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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 686/82**of 25 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 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 24 March 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 26 March 1982.

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

Done at Brussels, 25 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 25 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	84.53
10.01 B II	Durum wheat	116.46 ⁽¹⁾ ⁽²⁾
10.02	Rye	43.07 ⁽³⁾
10.03	Barley	65.38
10.04	Oats	57.10
10.05 B	Maize, other than hybrid maize for sowing	88.12 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	94.44 ⁽⁴⁾
10.07 C	Grain sorghum	81.54 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	133.03
11.01 B	Rye flour	75.01
11.02 A I a)	Durum wheat groats and meal	194.00
11.02 A I b)	Common wheat groats and meal	141.78

⁽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 687/82
of 25 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
24 March 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 26 March
1982.

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

Done at Brussels, 25 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. 10.

ANNEX

to the Commission Regulation of 25 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	1.00
10.01 B II	Durum wheat	0	22.39	22.39	22.39
10.02	Rye	0	9.00	9.00	9.00
10.03	Barley	0	9.20	9.20	9.20
10.04	Oats	0	3.97	3.97	3.97
10.05 B	Maize, other than hybrid maize for sowing	0	1.49	1.49	2.98
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	1.40

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	1.78	1.78
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	1.33	1.33
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	16.38	16.38	16.38	16.38
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	12.24	12.24	12.24	12.24
11.07 B	Roasted malt	0	14.26	14.26	14.26	14.26

COMMISSION REGULATION (EEC) No 688/82

of 25 March 1982

fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3454/80⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 3549/81⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 3549/81, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁶⁾, as last amended by Regulation (EEC) No 3549/81, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁷⁾, as last amended by Regulation (EEC) No 3550/81⁽⁸⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽⁹⁾,

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978⁽¹⁰⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹¹⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 22 and 23 March 1982 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 356, 11. 12. 1981, p. 13.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁸⁾ OJ No L 356, 11. 12. 1981, p. 14.

⁽⁹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹⁰⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹¹⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 26 March 1982.

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

Done at Brussels, 25 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CCT heading No	Non-member countries
15.07 A I a)	30.00 ⁽¹⁾
15.07 A I b)	30.00 ⁽¹⁾
15.07 A I c)	33.00 ⁽¹⁾
15.07 A II a)	32.50 ⁽²⁾
15.07 A II b)	56.00 ⁽²⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

- (a) Spain and Lebanon: 0.60 ECU/100 kg;
- (b) Turkey: 22.36 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Algeria, Morocco, Tunisia: 24.78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this tariff subheading:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3.86 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3.09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7.25 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5.80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CCT heading No	Non-member countries
07.01 N II	6.60
07.03 A II	6.60
15.17 B I a)	15.00
15.17 B I b)	24.00
23.04 A II	2.64

COMMISSION REGULATION (EEC) No 689/82

of 25 March 1982

fixing the export refunds on 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⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1783/81⁽⁵⁾, defines the specific criteria to be taken into account

when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

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 once a month; whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1982.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 176, 1. 7. 1981, p. 10.

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

Done at Brussels, 25 March 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 25 March 1982 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	66.50
11.07 A II b)	67.47
11.07 B	78.63

COMMISSION REGULATION (EEC) No 690/82**of 25 March 1982****supplementing the Annex to Regulation (EEC) No 771/74 laying down detailed rules for granting aid for flax and hemp**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽¹⁾, as last amended by the 1979 Act of Accession, and in particular Article 4 (5) thereof,

Whereas the Annex to Commission Regulation (EEC) No 771/74 of 29 March 1974 laying down detailed rules for granting aid for flax and hemp ⁽²⁾, as last amended by Regulation (EEC) No 174/81 ⁽³⁾, contains a list of varieties of flax grown mainly for fibre in order to distinguish these varieties from those grown mainly for seed; whereas, as a result of the use in one Member State of a new variety of flax grown mainly for fibre, the said Annex should be supplemented;

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

HAS ADOPTED THIS REGULATION:

Article 1

With effect from the 1982/83 marketing year, the variety Saskia shall be added to the Annex to Regulation (EEC) No 771/74.

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, 25 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ No L 92 3. 4. 1974, p. 13.

⁽³⁾ OJ No L 20, 23. 1. 1981, p. 13.

**COMMISSION REGULATION (EEC) No 691/82
of 25 March 1982**

**amending Regulation (EEC) No 1215/81 laying down detailed rules for the
implementation of Regulation (EEC) No 2511/80 on measures to encourage the
use of flax fibres for the 1980/81 and 1981/82 marketing years**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2511/80 of 30 September 1980 on measures to en-
courage use of flax fibres for the 1980/81 and 1981/82
marketing years⁽¹⁾, and in particular Article 1 (4)
thereof,

Whereas Article 1 (1) of Commission Regulation
(EEC) No 1215/81 of 6 May 1981⁽²⁾ provides that the
programme of measures to encourage the use of flax
fibres is to be carried out during a maximum period of
12 months as from the date on which contracts in this
connection are concluded; whereas it may in excep-
tional cases prove difficult to comply with the time
limit for reasons beyond the control of a contracting
party; whereas, therefore, provision should be made
for an extension of the time limit if certain conditions
are met;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph shall be added to Article 1
(1) of Regulation (EEC) No 1215/81:

'However, this time limit shall not prevent subse-
quent agreement to an extension of the limit
where the party to a contract, before the fixed
expiry date, makes the appropriate application to
the Commission and proves that, due to excep-
tional circumstances beyond his control, he is
unable to meet the deadline originally stipulated.'

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, 25 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 256, 1. 10. 1980, p. 61.

⁽²⁾ OJ No L 123, 7. 5. 1981, p. 20.

COMMISSION REGULATION (EEC) No 692/82
of 25 March 1982
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3454/80 ⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 3701/81 ⁽³⁾, as last amended by Regulation (EEC) No 617/82 ⁽⁴⁾;

Whereas in the absence of the indicative price for the 1982/83 marketing year for colza and rape seed in case of pre-fixation for the months of July and August 1982, the amount of subsidy on these products has been obtainable only on the basis of the indicative price for the months of July and August 1981. This amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1982/83 marketing year is known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3701/81 to the

information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

1. The amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

2. The amount of the subsidy for the months of July and August 1982 will, however, for colza and rape seed, be confirmed or replaced as from 26 March 1982 to take into account the indicative price which is fixed for these products for the 1982/83 marketing year.

Article 2

This Regulation shall enter into force on 26 March 1982.

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

Done at Brussels, 25 March 1982.

For the Commission

Poul DALSAGER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 369, 24. 12. 1981, p. 36.

⁽⁴⁾ OJ No L 74, 18. 3. 1982, p. 22.

ANNEX

to the Commission Regulation of 25 March 1982 fixing the amount of the subsidy
on oil seeds

(ECU/100 kg)

CCT heading No	Description	Subsidy
ex 12.01	Colza and rape seed	22.593
ex 12.01	Sunflower seed	20.941

(ECU/100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		March 1982	April 1982	May 1982	June 1982	July 1982	August 1982
ex 12.01	Colza and rape seed	20.560	21.012	21.212	21.317	17.152 ⁽¹⁾	17.152 ⁽¹⁾
ex 12.01	Sunflower seed	20.941	20.941	20.941	20.941	20.842	—

⁽¹⁾ Subject to confirmation.

