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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 254/82
of 3 February 1982
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 Regulation (EEC) No 3808/81⁽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 2196/81⁽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 central rate,

— 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 2 February 1982;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2196/81 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 4 February 1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 3 February 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	80.29
10.01 B II	Durum wheat	114.58 ⁽¹⁾ ⁽²⁾
10.02	Rye	38.70 ⁽⁶⁾
10.03	Barley	62.99
10.04	Oats	55.19
10.05 B	Maize, other than hybrid maize for sowing	93.96 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	90.88 ⁽⁴⁾
10.07 C	Grain sorghum	78.25 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	126.85
11.01 B	Rye flour	68.64
11.02 A I a)	Durum wheat groats and meal	190.10
11.02 A I b)	Common wheat groats and meal	135.38

⁽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 255/82

of 3 February 1982

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 Regulation (EEC) No 3808/81⁽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 2197/81⁽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 central rate,

— 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 2 February 1982;

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 4 February 1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 3 February 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	17.34
10.02	Rye	0	0	0	4.86
10.03	Barley	0	3.37	3.38	3.37
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	1.94
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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	6.00	6.02	6.00	6.00
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	4.48	4.50	4.48	4.48
11.07 B	Roasted malt	0	5.22	5.24	5.22	5.22

COMMISSION REGULATION (EEC) No 256/82
of 3 February 1982
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2526/81 ⁽³⁾, as last
amended by Regulation (EEC) No 209/82 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2526/81 to today's

offer prices and quotations known to the Commission
that the levies at present in force should be altered to
the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February
1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 248, 1. 9. 1981, p. 5.

⁽⁴⁾ OJ No L 22, 30. 1. 1982, p. 5.

ANNEX

to the Commission Regulation of 3 February 1982 fixing the import levies on rice and broken rice

(ECU / tonne)			
CCT heading No	Description	Third countries ⁽²⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	126.52	59.66
	2. Long grain	119.06	55.93
	b) Husked rice :		
	1. Round grain	158.15	75.47
	2. Long grain	148.83	70.81
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	235.42	105.78
	2. Long grain	315.60	145.91
	b) Wholly milled rice :		
	1. Round grain	250.72	113.01
	2. Long grain	338.32	156.81
	III. Broken rice	41.59	17.79

⁽¹⁾ Subject to the application of the provisions of Article 10 of Regulation (EEC) No 435/80.

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

**COMMISSION REGULATION (EEC) No 257/82
of 3 February 1982**

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by the Act of
Accession of Greece ⁽²⁾, and in particular Article 13 (6)
thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2527/81 ⁽³⁾, as last amended by Regulation (EEC)
No 210/82 ⁽⁴⁾;

Whereas on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in

force, which are to be added to the levies, should be
altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February
1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 248, 1. 9. 1981, p. 8.

⁽⁴⁾ OJ No L 22, 30. 1. 1982, p. 7.

ANNEX

to the Commission Regulation of 3 February 1982 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
ex 10.06	Rice :				
	B. Other				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 258/82**of 3 February 1982****fixing the maximum export refund for the 25th partial invitation to tender for raw sugar issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2235/81**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as amended by Regulation (EEC) No 192/82⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2235/81 of 31 July 1981 on a standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2235/81, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 25th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 25th partial invitation to tender for raw sugar issued under Regulation (EEC) No 2235/81 is hereby fixed at 16.760 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 4 February 1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.

⁽³⁾ OJ No L 218, 4. 8. 1981, p. 19.

COMMISSION REGULATION (EEC) No 259/82**of 3 February 1982****fixing the maximum export refund for the 27th partial invitation to tender for white sugar issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2041/81**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as amended by Regulation (EEC) No 192/82 ⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2041/81 of 16 July 1981 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2041/81, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 27th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 27th partial invitation to tender for white sugar issued under Regulation (EEC) No 2041/81 is hereby fixed at 21.189 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 4 February 1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.

⁽³⁾ OJ No L 200, 21. 7. 1981, p. 22.

COMMISSION REGULATION (EEC) No 260/82

of 3 February 1982

fixing the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as amended by Regulation (EEC) No 192/82⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March

1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 %, a rate of exchange based on their central rate,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February 1982.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 3 February 1982 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU/100 kg)		
CCT heading No	Description	Refund
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar ; flavoured or coloured sugar :	
	(I) White sugar	
	(a) Candy sugar	19.70
	(b) Other	19.00
	(II) Flavoured or coloured sugar obtained from :	
	(a) White sugar	19.70
	(b) Raw sugar	18.12 ⁽¹⁾
	B. Raw sugar :	
	II. Other :	
	(a) Candy sugar	18.12 ⁽¹⁾
	(b) Other raw sugar	15.10 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 261/82

of 2 February 1982

on arrangements for imports into the Community of certain textile products
originating in Korea

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3059/78 of 21 December 1978 on common rules for
imports of certain textile products originating in third
countries⁽¹⁾, in its present form, and in particular
Articles 11 and 15 thereof,

Whereas Article 11 of Regulation (EEC) No 3059/78
lays down the conditions on which quantitative limita-
tions may be established; whereas imports into the
Community of dresses (category 26) and Benelux of
swimwear (category 79), originating in Korea, have
exceeded the level referred to in Article 11 (3);

Whereas, in accordance with Article 11 (5), Korea was
notified of a request for consultations; whereas, follo-
wing these consultations it is desirable to make the
products in question subject to quantitative limitation
for the year 1982;

Whereas the imports of dresses (category 26) into
Benelux and Denmark are already the subject of quan-
titative limits⁽²⁾;

Whereas Article 11 (13) ensures that the quantitative
limit is observed by means of a double-checking
system in accordance with Annex V to the aforesaid
Regulation;

Whereas the products in question exported from
Korea between 1 January 1982 and the date of entry
into force of this Regulation must be set off against
the quantitative limit for 1982;

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

HAS ADOPTED THIS REGULATION:

Article 1

Importation into the Community and Benelux of the
categories of products originating in Korea and speci-
fied in the Annex hereto shall be subject to the quan-
titative limits given in that Annex and to the provi-
sions of Article 2 (1).

