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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 945/82**of 26 April 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 23 April 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 27 April 1982.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 26 April 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	77.02
10.01 B II	Durum wheat	140.97 ⁽¹⁾ ⁽²⁾
10.02	Rye	53.65 ⁽⁶⁾
10.03	Barley	78.18
10.04	Oats	58.42
10.05 B	Maize, other than hybrid maize for sowing	84.45 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	93.52 ⁽⁴⁾
10.07 C	Grain sorghum	83.34 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	122.76
11.01 B	Rye flour	90.06
11.02 A I a)	Durum wheat groats and meal	232.06
11.02 A I b)	Common wheat groats and meal	130.42

⁽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 946/82**of 26 April 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
23 April 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 27 April
1982.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 26 April 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 4	1st period 5	2nd period 6	3rd period 7
10.01 B I	Common wheat, and meslin	0	5.52	5.52	20.56
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1.00	1.00	1.00
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	1.01	1.01	2.02
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	7.73	7.73	28.83

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	9.83	9.83	36.60	36.60
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	7.34	7.34	27.34	27.34
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 947/82
of 22 April 1982
amending the arrangements for imports of certain textile products originating
in Taiwan

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1023/70 of 25 May 1970 establishing a common
procedure for administering quantitative quotas ⁽¹⁾, and
in particular Articles 2 and 11 thereof,

Whereas Community quantitative quotas for the
importation of certain textile products originating in
Taiwan were established by Commission Regulation
(EEC) No 3020/77 of 30 December 1977 ⁽²⁾ for the
period 1 January 1978 to 31 December 1982; whereas
those import arrangements were maintained by
Council Regulation (EEC) No 255/78 of 7 February
1978 ⁽³⁾, pending the introduction of definitive
arrangements;

Whereas the quantitative quotas established by the
said Regulation (EEC) No 3020/77 were last adjusted
by Commission Regulation (EEC) No 681/81 ⁽⁴⁾;

Whereas it has been found necessary to increase
certain of the quantitative quotas established by the

abovementioned Regulation (EEC) No 681/81 to take
account of the requirements of the Community
market;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Quota
Administration Committee set up under Article 10 of
Regulation (EEC) No 1023/70,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 681/81 is hereby
amended in accordance with the Annex to this Regu-
lation in respect only of the year 1982.

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, 22 April 1982.

For the Commission
Wilhelm HAFERKAMP
Vice-President

⁽¹⁾ OJ No L 124, 8. 6. 1970, p. 1.

⁽²⁾ OJ No L 357, 31. 12. 1977, p. 51.

⁽³⁾ OJ No L 39, 9. 2. 1978, p. 1.

⁽⁴⁾ OJ No L 76, 21. 3. 1981, p. 1.

ANNEX

Category	CCT heading No	NIMEXE code (1982)	Description	Member States	Units	Quantitative limits from 1 January to 31 December 1982
97	59.05	59.05-11 ; 21 ; 29 ; 91 ; 99	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope :	D	Tonnes	82
				F		53
				I		9
			Nets and netting made of twine, cordage or rope and made up fishing nets of yarn, twine, cordage or ropes	BNL		38
				UK		38
				IRL		42
				DK		17
				GR		205
				EEC		484

COMMISSION REGULATION (EEC) No 948/82

of 26 April 1982

amending Regulation (EEC) No 65/82 laying down detailed rules for carrying forward sugar to the following marketing year

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 last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Articles 27 (3), 30 (5) and 32 (3) thereof,

Whereas Article 27 of Regulation (EEC) No 1785/81 has been amended to lay down that the start of the storage period for sugar which is carried forward to the following marketing year may vary according to when the sugar in question was produced; whereas, in consequence, Commission Regulation (EEC) No 65/82⁽³⁾ should be amended;

Whereas Article 27 (3) of Regulation (EEC) No 1785/81 provides that a limit may be placed on the quantities of sugar which may be carried forward; whereas it is opportune to impose such a limit from the 1982/83 marketing year whilst providing, nevertheless, that this limit may be changed having regard to the market regulation function of this regime; whereas, to facilitate the change from an unlimited to a more restrictive regime, a transitional measure should be laid down to cover the carry-forward from the 1982/83 marketing year to the 1983/84 marketing year;

Whereas sugar carried forward may be affected as a result of *force majeure*, and the provisions should be supplemented accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 65/82 is hereby amended as follows:

1. Article 2 is replaced by the following:

Article 2

1. An undertaking may decide to carry forward sugar only if the Member State concerned verifies that such sugar was produced as B sugar or as C sugar.

This decision by the undertaking may apply only up to a maximum quantity not exceeding 20 % of its A quota applicable in the marketing year during which the sugar in question was produced.

However, undertakings which decided during the 1981/82 marketing year to carry forward to the 1982/83 marketing year a quantity exceeding the limit referred to in the second subparagraph may decide to carry forward to the 1983/84 marketing year a maximum quantity equal to that quantity.

For the sugar in question the storage period referred to in Article 27 (2) of Regulation (EEC) No 1785/81 shall begin on the date notified by the undertaking to the Member State, provided that the latter has verified that this sugar was produced before that date.

2. For the purposes of the verification referred to in paragraph 1 the Member State shall:

(a) add the quantities of sugar already carried forward from the preceding marketing year to the quantities of sugar produced during the current marketing year up to the date of the relevant decision to carry forward; and

(b) subtract from the total referred to under (a) any quantities of C sugar exported before the date of the relevant decision to carry forward and any quantities subject to a decision to carry forward taken during the current marketing year.

3. The quantities of sugar carried forward shall be regarded as the first A sugar to have been produced during the marketing year to which they were carried forward.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 9, 14. 1. 1982, p. 14.

4. Where a Member State takes action under Article 2 (6) of Council Regulation (EEC) No 193/82⁽¹⁾ it may, in order to achieve the objective referred to in that paragraph, provide that the limit laid down in the second subparagraph of paragraph 1 shall not apply to the sugar-producing undertaking during the marketing year or years for which a part of its quotas has been reallocated to one or more other sugar-producing undertakings.