COMMISSION REGULATION (EEC) No 693/82
of 25 March 1982
fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3454/80⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 852/78⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 3476/80⁽⁶⁾, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 9 (4) of Regulation (EEC) No 2300/73, the Commission must determine the world market price for colza and rape seed;

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 3701/81 of 23 December 1981 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 692/82⁽⁸⁾;

Whereas, if the price system is to operate normally, the world market price 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 it follows from applying these provisions that the world market price for colza and rape seed should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The world market price referred to in Article 9 (4) of Regulation (EEC) No 2300/73 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1982.

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

Done at Brussels, 25 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 363, 31. 12. 1980, p. 71.

⁽⁷⁾ OJ No L 369, 24. 12. 1981, p. 36.

⁽⁸⁾ See page 12 of this Official Journal.

ANNEX

to the Commission Regulation of 25 March 1982 fixing the world market price for colza and rape seed

(ECU/100 kg) (1)

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	23.131

(ECU/100 kg) (1)

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		March 1982	April 1982	May 1982	June 1982	July 1982	August 1982
ex 12.01	Colza and rape seed	25.164	25.164	24.964	24.859	25.408	25.408

(1) The conversion rates from ECU into currency as foreseen by Article 9 (5) (a) of Regulation (EEC) No 2300/73 are the following:

1 ECU = DM	2.41815
1 ECU = FI	2.67296
1 ECU = Bfr/Lfr	44.6963
1 ECU = FF	6.19563
1 ECU = Dkr	8.18384
1 ECU = £ Irl	0.686799
1 ECU = £	0.562227
1 ECU = Lit	1 305.29

COMMISSION REGULATION (EEC) No 694/82
of 25 March 1982
abolishing the countervailing charge on cucumbers originating in Bulgaria

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 Commission Regulation (EEC) No 575/82 of
11 March 1982 ⁽³⁾, as amended by Regulation (EEC)
No 653/82 ⁽⁴⁾, introduced a countervailing charge on
cucumbers originating in Bulgaria;

Whereas for this product originating in Bulgaria there
were no prices for six consecutive working days;

whereas the conditions specified in Article 26 (1) of
Regulation (EEC) No 1035/72 are therefore fulfilled
and the countervailing charge on imports of cucum-
bers originating in Bulgaria can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 575/82 is hereby repealed.

Article 2

This Regulation shall enter into force on 26 March
1982.

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

Done at Brussels, 25 March 1982.

For the Commission
Poul DALSGER
Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 69, 12. 3. 1982, p. 35.

⁽⁴⁾ OJ No L 76, 20. 3. 1982, p. 29.

COMMISSION REGULATION (EEC) No 695/82

of 25 March 1982

fixing the export refunds 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
Council Regulation (EEC) No 3808/81⁽²⁾,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of that Regulation and prices for those
products in the Community may be covered by an
export refund;

Whereas Article 2 of 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⁾, provides that
when refunds are being fixed, account must be taken
of the existing situation and the future trend with
regard to prices and availabilities of cereals on the
Community market on the one hand, and prices for
cereals and cereal products on the world market on
the other; whereas the same Article provides that it is
also important to ensure equilibrium and the natural
development of prices and trade on cereal markets
and, furthermore, to take into account the economic
aspect of the proposed exports and the need to avoid
disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75
defines the specific criteria to be taken into account
when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as
wheat and rye flour, groats and meal are concerned, in
Article 4 of Regulation (EEC) No 2746/75; whereas
furthermore, when the refund on these products is
being calculated, account must be taken of the quanti-
ties of cereals required for their manufacture; whereas
these quantities were fixed in Regulation No 162/

67/EEC⁽⁴⁾, as amended by Regulation (EEC) No
1607/71⁽⁵⁾;

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

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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 it follows from applying the detailed rules set
out above to the present situation on the market in
cereals, and in particular to quotations or prices for
these products within the Community and on the
world market, that the refunds 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1
(a), (b) and (c) of Regulation (EEC) No 2727/75,
exported in the natural state, shall be as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 26 March
1982.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 25 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 25 March 1982 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — the Iberian peninsula and Zone II b) — other third countries	50.00 61.00 15.00
10.01 B II	Durum wheat	0
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — other third countries	25.00 35.00 0
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — the Iberian peninsula and Zone II b) — Japan — other third countries	27.00 32.00 — 15.00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10.00 —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour ⁽¹⁾ : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	85.00 80.50 74.85 69.25 64.00 57.50

CCT heading No	Description	(ECU / tonne) Refund
ex 11.01 B	Rye flour ⁽¹⁾ : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	35-00 35-00 35-00 35-00
11.02 A I a)	Durum wheat groats and meal ⁽¹⁾ : — of an ash content of 0 to 950 — of an ash content of 951 to 1 300 — of an ash content of 1 301 to 1 500	130-00 130-00 130-00
11.02 A I b)	Common wheat groats and meal ⁽¹⁾ : — of an ash content of 0 to 520	85-00

⁽¹⁾ Destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1).

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

COMMISSION REGULATION (EEC) No 696/82

of 25 March 1982

fixing the corrective amount applicable to the refund on cereals

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 Council Regulation (EEC) No 3808/81⁽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⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1783/81⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be

taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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 preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must 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 Cereals,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 176, 1. 7. 1981, p. 10.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION :

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

Article 2

This Regulation shall enter into force on 26 March 1982.

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

Done at Brussels, 25 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 25 March 1982 fixing the corrective amount applicable to the refund on cereals

CCT heading No	Description	(ECU/tonne)						
		Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		3	4	5	6	7	8	9
10.01 B I	Common wheat, and meslin :	0	0	0	—5.00	—5.00	—5.00	0
10.01 B II	Durum wheat	0	0	0	—	—	—	—
10.02	Rye	0	0	0	—	—	—	—
10.03	Barley	0	0	0	0	0	—	—
10.04	Oats	0	0	0	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

COMMISSION REGULATION (EEC) No 697/82

of 25 March 1982

fixing the export refunds 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 the first
sentence of the fourth subparagraph of Article 17 (2)
thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of that Regulation and prices for those
products within the Community may be covered by an
export refund;

Whereas Article 2 of Council Regulation (EEC) No
1431/76 of 21 June 1976 laying down general rules for
granting export refunds on rice and criteria for fixing
the amount of such refunds ⁽³⁾, provides that when
refunds are being fixed account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of rice and broken rice on the
Community market on the one hand and prices for
rice and broken rice on the world market on the
other; whereas the same Article provides that it is also
important to ensure equilibrium and the natural devel-
opment of prices and trade on the rice market and,
furthermore, to take into account the economic aspect
of the proposed exports and the need to avoid distur-
bances of the Community market;

Whereas Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down
the maximum percentage of broken rice allowed in
rice for which an export refund is fixed and specifies
the percentage by which that refund is to be reduced
where the proportion of broken rice in the rice
exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76
defines the specific criteria to be taken into account
when the export refund on rice and broken rice is
being calculated;

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

Whereas the refund must be fixed at least once a
month; whereas it may be altered in the intervening
period;

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 it follows from applying these rules and
criteria to the present situation on the market in rice
and in particular to quotations or prices for rice and
broken rice within the Community and on the world
market, that the refund should be fixed 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1
of Regulation (EEC) No 1418/76 with the exception of
those listed in paragraph 1 (c) of that Article, exported
in the natural state, shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 26 March
1982.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

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

Done at Brussels, 25 March 1982.