Article 2

1. The products as referred to in Article 1, shipped
from Korea to the Community between 1 January
1982 and the date of entry into force of this Regula-
tion, which have not yet been released for free circula-
tion, shall be so released subject to the presentation of
a bill of lading or other transport document proving
that shipment actually took place during that period.

2. Imports of products shipped from Korea to the
Community after the entry into force of this Regula-
tion shall be subject to the double-checking system
described in Annex V to Regulation (EEC) No
3059/78.

3. For the purposes of applying the provisions of
paragraph 2, the quantities of products shipped from
Korea on or after 1 January 1982 and released for free
circulation shall be set off against the quantitative
limits established for 1982.

Article 3

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

It shall apply until 31 December 1982.

⁽¹⁾ OJ No L 365, 27. 12. 1978, p. 1.

⁽²⁾ OJ No L 325, 21. 12. 1979, p. 17.

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

Done at Brussels, 2 February 1982.

For the Commission

Wilhelm HAFERKAMP

Vice-President

ANNEX

Category	CCT heading No	NIMEXE code (1982)	Description	Member States	Units	Quantitative limits from 1 January to 31 December 1982
26 ⁽¹⁾	60.05 A II b) 4 cc) 11 22 33 44		Outer garments and other articles, knitted or crocheted, not elastic or rubberized : A. Outer garments and clothing accessories : II. Other	D F I BNL UK IRL DK GR	1 000 pieces	930 320 180 324 430 20 152 10
	61.02 B II e) 4 bb) cc) dd) ee)	60.05-45; 46; 47; 48 61.02-48; 52; 53; 54	Women's, girls' and infants' outer garments : B. Other : Women's, girls' and infants' (other than babies) woven and knitted or crocheted dresses, of wool, of cotton or of man-made textile fibres	EEC		2 366
79	61.01 B II 61.02 B II b)	61.01-22; 23 61.02-16; 18	Men's and boys' outer garments : Women's, girls' and infants' outer garments : B. Other : Woven swimwear of wool, of cotton or of man-made textile fibres	BNL	1 000 pieces	214

⁽¹⁾ Exceptional quantities (category 26) have been agreed for the period 20 September 1981 to 30 January 1982 (in 1 000 pieces) :
D = 142, F = 50, I = 50, UK = 100, IRL = 5.

COMMISSION REGULATION (EEC) No 262/82

of 3 February 1982

on the sale at a price fixed in advance of dried figs held by the Greek storage agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1118/81⁽²⁾,

Having regard to Council Regulation (EEC) No 2194/81 of 27 July 1981 laying down the general rules for the system of production aid for dried figs and dried grapes⁽³⁾, and in particular Article 6 (2) thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 2194/81, the Greek storage agency has bought in substantial quantities of dried figs during the 1981/82 marketing year;

Whereas the situation on the market for dried figs requires that the storage agency undertakes sales on special terms as laid down by Regulation (EEC) No 3263/81⁽⁴⁾ and the procedure of sale at a price fixed in advance appears to be the most appropriate for disposal of the products in question on the best terms;

Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 4 to 28 February 1982, the Greek storage agency whose name and address are given in Annex I hereto shall undertake the sale of dried figs from the 1981/82 harvest, the quantities, qualities and prices of which are stated in Annex II hereto.

2. The sale shall take place pursuant to the provisions of Regulation (EEC) No 3263/81, and in particular Articles 2 to 5 thereof.

3. Applications to purchase must be submitted in writing to the storage agency in question at the head-quarter of IDAGEB, 5 Acharnon Street, Athens, Greece.

4. Information on the quantities and places where the products are stored may be obtained by those concerned from the address given in Annex I.

Article 2

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

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 10.

⁽³⁾ OJ No L 214, 1. 8. 1981, p. 1.

⁽⁴⁾ OJ No L 329, 17. 11. 1981, p. 8.

*ANNEX I***Storage agency referred to in Article 1 of this Regulation**

SYKIKI Kalamata, Krites Street 13, Greece

*ANNEX II***Quantities, qualities and prices of the dried figs referred to in Article 1**

(a) total quantity : 2 000 tonnes

(b) qualittes :

— quality A (Extra)	57·36 ECU/100 kg
— quality B	51·28 ECU/100 kg
— quality C	46·56 ECU/100 kg
— quality D	35·76 ECU/100 kg

COMMISSION REGULATION (EEC) No 263/82

of 3 February 1982

fixing for the United Kingdom the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving that Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 899/81⁽²⁾,

Having regard to Commission Regulation (EEC) No 2661/80 of 17 October 1980 laying down detailed rules for applying the variable slaughter premium for sheep⁽³⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas Article 3 (1) of Regulation (EEC) No 2661/80 lays down that the level of the variable slaughter premium for each Member State concerned shall be fixed weekly by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 2661/80 lays down that the amount to be charged on products leaving the Member States concerned shall be fixed weekly by the Commission;

Whereas, since the United Kingdom is paying the variable slaughter premium, it is necessary for the Commission to fix the level of the premium and the amount to be charged on products leaving that Member State for the week commencing 11 January 1982;

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No 1837/80 and in Article 4 (1) and (3) of Regulation

(EEC) No 2661/80 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving that Member State, during the week commencing 11 January 1982, shall be as set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified in the United Kingdom as eligible for the variable slaughter premium during the week commencing 11 January 1982, the level of the premium shall be as set out in Annex I hereto.

Article 2

For products referred to in Article 1 (a) of Regulation (EEC) No 1837/80 which left the territory of the United Kingdom during the week commencing 11 January 1982, the amounts to be charged shall be as set out in Annex II hereto.

Article 3

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

It shall apply with effect from 11 January 1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 26.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 19.

ANNEX I

Level of variable slaughter premium for certified sheep in the United Kingdom for the week commencing 11 January 1982

Description	Premium
Certified sheep or sheepmeat	0 ECU per 100 kg of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by the United Kingdom.

