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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2509/86**of 6 August 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 5 August 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 7 August 1986.

⁽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.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 6 August 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	—	164,11
10.01 B II	Durum wheat	19,41	241,90 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	32,29	145,48 ⁽⁶⁾
10.03	Barley	29,27	166,71
10.04	Oats	66,43	149,53
10.05 B	Maize, other than hybrid maize for sowing	—	169,89 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	29,27	100,92 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	178,14 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	—	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	11,04	243,02
11.01 B	Rye flour	58,47	216,94
11.02 A I a)	Durum wheat groats and meal	43,17	388,77
11.02 A I b)	Common wheat groats and meal	11,63	262,17

⁽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 2510/86

of 6 August 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 5 August 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 7 August 1986.

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

Done at Brussels, 6 August 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 6 August 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 8	1st period 9	2nd period 10	3rd period 11
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0,45	0,45	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1,39	1,39	1,30
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	4,50	4,50	4,50
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

CCT heading No	Description	(ECU/tonne)				
		Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2511/86
of 6 August 1986
fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1007/86⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 743/86⁽³⁾, as last amended by Regulation (EEC) No 2416/86⁽⁴⁾;

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 Council Regulation (EEC) No 1676/85⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas it follows from applying the detailed rules contained in amended Regulation (EEC) No 743/86 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1986.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 94, 9. 4. 1986, p. 3.

⁽³⁾ OJ No L 70, 13. 3. 1986, p. 34.

⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 5.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 6 August 1986 fixing the import levies on rice and broken rice

(ECU/tonne)				
CCT heading No	Description	Portugal	Third countries ⁽³⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :			
	B. Other :			
	I. Paddy rice ; husked rice :			
	a) Paddy rice :			
	1. Round grain	—	339,29	166,04
	2. Long grain	—	359,88	176,34
	b) Husked rice :			
	1. Round grain	—	424,11	208,45
	2. Long grain	—	449,85	221,32
	II. Semi-milled or wholly milled rice :			
	a) Semi-milled rice :			
	1. Round grain	13,05	535,98	256,06
	2. Long grain	12,97	662,63	319,43
	b) Wholly milled rice :			
	1. Round grain	13,90	570,82	273,06
	2. Long grain	13,90	710,34	342,82
	III. Broken rice	46,78	194,84	94,42

⁽¹⁾ Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

⁽²⁾ In accordance with Regulation (EEC) No 486/85, the levies are not applied to imports into the overseas department of Réunion of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 2512/86

of 6 August 1986

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1007/86⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2457/85⁽³⁾, as last amended by Regulation (EEC) No 2417/86⁽⁴⁾;

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 Council Regulation (EEC) No 1676/85⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas, 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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.
2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1986.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 94, 9. 4. 1986, p. 3.⁽³⁾ OJ No L 234, 31. 8. 1985, p. 8.⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 7.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 6 August 1986 fixing the premiums to be added to the import levies on rice and broken rice from third countries

CCT heading No	Description	(ECU/tonne)			
		Current 8	1st period 9	2nd period 10	3rd period 11
ex 10.06	Rice :				
	B. Other :				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 2513/86

of 5 August 1986

establishing unit values for the determination of the customs value of certain perishable goods

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 Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3502/85 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 August 1986.

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

Done at Brussels, 5 August 1986.

For the Commission

Nicolas MOSAR

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 335, 13. 12. 1985, p. 9.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	07.01-13 } 07.01-15 }	07.01 A II	New potatoes	23,54	1 034	187,79	50,60	161,51	3 184	16,70	34 701	56,96	15,01
1.12	ex 07.01-21 } ex 07.01-22 }	ex 07.01 B I	Broccoli	53,43	2 345	425,70	113,66	367,20	7 307	38,15	78 047	128,14	35,31
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	35,18	1 539	279,04	75,82	241,43	4 731	24,92	51 927	85,41	22,25
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	46,09	2 023	366,69	99,08	315,49	6 208	32,65	67 972	111,48	29,49
1.20	07.01-31 } 07.01-33 }	07.01 D I	Cabbage lettuce	52,01	2 285	414,84	111,78	356,78	7 034	36,90	76 657	125,83	33,16
1.22	ex 07.01-36	ex 07.01 D II	Endives	45,63	1 997	361,96	98,35	313,18	6 137	32,33	67 359	110,79	28,87
1.28	07.01-41 } 07.01-43 }	07.01 F I	Peas	210,32	9 201	1 678,50	444,36	1 445,23	28 868	150,27	305 207	500,97	143,08
1.30	07.01-45 } 07.01-47 }	07.01 F II	Beans (of the species Phaseolus)	75,29	3 307	600,27	161,56	516,43	10 333	53,55	110 908	181,96	48,16
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	24,63	1 083	196,18	53,03	168,95	3 307	17,44	36 383	59,64	15,59
1.40	ex 07.01-54	ex 07.01 G II	Carrots	8,58	376	68,35	18,25	58,96	1 173	6,12	12 532	20,57	5,66
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	110,47	4 845	878,70	237,46	756,40	14 893	77,93	162 912	267,37	70,67
1.60	ex 07.01-63	ex 07.01 H	Onions (other than wild onions and sets)	11,72	512	93,53	24,76	80,53	1 608	8,37	17 007	27,91	7,97
1.70	07.01-67	ex 07.01 H	Garlic	277,32	12 132	2 213,14	585,91	1 905,57	38 063	198,14	402 422	660,55	188,65
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	35,69	1 561	283,09	76,91	244,93	4 800	25,28	52 681	86,65	22,58
1.80		07.01 K	Asparagus :										
1.80.1	ex 07.01-71		— green	539,59	23 606	4 306,18	1 140,02	3 707,73	74 061	385,53	783 005	1 285,25	367,07
1.80.2	ex 07.01-71		— other	134,87	5 925	1 075,31	289,42	925,12	18 511	95,93	198 678	325,95	86,27
1.90	07.01-73	07.01 L	Artichokes	24,26	1 065	193,01	52,15	166,06	3 267	17,18	35 778	58,67	15,52
1.100	07.01-75 } 07.01-77 }	07.01 M	Tomatoes	35,10	1 535	280,13	74,16	241,20	4 818	25,08	50 938	83,61	23,87
1.110	07.01-81 } 07.01-82 }	07.01 P I	Cucumbers	57,16	2 509	454,73	122,87	391,24	7 698	40,49	84 292	138,24	36,57
1.112	07.01-85	07.01 Q II	Chantarelles	994,95	43 528	7 940,18	2 102,09	6 836,69	136 562	710,88	1 443 785	2 369,88	676,84
1.118	07.01-91	07.01 R	Fennel	24,65	1 081	196,10	52,99	168,81	3 323	17,39	36 357	59,67	15,77
1.120	07.01-93	07.01 S	Sweet peppers	53,98	2 361	430,82	114,05	370,94	7 409	38,57	78 337	128,58	36,72
1.130	07.01-97	07.01 T II	Aubergines	69,63	3 046	555,73	147,12	478,50	9 557	49,75	101 050	165,86	47,37
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	31,06	1 366	247,45	66,89	213,10	4 172	21,99	45 890	75,23	19,67
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	48,68	2 138	388,12	104,46	333,91	6 681	34,62	71 711	117,65	31,14
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	68,69	3 005	544,85	148,04	471,42	9 239	48,66	101 393	166,77	43,46
2.10	08.01-31	ex 08.01 B	Bananas, fresh	42,12	1 842	336,15	88,99	289,43	5 781	30,09	61 123	100,32	28,65
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	60,90	2 664	486,02	128,67	418,47	8 359	43,51	88 374	145,06	41,42
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	129,29	5 656	1 031,85	273,17	888,44	17 746	92,38	187 624	307,97	87,95
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	157,51	6 891	1 257,04	332,79	1 082,34	21 619	112,54	228 571	375,18	107,15
2.50		08.02 A I	Sweet oranges, fresh :										
2.50.1	08.02-02 } 08.02-06 } 08.02-12 } 08.02-16 }		— Sanguines and semi-sanguines	43,28	1 900	344,34	93,04	296,26	5 829	30,66	63 829	104,68	27,69

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	50,39	2 204	402,17	106,47	346,28	6 916	36,00	73 128	120,03	34,28
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	36,54	1 598	291,61	77,20	251,08	5 015	26,10	53 025	87,03	24,85
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :										
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	42,07	1 846	335,16	89,49	289,10	5 753	30,04	61 448	100,88	27,79
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	23,16	1 016	184,31	49,80	158,58	3 120	16,41	34 165	56,03	14,82
2.60.3	08.02-28	08.02 B I	— Clementines	73,51	3 225	585,59	156,36	505,12	10 052	52,48	107 362	176,27	48,57
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	56,19	2 458	448,44	118,72	386,12	7 712	40,14	81 542	133,84	38,22
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	59,03	2 582	471,09	124,71	405,62	8 102	42,17	85 660	140,60	40,15
2.80		ex 08.02 D	Grapefruit, fresh :										
2.80.1	ex 08.02-70		— white	50,32	2 201	401,61	106,32	345,80	6 907	35,95	73 026	119,86	34,23
2.80.2	ex 08.02-70		— pink	65,50	2 865	522,78	138,40	450,13	8 991	46,80	95 059	156,03	44,56
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	173,80	7 603	1 387,00	367,19	1 194,24	23 854	124,17	252 203	413,97	118,23
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	98,17	4 294	783,44	207,41	674,56	13 474	70,14	142 456	233,83	66,78
2.95	08.05-50	08.05 C	Chestnuts	84,23	3 686	668,11	181,53	578,07	11 329	59,67	124 330	204,50	53,29
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	70,49	3 084	562,59	148,94	484,41	9 676	50,36	102 299	167,91	47,95
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	54,06	2 365	431,48	114,23	371,52	7 421	38,63	78 458	128,78	36,78
2.120	08.07-10	08.07 A	Apricots	55,08	2 409	439,57	116,37	378,48	7 560	39,35	79 929	131,19	37,47
2.130	ex 08.07-32	ex 08.07 B	Peaches	50,87	2 232	405,24	108,20	349,56	6 956	36,32	74 297	121,98	33,61
2.140	ex 08.07-32	ex 08.07 B	Nectarines	63,93	2 797	510,21	135,07	439,30	8 775	45,67	92 773	152,28	43,49
2.150	08.07-51 08.07-55	08.07 C	Cherries	88,56	3 890	706,11	190,05	607,49	12 155	62,99	130 463	214,04	56,65
2.160	08.07-71 08.07-75	08.07 D	Plums	73,86	3 231	589,45	156,05	507,53	10 137	52,77	107 182	175,93	50,24
2.170	08.08-11 08.08-15	08.08 A	Strawberries	76,45	3 355	608,18	164,33	523,28	10 297	54,16	112 738	184,89	48,92
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	99,65	4 359	795,30	210,54	684,77	13 678	71,20	144 612	237,37	67,79
2.180	08.09-11	ex 08.09	Water melons	23,44	1 025	187,09	49,53	161,09	3 217	16,75	34 019	55,84	15,94
2.190		ex 08.09	Melons (other than water melons) :										
2.190.1	ex 08.09-19		— Amarillo, Cupe, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	28,24	1 235	225,42	59,67	194,09	3 877	20,18	40 989	67,28	19,21
2.190.2	ex 08.09-19		— other	59,94	2 622	478,34	126,63	411,86	8 227	42,82	86 979	142,77	40,77
2.195	ex 08.09-90	ex 08.09	Pomegranates	144,16	6 308	1 143,46	310,69	989,36	19 389	102,13	212 790	350,00	91,21
2.200	ex 08.09-90	ex 08.09	Kiwis	201,48	8 814	1 607,92	425,68	1 384,45	27 654	143,95	292 372	479,91	137,06
2.202	ex 08.09-90	ex 08.09	Khakis	198,36	8 706	1 577,95	426,36	1 357,65	26 715	140,52	292 500	479,72	126,92
2.203	ex 08.09-90	ex 08.09	Lychees	246,40	10 780	1 966,42	520,59	1 693,14	33 820	176,05	357 560	586,91	167,62

