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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 2007/82
of 19 July 1982
amending Regulation (EEC) No 3061/79 on common rules for imports of certain
textile products originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 113
thereof,

Having regard to the proposal from the Commission,

Whereas the structure and aims of Council Regulation
(EEC) No 3061/79 of 20 December 1979 on common
rules for imports of certain textile products originating
in the People's Republic of China⁽¹⁾ are such that the
consultation procedures and provision for the suspen-
sion of the granting of import documents are appli-
cable to all products subject to quantitative restriction
under the autonomous import arrangements in force
when the Agreement on trade in textile products
between the Community and the People's Republic of
China was initialled; whereas, in the interests of

clarity, the provisions of Article 11 (4) and (7) of the
said Regulation should therefore be made more
specific,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 11 (4) and (7) of Regulation (EEC) No
3061/79 the expression 'subject to quota' is hereby
replaced by the expression 'subject to quantitative
restriction'.

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, 19 July 1982.

For the Council

The President

K. OLESEN

⁽¹⁾ OJ No L 345, 31. 12. 1979, p. 1.

COUNCIL REGULATION (EEC) No 2008/82**of 19 July 1982****amending Regulation (EEC) No 343/79 laying down general rules governing certain distillation operations in the wine sector**

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 Articles 11 (3),
12a (4), 13 (3), 40 (4) and 41 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Articles 4a and 4b of Regulation (EEC) No
343/79 ⁽³⁾, as last amended by Regulation (EEC) No
2008/81 ⁽⁴⁾, make particular provision for the distilla-
tion operations referred to in Articles 40 and 41 of
Regulation (EEC) No 337/79; whereas, pending a
complete revision of the general rules governing distil-
lation operations, these provisions were applicable
only to the 1980/81 and 1981/82 wine-growing years;
whereas, since work on preparation of new general
rules for distillation has not yet been completed, it
would seem desirable to extend application of Articles
4a and 4b of Regulation (EEC) No 343/79 to the
1982/83 wine-growing year;

Whereas, for the same reasons, the provisions on the
margins referred to in Article 6 (1) and (2) of Regula-
tion (EEC) No 343/79 should continue to apply during
the 1982/83 wine-growing year,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 343/79 is hereby amended as
follows:

1. Article 4a (1) shall be replaced by the following:

'1. For the 1980/81, 1981/82 and 1982/83 wine-
growing years and notwithstanding Articles 2 and 4,
distillers who, pursuant to Articles 40 or 41 of
Regulation (EEC) No 337/79, have carried out
distillation of wine obtained from grapes produced
in the Member State where distillation took place
may deliver to the competent intervention agency
the entire product obtained from distillation
provided that such product has an alcoholic
strength of 86 % vol or more.'

2. Article 6 (3) shall be replaced by the following:

'3. Paragraphs 1 and 2 shall apply to delivery
contracts concluded during the 1979/80, 1980/81,
1981/82 and 1982/83 marketing years.'

Article 2

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

It shall apply from 1 September 1982.

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

Done at Brussels, 19 July 1982.

For the Council

The President

B. WESTH

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 359, 15. 12. 1981, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 64.

⁽⁴⁾ OJ No L 195, 18. 7. 1981, p. 3.

COUNCIL REGULATION (EEC) No 2009/82

of 19 July 1982

amending Regulation (EEC) No 2852/81 derogating from Regulation (EEC) No 343/79 in respect of general rules relating to the distillation of table wines decided upon in accordance with Article 12a 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 12a (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 2852/81 ⁽³⁾ introduced, by way of derogation from Council Regulation (EEC) No 343/79 of 5 February 1979 laying down general rules governing certain distillation operations in the wine sector ⁽⁴⁾, as last amended by Regulation (EEC) No 2008/82 ⁽⁵⁾, special rules applying to the distillation operations reserved for holders of long-term storage contracts concluded during the 1980/81 wine-growing year; whereas experience of applying that Regulation (EEC) No 2852/81 indicates that, pending the adoption of new general rules relating to distillation by the Council, the rules of that Regulation should be renewed to cover a future wine-growing year subject only to a change in the rules applying to contracts to take account of certain administrative difficulties raised by their application,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2852/81 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

For distillation decided on pursuant to Article 12a of Regulation (EEC) No 337/79 in the context of the measures reserved for holders of long-term storage contracts concluded during the 1980/81 and 1981/82 wine-growing years and by way of derogation from Regulation (EEC) No 343/79 the provisions applicable shall be those laid down in this Regulation.'

2. Article 2 (2) (b) shall be replaced by the following:

'(b) the obligation for the distiller to pay for the wine at least the price referred to in Article 12a (3) of Regulation (EEC) No 337/79, the price being for unpacked goods ex producer's premises.'

3. The following Article 2a shall be inserted:

'Article 2a

The product of the distillation must have an alcoholic strength of 86 % vol or more, or 85 % vol or less.'

4. The second subparagraph of Article 3 (3) shall be deleted.

Article 2

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

It shall apply from 16 September 1982.

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

Done at Brussels, 19 July 1982.

For the Council

The President

B. WESTH

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 359, 15. 12. 1981, p. 1.

⁽³⁾ OJ No L 280, 2. 10. 1981, p. 2.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 64.

⁽⁵⁾ See page 2 of this Official Journal.