ANNEX II

Amount to be charged for products which left the territory of the United Kingdom during
the week commencing 11 January 1982

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	0
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	0
	2. Short forequarters	0
	3. Chines and/or best ends	0
	4. Legs	0
	5. Other :	
	(aa) Unboned (bone-in)	0
	(bb) Boned or boneless	0
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	0
	2. Short forequarters	0
	3. Chines and/or best ends	0
	4. Legs	0
	5. Other :	
	(aa) Unboned (bone-in)	0
	(bb) Boned or boneless	0
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	0
	2. Boned or boneless	0

COMMISSION REGULATION (EEC) No 264/82

of 3 February 1982

extending the protective measures in respect of imports of live plants into Greece for a second period

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular the third subparagraph of Article 130 (2) thereof,

Having regard to Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage ⁽¹⁾, and in particular Article 9 (2) thereof,

Whereas Commission Regulation (EEC) No 236/82 of 29 January 1982 ⁽²⁾ extended until 5 February 1982 the protective measures in respect of imports of live plants into Greece instituted by Regulation (EEC) No 3655/81 ⁽³⁾, while at the same time excluding raw materials intended for production of live plants from the field of application of the measures;

Whereas the Hellenic Republic requested the Commission on 1 February 1982 to extend the protective measures for a further period in respect of the same products;

Whereas there has been no change in the market situation which led to the first extension; whereas the protective measures should be extended for a further period of a duration strictly necessary to ensure the normal marketing of Greek production;

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 3655/81 shall be replaced by the following:

'Article 1

1. Release onto the market in Greece of the products referred to in paragraph 2, including products falling under one of the definitions in Article 9 (2) of the Treaty, shall be forbidden until 28 February 1982.

2. The provisions of this Regulation shall apply to live plants within subheading 06.02 D of the Common Customs Tariff and corresponding to NIMEXE codes:

- 06.02-54 and 58 (rhododendrons (alzaleas)),
- 06.02-83, 92 and 93 (outdoor plants other than fruit-trees and bushes, forest trees, rooted cuttings and young plants),
- 06.02-96 and 99 (indoor plants other than rooted cuttings and young plants).'

Article 2

This Regulation shall enter into force on 4 February 1982. It shall not apply to the products referred to in Article 1 (1) where proof is furnished that consignment from the Member State or non-member country in question to Greece took place before 18 December 1981.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽²⁾ OJ No L 22, 30. 1. 1982, p. 61.

⁽³⁾ OJ No L 364, 19. 12. 1981, p. 29.

COMMISSION REGULATION (EEC) No 265/82
of 3 February 1982
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as amended by Regulation (EEC) No 192/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1808/81⁽³⁾, as last amended by Regulation (EEC) No 253/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1808/81 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February 1982.

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

Done at Brussels, 3 February 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.
⁽³⁾ OJ No L 181, 2. 7. 1981, p. 24.
⁽⁴⁾ OJ No L 26, 3. 2. 1982, p. 12.

ANNEX

to the Commission Regulation of 3 February 1982 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	26.19
	B. Raw sugar	18.97 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 19 January 1982

amending the first Council Directive, of 23 July 1962, on the establishment of common rules for certain types of carriage of goods by road between Member States

(82/50/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 (1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas it is appropriate to provide that certain types of carriage, exempted from quota systems under the first Directive, of 23 July 1962 ⁽³⁾, as last amended by Directive 80/79/EEC ⁽⁴⁾, should be exempted also from any authorization system;

Whereas certain other types of carriage may be exempted from any quota or authorization system,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The following shall be added to Annex I to the first Directive of 23 July 1962:

'14. Carriage of spare parts for sea-going vessels and aircraft.

15. Transit, in an unladen state, of a vehicle used for goods transport and intended to replace a vehicle which has become unserviceable in a Member State other than that in which it is registered, and the continuation, by the breakdown vehicle, of the transport under cover of an authorization issued for the vehicle which has become unserviceable.

16. Carriage of objects and works of art for exhibition or for commercial purposes.

17. Occasional carriage of objects and materials exclusively for publicity or information purposes.

18. Carriage of material, properties and animals to or from theatrical, musical or film performances or sporting events, circuses, exhibitions or fairs, or to or from the making of radio or television broadcasts or films.'

2. Annex II to the first Directive of 23 July 1962 shall be amended as follows:

(a) the wording of point 2 shall be replaced by the following:

'2. Carriage of products intended as stores for sea-going vessels and aircraft.'

(b) points 3, 5 and 6 shall be deleted.

Article 2

Member States shall take the measures necessary to comply with this Directive not later than 1 January

⁽¹⁾ OJ No C 327, 15. 12. 1980, p. 65.

⁽²⁾ OJ No C 138, 9. 6. 1981, p. 56.

⁽³⁾ OJ No 70, 6. 8. 1962, p. 2005/62.

⁽⁴⁾ OJ No L 18, 24. 1. 1980, p. 23.

1983. They shall inform the Commission thereof
before 1 July 1982.

Done at Brussels, 19 January 1982.

Article 3

This Directive is addressed to the Member States.

For the Council

The President

P. de KEERSMAEKER

COUNCIL DECISION**of 19 January 1982****appointing the members and alternate members of the Advisory Committee on Veterinary Training**

(82/51/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Decision 78/1028/EEC of 18 December 1978 setting up an Advisory Committee on Veterinary Training⁽¹⁾, and in particular Articles 3 and 4 thereof,

Whereas by Decision 80/238/EEC⁽²⁾ the Council appointed:

- Mr Frank Wolff a member and Mr Joseph Kremer an alternate member in the category of experts from the practising profession,
- Mr Aloyse Schiltges a member and Mr Frank Wolff an alternate member in the category of experts from the veterinary science teaching institutions,
- Mr Aloyse Schiltges a member and Mr Raymond Frisch an alternate member in the category of experts from the competent authorities of the Member State,

for the period ending on 17 February 1983;

Whereas the Luxembourg Government, to replace the aforementioned members, on 22 December 1981 nominated

- Mr Arthur Besch a member and Mr Albert Huberty an alternate member in the category of experts from the practising profession,
- Mr Frank Wolff a member and Mr Joseph Kremer an alternate member in the category of experts from the veterinary science teaching institutions,
- Mr Raymond Frisch a member and Mr Fernand Kons an alternate member in the category of experts from the competent authorities of the Member State,

HAS DECIDED AS FOLLOWS:

Article 1

- Mr Arthur Besch is hereby appointed a member of the Advisory Committee on Veterinary Training in place of Mr Frank Wolff,

- Mr Albert Huberty is hereby appointed an alternate member of the Advisory Committee on Veterinary Training in place of Mr Joseph Kremer,

in the category of experts from the practising profession, for the remainder of the latter's terms of office, which run until 17 February 1983.

