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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3820/85

of 20 December 1985

on the harmonization of certain social legislation relating to road transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof;

Having regard to the Council Decision of 13 May 1965 on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway⁽¹⁾, and in particular Section III thereof,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas in the field of road transport, Community social legislation is set out in Regulation (EEC) No 543/69⁽⁵⁾ as last amended by Regulation (EEC) No 2829/77⁽⁶⁾; whereas that legislation aims at the harmonization of conditions of competition between methods of inland transport, especially with regard to the road sector and the improvement of working conditions and road safety; whereas progress made in these fields must be safeguarded and extended; whereas, however, it is necessary to make the provisions of the said Regulation more flexible without undermining their objectives;

Whereas, taking into account the amendments set out hereinafter, in order to clarify matters, all the relevant provisions should be brought together in a single text, and in consequence thereof, Regulation (EEC) No 543/69 should be repealed; whereas, however, the exemptions set out in Article 4 for certain vehicles and the provisions of Article 15 for certain passenger transport operations should be maintained in force for a certain time;

Whereas the provisions of this Regulation dealing with working conditions cannot be allowed to prejudice the right of the two sides of industry to lay down, by collec-

tive bargaining or otherwise, provisions more favourable to workers; whereas, in order not only to promote social progress but also to improve road safety, each Member State must retain the right to adopt certain appropriate measures;

Whereas in view of the fall in the number of drivers' mates and conductors it is no longer necessary to regulate the rest periods of crew members other than the driver;

Whereas the replacement of the flexible week by a fixed week would make it easier for drivers to organize their work and improve checking;

Whereas a system should be defined to apply to international road transport operations to or from a third country or between two countries in transit through the territory of a Member State; whereas the provisions of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) of 1 July 1970 should apply to those transport operations; whereas in the case of vehicles registered in a State which is not a Contracting Party to AETR, those provisions will only apply to that part of the journey effected within the Community;

Whereas, since the subject matter of the AETR Agreement falls within the scope of this Regulation, the power to negotiate and conclude the Agreement lies with the Community; whereas, however, the particular circumstances in which the AETR negotiations took place warrant, by way of exception, a procedure whereby the Member States of the Community individually deposit the instruments of ratification or accession in a concerted action but nonetheless act in the interest and on behalf of the Community;

Whereas, in order to ensure the supremacy of Community law in intra-Community transport, Member States should enter a reservation when depositing their instruments of ratification or accession whereby international transport operations between Member States are not to be regarded as international transport operations within the meaning of the Agreement;

⁽¹⁾ OJ No 88, 24. 5. 1965, p. 1500/65.

⁽²⁾ OJ No C 100, 12. 4. 1984, p. 3, and OJ No C 223, 3. 9. 1985, p. 5.

⁽³⁾ OJ No C 122, 20. 5. 1985, p. 168.

⁽⁴⁾ OJ No C 104, 25. 4. 1985, p. 4, and OJ No C 303, 25. 11. 1985, p. 29.

⁽⁵⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽⁶⁾ OJ No L 334, 24. 12. 1977, p. 1.

Whereas the possibilities provided for in the Agreement itself for bilateral agreements between Contracting Parties derogating from the said Agreement as regards frontier zone and transit transport operations are a matter which in principle fall within the competence of the Community;

Whereas, if an amendment to the internal Community rules in the field in question necessitates a corresponding amendment to the Agreement, the Member States will act jointly to obtain such an amendment to the Agreement in accordance with the procedure laid down therein;

Whereas certain transport operations may be exempted from the application of this Regulation;

Whereas it is desirable to amplify and clarify certain definitions and to bring up to date certain provisions, in particular concerning the exceptions for certain categories of vehicles;

Whereas it is desirable to lay down provisions concerning the minimum ages for drivers engaged in the carriage of goods or of passengers — bearing in mind here certain vocational training requirements — and concerning also the minimum age for drivers' mates and conductors; whereas for the purposes of vocational training, Member States must be able to reduce the approved minimum age for drivers mates to 16 years;

Whereas, with regard to driving periods, it is desirable to set limits on continuous driving time and on daily driving time, but without prejudice to any national rules whereby drivers are prohibited from driving for longer than they can with complete safety;

Whereas a longer driving day, together with a shorter driving time over a two-week period is likely to facilitate the management of transport undertakings and to contribute to social progress;

Whereas the provisions on breaks in driving should be adjusted because of the longer daily driving time;

Whereas, with regard to rest periods, it is desirable to lay down the minimum duration of and other conditions governing the daily and weekly rest periods of crew members;

Whereas trips would be made easier if the driver were able to split up his daily rest period, in particular to avoid his having to take a meal and lodging in the same place;

Whereas it is beneficial to social progress and to road safety to lengthen weekly rest periods, while enabling these periods to be shortened, provided that the driver can compensate for parts of his rest period which have not been taken in a place of his choosing within a given time;

Whereas many road transport operations within the Community involve transport by ferryboat or by rail for part of the journey; whereas provisions regarding daily rest periods and breaks which are appropriate to such operations should therefore be provided for in the rules;

Whereas, in the interests of road safety, the payment of bonuses for distance travelled and/or tonnage carried which might endanger road safety must be prohibited;

Whereas it is desirable to provide that exceptions may be made from this Regulation for certain national transport operations with special characteristics; whereas in the event of exceptions Member States should ensure that the standard of social protection and road safety is not jeopardized;

Whereas it is justified, given the specific nature of passenger transport, to redefine the category of vehicles that the Member States may exempt from application of the Regulation in the field of national transport;

Whereas the Member States should be entitled, with the Commission's authorization, to grant exceptions from the provisions of the Regulation in exceptional circumstances; whereas in urgent cases, it should be possible to grant these exceptions for a limited time without prior authorization from the Commission;

Whereas in the case of drivers of vehicles used for regular passenger services, a copy of the timetable and an extract from the undertaking's duty roster may replace the recording equipment; whereas it would be useful for the application of this Regulation and the prevention of abuse, to have delivered to drivers who so request extracts from their duty rosters;

Whereas it is desirable, in the interest of effective control, that regular international passenger services, with the exception of certain border services should no longer be exempt from the obligation to install and use recording equipment;

Whereas it is desirable to emphasize the importance of and the need for compliance with this Regulation by employers and drivers;

Whereas the Commission should monitor the way the situation with Member States develops and submit to the Council and to the European Parliament a report on the application of the rules every two years;

Whereas, in order that this Regulation may be applied and that compliance therewith may be checked, it is appropriate for Member States to give each other assistance,

HAS ADOPTED THIS REGULATION:

SECTION I

Definitions

Article 1

In this Regulation:

1. 'carriage by road' means any journey made on roads open to the public of a vehicle, whether laden or not, used for the carriage of passengers or goods;

2. 'vehicles' means motor vehicles, tractors, trailers and semi-trailers, defined as follows:

- (a) 'motor vehicle': any mechanically self-propelled vehicle circulating on the road, other than a vehicle running on rails, and normally used for carrying passengers or goods;
 - (b) 'tractor': any mechanically self-propelled vehicle circulating on the road, other than a vehicle running on rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines;
 - (c) 'trailer': any vehicle designed to be coupled to a motor vehicle or a tractor;
 - (d) 'semi-trailer': a trailer without a front axle coupled in such a way that a substantial part of its weight and of the weight of its load is borne by the tractor or motor vehicle;
3. 'driver' means any person who drives the vehicle even for a short period, or who is carried in the vehicle in order to be available for driving if necessary;
4. 'week' means the period between 00.00 hours on Monday and 24.00 hours on Sunday;
5. 'rest' means any uninterrupted period of at least one hour during which the driver may freely dispose of his time;
6. 'permissible maximum weight' means the maximum authorized operating weight of the vehicle fully laden;
7. 'regular passenger services' means national and international services as defined in Article 1 of Council Regulation No 117/66/EEC of 28 July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus⁽¹⁾.

SECTION II

Scope

Article 2

1. This Regulation applies to carriage by road, as defined in Article 1 (1), within the Community.

2. The European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) shall apply instead of the present rules to international road transport operations:

— to and/or from third countries which are Contracting Parties to the Agreement, or in transit through such countries, for the whole of the journey where such operations are carried out by vehicles registered in a Member State or in one of the said third countries;

— to and/or from a third country which is not a Contracting Party to the Agreement in the case of any journey made within the Community where such operations are carried out by vehicles registered in one of those countries.

Article 3

The Community shall enter into any negotiations with third countries which may prove necessary for the purpose of implementing this Regulation.

Article 4

This Regulation shall not apply to carriage by:

- 1. vehicles used for the carriage of goods where the maximum permissible weight of the vehicle, including any trailer or semi-trailer, does not exceed 3,5 tonnes;
- 2. vehicles used for the carriage of passengers which, by virtue of their construction and equipment, are suitable for carrying not more than nine persons, including the driver, and are intended for that purpose;
- 3. vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;
- 4. vehicles with a maximum authorized speed not exceeding 30 kilometres per hour;
- 5. vehicles used by or under the control of the armed services, civil defence, fire services, and forces responsible for maintaining public order;
- 6. vehicles used in connection with the sewerage, flood protection, water, gas and electricity services, highway maintenance and control, refuse collection and disposal, telegraph and telephone services, carriage of postal articles, radio and television broadcasting and the detection of radio or television transmitters or receivers;
- 7. vehicles used in emergencies or rescue operations;
- 8. specialized vehicles used for medical purposes;
- 9. vehicles transporting circus and fun-fair equipment;
- 10. specialized breakdown vehicles;
- 11. vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
- 12. vehicles used for non-commercial carriage of goods for personal use;
- 13. vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed.

⁽¹⁾ OJ No 147, 9. 8. 1966, p. 2688/66.

SECTION III

Crew

Article 5

1. The minimum ages for drivers engaged in the carriage of goods shall be as follows:

- (a) for vehicles, including, where appropriate, trailers or semi-trailers, having a permissible maximum weight of not more than 7,5 tonnes, 18 years;
- (b) for other vehicles:
 - 21 years, or
 - 18 years provided that the person concerned holds a certificate of professional competence recognized by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of goods by road, in conformity with Community rules on the minimum level of training for road transport drivers.

2. Any driver engaged in the carriage of passengers shall have reached the age of 21 years.

Any driver engaged in the carriage of passengers on journeys beyond a 50 kilometre radius from the place where the vehicle is normally based must also fulfil one of the following conditions:

- (a) he must have worked for at least one year in the carriage of goods as a driver of vehicles with a permissible maximum weight exceeding 3,5 tonnes;
- (b) he must have worked for at least one year as a driver of vehicles used to provide passenger services on journeys within a 50 kilometre radius from the place where the vehicle is normally based, or other types of passenger services not subject to this Regulation, provided the competent authority considers that he has by so doing acquired the necessary experience;
- (c) he must hold a certificate of professional competence recognized by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road, in conformity with Community rules on the minimum level of training for road transport drivers.

3. The minimum age for drivers' mates and conductors shall be 18 years.

4. A driver engaged in the carriage of passengers shall not be subject to the conditions laid down in paragraph 2, second subparagraph, (a), (b) and (c) if he has carried on that occupation for at least one year prior to 1 October 1970.

5. In the case of internal transport operations carried out within a 50 kilometre radius of the place where the vehicle is based, including local administrative areas the centres of which are situated within that radius, Member States may reduce the minimum age for drivers' mates to 16 years, on condition that this is for purposes of vocational training and subject to the limits imposed by their national law on employment matters.

SECTION IV

Driving periods

Article 6

1. The driving period between any two daily rest periods or between a daily rest period and a weekly rest period, hereinafter called 'daily driving period', shall not exceed nine hours. It may be extended twice in any one week to 10 hours.

