I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 574/86

of 28 February 1986

laying down detailed rules for the application of the supplementary trade mechanism (STM)

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 569/86 of 25 February 1986 laying down general rules of application of the supplementary trade mechanism (1), and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1986 laying down arrangements applying to trade in agricultural products between Spain and Portugal (2), and in particular Article 13 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (3), as last amended by Regulation (EEC) No 3793/85 (4), and in particular Articles 12 (2), 15 (5), 16 (6) and Article 24 thereof, and the corresponding provisions in the other regulations on the common organization of the markets in agricultural products,

Whereas Regulation (EEC) No 569/86 provides for the use of STM licences and STM import licences for the purposes of the management of the supplementary trade mechanism ; whereas, when detailed rules of application of the STM are being established, reference should be made, as far as possible, to the rules laid down by Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (5), as last amended by Regulation (EEC) No 1994/84 (6) ;

Whereas, however, in particular with regard to the issue of licences, exceptions should be made to these rules to enable the quantities fixed under the STM to be properly administered ;

Whereas the supplementary trade mechanism provides that certain agricultural products will be subject to a guide quantity and that others will be subject only to an indicative ceiling ; whereas the guide quantities and the relevant control measures will apply only until 31 December 1989 ;

Whereas an indication should be given as to the customs statuses of the products to which the STM applies ;

Whereas all imports into the Community of Ten of certain products covered by Regulation (EEC) No 337/79 of 5 February 1979 concerning the common organization of the market in wine (7), as last amended by Regulation (EEC) No 3805/85 (8), are subject to the presentation of an import certificate ; whereas imports of wine sector products into the Community of Ten which take place after 1 March 1986 from third countries must be carried out under cover of an STM import licence ; whereas in the hope of both avoiding trade being hindered and an increase in the related administrative formalities, it seems appropriate to foresee that import certificates delivered before 1 March 1986 shall be substituted, for the period of their validity, for STM import licences.

Whereas the relevant management committees have not delivered opinons within the time limits set by their chairmen,

HAS ADOPTED THIS REGULATION :

TITLE I

Field of application

Article 1

1. This Regulation lays down, without prejudice to provisions derogating therefrom in Community instruments specific to certain products, common detailed rules for the application of the supplementary trade mechanism (hereinafter called 'the STM') provided for in Regulation (EEC) No 569/86.

(1) OJ No L 55, 1. 3. 1986, p. 106.
(2) OJ No L 367, 31. 12. 1985, p. 7.
(3) OJ No L 281, 1. 11. 1975, p. 1.
(4) OJ No L 367, 31. 12. 1985, p. 19.
(5) OJ No L 338, 12. 12. 1980, p. 1.
(6) OJ No L 186, 13. 7. 1984, p. 17.
(7) OJ No L 54, 5. 3. 1979, p. 1.
(8) OJ No L 367, 31. 12. 1985, p. 39.

2. For the purposes of the application of this Regulation, the Community as constituted on 31 December 1985 is hereinafter referred to as the 'Community of Ten'.

TITLE II

STM licences in intra-Community trade

Article 2

1. The STM licence shall authorize and require the entry for home use under the STM licence of the net quantity of the designated product, during its period of validity.

Where the quantity entered for home use is not more than 5 % less than the quantity shown on the STM licence, the obligation referred to above shall be considered as fulfilled.

With regard to products not subject to a guide quantity, where the quantity entered for home use exceeds by not more than 5 % the quantity entered in the STM licence, it shall be considered as entered for home use under the licence.

With regard to products subject to a guide quantity, exceeding the quantity shown in the licence shall be permitted where this is attributable to the weighing instruments; in no circumstances may the quantity shown in the STM licence be exceeded by more than 1 %.

In applying the previous subparagraph, the number 1, followed by an asterisk, shall be entered in box 22 of the MCE certificate; this asterisk shall be linked to another, in the margin, attached to the following entry: 'Article 2 (1), fourth subparagraph, of Regulation (EEC) No 574/86 applied.'

