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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 482/82

of 25 February 1982

providing for special aid for raw tobacco following the earthquake in Italy in November 1980 and derogating from Article 12a of Regulation (EEC) No 727/70

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof,

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

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

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

Whereas the earthquake in Italy in November 1980 particularly affected the Campania region and its immediate surroundings; whereas in that region the growing, first processing and market preparation of tobacco constitute an economic activity of prime importance; whereas the events of November 1980 have seriously affected the curing, first processing and market preparation of the tobacco from the 1980 harvest;

Whereas Article 12a of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽⁴⁾, as last amended by the 1979 Act of Accession, provides that where the quantities of baled tobacco sold into intervention by an undertaking engaged in first processing and market preparation exceed, for a single variety and a single harvest, 25 % of the production of that undertaking, they are to be bought in at a reduced intervention price;

Whereas the earthquake has very seriously affected the marketing of tobacco from the region concerned; whereas under these circumstances it would seem appropriate not to apply Article 12a (1) of Regulation (EEC) No 727/70; whereas it nevertheless seems possible for this derogation to be limited to the processing of tobacco harvested in the region;

Whereas the tobacco growers' production facilities were impaired by the earthquake; whereas in order to contribute towards remedying the specific consequences, for tobacco growers, of a natural disaster which occurred when the curing operations at the farm are usually carried out, a special aid should be granted to such growers; whereas, however, in the interests of fairness the aid should be differentiated on a flat-rate basis according to the extent of the damage suffered;

Whereas all tobacco undertakings in the Campania region were directly or indirectly affected by the earthquake in their processing and marketing operations; whereas undertakings engaged in the first processing and market preparation of tobacco of Campania and its immediate surroundings were asked to collect tobacco from growers in the state in which it was after the earthquake; whereas in most cases they have had to carry out on their premises the operations normally carried out by the growers; whereas they have had to bear additional costs as a result; whereas there should accordingly be a flat-rate aid to cover part of the additional costs which the undertakings engaged in first processing and market preparation of tobacco have had to bear in the region affected by the earthquake;

Whereas the Treaty has not provided the specific necessary powers to implement this aid; whereas in consequence thereof Article 235 of the Treaty should be cited;

Whereas provision is made in Chapter 69 of the budget of the Communities for 1982 for appropriations intended as aid for people in the Community who become victims of natural disasters;

⁽¹⁾ OJ No C 285, 7. 11. 1981, p. 6.

⁽²⁾ Opinion delivered on 15 February 1982 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 17 December 1981 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 1.

Whereas in order to achieve the greatest possible effect the aid should be paid within a very short period after it has been applied for,

HAS ADOPTED THIS REGULATION :

TITLE I

Provisions concerning Regulation (EEC) No 727/70

Article 1

1. Article 12a (1) of Regulation (EEC) No 727/70 shall not apply to the undertakings, engaged in the first processing and market preparation of tobacco, located in Campania in respect of tobacco harvested there in 1980.

2. For the purposes of this Regulation, undertakings engaged in the first processing and market preparation of tobacco located in Campania shall include undertakings located in the immediate surroundings of Campania which were requested by the Italian authorities to collect quantities of tobacco from the individual or associated growers referred to in Article 2 (1).

TITLE II

Special aid

Article 2

1. Special aid shall be granted, on application, to individual or associated growers whose premises or tobacco-handling installations were, according to the official reports drawn up by the Italian authorities, damaged as a result of the earthquake which occurred in Italy in November 1980.

2. The aid shall consist of an amount for every kilogram of leaf tobacco harvested in 1980 for which a premium certificate, as provided for under Article 2 (1) of Regulation (EEC) No 1726/70⁽¹⁾, was issued.

However, if an individual or associated grower obtains from the 1980 harvest less than 60 % of the product indicated on the premium certificate and harvested from an equivalent area in 1979, the aid shall be calculated on the basis of 60 % of the 1979 harvest.

The amount of aid shall be 1 ECU in the case of individual or associated growers whose premises or tobacco-handling installations have been destroyed, and 0.70 ECU in other cases.

Article 3

1. Special aid shall be granted, on application, to undertakings engaged in the first processing and market preparation of tobacco located in Campania in respect of the quantity of tobacco from the 1980 harvest which they collected from the individual or associated growers referred to in Article 2 (1) after 23 November 1980.

2. The special aid referred to in the first paragraph shall also be granted to the undertakings defined in Article 1 (2).

3. The aid shall be 0.30 ECU for every kilogram of leaf tobacco collected in accordance with paragraph 2 for which a premium certificate was issued.

Article 4

Community financing of the measures referred to in Articles 2 and 3 shall be covered by the Community budget under the heading of aid to people in the Community who become victims of natural disasters and limited to 20.3 million ECU.

For the management and control of this aid, the provisions of Regulation (EEC) No 729/70⁽²⁾ shall apply *mutatis mutandis* within the area subject to this Directive.

Article 5

The Italian Republic shall pay the aid referred to in Articles 2 and 3 within two months of its being applied for.

For payment of this aid the corresponding value of the ECU in national currency shall be that obtaining on the day on which this Regulation enters into force.