Moreover, if the sugar-producing undertaking, a part of whose quotas has been reallocated to one or more other sugar-producing undertakings with effect from a given marketing year pursuant to Article 2 (6) of Regulation (EEC) No 193/82, decided before such reallocation to carry forward a quantity of sugar to the same marketing year, that decision shall be regarded as having been taken by the sugar-producing undertaking or undertakings benefiting from the reallocation of the quotas to the extent of such reallocated quotas.

⁽¹⁾ OJ No L 21, 29. 1. 1982, p. 3.

2. Article 3 is replaced by the following:

'Article 3

1. Subject to paragraph 3, and in respect of the beet which was processed into the sugar carried forward, the undertaking concerned shall pay a price at least equal to the minimum price for A beet in force on the date of expiry of the obligatory storage period of the sugar in question. This price shall be adjusted by increases or reductions corresponding to the differences in quality from the standard quality.

2. Where an undertaking has taken a decision to carry forward but has not, in respect of the beet processed into the sugar carried forward, made a provisional payment corresponding to the minimum price for A beet in force during the marketing year in which it was produced, that undertaking shall be bound to apportion with the beet producer the storage reimbursement for the period referred to in Article 27 of Regulation (EEC) No 1785/81.

For the purposes of this apportionment regard shall be had to the following:

- (a) the financing costs taken into account in fixing the amount of the relevant storage reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81;

- (b) the percentage referred to in Article 29 (2) of that Regulation;

- (c) the yield referred to in Article 4 (2) of that Regulation.

3. With the agreement of the Member State concerned, a derogation from the provisions of paragraph 1 may be made under an inter-trade agreement.

Where Article 30 (3) of Regulation (EEC) No 1785/81 is applied a derogation from paragraph 1 may not result in the total receipts of any beet producer being less than those resulting from the application of Articles 6 and 32 of that Regulation.'

3. Article 4 is replaced by the following:

'Article 4

The notification referred to in Article 27 (2) of Regulation (EEC) No 1785/81 shall include:

- (a) a declaration by the undertaking concerned that the sugar to be carried forward is B sugar or C sugar and will be stored within the meaning of the said Article 27 for the period beginning on the date referred to under (c);
- (b) the quantity, expressed as white sugar, of B sugar or C sugar to be carried forward;
- (c) the date on which the obligatory storage period begins;
- (d) the information necessary for the verification referred to in Article 2 of this Regulation.

Member States may require additional information.'

4. The following subparagraph is added to Article 5 (2):

'Where the Member State concerned recognizes a case of *force majeure*, quantities of B sugar or C sugar carried forward which have been destroyed or irretrievably damaged shall, on application by the undertaking concerned, be regarded as not having been carried forward. In respect of any C sugar so regarded, the Member State shall require repayment of amounts already paid as reimbursement of storage costs.'

Article 2

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

It shall apply with effect from 1 July 1982.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 949/82

of 26 April 1982

introducing a countervailing charge on tomatoes originating in Spain

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas Article 25 (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a third country remains at least 0.6
ECU below the reference price for two consecutive
market days, a countervailing charge must be intro-
duced in respect of the exporting country concerned,
save in exceptional circumstances; whereas this charge
is equal to the difference between the reference price
and the arithmetic mean of the last two entry prices
available for that exporting country;

Whereas Commission Regulation (EEC) No 643/82 of
19 March 1982 fixing the reference prices for tomatoes
for the period 1 April to 10 July 1982⁽³⁾ fixed the
reference price for products of Class I for the month
of April 1982 at 168.50 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regula-
tion (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-
tion (EEC) No 3011/81⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets; whereas it is necessary to multiply the prices
with the coefficient fixed in the first indent of Article
1 (2) of Regulation (EEC) No 643/82;

Whereas, for Spanish tomatoes, the entry price calcu-
lated in this way has remained at least 0.6 ECU below
the reference price for two consecutive market days;
whereas a countervailing charge should therefore be
introduced for these tomatoes;

Whereas if the system is to operate normally the entry
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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 9.31 ECU per 100 kilo-
grams net is applied to tomatoes (subheading 07.01 M
of the Common Customs Tariff) originating in Spain.

Article 2

This Regulation shall enter into force on 28 April
1982.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 76, 20. 3. 1982, p. 14.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 301, 22. 10. 1981, p. 18.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 950/82

of 26 April 1982

introducing a countervailing charge on tomatoes originating in Morocco

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas Article 25 (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a third country remains at least 0.6
ECU below the reference price for two consecutive
market days, a countervailing charge must be intro-
duced in respect of the exporting country concerned,
save in exceptional circumstances; whereas this charge
is equal to the difference between the reference price
and the arithmetic mean of the last two entry prices
available for that exporting country;

Whereas Commission Regulation (EEC) No 643/82 of
19 March 1982 fixing the reference prices for tomatoes
for the period 1 April to 10 July 1982⁽³⁾ fixed the
reference price for products of Class I for the month
of April 1982 at 168.50 ECU per 100 kilograms net;

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

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

tion (EEC) No 3011/81⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets; whereas it is necessary to multiply the prices
with the coefficient fixed in the first indent of Article
1 (2) of Regulation (EEC) No 643/82;

Whereas, for Moroccan tomatoes, the entry price
calculated in this way has remained at least 0.6 ECU
below the reference price for two consecutive market
days; whereas a countervailing charge should therefore
be introduced for these tomatoes;

Whereas if the system is to operate normally the entry
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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 14.45 ECU per 100 kilo-
grams net is applied to tomatoes (subheading 07.01 M
of the Common Customs Tariff) originating in
Morocco

Article 2

This Regulation shall enter into force on 28 April
1982.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 76, 20. 3. 1982, p. 14.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 301, 22. 10. 1981, p. 18.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 951/82
of 26 April 1982
altering the basic amount of the import levy on syrups and certain other sugar products

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 last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Regulation (EEC) No 735/82⁽³⁾, as last amended by Regulation (EEC) No 942/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 735/82 to the information known to the Commission that the basic

amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 735/82, are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 April 1982.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 86, 1. 4. 1982, p. 17.

⁽⁴⁾ OJ No L 111, 24. 4. 1982, p. 19.

