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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 69/81

of 12 January 1981

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Greece⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2035/80⁽⁵⁾ and subsequent amending Regulations;

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

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

a band of 2.25 %, a rate of exchange based on their effective parity;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 9 January 1981;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2035/80 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 January 1981.

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

Done at Brussels, 12 January 1981.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 1.

ANNEX

to the Commission Regulation of 12 January 1981 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	59.60
10.01 B	Durum wheat	58.78 ⁽¹⁾ ⁽²⁾
10.02	Rye	33.03 ⁽⁶⁾
10.03	Barley	30.03
10.04	Oats	14.98
10.05 B	Maize, other than hybrid maize for sowing	54.25 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	45.14 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	98.30
11.01 B	Rye flour	60.25
11.02 A I a)	Durum wheat groats and meal	103.60
11.02 A I b)	Common wheat groats and meal	105.07

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 70/81**of 12 January 1981****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Greece⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2036/80⁽⁵⁾ and subsequent amending Regulations;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 % a rate of exchange based on their effective parity,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 9 January 1981;

Whereas on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 January 1981.

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

Done at Brussels, 12 January 1981.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 4.

ANNEX

to the Commission Regulation of 12 January 1981 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 1	1st period 2	2nd period 3	3rd period 4
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0.79
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

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

COMMISSION REGULATION (EEC) No 71/81

of 12 January 1981

on the sale of olive oil held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Greece⁽²⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section⁽³⁾, as last amended by Regulation (EEC) No 249/80⁽⁴⁾, and in particular Article 5 thereof,

Whereas the olive oil bought in by the Italian intervention agency during the 1977/78 marketing year has been put up for sale by tender on several occasions; whereas it has only been possible to sell a small proportion of the said oil to date;

Whereas it appears that the existing market situation is suitable for again putting up for sale the said oil which, on account of its characteristics, is sought after by Community operators, particularly for the production of refined oil;

Whereas, in view of the results of earlier invitations to tender, it seems appropriate to put the oil in question up for sale by another procedure; whereas, in order to facilitate sale of a product with special characteristics, it should be put up for sale in fairly substantial lots;

Whereas production of olive oil in the 1980/81 marketing year is expected to be plentiful, particularly in respect of oils for direct consumption; whereas steps must be taken to ensure that oils sold by the intervention agency do not interfere with the normal sale of production from the present marketing year; whereas, for this purpose, purchasers of the said oils should be obliged to refine them or market them outside the Italian and Greek markets;

Whereas, in order to ensure that the obligations arising either under the application lodged or under the contract concluded are complied with, provision should be made for requiring a security and another appropriate guarantee to be provided;

Whereas, in view of the large size of the lots put up for sale, special provisions should be made in respect of delivery and payment;

Whereas, in view of the detailed arrangements for payment, special measures should be adopted for the EAGGF to take over the interest charges;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats;

Whereas the EAGGF Committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency, Azienda di Stato per gli interventi sul mercato agricolo, hereinafter called 'AIMA', shall put up for sale some 33 000 tonnes of virgin olive oil from intervention purchases made during the 1977/78 olive marketing year, in accordance with the provisions of this Regulation.

Article 2

The olive oil referred to in Article 1 shall be put up for sale in six lots of about 5 500 tonnes each.

Article 3

A notice of sale shall be posted by AIMA at its headquarters, via Palestro 81, Rome (Italy), not later than 31 January 1981.

This notice shall state the lots of oil put up for sale and the place where they are stored.

Article 4

1. The selling price for the oil shall be fixed at Lit 210 000 per 100 kilograms.

2. This price shall relate to 100 kilograms net of oil delivered ex-storage depot, either in the purchaser's own drums loaded on a vehicle provided by him or in the purchaser's tank vehicles.

Article 5

1. Applications to purchase shall be submitted in writing to AIMA. They shall be delivered by hand

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

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 216, 5. 8. 1978, p. 1.

⁽⁴⁾ OJ No L 28, 5. 2. 1980, p. 1.

with acknowledgement of receipt, or by registered letter.

2. Applications to purchase shall include at least the following particulars :

- (a) the name and full postal address of the applicant ;
- (b) the number or numbers of the lot or lots concerned.

3. Each application to purchase must relate to all the oil contained in at least one lot.

Applications may not be withdrawn.