TITLE III

General provisions

Article 6

Detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure provided for in Article 17 of Regulation (EEC) No 727/70 or, should the occasion arise in accordance with a procedure having analogy with it.

Article 7

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

⁽¹⁾ OJ No L 191, 27. 8. 1970, p. 1.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

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

Done at Brussels, 25 February 1982.

For the Council

The President

M. EYSKENS

COMMISSION REGULATION (EEC) No 483/82**of 1 March 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 organi-
zation 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 agricul-
tural 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 Regula-
tion (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
26 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 2 March
1982.

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

Done at Brussels, 1 March 1982.

For the Commission

Poul DALSAGER

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 1 March 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	88.60
10.01 B II	Durum wheat	118.87 ⁽¹⁾ ⁽²⁾
10.02	Rye	44.19 ⁽³⁾
10.03	Barley	67.81
10.04	Oats	53.72
10.05 B	Maize, other than hybrid maize for sowing	98.51 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	97.37 ⁽⁴⁾
10.07 C	Grain sorghum	79.80 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	137.82
11.01 B	Rye flour	76.57
11.02 A I a)	Durum wheat groats and meal	197.73
11.02 A I b)	Common wheat groats and meal	146.95

⁽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 484/82**of 1 March 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 organ-
ization 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 agricul-
tural 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
26 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 2 March
1982.

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

Done at Brussels, 1 March 1982.

For the Commission

Poul DALSAER

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 1 March 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 3	1st period 4	2nd period 5	3rd period 6
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	20.59	20.59	20.59
10.02	Rye	0	4.39	4.39	4.39
10.03	Barley	0	8.06	8.06	8.06
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	7.81	7.81	7.81
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 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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	14.35	14.35	14.35	14.35
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	10.72	10.72	10.72	10.72
11.07 B	Roasted malt	0	12.49	12.49	12.49	12.49

COMMISSION REGULATION (EEC) No 485/82

of 26 February 1982

re-establishing the levying of customs duties on other antibiotics falling within heading No ex 29.44, and originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3601/81 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3601/81 of 7 December 1981 applying generalized tariff preferences for 1982 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas, in pursuance of Articles 1 and 9 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex C, other than those listed in column 4 of Annex A, within the framework of the preferential tariff ceiling fixed in column 9 of Annex A;

Whereas, as provided for in Article 10 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of other antibiotics, falling within heading No ex 29.44, the individual ceiling was fixed at 1 158 150 ECU; whereas, on 23 February 1982, imports of these products into the Community originating in China reached that ceiling; whereas the

customs duties in respect of the products in question must therefore be re-established against China,

HAS ADOPTED THIS REGULATION :

Article 1

As from 5 March 1982, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3601/81, shall be re-established on imports into the Community of the following products originating in China :

CCT heading No	Description
ex 29.44 (NIMEXE codes 29.44-10 ; 20 ; 35 ; 39 ; 99)	Other antibiotics

Article 2

This Regulation shall enter into force on the third day following 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, 26 February 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 365, 21. 12. 1981, p. 1.

COMMISSION REGULATION (EEC) No 486/82
of 1 March 1982
correcting Regulation (EEC) No 454/82 fixing the export refunds on products
processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by the Act of Accession of Greece ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas the export refunds on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 454/82 of 26 February 1982 ⁽⁵⁾;

Whereas verification has shown that four amounts do not correspond with the measures submitted for the opinion of the management committee; whereas the Regulation in question must therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 454/82 the amount '22.90 ECU' under subheadings 23.02 A I a), 23.02 A I b) 2, 23.02 A II a) and 23.02 A II b) is hereby replaced by '17.19 ECU'.

Article 2

This Regulation shall enter into force on 2 March 1982.

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

Done at Brussels, 1 March 1982.

For the Commission

Poul DALSAGER

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 L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽⁵⁾ OJ No L 56, 27. 2. 1982, p. 9.

**COMMISSION REGULATION (EEC) No 487/82
of 1 March 1982**

**altering the rates of the refunds applicable to certain products from the sugar
sector exported in the form of 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
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 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1
March 1982 to the products listed in the Annex
exported in the form of goods not covered by Annex
II to the Treaty were fixed by Regulation (EEC) No
463/82⁽³⁾;

Whereas it follows from applying the rules and criteria
contained in Regulation (EEC) No 463/82 to the infor-

mation at present available to the Commission that
the export refunds at present applicable should be
altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by amended Regulation
(EEC) No 463/82 are hereby altered as shown in the
Annex to this Regulation.

Article 2

This Regulation shall enter into force on 2 March
1982.

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

Done at Brussels, 1 March 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 56, 27. 2. 1982, p. 33.

ANNEX

to the Commission Regulation of 1 March 1982 altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Table A

<i>Rate of refund in ECU/100 kg:</i>	White sugar :	20.62
	Raw sugar :	16.91
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$20.62 \times \frac{S^{(1)}}{100}$
	Molasses :	—
	Isoglucose or flavoured or coloured isoglucose syrups :	20.62 ⁽²⁾

Table B

<i>Rate of refund in ECU/100 kg:</i>	White sugar :	17.17
	Raw sugar :	13.74
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$17.17 \times \frac{S^{(1)}}{100}$
	Molasses :	—

(¹) 'S' represents the weight of sucrose (including invert sugar expressed as sucrose) in 100 kilograms of syrup.