A driver must, after no more than six daily driving periods, take a weekly rest period as defined in Article 8 (3).

The weekly rest period may be postponed until the end of the sixth day if the total driving time over the six days does not exceed the maximum corresponding to six daily driving periods.

In the case of the international carriage of passengers, other than on regular services, the terms 'six' and 'sixth' in the second and third subparagraphs shall be replaced by 'twelve' and 'twelfth' respectively.

Member States may extend the application of the previous subparagraph to national passenger services within their territory, other than regular services.

2. The total period of driving in any one fortnight shall not exceed 90 hours.

SECTION V

Breaks and rest periods

Article 7

1. After four-and-a-half hours' driving, the driver shall observe a break of at least 45 minutes, unless he begins a rest period.

2. This break may be replaced by breaks of at least 15 minutes each distributed over the driving period or immediately after this period in such a way as to comply with the provisions of paragraph 1.

3. By way of exception from paragraph 1, in the case of national carriage of passengers on regular services Member States may fix the minimum break at not less than 30 minutes after a driving period not exceeding four hours. Such exceptions may be granted only in cases where breaks in driving of over 30 minutes could hamper the flow of urban traffic and where it is not possible for drivers to take a 15-minute break within four-and-a-half hours of driving prior to a 30-minute break.

4. During these breaks, the driver may not carry out any other work. For the purposes of this Article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall not be regarded as 'other work'.

5. The breaks observed under this Article may not be regarded as daily rest periods.

Article 8

1. In each period of 24 hours, the driver shall have a daily rest period of at least 11 consecutive hours, which may be reduced to a minimum of nine consecutive hours not more than three times in any one week, on condition that an equivalent period of rest be granted as compensation before the end of the following week.

On days when the rest is not reduced in accordance with the first subparagraph, it may be taken in two or three separate periods during the 24-hour period, one of which must be of at least eight consecutive hours. In this case the minimum length of the rest shall be increased to 12 hours.

2. During each period of 30 hours when a vehicle is manned by at least two drivers, each driver shall have a rest period of not less than eight consecutive hours.

3. In the course of each week, one of the rest periods referred to in paragraphs 1 and 2 shall be extended, by way of weekly rest, to a total of 45 consecutive hours. This rest period may be reduced to a minimum of 36 consecutive hours if taken at the place where the vehicle is normally based or where the driver is based, or to a minimum of 24 consecutive hours if taken elsewhere. Each reduction shall be compensated by an equivalent rest taken *en bloc* before the end of the third week following the week in question.

4. A weekly rest period which begins in one week and continues into the following week may be attached to either of these weeks.

5. In the case of the carriage of passengers to which Article 6 (1), fourth or fifth subparagraph, applies, the weekly rest period may be postponed until the week following that in respect of which the rest is due and added on to that second week's weekly rest.

6. Any rest taken as compensation for the reduction of the daily and/or weekly rest periods must be attached to another rest of at least eight hours and shall be granted, at the request of the person concerned, at the vehicle's parking place or driver's base.

7. The daily rest period may be taken in a vehicle, as long as it is fitted with a bunk and is stationary.

Article 9

Notwithstanding Article 8 (1) where a driver engaged in the carriage of goods or passengers accompanies a vehicle which is transported by ferryboat or train, the daily rest period may be interrupted not more than once, provided the following conditions are fulfilled:

- that part of the daily rest period spent on land must be able to be taken before or after the portion of the daily rest period taken on board the ferryboat or the train,
- the period between the two portions of the daily rest period must be as short as possible and may on no account exceed one hour before embarkation or after

disembarkation, customs formalities being included in the embarkation or disembarkation operations,

- during both portions of the rest period the driver must be able to have access to a bunk or couchette.

The daily rest period, interrupted in this way, shall be increased by two hours.

SECTION VI

Prohibition of certain types of payment

Article 10

Payments to wage-earning drivers, even in the form of bonuses or wage supplements, related to distances travelled and/or the amount of goods carried shall be prohibited, unless these payments are of such a kind as not to endanger road safety.

SECTION VII

Exceptions

Article 11

Each Member may apply higher minima or lower maxima than those laid down in Articles 5 to 8 inclusive. Nevertheless, the provisions of this Regulation shall remain applicable to drivers engaged in international transport operations on vehicles registered in another Member State.

Article 12

Provided that road safety is not thereby jeopardized and to enable him to reach a suitable stopping place, the driver may depart from the provisions of this Regulation to the extent necessary to ensure the safety of persons, of the vehicle or of its load. The driver shall indicate the nature of and reason for his departure from those provisions on the record sheet of the recording equipment or in his duty roster.

Article 13

1. Each Member State may grant exceptions on its own territories or, with the agreement of the States concerned, on the territory of another Member State from any provision of this Regulation applicable to carriage by means of a vehicle belonging to one or more of the following categories:

- (a) vehicles used for carrying passengers, which by virtue of their construction and equipment are suitable for carrying not more than 17 persons, including the driver, and are intended for that purpose;

- (b) vehicles used by public authorities to provide public services which are not in competition with professional road hauliers ;
- (c) vehicles used by agricultural, horticultural, forestry or fishery undertakings for carrying goods within a 50 kilometre radius of the place where the vehicle is normally based, including local administrative areas the centres of which are situated within that radius ;
- (d) vehicles used for carrying animal waste or carcases which are not intended for human consumption ;
- (e) vehicles used for carrying live animals from farms to the local markets and vice versa or from markets to the local slaughterhouses ;
- (f) vehicles used as shops at local markets or for door-to-door selling, or used for mobile banking, exchange or saving transactions, for worship, for the lending of books, records or cassettes, for cultural events or exhibitions, and specially fitted for such uses ;
- (g) vehicles carrying material or equipment for the driver's use in the course of his work within a 50 kilometre radius of the place where the vehicle is normally based, provided that driving the vehicle does not constitute the driver's main activity and that the exception does not seriously prejudice the objectives of the Regulation. The Member States may make such exceptions subject to individual authorization ;
- (h) vehicles operating exclusively on islands not exceeding 2 300 square kilometres in area which are not linked to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles ;
- (i) vehicles used for the carriage of goods and propelled by means of gas produced on the vehicle or of electricity or equipped with a governor in so far as such vehicles are regarded, under the legislation of the Member State of registration, as equivalent to vehicles propelled by a petrol or diesel engine, the maximum permissible weight of which, including the weight of trailers or semi-trailers, does not exceed 3,5 tonnes ;
- (j) vehicles used for driving instruction with a view to obtaining a driving licence ;
- (k) tractors used exclusively for agricultural and forestry work.

Member States shall inform the Commission of the exceptions granted under this paragraph.

2. Member States may, after authorization by the Commission, grant exceptions from the application of the provisions of this Regulation to transport operations carried out in exceptional circumstances, if such exceptions do not seriously jeopardize the objectives of the Regulation.

In urgent cases they may grant a temporary exception for a period not exceeding 30 days, which shall be notified immediately to the Commission.

The Commission shall notify the other Member States of any exception granted pursuant to this Regulation.

SECTION VIII

Control procedures and penalties

Article 14

1. In the case of

- regular national passenger services, and
- regular international passenger services whose route terminals are located within a distance of 50 kilometres as the crow flies from a frontier between two Member States and whose route length does not exceed 100 kilometres,

which are subject to this Regulation, a service timetable and a duty roster shall be drawn up by the undertaking.

2. The duty roster shall show, in respect of each driver, the name, place where based and the schedule laid down in advance for various periods of driving, other work and availability.

3. The duty roster shall include all the particulars specified in paragraph 2 for a minimum period covering both the current week and the weeks immediately preceding and following that week.

4. The duty roster shall be signed by the head of the undertaking or by a person authorized to represent him.

5. Each driver assigned to a service referred to in paragraph 1 shall carry an extract from the duty roster and a copy of the service timetable.

6. The duty roster shall be kept by the undertaking for one year after expiry of the period covered. The undertaking shall give an extract from the roster to the drivers concerned who request it.

7. This Article shall not apply to the drivers of vehicles fitted with recording equipment used in accordance with the provisions of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (¹).

Article 15

1. The transport undertaking shall organize drivers' work in such a way that drivers are able to comply with the relevant provisions of this Regulation and of Regulation (EEC) No 3821/85.

(¹) See page 8 of this Official Journal.

2. The undertaking shall make periodic checks to ensure that the provisions of these two Regulations have been complied with. If breaches are found to have occurred, the undertaking shall take appropriate steps to prevent their repetition.

Article 16

1. The Commission shall produce a report every two years on the implementation of this Regulation by Member States and developments in the fields in question. The Commission shall forward the report to the Council and the European Parliament within 13 months of expiry of the two-year period covered by the report.

2. To enable the Commission to draw up the report referred to in paragraph 1, Member States shall communicate the necessary information to the Commission every two years, using a standard form. This information must reach the Commission not later than 30 September following the date on which the two-year period covered by the report expires.

3. The Commission shall draw up the standard form after consulting the Member States.

Article 17

1. Member States shall, in due time and after consulting the Commission, adopt such laws, regulations or administrative provisions as may be necessary for the implementation of this Regulation.

Such measures shall cover, *inter alia*, the organization of, procedure for and means of control and the penalties to be imposed in case of breach.

2. Member States shall assist each other in applying this Regulation and in checking compliance therewith.

3. Within the framework of this mutual assistance the competent authorities of the Member States shall

regularly send one another all available information concerning :

- breaches of this Regulation committed by non-residents and any penalties imposed for such breaches ;
- penalties imposed by a Member State on its residents for such breaches committed in other Member States.

SECTION IX

Final provisions

Article 18

1. Regulation (EEC) No 543/69 is hereby repealed.

However :

- Article 4 of the said Regulation shall, until 31 December 1989, continue to apply to vehicles used by public authorities for public services which do not compete with commercial transport undertakings and to tractors used solely for local agricultural and forestry work. A Member State may, nevertheless, provide that this Regulation will apply to such national transport operations within its territory from an earlier date.
- Article 15 of the said Regulation shall, until 31 December 1989, continue to apply to vehicles and drivers employed in regular international passenger services in so far as the vehicles used for such services are not fitted with recording equipment used as prescribed in Regulation (EEC) No 3821/85.