— Anvendelse af artikel 2, stk. 1, fjerde afsnit, i forordning (EØF) nr. 574/86,
— Anwendung von Artikel 2 Absatz 1 vierter Unterabsatz der Verordnung (EWG) Nr. 574/86,
— Εφαρμογή του άρθρου 2 παράγραφος 1 τέταρτο εδάφιο του κανονισμού (ΕΟΚ) αριθ. 574/86,
— Article 2 (1) fourth subparagraph of Regulation (EEC) No 574/86 applied,
— Aplicación del párrafo 4, apartado 1 del artículo 2 del Reglamento (CEE) nº 574/86,
— Application de l'article 2 paragraphe 1 quatrième alinéa du règlement (CEE) nº 574/86,
— Applicazione dell'articolo 2, paragrafo 1, quarto comma, del regolamento (CEE) n. 574/86,
— Toepassing van artikel 2, lid 1, vierde alinea, van Verordening (EEG) nr. 574/86,
— Aplicação do nº 1, quarto parágrafo, do artigo 2º do Regulamento (CEE) nº 574/86.

2. The application for the STM licence, the STM licence itself, and the extract, shall give the name of the applicant in box 12 and the name of the holder in box 4a of the form established in accordance with the specimens given in Annex I to Regulation (EEC) No 3183/80. The name of the holder may differ from that of the applicant. The obligations arising from the STM licence shall be incumbent upon the applicant and shall not be transferable. The rights deriving from the STM licence shall belong to the holder and shall be transferable throughout the period of its validity. Any such transfer may be made to only one transferee per STM licence and per extract. It shall concern quantities not yet charged against the STM licence or extract.

3. Where a transfer is requested, the issuing agency or the agency or agencies appointed by each Member State shall enter on the STM licence, or, where appropriate, on the extract:

— the name and address of the transferee,
— the date of this entry, certified by a stamp.

4. The transfer shall take effect from the date of this entry.

5. The transferee may neither transfer his right nor return it to the holder.

Article 3

1. Articles 6, 10, 11, 12, 13 (1) and (2), 14, 15, 16, 19 (2), 20 and 21 of Regulation (EEC) No 3183/80 shall apply *mutatis mutandis*.

2. STM licence applications, STM licences, and extracts from them, shall bear in the upper left-hand box one of the following sets of initials, either printed or stamped:

— SMS
— EHM
— ΣΜΣ
— STM
— MCI
— MCE
— MCS
— ARH
— MCT.

in red letters about 2 cm high. Unless otherwise provided, boxes 13, 14, 15, 17, 18, 19 and 20b shall be deleted in their entirety.

The above initials correspond, respectively, to the initials of 'special trade mechanism' in the following languages:

— STM (English),
— MCE (French),
— EHM (German),
— ARH (Dutch),
— MCS (Italian),
— MCI (Spanish),
— MCT (Portuguese),
— SMS (Danish),
— ΣΜΣ (Greek).

Article 4

For the purposes of this Regulation, the following shall be deemed to have been imported from :

1. the Community of Ten :

   (a) products originating in that Community ;

   (b) products in free circulation in a Member State of that Community ;

   (c) products obtained there under inward processing arrangements in respect of which the compensating levy has been charged there ;

2. Spain :

   (a) products originating in that Member State ;

   (b) products in free circulation in Spain ;

   (c) products obtained there under inward processing arrangements in respect of which the compensating levy has been charged there ;

3. Portugal :

   (a) products originating in that Member State ;

   (b) products in free circulation in Portugal ;

   (c) products obtained there under inward processing arrangements in respect of which the compensating levy has been charged there.

Article 5

1. For products for which Spain applies the STM, solely where they are exported from the Community of Ten, one of the following entries shall be made in box 20a of the STM licence :

— SMS-licens — gyldig i Spanien for produkter fra De Ti — artikel 5 i forordning (EØF) nr. 574/86,

— Lizenz EHM — gültig in Spanien für Erzeugnisse mit Herkunft aus der Zehnergemeinschaft — Artikel 5 der Verordnung (EWG) Nr. 574/86,

— Πιστοποιητικό ΣΜΣ — Ισχύει στην Ισπανία για τα προϊόντα προελεύσεως Κοινότητας των Δέκα — Άρθρο 5 του κανονισμού (ΕΟΚ) αριθ. 574/86,

— STM licence — valid in Spain for products from the Community of Ten — Article 5, Regulation (EEC) No 574/86,

— Certificado MCI — válido en España para los productos procedentes de la Comunidad de los Diez — artículo 5 del Reglamento (CEE) n° 574/86,

— Certificat « MCE » — valable en Espagne pour les produits en provenance de la Communauté à Dix — article 5 du règlement (CEE) n° 574/86,

— Titolo MCS — valido in Spagna per i prodotti provenienti dalla Comunità dei Dieci — articolo 5 del regolamento (CEE) n. 574/86,

— ARH-certificaat geldig in Spanje voor produkten van herkomst uit de Gemeenschap van de Tien — artikel 5 van Verordening (EEG) nr. 574/86,

— Certificado MCT — válido em Espanha para os produtos provenientes da Comunidade dos Dez — artigo 5º do Regulamento (CEE) nº 574/86.