(²) Amount of refund for 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 488/82

of 1 March 1982

introducing a countervailing charge on cucumbers originating in Spain

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1116/81⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Article 25a (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a non-member country is alternatively
above and below the reference price for five to seven
consecutive market days a countervailing charge is
introduced in respect of that non-member country,
save in exceptional cases; whereas that charge is intro-
duced when three entry prices fall below the reference
price and one of those entry prices is at least 0.6 ECU
below the reference price; whereas that charge is equal
to the difference between the reference price and the
last available entry price by at least 0.6 ECU below the
reference price;

Whereas Commission Regulation (EEC) No 303/82 of
9 February 1982 fixing, for the 1982 marketing year,
the reference prices for cucumbers⁽³⁾ fixed the
reference price for products of Class I for the period
21 February to 31 March 1982 at 96.75 units of
account per 100 kilograms net;

Whereas the entry price for a given exporting country
is equal to the average of the lowest representative
prices recorded for at least 30 % of the quantities from
the exporting country concerned which are marketed
on all representative markets for which prices are
available, less the duties and the charges referred to in
Article 24 (3) of Regulation (EEC) No 1035/72;
whereas the meaning of representative price is defined
in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regula-
tion (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-

tion (EEC) No 3011/81⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets; whereas it is necessary to multiply the prices
with the coefficient fixed in the first indent of Article
1 (2) of Regulation (EEC) No 303/82;

Whereas for cucumbers from Spain the entry prices
calculated in this way have for six consecutive market
days been alternatively above and below the reference
price; whereas three of these entry prices are at least
0.6 ECU below the reference price; whereas a coun-
tervailing charge should therefore be introduced for
cucumbers;

Whereas in accordance with the provisions of Article
26 (2) of Regulation (EEC) No 1035/72 that charge is
applied in principle for six days;

Whereas if the system is to operate normally it should
be calculated on the entry price on the following
basis:

- in case of currencies which are maintained in rela-
tion 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 2.42 ECU per 100 kilo-
grams net is applied to cucumbers (subheading 07.01
PI of the Common Customs Tariff) originating in
Spain.

Article 2

This Regulation shall enter into force on 3 March
1982. Subject to the provisions of the second subpara-
graph of Article 26 (2) of Regulation (EEC) No
1035/72, this Regulation shall be applicable until 8
March 1982.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 37, 10. 2. 1982, p. 12.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 301, 22. 10. 1981, p. 18.

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

Done at Brussels, 1 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

**COMMISSION REGULATION (EEC) No 489/82
of 1 March 1982**

**altering the export refunds on syrups and certain other sugar products 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 Article 19 (4) thereof,

Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No
457/82⁽³⁾;

Whereas it follows from applying the rules, criteria
and other provisions contained in Regulation (EEC)
No 457/82 to the information at present available to

the Commission that the export refunds at present in
force should be altered as shown in the Annex to this
Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to Regulation (EEC) No 457/82 are hereby
altered to the amounts shown in the Annex to this
Regulation.

Article 2

This Regulation shall enter into force on 2 March
1982.

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

Done at Brussels, 1 March 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 56, 27. 2. 1982, p. 19.

ANNEX

to the Commission Regulation of 1 March 1982 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel : D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) : I. Isoglucose ex II. Other, excluding sorbose E. Artificial honey, whether or not mixed with natural honey F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	— 0.2062 0.2062 0.2062	20.62 — — —
21.07	Food preparations not elsewhere specified or included : F. Flavoured or coloured sugar syrups : III. Isoglucose IV. Other (other than lactose, glucose and malto-dextrine syrups)	— 0.2062	20.62 —

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 490/82
of 1 March 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 478/82⁽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 2 March 1982.

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

Done at Brussels, 1 March 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 181, 2. 7. 1981, p. 24.

⁽⁴⁾ OJ No L 56, 27. 2. 1982, p. 64.

ANNEX

to the Commission Regulation of 1 March 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	26.86
	B. Raw sugar	20.15 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 491/82
of 1 March 1982
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 365/82⁽³⁾, as last amended by Regulation (EEC) No 479/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 365/82 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 365/82, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 March 1982.

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

Done at Brussels, 1 March 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 46, 18. 2. 1982, p. 14.

⁽⁴⁾ OJ No L 56, 27. 2. 1982, p. 65.

ANNEX

to the Commission Regulation of 1 March 1982 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	20.62	
	(b) Other	20.49	
	(II) Flavoured or coloured sugar		0.2062
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	18.97 ⁽¹⁾	
	(b) Other raw sugar	16.91 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 November 1981

relating to a proceeding under Article 15 of Council Regulation No 17
(IV/29.895 — Telos)

(Only the French text is authentic)

(82/124/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof,

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 21 November 1979 addressed to Telos SA and consisting of a formal request for information in accordance with Article 11 (3) of Regulation No 17 and to the reply from Telos dated 7 February 1980,

Having regard to the Commission's decision of 18 November 1980 to initiate proceedings,

Having heard the undertaking concerned in accordance with Article 19 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 17 June 1981, in accordance with Article 10 of Regulation No 17,

Whereas :

I. The facts

1. Since January 1972, Telos SA (hereinafter referred to as Telos) has been the sole distributor in France of cameras and camera accessories manufactured by Victor Hasselblad AB, Goteborg, Sweden (hereinafter referred to as 'Victor Hasselblad').