ANNEX

to the Commission Regulation of 26 April 1982 altering the basic amount of the import
levy on syrups and certain other sugar products

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0.2989	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	38.08
	ex II. Other	0.2989	—
	E. Artificial honey, whether or not mixed with natural honey	0.2989	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0.2989	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	38.08
	IV. Other	0.2989	—

COMMISSION REGULATION (EEC) No 952/82
of 26 April 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 last amended by Regulation (EEC) No 606/82⁽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 943/82⁽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 27 April 1982.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSAGER

Member of the Commission

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- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 181, 2. 7. 1981, p. 24.
⁽⁴⁾ OJ No L 111, 24. 4. 1982, p. 21.

ANNEX

to the Commission Regulation of 26 April 1982 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	29.89
	B. Raw sugar	27.44 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 953/82
of 26 April 1982
correcting Regulation (EEC) No 2901/81 fixing the monetary compensatory
amounts and rates for their application

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 974/71
of 12 May 1971 on certain measures of conjunctural
policy to be taken in agriculture following the tempo-
rary widening of the margins of fluctuation for the
currencies of certain Member States ⁽¹⁾, as last amended
by Regulation (EEC) No 3605/81 ⁽²⁾, and in particular
Article 3 thereof,

Whereas a check in the monetary compensatory
amounts introduced by Commission Regulation (EEC)
No 2901/81 of 7 October 1981 ⁽³⁾, as amended with
effect from 8 February 1982 by Regulation (EEC) No

279/82 ⁽⁴⁾, has revealed an error in the Annex to that
Regulation; whereas it is necessary, therefore, to
correct the Regulation in question,

HAS ADOPTED THIS REGULATION:

Article 1

In Part 1 of Annex I to Regulation (EEC) No 279/82
the amount '10,836' ECU under subheading 10.01 A is
replaced by '10,863' ECU.

Article 2

This Regulation shall enter into force on 27 April
1982.

It shall apply, at the request of any interested party,
from 8 to 28 February 1982.

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

Done at Brussels, 26 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 362, 17. 12. 1981, p. 2.

⁽³⁾ OJ No L 288, 8. 10. 1981, p. 1.

⁽⁴⁾ OJ No L 33, 8. 2. 1982, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 December 1981

relating to a proceeding under Article 15 of Council Regulation No 17 (IV/AF
512 — SA National Panasonic (Belgium) NV)

(Only the Dutch and French texts are authentic)

(82/260/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

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

Having regard to Council Regulation No 17 of 6
February 1962⁽¹⁾, and in particular Articles 11 and 15
thereof,

Having regard to the request for information addressed
by the Commission to SA National Panasonic
(Belgium) NV on 11 June 1981, and the reply of the
undertaking in response to that request, dated 30 June
1981,

Having regard to the Commission's decision of 4
August 1981 to initiate a proceeding in this case,

Having given the undertaking concerned the opportu-
nity, in accordance with Article 19 of Regulation No
17 and with Commission Regulation No 99/63/
EEC⁽²⁾, of being heard on the matters to which the
Commission has taken objection,

Having regard to the opinion of the Advisory
Committee for Restrictive Practices and Dominant
Positions delivered pursuant to Article 10 of Regula-
tion No 17 on 24 November 1981,

WHEREAS :

The facts

A. The undertaking

1. SA National Panasonic (Belgium) NV (herein-
after called 'NPB'), an undertaking with its registered
office at Stationstraat 26, 1720 Groot Bijgaarden, is a
wholly-owned subsidiary of the Japanese undertaking
Matsushita Electrical Trading Company, itself a sub-
sidiary of Matsushita Electric Industrial Company, the
leading Japanese manufacturer of electrical and elec-
tronic equipment.

2. The principal activity of NPB is the import and
marketing in Belgium of consumer electronic products
made in Japan and other countries by Matsushita,
including hi-fi and stereo equipment sold under the
brand-names 'Technics', 'National Panasonic' and
'Panasonic'.

B. The Commission investigation

3. On 27 June 1979 the Commission carried out an
investigation pursuant to Article 14 (3) of Regulation
No 17 at National Panasonic (UK) Ltd, also a sub-
sidiary of Matsushita, and which carries out the same
function in the United Kingdom as NPB in Belgium.

4. The object of the investigation was to obtain
information and documentary evidence concerning
the suspected imposition by National Panasonic (UK)
Ltd on its hi-fi dealers in the United Kingdom of a

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

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

ban from exporting this product to other EEC Member States, in order to protect the distribution network in those States from the competitive effect of parallel imports.

5. During the investigation the Commission officials obtained a number of documents regarding the policy and practice of the firm concerning parallel exports of Technics and National Panasonic equipment.

6. On 24 August 1979 National Panasonic (UK) Ltd appealed to the Court of Justice of the European Communities against the decision ordering an investigation. On 26 June 1980 the Court dismissed the appeal.

7. An examination of the documents obtained during the investigation showed that it was necessary to obtain further information in order to ascertain precise details concerning the price structure for the sale of Technics hi-fi equipment in the EEC, particularly the trade price paid by dealers and the retail selling price.

C. *The request for information*

8. On 25 May and 11 June 1981 the Commission addressed to the marketing subsidiaries of Matsushita in Germany, France, the United Kingdom and Belgium and to its exclusive distributor in the Netherlands a request for information under Article 11 of Regulation No 17. The request contained the usual reference to the sanctions provided for in the said Regulation in the case that the undertaking provided incorrect information.

9. The request stated that the Commission had carried out an investigation at National Panasonic (UK) Ltd on 27 June 1979 under Article 14 (3) of Regulation No 17 in order to ascertain whether that undertaking had participated in agreements or concerted practices of which the object or effect might be the prevention of parallel exports to other EEC Member States, and that an examination of the documents obtained made it necessary to obtain information concerning the marketing of Technics products in the Community.

10. In its request the Commission required *inter alia* details of the price structure in the Member State concerned. In the letter to NPB the relevant part of the request was formulated as follows:

'Have you since 1 January 1976 communicated to wholesalers and/or retailers, in any form whatever,

a list of, or calculation method for, recommended and/or maximum and/or minimum retail selling prices which the dealer was required to use, or could use, in order to set his prices at the retail level? Please supply a copy of all such price lists issued by your firm since the said date.' (Translation from the original Dutch).