The STM licence shall require the entry for home use in Spain of products having the status :

— T 2

— T 2 ES or T 2 PT, where the document proving the Community character bears one of the entries in Article 5 of Commission Regulation (EEC) No 409/86 (1) followed by the name a processing Member State in the Community of Ten.

2. For products for which Spain applies the STM, where they are imported either from the Community of Ten, or from Portugal, one of the following entries shall be made in box 20a of the STM licence :

— SMS-licens — gyldig i Spanien for produkter fra De Ti eller fra Portugal — artikel 5 i forordning (EØF) nr. 574/86,

— Lizenz EHM — gültig in Spanien für Erzeugnisse mit Herkunft aus der Zehnergemeinschaft oder aus Portugal — Artikel 5 der Verordnung (EWG) Nr. 574/86,

— Πιστοποιητικό ΣΜΣ — Ισχύει στην Ισπανία για τα προϊόντα προελεύσεως της Κοινότητας των Δέκα ή της Πορτογαλίας — Άρθρο 5 του κανονισμού (ΕΟΚ) αριθ. 574/86,

— STM licence — valid in Spain for products from the Community of Ten or from Portugal — Article 5, Regulation (EEC) No 574/86,

— Certificado MCI — válido en España para los productos procedentes de la Comunidad de los Diez o de Portugal — artículo 5 del Reglamento, (CEE) n° 574/86,

— Certificat « MCE » — valable en Espagne pour les produits en provenance de la Communauté à dix ou du Portugal — article 5 du règlement (CEE) n° 574/86,

— Titolo MCS — valido in Spagna per i prodotti provenienti dalla Comunità dei Dieci o dal Portogallo — articolo 5 del regolamento (CEE) n. 574/86,

— ARH-certificaat geldig in Spanje voor produkten van herkomst uit de Gemeenschap van de Tien of uit Portugal — artikel 5 van Verordening (EEG) nr. 574/86,

— Certificado MCT — válido em Espanha para os produtos provenientes da Comunidade dos Dez ou de Portugal — artigo 5º do Regulamento (CEE) nº 574/86.

The STM licence shall require entry for home use in Spain of products having the status :

— T 2,

— T 2 PT,

— T 2 ES, where the document proving Community character bears one of the entries in Article 5 of Regulation (EEC) No 409/86 followed by the name of a processing Member State in the Community of Ten.

(1) OJ No L 46, 25. 2. 1986, p. 5.

3. For products from Spain for which the Community of Ten applies the STM, the STM licence shall bear in box 20a one of the following entries :

— SMS-licens — gyldig i De Ti for produkter fra Spanien — artikel 5 i forordning (EØF) nr. 574/86,

— Lizenz EHM — gültig in der Zehnergemeinschaft für Erzeugnisse mit Herkunft aus Spanien — Artikel 5 der Verordnung (EWG) Nr. 574/86,

— Πιστοποιητικό ΣΜΣ — Ισχύει στην Κοινότητα των Δέκα για τα προϊόντα προελεύσεως Ισπανίας — Άρθρο 5 του κανονισμού (ΕΟΚ) αριθ. 574/86,

— STM licence — valid in the Community of Ten for products from Spain — Article 5, Regulation (EEC) No 574/86,

— Certificado MCI — válido en la Comunidad de los Diez para los productos procedentes de España artículo 5, Reglamento nº 574/86,

— Certificat « MCE » — valable dans la Communauté à Dix pour les produit en provenance de l'Espagne — article 5 du règlement (CEE) nº 574/86,

— Titolo MCS — valido nella Comunità dei Dieci per i prodotti provenienti dalla Spagna — articolo 5 del regolamento (CEE) n. 574/86,

— ARH-certificaat geldig in de Gemeenschap van de Tien voor produkten van herkomst uit Spanje — artikel 5 van Verordening (EEG) nr. 574/86,

— Certificados MCT — válido na Comunidade dos Dez para os produtos provenientes de Espanha — artigo 5º do Regulamento (CEE) nº 574/86.