COUNCIL REGULATION (EEC) No 2010/82

of 19 July 1982

determining, for the 1982/83 wine-growing year, the prices to be paid under the compulsory distillation of the by-products of wine making and, notwithstanding Regulation (EEC) No 349/79, the amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund

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 39 (6) thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 39 of Regulation (EEC) No 337/79 and Articles 2 and 3 of Council Regulation (EEC) No 349/79 of 5 February 1979 on the distillation of the by-products of wine making ⁽³⁾, the Council fixes for each wine-growing year the buying-in price for wine deliveries and the price for the alcohol from wine deliveries under the compulsory distillation of the by-products of wine making;

Whereas the buying-in price for wine deliveries, in accordance with Article 2 of Regulation (EEC) No 349/79, should be between 30 and 40 % of the guide price for table wine of type A I applicable with effect from 16 December 1982; whereas the said price, while remaining within the abovementioned limits, should be fixed taking into account both the need to ensure that all producers fulfil all their obligations to distil the by-products of wine making, and the level of the market price for vinous alcohol;

Whereas, when the price of alcohol from wine deliveries referred to in the first subparagraph of Article 3 (2) of Regulation (EEC) No 349/79 is fixed, the criteria referred to in that provision should be taken into account on a standard basis; whereas, on the other hand, when the prices referred to in the third subparagraph of the said paragraph are fixed, they should be based on the variations in cost which result from the differing origins of the alcohol supplied; whereas all these prices apply to alcohol with an actual alcoholic strength not lower than 92 %

vol, pursuant to Article 1 (2) (d) of Regulation (EEC) No 349/79;

Whereas, pursuant to Article 39 (6) of Regulation (EEC) No 337/79, Article 4 of Regulation (EEC) No 349/79 lays down that the contribution by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, towards expenditure incurred by intervention agencies shall be limited to losses incurred by those agencies and, in any case, subject to a ceiling; whereas it has been found that this system involves administrative and accounting difficulties for the intervention agencies in question; whereas, moreover, the losses so incurred always exceed the said contribution by the EAGGF; whereas the appropriate instrument for resolving these difficulties is the solution adopted in Article 4b of Council Regulation (EEC) No 343/79 of 5 February 1979 laying down general rules governing certain distillation operations in the wine sector ⁽⁴⁾, as last amended by Regulation (EEC) No 2008/82 ⁽⁵⁾, for the purposes of distillation as referred to in Articles 40 and 41 of Regulation (EEC) No 337/79 and a flat-rate sum should be fixed per hectolitre of pure alcohol taken over, payable to the intervention agencies regardless of their losses; whereas Article 4 of Regulation (EEC) No 349/79 must be waived for this purpose;

Whereas the amount of the contribution from the EAGGF, Guarantee Section, should be fixed in the light of the alcohol market situation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The prices for the 1982/83 wine-growing year shall be as follows:

- 1.00 ECU per % vol alcohol per hectolitre for the buying-in price for wine deliveries,
- 1.56 ECU per % vol alcohol per hectolitre for the price of the alcohol from the wine deliveries referred to in the first subparagraph of Article 3 (2) of Regulation (EEC) No 349/79,

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 359, 15. 12. 1981, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 84.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 64.

⁽⁵⁾ See page 2 of this Official Journal.

- 1.69 ECU per % vol alcohol per hectolitre for the price of the alcohol from the wine deliveries from marc referred to in the third subparagraph of the aforesaid Article 3 (2),
- 1.43 ECU per % vol alcohol per hectolitre for the price of the alcohol from the wine deliveries from wine referred to in the third subparagraph of the aforesaid Article 3 (2),
- 1.43 ECU per % vol alcohol per hectolitre for the price of the alcohol from the wine deliveries from lees referred to in the third subparagraph of the aforesaid Article 3 (2).

2. Notwithstanding Article 4 of Regulation (EEC) No 349/79, the amount of the contribution from the EAGGF, Guarantee Section, in expenditure incurred by intervention agencies for the same wine-growing year shall be 0.55 ECU per % vol alcohol per hectolitre.

Article 2

This Regulation shall enter into force on 1 September 1982.

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

Done at Brussels, 19 July 1982.

For the Council

The President

B. WESTH

COMMISSION REGULATION (EEC) No 2011/82

of 23 July 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 1451/82⁽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 22 July 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 24 July 1982.

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

Done at Brussels, 23 July 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽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 23 July 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	108.04
10.01 B II	Durum wheat	150.20 ⁽¹⁾ ⁽²⁾
10.02	Rye	70.58 ⁽⁶⁾
10.03	Barley	103.07
10.04	Oats	65.41
10.05 B	Maize, other than hybrid maize for sowing	98.10 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	79.76 ⁽⁴⁾
10.07 C	Grain sorghum	100.40 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	166.68
11.01 B	Rye flour	114.25
11.02 A I a)	Durum wheat groats and meal	247.05
11.02 A I b)	Common wheat groats and meal	177.31

⁽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 2012/82

of 23 July 1982

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2197/81⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 22 July 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 24 July 1982.

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

Done at Brussels, 23 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽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 23 July 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	2.06
10.03	Barley	0	0	0	0
10.04	Oats	0	2.06	2.06	2.06
10.05 B	Maize, other than hybrid maize for sowing	0	4.13	4.13	4.13
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2013/82

of 20 July 1982

on a principal standing invitation to tender in order to determine levies and/or
refunds on exports of 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
Articles 13 (2), 18 (5), 19 (4) and (7) and the second
paragraph of Article 39 thereof,

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

Whereas, in view of the situation on the Community
and world sugar markets, a principal standing invita-
tion to tender should be issued for export of raw sugar
obtained from beet or cane harvested in the Commu-
nity; whereas, in view of possible fluctuations in world
prices for sugar, the invitation to tender must provide
for the determination of export levies and/or export
refunds;