11. The letter stated in its penultimate paragraph that the request was addressed to NPB pursuant to Article 11 of Regulation No 17 and fixed a period of three weeks for the reply.

D. *The reply of NPB*

12. NPB replied to the request for information by registered letter dated 30 June 1981.

The letter, signed by the Managing Director, reads:

'In conformity with the "contrat de programme" of 29 September 1972, concerning the selling prices of household (electrical) apparatus, our company neither fixes nor recommends any retail prices.' (Translation from the original Dutch).

E. *The retail prices of NPB in Belgium*

13. The 'contrat de programme' regulates the margins, conditions of sale and prices of household electrical and consumer electronics equipment in Belgium. Adherence to the programme is not obligatory although most manufacturers and distributors and dealers have signed, and refusal to join involves certain disadvantages. Under the version dated 17 July 1979, manufacturers and importers are required to abstain from fixing or issuing mandatory retail prices or catalogue prices and may only set the net prices at which they supply to the trade.

14. The normal practice of NPB is, however, to issue lists showing the retail prices which its dealers are required to apply. These price lists give no indication that they come from NPB and consist of photocopied sheets on plain paper without any heading. The lists are communicated to dealers either as part of the prepared documentation on the occasion of so-called 'dealers' days' when NPB introduces a new range of models to its dealer network or in the course of visits to their premises by NPB's representative.

15. The Commission has obtained from different sources independent of each other the retail price lists for Technics equipment applicable from September 1976, April 1978, March 1979, September 1979 and April 1980 and is satisfied of their authenticity. These

list against each model in the Technics range a retail price which corresponds with base price $\times 1.66$, giving a coefficient of $\times 1.75$ on the maximum trade price, since all retailers receive a 5 % discount off base price. This calculation gave dealers a coefficient of $\times 1.40$ after tax (then charged at the rate of 25 % on most items).

16. The Commission has obtained information from dealers that NPB's commercial policy as determined and supervised at a senior level of management is to ensure that its recommended retail prices are respected by dealers and, if any lower ticketed prices are displayed, to intervene by requiring the dealer to put his prices back up.

17. During at least the period from September 1976 until April 1980 it was the policy and practice of NPB to issue such retail price lists to its dealer network in Belgium. The Commission has ascertained that while actual price lists may no longer be issued by NPB, dealers in Brussels were still calculating their retail prices on the basis of the coefficient $\times 1.66$ in August 1981. (Since the introduction of an extra 8 % luxury tax in Belgium in September 1981 this may have increased).

Legal assessment

18. By Article 15 (1) (b) of Regulation No 17 the Commission may by decision impose upon undertakings fines of from one hundred to five thousand units of account where intentionally or negligently they supply incorrect information in response to a request made under Article 11 (3) or (5) of said Regulation.

19. In its answer NPB stated in clear and unequivocal terms that it did not fix or recommend any retail prices.

In fact, the standard practice of NPB and its senior management during almost the whole of the period covered by the Commission's request was to issue to dealers lists showing retail prices for each model in the range. The precise extent to which NPB ensured observance by its dealers of the retail prices shown in the price lists need not be determined here since, at the very least, issuing such price lists constituted a price recommendation, a practice of which NPB had categorically denied the existence.

20. In response to the statement of objections addressed to it by the Commission, NPB stated that it did not believe it had intentionally or negligently supplied incorrect information in response to the

request for information but said it would abide by the decision of the Commission 'based on the record' and waived the opportunity of an oral hearing.

21. The Commission, however, considers that NPB did provide incorrect information in response to a request made under Article 11 (3) of Regulation No 17. Since the facts were entirely within the knowledge of the undertaking, and the price lists were issued to dealers on occasions organized at a senior level of management, the only conclusion to which the Commission can come is that the incorrect information was supplied intentionally.

22. The infringement is considered to be a serious one. Differences in retail price levels and *a fortiori* the existence of recommended or mandatory retail prices in the various EEC Member States are of considerable importance in the assessment by the Commission of the economic effects of a suspected export prohibition such as was believed to have been imposed by National Panasonic (UK) Ltd. Had the Commission been obliged to accept the answer given by NPB, its impression of an important aspect of the price structure for the sale of Technics products in the EEC would have been totally incorrect. Such an incorrect impression might considerably distort the Commission's assessment of the effect or even the existence of a suspected export prohibition. NPB had the benefit of legal advice at the time it made its reply and there is no likelihood of a misunderstanding having occurred.

23. The Commission therefore intends to impose a fine upon NPB. Having regard to the circumstances set out above it sets the fine at 5 000 ECU,

HAS ADOPTED THIS DECISION:

Article 1

By stating in its letter dated 30 June 1981 that it did not recommend any retail prices SA National Panasonic (Belgium) NV intentionally supplied incorrect information in response to a request for information made under Article 11 (3) of Regulation No 17.

Article 2

A fine of 5 000 (five thousand) ECU, that is, Bfrs 208 646 (two hundred and eight thousand six hundred and forty six Belgian francs) is hereby imposed on SA National Panasonic (Belgium) NV. This amount shall be paid within three months of notification of this Decision to SA National Panasonic (Belgium) NV to the following account: Commission of the European Communities, Banque Bruxelles Lambert, Brussels, account No 310-0231000-32.

Article 3

Done at Brussels, 11 December 1981.

This Decision is addressed to SA National Panasonic (Belgium) NV, Stationstraat 26, 1720 Groot Bijgaarden, Belgium.