COMMISSION DECISION No 2514/86/ECSC

of 31 July 1986

amending Decision No 31-53 on the publication of price lists and conditions of sale applied by undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 60 thereof,

After consulting the Consultative Committee,

Whereas Decision No 31-53⁽¹⁾, as last amended by Decision No 72/441/ECSC⁽²⁾, defined the rules relating to the publication of price lists and conditions of sale referred to in Article 60(2)(a) of the Treaty applying to steel undertakings and their selling agencies;

Whereas, without infringing the prohibition of discriminatory practices within the meaning of Article 60(1) of the Treaty, steel undertakings may vary their prices according to consumer groups to the extent that those groups are not in competition with each other; whereas Article 5 of Decision No 31-53 states that undertakings need not publish in their price lists the differentials applied by them to individual consumer groups;

Whereas, in view of the situation on the steel market and in order to ensure that stockholders are not disadvantaged in their function as suppliers to users for whom category differentials are applied it appears necessary to amend the provisions of Article 5 of Decision No 31-53 in order to be able to apply them to those stockholders;

Whereas it is necessary to limit the types of differential covered by this Decision in order to ensure that differentials which need not be published in the price lists of undertakings in the steel industry do not contain certain elements of the price lists which must be contained in the lists published as specified in Article 2 of Decision No 31-53;

Whereas, in order to maintain the transparency of the market, it is necessary to require steel undertakings to communicate these differentials on request to any person having a justified interest,

HAS ADOPTED THIS DECISION:

Article 1

Articles 4 and 5 of Decision No 31-53 are hereby replaced by the following:

⁽¹⁾ OJ No 6, 4. 5. 1953, p. 111.

⁽²⁾ OJ No L 297, 30. 12. 1972, p. 42.

Article 4

1. (a) Price lists and conditions of sale and the differentials referred to in Article 5 shall apply not earlier than two working days after they have been addressed to the Commission.
 - (b) Price lists and conditions of sale shall be communicated by undertakings in the steel industry on request to any interested party. The differentials applied, as referred to in Article 5, shall be communicated on request to all stockholders. Consumers must be informed on request of such differentials for the groups within their field of activity.
 - (c) The Commission may decide to publish the price lists and conditions of sale and the differentials referred to in Article 5 by means of a special publication.
2. Paragraph 1 shall also apply to any amendment of price lists and conditions of sale and of the differentials applied.

Article 5

1. Steel undertakings may apply the differentials referred to in paragraph 3 to individual groups of consumers and stockholders. Those differentials need not be published in their price lists. Undertakings may not apply different differentials to groups of consumers who are in competition with each other.
2. Where such differentials are applied, undertakings shall notify them to the Commission. These differentials shall apply to price lists in force.
3. The following differentials alone shall apply pursuant to paragraph 1:
 - differentials for individual groups of consumers with exact specification of the groups to which they are to be applied,
 - discounts for stockholders,
 - discounts granted in respect of the quantities actually received overall by a consumer or stockholder over a period of one year from steel undertakings subject to the provisions of Article 60 of the Treaty,

— other discounts applied temporarily to a group of consumers or to stockholders.

4. Differentials notified to the Commission before this Decision enters into force may not be applied if they are not in accordance with the provisions of paragraph 3.

5. Where it establishes that the number or size of the differentials makes publication necessary, the Commission may require any undertaking in the steel

industry to publish in its price lists some or all of the differentials applied.'

Article 2

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, 31 July 1986.

For the Commission

Karl-Heinz NARJES

Vice-President

COMMISSION DECISION No 2515/86/ECSC

of 31 July 1986

amending Decision No 37-54 on the publication of price lists and conditions of sale applied by undertakings in the steel industry to the sale of special steels within the meaning of Annex III of the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 60 thereof,

After consulting the Consultative Committee,

Whereas, by Decision No 37-54⁽¹⁾, as last amended by Decision No 3633/83/ECSC⁽²⁾ undertakings in the steel industry are required to publish price lists and conditions of sale for special steels as defined in Annex III of the Treaty ;

Whereas, without infringing the prohibition of discriminatory practices within the meaning of Article 60 (1) of the Treaty, steel undertakings may vary their prices according to consumer groups to the extent that those groups are not in competition with each other ;

Whereas, the obligations concerning the publication of prices and conditions of sale for ordinary quality steels which follow from the application of Decision No 31-53⁽³⁾, as last amended by Decision No 2514/86/ECSC⁽⁴⁾, correspond to the aforementioned principles ; whereas for these steels, in view of the situation on the steel market, it has not appeared necessary to require steel undertakings to publish in their price lists the differentials for certain categories of consumers and to ensure that stockholders are not disadvantaged, it is sufficient that undertakings should be obliged to notify such differentials to the Commission ; whereas in order to maintain the transparency of the market, it is necessary to oblige steel undertakings to communicate these differentials, on request, to any person having a justified interest ; whereas it is necessary to limit the types of differential covered by this Decision in order to ensure that differentials which need not be published in the price lists of undertakings in the steel industry do not include certain elements of the price lists, which are covered by Article 4 of Decision No 37-54 and which must form part of the published price lists ; whereas, where an undertaking makes considerable use of differentials, the Commission should be able to require it to publish in its price lists the differentials applied ;

Whereas it would appear justified to allow the same possibilities for special steels in order to harmonize the conditions of sale of different categories of steel and to ensure that purchasers are treated on the same basis whether they buy special steel or ordinary quality steel,

HAS ADOPTED THIS DECISION :

Article 1

Decision No 37-54 is hereby amended as follows :

1. Article 6 is replaced by the following :

'Article 6

1. (a) Price lists and conditions of sale and the differentials referred to in Article 7 shall apply not earlier than two working days after they have been addressed to the Commission.
- (b) Price lists and conditions of sale shall be communicated by undertakings in the steel industry on request to any interested party. The differentials applied, as referred to in Article 7, shall be communicated on request to all stockholders. Consumers must be informed on request of such differentials for the groups within their field of activity.
- (c) The Commission may decide to publish the price lists and conditions of sale and the differentials referred to in Article 7 by means of a special publication.

2. Paragraph 1 shall also apply to any amendment of price lists and conditions of sale of the differentials applied.'

2. The following Article 7 is inserted :

'Article 7

1. Steel undertakings may apply the differentials referred to in paragraph 3 to individual groups of consumers and stockholders. Those differentials need not be published in their price lists. Undertakings may not apply different differentials to groups of consumers who are in competition with each other.

2. Where such differentials are applied, undertakings shall notify them to the Commission. These differentials shall apply to price lists in force.

⁽¹⁾ OJ No 18, 1. 8. 1954, p. 470.

⁽²⁾ OJ No L 360, 23. 12. 1983, p. 20.

⁽³⁾ OJ No 6, 4. 5. 1953, p. 111.

⁽⁴⁾ See page 12 of this Official Journal.

3. The following differentials alone shall apply pursuant to paragraph 1:

- differentials for individual groups of consumers with exact specification of the groups to which they are to be applied,
- discounts for stockholders,
- discounts granted in respect of the quantities actually received overall by a consumer or stockholder over a period of one year from steel undertakings subject to the provisions of Article 60 of the Treaty,
- other discounts applied temporarily to a group of consumers or to stockholders.

4. Differentials notified to the Commission before this Decision enters into force may not be applied if

they are not in accordance with the provisions of paragraph 3.

5. Where it is established that the number or size of the differentials make publication necessary, the Commission may require any undertakings in the steel industry to publish in its price lists some or all of the differentials applied.'

3. Article 7 becomes Article 8 and Article 8 becomes Article 9.

Article 2

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, 31 July 1986.

For the Commission

Karl-Heinz NARJES

Vice-President

COMMISSION REGULATION (EEC) No 2516/86

of 4 August 1986

imposing a provisional anti-dumping duty on imports of housed bearing units
originating in Japan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 11 and 14 thereof,

After consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PROCEEDING

1. In January 1985, the Commission received a request asking it to review its Decision of 3 June 1978⁽²⁾ accepting the undertakings given by certain Japanese producers/exporters during the proceeding initiated in 1977 concerning imports of housed bearing units originating in Japan⁽³⁾, and to initiate an investigation of those Japanese producers/exporters who either had not given such an undertaking or had not been included in the previous investigation.
2. The request, submitted by the Federation of European Bearing Manufacturers' Associations (FEBMA) on behalf of a group of manufacturers of housed bearing units representing practically all Community production of the products in question, included evidence of changed circumstances judged sufficient to justify a review of the Decision referred to above and the reopening of the investigation. The Commission therefore announced, in a notice published in the *Official Journal of the European Communities*⁽⁴⁾, the reopening of the anti-dumping proceeding concerning imports into the Community of housed bearing units falling within subheading ex 84.63 B I of the Common Customs Tariff corresponding to NIMEXE code ex 84.63-12, originating in Japan.
3. In that notice the Commission specified a period within which interested parties could make known their views in writing and apply to be heard.
4. The producers/exporters and importers of housed bearing units, the representatives of the exporting

country and the complainants and certain importers made known their views in writing, in some cases by replying to the questionnaires sent to them. Some of them also applied to be heard and a hearing was granted.