2. References to the Regulation repealed under paragraph 1 shall be construed as references to this Regulation.

Article 19

This Regulation shall enter into force on 29 September 1986.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

COUNCIL REGULATION (EEC) No 3821/85**of 20 December 1985****on recording equipment in road transport**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 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 Regulation (EEC) No 1463/70 ⁽⁴⁾ as last amended by Regulation (EEC) No 2828/77 ⁽⁵⁾ introduced recording equipment in road transport;

Whereas, taking into account the amendments set out hereinafter, in order to clarify matters, all the relevant provisions should be brought together in a single text, and in consequence thereof, Regulation (EEC) No 1463/70 of the Council should be repealed; whereas, however, the exemptions set out in Article 3 (1) for certain passenger services should be maintained in force for a certain time;

Whereas the use of recording equipment that may indicate the periods of time referred to in Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport ⁽⁶⁾ is intended to ensure effective checking on that social legislation;

Whereas the obligation to use such recording equipment can be imposed only for vehicles registered in Member States; whereas furthermore certain of such vehicles may, without giving rise to difficulty, be excluded from the scope of this Regulation;

Whereas the Member States should be entitled, with the Commission's authorization, to grant certain vehicles exemptions from the provisions of the Regulation in exceptional circumstances; whereas, in urgent cases, it should be possible to grant these exemptions for a limited time without prior authorization from the Commission;

Whereas, in order to ensure effective checking, the equipment must be reliable in operation, easy to use and designed in such a way as to minimize any possibility of

fraudulent use; whereas to this end recording equipment should in particular be capable of providing, on separate sheets for each driver and in a sufficiently precise and easily readable form, recorded details of the various periods of time;

Whereas automatic recording of other details of a vehicle's journey, such as speed and distance covered, will contribute significantly to road safety and will encourage sensible driving of the vehicle; whereas, consequently, it appears appropriate to provide for the equipment also to record those details;

Whereas it is necessary to set Community construction and installation standards for recording equipment and to provide for an EEC approval procedure, in order to avoid throughout the territory of the Member States any impediment to the registration of vehicles fitted with such recording equipment, to their entry into service or use, or to such equipment being used;

Whereas, in the event of differences of opinion between Member States concerning cases of EEC type approval, the Commission should be empowered to take a decision on a dispute within six months if the States concerned have been unable to reach a settlement;

Whereas it would be helpful in implementing this Regulation and preventing abuses to issue drivers who so request with a copy of their record sheets;

Whereas, in order to achieve the aims hereinbefore mentioned of keeping a check on work and rest periods, it is necessary that employers and drivers be responsible for seeing that the equipment functions correctly and that they perform with due care the operations prescribed;

Whereas the provisions governing the number of record sheets that a driver must keep with him must be amended following the replacement of the flexible week by a fixed week;

Whereas technical progress necessitates rapid adaptation of the technical specifications set out in the Annexes to this Regulation; whereas, in order to facilitate the implementation of the measures necessary for this purpose, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within an Advisory Committee;

Whereas Member States should exchange the available information on breaches established;

Whereas, in order to ensure that recording equipment functions reliably and correctly, it is advisable to lay down uniform requirements for the periodic checks and inspections to which the equipment is to be subject after installation,

⁽¹⁾ OJ No C 100, 12. 4. 1984, p. 3, and OJ No C 223, 3. 9. 1985, p. 5.

⁽²⁾ OJ No C 122, 20. 5. 1985, p. 168.

⁽³⁾ OJ No C 104, 25. 4. 1985, p. 4, and OJ No C 303, 25. 11. 1985, p. 29.

⁽⁴⁾ OJ No L 164, 27. 7. 1970, p. 1.

⁽⁵⁾ OJ No L 334, 24. 12. 1977, p. 11.

⁽⁶⁾ See page 1 of this Official Journal.

HAS ADOPTED THIS REGULATION:

CHAPTER I

Principles and scope

Article 1

Recording equipment within the meaning of this Regulation shall, as regards construction, installation, use and testing, comply with the requirements of this Regulation and of Annexes I and II thereto, which shall form an integral part of this Regulation.

Article 2

For the purposes of this Regulation the definitions set out in Article 1 of Regulation (EEC) No 3820/85 shall apply.

Article 3

1. Recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road, except the vehicles referred to in Articles 4 and 14 (1) of Regulation (EEC) No 3820/85.

2. Member States may exempt vehicles mentioned in Article 13 (1) of Regulation (EEC) No 3820/85 from application of this Regulation. Member States shall inform the Commission of any exemption granted under this paragraph.

3. Member States may, after authorization by the Commission, exempt from application of this Regulation vehicles used for the transport operations referred to in Article 13 (2) of Regulation (EEC) No 3820/85. In urgent cases they may grant a temporary exemption for a period not exceeding 30 days, which shall be notified immediately to the Commission. The Commission shall notify the other Member States of any exemption granted pursuant to this paragraph.

4. In the case of national transport operations, Member States may require the installation and use of recording equipment in accordance with this Regulation in any of the vehicles for which its installation and use are not required by paragraph 1.

CHAPTER II

Type approval

Article 4

Applications for EEC approval of a type of recording equipment or of a model record sheet shall be submitted, accompanied by the appropriate specifications, by the manufacturer or his agent to a Member State. No application in respect of any one type of recording equipment or of any one model record sheet may be submitted to more than one Member State.

Article 5

A Member State shall grant EEC approval to any type of recording equipment or to any model record sheet which

conforms to the requirements laid down in Annex I to this Regulation, provided the Member State is in a position to check that production models conform to the approved prototype.

Any modifications or additions to an approved model must receive additional EEC type approval from the Member State which granted the original EEC type approval.

Article 6

Member States shall issue to the applicant an EEC approval mark, which shall conform to the model shown in Annex II, for each type of recording equipment or model record sheet which they approve pursuant to Article 5.

Article 7

The competent authorities of the Member State to which the application for type approval has been submitted shall, in respect of each type of recording equipment or model record sheet which they approve or refuse to approve, either send within one month to the authorities of the other Member States a copy of the approval certificate accompanied by copies of the relevant specifications, or, if such is the case, notify those authorities that approval has been refused; in cases of refusal they shall communicate the reasons for their decision.

Article 8

1. If a Member State which has granted EEC type approval as provided for in Article 5 finds that certain recording equipment or record sheets bearing the EEC type approval mark which it has issued do not conform to the prototype which it has approved, it shall take the necessary measures to ensure that production models conform to the approved prototype. The measures taken may, if necessary, extend to withdrawal of EEC type approval.

2. A Member State which has granted EEC type approval shall withdraw such approval if the recording equipment or record sheet which has been approved is not in conformity with this Regulation or its Annexes or displays in use any general defect which makes it unsuitable for the purpose for which it is intended.

3. If a Member State which has granted EEC type approval is notified by another Member State of one of the cases referred to in paragraphs 1 and 2, it shall also, after consulting the latter Member State, take the steps laid down in those paragraphs, subject to paragraph 5.

4. A Member State which ascertains that one of the cases referred to in paragraph 2 has arisen may forbid until further notice the placing on the market and putting into service of the recording equipment or record sheets. The same applies in the cases mentioned in paragraph 1 with respect to recording equipment or record sheets which have been exempted from EEC initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Regulation.

In any event, the competent authorities of the Member States shall notify one another and the Commission, within one month, of any withdrawal of EEC type approval or of any other measures taken pursuant to paragraphs 1, 2 and 3 and shall specify the reasons for such action.

5. If a Member State which has granted an EEC type approval disputes the existence of any of the cases specified in paragraphs 1 or 2 notified to it, the Member States concerned shall endeavour to settle the dispute and the Commission shall be kept informed.

If talks between the Member States have not resulted in agreement within four months of the date of the notification referred to in paragraph 3 above, the Commission, after consulting experts from all Member States and having considered all the relevant factors, e.g. economic and technical factors, shall within six months adopt a decision which shall be communicated to the Member States concerned and at the same time to the other Member States. The Commission shall lay down in each instance the time limit for implementation of its decision.

Article 9

1. An applicant for EEC type approval of a model record sheet shall state on his application the type or types of recording equipment on which the sheet in question is designed to be used and shall provide suitable equipment of such type or types for the purpose of testing the sheet.

2. The competent authorities of each Member State shall indicate on the approval certificate for the model record sheet the type or types of recording equipment on which that model sheet may be used.

Article 10

No Member State may refuse to register any vehicle fitted with recording equipment, or prohibit the entry into service or use of such vehicle for any reason connected with the fact that the vehicle is fitted with such equipment, if the equipment bears the EEC approval mark referred to in Article 6 and the installation plaque referred to in Article 12.

Article 11

All decisions pursuant to this Regulation refusing or withdrawing approval of a type of recording equipment or model record sheet shall specify in detail the reasons on which they are based. A decision shall be communicated to the party concerned, who shall at the same time be informed of the remedies available to him under the laws of the Member States and of the time-limits for the exercise of such remedies.

CHAPTER III

Installation and inspection

Article 12

1. Recording equipment may be installed or repaired only by fitters or workshops approved by the competent

authorities of Member States for that purpose after the latter, should they so desire, have heard the views of the manufacturers concerned.

2. The approved fitter or workshop shall place a special mark on the seals which it affixes. The competent authorities of each Member State shall maintain a register of the marks used.

3. The competent authorities of the Member States shall send each other their lists of approved fitters or workshops and also copies of the marks used.

4. For the purpose of certifying that installation of recording equipment took place in accordance with the requirements of this Regulation an installation plaque affixed as provided in Annex I shall be used.

CHAPTER IV

Use of equipment

Article 13

The employer and drivers shall be responsible for seeing that the equipment functions correctly.

Article 14

1. The employer shall issue a sufficient number of record sheets to drivers, bearing in mind the fact that these sheets are personal in character, the length of the period of service and the possible obligation to replace sheets which are damaged, or have been taken by an authorized inspecting officer. The employer shall issue to drivers only sheets of an approved model suitable for use in the equipment installed in the vehicle.

2. The undertaking shall keep the record sheets in good order for at least a year after their use and shall give copies to the drivers concerned who request them. The sheets shall be produced or handed over at the request of any authorized inspecting officer.

Article 15

1. Drivers shall not use dirty or damaged record sheets. The sheets shall be adequately protected on this account.

In case of damage to a sheet bearing recordings, drivers shall attach the damaged sheet to the spare sheet used to replace it.

2. Drivers shall use the record sheets every day on which they are driving, starting from the moment they take over the vehicle. The record sheet shall not be withdrawn before the end of the daily working period unless its withdrawal is otherwise authorized. No record sheet may be used to cover a period longer than that for which it is intended.


When, as a result of being away from the vehicle, a driver is unable to use the equipment fitted to the vehicle, the periods of time indicated in paragraph 3, second indent (b), (c) and (d) below shall be entered on the sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet.


Drivers shall amend the record sheets as necessary should there be more than one driver on board the vehicle, so that the information referred to in Chapter II (1) to (3) of Annex I is recorded on the record sheet of the driver who is actually driving.


3. Drivers shall :

— ensure that the time recorded on the sheet agrees with the official time in the country of registration of the vehicle,

— operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly :

(a) under the sign  : driving time ;


(b) under the sign  : all other periods of work ;


(c) under the sign  : other periods of availability, namely :

— waiting time, i.e. the period during which drivers need remain at their posts only for the purpose of answering any calls to start or resume driving or to carry out other work,

— time spent beside the driver while the vehicle is in motion,

— time spent on a bunk while the vehicle is in motion ;

(d) under the sign  : breaks in work and daily rest periods.

4. Each Member State may permit all the periods referred to in paragraph 3, second indent (b) and (c) to be recorded under the sign  on the record sheets used on vehicles registered in its territory.

5. Each crew member shall enter the following information on his record sheet :

(a) on beginning to use the sheet — his surname and first name ;

(b) the date and place where use of the sheet begins and the date and place where such use ends ;

(c) the registration number of each vehicle to which he is assigned, both at the start of the first journey recorded on the sheet and then, in the event of a change of vehicle, during use of the sheet ;

(d) the odometer reading :

— at the start of the first journey recorded on the sheet,

— at the end of the last journey recorded on the sheet,

— in the event of a change of vehicle during a working day (reading on the vehicle to which he was assigned and reading on the vehicle to which he is to be assigned) ;

(e) the time of any change of vehicle.

6. The equipment shall be so designed that it is possible for an authorized inspecting officer, if necessary after opening the equipment, to read the recordings relating to the nine hours preceding the time of the check without permanently deforming, damaging or soiling the sheet.

The equipment shall, furthermore, be so designed that it is possible, without opening the case, to verify that recordings are being made.

7. Whenever requested by an authorized inspecting officer to do so, the driver must be able to produce record sheets for the current week, and in any case for the last day of the previous week on which he drove.

Article 16

1. In the event of breakdown or faulty operation of the equipment, the employer shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.

If the vehicle is unable to return to the premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out *en route*.