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

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 31 March 1982

concerning aid granted by the French Government in the sheepmeat and pigmeat sectors

(Only the French text is authentic)

(82/261/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 899/81⁽²⁾, and in particular Article 23 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽³⁾, as last amended by Regulation (EEC) No 2966/80⁽⁴⁾, and in particular Article 21 thereof,

Having given formal notice to the parties concerned to submit their comments, in accordance with the first subparagraph of Article 93 (2), and having regard to these comments⁽⁵⁾,

I

Whereas, having been informed of draft aids to the pigmeat and sheepmeat sectors, the Commission on 8 May and 12 June 1981 requested the French Government in accordance with Article 93 (3) of the Treaty to notify it of the aid measures in the pigmeat sector; whereas a similar request was made on 22 May and 10 June 1981 in respect of the aid measures for the sheepmeat sector;

Whereas, under the said aid measures:

- in the pigmeat sector, producers were paid a sum equal to the difference between the average national price and the price of FF 8·40 per kilogram,
- in the sheepmeat sector, price support premiums and monthly flat-rate premiums were granted

under the terms of contracts for the rearing of lambs for slaughter, such premiums being payable on the slaughter of the animals in question;

Whereas the price support premiums are intended to provide farmers with a guaranteed price derived from a seasonally adjusted intervention price and the flat-rate premiums are intended to bring production into line with market requirements;

Whereas the abovementioned aid measures fall within the scope of Articles 92 to 94 of the Treaty by virtue of the specific Articles relating to the common organization of the markets in question;

Whereas the Commission, having conducted a preliminary examination on the basis of the documents at its disposal and having been unable to find these aid measures compatible within the meaning of Article 92 of the Treaty, initiated the procedure provided for in Article 93 (2) of the Treaty in respect of these aid measures on 29 June 1981 and, under the same procedure, gave notice to the parties concerned to submit their comments;

II

Whereas the French Government, in its reply to the Commission dated 7 August 1981, stated that in the pigmeat sector, the payment of the difference between the guaranteed price of FF 8·40 and the average national price was a temporary and exceptional measure, but did not specify its duration; whereas the aid is intended to enable farmers to overcome the considerable financial problems with which they are faced as a result of outbreaks of foot-and-mouth disease;

Whereas the French Government stated, as regards the sheepmeat sector, that the aid in question was payable to members of producer groups under the terms of contracts relating to the rearing of lambs for slaughter; whereas, according to the French authorities, such aid represents compensation for the considerable constraints which the sheep farmers accept in order to meet technical and quality requirements and to establish regular marketing procedures; whereas, moreover, price support measures are provided for in provisions which existed before the common organiza-

⁽¹⁾ OJ No L 183, 16. 7. 1981, p. 1.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 26.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽⁵⁾ OJ No C 187, 28. 7. 1981, p. 2.

tion of the market ; whereas the aid takes the form of a supplement to provide producers with a guaranteed price derived from the threshold price ; whereas this supplement has not been paid since 20 October 1980, the date on which the common organization of the market in question came into force ;

Whereas several Member States and the parties concerned have forwarded their comments to the Commission ; whereas they all consider that the French measures are such as to distort competition and affect trade between Member States to an extent contrary to the common interest and that they contravene the rules of the common market organizations ; whereas the French measures should not, therefore, qualify as one of the exceptions provided for in Article 92 (3) ;

III

Whereas the payment of a supplement to ensure that pigmeat producers receive a guaranteed price constitutes a national aid measure to support farmers' incomes ; whereas, therefore, this measure contravenes the rules of the common organization of the market in pigmeat ; whereas Article 24 (1) of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾ stipulates that 'aids the amount of which is fixed on the basis of the price or quantity of products ... shall be prohibited' ; whereas the Commission considers that the said Article 24 (1) merely confirms the limitations on Member States' powers to intervene directly in the operation of common market organizations comprising a system of common prices, this being an area where the Community now has exclusive powers ; whereas this principle has been consistently upheld in the rulings handed down by the Court of Justice, and in particular in its judgment of 23 January 1975 in Case 51/74 ⁽²⁾ ; whereas, in general terms, this judgment states that, once the Community has legislated for establishment of the common organization of the market in a given sector, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it, having regard not only to the express provisions of the legislation but also to its aims and objects ⁽³⁾ ;

Whereas the granting of the aid in question is at odds with the principle that the Member States no longer

have the power to make unilateral arrangements relating to farmers' incomes within the framework of a market organization ;

Whereas these observations are fully valid for the aid measures on behalf of sheepmeat producers, such measures being similarly incompatible with the common market organization in that they constitute intervention in a sphere where the Community alone has competence ; whereas the French authorities have stated that the price-support premium has not been paid since the entry into force of the common market organization ; whereas, nevertheless, provision for the granting of the premium still exists, in the form of circulars from ONIBEV, the body responsible for the practical arrangements which relate to the implementation of this measure and which are in theory still applicable ; whereas, therefore it would be legally possible for the aid to be granted once more if the trend in prices on the national market made this necessary ; whereas, therefore, the French Government must abolish the present price support arrangements ;

Whereas, in view of the foregoing, the price support arrangements in the pigmeat sector and the price-support premiums and monthly flat-rate premiums in the sheepmeat sector are likely to improve production and marketing facilities for French producers as compared with producers in the other Member States, and therefore, are likely 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 aids of the type defined in Article 92 (1) of the Treaty are essentially incompatible with the common market ; whereas infringement of the rules governing the organization of the markets concerned excludes the aid measures in question from qualifying as an exception under Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic shall take such steps as are necessary to abolish :

- (a) in the pigmeat sector, the aid granted in the form of a payment equal to the difference between the average national price and a guaranteed price ;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ P. J. van der Hulst's Zonen v. Produktschap voor sieraarswollen [1975] ECR 79.

⁽³⁾ Toffoli and others v. Regione Veneto (judgment of 6 November 1979, conclusions of the Advocate-General, [1979] ECR 3320).

(b) in the sheepmeat sector, the aid granted in the form of price-support premiums and monthly flat-rate premiums for the guidance of production.