The STM licence shall require entry for home use in the Community of Ten of the products having the status :

— T 2 ES, where the document proving Community character does not bear one of the entries in Article 5 of Regulation (EEC) No 409/86 followed by the name of a processing Member State in the Community of Ten.

4. For products imported from the Community of Ten or from Spain to which Portugal applies the STM, one of the following entries shall be made in box 20a of the STM licence :

— SMS-licens — gyldig i Portugal for produkter fra De Ti eller fra Spanien — artikel 5 i forordning (EØF) nr. 574/86,

— Lizenz EHM — gültig in Portugal für Erzeugnisse mit Herkunft aus der Zehnergemeinschaft oder aus Spanien — Artikel 5 der Verordnung (EWG) Nr. 574/86,

— Πιστοποιητικό ΣΜΣ — Ισχύει στην Πορτογαλία για τα προϊόντα προελεύσεως της Κοινότητας των Δέκα ή της Ισπανίας — Άρθρο 5 του κανονισμού (ΕΟΚ) αριθ. 574/86,

— STM licence — valid in Portugal for products imported from the Community of Ten or from Spain — Article 5, Regulation (EEC) No 574/86,

— Certificado MCI — válido en Portugal para los productos procedentes de la Comunidad de los Diez o de España — artículo 5 del Reglamento (CEE) nº 574/86,

— Certificat « MCE » — valable au Portugal pour les produits en provenance de la Communauté à Dix ou de l'Espagne — article 5 du règlement (CEE) nº 574/86,

— Titolo MCS — valido in Portogallo per i prodotti provenienti dalla Comunità dei Dieci o dalla Spagna — articolo 5 del regolamento (CEE) n. 574/86,

— ARH-certificaat geldig in Portugal voor de produkten van herkomst uit de Gemeenschap van de Tien of uit Spanje — artikel 5 van Verordening (EEG) nr. 574/86,

— Certificado MCT — válido em Portugal, para os produtos provenientes da Comunidade dos Dez ou de Espanha — artigo 5º do Regulamento (CEE) nº 574/86.

The licence shall require entry for home use in Portugal of products having the status :

— T 2

— T 2 ES

— T 2 PT, where the document proving Community character bears one of the entries in Article 5 of Regulation (EEC) No 409/86 followed by the name of a processing Member State in the Community of Ten.

Article 6

1. There shall be at least two copies of the STM licences ; the first marked 'copy for the holder', numbered '1', shall be issued at the applicant's choice either to himself or to the holder, and the second, marked 'copy for the issuing agency', numbered '2', shall be retained by the issuing agency.

2. For products not subject to a guide quantity, the STM licence shall be issued on the fifth working day following the day the application is submitted, unless special measures have been taken during this period.

The Member States shall notify the Commission every Monday and Thursday of the quantity for which licence applications, submitted up to the day of notification, have been made, broken down by product concerned.

3. For products subject to a guide quantity, STM licence applications may be made only during the first 10 days of each month. However, if the 10th day is a public holiday, a Saturday or a Sunday, the STM licence applications may be lodged on the next working day.

On the second working day following that of the end of the period allowed for making application, the Member States shall notify the Commission of the quantity applied for, broken down by product concerned.

4. With regard to products subject to a guide quantity, when the Commission has accepted the applications as notified by telex, STM licences shall be issued on the 21st day of each month, or, if this day is a public holiday, a Saturday or a Sunday, the first working day thereafter. Where the quantities for which applications for STM licences have been made exceed the quantity available, the Commission shall set a single coefficient for reducing the quantities applied for.

Where the guide quantity deriving from the Act of Accession is split up during the calendar year or the marketing year applicable to the relevant product, then for the purposes of the application of the first subparagraph, each part of the guide quantity shall be treated as the quantity available.

When an STM certificate is issued for a quantity reduced by applying the single reducing coefficient, the part of the security corresponding to the difference between the quantity applied for and the quantity for which the STM licence is issued, shall be released.

When an STM certificate is, as a result of applying the single reducing coefficient, valid for a quantity less than that applied for, then at the request of the party concerned the STM certificate is not issued and the security related to it is released immediately.

Article 7

1. Copy 1 of the STM licence shall be presented to the office at which the declaration of entry for home use has been lodged.