Measures taken by Member States pursuant to Article 19 may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been put right as provided in the foregoing subparagraphs.

2. While the equipment is unserviceable or operating defectively, drivers shall mark on the record sheet or sheets, or on a temporary sheet to be attached to the record sheet, all information for the various periods of time which is not recorded correctly by the equipment.

CHAPTER V

Final provisions

Article 17

The amendments necessary to adapt the Annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 18.

Article 18

1. A Committee for the adaptation of this Regulation to technical progress (hereinafter called 'the Committee') is hereby set up; it shall consist of representatives of the Member States, and a representative of the Commission shall be chairman.
2. The Committee shall adopt its own rules of procedure.
3. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by the chairman, either on his own initiative or at the request of the representative of a Member State.
4. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on that draft within a time limit set by the chairman having regard to the urgency of the matter. Opinions shall be delivered by a qualified majority in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.
5. (a) The Commission shall adopt the envisaged measures where they are in accordance with the opinion of the Committee.
(b) Where the measures envisaged are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.
(c) If the Council has not acted within three months of the proposal being submitted to it, the proposed measures shall be adopted by the Commission.

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

Done at Brussels, 20 December 1985.

Article 19

1. Member States shall, in good time and after consulting the Commission, adopt such laws, regulations or administrative provisions as may be necessary for the implementation of this Regulation.

Such measures shall cover, *inter alia*, the reorganization of, procedure for, and means of carrying out, checks on compliance and the penalties to be imposed in case of breach.

2. Member States shall assist each other in applying this Regulation and in checking compliance therewith.
3. Within the framework of this mutual assistance the competent authorities of the Member States shall regularly send one another all available information concerning:
 - breaches of this Regulation committed by non-residents and any penalties imposed for such breaches,
 - penalties imposed by a Member State on its residents for such breaches committed in other Member States.

Article 20

Regulation (EEC) No 1463/70 shall be repealed.

However, Article 3 (1) of the said Regulation shall, until 31 December 1989, continue to apply to vehicles and drivers employed in regular international passenger services in so far as the vehicles used for such services are not fitted with recording equipment used as prescribed in this Regulation.

Article 21

This Regulation shall enter into force on 29 September 1986.

For the Council

The President

R. KRIEPS

ANNEX I

REQUIREMENTS FOR CONSTRUCTION, TESTING, INSTALLATION AND INSPECTION

I. DEFINITIONS

In this Annex :

(a) **Recording equipment means :**

equipment intended for installation in road vehicles to show and record automatically or semi-automatically details of the movement of those vehicles and of certain working periods of their drivers ;

(b) **Record sheet means :**

a sheet designed to accept and retain recorded data, to be placed in the recording equipment and on which the marking devices of the latter inscribe a continuous record of the information to be recorded ;

(c) **The constant of the recording equipment means :**

the numerical characteristic giving the value of the input signal required to show and record a distance travelled of one kilometre ; this constant must be expressed either in revolutions per kilometre ($k = \dots \text{ rev/km}$), or in impulses per kilometre ($k = \dots \text{ imp/km}$) ;

(d) **Characteristic coefficient of the means :**

the numerical characteristic giving the value of the output signal emitted by the part of the vehicle linking it with the recording equipment (gearbox output shaft or axle) while the vehicle travels a distance of one measured kilometre under normal test conditions (see Chapter VI, point 4 of this Annex). The characteristic coefficient is expressed either in revolutions per kilometre ($w = \dots \text{ rev/km}$) or in impulses per kilometre ($w = \dots \text{ imp/km}$) ;

(e) **Effective circumference of wheel tyres means :**

the average of the distances travelled by the several wheels moving the vehicle (driving wheels) in the course of one complete rotation. The measurement of these distances must be made under normal test conditions (see Chapter VI, point 4 of this Annex) and is expressed in the form : $l = \dots \text{ mm}$.

II. GENERAL CHARACTERISTICS AND FUNCTIONS OF RECORDING EQUIPMENT

The equipment must be able to record the following :

1. distance travelled by the vehicle ;
2. speed of the vehicle ;
3. driving time ;
4. other periods of work or of availability ;
5. breaks from work and daily rest periods ;
6. opening of the case containing the record sheet.

For vehicles used by two drivers the equipment must be capable of recording simultaneously but distinctly and on two separate sheets details of the periods listed under 3, 4 and 5.

III. CONSTRUCTION REQUIREMENTS FOR RECORDING EQUIPMENT

(a) **General points**

1. *Recording equipment shall include the following :*

1.1. Visual instruments showing :

- distance travelled (distance recorder),
- speed (speedometer),
- time (clock).

1.2. Recording instruments comprising :

- a recorder of the distance travelled,
- a speed recorder,
- one or more time recorders satisfying the requirements laid down in Chapter III (c) 4.

1.3. A marking device showing on the record sheet each opening of the case containing that sheet.

2. Any inclusion in the equipment of devices additional to those listed above must not interfere with the proper operation of the mandatory devices or with the reading of them.

The equipment must be submitted for approval complete with any such additional devices.

3. *Materials*

- 3.1. All the constituent parts of the recording equipment must be made of materials with sufficient stability and mechanical strength and stable electrical and magnetic characteristics.
- 3.2. Any modification in a constituent part of the equipment or in the nature of the materials used for its manufacture must, before being applied in manufacture, be submitted for approval to the authority which granted type-approval for the equipment.

4. *Measurement of distance travelled*

The distances travelled may be measured and recorded either:

- so as to include both forward and reverse movement, or
- so as to include only forward movement.

Any recording of reversing movements must on no account affect the clarity and accuracy of the other recordings.

5. *Measurement of speed*

- 5.1. The range of speed measurement shall be as stated in the type approval certificate.
- 5.2. The natural frequency and the damping of the measuring device must be such that the instruments showing and recording the speed can, within the range of measurement, follow acceleration changes of up to 2 m/s^2 , within the limits of accepted tolerances.

6. *Measurement of time (clock)*

- 6.1. The control of the mechanism for resetting the clock must be located inside a case containing the record sheet; each opening of that case must be automatically recorded on the record sheet.
- 6.2. If the forward movement mechanism of the record sheet is controlled by the clock, the period during which the latter will run correctly after being fully wound must be greater by at least 10 % than the recording period corresponding to the maximum sheet-load of the equipment.

7. *Lighting and Protection*

- 7.1 The visual instruments of the equipment must be provided with adequate non-dazzling lighting.
- 7.2. For normal conditions of use, all the internal parts of the equipment must be protected against damp and dust. In addition they must be made proof against tampering by means of casings capable of being sealed.

(b) Visual instruments

1. *Distance travelled indicator (distance recorder)*

- 1.1. The value of the smallest grading on the instrument showing distance travelled must be 0,1 kilometres. Figures showing hectometres must be clearly distinguishable from those showing whole kilometres.
- 1.2. The figures on the distance recorder must be clearly legible and must have an apparent height of at least 4 mm.
- 1.3. The distance recorder must be capable of reading up to at least 99 999,9 kilometres.

2. *Speed indicators (speedometer)*

- 2.1. Within the range of measurement, the speed scale must be uniformly graduated by 1, 2, 5 or 10 kilometres per hour. The value of a speed graduation (space between two successive marks) must not exceed 10 % of the maximum speed shown on the scale.
- 2.2. The range indicated beyond that measured need not be marked by figures.
- 2.3. The length of each space on the scale representing a speed difference of 10 kilometres per hour must not be less than 10 millimetres.
- 2.4. On an indicator with a needle, the distance between the needle and the instrument face must not exceed three millimetres.

3. *Time indicator (clock)*

The time indicator must be visible from outside the equipment and give a clear, plain and unambiguous reading.

(c) Recording instruments**1. *General points***

- 1.1. All equipment, whatever the form of the record sheet (strip or disc) must be provided with a mark enabling the record sheet to be inserted correctly, in such a way as to ensure that the time shown by the clock and the time-marking on the sheet correspond.
- 1.2. The mechanism moving the record sheet must be such as to ensure that the latter moves without play and can be freely inserted and removed.
- 1.3. For record sheets in disc form, the forward movement device must be controlled by the clock mechanism. In this case, the rotating movement of the sheet must be continuous and uniform, with a minimum speed of seven millimetres per hour measured at the inner border of the ring marking the edge of the speed recording area.

In equipment of the strip type, where the forward movement device of the sheets is controlled by the clock mechanism the speed of rectilinear forward movement must be at least 10 millimetres per hour.

- 1.4. Recording of the distance travelled, of the speed of the vehicle and of any opening of the case containing the record sheet or sheets must be automatic.

2. *Recording distance travelled*

- 2.1. Every kilometre of distance travelled must be represented on the record by a variation of at least one millimetre on the corresponding coordinate.
- 2.2. Even at speeds reaching the upper limit of the range of measurement, the record of distances must still be clearly legible.

3. *Recording speed*

- 3.1. Whatever the form of the record sheet, the speed recording stylus must normally move in a straight line and at right angles to the direction of travel of the record sheet.

However, the movement of the stylus may be curvilinear, provided the following conditions are satisfied :

- the trace drawn by the stylus must be perpendicular to the average circumference (in the case of sheets in disc form) or to the axis (in the case of sheets in strip form) of the area reserved for speed recording,
- the ratio between the radius of curvature of the trace drawn by the stylus and the width of the area reserved for speed recording must be not less than 2,4 to 1 whatever the form of the record sheet,
- the markings on the time-scale must cross the recording area in a curve of the same radius as the trace drawn by the stylus. The spaces between the markings on the time-scale must represent a period not exceeding one hour.

- 3.2. Each variation in speed of 10 kilometres per hour must be represented on the record by a variation of at least 1,5 millimetres on the corresponding coordinate.

4. *Recording time*

- 4.1. Recording equipment must be so constructed that it is possible, through the operation where necessary of a switch device, to record automatically and separately four periods of time as indicated in Article 15 of the Regulation.
- 4.2. It must be possible, from the characteristics of the traces, their relative positions and if necessary the signs laid down in Article 15 of the Regulation to distinguish clearly between the various periods of time.

The various periods of time should be differentiated from one another on the record by differences in the thickness of the relevant traces, or by any other system of at least equal effectiveness from the point of view of legibility and ease of interpretation of the record.

- 4.3. In the case of vehicles with a crew consisting of more than one driver, the recordings provided for in point 4.1 must be made on two separate sheets, each sheet being allocated to one driver. In this case, the forward movement of the separate sheets must be effected either by a single mechanism or by separate synchronized mechanisms.

(d) Closing device

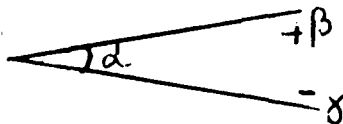
1. The case containing the record sheet or sheets and the control of the mechanism for resetting the clock must be provided with a lock.
2. Each opening of the case containing the record sheet or sheets and the control of the mechanism for resetting the clock must be automatically recorded on the sheet or sheets.

(e) Markings

1. The following markings must appear on the instrument face of the equipment :
 - close to the figure shown by the distance recorder, the unit of measurement of distance, indicated by the abbreviation 'km',
 - near the speed scale, the marking 'km/h',
 - the measurement range of the speedometer in the form 'Vmin ... km/h, Vmax ... km/h', This marking is not necessary if it is shown on the descriptive plaque of the equipment.

However, these requirements shall not apply to recording equipment approved before 10 August 1970.