For the Commission
Poul DALSAGER
Member of the Commission

ANNEX

to the Commission Regulation of 25 March 1982 fixing the export refunds on rice and broken rice

CCT heading No	Description	(ECU / tonne) Amount of refund
ex 10.06	Rice : B. I. Paddy rice ; husked rice : b) Husked rice : 1. Round grain 2. Long grain for export to : — Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italia — Other third countries II. Semi-milled or wholly milled rice : a) Semi-milled rice : 1. Round grain 2. Long grain b) Wholly milled rice : 1. Round grain 2. Long grain for export to : — Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia as well as destinations mentioned in Article 3 of Commission Regulation (EEC) No 192/75 ⁽¹⁾ — Zone I — Other third countries III. Broken rice	— 90-00 — — — 112-50 145-00 — —

⁽¹⁾ OJ No L 25, 17. 1. 1975, p. 1.

NB : The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

COMMISSION REGULATION (EEC) No 698/82

of 25 March 1982

fixing the corrective amount applicable to the refund 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 the second
subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the first subparagraph of Article 17 (4) of
Regulation (EEC) No 1418/76 provides that the export
refund applicable to rice and broken rice on the day
on which application for an export licence is made,
adjusted for the threshold price which will be in force
during the month of exportation, must be applied on
request to exports to be effected during the period of
validity of the licence ;

Whereas Regulation No 474/67/EEC ⁽³⁾, as amended
by Regulation (EEC) No 1397/68 ⁽⁴⁾, lays down
detailed rules for the advance fixing of the export
refund on rice and broken rice ;

Whereas that Regulation provides that the refund
applicable on the day on which application for an
export licence is made must, when it is fixed in
advance, be reduced by an amount no greater than the
difference between the cif forward delivery price and
the cif price, where the former exceeds the latter by
more than 0.30 ECU per tonne ; whereas on the other
hand, the refund must be increased by an amount no
greater than the difference between the cif price and
the cif forward delivery price, where the former
exceeds the latter by more than 0.30 ECU per tonne ;

Whereas the cif price is that determined in accordance
with Article 16 of Regulation (EEC) No 1418/76 ;

whereas the cif forward delivery price is that deter-
mined in accordance with Article 3 (2) of Regulation
(EEC) No 1428/76 ⁽⁵⁾, based in respect of each month
for which the export licence is valid, on the cif price
calculated on the basis of offers for shipment during
the month of exportation ;

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 it follows from applying the provisions set
out above that the corrective amount applicable on
1 April 1982 must 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 Cereals,

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 17 (4) of
Regulation (EEC) No 1418/76 which is applicable to
the export refunds 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 1 April 1982.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

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

Done at Brussels, 25 March 1982.

For the Commission
Poul DALSAGER
Member of the Commission

ANNEX

to the Commission Regulation of 25 March 1982 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)					
CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7
ex 10.06	Rice :				
	B. I. Paddy rice, husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	0
	2. Long grain	0	0	0	0
	b) Husked rice :				
	1. Round grain	0	0	0	0
	2. Long grain	0	0	0	0
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	0
	2. Long grain	0	0	0	0
	b) Wholly milled rice :				
	1. Round grain	0	0	0	0
	2. Long grain	0	0	0	0
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 699/82**of 25 March 1982****fixing the corrective amount applicable to the refund on 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 Council Regulation (EEC) No 3808/81⁽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⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1783/81⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and

the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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 preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1982.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 176, 1. 7. 1981, p. 10.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

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

Done at Brussels, 25 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 25 March 1982 fixing the corrective amount applicable to the refund on malt

CCT heading No	(ECU/tonne)					
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9
11.07 A I a)	0	0	0	0	0	0
11.07 A I b)	0	0	0	0	0	0
11.07 A II a)	0	0	0	0	0	0
11.07 A II b)	0	0	0	— 5.00	— 5.00	— 5.00
11.07 B	0	0	0	— 5.00	— 5.00	— 5.00

CCT heading No	(ECU/tonne)					
	6th period 10	7th period 11	8th period 12	9th period 1	10th period 2	11th period 3
11.07 A I a)	0	0	0	0	0	0
11.07 A I b)	0	0	0	0	0	0
11.07 A II a)	0	0	0	0	0	0
11.07 A II b)	— 5.00	— 5.00	— 5.00	— 5.00	— 5.00	— 5.00
11.07 B	— 5.00	— 5.00	— 5.00	— 5.00	— 5.00	— 5.00

COMMISSION REGULATION (EEC) No 700/82
of 25 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 659/82⁽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 26 March 1982.

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

Done at Brussels, 25 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 77, 23. 3. 1982, p. 8.

ANNEX

to the Commission Regulation of 25 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	27.88
	B. Raw sugar	23.17 ⁽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.

COUNCIL REGULATION (EEC) No 701/82**of 25 March 1982****laying down general rules on the distillation of table wines as provided for in
Article 15 of Regulation (EEC) No 337/79**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 337/79
of 5 February 1979 on the common organization of
the market in wine ⁽¹⁾, as last amended by Regulation
(EEC) No 3577/81 ⁽²⁾, and in particular Article 15 (1)
thereof,

Having regard to the proposal from the Commission,

Whereas Article 15 of Regulation (EEC) No 337/79
provides that provisions concerning the distillation of
table wines may be adopted where application of the
market support measures provided for in that Regula-
tion is unlikely to be effective in restoring price levels;

Whereas this is the case at present in respect, in parti-
cular, of red table wines in view of the fact that,
despite a low harvest in the current year, the stocks
from previous years have created supplies which con-
siderably exceed the normal requirements for the
present year; whereas, moreover, the support measures
already taken have not succeeded in restoring
reasonable price levels or reducing the surplus by a
sufficient amount;

Whereas the conditions under which these distillation
operations may take place should be laid down;
whereas, in particular, the price of the wines going for
distillation should not be such as to encourage the
production of wine principally for distillation,
although it should be sufficiently attractive for the
operation to be effective;

Whereas Article 67 of the 1979 Act of Accession
provides that in fixing the level of the various amounts
laid down within the common agricultural policy,
account shall be taken, for Greece, of the accession
compensatory amount, to the extent necessary for the
proper functioning of the common agricultural policy;
whereas the present situation on the market for red
table wines is such that a minimum buying-in price,
less the accession compensatory amount, should not
be fixed for distillation operations carried out in
Greece; whereas any risk of deflection of trade seems

ruled out by the fact that the distillation capacity in
Greece is limited and that no wine is sent to that
country for distillation;