Article 2

The French Republic shall inform the Commission, within one month, of the measures taken to comply with the provisions of Article 1.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 31 March 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION DECISION

of 1 April 1982

establishing that the apparatus described as 'PHI — Auger electron spectrometer, model 5000, consisting of: — cylindrical — Auger electron optics, model 10-155; — Auger spectroscopy electronics system, model 50-510; — multiplex control, model 20-055; X-Y recorder, model 18-020; — Sputter ion gun, model 04-161 and — Sputter ion gun control, model 20-045' may not be imported free of Common Customs Tariff duties

(82/262/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational scientific and cultural materials⁽¹⁾, as amended by Regulation (EEC) No 1027/79⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 24 September 1981, the Federal Republic of Germany has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'PHI — Auger electron spectrometer, model 5 000, consisting of: — cylindrical — Auger electron optics, model 10-155; — Auger spectroscopy electronics system, model 50-510; — multiplex control, model 20-055; X-Y recorder, model 18-020; — Sputter ion gun, model 04-161 and — sputter ion gun control, model 20-045', to be used for surface analysis on fracture surfaces in reactor pressure vessel steels, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 4 February 1982 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a spectrometer; whereas its objective

technical characteristics such as the great precision of the measurements, and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus '850/32', '850/61' and 'Clam 100' manufactured by VG Scientific Ltd, The Birches Industrial Estate, Imberhome Lane, 'IK-East Grinstead, Sussex RH19 1UB and to the apparatus 'ASC 2000' manufactured by Riber, 22 bis, boulevard de l'hôpital Stell F-92505 Rueil Malmaison,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'PHI — Auger electron spectrometer, model 5000, consisting of: — cylindrical — Auger electron optics, model 10-155; — Auger spectroscopy electronics system, model 50-510; — multiplex control, model 20-055; X-Y recorder, model 18-020; — Sputter ion gun, model 04-161 and — Sputter ion gun control, model 20-045', which is the subject of an application by the Federal Republic of Germany of 24 September 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 April 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 13 April 1982

amending Commission Decision 81/1010/EEC and increasing to 250 000 tonnes the quantity of barley held by the United Kingdom intervention agency for which a standing invitation to tender for export has been opened

(Only the English text is authentic)

(82/263/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 376/70 of 27 February 1970 laying down the procedure and conditions for the disposal of cereals held by intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 1687/76⁽⁴⁾, and in particular Article 5 (1) and (7) thereof,

Whereas Commission Decision 81/1010/EEC of 2 December 1981⁽⁵⁾, as last amended by Decision of 29 March 1982, opened a standing invitation to tender for the export of 200 000 tonnes of barley held by the United Kingdom intervention agency;

Whereas, in a communication of 1 April 1982, the United Kingdom informed the Commission of the intention of its intervention agency to increase by 50 000 tonnes the quantity for which a standing invitation to tender for export had been opened; whereas the total quantity of barley held by the United Kingdom intervention agency for which a standing invitation to tender for export has been opened should be increased to 250 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of exit points and of

regions and quantities in store; whereas the Annex to Decision 81/1010/EEC must therefore be amended;

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

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 81/1010/EEC is amended as follows:

Article 2

1. The invitation to tender shall relate to a quantity of 250 000 tonnes of barley.
2. The regions in which the 250 000 tonnes of barley is stored are listed in the Annex hereto.

Article 2

The Annex to Decision 81/1010/EEC is replaced by the Annex hereto.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 13 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 47, 28. 2. 1970, p. 49.

⁽⁴⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁵⁾ OJ No L 346, 19. 12. 1981, p. 46.

ANNEX

<i>(tonnes)</i>	
Place of storage	Quantity
North	107 715
South	47 127
Midlands and East	95 158

COMMISSION DECISION

of 13 April 1982

opening a standing invitation to tender for the export of 50 000 tonnes of common wheat of breadmaking quality held by the United Kingdom intervention agency

(Only the English text is authentic)

(82/264/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 8 (4) thereof,

Having regard to Council Regulation (EEC) No 1146/76 of 17 May 1976 on particular and special intervention measures for cereals⁽³⁾,

Having regard to Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency⁽⁴⁾, and in particular Article 4 thereof,

Whereas the United Kingdom, in a communication dated 1 April 1982, advised the Commission of its wish to put up for sale for export to non-member countries 50 000 tonnes of common wheat of breadmaking quality held by its intervention agency; whereas, in view of the intervention stocks levels within the Community, the proposed operation seems particularly appropriate;

Whereas the 50 000 tonnes of common wheat to be put up for sale by tender are to be exported from the points of departure for which tenders are to be made by tenderers; whereas a certain proportion of the said quality is stored in other places; whereas the United Kingdom intervention agency, in order to place all participants in the invitation to tender on the same footing, must undertake the sale at uniform prices and, for that purpose, it should take over the cost of transport from the place of storage to the points of departure determined;

Whereas, in order to ensure that the tenders are made in good faith and to guarantee the smooth running of the proposed operation in existing market conditions, it is necessary to provide for a special security; whereas, for the same reasons, the security must be released only on provision of proof of the arrival for the goods at their destination;

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

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom intervention agency may, on the following conditions, open a standing invitation to tender for the export of common wheat of breadmaking quality held by it.

Article 2

1. The invitation to tender shall cover a maximum of 50 000 tonnes of common wheat of breadmaking quality.
2. The regions in which the 50 000 tonnes of common wheat of breadmaking quality are stored are stated in the Annex.

Article 3

1. The places for which the minimum sale price is to be fixed are as follows: Hull, Tilbury, Shoreham, Avonmouth, Lowestoft, Dover.
2. Tenders must be made by reference to the standard quality defined in Regulation (EEC) No 2731/75. When the quality of the cereal differs from the standard quality, the tender accepted shall be adjusted by applying the increases or reductions laid down in Article 5 of Regulation (EEC) No 1629/77.

Tenders must be for a minimum quantity of 500 tonnes.

3. Tenders must be made for one or more ports or places of departure. The tenderer shall specify the port or ports or places of departure in respect of which his tender is put forward.

Tenders shall be for common wheat of breadmaking quality:

- in port silos from which direct loading into barge or sea-going vessel is possible, or
- delivered not unloaded to the place of embarkation in the port or place of departure.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 24. 5. 1977, p. 1.

4. Tenders shall be valid only if they are accompanied by :

— an application for export licences lodged by the tenderer, with an application for advance fixing of the export refund or levy, for the destination in question and with an application for advance fixing of the monetary compensatory amount.

For the purpose of this Decision, all countries for which the same rate of export refund or levy is fixed shall be considered as one destination,

— a written undertaking by the tenderer, countersigned by the financial institution, to provide a special security of 40 ECU per tonne not later than two working days following the date of receipt of the information that his tender has been accepted.