2. On 6 July 1978, Camera Care Ltd (hereinafter referred to as 'Camera Care'), a camera retailer based in Belfast, submitted a complaint to the Commission under Article 3 of Regulation No 17 against Victor Hasselblad and its sole United Kingdom distributor, Hasselblad (GB) Ltd (hereinafter referred to as 'Hasselblad (GB)').

3. In the light of the facts set out in Camera Care's complaint, the Commission has found that in 1978, Victor Hasselblad, acting in conjunction with Hasselblad (GB), successfully hindered imports from EEC Member States, and in particular from France, to the United Kingdom.

4. In order to be able to investigate the matter in full knowledge of the facts, the Commission, acting in accordance with Article 11 of Regulation No 17, sent a formal request for information to Telos on 21 November 1979.

5. The request for information mentioned in particular that the Commission was taking action in response to a complaint made by Camera Care against

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

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

Victor Hasselblad and Hasselblad (GB) and that the conduct of the latter two undertakings might constitute an infringement of the rules on competition laid down in the EEC Treaty.

6. The request for information also contained *inter alia* the following :

'...

3. In your letter dated 11 September 1978, you wrote to Camera Care Ltd in the following terms: "... considering our contract with Hasselblad Sweden, we are obliged to confirm that we cannot do any business with you".

Out of which clause does this obligation arise and who has prohibited you from exporting Hasselblad cameras to the United Kingdom?' (translation).

7. On 7 February 1980, Telos addressed to the Commission a letter in German from which the following extract is taken :

'...

3. Wir haben keinerlei vertragliche Abmachung, die es uns untersagt, Material an Kunden aus der EWG oder sonstigen Ländern zu exportieren. Wir unterscheiden grundsätzlich nicht zwischen französischen und ausländischen Kunden, solange unsere Rechnungen bezahlt werden.'

Translation :

'We are party to no contractual agreement of any kind under which we are prohibited from exporting equipment to clients in the EEC or other countries. We make no distinction, in principle, between French and foreign clients as long as our invoices are settled.'

Telos further explained that it had broken off its business relationship with Camera Care only :

'weil Camera Care die gelieferten Waren nicht abredegemäß in arabische Länder, sondern in Großbritannien verkauft habe und weil Camera Care zusätzlich auch Ersatzteile geliefert haben wollte, ...'

Translation :

'because Camera Care sold the goods supplied to it, contrary to our agreement, not in Arab countries but in Great Britain and because, in addition, Camera Care wanted to be supplied with spare parts.'

The reference to the contract with Victor Hasselblad was, it was claimed, only a pretext to terminate this business relationship.

8. During an investigation carried out on 30 June 1980 at the premises of Telos and Hasselblad (GB) in accordance with Article 14 of Regulation No 17 Commission officials found documents that yielded the information set out below.

9. On 18 June 1974, Victor Hasselblad had sent Telos a letter complaining generally about 'pirate imports' from France, pointing out that it, i.e. Victor Hasselblad, was doing its utmost to protect its sole distributors' allotted territories from such imports. It called on Telos to trace the dealers engaging in such exports and to make known its views on the matter.

10. By letter dated 8 July 1974, Telos promised Victor Hasselblad that it would keep an eye on these 'pirate imports'.

11. On 5 July 1978, Hasselblad (GB) telephoned Telos informing it that Camera Care had sold on the UK market a Hasselblad lens that had been sold by Victor Hasselblad to Telos in April 1978. Hasselblad (GB) also explained the difficulties it was experiencing with parallel imports in general. Telos stated its willingness to look into the matter and to provide Hasselblad (GB) with any information that might help trace the dealer who had exported the lens.

12. At the time, Hasselblad (GB) was still clearly unaware that Telos had sold the lens to Camera Care and presumed that the supplier had been a French retailer. For this reason, Hasselblad (GB) did not impose any direct export ban on Telos but merely requested it to take care of the matter. For Telos, however, it was clear, that it had supplied this lens itself and that Hasselblad (GB) wanted to prohibit parallel imports of Hasselblad products in general from France.

13. In its letter dated 6 September 1978, Hasselblad (GB) again asked Telos for any information it might possess on the lens that was supposed to have been exported to Camera Care by a retailer supplied by Telos. It is also evident from this letter that Hasselblad (GB) wished to put a stop to parallel exports of any kind to its allotted territory.

14. Telos' letter to Camera Care of 11 September 1978 is fully in accord with these wishes of Victor Hasselblad and Hasselblad (GB). It reads as follows :

'We received a letter from Hasselblad (GB) Ltd, in which they inform us, that *they* found out that the lens that turned up in England was sold *by you* to one of their customers ... As you can well imagine, this is an intolerable situation caused entirely by you ...'