5. All the producers/exporters, the complainants and certain importers made known their views in writing, in some cases by replying to the questionnaires sent to them. Some of them also applied to be heard, and a hearing was granted.
6. During the period specified in the notice of reopening of the proceeding, a Japanese producer of housed bearing units contacted the Commission and offered to cooperate with the investigation. However, since this producer said that it had not sold housed bearing units for export to the Community during the reference period referred to at B (a) below, it was not included in the investigation.
7. No submissions were made by Community users of housed bearing units.
8. The Commission collected all the information it deemed necessary for the investigation and for a preliminary determination of the facts, and verified it as far as possible in the time available.
9. It carried out investigations at the premises of the following companies :

Non-EEC producers/exporters :

1. Asahi Seiko Co. Ltd (Asahi), Osaka,
2. Koyo Seiko Co. Ltd (Koyo), Osaka,
3. Nachi Fujikoshi Corporation (Nachi), Tokyo,
4. Nippon Pillow Block Sales Co. Ltd (FYH), Tokyo,
5. Nippon Seiko KK (NSK), Tokyo,
6. NTN Toyo Bearing Ltd (NTN), Osaka,
7. Showa Pillow Mfg. Co. Ltd (NBR), Osaka ;

EEC producers :

1. RHP Group plc, Billericay, Essex, UK,
2. RIV-SKF Industrie SpA, Turin, Italy,
3. Schaeffler Wälzlager GmbH, Homburg, Germany.

B. DUMPING

(a) General

10. The dumping investigation covered the period 1 December 1984 to 31 May 1985.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 129, 3. 6. 1978, p. 3.

⁽³⁾ OJ No C 257, 26. 10. 1977, p. 2.

⁽⁴⁾ OJ No C 132, 31. 5. 1985, p. 2.

11. For the purposes of the investigation, Nippon Pillow Block Manufacturing Co. Ltd and Nippon Pillow Block Sales Co. Ltd, both established in Japan, were treated, at their request, as a single economic unit. The information submitted to the Commission showed that a substantial part of the capital of both companies was held, and both companies managed, by the same persons. It was also established that the only business activity of the Nippon Pillow Block Manufacturing Co. Ltd was to manufacture the products marketed exclusively by the Nippon Pillow Block Sales Co. Ltd.

12. Given the particularly large number of types of housed bearing units exported by the Japanese producers/exporters during the reference period, and the physical impossibility of establishing a separate dumping margin for each type, the Commission examined a representative sample of housed bearing units for each producer/exporter concerned, consisting of the 20 types for which turnover on exports to the EEC during the reference period seemed to be highest.

(b) Export prices

13. From the information submitted it was established that exports of housed bearing units to the Community were either direct, i.e. through sales to companies established in the territory of the Community, or indirect, i.e. through intermediaries established in Japan, whether 'commercial establishments' or other Japanese producers.

14. In the case of indirect exports, the price paid or payable to the producer by the intermediary was taken to be the export price within the meaning of Article 2 (8) (a) of Regulation (EEC) No 2176/84, since at the time of delivery to the intermediary the producer was aware of the final destination of the goods sold.

15. As regards direct exports to non-associated companies established in the Community, export prices were determined on the basis of the prices actually paid or payable.

16. This method was also provisionally adopted for direct exports to subsidiaries of the Japanese producers/exporters established in the Community. This approach in no way implies that, in establishing the definitive dumping margins applicable to those Japanese producers/exporters which have associated companies established in the Community, the Commission has renounced the possibility provided

by the provisions of Article 2 (8) (b) of Council Regulation (EEC) 2176/84 to reconstruct export prices on the basis of the price at which the imported product is first resold to an independent buyer and, where it considers it so warranted, to use such reconstructed export prices for the comparison between normal value and export prices.

(c) Normal value

17. The normal value of the housed bearing units in the representative sample was established on the basis of a weighted average of the prices actually paid or payable to the producers/exporters concerned in the ordinary course of trade for domestic sales of similar products intended for consumption in Japan.

18. For those producers/exporters whose domestic sales to independent buyers were made either exclusively or partially through the intermediary of sales companies of which they hold all or most of the capital, or which they control in some other way, the prices charged by those companies for domestic sales to independent buyers were used to establish the weighted average referred to above. It is considered normal to treat sales companies and the producer/exporter with which they are associated as a single economic unit, in so far as the sales companies concerned in this case are entirely dependent on the producer/exporter concerned and carry out functions on the domestic market which are essentially identical to those performed by a subsidiary or sales department.

(d) Comparison

19. In order to carry out a fair comparison between the normal value and the export prices of the housed bearing units in the sample, the Commission took account, either automatically or at the request of the producers/exporters concerned, of differences in factors which affect the comparability of prices, such as the physical characteristics or the terms and conditions of sale of the housed bearing units. All comparisons were made at the same level of trade, namely the ex-producer/exporter level.

(1) Allowance for differences in the conditions and terms of sale

20. As a general rule, the amount of allowance was determined on the basis of figures supplied by the producer/exporter concerned. However, where the producer/exporter concerned failed to supply sufficiently convincing evidence, the Commission determined the amount of allowance to be made on the basis of the information supplied by the other producers/

exporters. The Commission considered that it would be encouraging non-cooperation if it were to accept that the amount of allowance to be set against the normal values or export prices of the producer/exporter concerned could be lower or higher, respectively, than the amount of the lowest or highest allowance to be set against the normal values or export prices of the other producers/exporters, which had supplied evidence judged as being sufficient.

21. Claims submitted by Japanese producers/exporters for allowances for differences in the conditions and terms of sale were taken into account only where the interested parties were able to show satisfactorily that there was a direct functional relationship between the differences and the sales in question, which was generally the case for requests for adjustment on account of differences in credit terms, guarantees, technical assistance, servicing, commissions or salaries paid to salesmen, packing, transport, handling, loading and ancillary costs.
22. No allowance was made for differences in overheads and general expenses.

Article 2 (10) of Regulation (EEC) No 2176/84, which lays down guidelines for the examination of claims for allowances for differences in the conditions and terms of sale, limits such allowances to those differences which bear a direct relationship to the sales under consideration, and states very clearly the principle that allowances generally will not be made for differences in overheads and general expenses, including research and development or advertising costs. The term 'conditions and terms of sale' is, as the Community institutions have repeatedly stated, a technical concept with a relatively limited scope: it concerns the obligations inherent in a sales contract, fixed either in the contract itself or in the general conditions of sale established by the seller.

The concept implies that for the producer/exporter concerned to be entitled to an allowance for differences in the conditions and terms of sale, he must show unambiguously that the costs for which the allowance is claimed bear a direct relationship to the sales in connection with which they were incurred and that this relationship is functional, i.e. that the costs were incurred in order to fulfil the conditions and terms of sale. Since overheads and general expenses generally do not bear a direct functional relationship to specific transactions, as is stated in Article 2 (10) (c) of Regulation (EEC) No 2176/84, the Commission was unable to make the allowance claimed in cases where it was unable to obtain proof

of the existence of such a relationship, without infringing Article 2 (9).

23. In particular, the Commission considered that NSK's claim that the overheads and general expenses of its domestic sales subsidiaries bore a direct relationship to domestic sales, because the activities of the sales companies were concentrated exclusively on the Japanese domestic market, in no way established that the general expenses incurred by these sales companies were essential for fulfilling the obligations inherent in the sales made by them, as fixed either in the relevant sales contracts or in the general conditions and terms of sale applicable.

(2) *Allowance for differences in level of trade*

24. NSK's claim for an allowance based on a supposed difference in the level of trade of the sales used to determine the normal value of the housed bearing units in the representative sample and aimed at having the total overheads and general expenses of its six domestic sales subsidiaries deducted from their sales prices was rejected.
25. The difference which, according to this company, exists in the level of trade at which its sales on the Japanese market through the intermediary of its domestic subsidiaries are made is a merely superficial distinction and, given the close links between the company and its domestic sales subsidiaries, does not correspond with a realistic examination of the facts. As mentioned at 18 above, this led to the Commission disregarding the legal status of the company's sales subsidiaries and treating them and it as a single economic unit for the purposes of determining the real or effective normal value of the products it manufactured and marketed.
26. If the Commission subsequently were to accept that there was a difference in the level of trade, and were to deduct total overheads and general costs from the prices charged by NSK's sales subsidiaries, this would be tantamount to a denial of the fact that when dealing with a company which, as in the case of NSK, possesses the financial means to enable it to establish a company structure on its domestic market which is clearly different from that of its competitors, the Commission must disregard such structure for the purposes of determining the effective normal value of the products manufactured by such a company. Moreover, such action would have the effect of encouraging foreign producers/exporters to adopt procedures which, although legal, would render any mechanism established to protect Community producers from unfair competition in the form of dumping ineffective as far as they were concerned.

Such action would have the effect of indirectly penalizing small foreign producers/exporters and thus accentuating distortions of competition. This would lead to the Commission acting against one of the very objectives of Community action, viz. the establishment of a system to prevent distortions of competition within the common market, referred to in Article 3 (f) of the EEC Treaty.

27. It must be stressed that in refusing to submit, within the period allowed, a list of its customers on the Japanese market as requested by the Commission at the beginning of the investigation, this company has failed to supply the information which would have enabled the Commission to verify the accuracy of its claim that its domestic sales to independent buyers through the intermediary of its domestic subsidiaries concerned different categories of buyers from those to whom its direct sales to independent buyers were made and led to additional costs.

28. In so doing, NSK has failed to prove that its claim was justified, as is required by Article 2 (10) of Council Regulation (EEC) No 2176/84, which clearly states that where an interested party claims an allowance in respect of the factors mentioned in Article 2 (9), it must prove that its claim is justified.

(3) *Allowance for differences in the approach used for determining normal value and export prices*

29. NSK's claim that the overheads and general expenses of its domestic sales subsidiaries and a reasonable margin of profit should be deducted from the prices charged by them for sales on the domestic market to independent buyers was also rejected.

30. The Commission considered the grounds invoked by NSK in support of its claim to be irrelevant. According to NSK, since in the case of producers/exporters having an association with importers, the total costs incurred by the importers are taken into account in determining the reconstructed export price, the same method should be used where the normal value is established on the basis of the prices charged to independent buyers by the domestic sales subsidiaries of these producers/exporters.

31. As the Community institutions have already pointed out on many occasions, this argument confuses fundamentally different problems, viz. reconstruction of export prices on the basis of resale prices to independent buyers, the determination of the normal value of products manufactured by a producer/exporter and marketed on the domestic market through the intermediary of a network of sales

subsidiaries, and the comparison between normal value and export prices.

32. Moreover, it must be stressed that in the present case the question of difference in approach does not arise due to the fact that as mentioned at paragraph 16 above the Commission has not reconstructed the export price.

(e) **Dumping margins**

33. For producers/exporters known to the Commission and who cooperated with the investigation, the normal value of the housed bearing units in the sample was compared to export prices, transaction by transaction, after making the allowances referred to at (d) above.