Whereas a complete rationalization of the market
must be brought about while ensuring that the quan-
tity needed to achieve this is not exceeded;

Whereas, in order to ensure appropriate supervision of
distillation operations, distillers should be subject to a
system of approval;

Whereas provision should be made for producers to
conclude delivery contracts with distillers subject to
approval by the intervention agency, in order to facili-
tate monitoring of the progress of operations and of
the observance of the obligations of both parties;
whereas this system would have the added advantage
of making it easier to monitor the quantitative effects
of distillation on the market and, where necessary, to
limit the volume of wines which may be distilled;

Whereas, however, the contracts system must be
adapted in order to take into account the fact that
there are producers who intend to have their wine
distilled on their behalf and producers who themselves
possess distillation plants; whereas, in the case of the
latter producers, the absence of a contractual obliga-
tion necessitates an official analysis of certain charac-
teristics of the wine to be distilled;

Whereas provision should be made for the minimum
price guaranteed to the producer to be paid to him
within a period comparable to that normally applic-
able in commercial sales;

Whereas the price of wine intended for distillation is
not such as to enable the products obtained from this
operation to be marketed normally; whereas adequate
possibilities for direct marketing by distillers exist for
distilled wine of 85 % vol or less, while for certain
products of 86 % vol or more such possibilities might
prove inadequate; whereas, therefore, an aid should be
fixed to make possible the marketing of products
obtained from distillation while making provision for
the distilled wine, once it has been processed into a
product of 96 % vol or more, to be delivered to an
intervention agency; whereas therefore the price at
which it is to be accepted should be fixed and provi-
sion should be made for this operation to be financed
by the European Agricultural Guidance and Guarantee
Fund;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 359, 15. 12. 1981, p. 1.

Whereas, having regard to the serious difficulties with which the intervention agencies of certain Member States might be faced in connection with the marketing of alcohol accepted by them, it appears necessary to authorize Member States to exclude the acceptance of alcohol by their intervention agencies; whereas on the other hand Member States should be allowed to decide to accept, as well, products of 86 % vol or more if the distilleries of such Member States are not able to obtain products of 96 % vol;

Whereas provision should be made for producers who have concluded a delivery contract to terminate it where the market situation would enable them to dispose of the wine more profitably;

Whereas, on the basis of experience gained, a certain margin should be allowed for the quantity of wine specified in the delivery contracts; whereas, moreover, provision should be made, in the event of chance circumstances or *force majeure*, for aid to be paid in respect of the quantity of wine which has actually been distilled;

Whereas, in order to allow the distillation measure to achieve its full purpose and in order to take account of the reality of the market of wines intended for distillation, it appears appropriate to allow these wines to be processed into wine fortified for distillation both by distillers and by manufacturers;

Whereas the manufacture of wine fortified for distillation must take place in the vicinity of the place where the table wine is held, in order to limit transport costs to distilleries a long distance away; whereas authorization of the manufacture of wine fortified for distillation in a Member State other than that in which the producer's winery is located is not justified economically and is likely to create serious monitoring problems; whereas it seems appropriate, therefore, to stipulate that the manufacture of wine fortified for distillation may take place only in the country where the table wine has been produced; whereas it is further appropriate that Member States should be able to restrict the places at which wine fortified for distillation may be processed in order to ensure the most appropriate form of supervision;

Whereas, in each Member State concerned, a body should be made responsible for implementing the provisions in question;

Whereas the addition of an indicator to the wine to be distilled is an efficient monitoring method; whereas it should be stated that the presence of such an indicator

must not prevent the movement of these wines or of the products obtained therefrom,

HAS ADOPTED THIS REGULATION:

Article 1

1. Producers wishing to distil table wines produced by them, pursuant to Article 15 of Regulation (EEC) No 337/79, shall conclude contracts for the delivery of table wines, hereinafter referred to as contracts, with an approved distiller and shall submit them to an intervention agency by a date to be agreed upon.

2. Member States shall inform the Commission each day of the quantities of table wine covered by the contracts presented on the previous day to intervention agencies, broken down according to the colour of the wine.

3. If the information referred to in paragraph 2 shows that the contracts submitted to intervention agencies account for a total quantity of less than 6.5 million hectolitres, but not more than 6.25 million hectolitres by the date agreed upon pursuant to paragraph 1, the Commission may decide to extend the deadline under the procedure provided for in Article 67 of Regulation (EEC) No 337/79.

In this case it may be provided that the final date for presentation of contracts to the intervention agency is extended only for contracts concerning only white table wines or only red table wines so that distribution of the total quantity of table wines covered by the contracts amounts to approximately five million hectolitres of red wine and approximately 1.5 million hectolitres of white wine.

4. If the information referred to in paragraph 2 shows that, before the final date for submission of contracts to intervention agencies, the contracts submitted account for a quantity greater than 6.5 million hectolitres, the Commission shall decide to terminate the submission of contracts.

5. Where the total quantity of table wines covered by the contracts submitted to the intervention agencies exceeds 6.5 million hectolitres, the Commission may decide, under the procedure provided for in Article 67 of Regulation (EEC) No 337/79, that distillation shall be confined to that quantity. In that case, the quantity covered by each contract shall be reduced proportionately, within the limits of the minimum quantity referred to in paragraph 6.

6. For the purposes of this Regulation, each producer may send not less than 50 hectolitres of table wine for distillation.

Article 2

Subject to Article 15, the product obtained from distillation shall have an alcoholic strength of 86 % vol or more or of 85 % vol or less.

Article 3

1. Delivery contracts shall not be valid under this Regulation unless approved, before a date to be agreed upon, by the intervention agency of the Member State in which the wine is held when the contract is concluded.

2. Where distillation takes place in a Member State other than that in which the contract is approved, the intervention agency which approved the contract shall forward a copy of it to the intervention agency of the first Member State.

Article 4

1. Producers :

- who themselves possess distillation plants and who intend to carry out the distillation referred to in Article 1, or
- who intend to have their wine distilled on their behalf in an approved distiller's plant,

shall so inform, before a date to be agreed upon, the intervention agency of the Member State in whose territory their winery is located by means of a declaration of delivery for distillation, hereinafter called 'declaration'. If the distilling plant is located in another Member State, they shall also inform the intervention agency of that Member State by means of a copy of the declaration.

2. For the purposes of this Regulation, the contract referred to in Article 1 (1) shall be replaced :

- in the case specified in the first indent of paragraph 1, by the declaration,
- in the case specified in the second indent of paragraph 1, by the declaration accompanied by a contract for delivery for distillation on the producer's behalf concluded between the producer and the distiller.

3. The declaration referred to in paragraph 1 shall not be valid under this Regulation unless approved, before a date to be agreed upon, by the intervention agency of the Member State on whose territory the producer's winery is located.

4. In the case referred to in the first indent of paragraph 1, a sample of the wine to be distilled shall be taken, under the supervision of an official body of the

Member State on whose territory the producer's winery is situated, for analysis, by an official laboratory, of its actual alcoholic strength by volume, total acidity, volatile acidity and sulphur dioxide content.

The producer shall forward the results of this analysis, certified by an official body, to the intervention agency of the Member State where the distillation took place.