Articles 22 (2) and (3), 24, 25, 26, 27 and 28 of Regulation (EEC) No 3183/80 shall apply *mutatis mutandis.*

2. For the purposes of this Regulation, the day of completing the customs formalities for entering into home use shall be considered to be :

(a) the day on which the customs office concerned accepts the declaration of entry for home use for the product in question ;

or

(b) the day on which any other act occurs which has the same legal effects as the acceptance referred to in (a).

3. On the declaration of entry for home use cited in paragraph 1 above, must appear the number, preceded by the letter or letters indicating the issuing Member State, as well as the date the STM certificate or an extract of it was issued.

Article 8

1. Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products [1], applies to all securities concerning products covered by the STM, apart from Article 5 (1) and Article 23 (1) and (2) of Regulation 2220/85.

2. For the purposes of Article 20 of Regulation (EEC) No 2220/85, entry for home use during the period of validity of the licence in the Member State or one of the Member States entered on the STM licence shall rank as a primary requirement. Proof of entry for home use shall be given by producing copy No 1 of the STM licence endorsed in accordance with Article 22 (3) of Regulation (EEC) No 3183/80.

Proof of entry for home use may also take the form of producing the customs document of entry for home use, or of a copy or photocopy of it certified as being authentic either by the customs office concerned or by the official departments of the Member State in which the product is entered for home use.

3. At the request of the party entered in box 12 of the STM licence, the Member States may release the security in parts proportionate to the quantities of products for which the proof referred to in paragraph 1 has been given, on condition that proof has been given that at least 5 % of the net quantity entered on the licences has been entered for home use.

4. Subject to Articles 36 and 37 of Regulation (EEC) No 3183/80, where the primary requirement has not been complied with, the security shall be forfeit by an amount equal to the difference between :

(a) 95 % of the net quantity entered on the licence ;

and

(b) the net quantity actually entered for home use.

However, if the net quantity entered for home use is less than 5 % of the net quantity entered on the licence, the whole security shall be forfeit.

If the total amount of the security which would otherwise be forfeit is no more than 5 ECU for one licence, the Member State may release the whole security.

5. Except in cases of *force majeure,* the proof referred to in paragraph 1 must be given within six months from the last day of the validity of the licence.

6. Articles 35, 36 and 37 of Regulation (EEC) No 3183/80 shall apply *mutatis mutandis.*

Article 9

1. With regard to products not subject to a guide quantity, the second and third indents of the first subparagraph of Article 5 (1), Article 5 (2) and Article 13 (4) of Regulation (EEC) No 3183/80 shall apply.

2. With regard to products subject to a guide quantity, the second indent of the first subparagraph of Article 5 (1) and Article 5 (2) and Article 13 (4) of Regulation (EEC) No 3183/80 shall apply.

[1] OJ No L 205, 3. 8. 1985, p. 5.

TITLE III

STM import licences for products imported from third countries

Article 10

1. This Title shall not apply to :

— products subject to a guide quantity,

— products subject, in the importing Member State, to quantitative restrictions laid down at national or Community level.

Release into free circulation of the products covered by the previous indent shall be effected according to procedures laid down at national levels.

2. With regard to the STM import licences referrred to in Article 3 of Regulation (EEC) No 569/86, the provisions of Regulation (EEC) No 3183/80 concerning import licences shall apply.

3. With regard to products for which Spain applies the STM, one of the following entries shall be made in box 20a of the STM import licence :

— SMS-importlicens — licensen gyldig i Spanien,

— Einfuhrlizenz EHM — Lizenz gilt in Spanien,

— Πιστοποιητικό εισαγωγής ΣΜΣ — Πιστοποιητικό που ισχύει στην Ισπανία,

— STM import licence — licence valid in Spain,

— Certificado de importación MCI — Certificado válido en España,

— Certificat d'importation « MCE » — Certificat valable en Espagne,

— Titolo d'importazione MCS — Titolo valido in Spagna,

— ARH-invoercertificaat geldig in Spanje,

— Certificado de importação MCT — Certificado válido em Espanha.