Whereas the general rules governing invitations to
tender for the purpose of determining export refunds
for sugar were laid down in Council Regulation (EEC)
No 766/68 of 18 June 1968 laying down general rules
for granting export refunds on sugar⁽⁴⁾, as last
amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the trans-
actions involved, special detailed rules should be laid
down in this Regulation, and those provided for in
Commission Regulation (EEC) No 394/70 of 2 March
1970 on detailed rules for granting export refunds on
sugar⁽⁶⁾, as last amended by Regulation (EEC) No
1467/77⁽⁷⁾, should not apply; whereas, for the same
reasons, appropriate provisions should be laid down
with regard to export licences issued in connection
with the standing invitation to tender and there should

be a derogation from Commission Regulation (EEC)
No 2630/81 of 10 September 1981 on special detailed
rules for the application of the system of import and
export licences for sugar⁽⁸⁾, as last amended by Regu-
lation (EEC) No 3027/81⁽⁹⁾, from Commission Regu-
lation (EEC) No 3183/80 of 3 December 1980 laying
down common detailed rules for the application of the
system of import and export licences and advance-
fixing certificates for agricultural products⁽¹⁰⁾, as last
amended by Regulation (EEC) No 49/82⁽¹¹⁾, and from
Commission Regulation (EEC) No 645/75 of 13 March
1975 laying down common detailed rules for the
application of the export levies and charges on agricul-
tural products⁽¹²⁾, as last amended by Regulation (EEC)
No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of
Commission Regulation (EEC) No 1160/82 of 14 May
1982 providing for the advance fixing of monetary
compensatory amounts⁽¹⁴⁾ provides that, where the
levy or refund is fixed in advance by means of tenders,
applications to fix the monetary compensatory amount
in advance shall be accepted only if the party
concerned has declared in writing at the time of
submission of the tender that he will also apply to fix
the monetary compensatory amount in advance if the
tender is accepted in whole or in part; whereas, in
such cases, the obligation to lodge an application to fix
the levy or refund in advance following acceptance of
the tender involves an obligation to request at the
same time advance fixing of the monetary compen-
satory amount; whereas, for reasons peculiar to the
market in sugar, when an operator intends to make use
of the facility of fixing a monetary compensatory
amount in advance in connection with an export levy
or refund fixed in advance under a tendering pro-
cedure he only makes up his mind to do so at the
moment when the application for the export licence is
made; whereas it is only after he has been declared
successful in respect of a levy or refund for the quan-
tity of sugar indicated in his tender that the said
monetary compensatory amount can be fixed in
advance; whereas application of the second subpara-
graph of the said Article 3 (1) would as a consequence,
if the tenderer did not, as laid down, ask for advance
fixing of the monetary compensatory amount at the

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 258, 11. 9. 1981, p. 16.

⁽⁹⁾ OJ No L 302, 23. 10. 1981, p. 22.

⁽¹⁰⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹¹⁾ OJ No L 7, 12. 1. 1982, p. 7.

⁽¹²⁾ OJ No L 67, 14. 3. 1975, p. 16.

⁽¹³⁾ OJ No L 160, 26. 6. 1980, p. 42.

⁽¹⁴⁾ OJ No L 134, 15. 5. 1982, p. 22.

time the licence or certificate was applied for, entail his losing a very large security, the loss of which would be out of proportion to the objective behind the provisions of the second subparagraph of the said Article 3 (1); whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a principal standing invitation to tender in order to determine export levies and/or export refunds on raw sugar obtained from beet or cane harvested in the Community, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.

2. The standing invitation to tender shall remain open until 15 June 1983.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate in particular the terms of the invitation to tender.

3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

- (a) shall begin on 24 July 1982;
- (b) shall end on 28 July 1982 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

- (a) shall begin on the first working day following the end of the preceding period;
- (b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on:

- (a) Wednesday, 17 November 1982 shall end on Tuesday, 16 November 1982 at 10.30 a.m.;
- (b) Wednesday, 8 December 1982 shall end on Tuesday, 7 December 1982 at 10.30 a.m.;
- (c) Wednesday, 5 January 1983 shall end on Tuesday, 4 January 1983 at 10.30 a.m.

4. Notwithstanding paragraph 2, no partial invitation to tender will be issued on Wednesday, 29 December 1982.

5. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. A tender must indicate:

- (a) the reference number of the invitation to tender to which the offer relates;
- (b) the name and address of the tenderer;
- (c) the quantity *tel quel* of raw sugar to be exported;
- (c) the amount of the export levy or, where applicable of the export refund per 100 kilograms of standard quality sugar, expressed in the currency of the Member State in which the tender is submitted;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of raw sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;

- (c) it includes a declaration by the tenderer that if his offer is successful he will, within the period laid down under (b) of Article 12, apply for export licences in respect of the quantities of raw sugar to be exported;
- (d) it includes a declaration by the tenderer certifying that:
- the product intended for export consists of raw sugar obtained either from beet or from cane harvested in the Community, and
 - the customs export formalities will be completed in the French overseas departments in the case of sugar obtained from cane harvested in the Community;
- (e) it includes a declaration by the tenderer that if his tender is successful he will:
- where the obligation to export created by the export licence referred to under Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4) and,
 - within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;
- (f) it contains all the information required under paragraph 2.
4. A tender may stipulate that it is to be regarded as having been submitted only if:
- (a) the minimum export levy or, where applicable the maximum export refund, is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, relates to all or a specified part of the tendered quantity.
5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.
6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to 13 (4), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in the case of *force majeure*, the security will be released:

- (a) to tenderers only in respect of the quantity for which no award was made;
- (b) to successful tenderers only if they applied for their export licence within the period laid down under (b) of Article 12 and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable. The security lodged in respect of a quantity for which the above obligations have not been fulfilled shall be forfeited.

4. In case of *force majeure*, the competent agency in the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for raw sugar for the 1982/83 marketing year and, in particular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

- a minimum export levy, or
- a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

— if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

— if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

— by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or

— by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or

— by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender.