5. The security shall not be released, except for quantities for which the exporter provides proof that :

(a) the customs formalities for placing in free circulation have been completed in the third country for which the export refund or levy was fixed in advance. The proof shall be in accordance with the provisions of Article 20 (3) to (6) of Commission Regulation (EEC) No 2730/79 ⁽¹⁾; or

(b) that the product has become unsuitable for human or animal consumption.

6. For common wheat of breadmaking quality which is not located at the places referred to in the first and second indents of the second subparagraph of paragraph 3, the most favourable transport costs between the place of storage and the place of embarkation in the ports or places of departure referred to in paragraph 1 and attainable at the lowest transport cost shall be reimbursed to the exporter and tenderer by the United Kingdom intervention agency.

7. If the cereals are removed later than the month in which the contract was awarded, the price to be paid by the contractor shall be increased monthly by an amount not less than the monthly increase in the reference price.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Regulation (EEC) No 3183/80 ⁽²⁾, export licences

issued under this standing invitation to tender shall be considered, for the purposes of determining their period of validity, as having been issued on the day the tender was submitted.

2. The said licences shall be valid from their date of issue within the meaning of paragraph 1 until the end of the second month following.

Article 5

1. The time limit for submission of tenders for the first partial invitation to tender shall expire on 13 April 1982 at 1 p.m. (Belgian time). The final date for submission of tenders is hereby fixed at 23 June 1982.

2. On expiry of the time limit laid down for submission of tenders, the intervention agency shall forward to the Commission an anonymous list, stating the price for each tender, expressed in ECU per tonne, and the quantity.

The Commission shall, in accordance with the procedure referred to in Article 26 of Regulation (EEC) No 2727/75, fix the minimum sale price on the basis of the said tenders, or shall decide not to make an award.

Article 6

The United Kingdom intervention agency lays down, where necessary, additional provisions and conditions consistent with the provisions of this Decision.

Article 7

This Decision is addressed to the United Kingdom.

Done at Brussels, 13 April 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

ANNEX

<i>(tonnes)</i>	
Place of storage	Quantity
Midlands and East	24 000
South	26 000

COMMISSION DECISION**of 13 April 1982****opening a standing invitation to tender for the export of 17 500 tonnes of rye
held by the Danish intervention agency****(Only the Danish text is authentic)****(82/265/EEC)**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 3808/81 ⁽²⁾, and in particular
Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No
2738/75 of 29 October 1975 laying down general rules
for intervention on the market in cereals ⁽³⁾ provides
that cereals held by the intervention agencies shall be
disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 376/70 of
27 February 1970 ⁽⁴⁾, as last amended by Regulation
(EEC) No 1687/76 ⁽⁵⁾, lays the procedure and condi-
tions for the disposal of cereals held by the interven-
tion agencies;

Whereas Denmark in a communication dated 1 April
1982 advised the Commission of its wish to put up for
sale for export to non-member countries 17 500
tonnes of rye which its intervention agency holds in
store; whereas, in view of the intervention stock levels
within the Community, the proposed operation seems
particularly appropriate;

Whereas the 17 500 tonnes of rye to be put up for sale
by tender are to be exported from the points of depart-
ure for which tenders are to be made by tenderers;
whereas a certain proportion of the said quantity is
stored in other places; whereas the Danish interven-
tion agency, in order to place all participants in the
intervention to tender on the same footing, must
undertake the sale at uniform prices and, for that
purpose, it should take over the cost of transport from
the place of storage to the points of departure deter-
mined;

Whereas under Article 5 (5) of Commission Regula-
tion (EEC) No 376/70 it may be provided that a tender

shall only be valid if it is accompanied by an applica-
tion for an export licence and by an application for
advance fixing of the refund for the destination in
question; whereas the intention of this provision is to
facilitate assessment of the tender;

Whereas, in order to ensure that the tenders are made
in good faith and to guarantee the smooth running of
the proposed operation in existing market conditions,
it is necessary to provide for a special security;
whereas, for the same reasons, the security must be
released only on provision of proof of the arrival for
the goods at their destination;

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

HAS ADOPTED THIS DECISION:

Article 1

The Danish intervention agency may, on the following
conditions, open a standing invitation to tender for the
export of rye held by it.

Article 2

1. The invitation to tender shall cover a maximum
of 17 500 tonnes of rye.
2. The region in which the 17 500 tonnes of rye are
stored is stated in the Annex.

Article 3

1. The place for which the minimum sale price is
to be fixed is as follows: Århus.
2. Tenders must be drawn up by reference to the
standard quality defined in Council Regulation (EEC)
No 2731/75 ⁽⁶⁾. They must relate to a quantity of at
least 500 tonnes.
3. Tenders must be made for one or more ports or
places of departure. The tenderer shall specify the port
or places of departure in respect of which his tender is
put forward.

⁽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. 49.

⁽⁴⁾ OJ No L 47, 28. 2. 1970, p. 49.

⁽⁵⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 22.

Tenders shall be for rye :

- in port silos from which direct loading into barge or sea-going vessel is possible, or
- delivered not unloaded to the place of embarkation in the port or place of departure.

4. Tenders shall be valid only if they are accompanied by :

- an application for export licences lodged by the tenderer, with an application for advance fixing of the export refund or levy, for the destination in question and with an application for advance fixing of the monetary compensatory amount.

For the purpose of this Decision, all countries for which the same rate of export refund or levy is fixed shall be considered as one destination,

- a written undertaking by the tenderer, countersigned by the financial institution to provide a special security of 40 ECU per tonne not later than two working days following the date of receipt of the information that his tender has been accepted.

5. The security shall not be released, except for quantities for which the tenderer proves either :

- (a) that the customs formalities for release into free circulation have been completed in the non-member country or countries for which the export refund or levy has been fixed in advance. The said proof shall be provided in accordance with the provisions of Article 20 (3) to (6) of Commission Regulation (EEC) No 2730/79 ⁽¹⁾; or
- (b) that the product has become unsuitable for human or animal consumption.