15. On 24 November 1978, Victor Hasselblad, in agreement with Hasselblad (GB), contacted Telos on the matter of exports to the United Kingdom since it had by then become clear that it was not a French retailer but Telos itself which had supplied Camera Care. In a letter of 24 November 1978, Victor Hasselblad's sales manager informed Hasselblad (GB) of the outcome of the measures it had taken *vis-à-vis* Telos, stating that Victor Hasselblad had just telephoned Telos about the exports to the United Kingdom. Telos informed it of the letter Telos had written to Camera Care requesting it not to visit any more as Telos could not sell to any dealers from abroad. He also mentioned that Telos' employees had been informed of this fact.

II. Legal assessment

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

17. Where incorrect information has been supplied, it is, contrary to Telos' submission, immaterial as regards application of Article 15 (1) (b) whether this was in response to a 'simple' request for information under Article 11 (1) or to a decision under Article 11 (5) requiring information to be supplied.

18. Telos gave the Commission an incorrect answer to the second part of the question ('who has prohibited you') by its reply to the effect that there was no contractual agreement under which it was prohibited from exporting and that it made no distinction between French and foreign clients. In its answer Telos falsely claims that Victor Hasselblad and/or Hasselblad (GB) had not taken any action to prevent it from exporting equipment to the United Kingdom and that it had sold equipment to, and had decided not to do business with, Camera Care of its own free will.

19. The instruction issued by Victor Hasselblad in 1974 to the effect that its sole distributors' markets should be protected against parallel imports continued to apply to Telos and is to be regarded as being tantamount to an export prohibition. Telos also complied with this prohibition by stipulating that any equipment sold by it to Camera Care was not to be sold on the territory allotted to Hasselblad (GB) (that is the United Kingdom). In its reply to the Commission, Telos should have replied that Victor Hasselblad had instructed it in June 1974 to protect sole distributors'

allotted territories, by neither exporting itself, nor permitting exports by retailers supplied by itself, to these territories.

20. However, the statement is also incorrect in that it makes no mention of the other steps taken by Hasselblad (GB) and by Victor Hasselblad to hinder exports to the United Kingdom, which are also tantamount to export prohibitions.

21. Any statement is incorrect which gives a distorted picture of the true facts asked for, and which departs significantly from reality on major points. Where a statement is thus false or so incomplete that the reply taken in its entirety is likely to mislead the Commission about the true facts, it constitutes incorrect information within the meaning of Article 15 (1) (b).

22. In reality, the telephone conversation of 5 July 1978, the letter from Hasselblad (GB) and above all the action taken by Victor Hasselblad in mid-November 1978 renewed the prohibition which had existed since 1974 of exports of Hasselblad products to the territories allotted to another sole distributor and made it clear to Telos that both firms regarded parallel exports in general to the United Kingdom as posing a serious problem and as being harmful to business. This was even true of exports by completely independent retailers.

23. Hasselblad (GB) acted on the mistaken assumption that the equipment in question had been exported by a French retailer who had been supplied by Telos. It was for this reason that Telos was asked 'to look into the matter'. This made it clear to Telos that the wish on the part of Hasselblad (GB) to stamp out exports to the United Kingdom by — independent — retailers was directed in the first place against sole distributors, particularly since Telos was aware of Victor Hasselblad's instruction that national markets be protected and had promised to keep a watch on this type of transaction.

24. When it intervened in November 1978, Victor Hasselblad sought, therefore, Telos' cooperation in refraining in future from engaging in exports to the contractual territories of a sole distributor.

25. The purpose and effect of the action taken by Victor Hasselblad and by Hasselblad (GB) was, therefore, to prohibit exports to the United Kingdom. Telos also understood the purpose of this action correctly and, referring to the letter from Hasselblad (GB) and to its contractual relationship with Victor Hasselblad, discontinued its exports to Camera Care.

26. Telos, however, did not reveal to the Commission these prohibitions by Victor Hasselblad and Hasselblad (GB), giving the impression that it had not been subjected to any pressure as regards exports to the United Kingdom and that it had severed relations with Camera Care of its own free will. By stating immediately thereafter that it did not distinguish between French and foreign customers, Telos also tried to strengthen this impression. Moreover, this statement is also false, because Telos did indeed distinguish between clients in its own and clients in another sole distributor's territory.

27. The incorrect information supplied had significant repercussions on the course of the proceedings since it gave the Commission the mistaken impression that no pressure had been exerted on Telos. It was only in June 1980, when investigations were carried out on the premises of Telos and Hasselblad (GB), that the Commission became aware of the true facts and was for the first time in a position to institute proceedings under Article 85 (1) of the Treaty against Victor Hasselblad and its sole distributors on the ground that they had engaged in concerted practices.

28. Telos also supplied the incorrect information intentionally. Telos did clearly regard the measures taken by Hasselblad (GB) and Victor Hasselblad as constituting an export prohibition and an obligation to supervise exports of other dealers. Telos also realized that the Commission's request for information was concerned generally with export prohibitions and in particular the boycott on supplies to Camera Care.