In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

(a) the reference number of the invitation to which the tender relates;

(b) the quantity *tel quel* of raw sugar to be exported;

(c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of standard quality raw sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

(a) the right to claim in respect of the quantity awarded, an export licence indicating as appropriate the export levy or the export refund quoted in his tender;

(b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regulation and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The application shall be lodged not later than:

— the last working day preceding the date of the partial invitation to tender to be held the following week, or

— if no partial invitation to tender is to be held that week, the last working day of the following week;

(c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the raw sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However :

- (a) licences issued in connection with partial invitations :
 - issued in the period 28 July to 8 September 1982 may be used only from 15 September 1982,
 - issued in the period 15 to 29 September 1982 may be used from the day of issue,
 shall be valid only until 31 December 1982 ;
- (b) licences issued in connection with partial invitations issued after 1 February 1983 shall be valid only until 31 July 1983.

3. In the case of raw sugar obtained from cane harvested in the Community, Section 18 (a) of the export licence shall contain one of the following endorsements :

'Licence valid for the French overseas departments',
 'Certificat valable pour les départements français d'outre-mer',
 'Licens gyldig for de franske oversøiske departementer',
 'Lizenz gültig für die französischen überseeischen Departements',
 'Πιστοποιητικό Ισχύον για τα υπερπόντια γαλλικά διαμερίσματα',
 'Titolo valido per i dipartimenti francesi d'oltremare',
 'Certificaat geldig voor de Franse overzeese departementen'.

4. Except in cases of *force majeure*, if the obligation to export created by the export licence referred to under (b) of Article 12 has not been fulfilled and if the security referred to in Article 6 is less than :

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in

force on the last day of validity of the said licence ;
 or

- (b) the sum of the export levy indicated on the licence and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence ; or
- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence, reduced by the refund indicated on the said licence ;

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

Article 15

In Article 1 (2) of Regulation (EEC) No 2235/81 ⁽¹⁾, '31 August 1982' is hereby replaced by '29 July 1982'.

Article 16

This Regulation shall enter into force on 24 July 1982.

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

Done at Brussels, 20 July 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 218, 4. 8. 1981, p. 19.

COMMISSION REGULATION (EEC) No 2014/82

of 20 July 1982

on a principal standing invitation to tender in order to determine levies and/or
refunds on exports of white 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
Articles 13 (2), 18 (5), 19 (4) and (7) and the second
paragraph of Article 39 thereof,

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

Whereas, in view of the situation on the Community
and world sugar markets, a principal standing invita-
tion to tender should be issued for export of white
sugar which, having regard to possible fluctuations in
world prices for sugar, must provide for the determina-
tion of export levies and/or export refunds;

Whereas the general rules governing invitations to
tender for the purpose of determining export refunds
for sugar were laid down in Council Regulation (EEC)
No 766/68 of 18 June 1968 laying down general rules
for granting export refunds on sugar⁽⁴⁾, as last
amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the transac-
tions involved, special detailed rules should be laid
down in this Regulation, and those provided for in
Commission Regulation (EEC) No 394/70 of 2 March
1970 on detailed rules for granting export refunds on
sugar⁽⁶⁾, as last amended by Regulation (EEC) No
1467/77⁽⁷⁾, should not apply; whereas, for the same
reasons, appropriate provisions should be laid down
with regard to export licences issued in connection
with the standing invitation to tender and there should
be a derogation from Commission Regulation (EEC)
No 2630/81 of 10 September 1981 on special detailed

rules for the application of the system of import and
export licences for sugar⁽⁸⁾, as last amended by Regu-
lation (EEC) No 3027/81⁽⁹⁾, from Commission Regu-
lation (EEC) No 3183/80 of 3 December 1980 laying
down common detailed rules for the application of the
system of import and export licences and advance-
fixing certificates for agricultural products⁽¹⁰⁾, as last
amended by Regulation (EEC) No 49/82⁽¹¹⁾, and from
Commission Regulation (EEC) No 645/75 of 13 March
1975 laying down common detailed rules for the
application of the export levies and charges on agricul-
tural products⁽¹²⁾, as last amended by Regulation (EEC)
No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of
Commission Regulation (EEC) No 1160/82 of 14 May
1982 providing for the advance fixing of monetary
compensatory amounts⁽¹⁴⁾ provides that, where the
levy or refund is fixed in advance by means of tenders,
applications to fix the monetary compensatory amount
in advance shall be accepted only if the party
concerned has declared in writing at the time of
submission of the tender that he will also apply to fix
the monetary compensatory amount in advance if the
tender is accepted in whole or in part; whereas, in
such cases, the obligation to lodge an application to fix
the levy or refund in advance following acceptance of
the tender involves an obligation to request at the
same time advance fixing of the monetary compensa-
tory amount; whereas, for reasons peculiar to the
market in sugar, when an operator intends to make use
of the facility of fixing a monetary compensatory
amount in advance in connection with an export levy
or refund fixed in advance under a tendering proce-
dure he only makes up his mind to do so at the
moment when the application for the export licence is
made; whereas it is only after he has been declared
successful in respect of a levy or refund for the quan-
tity of sugar indicated in his tender that the said
monetary compensatory amount can be fixed in
advance; whereas application of the second subpara-
graph of the said Article 3 (1) would as a consequence,
if the tenderer did not, as laid down, ask for advance
fixing of the monetary compensatory amount at the
time the licence or certificate was applied for, entail
his losing a very large security, the loss of which would
be out of proportion to the objective behind the provi-

(1) OJ No L 177, 1. 7. 1981, p. 4.

(2) OJ No L 74, 18. 3. 1982, p. 1.

(3) OJ No L 75, 28. 3. 1972, p. 5.

(4) OJ No L 143, 25. 6. 1968, p. 6.

(5) OJ No L 167, 26. 6. 1976, p. 13.

(6) OJ No L 50, 4. 3. 1970, p. 1.

(7) OJ No L 162, 1. 7. 1977, p. 6.