Article 2

- Mr Frank Wolff is hereby appointed a member of the Advisory Committee on Veterinary Training in place of Mr Aloyse Schiltges,
- Mr Joseph Kremer is hereby appointed an alternate member of the Advisory Committee on Veterinary training in place of Mr Frank Wolff,

in the category of experts from the veterinary science teaching institutions, for the remainder of the latter's terms of office, which run until 17 February 1983.

Article 3

- Mr Raymond Frisch is hereby appointed a member of the Advisory Committee on Veterinary Training in place of Mr Aloyse Schiltges,
- Mr Fernand Kons is hereby appointed an alternate member of the Advisory Committee on Veterinary Training in place of Mr Raymond Frisch,

in the category of experts from the competent authorities of the Member State, for the remainder of the latter's terms of office, which run until 17 February 1983.

Done at Brussels, 19 January 1982.

For the Council

The President

P. de KEERSMAEKER

⁽¹⁾ OJ No L 362, 23. 12. 1978, p. 10.

⁽²⁾ OJ No L 52, 26. 2. 1980, p. 11.

COMMISSION

AGREEMENT

in the form of an exchange of letters between the European Atomic Energy Community (Euratom) and the Government of Canada intended to replace the 'Interim Arrangement concerning enrichment, reprocessing and subsequent storage of nuclear material within the Community and Canada' constituting Annex C of the Agreement in the form of an exchange of letters of 16 January 1978 between Euratom and the Government of Canada

(82/52/Euratom)

Brussels, 18 December 1981

A. Letter from the Government of Canada

Sir,

1. I have the honour to refer to the 16 January 1978 exchange of letters between the Government of Canada and the European Atomic Energy Community (Euratom) (hereinafter referred to as the exchange of letters) amending the Agreement between the Government of Canada and the European Atomic Energy Community for cooperation in the peaceful uses of atomic energy of 6 October 1959, (hereinafter referred to as the Agreement) particularly in so far as it relates to safeguards (followed by an additional exchange of letters). I specifically refer to paragraph (e) of the exchange of letters which states that :

'Material referred to in paragraph (c) shall be enriched beyond 20 % or reprocessed and plutonium or uranium enriched beyond 20 % shall be stored only according to conditions agreed upon in writing between the parties (see Annex C : Interim Arrangement concerning enrichment, reprocessing and subsequent storage of nuclear material within the Community and Canada).'

Paragraph 5 of Annex C states that the parties would commence negotiations as soon as possible after 31 December 1979, or the termination of the INFCE study, whichever was earlier, with a view to replacing the Interim Arrangement by other arrangements that would take into account *inter alia* any results of the INFCE studies in relation to the operations in question.

Wilhelm Haferkamp,
Vice President of the
Commission of the European Communities,
200 rue de la Loi,
B-1049 Brussels

2. These negotiations have now been completed and I have the honour to propose that the guidelines set forth below should cover reprocessing and plutonium storage and use :
 - (a) an effective commitment to non-proliferation should have been made and should continue to be maintained by the party envisaging reprocessing and plutonium storage and use ;
 - (b) all nuclear material subject to a peaceful uses commitment in facilities involved in reprocessing and the storage and use of plutonium should be subject to IAEA safeguards ;
 - (c) all nuclear material subject to a peaceful uses commitment in facilities involved in reprocessing and the subsequent storage and use activities, including related transport, should be subject to adequate physical protection measures ;
 - (d) mutually satisfactory notification and material reporting procedures should be in place between the parties ;
 - (e) a description of the current and planned nuclear energy programme including in particular a detailed description of the policy, legal and regulatory elements relevant to reprocessing and plutonium storage and use should be provided by the party envisaging such activities ;
 - (f) the parties should agree to periodic and timely consultations at which *inter alia* the information provided under guideline (e) should be updated and significant changes in the nuclear energy programme would receive the fullest possible consideration ;
 - (g) the reprocessing and plutonium storage should only take place when the information provided on the nuclear energy programme of the party in question has been received, when the undertakings, arrangements and other information called for by the guidelines are in place or have been received and when the parties have agreed that the reprocessing and plutonium storage are an integral part of the described nuclear energy programme ; where it is proposed to carry out reprocessing or storage of plutonium when these conditions are not met, the operation should take place only when the parties have so agreed after consultation, which should take place promptly to consider any such proposal ;
 - (h) the reprocessing and plutonium storage envisaged should only take place so long as the commitment of the party in question to non-proliferation does not change and so long as the commitment to periodic and timely consultations referred to in guideline (f) is honoured.
3. I note that Canada and the Community have agreed that the objectives of the above guidelines have been met.

In particular I note that Canada and the Community and its Member States, to the extent of their respective competences, have made an effective commitment to non-proliferation and have submitted all relevant material to IAEA safeguards, and to adequate physical protection measures, in paragraphs (c) and (g) of the exchange of letters completed by the letters from Member States' foreign ministers to Canadian ambassadors on physical protection. I also note that the Community has provided Canada with the description of the current and planned nuclear energy programmes of the Community and of its Member States and that the notification and material reporting procedures have been settled.