34. This comparison showed that all these producers/exporters had engaged in dumping.

35. Since the dumping margins for those producers/exporters who had engaged in dumping varied according to the housed bearing units in question and the Member State to which they were exported, the Commission established a weighted average dumping margin for each producer/exporter, itself weighted according to the total cif export value of all the housed bearing units which were taken into consideration in this case by this investigation, as follows :

	%
Asahi Seiko Co. Ltd :	4,58
Koyo Seiko Co. Ltd :	3,48
Nachi Fujikoshi Corporation :	1,13
Nippon Pillow Block Sales Co. Ltd :	3,77
Nippon Seiko KK :	17,99
NTN Toyo Bearing Ltd :	9,25
Showa Pillow Mfg. Co. Ltd :	3,99

36. For the producers/exporters who failed to make themselves known to the Commission within the period allowed, or who had done so but could not be included in the investigation on the grounds set out at 6 above, the dumping margin was determined on the basis of the available facts. The Commission considered the results of its investigation to be the most appropriate basis for determining the dumping margin for these producers/exporters.

37. The Commission also considered that it would be rewarding non-cooperation or making it possible to evade duty, if it were to accept that the dumping margin of the abovementioned producers/exporters could be lower than the highest dumping margin (17,99 %) established for producers/exporters who had cooperated with the investigation.

C. INJURY**(a) General**

38. In order to determine the effect on Community production of the volume and prices of imports of housed bearing units originating in Japan and sold at dumped prices, the Commission took account of the relevant economic factors set out in Article 4 (2) (c) of Regulation (EEC) No 2176/84.
39. The Commission assessed the effect of imports of housed bearing units originating in Japan on the three producers referred to at 9 above, the combined production of which represents the major part of Community production of housed bearing units.
40. It did not consider it necessary to take account of the effect of imports of housed bearing units originating in Japan on the fourth European producer named in the request for review referred to at 1 above, viz. FAG Kugelfischer Georg Schäfer KGaA, since the available information showed that its production of housed bearing units represented only an insignificant share of total Community production.

(b) Factors taken into account

41. The injury was assessed on the basis of the factors referred to in Article 4 (2) of Regulation (EEC) No 2176/84, as follows :

(1) Volume of imports

42. The evidence available to the Commission shows that the volume of imports into the Community of housed bearing units, originating in Japan and sold for export by the companies covered by the investigation increased substantially in absolute terms between 1981 and 1985, in spite of a sharp fall in 1981 and 1982, which was, however, comparable to the fall in production of housed bearing units in Europe.
43. On the basis of the figures communicated to the Commission, it was established that these imports, which amounted to 2 811 000 units in 1981, fell to 2 060 000 in 1982 but subsequently increased steadily to reach 2 261 000 units in 1983 and 2 734 000 units in 1984. During the first five months of 1985, they reached 1 477 000 units. This represents an increase over 1981 levels of 60 000 units per month, a non-negligible increase of some 26 %.

(2) Selling price of imported housed bearing units and price undercutting

44. In determining the price undercutting of imported housed bearing units as compared with the prices of similar European products, the Commission restricted

its investigation to a limited number of types of housed bearing units, for reasons identical to those which motivated its decision to confine its attention to a representative sample for determining whether or not dumping had taken place.

45. For the purpose of its comparative examination of prices, the Commission retained 20 types of housed bearing unit which it had selected in order to determine whether or not dumping had taken place, those which were common to all the producers/exporters concerned or to a majority of them.
46. An analysis of the figures for the four Community national markets on which sales of housed bearing units originating in Japan are concentrated showed that the imported units were sold at appreciably lower prices than those manufactured in Europe.
47. Since the price undercutting margins varied according to the type of housed bearing unit and the place of sale, the Commission established a weighted average margin for each producer/exporter for which it possessed the necessary figures.
48. The weighted average price undercutting margins ranged from 12,11 to 21,61 %.
49. The Commission considered the above results to be the most appropriate basis on which to assess the weighted average price undercutting margin for products manufactured/exported by producers/exporters for which it did not possess the necessary information, and that it would be rewarding non-cooperation if it were to accept that this average margin could be less than the highest average margin established for the other producers/exporters (21,6 %).
50. The Commission was also able to establish, on the basis of the figures communicated, that in most cases the selling prices of the housed bearing units originating in Japan were lower than the prices needed to cover the production costs of the Community producers concerned and/or to allow them a reasonable profit margin.
- (3) Impact on the Community industry concerned**
51. Although the information collected by the Commission on production, sales, stocks, employment and market share trends for the whole of the Community industry concerned over the reference period is not in itself sufficient to warrant the conclusion that the volume of imports and the level of price undercutting

in respect of housed bearing units originating in Japan have had a visible negative impact on the industry, the same cannot be said for the information on the other relevant factors, such as the selling prices of Community housed bearing units, the utilization of capacity, and profits and return on investment of Community producers in the housed bearing units sector.

52. The information collected shows that over the period 1 January 1981 to 31 May 1985 Community producers did not in general increase their prices in line with increases in their production costs or in line with inflation, and that they mostly sold their products at prices below those required to cover their production costs and/or to provide a reasonable profit margin from which to finance the essential investment needed to maintain their production facilities at an acceptable level, to carry out research and development and to provide their shareholders with an adequate return on their investment. This situation is obviously due to the level of price undercutting on housed bearing units originating in Japan and to the market share of such units as compared with that of housed bearing units originating in the Community (40 : 60). Moreover, the information supplied by Community producers shows that most of them have been forced to use profits from other sectors to finance their operations in the housed bearing units sector.

53. As regards utilization of capacity, the information available to the Commission shows that, despite a substantial improvement in the overall situation of the Community industry since 1982, largely due to the recovery in economic activity and consumption within the Community — from which, moreover, the Japanese producers/exporters have also benefited — the rate of utilization of capacity in the Community industry at 31 May 1985 was only 72,54 %. Indeed, this percentage would have been substantially lower had one Community producer not decided during the preceding months to reduce its production capacity. The Community industry's inability to raise its rate of utilization of capacity any higher, despite the general economic recovery, is obviously due to the attractiveness to certain customers of the selling prices of housed bearing units originating in Japan, and the European producers' fear of exposing themselves to financial and economic difficulties if they were to cut their prices any further. This fear led the only European producer achieving positive results during the reference period to withdraw from the market sector where prices are lowest, viz. the OEM sector, and to

confine its sales activities to the only sector where a reasonable profit margin could be attained, viz. the distributor sector, where its customers have so far remained particularly loyal.

54. As regards results and the return on capital invested by the Community industry in the housed bearing units sector, the figures supplied by Community producers are particularly indicative of the negative impact of imports of housed bearing units originating in Japan and the level of price undercutting on the Community industry since, with the exception of RHP, whose situation, as was said above, is rather special, their results present an almost entirely negative picture.

55. Furthermore, the information collected during the investigation confirmed the allegation made in the request for review that during the period 1 January 1981 to 31 May 1985 the stiff price competition from imports of housed bearing units originating in Japan and the consequent inability of producers established in the territory of the Community to sell their products at prices high enough to provide a reasonable profit margin, led certain Japanese producers/exporters during the period 1 January 1981 to 31 May 1985 to suspend production of housed bearing units in the Community and to limit their activities to simply exporting to the Community units manufactured in Japan.

(c) Assessment (existence of material injury and causal link)

56. The substantial increase (26 %) in imports of housed bearing units originating in Japan since 1981, the levels of price undercutting (12,11 to 21,61 %) during the period 1 December 1984 to 31 May 1985, the ratio between the market share of housed bearing units originating in Japan and those manufactured by the Community producers concerned (practically 40 : 60), and the impact these factors have had on prices for Community-made housed bearing units and the utilization of capacity, profits and return on investment of Community producers in the housed bearing units sector, have led the Commission to the conclusion that imports at dumped prices of housed bearing units originating in Japan have caused material injury to the Community industry.

57. The Commission examined whether the injury to the Community industry could be attributed to any other factors, such as the trend in demand for housed bearing units within the Community, the volume of imports from countries other than Japan and the price levels of such imports.

58. Following this examination, the Commission concluded that the trend in demand within the Community had had a positive effect on the Community industry. Indeed, the recovery in demand since 1982, and the efforts of Community producers during the reference period to rationalize and restructure their production largely explain how they managed to increase production, sales and the level of employment during the reference period in spite of the volume of imports originating in Japan and the level of price undercutting observed.

59. As regards imports from countries other than Japan and the prices of such imports, the evidence available to the Commission did not enable it to conclude that such imports had affected the Community industry.

D. COMMUNITY INTEREST

60. The difficulties which the Community housed bearing units industry continues to face as a result of imports at dumped prices of housed bearing units originating in Japan led the Commission to the conclusion that the Community interest required the review and amendment of the anti-dumping measure adopted in 1978 in respect of imports of housed bearing units originating in Japan.

E. PROVISIONAL DUTY

(a) Imposition of duty

61. In order to prevent further injury before definitive measures are adopted, the Commission considers that a provisional *ad valorem* anti-dumping duty should be imposed on imports of housed bearing units originating in Japan.

(b) Rate of duty

62. On the basis of the evidence available, the Commission considers that the rate of duty imposed on producers/exporters of housed bearing units originating in Japan should be not less than the provisional weighted average dumping margins.

63. In this respect, the Commission took particular account of the fact that the levels of price undercutting for all the producers/exporters for which it possessed the necessary information were higher in percentage terms than the provisional dumping margins.

F. CONTINUATION OF PROCEEDING

64. The need to proceed to a final determination of the facts as soon as possible demands that a period be fixed during which those interested parties, who replied to the questionnaires within the time limits fixed, can make their views known and apply to be heard,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of housed bearing units falling within sub-heading ex 84.63 BI of the Common Customs Tariff originating in Japan.

2. The housed bearing units referred to in paragraph 1 are cast- or pressed-steel housings fitted with ball bearings.

3. The rate of the anti-dumping duty shall be as set out below, expressed as a percentage of the net free-at-Community-frontier price before duty.

Exporters	Products manufactured by	Manufacturer or trade mark	Rate %
1. Asahi Seiko Co. Ltd	Asahi Seiko Co. Ltd	ASAHI	4,58
2. Koyo Seiko Co.	Nippon Pillow Block Manufacturing Co.	KOYO	3,48
3. Nachi Fujikoshi Corporation	Asahi Seiko Co. Ltd	NACHI	1,13
4. Nippon Pillow Block Sales Co. Ltd	Nippon Pillow Block Manufacturing Co.	FYH	3,77
5. Nippon Seiko KK	Nippon Seiko KK	NSK or SNR	17,99
6. NTN Toyo Bearing Ltd	NTN Toyo Bearing Ltd	NTN	9,25
7. Showa Pillow Block Mfg. Co. Ltd	Showa Pillow Block Mfg Co. Ltd	NBR	3,99
8. Other	—	—	17,99

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the interested parties within the meaning of this Regulation may make their views known and apply to be heard orally by the Commission within one month of the entry into force of this Regulation.