(8) OJ No L 258, 11. 9. 1981, p. 16.

(9) OJ No L 302, 23. 10. 1981, p. 22.

(10) OJ No L 338, 13. 12. 1980, p. 1.

(11) OJ No L 7, 12. 1. 1982, p. 7.

(12) OJ No L 67, 14. 3. 1975, p. 16.

(13) OJ No L 160, 26. 6. 1980, p. 42.

(14) OJ No L 134, 15. 5. 1982, p. 22.

sions of the second subparagraph of the said Article 3 (1); whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a principal standing invitation to tender in order to determine export levies and/or export refunds on white sugar, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.

2. The standing invitation to tender shall remain open until 15 June 1983.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate in particular the terms of the invitation to tender.

3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

- (a) shall begin on 24 July 1982;
- (b) shall end on 28 July 1982 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

- (a) shall begin on the first working day following the end of the preceding period;
- (b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on:

- (a) Wednesday, 17 November 1982 shall end on Tuesday, 16 November 1982 at 10.30 a.m.;
- (b) Wednesday, 8 December 1982 shall end on Tuesday, 7 December 1982 at 10.30 a.m.;
- (c) Wednesday, 5 January 1983 shall end on Tuesday, 4 January 1983 at 10.30 a.m.

4. Notwithstanding paragraph 2, no partial invitation to tender will be issued on Wednesday, 29 December 1982.

5. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. An offer must indicate:

- (a) the reference number of the invitation to tender to which the offer relates;
- (b) the name and address of the tenderer;
- (c) the quantity of white sugar to be exported;
- (d) the amount of the export levy or, where applicable of the export refund per 100 kilograms of white sugar, expressed in the currency of the Member State in which the tender is submitted;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of white sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if his tender is successful he will, within the period laid down under (b) of Article 12, apply for export licences in respect of the quantities of white sugar to be exported;
- (d) it includes a declaration by the tenderer that if his tender is successful he will:

— where the obligation to export created by the export licence referred to under (b) of Article 12 is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (3) and,

- within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;
 - (e) it contains all the information required under paragraph 2.
4. A tender may stipulate that it is to be regarded as having been submitted only if:
- (a) the minimum export levy or, where applicable the maximum export refund, is fixed on the day of the expiry of the period for the submission of the tenders in question;
 - (b) the tender, if successful, relates to all or a specified part of the tendered quantity.
5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.
6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (3), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.
2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.
3. Except in the case of *force majeure*, the security will be released:
- (a) to tenderers only in respect of the quantity for which no award was made;
 - (b) to successful tenderers only if they applied for their export licence within the period laid down under (b) of Article 12 and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable. The security lodged in respect of a quantity for which the above obligations have not been fulfilled shall be forfeited.
4. In case of *force majeure*, the competent agency in the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.
2. Tenders shall be communicated to the Commission forthwith and in such manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.
2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for white sugar for the 1982/83 marketing year and, in particular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:
- a minimum export levy, or
 - a maximum export refund.
2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.
3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:
- if a maximum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for;

— if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity of white sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to claim in respect of the quantity awarded, an export licence indicating as appropriate the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regulation and Article 10 of Regulation (EEC) No

645/75 not applying in such a case. The application shall be lodged not later than:

- the last working day preceding the date of the partial invitation to tender to be held the following week, or
- if no partial invitation to tender is due to be held that week, the last working day of the following week,

(c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (3).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However,

(a) licences issued in connection with partial invitations

— issued in the period 28 July to 8 September 1982 may be used only from 15 September 1982,

— issued in the period 15 to 29 September 1982 may be used from the day of issue, and shall be valid only until 31 December 1982;

(b) licences issued in connection with partial invitations issued after 1 February 1983 shall be valid only until 31 July 1983.

3. Except in cases of *force majeure*, if the obligation to export created by the export licence referred to under (b) of Article 12 has not been fulfilled and if the security referred to in Article 6 is less than:

(a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence, or

(b) the sum of the export levy indicated on the licence and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence, or

(c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence reduced by the refund indicated on the said licence,

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second

subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

Article 15

In Article 1 (2) of Regulation (EEC) No 2042/81 ⁽¹⁾, '31 August 1982' is hereby replaced by '29 July 1982'.

Article 16

This Regulation shall enter into force on 24 July 1982.

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

Done at Brussels, 20 July 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 200, 21. 7. 1981, p. 27.

COMMISSION REGULATION (EEC) No 2015/82

of 20 July 1982

on a supplementary standing invitation to tender in order to determine levies
and/or refunds on exports of 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
Articles 13 (2), 18 (5), 19 (4) and (7) and the second
paragraph of Article 39 thereof,

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

Whereas, in view of the situation on the Community
and world sugar markets, a supplementary standing
invitation to tender should be issued for export of raw
sugar obtained from beet or cane harvested in the
Community; whereas, in view of possible fluctuations
in world prices for sugar, the invitation to tender must
provide for the determination of export levies and/or
export refunds;