4. Applications to purchase shall be valid only if they are accompanied by :

- (a) a security of Lit 10 000 per 100 kilograms ;
- (b) a statement by the applicant waiving any objections to the accuracy of the description under which the oil is offered for sale ;
- (c) an undertaking by the applicant to refine the oil purchased or not to market it on the Italian or Greek markets.

The Italian administration shall take all necessary measures to ensure that the purchaser fulfils the undertaking mentioned in paragraph (c) above.

The security shall be in cash or in the form of a guarantee issued by an institution satisfying the criteria laid down by the Member State in which it is situated.

The security shall be released if no sale is made to the party concerned. It shall likewise be released when the contract of sale is concluded.

5. The purchaser shall, at the time the contract of sale is concluded, provide a guarantee for AIMA that the contract will be executed.

This guarantee shall be equal to the amount payable by the buyer plus 10 % and shall be given by an institution satisfying the criteria laid down by the Member State in which it is situated. The guarantee shall be released when the purchaser provides proof that the obligations under the contract have been complied with.

Article 6

1. Sales shall commence on the 10th day following posting of the notice of sale. Sales shall be carried out in the order of submission of applications to purchase, until the lots put up for sale are all disposed of.

If applications to purchase are submitted on the same day for the same lot, AIMA shall designate as

purchaser the applicant who submits applications to purchase several lots or, where this is impossible, shall determine the purchaser by drawing lots.

2. The day of submission of applications shall be the day the said application is received by AIMA, provided that it is received not later than 2 p.m. hours local time.

Any application received on a day other than a working day for AIMA, or on a working day but after the time fixed in the above subparagraph, shall be considered to have been submitted on the first working day following the day on which it was received.

3. Prospective purchasers may examine at the storage depot the oil offered for sale and may obtain a sample thereof, in containers supplied by them for that purpose, on payment of a price determined on the basis of the price referred to in Article 4.

Article 7

As soon as the sale is concluded, the containers concerned shall be sealed in the presence of both parties. The containers shall remain sealed until the oil is withdrawn by the purchaser.

Article 8

1. The purchaser is required to withdraw, in each period of 30 days, at least 10 % and at most 20 % of the purchased quantity.

The withdrawal of the oil shall commence on 15 March 1981.

2. If each lot is not withdrawn within the said time limits :

- (a) the oil shall remain in storage at the purchaser's risk ;
- (b) the purchaser shall pay AIMA a sum for storage calculated on the basis of the quantity to be withdrawn and an amount equal to Lit 1 700 per 100 kilograms for each period or part period of 30 days of additional storage.

Article 9

The purchaser shall pay AIMA the purchase price for each lot of oil withdrawn, not later than the end of the fifth month following that in which the quantity concerned was withdrawn according to the provisions of Article 8 (1).

Article 10

1. With regard to finance by the Guarantee Section of the EAGGF, the quantities covered by the sale referred to in this Regulation shall be considered to have been withdrawn from intervention,

- in respect of the interest charges referred to in Article 5 of Regulation (EEC) No 1883/78, on the day of payment,
- in respect of other expenditure and receipts to be entered in the account, on the day of their withdrawal from intervention.

2. Should the payment for the quantities purchased be made after the expiry of the period laid down in Article 9, the interest on overdue payment shall be charged to the buyer.

Article 11

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

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

Done at Brussels, 12 January 1981.

For the Commission

Finn GUNDELACH

Member of the Commission

COMMISSION REGULATION (EEC) No 72/81**of 12 January 1981****amending Regulation (EEC) No 1215/71 on detailed rules concerning the outline provisions for contracts for the sale of flax and hemp straw**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp⁽¹⁾, as last amended by Regulation (EEC) No 814/76⁽²⁾,

Having regard to Council Regulation (EEC) No 620/71 of 22 March 1971 laying down outline provisions for contracts for the sale of flax and hemp straw⁽³⁾, and in particular Article 5 (2) thereof,

Whereas Article 1 of Commission Regulation (EEC) No 1215/71⁽⁴⁾ lays down provisions to cover the circumstances where the statements laid down in Article 5 (1) of Regulation (EEC) No 620/71 are not included in the contract;

Whereas the use of binder twine other than in flax involves serious prejudice for the purchaser; whereas, in order to avoid law suits between the contracting parties on the subject of binder twine, provisions should be laid down to cover certain circumstances

where statements as to the use of binder twine are not included in the contract;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The following text is hereby added to Article 1 of Regulation (EEC) No 1215/71:

- (f) The price for flax shall be for flax bound with binder twine in flax; if other binder twine is employed, the contract price shall be reduced by 2 %.