5. A representative of an official body shall check the quantity of wine distilled and the date of distillation.

6. Producers who have lodged a declaration shall be obliged to distil, or to arrange for the distillation, of the wine covered by that declaration.

Article 5

1. The minimum buying-in price for table wines for distillation shall be fixed at :

- 2.42 ECU per hectolitre per % vol for red wines,
- 2.26 ECU per hectolitre per % vol for white wines.

These wines must have an actual alcoholic strength by volume of more than 9.5 %.

2. The prices referred to in paragraph 1 shall apply to bulk merchandise ex producer's premises.

Article 6

1. The intervention agency shall pay aid to the distiller for distilled wine.

Where the product obtained from distillation is of 85 % vol or less, the amount of aid shall be fixed at :

- 1.82 ECU per hectolitre per % vol for red wines,
- 1.66 ECU per hectolitre per % vol for white wines.

Where the product obtained from distillation has an alcoholic strength of 86 % vol or more, the amount of aid shall be fixed at :

- 1.86 ECU per hectolitre per % vol for red wines,
- 1.70 ECU per hectolitre per % vol for white wines.

2. Without prejudice to paragraph 4, the intervention agency shall be under an obligation to buy in the product not eligible for aid, which the distiller offers it, provided that this product has an alcoholic strength of at least 96 % vol and meets the analytic criteria to be laid down by the Member State concerned.

Member States may, however, lay down that their intervention agencies shall be under an obligation likewise to buy in the product with an alcoholic strength of less than 96 % vol but not less than 86 % vol offered to them by the distiller.

3. The price to be paid by the intervention agency to the distiller shall :

(a) for the product referred to in the first subparagraph of paragraph 2, be :

- 2.87 ECU per hectolitre per % vol where the product is obtained from the distillation of red wine,
- 2.71 ECU per hectolitre per % vol where the product is obtained from the distillation of white wine ;

(b) for the product referred to in the second subparagraph of paragraph 2, be the price referred to, as the case may be, in the first indent of (a) or the second indent of (a), less 0.17 ECU per hectolitre per % vol.

4. The Member States may provide for the competent intervention agency not to buy in the products referred to in paragraph 2.

5. Financing by the EAGGF, Guarantee Section, of intervention agencies' costs arising from products accepted is hereby fixed at :

- 2.12 ECU per hectolitre per % vol for products obtained from the distillation of red wine,
- 1.96 ECU per hectolitre per % vol for products obtained from the distillation of white wine.

6. Regulation (EEC) No 729/70 shall apply to the EAGGF financing referred to in paragraph 5.

Article 7

1. The minimum buying-in price referred to in Article 5 shall be paid by the distiller to the producer within ninety days at the latest of the date of entry into the distillery :

- of the total quantity of the wine covered by the contract when a single delivery is made,
- of each consignment of wine when delivery of the wine covered by the contract is made in stages.

2. The intervention agency shall pay to the distiller the aid provided for in Article 6 (1) within 90 days at the latest of presentation of proof that the total quantity of wine appearing in the contract has been distilled.

The distiller shall be required to supply the intervention agency with proof that he has paid the minimum buying-in price of the wine within the time limits in paragraph 1. If such proof is not presented within 120 days of the date of presentation of the proof referred to in the first subparagraph, the aid shall be recovered by the intervention agency.

3. The distiller may ask for an amount equal to the aid referred to in Article 6 (1) to be paid to him in advance on condition that he has lodged a security

equal to 110 % of the amount in the name of the intervention agency. The security shall be given in the form of a guarantee by an establishment meeting the criteria laid down by the Member State to which the intervention agency is responsible. The advance payment cannot be made until after the date of approval of the delivery contract.

Subject to Article 10, the security provided for in the first subparagraph shall not be released unless, within a specified period, evidence is provided that :

- the total quantity of wine covered by the contract has been distilled,
- the minimum buying-in price has been paid to the producer within the time limits in paragraph 1.

When the security is released, the intervention agency shall make the adjustments required to take account of the margins provided for in Article 9.

4. The buying-in price for the product referred to in Article 5 (2), on delivery by the distiller to the intervention agency, shall be paid by the intervention agency to the distiller within 90 days at the latest of delivery.

The distiller shall be required to supply the intervention agency with proof that he has paid the minimum buying-in price of the wine within the time limits in paragraph 1. If such proof is not supplied within 120 days of delivery of the product, the intervention agency shall recover the amount paid to the distiller.

Article 8

Should the average prices, for not less than 50 % of the quantities quoted of a type of table wine, exceed 90 % of the activating price for that type of wine, it may be decided that delivery contracts for wines of this type may be terminated wholly or in part at the request of the producer.

Termination of the contract shall be permitted only in cases where the amounts paid by the intervention agency are refunded.

Article 9

A margin of 10 % more or less than the quantity of wine indicated in the contracts referred to in Article 1, subject to the amount provided for in Article 1 (6), shall be permitted for the quantity of wine actually delivered to the distillery.

The intervention agency shall pay the aid provided for in Article 6 for the quantity of wine which has actually been distilled, within the margin referred to in the first subparagraph.

Article 10

Where, owing to chance circumstances or *force majeure*, all or some of the wine covered by a contract referred to in Article 1 cannot be distilled, the distiller or the producer shall immediately so inform :

- the intervention agency of the Member State in whose territory the distillation plant is located, and
- if the producer's winery is located in another Member State, the intervention agency of that Member State.

In the cases referred to in the first paragraph, the intervention agency shall pay the aid referred to in Article 6 in respect of that quantity of wine which has actually been distilled.

Article 11

The wine intended for distillation as provided for in Article 1 (1) may be processed into wine fortified for distillation by the distiller or by an approved manufacturer other than the producer.

If the operation is carried out by a manufacturer, Articles 1 to 3 and 5 to 10 shall apply subject to the provisions of the following Articles.

Article 12

1. In the case referred to in the second subparagraph of Article 11, the contracts provided for in Article 1 shall be concluded between a producer and a manufacturer.

2. These contracts shall involve the manufacturer in the obligation :

- (a) to purchase the quantity of wine appearing therein and to process all of it into wine fortified for distillation ;
- (b) to deliver the wine fortified for distillation to an approved distiller ;
- (c) to pay to the producer not less than the price specified in Article 5.

Article 13

1. In the case referred to in the second subparagraph of Article 11, wine fortified for distillation may be produced only in the territory of the Member State where the producer's winery is located and within a specified period of time.

2. The manufacture of wine fortified for distillation, as referred to in paragraph 1, shall be subject to official supervision. For this purpose :

- the document(s) and the register(s) provided for in Article 53 of Regulation (EEC) No 337/79 shall state the increase in actual alcoholic strength by volume, expressed as % vol, giving the strength before and after the addition of the distillate to the wine,

- before the wine is processed into wine fortified for distillation, a sample shall be taken under the supervision of an official body for analysis by an official laboratory, or by a laboratory operating under official supervision, of the actual alcoholic strength by volume. Two copies of the results of this analysis shall be sent to the manufacturer of the wine fortified for distillation, who shall forward one copy to the intervention agency of the Member State where the wine fortified for distillation was produced.