4. Finally I note that these arrangements take into account *inter alia* the results of INFCE's studies in relation to the operations in question, as envisaged in paragraph 5 of Annex C to the exchange of letters. I note that the parties, in particular, acknowledge that the separation, storage, transportation and use of plutonium require particular measures to reduce the risk of nuclear proliferation; are determined to continue to support the development of international safeguards and other non-proliferation measures relevant to reprocessing and plutonium, including an effective and generally accepted international plutonium storage scheme; recognize the role of reprocessing in connection with the maximum use of available resources and the management of materials contained in spent fuel or other peaceful non-explosive uses, including research, in particular in the context of significant nuclear energy programmes; and desire the predictable and practical implementation of paragraph (e) of the exchange of letters taking into account both their determination to ensure the furtherance of the objective of non-proliferation and the long-term needs of the nuclear energy programmes of the parties.
5. I have the honour to inform the Commission that pursuant to the above, in accordance with paragraph (e) of the exchange of letters, the Government of Canada agrees that material subject to the Agreement may be reprocessed and plutonium stored within the framework of the current and planned nuclear energy programmes as described and up-dated from time to time by the Community and its Member States.
6. I have the honour to inform the Commission that the Agreement given by the Government of Canada in paragraph 5 will remain in force as long as the following conditions are met:
 - (i) that the Community maintain its commitment to non-proliferation with respect to guideline (a) which is set out in paragraph (c) of the exchange of letters, and
 - (ii) that the Community continue to consult with the Government of Canada, as provided for by the Agreement with a view to up-dating the described nuclear energy programmes and informing the Government of Canada of any significant changes.
7. Paragraph (e) of the exchange of letters provides that material subject to the Agreement shall be enriched beyond 20 % and that uranium enriched beyond 20 % shall be stored only according to conditions agreed upon in writing between the parties. I have the honour to propose that the parties agree to consult within 40 days of the receipt of a request from either party to consider proposals for conditions to be agreed upon in writing according to which material subject to the Agreement may be enriched beyond 20 % or uranium enriched beyond 20 % may be stored.
8. I have the honour to confirm that the documents containing the descriptions of current and planned nuclear energy programmes of the Community and its Member States shall remain confidential to the Contracting Parties.
9. If the foregoing is acceptable to the European Atomic Energy Community, I have the honour to propose that this letter, which is authentic in both English and French, together with Your Excellency's reply to that effect shall constitute the Agreement required by paragraph (e) of the exchange of letters, and replace both Annex C thereto and the 23 December 1980 exchange of letters. This Agreement shall take effect as of the date of Your Excellency's reply to this letter.

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

Brussels, 18 December 1981

B. Letter from the Community

Your Excellency,

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

- '1. I have the honour to refer to the 16 January 1978 exchange of letters between the Government of Canada and the European Atomic Energy Community (Euratom) (hereinafter referred to as the exchange of letters) amending the Agreement between the Government of Canada and the European Atomic Energy Community for cooperation in the peaceful uses of atomic energy of 6 October 1959 (hereinafter referred to as the Agreement) particularly in so far as it relates to safeguards (followed by an additional exchange of letters). I specifically refer to paragraph (e) of the exchange of letters which states that :

"Material referred to in paragraph (c) shall be enriched beyond 20 % or reprocessed and plutonium or uranium enriched beyond 20 % shall be stored only according to conditions agreed upon in writing between the parties (see Annex C : Interim Arrangement concerning enrichment, reprocessing and subsequent storage of nuclear material within the Community and Canada)."

Paragraph 5 of Annex C states that the parties would commence negotiations as soon as possible after 31 December 1979, or the termination of the INFCE study, whichever was earlier, with a view to replacing the Interim Arrangement by other arrangements that would take into account *inter alia* any results of the INFCE studies in relation to the operations in question.

2. These negotiations have now been completed and I have the honour to propose that the guidelines set forth below should cover reprocessing and plutonium storage and use :
 - (a) an effective commitment to non-proliferation should have been made and should continue to be maintained by the party envisaging reprocessing and plutonium storage and use ;
 - (b) all nuclear material subject to a peaceful uses commitment in facilities involved in reprocessing and the storage and use of plutonium should be subject to IAEA safeguards ;
 - (c) all nuclear material subject to a peaceful uses commitment in facilities involved in reprocessing and the subsequent storage and use activities, including related transport, should be subject to adequate physical protection measures ;
 - (d) mutually satisfactory notification and material reporting procedures should be in place between the parties ;

Mr Richard Tait,
Ambassador Extraordinary and Plenipotentiary,
Head of the Canadian Mission to the European Communities

- (e) a description of the current and planned nuclear energy programme including in particular a detailed description of the policy, legal and regulatory elements relevant to reprocessing and plutonium storage and use should be provided by the party envisaging such activities ;
 - (f) the parties should agree to periodic and timely consultations at which *inter alia* the information provided under guideline (e) above would be updated and significant changes in the nuclear energy programme would receive the fullest possible consideration ;
 - (g) the reprocessing and plutonium storage should only take place when the information provided on the nuclear energy programme of the party in question has been received, when the undertakings, arrangements and other information called for by the guidelines are in place or have been received and when the parties have agreed that reprocessing and plutonium storage are an integral part of the described nuclear energy programme ; where it is proposed to carry out reprocessing or storage of plutonium when these conditions are not met, the operation should take place only when the parties have so agreed after consultation, which should take place promptly to consider any such proposal ;
 - (h) the reprocessing and plutonium storage envisaged should only take place so long as the commitment of the party in question to non-proliferation does not change and so long as the commitment to periodic and timely consultations referred to in guideline (f) is honoured.
3. I note that Canada and the Community have agreed that the objectives of the above guidelines have been met.

In particular I note that Canada and the Community and its Member States, to the extent of their respective competences, have made an effective commitment to non-proliferation and have submitted all relevant material to IAEA safeguards, and to adequate physical protection measures in paragraphs (c) and (g) of the exchange of letters completed by the letters from Member States' foreign ministers to Canadian ambassadors on physical protection. I also note that the Community has provided Canada with the description of the current and planned nuclear energy programmes of the Community and of its Member States and that the notification and material reporting procedures have been settled.

4. Finally I note that these arrangements take into account *inter alia* the results of INFCE's studies in relation to the operations in question as, envisaged in paragraph 5 of Annex C to the exchange of letters. I note that the parties, in particular acknowledge that the separation, storage transportation and use of plutonium require particular measures to reduce the risk of nuclear proliferation ; are determined to continue to support the development of international safeguards and other non-proliferation measures relevant to reprocessing and plutonium including an effective and generally accepted international plutonium storage scheme ; recognize the role of reprocessing in connection with the maximum use of available resources and the management of materials contained in spent fuel or other peaceful non-explosive uses, including research, in particular in the context of significant nuclear energy programmes ; and desire the predictable and practical implementation of paragraph (e) of the exchange of letters taking into account both their determination to ensure the furtherance of the objective of non-proliferation and the long-term needs of the nuclear energy programmes of the parties.