2. The descriptive plaque must be built into the equipment and must show the following markings, which must be visible on the equipment when installed :
 - name and address of the manufacturer of the equipment,
 - manufacturer's number and year of construction,
 - approval mark for the equipment type,
 - the constant of the equipment in the form ' $k = \dots \text{ rev/km}$ ' or ' $k = \dots \text{ imp/km}$ ',
 - optionally, the range of speed measurement, in the form indicated in point 1,
 - should the sensitivity of the instrument to the angle of inclination be capable of affecting the readings given by the equipment beyond the permitted tolerances, the permissible angle expressed as :



where α is the angle measured from the horizontal position of the front face (fitted the right way up) of the equipment for which the instrument is calibrated, while β and γ represent respectively the maximum permissible upward and downward deviations from the angle of calibration α .

(f) Maximum tolerances (visual and recording instruments)

1. On the test bench before installation :
 - (a) distance travelled :
 - 1 % more or less than the real distance, where that distance is at least one kilometre ;
 - (b) speed :
 - 3 km/h more or less than the real speed ;
 - (c) time :
 - \pm two minutes per day with a maximum of 10 minutes per seven days in cases where the running period of the clock after rewinding is not less than that period.
2. On installation :
 - (a) distance travelled :
 - 2 % more or less than the real distance, where that distance is at least one kilometre ;
 - (b) speed :
 - 4 km/h more or less than the real speed ;
 - (c) time :
 - \pm two minutes per day, or
 - \pm 10 minutes per seven days.
3. In use :
 - (a) distance travelled :
 - 4 % more or less than the real distance, where that distance is at least one kilometre ;
 - (b) speed :
 - 6 km/h more or less than the real speed ;
 - (c) time :
 - \pm two minutes per day, or
 - \pm 10 minutes per seven days.
4. The maximum tolerances set out in points 1, 2 and 3 are valid for temperatures between 0° and 40°C , temperatures being taken in close proximity to the equipment.
5. Measurement of the maximum tolerances set out in points 2 and 3 shall take place under the conditions laid down in Chapter VI.

IV. RECORD SHEETS

(a) General points

1. The record sheets must be such that they do not impede the normal functioning of the instrument and that the records which they contain are indelible and easily legible and identifiable.

The record sheets must retain their dimensions and any records made on them under normal conditions of humidity and temperature.

In addition it must be possible to write on the sheets, without damaging them and without affecting the legibility of the recordings, the information referred to in Article 15 (5) of the Regulation.

Under normal conditions of storage, the recordings must remain clearly legible for at least one year.

2. The minimum recording capacity of the sheets, whatever their form, must be 24 hours.

If several discs are linked together to increase the continuous recording capacity which can be achieved without intervention by staff, the links between the various discs must be made in such a way that there are no breaks in or overlapping of recordings at the point of transfer from one disc to another.

(b) Recording areas and their graduation

1. The record sheets shall include the following recording areas :
 - an area exclusively reserved for data relating to speed,
 - an area exclusively reserved for data relating to distance travelled,
 - one or more areas for data relating to driving time, to other periods of work and availability to breaks from work and to rest periods for drivers.
2. The area for recording speed must be scaled off in divisions of 20 kilometres per hour or less. The speed corresponding to each marking on the scale must be shown in figures against that marking. The symbol 'km/h' must be shown at least once within the area. The last marking on the scale must coincide with the upper limit of the range of measurement.
3. The area for recording distance travelled must be set out in such a way that the number of kilometres travelled may be read without difficulty.
4. The area or areas reserved for recording the periods referred to in point 1 must be so marked that it is possible to distinguish clearly between the various periods of time.

(c) Information to be printed on the record sheets

Each sheet must bear, in printed form, the following information :

- name and address or trade name of the manufacturer,
- approval mark for the model of the sheet,
- approval mark for the type or types of equipment in which the sheet may be used,
- upper limit of the speed measurement range, printed in kilometres per hour.

By way of minimal additional requirements, each sheet must bear, in printed form a time-scale graduated in such a way that the time may be read directly at intervals of fifteen minutes while each five minute interval may be determined without difficulty.

(d) Free space for hand written insertions

A free space must be provided on the sheets such that drivers may as a minimum write in the following details :

- surname and first name of the driver,
- date and place where use of the sheet begins and date and place where such use ends,
- the registration number or numbers of the vehicle or vehicles to which the driver is assigned during the use of the sheet,
- odometer readings from the vehicle or vehicles to which the driver is assigned during the use of the sheet,
- the time at which any change of vehicle takes place.

V. INSTALLATION OF RECORDING EQUIPMENT

1. Recording equipment must be positioned in the vehicle in such a way that the driver has a clear view from his seat of speedometer, distance recorder and clock while at the same time all parts of those instruments, including driving parts, are protected against accidental damage.

2. It must be possible to adapt the constant of the recording equipment to the characteristic coefficient of the vehicle by means of a suitable device, to be known as an adaptor.

Vehicles with two or more rear axle ratios must be fitted with a switch device whereby these various ratios may be automatically brought into line with the ratio for which the equipment has been adapted to the vehicle.

3. After the equipment has been checked on installation, an installation plaque shall be affixed to the vehicle beside the equipment or in the equipment itself and in such a way as to be clearly visible. After every inspection by an approved fitter or workshop requiring a change in the setting of the installation itself, a new plaque must be affixed in place of the previous one.

The plaque must show at least the following details:

- name, address or trade name of the approved fitter or workshop,
- characteristic coefficient of the vehicle, in the form ' $w = \dots \text{ rev/km}$ ' or ' $w = \dots \text{ imp/km}$ ',
- effective circumference of the wheel tyres in the form ' $l = \dots \text{ mm}$ ',
- the dates on which the characteristic coefficient of the vehicle was determined and the effective measured circumference of the wheel tyres.

4. *Sealing*

The following parts must be sealed:

- (a) the installation plaque, unless it is attached in such a way that it cannot be removed without the markings thereon being destroyed;
- (b) the two ends of the link between the recording equipment proper and the vehicle;
- (c) the adaptor itself and the point of its insertion into the circuit;
- (d) the switch mechanism for vehicles with two or more axle ratios;
- (e) the links joining the adaptor and the switch mechanism to the rest of the equipment;
- (f) the casings required under Chapter III (a) 7.2.

In particular cases, further seals may be required on approval of the equipment type and a note of the positioning of these seals must be made on the approval certificate.

Only the seals mentioned in (b), (c) and (e) may be removed in cases of emergency; for each occasion that these seals are broken a written statement giving the reasons for such action must be prepared and made available to the competent authority.

VI. CHECKS AND INSPECTIONS

The Member States shall nominate the bodies which shall carry out the checks and inspections.

1. *Certification of new or repaired instruments*

Every individual device, whether new or repaired, shall be certified in respect of its correct operation and the accuracy of its readings and recordings, within the limits laid down in Chapter III (f) 1, by means of sealing in accordance with Chapter V (4) (f).

For this purpose the Member States may stipulate an initial verification, consisting of a check on and confirmation of the conformity of a new or repaired device with the type-approved model and/or with the requirements of the Regulation and its Annexes, or may delegate the power to certify to the manufacturers or to their authorized agents.

2. *Installation*

When being fitted to a vehicle, the equipment and the whole installation must comply with the provisions relating to maximum tolerances laid down in Chapter III (f) 2.

The inspection tests shall be carried out by the approved fitter or workshop on his or its responsibility.

3. *Periodic inspections*

- (a) Periodic inspections of the equipment fitted to vehicles shall take place at least every two years and may be carried out in conjunction with roadworthiness tests of vehicles.

These inspections shall include the following checks:

- that the equipment is working correctly,
- that the equipment carries the type approval mark,

- that the installation plaque is affixed,
 - that the seals on the equipment and on the other parts of the installation are intact,
 - the actual circumference of the tyres.
- (b) An inspection to ensure compliance with the provision of Chapter III (f) 3 on the maximum tolerances in use shall be carried out at least once every six years, although each Member State may stipulate a shorter interval or such inspection in respect of vehicles registered in its territory. Such inspections must include replacement of the installation plaque.

4. *Measurement of errors*

The measurement of errors on installation and during use shall be carried out under the following conditions, which are to be regarded as constituting standard test conditions :

- vehicle unladen, in normal running, order
 - tyre pressures in accordance with the manufacturer's instructions,
 - tyre wear within the limits allowed by law,
 - movement of the vehicle : the vehicle must proceed, driven by its own engine, in a straight line and on a level surface, at a speed of 50 ± 5 km/h ; provided that it is of comparable accuracy, the test may also be carried out on an appropriate test bench.
-

ANNEX II

APPROVAL MARK AND CERTIFICATE

I. APPROVAL MARK

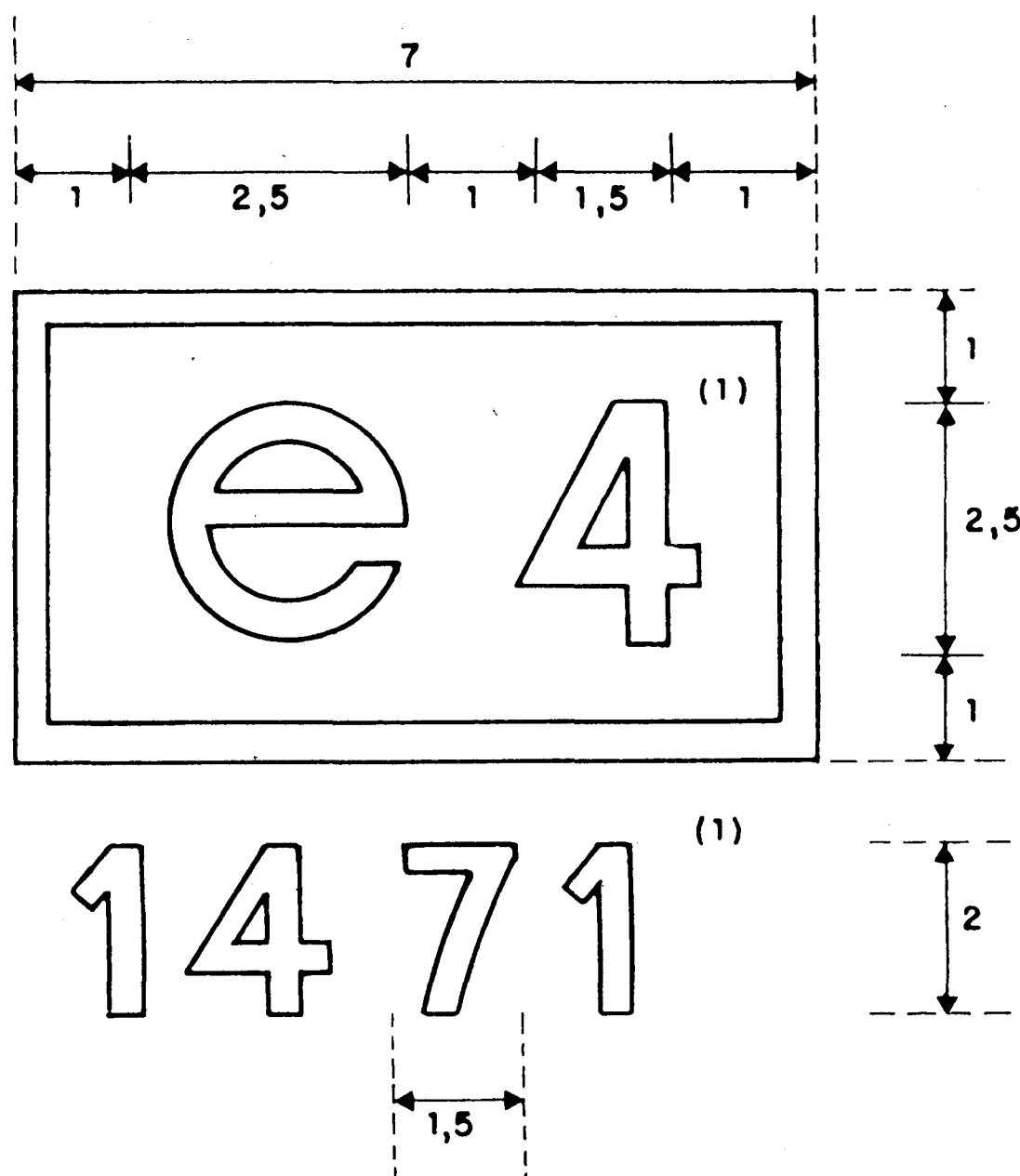
1. The approval mark shall be made up of :

- a rectangle, within which shall be placed the letter 'e' followed by a distinguishing number or letter for the country which has issued the approval in accordance with the following conventional signs :

Belgium	6,
Denmark	18,
Germany	1,
Greece	GR,
Spain	9,
France	2,
Ireland	IRL,
Italy	3,
Luxembourg	13,
Netherlands	4,
Portugal	21,
United Kingdom	11,

and

- an approval number corresponding to the number of the approval certificate drawn up for prototype of the recording equipment or the record sheet, placed at any point within the immediate proximity of this rectangle.
2. The approval mark shall be shown on the descriptive plaque of each set of equipment and on each record sheet. It must be indelible and must always remain clearly legible.
3. The dimensions of the approval mark drawn below are expressed in millimetres, these dimensions being minima. The ratios between the dimensions must be maintained.