3. Member States may restrict the places at which wine fortified for distillation may be processed to the extent that such restriction is necessary to ensure the most appropriate form of supervision.

Article 14

In the case referred to in the second subparagraph of Article 11, the price specified in Article 5 shall be paid by the manufacturer when the total quantity of wine appearing in the contract has entered his installations.

Article 15

In the case referred to in the second subparagraph of Article 11, wine fortified for distillation shall be distilled before a specified date. The product obtained from the distillation of wine fortified for that purpose shall have an alcoholic strength by volume of 85 % or less.

Article 16

1. The intervention agency of the Member State where the wine fortified for distillation has been manufactured shall pay to the manufacturer the amount referred to in Article 6 (1) in accordance with the procedures referred to in Article 7 (2) or (3).

2. The aid shall be calculated by hectolitre and by % vol of the actual alcoholic strength of the wine before it is fortified for distillation.

3. The margin provided for in Article 9 shall apply to the quantities of table wine delivered to the manufacturer's installations. The aid shall be paid for the quantity of table wine which, after being fortified for distillation, has actually been distilled.

The aid shall be paid for the quantity of table wine which, after being fortified for distillation, has actually been distilled.

Article 17

For the purposes of this Regulation, 'an approved distiller' shall mean a distiller included on a list to be compiled by the competent authorities of the Member States.

A person on whose behalf distillation is carried out shall be treated in the same way as a distiller within the meaning of the first paragraph.

Such distillation must be carried out by an approved distiller.

For the purposes of this Regulation 'an approved manufacturer' shall mean a manufacturer included on a list to be compiled by the Member States.

Approval of a distiller or of a manufacturer may be withdrawn by the competent authority if he does not satisfy the obligations incumbent upon him, pursuant to Community provisions.

Article 18

1. The intervention agencies responsible for implementing this Regulation shall be those appointed by the Member States in accordance with Article 8 of Regulation (EEC) No 343/79.
2. Without prejudice to Articles 3 (1), 4 (3) and 16 (1), the competent intervention agency shall be that of

the Member States in whose territory distillation takes place.

Article 19

Member States shall take the measures necessary to ensure that this Regulation and, in particular, checks to prevent the deflection of table wine from its end-use of distillation, are implemented. To this end Member States may stipulate that an indicator may be used.

Member States may not prevent the movement within their territory of a table wine intended for distillation or of distilled products obtained from such wine, because of the presence of an indicator.

Article 20

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, 25 March 1982.

For the Council

The President

L. TINDEMANS

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 December 1981

relating to a proceeding under Article 85 of the EEC Treaty

(IV/30.307 — Fire insurance (D))

(Only the English text is authentic)

(82/174/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 85 and 87 thereof,

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Article 11 (5) thereof,

Whereas :

I

- (1) The Northern Assurance Co. Ltd ('Northern') is a British undertaking which among its other activities acts as an insurer of industrial fire risks. It is represented in the Federal Republic of Germany by a branch office in Bremen, entitled The Northern Assurance Co. Ltd, London, Direktion für Deutschland.
- (2) The Commission is conducting an investigation into suspected infringements of Article 85 (1) of the EEC Treaty in connection with premium recommendations for industrial fire and consequential loss insurance issued by the Verband

der Sachversicherer E.V., Cologne (Association of Property Insurers — ('the VdS').

- (3) In the course of this investigation the Directorate-General for Competition wrote to Northern (Direktion für Deutschland) on 20 March 1981, stating the purpose of the investigation and requesting information on several matters relating to the undertaking's market position and its conduct in the Federal Republic of Germany. An identical request for information was sent at the same time to 16 other Community insurers operating in the Federal Republic of Germany, but represented there only by branch offices. The questions put to Northern, which have not so far been answered, are set out in Article 1 of this Decision. By letter dated 25 June 1981 the Directorate-General for Competition once again asked Northern (Direktion für Deutschland) for an exhaustive reply to the questions, but without success.
- (4) Northern takes the view that it is not caught by Article 85 of the EEC Treaty, and that consequently it is not required to answer the questions put to it. It further states that the Commission had already received answers to questions 1 to 4 from the German Bundesaufsichtsamt für das Versicherungswesen (Federal Supervisory Office for Insurance), and that worthwhile answers to questions 5 to 7 can be supplied only by the so-called leading German insurers.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

II

- (5) The information which Article 1 of this Decision now requires once again is necessary, within the meaning of Article 11 (1) of Regulation No 17, for an assessment of whether the recommended premiums mentioned are likely to affect trade between Member States, and of Northern's reaction to them. It is therefore information which Article 11 (1) empowers the Commission to obtain in order to inquire into agreements, decisions and concerted practices prohibited by Article 85 (1).
- (6) 1. The premium recommendations for fire and consequential loss insurance, which the VdS decided in the summer of 1980 and promulgated to its members by letters dated 13 June and 1 August 1980 could, in the event that they were such as to affect trade between States, constitute a means of restricting competition within the meaning of Article 85 (1) of the EEC Treaty. Almost all domestic and foreign fire insurers operating in the Federal Republic of Germany belong to the VdS. No member undertaking of the VdS has dissociated itself from the non-binding premium recommendations decided by the competent bodies of the association. Anti-competitive behaviour may thus be present in two forms: (i) in the form of decisions by an association of undertakings (the VdS) which have as their object an appreciable restriction of competition in the common market, and (ii) in the form of concerted practices engaged in by the individual member undertakings of VdS, to whom the premium recommendations are addressed.
- (7) 2. The premium recommendations may affect trade between States, because Community fire insurers with their offices outside the Federal Republic of Germany belong to the association of undertakings, the VdS, which has issued them. Such a likelihood would also appear to be present if several of these Community fire insurers have, as leading insurers or as co-insurers, concerted their German fire insurance business with other insurers on the basis of the premium recommendations.
- (8) Community fire insurers doing business in the Federal Republic of Germany while having their head offices elsewhere are taking part in trade, that is to say economic activity, between Member States. It is irrelevant that under the

Versicherungsaufsichtsgesetz (Insurance Supervision Act) they may operate in the Federal Republic of Germany only if they are represented there by a branch office, unless the tests for applying the Council Directive on co-insurance of 30 May 1978 ⁽¹⁾ are met. Such branches may indeed be treated as independent domestic undertakings by the legislature of the country. They do not however thereby become domestic undertakings with separate legal personality for purposes of Article 85 *et seq.* of the EEC Treaty.