Article 3

1. This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.
2. Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 4 August 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 2517/86

of 6 August 1986

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾ as last amended by Regulation (EEC) No 1454/86⁽²⁾ and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85⁽³⁾ fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 2332/86⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increments in the target price of colza, rape and sunflower seed for the 1986/87 marketing year have been fixed in Council Regulations (EEC) No 1457/86⁽⁷⁾ and (EEC) No 1458/86⁽⁸⁾;

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed in Regulation (EEC) No 1457/86;

Whereas, under the system of maximum guaranteed quantities, the amount of the aid is subject to the reduction provided for in Commission Regulation (EEC) No 2482/86⁽⁹⁾ as regards colza and rape seed, and in Commission Regulation (EEC) No 2478/86⁽¹⁰⁾ as regards sunflower seed;

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point⁽¹¹⁾, as last amended by Regulation (EEC) No 1983/82⁽¹²⁾, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Commission Regulation No 225/67/EEC of 28 June 1967 on detailed rules for determining the world market price for oil seeds⁽¹³⁾, as last amended by Regulation (EEC) No 2284/86⁽¹⁴⁾, provides that offers and quotations which do not relate to shipments to be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded; whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/86.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 204, 28. 7. 1986, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 133, 21. 5. 1986, p. 12.

⁽⁸⁾ OJ No L 133, 21. 5. 1986, p. 14.

⁽⁹⁾ OJ No L 212, 2. 8. 1986, p. 23.

⁽¹⁰⁾ OJ No L 212, 2. 8. 1986, p. 16.

⁽¹¹⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽¹²⁾ OJ No L 215, 23. 7. 1982, p. 6.

⁽¹³⁾ OJ No 136, 30. 6. 1967, p. 2919/67.

⁽¹⁴⁾ OJ No L 200, 23. 7. 1986, p. 16.

otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by 0,242 ECU;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of

Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds⁽¹⁾, as amended by Regulation (EEC) No 935/86⁽²⁾, laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds⁽³⁾, as last amended by Regulation (EEC) No 2434/86⁽⁴⁾, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be

⁽¹⁾ OJ No L 163, 22. 6. 1983, p. 44.

⁽²⁾ OJ No L 87, 2. 4. 1986, p. 5.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 51.

advised as provided for in Council Regulation (EEC) No 478/86 ⁽¹⁾; whereas pursuant to Article 95 (2) and 293 (2) of the Act of Accession of Spain and Portugal this aid is to be introduced at the beginning of the 1986/87 marketing year for seed harvested in these two Member States ;

Whereas, in Article 14 of Council Regulation (EEC) No 475/86 ⁽²⁾ and Article 12 of Council Regulation (EEC) No 476/86 ⁽³⁾ of 25 February 1986 laying down general rules for the mechanism for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain and Portugal respectively, provision is made for the granting of compensatory aid, subject to certain conditions ; whereas compensatory aid should be fixed for sunflower seeds harvested in Spain and Portugal ;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ECU resulting from the calculation referred to above plus or minus the differential amount ; whereas Article 1 of Commission Regulation (EEC) No 1813/84 ⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁵⁾, defined the elements which determine the differential amounts ; whereas these elements are equal to the incidence on the target price or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72 ; whereas, according to these provisions, this percentage represents :

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between :

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate,

(b) for Italy, the United Kingdom and Greece, the difference between :

- the relationship between the conversion rate used under the common agricultural policy for the currency of the Member State concerned and the central rate of each of the currencies of the Member States referred to in (a), and
- the spot market rate for the currency of the Member State in question in relation to each of the currencies of the Member States referred to in (a), as recorded over a period to be determined ;

Whereas, however, pursuant to Article 2a of Regulation (EEC) No 1569/72, the monetary disparity for the marketing years 1984/85 to 1986/87 will be calculated by a method which takes into account a coefficient applied to the conversion rate resulting from the central rate ; whereas Commission Regulation (EEC) No 2503/86 ⁽⁶⁾ fixed the coefficient ;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts ; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used ;

Whereas the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week ; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary ;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ECU and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation ; whereas, pursuant to the same Article, the spot and forward exchange rates for the ECU in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

HAS ADOPTED THIS REGULATION :

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annex hereto.

2. The amount of the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86 and Article 12 of Regulation (EEC) No 476/86 shall be as shown in Annex II to this Regulation for sunflower seed harvested in Spain and Portugal.

Article 2

This Regulation shall enter into force on 7 August 1986.

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽³⁾ OJ No L 53, 1. 3. 1986, p. 51.

⁽⁴⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 219, 6. 8. 1986, p. 9.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month	6th month
1. Gross aids (ECU)						
— Spain	0,610	0,610	0,610	0,610	0,610	0,610
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	33,121	33,164	32,217	32,463	32,543	33,039
2. Final aids (1)						
(a) Seed harvested and processed in :						
— Federal Republic of Germany (DM)	79,90	80,03	77,89	78,59	78,81	80,30
— Netherlands (Fl)	90,03	90,18	87,75	88,53	88,78	90,42
— BLEU (Bfrs/Lfrs)	1 546,31	1 548,12	1 503,07	1 513,88	1 517,42	1 535,98
— France (FF)	229,22	229,33	221,73	222,91	223,28	227,47
— Denmark (Dkr)	282,33	282,68	274,53	276,62	277,29	281,19
— Ireland (£ Irl)	24,167	24,164	23,328	23,469	23,496	23,826
— United Kingdom (£)	19,165	19,138	18,370	18,494	18,494	18,805
— Italy (Lit)	50 374	50 418	48 772	49 017	49 115	49 733
— Greece (Dr)	3 421,01	3 390,49	3 206,11	3 196,16	3 189,55	3 146,31
(b) Seed harvested in Spain and processed :						
— in Spain (Pta)	88,94	88,94	88,94	88,94	88,94	88,94
— in another Member State (Pta)	3 977,46	3 982,14	3 839,00	3 844,73	3 854,14	3 897,92
(c) Seed harvested in Portugal and processed :						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 885,95	4 861,53	4 690,54	4 714,04	4 720,42	4 750,92

(1) The final amount of aid for 'double zero' colza and rape seed must be increased by 1,25 ECU/100 kilograms converted into national currency at the agricultural conversion rate applicable to the Member State where the seeds are harvested.

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU)					
— Spain	1,720	1,720	1,720	1,720	1,720
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	38,138	38,138	37,417	38,008	38,599
2. Final aids					
(a) Seed harvested and processed in (1) :					
— Federal Republic of Germany (DM)	92,14	92,14	90,53	92,05	93,46
— Netherlands (Fl)	103,82	103,82	101,98	103,70	105,28
— BLEU (Bfrs/Lfrs)	1 779,63	1 779,63	1 745,23	1 772,20	1 799,90
— France (FF)	263,06	263,06	257,07	260,72	264,92
— Denmark (Dkr)	325,02	325,02	318,80	323,85	328,90
— Ireland (£ Irl)	27,671	27,671	27,017	27,435	27,885
— United Kingdom (£)	21,829	21,829	21,218	21,589	21,959
— Italy (Lit)	57 915	57 913	56 593	57 357	58 266
— Greece (Dr)	3 872,75	3 847,04	3 688,29	3 721,61	3 790,56
(b) Seed harvested in Spain and processed :					
— in Spain (Pta)	250,77	250,77	250,77	250,77	250,77
— in another Member State (Pta)	3 516,53	3 516,53	3 406,81	3 457,70	3 543,87
(c) Seed harvested in Portugal and processed :					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 115,64	6 081,57	5 939,40	6 019,28	6 112,34
— in another Member State (Esc)	5 895,90	5 863,06	5 725,99	5 803,01	5 892,73
3. Compensatory aids :					
— in Spain (Pta)	3 335,18	3 335,18	3 223,90	3 274,79	3 360,96
— in Portugal (Esc)	5 855,87	5 823,03	5 685,62	5 762,66	5 852,36

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,037269.

ANNEX III

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

(value of 1 ECU)

	Current month	2nd month	3rd month	4th month	5th month	6th month
DM	2,113570	2,109450	2,105440	2,101450	2,101450	2,092780
Fl	2,382750	2,380150	2,377390	2,374310	2,374310	2,368990
Bfrs/Lfrs	43,764700	43,776100	43,789400	43,804300	43,804300	43,913900
FF	6,863180	6,862230	6,861490	6,860380	6,860380	6,866320
Dkr	7,960100	7,970680	7,978670	7,992880	7,992880	8,037590
£ Irl	0,724054	0,726181	0,728296	0,730449	0,730449	0,737297
£	0,679349	0,681000	0,682615	0,684107	0,684107	0,682484
Lit	1 453,11	1 457,08	1 461,18	1 465,70	1 465,70	1 480,20
Dr	136,78200	139,04930	141,31370	143,57410	143,57410	150,75380
Pta	136,71130	137,43340	138,04490	138,71330	138,71330	140,53680
Esc	148,31260	149,48530	150,78710	151,64170	151,64170	154,91920

COMMISSION REGULATION (EEC) No 2518/86
of 6 August 1986
correcting the monetary compensatory amounts

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 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as amended by Regulation (EEC) No 2502/86 ⁽²⁾, and in particular Article 9 (2) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2332/86 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts ⁽⁵⁾, as last amended by Regulation (EEC) No 1002/86 ⁽⁶⁾,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85 were fixed by Commission Regulation (EEC) No 1057/86 ⁽⁷⁾, as amended by Regulation (EEC) No 2333/86 ⁽⁸⁾;

Whereas a check has shown that an error relating to Portugal was made in Annex II to Regulation (EEC) No 2333/86;

Whereas the Regulation in question should be corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EEC) No 2333/86 amending Regulation (EEC) No 1057/86, the monetary coefficient to be applied to import duties for processed products covered by Council Regulation (EEC) No 3033/80 ⁽⁹⁾ shall be replaced by '1,037' for Portugal.

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, at the request of the party concerned, from 28 July to 3 August 1986.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 219, 6. 8. 1986, p. 8.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 204, 28. 7. 1986, p. 1.

⁽⁵⁾ OJ No L 310, 21. 11. 1985, p. 22.

⁽⁶⁾ OJ No L 93, 8. 4. 1986, p. 8.

⁽⁷⁾ OJ No L 98, 12. 4. 1986, p. 1.

⁽⁸⁾ OJ No L 204, 28. 7. 1986, p. 4.

⁽⁹⁾ OJ No L 323, 29. 11. 1980, p. 1.