Whereas the general rules governing invitations to
tender for the purpose of determining export refunds
for sugar were laid down in Council Regulation (EEC)
No 766/68 of 18 June 1968 laying down general rules
for granting export refunds on sugar⁽⁴⁾, as last
amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the trans-
actions involved, special detailed rules of application
should be laid down in this Regulation, and those
provided for in Commission Regulation (EEC) No
394/70 of 2 March 1970 on detailed rules for granting
export refunds on sugar⁽⁶⁾, as last amended by Regula-
tion (EEC) No 1467/77⁽⁷⁾, should not apply; whereas,
for the same reasons, appropriate provisions should be
laid down with regard to export licences issued in
connection with the standing invitation to tender and
there should be a derogation from Commission Regu-
lation (EEC) No 2630/81 of 10 September 1981 on

special detailed rules for the application of the system
of import and export licences for sugar⁽⁸⁾, as last
amended by Regulation (EEC) No 3027/81⁽⁹⁾, from
Commission Regulation (EEC) No 3183/80 of 3
December 1980 laying down common detailed rules
for the application of the system of import and export
licences and advance-fixing certificates for agricultural
products⁽¹⁰⁾, as last amended by Regulation (EEC) No
49/82⁽¹¹⁾, and from Commission Regulation (EEC) No
645/75 of 13 March 1975 laying down common
detailed rules for the application of the export levies
and charges on agricultural products⁽¹²⁾, as last
amended by Regulation (EEC) No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of
Commission Regulation (EEC) No 1160/82 of 14 May
1982 providing for the advance fixing of monetary
compensatory amounts⁽¹⁴⁾ provides that, where the
levy or refund is fixed in advance by means of tenders,
applications to fix the monetary compensatory amount
in advance shall be accepted only if the party
concerned has declared in writing at the time of
submission of the tender that he will also apply to fix
the monetary compensatory amount in advance if the
tender is accepted in whole or in part; whereas, in
such cases, the obligation to lodge an application to fix
the levy or refund in advance following acceptance of
the tender involves an obligation to request at the
same time advance fixing of the monetary compensa-
tory amount; whereas, for reasons peculiar to the
market in sugar, when a operator intends to make use
of the facility of fixing a monetary compensatory
amount in advance in connection with an export levy
or refund fixed in advance under a tendering pro-
cedure he only makes up his mind to do so at the
moment when the application for the export licence is
made; whereas it is only after he has been declared
successful in respect of a levy or refund for the quan-
tity of sugar indicated in his tender that the said
monetary compensatory amount can be fixed in
advance; whereas application of the second subpara-
graph of the said Article 3 (1) would as a consequence,
if the tenderer did not, as laid down, ask for advance
fixing of the monetary compensatory amount at the

(1) OJ No L 177, 1. 7. 1981, p. 4.

(2) OJ No L 74, 18. 3. 1982, p. 1.

(3) OJ No L 75, 28. 3. 1972, p. 5.

(4) OJ No L 143, 25. 6. 1968, p. 6.

(5) OJ No L 167, 26. 6. 1976, p. 13.

(6) OJ No L 50, 4. 3. 1970, p. 1.

(7) OJ No L 162, 1. 7. 1977, p. 6.

(8) OJ No L 258, 11. 9. 1981, p. 16.

(9) OJ No L 302, 23. 10. 1981, p. 22.

(10) OJ No L 338, 13. 12. 1980, p. 1.

(11) OJ No L 7, 12. 1. 1982, p. 7.

(12) OJ No L 67, 14. 3. 1975, p. 16.

(13) OJ No L 160, 26. 6. 1980, p. 42.

(14) OJ No L 134, 15. 5. 1982, p. 22.

time the licence or certificate was applied for, entail his losing a very large security, the loss of which would be out of proportion to the objective behind the provisions of the second subparagraph of the said Article 3 (1); whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a supplementary standing invitation to tender in order to determine export levies and/or export refunds on raw sugar obtained from beet or cane harvested in the Community, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.

2. The standing invitation to tender shall remain open until 31 August 1983.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate in particular the terms of the invitation to tender.

3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

- (a) shall begin on 28 April 1983;
- (b) shall end on 4 May 1983 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

- (a) shall begin on the first working day following the end of the preceding period;
- (b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. A tender must indicate:

- (a) the reference number of the invitation to tender to which the offer relates;
- (b) the name and address of the tenderer;
- (c) the quantity *tel quel* of raw sugar to be exported;
- (d) the amount of the export levy or, where applicable of the export refund per 100 kilograms of standard quality sugar, expressed in the currency of the Member State in which the tender is submitted;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of raw sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if his offer is successful he will, within the period laid down under (b) of Article 12, apply to be exported;
- (d) it includes a declaration by the tenderer certifying that:
 - the product intended for export consists of raw sugar obtained either from beet or from cane harvested in the Community, and
 - the customs export formalities will be completed in the French overseas department in the case of sugar obtained from cane harvested in the Community;

- (e) it includes a declaration by the tenderer that if his tender is successful he will :
- where the obligation to export created by the export licence referred to under Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (5) and,
 - within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used ;
- (f) it contains all the information required under paragraph 2.
4. A tender may stipulate that it is to be regarded as having been submitted only if :
- (a) the minimum export levy or, where applicable the maximum export refund, is fixed on the day of the expiry of the period for the submission of the tenders in question ;
 - (b) the tender, if successful, relates to all or a specified part of the tendered quantity.
5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.
6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to 13 (5), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.
2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.
3. Except in the case of *force majeure*, the security will be released :
 - (a) to tenderers only in respect of the quantity for which no award was made ;
 - (b) to successful tenderers only if they applied for their export licence within the period laid down under (b) of Article 12 and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable. The security lodged in respect of a quantity for which

the above obligations have not been fulfilled shall be forfeited.

4. In case of *force majeure*, the competent agency in the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.
2. Tenders shall be communicated to the Commission forthwith and in such manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.
2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for raw sugar for the 1982/83 marketing year and, in particular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either :
 - a minimum export levy, or
 - a maximum export refund.
2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.
3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender :
 - if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy ; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

— if maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity *tel quel* of raw sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of raw sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to claim in respect of the quantity awarded, an export licence indicating as appropriate the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regulation and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The application shall be lodged not later than:

- the last working day preceding the date of the partial invitation to tender scheduled for the following week, or
- if no partial invitation to tender is scheduled for that week, the last working day of the following week;

(c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (5).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the raw sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until 30 September 1983.