5. I have the honour to inform the Commission that pursuant to the above, in accordance with paragraph (e) of the exchange of letters, the Government of Canada agrees that material subject to the Agreement may be reprocessed and plutonium stored within the framework of the current and planned nuclear energy programmes as described and up-dated from time-to-time by the Community and its Member States.
6. I have the honour to inform the Commission that the agreement given by the Government of Canada in paragraph 5 will remain in force as long as the following conditions are met:
 - (i) that the Community maintain its commitment to non-proliferation with respect to guideline (a) which is set out in paragraph (c) of the exchange of letters, and
 - (ii) that the Community continue to consult with the Government of Canada, as provided for by the Agreement, with a view to up-dating the described nuclear energy programmes and informing the Government of Canada of any significant changes.
7. Paragraph (e) of the exchange of letters provides that material subject to the Agreement shall be enriched beyond 20 % and that uranium enriched beyond 20 % shall be stored only according to conditions agreed upon in writing between the parties. I have the honour to propose that the parties agree to consult within 40 days of the receipt of a request from either party to consider proposals for conditions to be agreed upon in writing according to which material subject to the Agreement may be enriched beyond 20 % or uranium enriched beyond 20 % may be stored.
8. I have the honour to confirm that the documents containing the descriptions of current and planned nuclear energy programmes of the Community and its Member States shall remain confidential to the Contracting Parties.
9. If the foregoing is acceptable to the European Atomic Energy Community, I have the honour to propose that this letter, which is authentic in both English and French, together with Your Excellency's reply to that effect shall constitute the agreement required by paragraph (e) of the exchange of letters and replace both Annex C thereto and the 23 December 1980 exchange of letters. This Agreement shall take effect as of the date of Your Excellency's reply to this letter.'

I have further the honour to inform Your Excellency that the European Atomic Energy Community takes note of the guidelines set forth by the Canadian Government in Your Excellency's letter and accepts that they should cover the reprocessing of material subject to the Agreement and the storage of plutonium so obtained and agrees that Your Excellency's letter and this reply shall constitute the agreement required by paragraph (e) of the exchange of letters and replace both Annex C thereto and the 23 December 1980 exchange of letters.

Please accept, Your Excellency, the assurance of my highest consideration.

COMMISSION DECISION

of 17 November 1981

relating to a proceeding under Article 15 of Council Regulation No 17

(IV/30.211 — Comptoir commercial d'importation)

(Only the French text is authentic)

(82/53/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Article 15 (1) (b) thereof,

Having regard to the Commission's letter of 27 October 1978 addressed to Comptoir commercial d'importation (CCI), consisting of a request for information in accordance with Article 11 (3) of Regulation No 17,

Having regard to the reply from CCI dated 17 November 1978,

Having regard to the Commission's decision of 8 May 1981 to initiate a proceeding in this matter.

Having heard the undertaking's concerned in accordance with Article 19 (1) of Regulation No 17 and with Commission Regulation No 99/63/EEC⁽²⁾,

Having regard to the opinion delivered by the Advisory Committee on Restrictive Practices and Dominant Positions on 18 September 1981, pursuant to Article 10 of Regulation No 17,

Whereas :

I

FACTS

The facts may be summarized as follows :

A. THE UNDERTAKING

1. CCI is a company established in Paris under French law. CCI is principally engaged in the import and resale of a wide variety of products. A small part of CCI's business is concerned with electric motors for domestic and industrial vacuum

cleaners supplied by Matsushita Electric Trading Company Ltd (Matsushita) of Japan.

2. These motors are intended for resale to domestic and industrial vacuum cleaner manufacturers who build them into their finished products.

B. THE COMPLAINT

Between January and August 1978 the Commission was informed that CCI was refusing to supply manufacturers in the United Kingdom with Matsushita electric motors.

In particular the Commission received a copy of a letter from CCI to a United Kingdom manufacturer dated 10 August 1978 in which CCI stated that it could not sell motors to customers outside France.

The investigation by the Commission

(a) *The Commission's request for information*

On 27 October 1978 the Commission addressed to CCI a request for information pursuant to Article 11 of Regulation No 17. The letter was sent by registered post and contained the standard warning of the penalties provided for by that Regulation should incorrect information be supplied in reply thereto. The substance of the letter was as following :

'The Commission has received information to the effect that the commercial relations between your company and Matsushita-Tokyo give rise to restrictions on trade between Member States of the Community. Certain of these restrictions may amount to infringements of the rules on competitions.

In order to assess the position in the light of Articles 85 and 86 of the Treaty, I shall be grateful if you will supply the following information :

1. A copy of the document or documents which define the nature of your relations with the company Matsushita.
2. ... (Turnover).
3. ... (Matsushita products).

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

This request is made pursuant to Article 11 of Council Regulation No 17. Please supply this information within two weeks of receipt of this letter.'

CCI replied to the Commission by registered letter dated 17 November 1978 as follows:

'We acknowledge receipt of your letter of 27 October.

1. We do not have any written agreement governing our relations with Matsushita Electric Trading Co. Tokyo, Japan which supplies us as well as delivering directly to other customers. All products quoted and delivered by our supplier are offered to our French customers and sometimes to foreign customers, without any restriction on sale or resale.

Certain industrial motors meeting the demand of foreign customers are not quoted to us and consequently we cannot offer them.

In principle our business is carried out only in France since we do not have any commercial outlet abroad nor the after sale or service facilities there which users require.

2. ... (Turnover)

3. ... (Matsushita products)

To repeat, we confirm that we are subjected to no restrictions on sale or resale in any country, France or abroad, of Matsushita products, motors included (which represent only 0.3 % of our overall turnover), which are quoted to us and which are supplied to us (...).'

(b) *The inspection by the Commission*

On 7 August 1979 an inspection was carried out at the premises of CCI in accordance with the powers vested in the Commission by virtue of Article 14 (1) of Regulation No 17. CCI had been notified of the Commission's intention and its chairman was present.

During the course of the inspection, CCI provided the Commission with copies of a number of documents including telexes and letters which related to the complaint referred to above.

On 15 August 1979 the Commission carried out a similar inspection at the premises of the United Kingdom manufacturer concerned, and obtained

copies of further correspondence relating to the matter.

(c) *The results of the investigation*

The facts as disclosed by the documents which were obtained by the Commission at the inspections referred to above are as follows:

- (a) CCI is the sole distributor for Matsushita vacuum cleaner motors in France as is shown *inter alia* by a telex sent from Matsushita to CCI on 5 December 1977:

'Of course, we rejected to quote (—), CCI is our only distributor of this item in France'.