- (9) It cannot be rejoined that the service which forms the essence of an insurer's activities, namely taking over a specified risk, is performed within one country. Although insurance contracts are concluded by the company's senior official within the country and although foreign insurers must present certain financial guarantees within the country for the observance of their contractual obligations and payments made by the foreign insurer are frequently drawn from financial resources within the country, nevertheless from the point of view of competition policy a branch office is to be regarded only as an arm of the foreign insurer. It is significant here that several times in the course of the investigation the Commission has received interim replies to its questions, which stated that the relevant German branch office had first to contact the management of the firm abroad.
- (10) From a business point of view a branch office is entirely dependent on the goodwill of the foreign insurer. It is frequently responsible for the insurance business of the subsidiaries within the country of foreign policy-holders who have concluded international insurance agreements with the foreign insurer. The management of the foreign insurance firm not only determines policy for the branch office's activities; as a foreign undertaking it also has rights and obligations conferred on it in private law by the insurance contracts the branch office concludes, regardless of the fact that the public law on the supervision of insurance business requires that under organization and book-keeping aspects the business transferred to the branch office be independent. Finally, profits made within the country accrue to the foreign insurer, and in the event of persistent losses it is the foreign insurer

⁽¹⁾ OJ No L 151, 7. 6. 1978, p. 25.

which must replenish the branch office's local finances from its resources abroad. Under these circumstances it would be somewhat contrived to argue that insurance undertakings with branch offices in other Community Member States do not take part in commercial dealings between those States and their own State.

overall assessment to be made of those insurers' German business. The findings which those figures make possible are at best sufficient to suggest that the recommended premium issued by VdS constitute decisions of an association of undertakings which infringe Article 85 (1).

- (11) 3. The premium recommendations issued by the VdS may be capable of appreciably affecting trade between Member States even if the share of the German market held by foreign Community insurers is relatively small (2.12 % of gross premium income in the 1979 financial year). There is always a likelihood that trade between States will be appreciably affected when a restrictive measure applies to almost the entire volume of inter-State trade which can currently be observed or which could, in the absence of the restriction, develop in the foreseeable future.
- (12) Even if, as a result of natural and legal circumstances, only minor inter-State trade flows are to be observed or can be expected, as in the present case, it does not follow that undertakings are free to take measures which seek to reduce competition within this trade on the grounds that the effect is not appreciable. The share of the German market held by the 17 Community fire insurers belonging to the VdS cannot be the decisive consideration here. It is clear that this market share represents almost the whole volume of commercial dealings between the Federal Republic of Germany and other Member States in the field of industrial fire insurance, and that no significant number of new competitors based in other Community countries can be expected to appear in the foreseeable future.
- (13) To conduct its investigation the Commission must obtain information on the individual circumstances of the individual Community insurers belonging to the VdS who have their head offices outside the Federal Republic of Germany. This requirement is not satisfied by figures available from other sources which allow
- (14) Since the Commission is to investigate further whether the non-German Community insurers have infringed Article 85 (1) by engaging in concerted practices based on these recommended premiums, it requires the information which it has requested from them individually, and which has in fact been supplied in almost all cases.
- (15) It is not true to say, as Northern does, that the Bundesaufsichtsamt für das Versicherungswesen has already provided the Commission with the replies to questions 1 to 4 in Article 1 of this Decision. The information supplied by that authority relates to the combined shares of the German market held by British, French, Italian and Dutch fire insurers, but not to those insurers' individual expenditure and premium receipts.
- (16) As regards questions 5 to 7, the Commission cannot content itself with Northern's blanket assurance that it merely took note of the premiums recommended by the VdS and that it must maintain the necessary degree of flexibility in the business policy it pursues. The Commission needs to know how many insurance contracts of the kinds to which the recommended premiums refer could have been amended in the period in question (1 July 1980 to 31 March 1981), how many actually were amended, and what the amendments were.
- (17) The same applies to the co-insurance business ('Beteiligungsgeschäft') in which one or more insurers act as co-insurers together with the leading insurer, who settles premium rates and conditions of insurance by agreement with them. In these cases particularly, it is important to know whether non-German Community insurers accepted, by agreement with the leading German insurers, that contracts should be amended to accord with the recommendations.

III

IV

- (18) Articles 15 (1) (b) and 16 (1) (c) of Regulation No 17 empower the Commission by decision to impose on undertakings or associations of undertakings :
- (a) fines of from 100 to 5 000 European units of account where they intentionally or negligently supply incorrect information in response to a request made pursuant to Article 11 (3) or (5), or do not supply information within the time limit fixed by a decision taken under Article 11 (5);
 - (b) periodic penalty payments of from 50 to 1 000 European units of account per day, calculated from the date appointed by the decision, in order to compel them to supply complete and correct information which it has requested by decision taken pursuant to Article 11 (5).
- (19) In the present case the Commission needs to receive in full the information it first requested by letter of 20 March 1981. It would appear advisable, however, to allow Northern a period of reflection so that it can acquaint itself thoroughly with the legal consequences of continued refusal to supply the information. The Commission feels it would be appropriate to fix a time limit of two months from the date of notification of this Decision for the supply of the information,
- 4. What were the administrative costs and other costs related to industrial fire and consequential loss insurance in the years 1978, 1979 and 1980 ?
 - 5. How many contracts for industrial fire and consequential loss insurance of the kinds covered by the 'Grundsätze für die Tarifierung der industriellen und großgewerblichen Feuer- und FBU-Risiken' (principles for the rating of industrial and large-scale business, fire and consequential loss of profit risks), in the form in which those principles were stated of 3 February 1977, were current on 1 July 1980 ?
 - 6. (a) On 1 July 1980, how many of the contracts referred to in question 5 were for more than one year ?
 - (b) How many of the contracts referred to at point (a) were due to expire on or before 31 March 1981 ?
 - (c) How many of the contracts referred to at (b) were renewed for more than one year in the period 1 July 1980 to 31 March 1981 ?
 - 7. (a) Under how many of the contracts referred to in question 5 has the premium been reduced since 1 July 1980, and under how many has it been increased ?
 - (b) Under how many of the contracts referred to in question 5 could no change be made in the rates of premium before 31 March 1981, because the original premiums were still in force under such contracts ?

HAS ADOPTED THIS DECISION :

Article 1

The Northern Assurance Company Limited, London, is required within two months of notification of this Decision to answer the following questions regarding its German business in the field of industrial fire and consequential loss insurance :

- 1. What was its premium income from industrial fire and consequential loss insurance in the Federal Republic of Germany in the years 1978, 1979 and 1980 ?
- 2. What were the average rates of premium (measured against the sum insured) under industrial fire and consequential loss insurance contracts in the years 1978, 1979 and 1980 ?
- 3. What was the amount of compensation paid under industrial fire and consequential loss insurance contracts in the years 1978, 1979 and 1980 ?

Article 2

This Decision is addressed to the Northern Assurance Co. Ltd, St Helen's, 1 Undershaft, London EC3P 3DQ.

Application may be made to the Court of Justice of the European Communities, Luxembourg, for review of this Decision as provided in the Treaty establishing the European Economic Community, and in particular Articles 173 and 185 thereof, within two months from the date on which the Decision is notified.