3. Export licences issued in connection with a partial invitation to tender held between 4 May and 29 June 1983 shall be used only with effect from 1 July 1983.

4. In the case of raw sugar obtained from cane harvested in the Community, Section 18 (a) of the export licence shall contain one of the following endorsements:

- 'Licence valid for the French overseas departments',
- 'Certificat valable pour les départements français d'outre-mer',
- 'Licens gyldig for de franske oversøiske departementer',
- 'Lizenz gültig für die französischen überseeischen Departements',
- 'Πιστοποιητικό Ισχύον για τα υπερπόντια γαλλικά διαμερίσματα',
- 'Titolo valido per i dipartimenti francesi d'oltremare',
- 'Certificaat geldig voor de Franse overzeese departementen'.

5. Except in cases of *force majeure*, if the obligation to export created by the export licence referred to under (b) of Article 12 has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence; or
- (b) the sum of the export levy indicated on the licences and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence; or
- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence, reduced by the refund indicated on the said licence;

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

Article 15

1. In so far as the conditions set out in Article 12 of Regulation (EEC) No 766/68 are satisfied, any export refunds and export levies fixed in advance in connection with this invitation to tender before 1 July 1983 for sugar exported on or after that date shall, at the request of the party concerned, be adjusted in accordance with paragraph 2.

2. For purposes of the adjustment referred to in paragraph 1, the export refund shall be increased, and

the export levy decreased, by the difference, expressed in ECU per 100 kilograms, between the intervention price of raw sugar applicable with effect from 1 July 1983 and the intervention price of that sugar applicable on 30 June 1983.

In calculating the difference referred to in the above subparagraph there shall be added to these intervention prices the relevant storage levy as referred to under (a) of the third subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

3. For the purposes of the adjustment referred to in paragraph 1, where the yield of the raw sugar differs from that of the standard quality as defined in Council Regulation (EEC) No 431/68 ⁽¹⁾, the amount of the adjustment shall be adapted in accordance with Article 2 of Regulation (EEC) No 837/68 ⁽²⁾.

4. The request referred to in paragraph 1 must be submitted by the export-licence holders concerned, before completion of the customs export formalities relating to the quantities concerned, to the Member State which issued the licence.

That Member State shall insert the relevant adjustment in Section 18a of the export licence and shall place its stamp thereon.

Member States shall inform the Commission without delay of the quantities of sugar covered by the requests referred to in paragraph 1.

Article 16

This Regulation shall enter into force on 24 July 1982 and shall apply with effect from 28 April 1983.

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

Done at Brussels, 20 July 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽²⁾ OJ No L 151, 30. 6. 1968, p. 42.

COMMISSION REGULATION (EEC) No 2016/82**of 20 July 1982****on a supplementary standing invitation to tender in order to determine levies
and/or refunds on exports of white 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
Articles 13 (2), 18 (5), 19 (4) and (7) and the second
paragraph of Article 39 thereof,

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

Whereas, in view of the situation on the Community
and world sugar markets, a supplementary standing
invitation to tender should be issued for export of
white sugar which, having regard to possible fluctua-
tions in world prices for sugar, must provide for the
determination of export levies and/or export refunds;

Whereas the general rules governing invitations to
tender for the purpose of determining export refunds
for sugar were laid down in Council Regulation (EEC)
No 766/68 of 18 June 1968 laying down general rules
for granting export refunds on sugar⁽⁴⁾, as last
amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the transac-
tions involved, special detailed rules of application
should be laid down in this Regulation, and those
provided for in Commission Regulation (EEC) No
394/70 of 2 March 1970 on detailed rules for granting
export refunds on sugar⁽⁶⁾, as last amended by Regula-
tion (EEC) No 1467/77⁽⁷⁾, should not apply; whereas,
for the same reasons, appropriate provisions should be
laid down with regard to export licences issued in
connection with the standing invitation to tender and
there should be a derogation from Commission Regu-
lation (EEC) No 2630/81 of 10 September 1981 on

special detailed rules for the application of the system
of import and export licences for sugar⁽⁸⁾, as last
amended by Regulation (EEC) No 3027/81⁽⁹⁾, from
Commission Regulation (EEC) No 3183/80 of 3
December 1980 laying down common detailed rules
for the application of the system of import and export
licences and advance-fixing certificates for agricultural
products⁽¹⁰⁾, as last amended by Regulation (EEC) No
49/82⁽¹¹⁾, and from Commission Regulation (EEC) No
645/75 of 13 March 1975 laying down common
detailed rules for the application of the export levies
and charges on agricultural products⁽¹²⁾, as last
amended by Regulation (EEC) No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of
Commission Regulation (EEC) No 1160/82 of 14 May
1982 providing for the advance fixing of monetary
compensatory amounts⁽¹⁴⁾ provides that, where the
levy or refund is fixed in advance by means of tenders,
applications to fix the monetary compensatory amount
in advance shall be accepted only if the party
concerned has declared in writing at the time of
submission of the tender that he will also apply to fix
the monetary compensatory amount in advance if the
tender is accepted in whole or in part; whereas, in
such cases, the obligation to lodge an application to fix
the levy or refund in advance following acceptance of
the tender involves an obligation to request at the
same time advance fixing of the monetary compensa-
tory amount; whereas, for reasons peculiar to the
market in sugar, when an operator intends to make use
of the facility of fixing a monetary compensatory
amount in advance in connection with an export levy
or refund fixed in advance under a tendering proce-
dure he only makes up his mind to do so at the
moment when the application for the export licence is
made; whereas it is only after he has been declared
successful in respect of a levy or refund for the quan-
tity of sugar indicated in his tender that the said
monetary compensatory amount can be fixed in
advance; whereas application of the second subpara-
graph of the said Article 3 (1) would as a consequence,
if the tenderer did not, as laid down, ask for advance
fixing of the monetary compensatory amount at the
time the licence or certificate was applied for, entail
his losing a very large security, the loss of which would
be out of proportion to the objective of the provisions

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 258 11. 9. 1981, p. 16.