- (b) In December 1977 the United Kingdom Matsushita distributor complained to Matsushita of attempts by a French customer of CCI to export Matsushita motors from France to the United Kingdom. Matsushita then informed the distributor and CCI that no motors would be supplied to CCI for re-export to the United Kingdom. An extract from one of the telexes sent by Matsushita to CCI on 9 December 1977 reads as follows:

'Anyway, please study if (...) is going to manufacture in France, otherwise we cannot supply'.

- (c) On 26 July 1978, the director of a United Kingdom manufacturing company made a direct approach to CCI with a view to purchasing about 10 000 electric motors per annum. It appears, however, that the purchases were to be made jointly with a French customer.
- (d) On 26 July 1978 CCI telexed Matsushita with details of the order, requesting authority to supply part of this order to the French customer in Paris and the remainder direct to the United Kingdom.
- (e) On 27 July 1978 Matsushita replied by telex refusing the request because of its commercial relationship with its United Kingdom distributors.
- (f) On 31 July 1978 CCI sent three telexes pressing Matsushita to agree to permit deliveries to the United Kingdom.
- (g) On 3 August 1978 the United Kingdom manufacturer wrote to CCI asking for confirmation of prices and delivery dates.
- (h) On 10 August 1978 Matsushita in full knowledge of the above telexed CCI as follows:

'Considering our relation with the British customer we can't supply Motor(s) to you. If the French customer will manufacture cleaner(s) themselves in France it is possible for us to supply. If they don't accept this proposal please stay away from them ...'

- (i) On 10 August 1978, CCI wrote to the United Kingdom manufacturer as follows :

'Following the meeting with our Mr Versein, and subsequent inquiries to Matsushita, we regret to state that we cannot sell motors to you for manufacturing in UK.

We are only allowed to sell in France, and we can sell to the French customer the motors they will mount or modify or preassemble etc in France.'

- (j) On 21 August 1978 the United Kingdom manufacturer wrote to CCI as follows :

'In reply to your letter dated 10 August — the contents of which we have duly noted. We are rather amazed that you are not allowed to sell motors to us in England, particularly as we are in the EEC. I would not have thought that there would be any restrictions by the French Government in selling to us. Please let us know whether it is the French Government or Matsushita who do not permit the sale to us of motors.'

- (k) On 6 September 1978 CCI replied as follows :

'Following your letter dated 21 August, we regret to confirm that we are not allowed to sell Matsushita motors out of France. That restriction relies on the fact that we are distributors of Matsushita motors for France, and that our distribution agreement with Matsushita does not allow us to sell in other countries.

As you know, French regulations oblige us to sell any product we offer on the market, to any French customer who can give evidence of payment. But we are not obliged to sell abroad, and in that special case, Matsushita protects his UK distributor, that is quite correct.'

- (l) On 8 November 1978 CCI informed Matsushita by telex that it was confirmed that the cleaners would be assembled in France. The telex continued :

'Should draw your attention to strong regulations regarding free circulation inside common market. Have got presently an inquiry on that subject. Are mailing to Mr Miki copy of exchange of letters. Should be very cautious.'

The letter from CCI to Matsushita, dated 7 November 1978, stated as follows :

'We send you herewith :

- (a) copy of a letter dated 27 October 1978, sent to us by "Commission des Communautés Européennes", Bruxelles.
- (b) copy of our answer which we intend to send before 18 November.

As per your telexes, reference CIE-1573, 25 October 1978, and CIE-1474, 10 August 1978, we abstained from selling to the UK manufacturer.

We suppose that (the United Kingdom manufacturer) has raised a complaint.'

- (m) On 8 November 1978, the chairman of CCI, Mr Pierre Kahn, wrote to Mr Gilles Paris, the technical director of CCI who had signed most of the telexes addressed to Matsushita, as follows :

'With regard to the letter from the European Commission

Attached :

- 1. EEC letter of 27 October 1978.
- 2. Copy of my draft reply of November 1978 which will be sent on the 17.
- 3. Copy of my letter of 7 November to Mr Niki.

If I receive a telex from Mr Niki before the 17. I may change certain terms of my letter. The letter has however been carefully considered and having regard to the letters sent to (the United Kingdom manufacturer) I have no alternative but to put up a screen (mentionner un paravent).

You may bring a copy of these letters on Thursday next in case you see Mr Niki or one of his close colleagues.'

- (n) On 14 November 1978 CCI telexed Matsushita complaining about delay in delivery of the order to the French customer. The telex states :

'Before placing order we received instructions from you to enter order only if it was for production in France for French market. So we did. We do not understand why you want to delay shipment as we carefully followed your instructions. By the way we have now troubles with Commission des Communautés Européennes because we followed your instructions and delivery problems with you for same reason.'

The reply of CCI to the statement of objections

In its reply to the statement of objections and at the subsequent hearing CCI maintained *inter alia* that its letter dated 17 November 1978 did not contain false information in response to the request of the Commission. The letters to the United Kingdom manufacturer dated 10 August 1978 and 6 September 1978 were incorrect and written in error by a technician acting as a holiday replacement who was unaware of the true situation. The matter was therefore an isolated incident. CCI claims that the request for information was, in any event, unclear and imprecise and therefore did not comply with the requirements of Articles 11 and 15 of Regulation No 17.

At the hearing, however, Mr Alain Kahn, a director of CCI, stated that the technician referred to was in fact Mr Gilles Paris, the technical director of CCI.

On 18 August 1981, after the hearing, CCI informed the Commission by letter that Matsushita had agreed, on 18 October 1979, that CCI could supply the United Kingdom manufacturer. The manufacturer in question also informed the Commission that it had made arrangements which ensured a satisfactory supply.

II

LEGAL APPRECIATION

Article 15 (1) (b) of Regulation No 17 provides that the Commission may by decision impose on undertakings fines of 100 to 5 000 units of account where, intentionally or negligently, they supply incorrect information in response to a request made pursuant to Article 11 (3).

Under Article 11 (1) of Regulation No 17 the Commission is empowered to obtain from undertakings all information necessary for its enquiries.