COMMISSION REGULATION (EEC) No 2519/86
of 6 August 1986
altering the import levies on products processed from cereals and rice

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1007/86 ⁽⁴⁾ and in particular Article 12 (4) thereof,

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

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2418/86 ⁽⁶⁾, as last amended by Regulation (EEC) No 2507/86 ⁽⁷⁾;

Whereas Council Regulation (EEC) No 1588/86 ⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75 ⁽⁹⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 5 August 1986;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1588/86, as fixed in the Annex to amended Regulation (EEC) No 2418/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1986.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESSEN

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 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 3.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 210, 1. 8. 1986, p. 9.
⁽⁷⁾ OJ No L 219, 6. 8. 1986, p. 16.
⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.
⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 6 August 1986 altering the import levies on products
processed from cereals and rice

(ECU/tonne)

CCT heading No	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	29,51		
07.06 A II	32,53		
11.01 C ⁽²⁾	59,16		
11.01 D ⁽²⁾	123,17		
11.01 F ⁽²⁾	51,02	210,94	207,92
11.02 A II ⁽²⁾	64,77		
11.02 A III ⁽²⁾	59,16		
11.02 A IV ⁽²⁾	123,17		
11.02 A VI ⁽²⁾	51,02	210,94	207,92
11.02 B I a) 1 ⁽²⁾	50,24		
11.02 B I a) 2 aa)	69,39		
11.02 B I a) 2 bb) ⁽²⁾	120,15		
11.02 B I b) 1 ⁽²⁾	50,24		
11.02 B I b) 2 ⁽²⁾	120,15		
11.02 B II b) ⁽²⁾	46,42		
11.02 C II ⁽²⁾	55,23		
11.02 C III ⁽²⁾	79,82		
11.02 C IV ⁽²⁾	107,13		
11.02 D II ⁽²⁾	36,30		
11.02 D III ⁽²⁾	33,12		
11.02 D IV ⁽²⁾	69,39		
11.02 E I a) 1 ⁽²⁾	33,12		
11.02 E I a) 2 ⁽²⁾	69,39		
11.02 E I b) 1 ⁽²⁾	65,06		
11.02 E I b) 2 ⁽²⁾	136,18		
11.02 E II b) ⁽²⁾	64,77		
11.02 E II d) 1 ⁽²⁾	87,54	359,11	353,07
11.02 F II ⁽²⁾	64,77		
11.02 F III ⁽²⁾	59,16		
11.02 F IV ⁽²⁾	123,17		
11.02 F VI ⁽²⁾	51,02	210,94	207,92
11.04 C I	32,53		
11.07 A II a)	63,41		
11.07 A II b)	50,13		
11.07 B	56,62		
11.08 A II	99,66	301,62	270,79

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

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
 - an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.
- Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

COMMISSION REGULATION (EEC) No 2520/86
of 6 August 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 2497/86 ⁽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 7 August 1986.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

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 217, 5. 8. 1986, p. 18.

ANNEX

to the Commission Regulation of 6 August 1986 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	48,64
	B. Raw sugar	43,44 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 2521/86**of 6 August 1986****altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 last on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 934/86 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2395/86 ⁽³⁾, as amended by Regulation (EEC) No 2443/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2395/86 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 2395/86 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1986.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

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 208, 31. 7. 1986, p. 9.

⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 76.

ANNEX

to the Commission Regulation of 6 August 1986 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	42,20	
	(b) Other	40,77	
	(II) Flavoured or coloured sugar		0,4220
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	38,82 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4220
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	37,50 ⁽¹⁾	
	(d) Other raw sugar	⁽²⁾	

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

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

COMMISSION REGULATION (EEC) No 2522/86

of 6 August 1986

fixing the maximum export refund for white sugar for the tenth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1659/86

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1659/86 of 29 May 1986 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar ⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1659/86, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the tenth partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the tenth partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 42,971 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 August 1986.

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

Done at Brussels, 6 August 1986.

For the Commission

Frans ANDRIESEN

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 145, 30. 5. 1986, p. 29.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 24 July 1986

on the fixing of maximum levels for pesticide residues in and on cereals

(86/362/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

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

Whereas crop production plays a very important role in the Community;

Whereas the yield from that production is continually affected by harmful organisms and weeds;

Whereas it is absolutely essential to protect plants and plant products against these organisms, not only to prevent a reduction in yield or damage to the products harvested but also to increase agricultural productivity;

Whereas one of the most important methods of protecting plants and plant products from the effect of these harmful organisms is the use of chemical pesticides;

Whereas, however, these pesticides do not have only a favourable effect on plant production, since they are

generally toxic substances or preparations with dangerous side-effects;

Whereas a large number of these pesticides and of their metabolites or breakdown products may have harmful effects on consumers of plant products;

Whereas these pesticides and the contaminants which may accompany them can present dangers for the environment;

Whereas, in order to deal with these dangers, several Member States have already fixed maximum levels for certain residues in and on cereals;

Whereas the differences which exist between Member States as regards the maximum permissible levels for pesticide residues can help to create barriers to trade and thus hinder the free movement of goods within the Community;

Whereas, for this reason, in an initial stage, maximum levels should be fixed for certain active substances in cereals, which must be observed when these products are put into circulation;

Whereas, moreover, observance of the maximum levels will ensure that the cereals can circulate freely and that the health of consumers is properly protected;

Whereas at the same time the Member States should be enabled to authorize the monitoring of levels of pesticide residues in cereals produced and consumed in their territory by a system of surveillance and related measures so as to provide safeguards equivalent to those resulting from the levels laid down;

⁽¹⁾ OJ No C 56, 6. 3. 1980, p. 14.

⁽²⁾ OJ No C 28, 9. 2. 1981, p. 64.

⁽³⁾ OJ No C 300, 18. 11. 1980, p. 29.

Whereas, in special cases, particularly of volatile liquid or gaseous fumigants, Member States should be authorized to permit for cereals, not intended for immediate consumption, higher maximum levels than those laid down, provided that a suitable check is made to ensure that these products are not placed at the disposal of the end user or consumer until the residue content thereof no longer exceeds the maximum permissible levels;

Whereas it is not necessary to apply this Directive to products intended for export to third countries, for the manufacture of products other than foodstuffs or for sowing;

Whereas Member States should be allowed to reduce temporarily the levels laid down if they unexpectedly prove to be dangerous to human or animal health;

Whereas it is appropriate in that case to establish close cooperation between the Member States and the Commission within the Standing Committee on Plant Health;

Whereas, in order to guarantee compliance with this Directive when the products in question are put into circulation, the Member States must provide for suitable control measures;

Whereas Community methods of sampling and analysis should be established to be used at least as reference methods;

Whereas methods of sampling and analysis are technical and scientific matters, which should be determined by means of a procedure involving close cooperation between the Member States and the Commission within the Standing Committee on Plant Health;

Whereas it is appropriate that Member States make an annual report to the Commission on the results of their control measures so as to enable information concerning levels of pesticide residues to be collected for the Community as a whole;

Whereas the Council should review this Directive before 30 June 1991 with the aim of attaining a uniform Community system,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply, without prejudice to the provisions of Council Directive 74/63/EEC of 17 December 1973 on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs⁽¹⁾, as last amended by Directive 86/354/EEC⁽²⁾ to the cereals

listed in Annex I, in so far as these products may contain residues of pesticides listed in Annex II.

Article 2

1. For the purposes of this Directive, 'pesticide residues' means residues of the pesticides and of their metabolites, and breakdown or reaction products listed in Annex II, which are present in or on the products referred to in Article 1.

2. For the purposes of this Directive, 'putting into circulation' means any handing over, whether or not for a consideration, of the products referred to in Article 1.

Article 3

1. Member States shall ensure that the products referred to in Article 1 do not, from the time they are put into circulation, present a danger to human health as a result of the presence of pesticide residues.

2. Member States may not prohibit or impede the putting into circulation within their territories of the products referred to in Article 1 on the grounds that they contain pesticide residues, if the quantity of such residues does not exceed the maximum levels specified in Annex II.

Article 4

1. Member States shall prescribe that the products referred to in Article 1 may not contain, from the time they are put into circulation, levels of residues of pesticides greater than those specified in Annex II.

2. Member States shall take all necessary measures to ensure, at least by check sampling, compliance with the maximum levels laid down in accordance with paragraph 1.

Article 5

1. In the case of the products referred to in Article 1, other than those imported from third countries or intended for other Member States, Member States may, by way of derogation from Article 4, continue to apply a system of monitoring already in force on their territory for the presence of pesticide residues together with any other measure in order to ensure that an effect equivalent to the levels of pesticide residues laid down in Annex II is obtained, and to assess the total dietary exposure of their population to these residues, whatever their source. Such measures shall include regular representative surveys of the levels of these pesticide residues in typical diets.

2. Member States shall inform the other Member States and the Commission of any implementation of paragraph 1.

⁽¹⁾ OJ No L 38, 11. 2. 1974, p. 31.

⁽²⁾ OJ No L 212, 2. 8. 1986, p. 27.

Article 6

Member States may authorize the presence in and on the products referred to in Article 1 of the pesticide residues listed in Part B of Annex II in greater quantities than those specified therein, provided that those products are not intended for immediate consumption and an appropriate control system ensures that they cannot be made available to the end user or to the consumer, if they are supplied directly to the latter, until the residues no longer exceed the maximum levels specified in Part B. They shall inform the other Member States and the Commission of the measures taken. These measures shall be applicable to all products covered thereby, irrespective of the origin of the products.

Article 7

Member States shall make a report to the Commission before 1 August each year on the results of the official checks, the monitoring carried out and the other measures taken pursuant to Article 4 and, where appropriate Article 5, during the previous year.

Article 8

1. The methods of sampling and analysis necessary for carrying out the checks, monitoring and other measures provided for in Article 4 and, where appropriate, Article 5, shall be determined in accordance with the procedure laid down in Article 12. The existence of Community analysis methods, to be used in cases of dispute, shall not preclude the use by Member States of other scientifically valid methods capable of achieving comparable results.

2. Member States shall inform the other Member States and the Commission of the other methods used pursuant to paragraph 1.

Article 9

1. Where a Member State considers that a maximum level fixed in Annex II endangers human health, and therefore requires swift action to be taken, that Member State may temporarily reduce the level in its own territory. In that case, it shall immediately notify the other Member States and the Commission of the measures, attaching a statement of the reasons therefor.

2. If the situation envisaged in paragraph 1 arises, it shall be decided in accordance with the procedure laid down in Article 13 whether the maximum levels laid down in Annex II should be altered. Until such time as a decision is taken by the Council or the Commission in accordance with the abovementioned procedure, the Member State may maintain the measures which it has implemented.

Article 10

Without prejudice to Article 9, amendments to the maximum levels set in Annex II as a result of developments in scientific or technical knowledge shall be

adopted by the Council acting by a qualified majority on a proposal from the Commission.