29. In this case a serious infringement of the fundamental principles of the common market was concealed. Precisely by framing its answer in the manner it did, Telos sought to divert attention away from the existence of a serious infringement, viz. a concerted practice aimed at prohibiting exports. The incorrect reply delayed the proceedings considerably and, if no investigations had been carried out on the

premises of the undertakings concerned, it is highly likely that the conduct of Victor Hasselblad and Hasselblad (GB) towards Telos would not have come to light. In view of the above considerations, a fine of 5 000 ECU appears appropriate,

HAS ADOPTED THIS DECISION:

Article 1

A fine of 5 000 ECU, that is FF 30 880·45, is hereby imposed on Telos SA for having supplied intentionally incorrect information in reply to a request for information made by the Commission of the European Communities.

The fine imposed shall be payable within three months from the date of notification of this Decision to the following account:

Commission of the European Communities, Société Générale Paris, No 5.770.006.5

Article 2

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

Article 3

This Decision is addressed to Telos SA, 72-74, Rue Paul Vaillant Couturier, F-92300 Levallois-Perret, France.

Done at Brussels, 25 November 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION**of 4 February 1982****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 1603/81**

(82/125/EEC)

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 1949/81⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the levy and/or refund for the export of common wheat was issued under Commission Regulation (EEC) No 1603/81⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, the Commission acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 1603/81 is hereby fixed on the basis of the tenders submitted by 4 February 1982 at 63.49 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 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 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 159, 17. 6. 1981, p. 13.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION**of 4 February 1982****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 1604/81**

(82/126/EEC)

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 1949/81⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the levy and/or refund for the export of common wheat was issued under Commission Regulation (EEC) No 1604/81⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 1604/81 is hereby fixed on the basis of the tenders submitted by 4 February 1982 at 63.49 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 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 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 159, 17. 6. 1981, p. 16.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION**of 4 February 1982****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EEC) No 1605/81**

(82/127/EEC)

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 1949/81⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the export refund on barley was issued under Commission Regulation (EEC) No 1605/81⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on barley to be exported pursuant to the invitation to tender for the export of barley issued in Regulation (EEC) No 1605/81 is hereby fixed on the basis of the tenders submitted by 4 February 1982 at 39.75 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 159, 17. 6. 1981, p. 19.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION

of 12 February 1982

amending the Decisions on the agricultural advisory committees

(82/128/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas the Commission has created agricultural advisory committees to formalize consultation of economic and consumer interests in the agricultural sector;

Whereas experience of the working of the agricultural advisory committees has shown that the rules on their composition require adjustment;

Whereas the choice of chairman is important to the proper functioning of a committee;

Whereas the conditions on which observers and experts may participate in the work of committees should be more clearly defined;

Whereas express provision should be made for the formation of working groups;

Whereas a working group on peas and field beans has been set up within the Advisory Committee on Feedingstuffs;

Whereas textual changes should be made to the relevant Decisions in Danish,

HAS DECIDED AS FOLLOWS:

Article 1

Articles 5, 6 and 7 of the following Decisions:

- Decision 73/414/EEC on the Advisory Committee on Cereals ⁽¹⁾,
- Decision 73/415/EEC setting up a special Rice Section of the Advisory Committee on Cereals ⁽¹⁾, as last amended by Decision 74/223/EEC ⁽²⁾,
- Decision 73/416/EEC on the Advisory Committee on Milk and Milk Products ⁽¹⁾, as last amended by Decision 77/465/EEC ⁽³⁾,
- Decision 73/417/EEC on the Advisory Committee on Beef and Veal ⁽¹⁾,

⁽¹⁾ OJ No L 355, 24. 12. 1973.

⁽²⁾ OJ No L 123, 6. 5. 1974.

⁽³⁾ OJ No L 179, 19. 7. 1977.

- Decision 73/418/EEC on the Advisory Committee on Pigmeat ⁽¹⁾,
- Decision 73/419/EEC on the Advisory Committee on Poultrymeat ⁽¹⁾,
- Decision 73/420/EEC on the Advisory Committee on Eggs ⁽¹⁾,
- Decision 73/421/EEC on the Advisory Committee on Oils and Fats ⁽¹⁾, as last amended by Decision 74/219/EEC ⁽²⁾,
- Decision 73/423/EEC on the Advisory Committee on Fresh and Processed Fruit and Vegetables ⁽¹⁾, as last amended by Decision 74/222/EEC ⁽²⁾,
- Decision 73/424/EEC on the Advisory Committee on Wine ⁽¹⁾, as last amended by Decision 78/36/EEC ⁽⁴⁾,
- Decision 73/427/EEC on the Advisory Committee on Live Plants ⁽¹⁾, as last amended by Decision 78/192/EEC ⁽⁵⁾,
- Decision 74/71/EEC on the Advisory Committee on Seeds ⁽⁶⁾,
- Decision 74/72/EEC setting up a special Silkworm Section of the Advisory Committee on Flax and Hemp ⁽⁶⁾,
- Decision 76/784/EEC on the Advisory Committee on Questions of Agricultural Structure Policy ⁽⁷⁾, as last amended by Decision 77/528/EEC ⁽⁸⁾,
- Decision 81/376/EEC on the Advisory Committee on Sheepmeat and Goatmeat ⁽⁹⁾

are hereby replaced by the following:

Article 5

1. After consulting the Commission, the Committee shall elect a chairman for a period of three years.

The chairman shall be elected, in the case of the first ballot, by a two-thirds majority of the members present and, in the case of subsequent ballots, by a simple majority of the members present. In the event of a tie, the Commission shall provide a chairman on a temporary basis.