6. For rye which is not located at the places referred to in the first and second indents of the second subparagraph of paragraph 3, the most favourable transport costs between the place of storage and the place of embarkation in the ports or places of departure referred to in paragraph 1 and attainable at the lowest transport cost, shall be reimbursed to the exporter and tenderer by the Danish intervention agency.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3183/80 ⁽²⁾, export licences issued under this standing invitation to tender shall be considered, for the purposes of determining their period of validity, as having been issued on the day the tender was submitted.

2. The said licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the second month following.

Article 5

The time limit for submission of tenders under the first partial invitation to tender shall expire on 21 April 1982 at 1 p.m. (Brussels time).

The Danish intervention agency shall specify in the notice of invitation to tender the time limit for submission of tenders under the subsequent partial invitation to tender.

The time limit for submission of tenders under the last partial invitation to tender shall expire on 23 June 1982 at 1 p.m. (Brussels time).

Article 6

The Danish intervention agency lays down where necessary additional provisions and conditions consistent with the provisions of this Decision.

Article 7

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 13 April 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

ANNEX

<i>(tonnes)</i>	
Place of storage	Quantity
Jutland	17 300

COMMISSION DECISION**of 13 April 1982****opening a standing invitation to tender for the export of 50 000 tonnes of common wheat of breadmaking quality held by the Danish intervention agency****(Only the Danish text is authentic)****(82/266/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 8 (4) thereof,

Having regard to Council Regulation (EEC) No 1146/76 of 17 May 1976 on particular and special intervention measures for cereals⁽³⁾,

Having regard to Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency⁽⁴⁾, and in particular Article 4 thereof,

Whereas Denmark in a communication dated 1 April 1982 advised the Commission of its wish to put up for sale for export to non-member countries 50 000 tonnes of common wheat of breadmaking quality held by its intervention agency; whereas, in view of the intervention stock levels within the Community, the proposed operation seems particularly appropriate;

Whereas the 50 000 tonnes of common wheat to be put up for sale by tender are to be exported from the points of departure for which tenders are to be made by tenderers; whereas a certain proportion of the said quantity is stored in other places; whereas the Danish intervention agency, in order to place all participants in the invitation to tender on the same footing, must undertake the sale at uniform prices and, for that purpose, it should take over the cost of transport from the place of storage to the points of departure determined;

Whereas, in order to ensure that the tenders are made in good faith and to guarantee the smooth running of the proposed operation in existing market conditions, it is necessary to provide for a special security; whereas, for the same reasons, the security must be released only on provision of proof of the arrival for the goods at their destination;

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

HAS ADOPTED THIS DECISION:

Article 1

The Danish intervention agency may, on the following conditions, open a standing invitation to tender for the export of common wheat of breadmaking quality held by it.

Article 2

1. The invitation to tender shall cover a maximum of 50 000 tonnes of common wheat of breadmaking quality.
2. The regions in which the 50 000 tonnes of common wheat of breadmaking quality are stored are stated in the Annex.

Article 3

1. The place for which the minimum sale price is to be fixed is as follows: Nakskov.
2. Tenders must be made by reference to the standard quality defined in Regulation (EEC) No 2731/75. When the quality of the cereal differs from the standard quality, the tender accepted shall be adjusted by applying the increases or reductions laid down in Article 5 of Regulation (EEC) No 1629/77.

Tenders must be for a minimum quantity of 500 tonnes.

3. Tenders must be made for one or more ports or places of departure. The tenderer shall specify the port or ports or places of departure in respect of which his tender is put forward.

Tenders shall be for common wheat of breadmaking quality:

- in port silos from which direct loading into barge or sea-going vessel is possible, or
- delivered not unloaded to the place of embarkation in the port or place of departure.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 24. 5. 1977, p. 1.

4. Tenders shall be valid only if they are accompanied by :

- an application for export licences lodged by the tenderer, with an application for advance fixing of the export refund or levy, for the destination in question and with an application for advance fixing of the monetary compensatory amount.

For the purpose of this Decision, all countries for which the same rate of export refund or levy is fixed shall be considered as one destination,

- a written undertaking by the tenderer, countersigned by the financial institution, to provide a special security of 40 ECU per tonne not later than two working days following the date of receipt of the information that his tender has been accepted.

5. The security shall not be released, except for quantities for which the exporter provides proof that :

- (a) the customs formalities for placing in free circulation have been completed in the third country for which the export refund or levy was fixed in advance. The proof shall be in accordance with the provisions of Article 20 (3) to (6) of Commission Regulation (EEC) No 2730/79 ⁽¹⁾; or
- (b) the product has become unsuitable for human or animal consumption.

6. For common wheat of breadmaking quality which is not located at the places referred to in the first and second indents of the second subparagraph of paragraph 3, the most favourable transport costs between the place of storage and the place of embarkation in the ports or places of departure referred to in paragraph 1 and attainable at the lowest transport cost shall be reimbursed to the exporter and tenderer by the Danish intervention agency.

7. If the cereals are removed later than the month in which the contract was awarded, the price to be paid by the contractor shall be increased monthly by an amount not less than the monthly increase in the reference price.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Regulation (EEC) No 3183/80 ⁽²⁾, export licences

issued under this standing invitation to tender shall be considered, for the purposes of determining their period of validity, as having been issued on the day the tender was submitted.

2. The said licences shall be valid from their date of issue within the meaning of paragraph 1 until the end of the second month following.

Article 5

1. The time limit for submission of tenders for the first partial invitation to tender shall expire on 21 April 1982 at 1 p.m. (Belgian time). The final date for submission of tenders is hereby fixed at 23 June 1982.

2. On expiry of the time limit laid down for submission of tenders, the intervention agency shall forward to the Commission an anonymous list, stating the price for each tender, expressed in ECU per tonne, and the quantity.

The Commission shall, in accordance with the procedure referred to in Article 26 of Regulation (EEC) No 2727/75, fix the minimum sale price on the basis of the said tenders, or shall decide not to make an award.

Article 6

The Danish intervention agency lays down, where necessary, additional provisions and conditions consistent with the provisions of this Decision.

Article 7

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 13 April 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

ANNEX

<i>(tonnes)</i>	
Place of storage	Quantity
Lolland-Falster	49 300