(1) These figures are shown for guidance only.

II. APPROVAL CERTIFICATE

A State having granted approval shall issue the applicant with an approval certificate, the model for which is given below. When informing other Member States of approvals issued or, if the occasion should arise, withdrawn, a Member State shall use copies of that certificate.

APPROVAL CERTIFICATE

Name of competent administration

Notification concerning ⁽¹⁾:

- approval of a type of recording equipment
- withdrawal of approval of a type of recording equipment
- approval of a model record sheet
- withdrawal of approval of a record sheet

Approval No

1. Trade mark or name

2. Name of type or model

3. Name of manufacturer

4. Address of manufacturer

5. Submitted for approval on

6. Tested at

7. Date and number of test report

8. Date of approval

9. Date of withdrawal of approval

10. Type or types of recording equipment in which sheet is designed to be used

11. Place

12. Date

13. Descriptive documents annexed

14. Remarks

(Signature)

⁽¹⁾ Delete items not applicable.

COUNCIL REGULATION (EEC) No 3822/85

of 20 December 1985

amending Regulation (EEC) No 918/83 setting up a Community system of relief from customs duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43 and 235 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 Regulation (EEC) No 918/83 ⁽⁴⁾ lays down a number of ceilings, expressed in ECU, up to which the goods in question may be imported free of customs duty;

Whereas it would appear appropriate to increase the ceiling applicable to goods sent in small consignments to private individuals;

Whereas experience has shown that the concept of alcohols and of alcoholic beverages likely to be admitted free of import duties when they are in small consignments of a non-commercial nature or are contained in personal luggage of travellers should be defined,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 918/83 is hereby amended as follows:

1. in the third indent of Article 29 (2), the amount '35 ECU' shall be replaced by '45 ECU';

2. in Article 30, (b) shall be replaced by the following:

'(b) alcohols and alcoholic beverages:

- distilled beverages and spirits of an alcoholic strength by volume exceeding 22 % vol; non-denatured ethyl alcohol of 80 % vol and over: one litre. Member States may require this quantity to be contained in a single bottle, or
- distilled beverages and spirits, and aperitifs with a wine or alcoholic base, tafia, saké or similar beverages, of an alcoholic strength by volume not exceeding 22 % vol; sparkling wines, liqueur wines: one litre, or
- still wines: two litres.'

3. in Article 46, (b) shall be replaced by the following:

'(b) alcohols and alcoholic beverages:

- distilled beverages and spirits of an alcoholic strength by volume exceeding 22 % vol; non-denatured ethyl alcohol of 80 % vol and over: one litre. Member States may require this quantity to be contained in a single bottle, or
- distilled beverages and spirits, and aperitifs with a wine or alcoholic base, tafia, saké or similar beverages, of an alcoholic strength by volume not exceeding 22 % vol; sparkling wines, liqueur wines: two litres, and
- still wines: two litres.'

Article 2

This Regulation shall enter into force on 1 July 1986.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No C 324, 5. 12. 1984, p. 5.

⁽²⁾ OJ No C 72, 18. 3. 1985, p. 142.

⁽³⁾ OJ No C 44, 15. 2. 1985, p. 13.

⁽⁴⁾ OJ No L 105, 23. 4. 1983, p. 1.

COUNCIL REGULATION (EEC) No 3823/85**of 20 December 1985****amending, on account of the accession of Spain and Portugal, Regulation (EEC) No 2950/83 on the implementation of Decision 83/516/EEC on the tasks of the European Social Fund**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 3 of Regulation (EEC) No 2950/83⁽¹⁾ defines the French overseas departments, Greece, Greenland, Ireland, the Mezzogiorno and Northern Ireland as regions where there is an especially serious and prolonged imbalance in employment qualifying for the established rate of assistance of 55 %; whereas it also provides for accelerated depreciation of the training centres established in these regions; whereas the reference to Greenland has become null and void as a result of Greenland's withdrawal from the Community;

Whereas Annex I, Chapter VIII, point 5 of the Act of Accession has already included Portugal in the list of regions in Article 3 (1) of Regulation (EEC) No 2950/83 and whereas Annex XXXII, Chapter VI, point 1 of the Act of Accession has already laid down the conditions in which the accelerated depreciation specified in Article 3 (2) of that Regulation shall apply;

Whereas as regards Spain, Article 3 (1) of the above Regulation should be adjusted in accordance with the guidelines laid down in Annex II, Chapter V, point 5 of the Act of Accession, and those regions of Spain specified where there is an especially serious and prolonged imbalance in employment and which qualify for the increased rate of assistance and accelerated depreciation;

Whereas, in order to enable Spain and Portugal to qualify from 1986 onwards for aid from the Fund, a special deadline for the submission of applications by those States should be set on a provisional basis;

Whereas the date by which the Commission is to have decided on the applications of all the Member States for 1986 should be 30 April 1986;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession of Spain and Portugal, the measures referred to in Article 396 of the Act of Accession may be adopted before accession, entering into force subject to, and on the date of, entry into force of this Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 2950/83 shall be replaced by the following:

Article 3

1. Operations to further employment in Greece, the autonomous regions of Andalusia, the Canary Islands, Castilla-Leon, Castilla-La-Mancha, Extremadura, Galicia, Murcia and Ceuta and Melilla, the French overseas departments, Ireland, the Mezzogiorno, Portugal and Northern Ireland shall qualify for the increased rate of assistance provided for in Article 5 (2) of Decision 83/516/EEC.

2. In the application of the first indent of Article 1 (b) the depreciation of training centres established in the regions specified in paragraph 1 may be calculated over a period of six years, insofar as such a method of depreciation is compatible with that in force in the Member State concerned. In such a case, the allowance for depreciation shall be considered fully provided for at the end of the sixth year after the establishment of a centre.

3. Portuguese vocational training centres already set up at the date of accession shall be covered by the same provisions as those laid down in paragraph 2 until 31 December 1991. The depreciation calculation shall be based on the residual value of the training centres as at 1 January 1986. In the case of such centres, the allowance for depreciation shall be considered fully provided for at the end of the sixth year following the date of accession.'

Article 2

By way of derogation from Article 4 (1) of Regulation (EEC) No 2950/83, applications for operations to be carried out during 1986 to promote employment in Spain and Portugal must be submitted by 1 February 1986.

Article 3

The deadline laid down in the first sentence of Article 4 (2) of Regulation (EEC) No 2950/83 is set at 30 April 1986 for 1986.

Article 4

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

⁽¹⁾ OJ No L 289, 22. 10. 1983, p. 1.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

COUNCIL REGULATION (EEC) No 3824/85
of 20 December 1985

**amending, with a view to its extension to cover self-employed persons,
Regulation (EEC) No 2950/83 on the implementation of Decision 83/516/EEC on
the tasks of the European Social Fund**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 127 thereof,

Having regard to Council Decision 83/516/EEC of 17 October 1983 on the tasks of the European Social Fund ⁽¹⁾,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas a contribution to achieving the Community objective of reducing the number of unemployed persons can be made by facilitating, through assistance, both the creation of jobs for self-employed persons and the creation of jobs for professional persons;

Whereas in consequence the scope of Article 1 (c) of Regulation (EEC) No 2950/83 ⁽³⁾ should be extended to include assistance towards the creation of jobs for self-employed persons other than in a professional occupation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (c) of Regulation (EEC) No 2950/83 is hereby replaced by the following:

'(c) the granting, for a period not exceeding 12 months per person, of aid for recruitment to additional jobs or for employment in projects for the creation of additional jobs which fulfil a public need, and of assistance towards the creation of jobs for self-employed persons other than in a professional occupation, for young people under 25 who are seeking employment and for the long-term unemployed. The jobs referred to must be stable or likely to provide additional training or experience with a vocational content giving access to the labour market and facilitating employment in a stable job;'

Article 2

By way of derogation from Article 4 (1) of Regulation (EEC) No 2950/83, applications for assistance towards the creation of jobs for self-employed persons under Article 1 (c) of the said Regulation, as amended by this Regulation, must, for operations to be realized during 1986, be made before 1 February 1986.

Article 3

This Regulation shall enter into force on 1 January 1986.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No L 289, 22. 10. 1983, p. 38.

⁽²⁾ OJ No C 237, 18. 9. 1985, p. 6.

⁽³⁾ OJ No L 289, 22. 10. 1983, p. 1.

COUNCIL REGULATION (EEC) No 3825/85
of 20 December 1985

concerning the conclusion of Agreements in the form of an exchange of letters between the European Economic Community on the one hand and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation respectively, on the other, on the arrangements applicable to trade between Spain and Portugal on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Switzerland respectively on the other, from 1 January to 28 February 1986

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal and in particular Articles 179 and 366 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the Act of Accession of Spain and Portugal, the Agreements of 22 July 1972 and of 5 October 1973 as well as the arrangements between the European Economic Community on the one hand and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation respectively, on the other, are to be applied by the Kingdom of Spain and the Portuguese Republic as from 1 January 1986;

Whereas it is necessary nevertheless to conclude with those countries, protocols establishing adjustments and the transitional measures required for the application of the said Agreements and arrangements;

Whereas the Commission has conducted negotiations in this connection with the abovementioned countries which have resulted in Agreements on the arrangements applicable to trade between Spain and Portugal, on the one hand, and the abovementioned countries on the other, for the period from 1 January to 28 February 1986;

Whereas the negotiations are continuing with regard to the transitional arrangements to apply after 28 February

1986, and whereas this Regulation is without prejudice to the outcome of those negotiations;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Community may adopt before accession the measures referred to in Article 396 of the Act of Accession, these measures entering into force only subject to and on the date of the entry into force of this Treaty,

HAS ADOPTED THIS REGULATION :

Article 1

The Agreements in the form of an Exchange of Letters between the European Economic Community on the one hand and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation respectively on the other, on the arrangements applicable to trade between Spain and Portugal on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Switzerland respectively on the other, from 1 January to 28 February 1986, are hereby approved on behalf of the Community.