Article 2

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

It shall first apply to flax harvested in 1981.

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

Done at Brussels, 12 January 1981.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ No L 94, 9. 4. 1976, p. 4.

⁽³⁾ OJ No L 72, 26. 3. 1971, p. 4.

⁽⁴⁾ OJ No L 127, 11. 6. 1971, p. 22.

COMMISSION REGULATION (EEC) No 73/81**of 12 January 1981****extending the temporary suspension of advance fixing of the export refund for butter exported in the form of certain goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by the Act of Accession of Greece⁽²⁾,

Having regard to Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, and in particular the first subparagraph of Article 5 (3) thereof,

Whereas Commission Regulation (EEC) No 123/81 of 7 January 1981⁽⁴⁾ temporarily suspended advance fixing of the export refund for butter exported in the form of certain goods not covered by Annex II to the Treaty;

Whereas the reasons for adopting the said measures still obtain and they should, accordingly, be maintained for the products in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the export refund for the products falling within heading No 04.03 of the Common Customs Tariff exported in the form of the following goods shall remain suspended during the period 13 January to 15 February 1981 : 18.06 D II c) and 21.07 G VII to IX.

Article 2

This Regulation shall enter into force on 13 January 1981.

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

Done at Brussels, 12 January 1981.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 8, 8. 1. 1981, p. 15.

COMMISSION REGULATION (EEC) No 74/81
of 12 January 1981
fixing the export levy on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3330/74 of 19 December 1974 on the common
organization of the market in sugar ⁽¹⁾, as last amended
by the Act of accession of Greece ⁽²⁾, and in particular
Article 17 (6) thereof,

Having regard to Council Regulation (EEC) No 608/72
of 23 March 1972 laying down rules to be applied in
cases of considerable price rises on the world sugar
market ⁽³⁾, as amended by the Act of accession of
Greece, and in particular Article 1 (2) thereof,

Whereas the export levy on white sugar and raw sugar
was fixed by Regulation (EEC) No 2005/80 ⁽⁴⁾, as last
amended by Regulation (EEC) No 68/81 ⁽⁵⁾;

Whereas it follows from applying the rules, criteria
and other provisions contained in Regulation (EEC)

No 2005/80 to the information at present available to
the Commission, that the export levy at present in
force should be altered as shown in the Annex to this
Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The export levy on sugar provided for in the first
subparagraph of Article 17 (1) of Regulation (EEC) No
3330/74 is fixed as shown in the Annex to this Regu-
lation.

Article 2

This Regulation shall enter into force on 13 January
1981.

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

Done at Brussels, 12 January 1981.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 195, 29. 7. 1980, p. 33.

⁽⁵⁾ OJ No L 10, 10. 1. 1981, p. 16.

ANNEX

to the Commission Regulation of 12 January 1981 fixing the export levy on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Amount of the export levy
17.01	Beet sugar and cane sugar, solid :	
	ex A. White sugar other than candy sugar, flavoured or coloured sugar	9.80
	ex B. Raw sugar other than candy sugar	14.54 ⁽¹⁾

⁽¹⁾ This amount applies to raw sugar with a 92 % yield. If the yield of the exported raw sugar is different from 92 % the levy to be applied shall be calculated in conformity with Article 2 of Regulation (EEC) No 825/75.

CORRIGENDA**Corrigendum to Commission Regulation (EEC) No 3172/80 of 5 December 1980 laying down implementing rules in respect of the system of consumption aid for olive oil**

(Official Journal of the European Communities No L 331 of 9 December 1980)

Page 28, Article 2 (a):

for: 'operations for olive oil for at least 150 days',

read: 'operations for at least 150 days'.

Corrigendum to Commission Regulation (EEC) No 3375/80 of 23 December 1980 fixing the export refunds on beef and veal

(Official Journal of the European Communities No L 355 of 30 December 1980)

Annex, page 17, subheading 02.01 A II a) 4 ex (bb), fourth indent:

for: 'Other third countries',

read: 'Other third countries except the United States of America'.

Annex, page 17, subheading 02.01 A II b) 1 (aa), second indent:

for: 'For export to West, Central, East and South African countries (1) and to European third countries (1)',

read: 'For export to West, Central, East and South African countries (1)'.