4. With regard to products for which the Community of Ten applies the STM, one of the following entries shall be made in box 20a of the STM import licence :

— SMS-imprtlicens — licensen ikke gyldig i Spanien og Portugal,

— Einfuhrlizenz EHM — Lizenz gilt nicht in Spanien und Portugal,

— Πιστοποιητικό εισαγωγής ΣΜΣ — Πιστοποιητικό που δεν ισχύει στην Ισπανία και στην Πορτογαλία,

— STM import licence — licence not valid in either Portugal or Spain,

— Certificado de importación MCI — Certificado no válido en España y en Portugal,

— Certificat d'importation « MCE » — Certificat non valable en Espagne et au Portugal,

— Titolo d'importazione MCS — Titolo non valido in Spagna e in Portogallo,

— ARH-invoercertificaat niet geldig in Spanje en Portugal,

— Certificado de importação MCT — Certificado não válido en Espanha e em Portugal.

With regard to STM import licences issued for new potatoes covered by subheading 07.01 A II of the Common Customs Tariff, the entry in the previous indent is replaced by one of the following entries :

— SMS-importlicens — licensen ikke gyldig i Spanien og Portugal — med forbehold af nationale kvantitative restriktioner,

— Einfuhrlizenz EHM — Lizenz gilt nicht in Spanien und Portugal — vorbehaltlich einzelstaatlicher Mengenbeschränkungen,

— Πιστοποιητικό εισαγωγής ΣΜΣ — Πιστοποιητικό που δεν ισχύει στην Ισπανία και στην Πορτογαλία — Υπό την επιφύλαξη των εθνικών ποσοτικών περιορισμών,

— STM import licence — licence not valid in either Spain or Portugal — without prejudice to national quantity restrictions,

— Certificado de importación MCI — Certificado no válido en España y en Portugal — sin perjuicio de las restricciones cuantitativas nacionales,

— Certificat d'importation MCE — Certificat non valable en Espagne et au Portugal — Sous réserve des restrictions quantitatives nationales,

— Titolo d'importazione MCS — Titolo non valido in Spagna e in Portogallo — eventuale applicazione di restrizioni quantitative nazionali,

— ARH-invoercertificaat niet geldig in Spanje en Portugal — onder voorbehoud van nationale kwantitatieve beperkingen,

— Certificado de importação MCT — Certificado não válido en Espanha e em Portugal — sem prejuízo das restrições quantitativas nacionais.

5. With regard to products for which Portugal applies the STM, one of the following entries shall be made in box 20a of the STM import licence :

— SMS-importlicens — licensen gyldig i Portugal,

— Einfuhrlizenz EHM — Lizenz gilt in Portugal,

— Πιστοποιητικό εισαγωγής ΣΜΣ — Πιστοποιητικό που ισχύει στην Πορτογαλία,

— STM import licence — licence valid in Portugal,

— Certificado de importación MCI — Certificado válido en Portugal,

— Certificat d'importation « MCE » — Certificat valable au Portugal,

— Titolo d'importazione MCS — Titolo valido in Portogallo,

— ARH-invoercertificaat geldig in Portugal,

— Certificado de importação MCT — Certificado válido em Portugal.

6. The STM import licence shall be issued on the fifth working day following the day application is made, unless special measures are adopted during that time.

7. The STM import licence applications and all copies of the STM import licence and extracts therefrom shall bear in the upper left-hand box one of the following references, printed or stamped on :

— SMS — tredjelande,
— EHM — Drittländer,
— ΣΜΣ — Τρίτες χώρες,
— STM — non-member States,
— MCI — país tercero,
— MCE — pays tiers,
— MCS — paesi terzi,
— ARH — derde landen,
— MCT — países terceiros.

in red letters about 2 cm high.

8. Every Monday and Thursday, the Member States shall inform the Commission of the quantity applied for, broken down by product concerned.

TITLE IV

Transitional provisions

Article 11

1. The import certificates mentioned in Article 16 (1) of Regulation (EEC) No 337/79 applied for before 1 March 1986 shall replace, for the corresponding products and during their period of validity, the STM import licences required on import from third countries for products of the same kind into the Community of Ten.

2. The Member States of the Community of Ten shall communicate to the Commission the quantities of products imported under cover of these documents from 1 March 1986.

Article 12

1. Article 6 (3) shall apply only from 1 April 1986 onwards.

In March 1986, STM licence applications concerning products subject to a guide quantity may be lodged only from 3 to 7 March 1986.

The Member States shall notify the Commission daily by telex of the applications lodged that day, within the meaning of Article 14 of Regulation (EEC) No 3183/80, and in addition, as the case may be, of the absence of any applications.

The licences shall be issued immediately after the applications have been accepted by the Commission, as notified by telex. Where the quantities for which STM licences have been applied for exceed available quantities, the Commission shall set a single reducing coefficient for the quantities applied for.