Article 11

The Council, acting unanimously on a proposal from the Commission, shall adopt, by means of Directives, any new list of products or any new list of pesticide residues in and on the products referred to in Article 1, and their maximum values.

Article 12

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Standing Committee on Plant Health, hereinafter referred to as the 'Committee', by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within a time limit set by the chairman, having regard to the urgency of the matters to be examined. Opinions shall be delivered by a majority of 54 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where the measures are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months following the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures except where the Council has voted by a simple majority against the said measures.

Article 13

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Committee by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within two days. Opinions shall be delivered by a majority of 54 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within 15 days of the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures except where the Council has voted by a simple majority against the said measures.

Article 14

This Directive shall not apply to the products referred to in Article 1 where it can be established at least by appropriate evidence that they are intended for:

- (a) export to third countries;
- (b) the manufacture of products other than foodstuffs;
- (c) sowing.

Article 15

In order to improve upon the Community system introduced by this Directive, the Council, on the basis of a

Commission report accompanied, if appropriate, by suitable proposals, shall re-examine this Directive by 30 June 1991 at the latest.

Article 16

Member States shall bring into force not later than 30 June 1988 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 17

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

ANNEX I

CCT heading No	Description
ex 10.01	Wheat
10.02	Rye
10.03	Barley
10.04	Oats
ex 10.05	Maize
ex 10.06	Paddy rice
ex 10.07	Buckwheat, millet, grain sorghum, triticale and other cereals

ANNEX II

PART A

Pesticide residues	Maximum levels in mg/kg (ppm)
1. aldrin	0,01
2. dieldrin (HEOD) } singly or combined, expressed as dieldrin (HEOD)	
3. total inorganic bromide, expressed in Br ions	50
4. carbaryl	1 : rice 0,5 : other cereals
5. chlordane (sum of cis- and trans-isomers)	0,02
6. DDT (sum of DDT-, TDB- and DDE-isomers, expressed as DDT)	0,05
7. diazinon	0,05
8. 1,2-dibromethane (ethylene dibromide)	0,01 ⁽¹⁾
9. dichlorvos	2
10. endosulfan (sum of alpha- and beta-isomers and of endosulfan sulphate, expressed as endosulfan)	0,2 : maize 0,1 : other cereals
11. endrin	0,01
12. heptachlor (sum of heptachlor and heptachlor epoxide, expressed as heptachlor)	0,01
13. hexachlorobenzene (HCB)	0,01
14. hexachlorocyclohexane (HCH)	0,02
14.1. alpha-isomer } sum	
14.2. beta-isomer } sum	
14.3. gamma-isomer (lindane)	0,1 ⁽²⁾
15. malathion (sum of malathion and malaoxon, expressed as malathion)	8
16. phosphamidon	0,05
17. pyrethrins (sum of pyrethrins I and II, cinerins I and II, jasmolins I and II)	3
18. trichlorfon	0,1

⁽¹⁾ During a transitional period expiring no later than 30 June 1991, Member States whose monitoring authorities are as yet unable to determine the residues at the set level of 0,01 mg/kg in a routine manner may use methods with determination limits not exceeding 0,05 mg/kg.

⁽²⁾ As from 1 January 1990.

PART B

Pesticide residues	Maximum levels in mg/kg (ppm)
1. bromomethane (methyl bromide)	0,1
2. carbon disulphide	0,1
3. carbon tetrachloride	0,1
4. hydrogen cyanide, cyanides expressed as hydrogen cyanide	15
5. hydrogen phosphide, phosphides expressed as hydrogen phosphide	0,1

COUNCIL DIRECTIVE

of 24 July 1986

on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin

(86/363/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

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

Whereas crop and animal production play a very important role in the Community;

Whereas the yield from that production is continually affected by harmful organisms and weeds;

Whereas it is absolutely essential to protect plants, plant products and livestock against these organisms, not only to prevent a reduction in yield but also to increase agricultural productivity;

Whereas one of the most important methods of protecting plants, plant products and livestock from the effects of these harmful organisms is the use of chemical pesticides;

Whereas, however, these pesticides do not have only a favourable effect on plant and animal production, since they are generally toxic substances or preparations with dangerous side-effects;

Whereas a large number of these pesticides and of their metabolites or breakdown products may have harmful effects on consumers of plant and animal products;

Whereas these pesticides and the contaminants which may accompany them can present dangers for the environment and indirectly affect humans through animal products;

Whereas, in order to deal with these dangers, several Member States have already fixed maximum levels for

certain pesticide residues in and on foodstuffs of animal origin;

Whereas the differences which exist between Member States with regard to the maximum permissible levels for pesticide residues can help to create barriers to trade and thus hinder the free movement of goods within the Community;

Whereas, for this reason, in an initial stage, maximum levels should be fixed for certain organochlorine compounds in meat and meat products and milk and milk products, which must be observed when these products are put into circulation;

Whereas, moreover, observance of the maximum levels will ensure that the goods can circulate freely and that the health of consumers is properly protected;

Whereas at the same time the Member States should be enabled to authorize the monitoring of levels of pesticide residues in foodstuffs of animal origin produced and consumed in their territory by a monitoring system and related measures so as to provide safeguards equivalent to those resulting from the levels laid down;

Whereas it is normally sufficient to apply check sampling to fresh milk or frozen cream at the dairy or when it is put on sale to the final consumer; whereas, however, Member States should be authorized also to apply check sampling to fresh milk and fresh cream at an earlier stage;

Whereas it is not necessary to apply this Directive to products intended for export to third countries;

Whereas Member States should be allowed to reduce temporarily the levels laid down if they unexpectedly prove to be dangerous to human or animal health;

Whereas it is appropriate in that case to establish close cooperation between the Member States and the Commission within the Standing Committee on Plant Health;

Whereas, in order to guarantee compliance with this Directive when the foodstuffs in question are put into circulation, the Member States must provide for suitable control measures;

Whereas Community methods of sampling and analysis should be established to be used at least as reference methods;

⁽¹⁾ OJ No C 56, 6. 3. 1980, p. 14.

⁽²⁾ OJ No C 28, 9. 2. 1981, p. 64.

⁽³⁾ OJ No C 300, 18. 11. 1980, p. 29.

Whereas methods of sampling and analysis are technical and scientific matters, which should be determined by means of a procedure involving close cooperation between the Member States and the Commission within the Standing Committee on Plant Health ;

Whereas Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, Council Directive 72/462/EEC of 12 December 1972 on health and veterinary problems upon importation of bovine animals and swine and fresh meat from third countries ⁽³⁾, as last amended by Regulation (EEC) No 3768/85, and Council Directive 85/397/EEC of 5 August 1985 on health and animal-health problems affecting intra-Community trade in heat-treated milk ⁽⁴⁾, as amended by Regulation (EEC) No 3768/85, provide for the fixing of permitted limits for pesticides with regard respectively to fresh meat sent from one Member State to another, fresh meat imported from third countries and heat-treated milk sent from one Member State to another, and for the laying down of the required methods of analysis ; and whereas maximum residue levels laid down in this Directive should also apply for the purposes of those three Directives ;

Whereas it is appropriate that Member States make an annual report to the Commission on the results of their control measures so as to enable information concerning levels of pesticide residues to be collected for the Community as a whole ;

Whereas the Council should review this Directive before 30 June 1991 with the aim of attaining a uniform Community system,

HAS ADOPTED THIS DIRECTIVE :

Article 1

This Directive concerns foodstuffs of animal origin listed in Annex I in so far as those foodstuffs may contain residues of pesticides listed in Annex II, and without prejudice to Community or national provisions concerning dietary or children's food.

Article 2

1. For the purposes of this Directive, 'pesticide residues' means residues of the pesticides and of their metabolites, and breakdown or reaction products listed in Annex II, which are present in or on the products referred to in Article 1.

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 2012/64.
⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽³⁾ OJ No L 302, 21. 12. 1972, p. 28.
⁽⁴⁾ OJ No L 226, 24. 8. 1985, p. 12.

2. For the purposes of this Directive, 'putting into circulation' means any handing over, whether or not for a consideration, of the products referred to in Article 1.

Article 3

1. Member States shall ensure that the products referred to in Article 1 do not, from the time they are put into circulation, present a danger to human health as a result of the presence of pesticide residues.

2. Member States may not prohibit or impede the putting into circulation within their territories of the products referred to in Article 1 on the grounds that they contain pesticide residues if the quantity of such residues does not exceed the maximum levels specified in Annex II.

Article 4

1. Member States shall prescribe that the products referred to in Article 1 may not contain, from the time they are put into circulation, levels of pesticide residues greater than those specified in Annex II.

2. Member States shall take all necessary measures to ensure, at least by check sampling, compliance with the maximum levels laid down in accordance with paragraph 1.

Article 5

1. In the case of the products referred to in Article 1 other than those imported from third countries or intended for other Member States, Member States may, by way of derogation from Article 4, continue to apply a system of monitoring already in force on their territory for the presence of pesticide residues together with any other measure in order to ensure that an effect equivalent to the levels of pesticide residues laid down in Annex II is obtained and to assess the total dietary exposure of their population to these residues, whatever their source. Such measures shall include regular representative surveys of the levels of these pesticide residues in typical diets.

2. Member States shall inform the other Member States and the Commission of any implementation of paragraph 1.

Article 6

Notwithstanding the provisions of Article 4, in the case of the products referred to in Annex I falling within heading No 04.01 of the Common Customs Tariff, the check sampling provided for shall be carried out at the dairy or, if they are not delivered to a dairy, at the point of supply to the consumer. Member States may nevertheless provide also for check sampling from the time these products are first put into circulation.

Article 7

Member States shall make a report to the Commission, before 1 August each year, on the results of the official checks, the monitoring carried out and the other measures taken pursuant to Article 4 and, where appropriate, Article 5, during the previous year.

Article 8

1. The methods of sampling and analysis necessary for carrying out the checks, monitoring and other measures provided for in Article 4 and, where appropriate, Article 5, shall be determined in accordance with the procedure laid down in Article 12. The existence of Community analysis methods, to be used in cases of dispute, shall not preclude the use by Member States of other scientifically valid methods capable of achieving comparable results.

2. Member States shall inform the other Member States and the Commission of the use of other methods pursuant to paragraph 1.

3. Paragraphs 1 and 2 shall apply without prejudice to Community veterinary inspection measures for checking pesticide residues in products referred to in Article 1, in particular those adopted pursuant to Directives 64/433/EEC, 72/462/EEC and 85/397/EEC.

Article 9

1. Where a Member State considers that a maximum level set in Annex II endangers human health, and therefore requires swift action to be taken, that Member State may temporarily reduce the level in its own territory. In that case, it shall immediately notify the other Member States and the Commission of the measures taken, attaching a statement of the reasons therefor.