Done at Brussels, 9 December 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 10 March 1982

**on a direct aid for the purchase of oil-based fuels for heating glasshouses,
granted by the Belgian Government to commercial horticulturalists subject to
the special value-added tax scheme**

(Only the Dutch and French texts are authentic)

(82/175/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

I

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

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 Article 31 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⁽³⁾, as last amended by the Act of Accession of Greece, and in particular Article 11 thereof,

Having regard to Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty⁽⁴⁾, as last amended by Regulation (EEC) No 2966/80⁽⁵⁾, and in particular Article 5 thereof,

Having given notice to the parties concerned to submit their comments in accordance with the first subparagraph of Article 93 (2) of the EEC Treaty and having regard to these comments,

Whereas by letter dated 28 April 1981 from the Office of its Permanent Representative, received by the Commission on 30 April 1981, the Belgian Government informed the Commission, at the latter's request, under Article 93 (3) of the Treaty, of an aid towards the purchase of oil-based fuels used in heating glasshouses granted to commercial horticulturalists subject to the flat-rate value-added tax scheme applicable to farmers, for the purpose of offsetting the increase in value-added tax on such fuels; whereas this aid was, however, introduced by Ministerial Decree No 81-11 of 2 December 1980, published in the 'Moniteur belge' of 6 January 1981, without prior notice being given to the Commission under Article 93 (3) of the Treaty to allow time for comment at the proposal stage;

Whereas the aid measure takes the form of a direct aid of 1.20 Bfrs/kg for heavy fuel oil and extra heavy fuel oil and 0.90 Bfr/litre for diesel and light fuel oil used for heating glasshouses by commercial horticulturalists subject to the flat-rate system of value-added tax applicable to farmers; whereas the aid applies to quantities of fuel delivered to horticulturalists between 1 October 1980 and 31 December 1981 and paid for by them before 31 March 1982;

Whereas, in its reply, the Belgian Government argued that the measure was not an aid but was designed to neutralize the effects of adjustments made on 1 October 1980 in the excise tax and value-added tax arrangements applying to fuel used in horticulture under glass; that excise duties on fuel oil and diesel oil had been reduced to zero and the value-added tax raised from 6 % to 16 % and that commercial horticulturalists subject to the flat-rate value-added tax scheme applicable to farmers were unable through the normal value-added tax scheme to pass on the extra cost of their inputs occasioned by the tax changes affecting them, so that the Belgian Government had had to act to offset the increase in value-added tax from 6 % to 16 % as it affected such horticulturalists;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽⁴⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽⁵⁾ OJ No L 307, 18. 11. 1980, p. 5.

Whereas, pursuant to specific Articles of the Regulations on the common organization of markets mentioned above, Articles 92 to 94 of the Treaty are applicable to this aid ;

Whereas the new arrangement reduces the cost of heavy fuel oil by 0.64 Bfr/kg and of diesel oil by 0.30 Bfr/litre in relation to the former system ; whereas these reductions inevitably change the price relationship between fuels in favour of heavy fuel oil ; whereas, therefore, the compensation given does more than simply offset the increase in value-added tax on these fuels ;

Whereas, in view of the situation described, the direct aid has had the effect of reducing the cost of certain inputs (in this case oil-based fuels) for a certain class of producers (in this case commercial horticulturalists) and a certain type of production (in this case horticulture under glass), thereby fulfilling the criteria set out in Article 92 (1) of the Treaty without qualifying for any of the derogation provided for in Article 92 (3) ;

Whereas the justification advanced by the Belgian Government to the effect that the measure offsets the increase in value-added tax on oil-based fuels cannot be accepted ; whereas the Belgian Government, if it had wished to provide effective compensation for the increase in value-added tax, should have acted under Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — common system of value-added tax : uniform basis of assessment⁽¹⁾, and in particular Article 25 thereof, which allows Member States to fix flat-rate compensation percentages at different levels for the different subdivisions of agriculture, and not by granting a specific aid which, by its form, is not such as to ensure proper compensation ;

Whereas the Commission, in the light of its analysis of the case, initiated on 19 June 1981 the procedure provided for in Article 93 (2) of the Treaty, in relation to the said aid, giving the parties concerned notice to submit their comments ;

II

Whereas the Belgian Government, in its reply to the Commission, dated 17 August 1981, restated its argument that the measure was not an aid but simply

designed to maintain fair competition between horticulturalists subject to the normal scheme and those subject to the flat-rate scheme following the tax changes on 1 October 1980, since the latter producers were not able to pass on the increased tax to their customers as were the former ; whereas it stated that the funds to finance the measure had to come from value-added tax revenue transferred for the purpose from the Ministry of Finance to the Belgian agricultural fund, that although the Belgian Government had been aware that compensation could be provided through the particular mechanism of the value-added tax scheme, it had not adopted this course because urgent action had been required, and that the introduction of a different rate for horticulture under glass would have required protracted negotiations because Belgium operates a single flat-rate of value-added tax compensation for farmers in all sectors ;

Whereas the Belgian Government's reply was not such as to change the Commission's appraisal of the measure ;

Whereas several Member States and other parties concerned have submitted comments to the Commission ; whereas these support the Commission's view ;

III

Whereas it follows from the foregoing that the aid granted by the Belgian Government is such as to affect trade between Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the Treaty ;

Whereas Article 92 (1) of the Treaty lays down the principle that aids fulfilling the criteria set out therein are incompatible with the common market ; whereas the exceptions to this rule contained in Article 92 (3) relate to aims pursued in the interests of the Community and not only of particular sectors of national economies ; whereas these exceptions are to be interpreted strictly in the examination of any aid programme for a specific region or sector and of any individual case where general aid schemes are operated ; whereas derogations may only be granted if the Commission ascertains that the aid is necessary to attain one of the aims mentioned in the Treaty provisions ;

Whereas, in the case at issue, the Commission takes the view that there is no offsetting advantage which would justify a derogation as provided for in Article 92 (3) of the Treaty ;

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1.

Whereas therefore it is clear that the measure is not such as to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment, or to promote the execution of an important project of common European interest, or to remedy a serious disturbance in the economy of the Member State concerned; whereas it follows that Article 92 (3) (a) and (b) of the Treaty cannot be invoked;

Whereas, furthermore, the aid for the purchase of fuel, being aid intended to reduce the cost of certain inputs, constitutes an operating subsidy to the agricultural holdings receiving it which has no lasting effects; whereas the Commission has consistently opposed such aids since they normally do not in themselves fulfil the conditions justifying derogation under Article 92 (3) (c) of the Treaty because they are not such as to encourage development of the kind described therein;

Whereas, in view of the fact that farmers in all the Member States are in a similar economic situation, characterized by stationary or falling incomes at a time of rapidly increasing costs of production, and given also the appreciable competition within the Community in products of the sector concerned, the measure is likely to impair trading conditions to a degree contrary to the common interest;

Whereas consequently the measure in question should be prohibited,

HAS ADOPTED THIS DECISION:

Article 1

The direct aid for the purchase of oil-based fuels used in heating glasshouses granted by the Belgian Government to commercial horticulturalists subject to the special value-added tax scheme, as notified by the Belgian Government to the Commission on 28 April 1981 and as published in Ministerial Decree No 81-11 of 2 December 1980, is incompatible with the provisions of Article 92 of the Treaty and must therefore be abolished.

Article 2

The Kingdom of Belgium shall inform the Commission of the measures taken in order to comply with this Decision within one month of being notified thereof.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 10 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

THE EUROPEAN COMMUNITY'S RESEARCH POLICY

**Science and research are foundation stones for long-term economic development.
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