⁽⁴⁾ OJ No L 11, 14. 1. 1978.

⁽⁵⁾ OJ No L 58, 28. 2. 1978.

⁽⁶⁾ OJ No L 52, 23. 2. 1974.

⁽⁷⁾ OJ No L 273, 6. 10. 1976.

⁽⁸⁾ OJ No L 209, 17. 8. 1977.

⁽⁹⁾ OJ No L 145, 3. 6. 1981.

2. The Committee shall elect two vice-chairmen for a period of three years.

The vice-chairmen may not represent the same interest as the chairman. The election shall take place in accordance with the procedure laid down in paragraph 1.

The Committee may, in accordance with the same procedure, elect other officers. In that case, the officers other than the chairman shall include not more than one representative of each interest represented on the Committee.

The officers shall prepare and organize the work of the Committee.

Article 6

1. At the request of an organization to which one or more seats are allocated, the chairman may, in agreement with the Commission staff, invite the head of that organization or a person designated by him to attend meetings of the Committee as an observer. Observers shall not have the right to speak. They may, however, be invited to do so by the chairman in agreement with the Commission staff.

2. Subject to the same conditions, the chairman may, in agreement with the Commission staff, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert. The Commission may, on its own initiative, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert.

3. Apart from the Commission representatives, only Committee members and persons invited pursuant to this Article may participate in or attend Committee meetings.

4. However, experts shall participate only in the discussion of the matter concerning which they were invited to attend.

Article 7

In agreement with the Commission staff, the Committee may set up working groups to facilitate its work.

Article 2

Articles 6, 7 and 8 of the following Decisions:

- Decision 73/422/EEC on the Advisory Committee on Sugar⁽¹⁾, as last amended by Decision 74/220/EEC⁽²⁾,
- Decision 73/425/EEC on the Advisory Committee on Raw Tobacco⁽¹⁾, as last amended by Decision 74/221/EEC⁽²⁾,

— Decision 73/426/EEC on the Advisory Committee on Hops⁽¹⁾,

— Decision 73/428/EEC on the Advisory Committee on Flax and Hemp⁽¹⁾

are hereby replaced by the following:

Article 6

1. After consulting the Commission, the Committee shall elect a chairman for a period of three years.

The chairman shall be elected, in the case of the first ballot, by a two-thirds majority of the members present and, in the case of subsequent ballots, by a simple majority of the members present. In the event of a tie, the Commission shall provide a chairman on a temporary basis.

2. The Committee shall elect two vice-chairmen for a period of three years.

The vice-chairmen may not represent the same interest as the chairman. The election shall take place in accordance with the procedure laid down in paragraph 1.

The Committee may, in accordance with the same procedure, elect other officers. In that case, the officers other than the chairman shall include not more than one representative of each interest represented on the Committee.

The officers shall prepare and organize the work of the Committee.

Article 7

1. At the request of an organization to which one or more seats are allocated, the chairman may, in agreement with the Commission staff, invite the head of that organization or a person designated by him to attend meetings of the Committee as an observer. Observers shall not have the right to speak. They may, however, be invited to do so by the chairman in agreement with the Commission staff.

2. Subject to the same conditions, the chairman may, in agreement with the Commission staff, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert. The Commission may, on its own initiative, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert.

⁽¹⁾ OJ No L 355, 24. 12. 1973.

⁽²⁾ OJ No L 123, 6. 5. 1974.

3. Apart from the Commission representatives, only Committee members and persons invited pursuant to this Article may participate in or attend Committee meetings.

4. However, experts shall participate only in the discussion of the matter concerning which they were invited to attend.

Article 8

In agreement with the Commission staff, the Committee may set up working groups to facilitate its work.'

Article 3

Articles 2, 6 and 7 of Decision 77/532/EEC setting up an Advisory Committee on Feedingstuffs⁽¹⁾ are hereby replaced by the following:

'Article 2

The Committee shall set up:

- a standing working group on statistics,
- a standing working group on proteins,
- a standing working group on dehydrated fodder,
- a standing working group on peas and field beans.

In agreement with the Commission staff, the Committee may set up other working groups to facilitate its work.'

'Article 6

1. After consulting the Commission, the Committee shall elect a chairman for a period of three years.

The chairman shall be elected, in the case of the first ballot, by a two-thirds majority of the members present and, in the case of subsequent ballots, by a simple majority of the members present. In the event of a tie, the Commission shall provide a chairman on a temporary basis.

2. The Committee shall elect two vice-chairmen for a period of three years.

The vice-chairmen may not represent the same interest as the chairman. The election shall take place in accordance with the procedure laid down in paragraph 1.