The texts of the Agreements are attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements referred to in Article 1 in order to bind the Community.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

AGREEMENTS

in the form of an exchange of letters between the European Economic Community, the European Coal and Steel Community and the Member States of that Community on the one hand and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation respectively, on the other, on the arrangements applicable to trade between Spain and Portugal, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Switzerland on the other, respectively from 1 January to 28 February 1986

A. Letter from the Communities

Brussels,

Sir,

With reference to the Accession of Spain and Portugal to the European Communities with effect from 1 January 1986 and the related negotiations on transitional protocols to the free trade agreement between the Republic of Austria, on the one hand, and the European Communities and the Member States of the European Coal and Steel Community, on the other hand, we have the honour of proposing that, should these negotiations not be concluded in good time, the agreement and arrangements between Austria and Spain and Austria and Portugal expiring on 31 December 1985 continue to apply for the period 1 January to 28 February 1986 without prejudice to the two sides' legal and negotiating positions, particularly with respect to the goods covered and the substantive and formal rules of origin relating to such goods.

We have the honour of suggesting that this letter and your letter confirming its acceptance constitute an agreement between the Republic of Austria and the European Communities and the Member States of the European Coal and Steel Agreement that will come into effect on 1 January 1986, subject to fulfilment of Austria's constitutional requirements.

We should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the Commission
of the European Communities*

*On behalf of the Member States
of the European Coal and
Steel Community*

*And on behalf of the Council
of the European Communities*

B. Letter from Austria

Brussels,

Sirs,

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

'With reference to the Accession of Spain and Portugal to the European Communities with effect from 1 January 1986 and the related negotiations on transitional protocols to the free trade agreement between the Republic of Austria, on the one hand, and the European Communities and the Member States of the European Coal and Steel Community, on the other hand, we have the honour of proposing that, should these negotiations not be concluded in good time, the agreement and arrangements between Austria and Spain and Austria and Portugal expiring on 31 December 1985 continue to apply for the period 1 January to 28 February 1986 without prejudice to the two sides' legal and negotiating positions, particularly with respect to the goods covered and the substantive and formal rules of origin relating to such goods.

We have the honour of suggesting that this letter and your letter confirming its acceptance constitute an agreement between the Republic of Austria and the European Communities and the Member States of the European Coal and Steel Agreement that will come into effect on 1 January 1986, subject to fulfilment of Austria's constitutional requirements.

We should be obliged if you would confirm that your Government is in agreement with the above.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

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

*For the Government
of the Republic of Austria*

A. Letter from the Communities

Brussels,

Sir,

We have the honour to refer to the negotiations which have taken place between the Community and the Republic of Finland concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Finland, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, insofar as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which apply on this day, without prejudice to the outcome of the negotiations in progress.

The Republic of Finland will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the Commission
of the European Communities*

*On behalf of the Member States
of the European Coal and
Steel Community*

*And on behalf of the Council
of the European Communities*

B. Letter from Finland

Brussels,

Sirs,

In your letter of today's date you informed me as follows :

'We have the honour to refer to the negotiations which have taken place between the Community and the Republic of Finland concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Finland, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, in so far as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which appl on this day, without prejudice to the outcome of the negotiations in progress.

The Republic of Finland will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.'

I have the honour to confirm the agreement of my Government with the contents of your letter.

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

*On behalf of the Government
of the Republic of Finland*

A. Letter from the Communities

Brussels,

Sir,

We have the honour to refer to the negotiations which have taken place between the Community and the Republic of Iceland concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Iceland, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, in so far as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which apply on this day, without prejudice to the outcome of the negotiations in progress.

The Republic of Iceland will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the Commission
of the European Communities*

*On behalf of the Member States
of the European Coal and
Steel Community*

*And on behalf of the Council
of the European Communities*

B. Letter from Iceland

Brussels,

Sirs,

In your letter of today's date you informed me as follows :

'We have the honour to refer to the negotiations which have taken place between the Community and the Republic of Iceland concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Iceland, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, in so far as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which apply on this day, without prejudice to the outcome of the negotiations in progress.

The Republic of Iceland will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.'

I have the honour to confirm the agreement of my Government with the contents of your letter.

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

*On behalf of the Government
of the Republic of Iceland*

A. Letter from the Communities

Brussels,

Sir,

We have the honour to refer to the negotiations which have taken place between the Community and the Kingdom of Norway concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Norway, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, in so far as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which apply on this day, without prejudice to the outcome of the negotiations in progress.

The Kingdom of Norway will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the Commission
of the European Communities*

*On behalf of the Member States of the
European Coal
and Steel Community*

*And on behalf of the Council
of the European Communities*

B. Letter from Norway

Brussels,

Sirs,

In your letter of today's date you informed me as follows :

'We have the honour to refer to the negotiations which have taken place between the Community and the Kingdom of Norway concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Norway, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, in so far as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which apply on this day, without prejudice to the outcome of the negotiations in progress.

The Kingdom of Norway will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.'

I have the honour to confirm the agreement of my Government with the contents of your letter.

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

*On behalf of the Government
of the Kingdom of Norway*

A. Letter from the Communities

Brussels,

Sir,

We have the honour to refer to the negotiations which have taken place between the Community and the Kingdom of Sweden concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Sweden, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, in so far as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which apply on this day, without prejudice to the outcome of the negotiations in progress.

The Kingdom of Sweden will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the Commission
of the European Communities*

*On behalf of the Member States
of the European Coal
and Steel Community*

*And on behalf of the Council
of the European Communities*

B. Letter from Sweden

Brussels,

Sirs,

In your letter of today's date you informed me as follows :

'We have the honour to refer to the negotiations which have taken place between the Community and the Kingdom of Sweden concerning the arrangements applicable in the period from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Sweden, on the other, consequent upon the accession of Spain and Portugal to the European Communities which will take effect on 1 January 1986.

As there is a possibility that the adjustments to the Agreements and arrangements, including Exchanges of Letters, existing between the European Economic Community, the Member States of the European Coal and Steel Community and the European Coal and Steel Community, on the one hand, and your country, on the other, may not have been concluded by the date of accession, we hereby confirm our proposal that we should agree that, in so far as the Community is concerned, during the period referred to above, the arrangements applicable to trade between Spain and Portugal, on the one hand, and your country, on the other, shall continue to be those which apply on this day, without prejudice to the outcome of the negotiations in progress.

The Kingdom of Sweden will maintain in respect of Spain and Portugal the trade arrangements which apply on this day, without prejudice to the outcome of the negotiations in progress.

We should be obliged if you would confirm that your Government is in agreement with the above.'

I have the honour to confirm the agreement of my Government with the contents of your letter.

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

*On behalf of the Government
of the Kingdom of Sweden*

A. Letter from the Communities

Brussels,

Sir,

We refer to the accession of Spain and Portugal to the European Community, which will take effect from 1 January 1986, and to the negotiations in this connection on an Additional Protocol to the Free trade agreements between the Swiss Confederation and the European Communities.

As a precaution, in case the negotiations are not completed in time, we propose that it be agreed that for the period from 1 January to 28 February 1986 the trade arrangements between Switzerland, on the one hand, and Spain and Portugal, on the other, remain as they were prior to accession, without prejudice to the outcome of the negotiations in progress.

This is on the understanding that the Parties will make every effort to conclude the negotiations on the additional Protocols in time for these to enter into force on 1 March 1986.

We should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the Commission
of the European Communities*

*On behalf of the Member States
of the European Coal
and Steel Community*

*And on behalf of the Council
of the European Communities*

B. Letter from Switzerland

Brussels,

Sirs,

In your letter of today's date you informed me as follows :

'We refer to the accession of Spain and Portugal to the European Communities, which will take effect from 1 January 1986, and to the negotiations in this connection on an Additional Protocol to the Free trade agreements between the Swiss Confédération and the European Communities.

As a precaution, in case the negotiations are not completed in time, we propose that it be agreed that for the period from 1 January to 28 February 1986 the trade arrangements between Switzerland, on the one hand, the Spain and Portugal on the other, remain as they were prior to accession, without prejudice to the outcome of the negotiations in progress.

This is on the understanding that the Parties will make every effort to conclude the negotiations on the Additional Protocols in time for these to enter into force on 1 March 1986.'

I have the honour to confirm the agreement of my Government with the contents of your letter.

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

*On behalf of
the Swiss Confederation*

II

(Acts whose publication is not obligatory)

COUNCIL AND COMMISSION

DECISION

OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL, AND THE COMMISSION

of 20 December 1985

concerning the conclusion of Agreements in the form of an Exchange of Letters between the Member States and the European Coal and Steel Community, on the one hand, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation respectively, on the other, on the arrangements applicable to trade between Spain and Portugal, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Switzerland respectively on the other, from 1 January to 28 February 1986

(85/567/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL, AND THE COMMISSION,

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

Having regard to the Act of Accession of Spain and Portugal and in particular Articles 179 and 366 thereof,

Whereas pursuant to the Act of Accession the Agreements of 22 July 1972 and of 5 October 1973 as well as the arrangements between the Member States and the European Coal and Steel Community on the one hand and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation respectively, on the other, are to be applied by the Kingdom of Spain and the Portuguese Republic as from 1 January 1986;

Whereas it is necessary nevertheless to conclude with those countries Protocols establishing adjustments and the transitional measures required for the application of the said Agreements;

Whereas the Commission has conducted negotiations in this connection with the abovementioned countries, which have resulted in Agreements on the arrangements applicable to trade between Spain and Portugal, on the one hand, and the abovementioned countries on the other, for the period from 1 January to 28 February 1986;

Whereas the negotiations are continuing with regard to the transitional arrangements to apply after 28 February 1986, and whereas this Decision is without prejudice to the outcome of those negotiations;

Whereas pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal the institutions of the Communities may adopt before accession the measures referred to in Article 396 of the Act of Accession, these measures entering into force only subject to and on the date of the entry into force of this Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The agreements in the form of an Exchange of Letters between the Member States and the European Coal and Steel Community, on the one hand, and the Republic of

Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation respectively on the other, on the arrangements applicable from 1 January to 28 February 1986 to trade between Spain and Portugal, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Switzerland on the other, for products within the province of the ECSC Treaty, are hereby approved on behalf of the Member States and the European Coal and Steel Community.

The texts of the Agreements are attached to this Decision ⁽¹⁾.

Article 2

The President of the Council and the Commission are hereby authorized to sign the agreements referred to in Article 1 in order to bind the Member States and the European Coal and Steel Community.

Done at Brussels, 20 December 1985.

For the Commission

The President

Jacques DELORS

On behalf of the Member States

The President of the Council

R. KRIEPS

⁽¹⁾ See page 27 of this Official Journal.

COUNCIL

COUNCIL DECISION

of 20 December 1985

amending, on account of the accession of Spain and Portugal, Decision 83/516/EEC on the tasks of the European Social Fund

(85/568/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 126 thereof,

Having regard to the draft Decision submitted by the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 7 (3) of Decision 83/516/EEC ⁽¹⁾ provides that of the overall appropriations available for operations referred to in Article 3 (1) of the Decision 40 % shall be available for operations to further employment in the French overseas departments, Greece, Greenland, Ireland, the Mezzogiorno and Northern Ireland; whereas the reference to Greenland has become null and void as a result of Greenland's withdrawal from the Community;

Whereas, on account of the accession of Spain and Portugal, Community regulations should be amended in particular in accordance with the declaration by the European Economic Community on the participation of Spain and Portugal in the benefits derived from the resources of the European Social Fund, as annexed to the Final Act of the Treaty of Accession;

Whereas, with reference to Article 7 (3) of Decision 83/516/EEC, it is necessary to define the regions of Spain and Portugal which are particularly disadvantaged economically and socially, where operations to promote employment benefit from an allocation of appropriations available for operations under Article 3 (1) of the said Decision;

Whereas the percentage of this allocation should be increased in order to create a new financial balance between operations to promote employment in particularly disadvantaged regions on the one hand and those in

other regions of high and long-term unemployment and/or industrial and sectoral restructuring on the other,

HAS DECIDED AS FOLLOWS:

Article 1

Article 7 (3) of Decision 83/516/EEC shall be replaced by the following:

'3. From 1 January 1986 to 31 December 1988, 44,5 % of appropriations available for operations under Article 3 (1) shall be reserved for operations which are eligible and which conform to the Guidelines for the Management of the Fund aimed at promoting employment in Greece, the autonomous regions of Andalucia, the Canary Islands, Castilla-Leon, Castilla-La-Mancha, Extremadura, Galicia, Murcia Ceuta and Melilla, the French overseas departments, Ireland, the Mezzogiorno, Portugal and Northern-Ireland. The remaining appropriations shall be concentrated on operations to promote employment in other areas of high and long-term unemployment and/or industrial and sectoral restructuring.'