2. Article 6 (2) applies only from 10 March 1986.

For products not subject to guide quantities, applications made from 3 to 7 March 1986 will result in STM licences being issued immediately these applications have been accepted by telex by the Commission.

The Member States shall inform the Commission by telex every day of applications made that day pursuant to Article 14 of Regulation (EEC) No 3183/80, and in addition, as the case may be, of the absence of any applications.

3. Article 10 (6) and (8) applies only from 10 March 1986.

For products covered by Title III, applications for STM import licences made from 3 to 7 March will result in STM import licences being issued immediately these applications have been accepted by telex by the Commission.

The Member States shall inform the Commission by telex every day of applications made that day pursuant to Article 14 of Regulation (EEC) No 3183/80, and in addition, as the case may be, of the absence of any applications.

TITLE V

General provisions

Article 13

1. Where a guide quantity or an indicative ceiling has been fixed for part of a Common Customs Tariff subheading, box 7 of the STM licence application, the STM import licence application, the STM licence and the STM import licence shall list the product described in accordance with the Regulation fixing the guide quantity or the indicative ceiling, and box 8 shall list the Common Customs Tariff subheading, preceded by 'ex'.

2. The licences shall be valid only for products thus described.

Article 14

1. Where the competent authority ascertains that all or part of a licence has not been used, it shall inform the Commission monthly of the quantities not used.

2. When any applicant, in circumstances where the single reducing coefficient has been applied, refuses delivery of a licence pursuant to the fourth indent of Article 6 (4), the competent authority shall inform the Commission monthly of the quantities covered by refusal.

3. These quantities shall be counted by the Commission as deductible from the quantities for which STM licences or STM import licences have been applied for.

Article 15

Box 20a of the STM licences referred to in Article 5 (3) and the STM import licences referred to in Article 10 (4) shall bear one of the following entries :

— Rettighederne ifølge denne licens kan inddrages i en eller flere medlemsstater. Artikel 5, stk. 2, i forordning (EØF) nr. 569/86,

— Das aufgrund dieser Lizenz bestehende Recht kann in einem oder in mehreren Mitgliedstaaten widerrufen werden — Artikel 5 Absatz 2 der Verordnung (EWG) Nr. 569/86,

— Το δικαίωμα που παρέχεται από το πιστοποιητικό αυτό είναι δυνατόν να ανακληθεί σε ένα ή περισσότερα κράτη μέλη — Άρθρο 5 παράγραφος 2 του κανονισμού (ΕΟΚ) αριθ. 569/86,

— Rights conferred by this licence may be cancelled in one or more Member States (Article 5 (2) of Regulation (EEC) No 569/86),

— Los derechos conferidos por esta licencia pueden ser cancelados en uno o más Estados miembros (artículo 5 (2) del Reglamento (CEE) nº 569/86),

— Le droit conféré par ce certificat peut être retiré dans un ou plusieurs États membres — Article 5 paragraphe 2 du règlement (CEE) nº 569/86,

— Il diritto concesso da questo certificato può essere ritirato in uno o più stati membri — Articolo 5, paragrafo 2 del regolamento (CEE) n. 569/86,

— Het door dit certificaat verleende recht kan in een of meer Lid-Staten worden herroepen — artikel 5, lid 2, van Verordening (EEG) nr. 569/86,

— O direito conferido por este certificado pode ser retirado num ou em vários Estados-membros — nº 2 do artigo 5º do Regulamento (CEE) nº 569/86.

Article 16

1. Box 14 of the STM licence applications and the STM import licences and the related licences referred to in Article 15 may give the indication of a Member State of entry for home use ; in this case, the word 'origin' in box 14 shall be deleted.

An STM licence or STM import licence listing a Member State in box 14 does not make it obligatory to import into this Member State.

An indication of the Member State of entry for home use may also be given in writing to the agency to which application for an MCE licence or MCE import licence was made ; in this case, this indication must have reached the competent agency at least two days before the activation of the measures prohibiting the use of the licence in the Member State of entry for home use.

2. Where, following the application of a prohibition measure, the licence can no longer be used in the Member State indicated, the security corresponding to the quantities not used shall be released at the request of the parties concerned.

Article 17

This Regulation shall enter into force on 1 March 1986.

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

Done at Brussels, 28 February 1986.

For the Commission

Frans ANDRIESSEN

Vice-President