2. If the situation envisaged in paragraph 1 arises, it shall be decided in accordance with the procedure laid down in Article 13 whether the maximum levels laid down in Annex II should be altered. Until such time as a decision is taken by the Council or the Commission in accordance with the abovementioned procedure, the Member State may maintain the measures which it has implemented.

Article 10

Without prejudice to Article 9, amendments to the maximum levels set in Annex II as a result of developments in scientific or technical knowledge shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.

Article 11

The Council, acting unanimously on a proposal from the Commission, shall adopt, by means of Directives, any new list of products or any new list of pesticide residues in and on the products referred to in Article 1, and their maximum values.

Article 12

1. Where the procedure laid down in this Article is to be followed, the matters shall be referred without delay to the Standing Committee on Plant Health, hereinafter referred to as the 'Committee', by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within a time limit set by the chairman, having regard to the urgency of the matters to be examined. Opinions shall be delivered by a majority of 54 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. If the measures are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months following the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures, except where the Council has voted by a simple majority against the said measures.

Article 13

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Committee by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within two days. Opinions shall be delivered by a majority of 54 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within 15 days of the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures, except where the Council has voted by a single majority against the said measures.

Article 14

This Directive shall not apply to the products referred to in Article 1 where it can be established at least by appropriate evidence that they are intended for export to third countries.

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 15

In order to improve upon the Community system introduced by this Directive, the Council, on the basis of a Commission report accompanied, if appropriate, by suitable proposals, shall re-examine this Directive by 30 June 1991 at the latest.

Article 17

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1986.

Article 16

Member States shall bring into force not later than 30 June 1988 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

For the Council

The President

A. CLARK

ANNEX I

CCT heading No	Description
ex 02.01	Meat and edible offals of horses, asses, mules and hinnies, bovine animals, swine, sheep and goats, fresh, chilled or frozen
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
02.03	Poultry liver, fresh, chilled, frozen, salted or in brine
ex 02.04	Other meat and edible meat offals, fresh, chilled or frozen, of domestic pigeons, domestic rabbits and game
ex 02.05	Pig fat and poultry fat, fresh, chilled, frozen, salted, in brine, dried or smoked
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked
04.01	Milk and cream, fresh, not concentrated or sweetened
04.02	Milk and cream, preserved, concentrated or sweetened
04.03	Butter
04.04	Cheese and curd
ex 04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not, except eggs for hatching as well as eggs and egg yolks intended for purposes other than nutrition
16.01	Sausages and the like, of meat, meat offal or animal blood
16.02	Other prepared or preserved meat or meat offal

ANNEX II

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of fat, contained in meat, preparations of meat, offals and animal fats listed in Annex I under heading Nos ex 02.01, 02.02, 02.03, ex 02.04, ex 02.05, 02.06, 16.01 and 16.02 ⁽¹⁾	for raw cow's milk and whole cream cow's milk listed in Annex I under heading No 04.01 ; for the other foodstuffs in heading Nos 04.01, 04.02, 04.03 and 04.04 in accordance with ⁽²⁾	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under heading No ex 04.05
1. aldrin	0,2	0,006	
2. dieldrin (HEOD)			
3. chlordane (sum of cis- and trans-isomers and oxychlordane expressed as chlordane)	0,05	0,002	
4. DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)	1	0,04	
5. endrin	0,05	0,0008	
6. heptachlor (sum of heptachlor and heptachlor epoxide, expressed as heptachlor)	0,2	0,004	
7. hexachlorobenzene (HCB)	0,2	0,01	
8. hexachlorocyclohexane (HCH)			
8.1. alpha-isomer	0,2	0,004	
8.2. beta-isomer	0,1	0,003	
8.3. gamma-isomer (lindane)	2	0,008	
	ex 02.01 sheepmeat		
	1 other products		

⁽¹⁾ In the case of foodstuffs with a fat content of 10 % or less by weight, the residue is related to the total weight of the boned foodstuff. In such cases, the maximum level is one-tenth of the value related to fat content, but must be no less than 0,01 mg/kg.

⁽²⁾ In determining the residues in raw cow's milk and whole cream cow's milk, a fat content of 4 % by weight should be taken as a basis. For raw milk and whole cream milk of another animal origin the residues are expressed on the basis of the fat.

For the other foodstuffs listed in Annex I under heading Nos 04.01, 04.02, 04.03 and 04.04 :

— with a fat content of less than 2 % by weight, the maximum level is taken as half that set for raw milk and whole cream milk,

— with a fat content of 2 % or more by weight, the maximum level is expressed in mg/kg of fat. In such cases, the maximum level is 25 times that set for raw milk and whole cream milk.

COUNCIL DIRECTIVE

of 24 July 1986

relating to proof of compliance of vehicles with Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles

(86/364/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 85/3/EEC of 19 December 1984 on the weights, dimensions and certain other technical characteristics of certain road vehicles⁽¹⁾, and in particular Article 5 thereof,

Having regard to the proposal from the Commission,

Whereas Article 5 of Directive 85/3/EEC provides for the adoption, of detailed provisions on proof of compliance of vehicles with the provisions of that Directive;

Whereas Council Directive 76/114/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of attachment⁽²⁾, as amended by Commission Directive 78/507/EEC⁽³⁾, already provides for such proof of compliance in the form of the manufacturer's plate; whereas that plate must be supplemented by a plate bearing vehicle dimensions also established and attached in accordance with Directive 76/114/EEC;

Whereas the form and content of these two plates as well as the provisions of their mutual recognition by Member States as prescribed in those two Directives and in this Directive offer sufficient information and guarantees to the competent authorities for the control of the requirements of Directive 85/3/EEC as regards vehicles at the time of manufacture;

Whereas provision should be made that proof of compliance may also be furnished either by a single plate established and attached in accordance with Directive 76/114/EEC and containing the information on the two abovementioned plates, or by a single document issued by the competent authority of the Member State where the vehicle is registered or put into circulation bearing the

same headings and information as those appearing on the said plates;

Whereas where the vehicle characteristics no longer correspond to those entered on the proof of compliance, the Member State in which the vehicle is registered should take the necessary measures to ensure that the proof of compliance is amended;

Whereas it may be useful to show on the abovementioned plate(s) or document the maximum vehicle weights authorized by national legislation in a Member State which differ from those provided for by Directive 85/3/EEC and the technically permissible weights,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall take the necessary measures to ensure that the vehicles referred to in Article 2 of Directive 85/3/EEC and complying with that Directive carry one of the proofs referred to in (a), (b) and (c):

(a) a combination of the following two plates:

- the 'manufacturer's plate' established and attached in accordance with Directive 76/114/EEC,
- the plate relating to dimensions, in accordance with the Annex and established and attached in accordance with Directive 76/114/EEC;

(b) a single plate established and attached in accordance with Directive 76/114/EEC and containing the information on the two plates referred to in (a);

(c) a single document issued by the competent authorities of the Member State in which the vehicle is registered or put into circulation. Such document shall bear the same headings and information as the plates referred to in (a). It shall be kept in a place easily accessible to inspection and shall be adequately protected.

2. If the characteristics of the vehicle no longer correspond to those indicated on the proof of compliance, the Member State in which the vehicle is registered shall take the necessary steps to ensure that the proof of compliance is altered.

⁽¹⁾ OJ No L 2, 3. 1. 1985, p. 14.

⁽²⁾ OJ No L 24, 30. 1. 1976, p. 1.

⁽³⁾ OJ No L 155, 13. 6. 1978, p. 31.

3. The plates and documents referred to in paragraph 1 shall be recognized by the Member States as the proof of vehicle compliance provided for in Article 5 of Directive 85/3/EEC.

4. Vehicles carrying proof of compliance may be subject :

- as regards common standards on weights, to random checks,
- as regards common standards on dimensions, only to checks where there is a suspicion of non-compliance with Directive 85/3/EEC.

Article 2

1. The middle column of the proof of compliance relating to weights shall contain, where appropriate, the Community weight standards applicable to the vehicle in question.

As regards vehicles referred to in section 2.2.2 (c) of Annex I of Directive 85/3/EEC, the entry '(44 tonnes)' shall be included in brackets under the maximum authorized weight of the combined vehicle.

2. Each Member State may decide, in respect of any vehicle registered or put into circulation in its territory, that the maximum weights authorized by its national legislation shall be indicated in the proof of compliance in the left-hand column and the technically permissible weights indicated in the right-hand column.

Article 3

Member States shall take the measures necessary to comply with this Directive within one year at the latest following its notification⁽¹⁾. They shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

⁽¹⁾ This Directive was notified to the Member States on the 29 July 1986.

*ANNEX***Plate relating to dimensions referred to in Article 1 (1) (a)**

I. The plate relating to dimensions, as far as possible affixed next to the plate referred to in Directive 76/114/EEC, must contain the following data :

1. Name of the manufacturer⁽¹⁾;
2. Vehicle identification number⁽¹⁾;
3. Length of the motor vehicle, trailer or semi-trailer (L);
4. Width of the motor vehicle, trailer or semi-trailer (W);
5. Data for the measurement of the length of combined vehicles :
 - the distance (a) between the front of the motor vehicle and the centre of the coupling device (coupling hook or fifth wheel); in the case of a fifth wheel with several coupling points, the minimum and maximum values must be given ($a_{\min}$ and $a_{\max}$),
 - the distance (b) between the centre of the coupling device of the trailer (fifth wheel ring) or of the semi-trailer (kingpin) and the rear of the trailer or of the semi-trailer; in the case of a device with several coupling points, the minimum and maximum values must be given ($b_{\min}$ and $b_{\max}$).

The length of combined vehicles is the length of the motor vehicle and trailer or semi-trailer placed in a straight line behind each other.

II. The values given on the proof of compliance shall incorporate exactly the measures carried out directly on the vehicle.

⁽¹⁾ These data must not be repeated where the vehicle carries a single plate containing data on both weights and dimensions.

CORRIGENDA

Corrigendum to Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC

(Official Journal of the European Communities No L 181 of 4 July 1986)

Page 25, Annex II, II. Specific provisions relating to DDT (No 46):

Footnote (1) should read as follows:

(1) The sum of the isomers 1,1,1-trichloro-2,2 bis (*p*-chlorophenyl) ethane;
1,1,1-trichloro-2 (*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane;
1,1-dichloro-2,2 bis (*p*-chlorophenyl) ethylene; and
1,1-dichloro-2,2 bis (*p*-chlorophenyl) ethane.'

COMMISSION OF THE EUROPEAN COMMUNITIES

THE AGRICULTURAL SITUATION IN THE COMMUNITY

1985 REPORT

Report published in conjunction with the 'Nineteenth General Report on the Activities of the European Communities'

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