Article 2

This decision shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No L 289, 22. 10. 1983, p. 38.

COUNCIL DECISION

of 20 December 1985

on the conclusion of the mutual restraint arrangement between the European Economic Community and the Republic of Finland on trade in cheese

(85/569/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the temporary mutual restraint arrangement between the European Economic Community and the Republic of Finland,

Having regard to the proposal from the Commission,

Whereas the abovementioned arrangement expires on 31 December 1985; whereas it is advisable, in the light of experience, to conclude a new arrangement;

Whereas the Commission has conducted negotiations on the matter with the Republic of Finland and has reached a satisfactory agreement with that country,

HAS DECIDED AS FOLLOWS:

Article 1

The mutual restraint arrangement between the European Economic Community and the Republic of Finland on

trade in cheese is hereby approved on behalf of the Community.

The text of the arrangement is attached to this Decision.

Article 2

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

Done at Brussels, 20 December 1985.

*For the Council**The President*

R. KRIEPS

MUTUAL RESTRAINT ARRANGEMENT

between the European Economic Community and the Republic of Finland on trade in cheese

The European Economic Community and the Republic of Finland have held consultations on their trade in cheese.

In the course of these consultations, both parties agreed that it would be advisable, in the light of experience, to conclude a new arrangement containing the following provisions, applicable from 1 January 1986:

1. The European Economic Community and the Republic of Finland agree that, with respect to the annual quantities of cheese listed below, import duties shall be limited as follows:

(a) Imports into the Community

Cheeses falling within heading No 04.04 of the Common Customs Tariff, originating in and imported from Finland and accompanied by an approved certificate:

	Import duty (ECU/100 kg)	Quantity (tonnes)
— Finlandia, having a minimum fat content of 45 % by weight of the dry matter, having matured for at least 100 days, in rectangular blocks, weighing not less than 30 kg net, falling within subheading 04.04 E I b) 2 of the Common Customs Tariff	18,13	6 850 ⁽¹⁾ including a maximum of 3 000 tonnes of Finlandia
— Emmental, Gruyère, Sbrinz and Bergkäse, other than grated or powdered, having a minimum fat content of 45 % by weight of the dry matter, having matured for at least three months, falling within subheading 04.04 A of the Common Customs Tariff:		
— whole cheeses	18,13	
— pieces packed in vacuum or in inert gas, with rind on at least one side, having a net weight of not less than 1 kg and less than 5 kg	18,13	1 700 ⁽¹⁾
— Processed cheeses, other than grated or powdered, in the manufacture of which no cheeses have been used other than Emmental, Gruyère Appenzell and, possibly, in addition, Glaris herb cheese (also known as 'Schabziger'), put up for retail sale and having a fat content by weight of the dry matter not exceeding 56 %, falling within subheading 04.04 D of the Common Customs Tariff	36,27	700
— Tilsit, Turunmaa and Lappi, falling within subheading 04.04 E I b) 2 of the Common Customs Tariff	60	

⁽¹⁾ The quantities allocated to these categories of cheese are interchangeable up to 25 % of the stated quantities.

(b) *Imports into Finland*

Cheeses falling within heading No 04.04 of the Finnish Customs Tariff, originating in and imported from the Community and accompanied by an approved certificate of quality and origin :

		<i>Import duty</i>	<i>Quantity</i>
04.04.150	Fresh cheeses, curd	$\frac{2}{3}$ of the levy	1 500 tonnes with no restrictions on type or quality
200	Processed cheeses	$\frac{1}{3}$ of the levy	
300	'Whey' cheeses	$\frac{2}{3}$ of the levy	
400	'Mould' cheeses	$\frac{1}{6}$ of the levy	
901	Emmental-type cheeses	the whole levy	
902	Edam-Type cheeses	the whole levy	
909	Other cheeses		
	— 'cured soft cheeses' ⁽¹⁾	$\frac{1}{6}$ of the levy	
	— other	$\frac{1}{3}$ of the levy	

2. The Republic of Finland undertakes to adopt the necessary measures to ensure that :

- the agreed quantities for export from Finland to the European Economic Community (see 1 (a) above) are not exceeded,
- import licences are issued regularly so that the agreed quantities for import into Finland from the Community (see 1 (b) above) are actually imported.

The European Economic Community and the Republic of Finland will ensure that the benefits conferred by the agreement are not compromised by other import arrangements.

3. The European Economic Community and the Republic of Finland each undertake to ensure that the prices paid to their exporters do not create market difficulties in the importing country.

In this connection, they agree to set up a system of mutual information and cooperation, details of which are given in the Annex to this Arrangement.

Should problems arise in connection with prices, consultations will be held at the request of either party, as soon as possible, with a view to adopting appropriate corrective measures.

4. The two parties may consult together at any time regarding the operation of the Arrangement and, if necessary, jointly amend it to take account of such factors as the movement of market prices and trends in the production, marketing and consumption of cheeses, both home-produced and imported.

- ⁽¹⁾ The expression 'cured cheeses' means cheeses which have been treated or cured by biological agents such as moulds, yeast or other organisms which have caused a visible crust to form on the surface of the cheese. The effects of the treatment or curing must extend visibly from the surface towards the centre of the cheese. The fat content by weight of the dry matter shall not be less than 50 %. The moisture content by weight of the non-fatty matter shall not be less than 65 %. The following cheeses may, for example, meet this definition :

Bibress	Coulommiers	Munster
Brie	Epoisse	Pont-l'Évêque
Camembert	Herve	Reblochon
Cambré	Limbourg	Saint-Marcellin
Carré de l'Est	Livarot	Taleggio
Chaource	Maroilles	

Cheeses sold under trade names (for example) :

Boursault	Ducs (Suprême des)
Caprice des Dieux	Explorateur.

In particular, if, in the course of a quota year, the quantities fixed for import into the Community and/or Finland are reached, both parties will hold consultations, at the request of either party, to consider whether the quantities initially fixed may be changed.

5. The Arrangement may be terminated by giving one year's notice in writing.

If this step is taken, each party shall reserve the rights which it held before the Arrangement was concluded.

6. This Arrangement replaces the temporary mutual restraint arrangement between the Republic of Finland and the European Economic Community on trade in cheese, signed on 9 December 1981 and last amended by the exchange of letters of 23 January 1985.

Done at Brussels, 20 December 1985.

*For the Government of
the Republic of Finland*

*For the Council of
the European Communities*
R. KRIEPS

ANNEX

Mutual information

In order to prevent the prices paid to exporters from creating market difficulties in the importing country, the following information and cooperation mechanisms shall be set up:

- (a) Finland shall supply the Commission of the European Communities with the following information with respect to each of the categories of cheese covered by the Arrangement:
- two weeks before the start of each quarter, forecasts of Finnish exports to the Community over the next quarter (expected quantities, free-at-Finnish-frontier prices and markets),
 - two weeks after the end of each quarter, actual Finnish exports to the Community during the preceding quarter (quantities exported, actual free-at-Finnish-frontier prices and Member States of the Community to which sent).
- (b) The Commission of the European Communities shall supply Finland with periodic price quotations and any other useful information regarding the market in home-produced and import cheeses.
-

Letter No 1

Sir,

I have the honour to refer to the Arrangement between the European Economic Community and the Republic of Finland on trade in cheese and to the consultations held on 25 July 1985 regarding the conditions for its extension.

This is to confirm that after the accession of Spain and Portugal to the Community, the Community is prepared to open negotiations as soon as possible with a view to amending the Arrangement to take account of the bilateral trade between the acceding States and Finland.

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

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

*On behalf of the Council
of the European Communities*

Letter No 2

Sir,

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

'I have the honour to refer to the Arrangement between the European Economic Community and the Republic of Finland on trade in cheese and to the consultations held on 25 July 1985 regarding the conditions for its extension.

This is to confirm that after the accession of Spain and Portugal to the Community, the Community is prepared to open negotiations as soon as possible with a view to amending the Arrangement to take account of the bilateral trade between the acceding States and Finland.

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

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

*For the Government
of the Republic of Finland*

COUNCIL DECISION**of 20 December 1985**

on the conclusion of an agreement in the form of agreed minutes extending the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Austria concerning reciprocal trade in cheese

(85/570/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Austria,

Having regard to the proposal from the Commission,

Whereas the abovementioned Arrangement expires on 31 December 1985; whereas it is advisable in the light of experience, to extend it for one year,

Whereas the Commission conducted negotiations on this matter with the Republic of Austria and whereas it reached a satisfactory agreement with that country,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of agreed minutes extending the Temporary Arrangement for a concerted discipline

between the European Economic Community and the Republic of Austria concerning reciprocal trade in cheese is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

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

Done at Brussels, 20 December 1985.

*For the Council**The President***R. KRIEPS**

AGREEMENT

in the form of agreed minutes extending the temporary arrangement for a concerted discipline between the European Economic Community and the Republic of Austria concerning reciprocal trade in cheese

AGREED MINUTES

Following the conclusion of the consultations held on 24 July 1985 between the Austrian delegation and the delegation of the Commission of the European Communities concerning the extension of the Temporary Arrangement for a concerted discipline concerning reciprocal trade in cheese, the two delegations agreed on the following, subject to the approval of their respective authorities :

1. The Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Austria concerning reciprocal trade in cheese, signed on 21 October 1981 and last amended by the exchange of letters of 20 March 1984, is hereby extended for one year.
2. Consultations will be held as soon as possible to decide whether the Arrangement should be amended or extended and, if so, on what terms.
3. In order to take into consideration the implication of the Community's enlargement for the Arrangement on trade in cheese, the two delegations have agreed to exchange the attached letters.

Brussels, 24 July 1985.

*For the
Austrian delegation*

*For the delegation of the
Commission of the European Communities*

Letter No 1

Sir,

I have the honour to refer to the Arrangement between the European Economic Community and the Republic of Austria on reciprocal trade in cheese and the consultations held on 24 July 1985 regarding the terms of its extension.

I confirm that, following the accession of Spain and Portugal to the Community, the Community is prepared to open negotiations as soon as possible for the adaptation of the Arrangement to take account of the bilateral trade relations between the acceding States and Austria.

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

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

*On behalf of the Council
of the European Communities*

Letter No 2

Sir,

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

'I have the honour to refer to the Arrangement between the European Economic Community and the Republic of Austria on reciprocal trade in cheese and the consultations held on 24 July 1985 regarding the terms of its extension.

I confirm that, following the accession of Spain and Portugal to the Community, the Community is prepared to open negotiations as soon as possible for the adaptation of the Arrangement to take account of the bilateral trade relations between the acceding States and Austria.

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

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

*For the Government
of the Republic of Austria*