The Committee may, in accordance with the same procedure, elect other officers. In that case, the offi-

cers other than the chairman shall include not more than one representative of each interest represented on the Committee.

The officers shall prepare and organize the work of the Committee.

Article 7

1. At the request of an organization to which one or more seats are allocated, the chairman may, in agreement with the Commission staff, invite the head of that organization or a person designated by him to attend meetings of the Committee as an observer. Observers shall not have the right to speak. They may, however, be invited to do so by the chairman in agreement with the Commission staff.

2. Subject to the same conditions, the chairman may, in agreement with the Commission staff, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert. The Commission may, on its own initiative, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert.

3. Apart from the Commission representatives, only Committee members and persons invited pursuant to this Article may participate in or attend Committee meetings.

4. However, experts shall participate only in the discussion of the matter concerning which they were invited to attend.'

Article 4

Articles 5, 6 and 7 of Decision 76/410/EEC setting up the Advisory Committee on Social Questions affecting Farmers and the Members of their Families⁽²⁾ are hereby replaced by the following:

'Article 5

1. After consulting the Commission, the Committee shall elect a chairman for a period of three years.

The chairman shall be elected, in the case of the first ballot, by a two-thirds majority of the members present and, in the case of subsequent ballots, by a simple majority of the members present. In the event of a tie, the Commission shall provide a chairman on a temporary basis.

⁽¹⁾ OJ No L 211, 19. 8. 1977.

⁽²⁾ OJ No L 106, 23. 4. 1976.

2. The Committee shall elect two vice-chairmen for a period of three years.

The vice-chairmen may not represent the same interest as the chairman. The election shall take place in accordance with the procedure laid down in paragraph 1.

The officers shall prepare and organize the work of the Committee.

Article 6

1. At the request of an organization to which one or more seats are allocated, the chairman may, in agreement with the Commission staff, invite the head of that organization or a person designated by him to attend meetings of the Committee as an observer. Observers shall not have the right to speak. They may, however, be invited to do so by the chairman in agreement with the Commission staff.

2. Subject to the same conditions, the chairman may, in agreement with the Commission staff, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert. The Commission may, on its own initiative, invite any person particularly well qualified in one of the subjects on the agenda to take part in the work of the Committee as an expert.

3. Apart from the Commission representatives, only Committee members and persons invited

pursuant to this Article may participate in or attend Committee meetings.

4. However, experts shall participate only in the discussions of the matter concerning which they were invited to attend.

Article 7

In agreement with the Commission staff, the Committee may set up working groups to facilitate its work.'

Article 5

In the Danish texts of the Decisions on the agricultural advisory committees and the instruments amending those Decisions the term 'udvalg' shall be replaced by 'komité'.

Article 6

This Decision shall enter into force on 12 February 1982.

Done at Brussels, 12 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION DECISION

of 17 February 1982

changing the import arrangements established by Commission Decision 81/248/EEC and applied in the Benelux countries, the Federal Republic of Germany, Greece, Italy and the United Kingdom in respect of China regarding various industrial products

(82/129/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3286/80 of 4 December 1980 on import arrangements in respect of State-trading countries⁽¹⁾, and in particular Article 9 (1) thereof,

Whereas Commission Decision 81/248/EEC⁽²⁾ established the list of products originating in State-trading countries the release of which for free circulation in the Member States is subject to quantitative restrictions pursuant to Regulation (EEC) No 3286/80;

Whereas pursuant to Article 7 (1) of the said Regulation the Government of the Federal Republic of Germany informed the other Member States and the Commission that the arrangements applied in the Federal Republic of Germany in respect of imports of ferro-silicon and other products from China should be amended in accordance with the said Regulation;

Whereas there is a substantive error in the Commission Decision 82/45/EEC of 14 January 1982⁽³⁾, in which the measures envisaged by the Federal Republic of Germany were adopted; whereas that error should be rectified,

HAS ADOPTED THIS DECISION:

Article 1

The description of the product entered against NIMEXE code ex 73.02-30 in the Annex to Commission Decision 82/45/EEC is hereby amended to read as follows: 'Ferro-silicon, with a silicon content of more than 80 %'.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of the Netherlands, the Grand Duchy of Luxembourg, the Federal Republic of Germany, the Hellenic Republic, the Italian Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 17 February 1982.

For the Commission

Antonio GIOLITTI

Member of the Commission

⁽¹⁾ OJ No L 353, 29. 12. 1980, p. 1.

⁽²⁾ OJ No L 115, 27. 4. 1981, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1982, p. 40.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2728/81 of 10 September 1981 amending, as regards their application by variety of Community-produced tobacco, Regulations (EEC) No 1727/70, (EEC) No 1728/70, (EEC) No 2603/71, (EEC) No 638/74 and (EEC) No 410/76

(Official Journal of the European Communities No L 272 of 26 September 1981)

Page 14, Annex IV:

for: 'III. The following entries are added:',

read: 'III. The entries 19 to 31 are replaced by the following entries:'.

Page 15, Annex V:

for: 'III. The following entries are added:',

read: 'III. The entries 19 to 30 are replaced by the following entries:'.

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