For this purpose the Commission in practice sends in the first instance a written request for information to

the undertaking concerned. Article 11 (3) requires the Commission to state in its request the legal basis and purpose thereof and also the penalties provided for in Article 15 (1) (b) for supplying incorrect information.

Article 11 (5) provides for a time limit to be fixed by the Commission for the supply of such information.

For the purposes of Article 15 (1) (b), therefore, the definition of a request for information must extend to the complete document containing all the elements provided for in Article 11 (1), (3) and (5) and should not be limited to the particular questions seeking information. In this context the response to a request for information should be considered in its entirety and such consideration should not be limited to the specific answers to individual questions set out in the Commission's request.

It follows, therefore, that for the purposes of Article 15 (1) (b), a response to a request for information must be taken to include not only the answers to the actual questions asked by the Commission, but also to information supplied which goes beyond the particular scope of those questions as well as information supplied by the undertaking on its own initiative which does not directly relate to any specific question asked by the Commission.

CCI is an undertaking within the meaning of Article 15 of Regulation No 17. On 27 October 1978 the Commission sent a request for information to CCI pursuant to Article 11 (3) of Regulation No 17 and CCI replied thereto on 17 November 1978.

In the introduction to its request, the Commission informed CCI that it had received information that the commercial relations between CCI and Matsushita could give rise to restrictions on trade between Member States which might infringe the rules on competition.

The Commission requested *inter alia* a copy of the document or documents which defined the commercial relationship of these two undertakings. The request also set out the legal basis for the request as well as the penalties for supplying incorrect information.

In its reply CCI supplied no documents relating to its relations with Matsushita and stated that there was not written agreement which governed its relationship with Matsushita, adding that its relations with Matsushita involved no restriction on the sale or resale of Matsushita products offered to its customers in France or abroad. This information was repeated at the end of the letter.

The documents subsequently obtained at the inspections carried out by the Commission, however, particularly the telexes discovered on the premises of CCI, define a business relationship which is in contradiction with the reply made by CCI to the Commission in response to the request for information.

The exchange of telexes between CCI and Matsushita shows that CCI knew that it was expected to obtain the prior approval of Matsushita before making any delivery abroad and more particularly to the United Kingdom and that Matsushita was not prepared to give such approval since the re-export of Matsushita products from France to the United Kingdom adversely affected the interests of the Matsushita distributor there. Although there was no formal distribution agreement, the fact that CCI knew that it had to seek prior authority from Matsushita and to comply with Matsushita's instructions contained in the various telexes is an indication of the existence of an agreement within the meaning of Article 85 (1).

The existence of an agreement is furthermore expressly referred to in CCI's letter to the United Kingdom manufacturer dated 6 September 1978 in which CCI stated that it was only allowed to sell in France.

The information therefore supplied by CCI to the Commission in response to the request made pursuant to Article 11 (3) of Regulation No 17 was incorrect in that CCI was in fact prevented by Matsushita from supplying a customer in another Member State as can be seen from the abovementioned exchange of telexes.

The Commission considers that CCI acted intentionally in supplying incorrect information. It is evident that CCI was aware of the requirements of Community law in respect of the free movement of goods within the common market and of its duty to provide accurate information to the Commission. It is also evident that CCI was aware of the specific reason for the request for information. Furthermore, the Commission's request for information made it clear that it had received information which led it to believe that CCI's relationship with Matsushita was restricting trade. It was in this context that the Commission was seeking information to ascertain the precise nature of the commercial relationship of the two undertakings and whether there was any infringement.

Furthermore, CCI chose in its response to the Commission's request to volunteer general information regarding the sale and resale of Matsushita products. Even if, as CCI appear to consider, the questions of the Commission must be strictly adhered to,

this information went beyond the scope of the Commission's questions.

CCI quite rightly supposed that the request for information was made as a result of an informal complaint from the United Kingdom manufacturing company and although having consulted Matsushita chose quite deliberately to deny the substance of that complaint and, as is stated in the internal memorandum of Mr Kahn to Mr Paris of 8 November 1978, to deceive the Commission by means of a carefully worded 'screen'.

It is therefore clear that CCI knew perfectly well that the purpose of the Commission's request was to establish whether there was a prohibition on exports to the United Kingdom.

Contrary to the submissions made by CCI in its reply to the statement of objections and at the hearing, the Commission is satisfied that this is not an isolated case which occurred as the result of the ignorance of a holiday replacement. The evidence shows that Mr Paris was in constant communication with Matsushita at all material times. He was directly concerned with the implementation of his company's marketing policy, as can be seen from the note Mr Kahn wrote to him on 8 November 1978.

The Commission considers that CCI is guilty of a serious infringement. Notwithstanding the efforts made by CCI to persuade Matsushita to agree to the delivery of goods to the company in the United Kingdom and the fact that CCI is now permitted by Matsushita to supply such goods, its incorrect reply amounted to an attempt deliberately to conceal from the Commission the existence of a situation which could amount to a serious infringement, namely a prohibition on exports. Such a prohibition as CCI appears to have known perfectly well, is incompatible with one of the fundamental aims of the EEC Treaty, the creation of a single market.

The fine

In all the circumstances the Commission is accordingly of the opinion that the imposition of the maximum fine provided for by Article 15 is justified in the light of the incorrect information supplied by CCI,

HAS ADOPTED THIS DECISION:

Article 1

The Comptoir commercial d'importation intentionally supplied incorrect information in its reply dated 17

November 1978 to a request made by the Commission on 27 October 1978 pursuant to Article 11 (3) of Regulation No 17.

Article 2

By virtue of Article 15 of Regulation No 17 a fine of 5 000 units of account, that is FF 30 946·90 is imposed on the Comptoir commercial d'importation. This sum is to be paid to the Société Générale Paris, to the account of the Commission of the European Communities, account No 5 770 0065, within three months of the date of notification of this Decision to the Comptoir commercial d'importation.

Article 3

This Decision shall be enforceable in the manner provided for in Article 192 of the Treaty establishing the European Economic Community.

Article 4

This Decision is addressed to the Comptoir commercial d'importation, of 42, rue Etienne Marcel, F-75081 Paris.

Done at Brussels, 17 November 1981.

For the Commission

Frans ANDRIESSEN

Member of the Commission
