GRT:**

	1986
Entry into service:	7 871 GRT
Withdrawn from service:	4 635 GRT

⁽¹⁾ Figure given in the programme, which may be adjusted following the revision of the national statistics system and which do not take into account possible withdrawals in the framework of the workings of Council Directive 83/515/EEC (OJ No L 290, 22. 10. 1983, p. 15).

⁽²⁾ Article 13 (2) of Regulation (EEC) No 2908/83 lays down that projects relating to the building of fishing vessels intended to replace vessels having qualified for aid for the permanent reduction of capacity under Directive 83/515/EEC are inadmissible.

6.2. *Modernization of fishing vessels (in number of units):*

	1986
Vessels to be modernized :	70

7. **Investment forecast (in million ECU)**

	1986
New vessels :	50,8
Modernization :	4,6
Total :	55,4

The national aid planned by the Portuguese Government for building and modernizing ships in 1986 amounts to roughly 5,6 million ECU.

These figures as well as the breakdown between the various measures are indicative in nature.

8. **List of priorities**A. *Construction/Purchase of new vessels*

(between 9 and 33 m bp)

- (a) For tuna fishing and for fishing for other migratory species.
- (b) For inshore trawlers and gill nets, to replace vessels engaging in the same type of fishing (a new trawler may not exceed 22 m bp, 500 hp and 150 grt).
- (c) For other types of fishing, to replace other vessels. (Optional condition in the case of building work which has already begun or has been authorized.)
 - in the event of the withdrawal of at least 50 % of the grt and of the vessel to be built,
 - in the event of the withdrawal of at least 100 % of the grt and hp of the vessel to be built.

Supplementary aid for the building of seiners with important innovations as regards the preservation and storage of fish, the modernization of on-board working facilities, the reduction of crews and the unloading of fish.

Where mechanized long-line fishing is being introduced, the subsidy is 50 % of the cost of the equipment.

B. *Modernization or conversion of working vessels*

between 9 and 33 m bp, with a view to rationalizing fishing operations, improving the preservation of catches or saving energy, each project being for an amount of at least 20 000 ECU (or 10 000 ECU for vessels between 9 and 12 m bp).

Priority for vessels between 10 and 20 years old

- for vessels fishing for tuna and other migratory species,
- for the conversion of seiners with important innovations as regards the preservation and storage of fish, the modernization of working facilities, the reduction of crews and the unloading of fish,
- for improving the preservation of fish on board and/or for saving energy,
- for the purchase of long-lines,
- for other types of modernization.

C. *Projects which may qualify for national aids*

- (a) Construction/purchase of new vessels to replace existing vessels.
- (b) Modernization of vessels in service.

Priority for vessels between 10 and 20 years old.

*ANNEX II***FINAL CONCLUSIONS**

1. The Commission finds that the programme submitted by the Portuguese Government as the future framework for Community or national financial measures in 1986 constitutes an initial attempt to bring about the short-term restructuring of the fleet and to adapt it to the common fisheries policy, thus establishing satisfactory economic conditions for the fishing sector in tune with catch possibilities.

The implementation of the programme will, however, have to be accompanied by constant monitoring of progress as regards both the building of new vessels and the modernization of the existing fleet, so as to control capacity in line with the situation of stocks.

The Commission would therefore like the Portuguese authorities to introduce a permanent system for the management of fishing capacities linked to the management of fish stocks.

2. The Commission approves of the Portuguese authorities' intention to adapt the capacity of the inshore fishing fleet to more selective types of fishing and to reduce the capacity of distant-water vessels operating in the waters of third countries, in view of the difficulties encountered in maintaining fishing possibilities in the waters of some of the latter.

As regards fishing in Community waters, the Commission shares the idea of redeploying a part of the fleet in fishing for new species in deeper, less exploited waters provided that this does not result in increased capacity. It also approves of the development of the fishing fleet, particularly the tuna fleet, in the Azores and Madeira in view of the stocks available in the waters close to these autonomous regions.

The Commission wants those measures to renew the fleet which entail the introduction of modern and more selective fishing techniques, the improvement of on-board preservation systems and the withdrawal from service of old and obsolete vessels to be carried out under the strict control of the Portuguese authorities so as to prevent an inappropriate increase in fishing capacity.

3. The Commission also wants the system of withdrawing vessels under Directive 83/515/EEC to come into force rapidly. It is only by means of such withdrawals that the overall target of the programme can be reached.
4. The Commission takes note of the criteria which the Portuguese authorities have decided to apply in the selection of projects eligible for public aid. It considers that these criteria will have to be modified gradually as the adaptation of the fleet progresses and in the light of withdrawals from service in particular.

Furthermore, in the view of the present position as regards fishing agreements between the Community and the third countries concerned, the Commission considers that the situation will have to be reviewed at a later date in the light of experience acquired.

5. In relation to the tuna fishery in general, the Commission draws the Portuguese authorities' attention to the recent evolution of this product's market situation. It is at present examining tuna's market situation. Whilst awaiting the results of this examination, it recommends that the Portuguese use great prudence when authorizing investments in the tuna fleet sector and to reduce the level of financial aid now envisaged for this fleet.
6. The Commission points out that the investment forecasts contained in this programme are without prejudice to any decisions to grant Community financial assistance and that the present decision does not prejudge the evolution of the structural aspects of the common fisheries policy after 1986.
7. Lastly, the Commission considers that the measures provided for under the programme and their actual execution will have to be subjected to more thorough examination, particularly in the light of the survey of stocks currently under way and the development of the structural and economic situation of the fishing industry in Portugal.

COMMISSION DECISION

of 10 July 1986

concerning extensions in the implementation by Germany of certain measures to adjust capacity in the fisheries sector, pursuant to Council Directive 83/515/EEC

(Only the German text is authentic)

(86/352/EEC)

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

Having regard to Council Directive 83/515/EEC of 4 October 1983 concerning certain measures to adjust capacity in the fisheries sector⁽¹⁾, and in particular Article 7 (1) thereof,

Having regard to Commission Decision No 84/376/EEC of 6 July 1984⁽²⁾ concerning the implementation by Germany of certain measures to adjust capacity in the fisheries sector, pursuant to Council Directive 83/515/EEC,

Whereas the German Government intends to extend certain rules governing its system of financial aids for measures involving the temporary reduction of production capacity in the fisheries sector; whereas on 22 January 1986 it communicated particulars of these extensions;

Whereas, in accordance with Article 7 of the said Directive, the Commission has considered whether, having regard to their compatibility with the Directive and to the other structural measures existing or planned in the fisheries sector, the measures contemplated continue to fulfil the conditions for a financial contribution from the Community;

Whereas this Decision does not relate to national aid referred to in Article 12 of the said Directive;

Whereas this Decision is in accordance with the opinion of the Standing Committee on Fisheries Structures,

HAS ADOPTED THIS DECISION:

Article 1

The measures which Germany intends to take to implement a financial aid scheme for measures involving the temporary reduction of production capacity in the fisheries sector continue to fulfil the conditions for a financial contribution from the Community.

Article 2

This Decision shall not apply to national aid referred to in Article 12 of Directive 83/515/EEC.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 10 July 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 15.

⁽²⁾ OJ No L 196, 26. 7. 1984, p. 54.

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