⁽⁹⁾ OJ No L 302, 23. 10. 1981, p. 22.

⁽¹⁰⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹¹⁾ OJ No L 7, 12. 1. 1982, p. 7.

⁽¹²⁾ OJ No L 67, 14. 3. 1975, p. 16.

⁽¹³⁾ OJ No L 160, 26. 6. 1980, p. 42.

⁽¹⁴⁾ OJ No L 134, 15. 5. 1982, p. 22.

of the second subparagraph of the said Article 3 (1); whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a supplementary standing invitation to tender in order to determine export levies and/or export refunds on white sugar, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.

2. The standing invitation to tender shall remain open until 31 August 1983.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate in particular the terms of the invitation to tender.

3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

- (a) shall begin on 28 April 1983;
- (b) shall end on 4 May 1983 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

- (a) shall begin on the first working day following the end of the preceding period;
- (b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. A tender must indicate:

- (a) the reference number of the invitation to tender to which the offer relates;
- (b) the name and address of the tenderer;
- (c) the quantity *tel quel* of raw sugar to be exported;
- (d) the amount of the export levy or, where applicable of the export refund per 100 kilograms of white sugar, expressed in the currency of the Member State in which the tender is submitted;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of white sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if his offer is successful he will, within the period laid down under (b) of Article 12, apply for export licences in respect of the quantities of white sugar to be exported;
- (d) it includes a declaration by the tenderer that if his tender is successful he will:

— where the obligation to export created by the export licence referred to under (b) of Article 12 is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4) and,

- within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;

(e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

- (a) the minimum export levy or, where applicable the maximum export refund, is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, relates to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (4), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in the case of *force majeure*, the security will be released:

- (a) to tenderers only in respect of the quantity for which no award was made,
- (b) to successful tenderers only if they applied for their export licence within the period laid down under (b) of Article 12 and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable. The security lodged in respect of a quantity for which the above obligations have not been fulfilled shall be forfeited.

4. In case of *force majeure*, the competent agency in the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for white sugar for the 1982/83 marketing year and, in particular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

- a minimum export levy, or
- a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

- if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

- if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity of white sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to claim in respect of the quantity awarded, an export licence indicating as appropriate the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regu-

lation and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The application shall be lodged not later than:

- the last working day preceding the date of the partial invitation to tender to be held the following week, or
 - if no partial invitation to tender is due to be held that week, the last working day of the following week,
- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until 30 September 1983.

3. Export licences issued in connection with a partial invitation to tender held between 4 May and 29 June 1983 shall be used only with effect from 1 July 1983.

4. Except in cases of *force majeure*, if the obligation to export created by the export licence referred to under (b) of Article 12 has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence; or
- (b) the sum of the export levy indicated on the licence and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence; or
- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence reduced by the refund indicated on the said licence;

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

Article 15

1. In so far as the conditions set out in Article 12 of Regulation (EEC) No 766/68 are satisfied, any export refunds and export levies fixed in advance in connection with this invitation to tender before 1 July 1983 for sugar exported on or after that date shall, at the request of the party concerned, be adjusted in accordance with paragraph 2.

2. For purposes of the adjustment referred to in paragraph 1, the export refund shall be increased, and the export levy decreased, by the difference, expressed

in ECU per 100 kilograms, between the intervention price of white sugar applicable with effect from 1 July 1983 and the intervention price of that sugar applicable on 30 June 1983.

In calculating the difference referred to in the above subparagraph there shall be added to these intervention prices the relevant storage levy as referred to under (a) of the third subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

3. The request referred to in paragraph 1 must be submitted by the export-licence holders concerned, before completion of the customs export formalities relating to the quantities concerned, to the Member State which issued the licence.

That Member State shall insert the relevant adjustment in section 18a of the export licence and shall place its stamp thereon.

The Member States shall inform the Commission without delay of the quantities of sugar covered by the requests referred to in paragraph 1.

Article 16

This Regulation shall enter into force on 24 July 1982 and shall apply with effect from 28 April 1983.

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

Done at Brussels, 20 July 1982.

For the Commission

Poul DALSAER

Member of the Commission

COMMISSION REGULATION (EEC) No 2017/82

of 23 July 1982

authorizing the German intervention agency to sell forequarters of bovine animals for processing into preserves with a view to constituting security stocks

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 7 (3) thereof,

Whereas for strategic reasons the Federal Republic of Germany has safety stocks of certain foodstuffs; whereas these include beef preserves;

Whereas, moreover, substantial purchases by the intervention agency are a feature of the current situation on the beef and veal market in the Federal Republic of Germany; whereas in these circumstances the immediate utilization of part of the meat thus bought in for processing into the abovementioned preserves provides a useful outlet for the meat in question; whereas, therefore, the sale of this meat should be authorized before it is placed in stock, at a price equal to the buying-in price, with a view to processing it into preserves in order to constitute security stocks for the Land of Berlin in the Federal Republic of Germany;

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

HAS ADOPTED THIS REGULATION:

Article 1

From 16 August 1982 to the end of the 1982/83 marketing year, the German intervention agency shall

be authorized to sell up to 12 000 tonnes of fresh or refrigerated forequarters which it has purchased under Article 6 of Regulation (EEC) No 805/68.

Article 2

1. The products specified in Article 1 shall be sold only to the German public authorities and shall be processed into preserves with a view to constituting security stocks for the Land of Berlin.

2. The selling price of the products specified in Article 1 shall be equal to the buying-in price of the carcasses or half-carcasses, multiplied by 0.78.

3. For the purposes of this Regulation 'forequarters' shall mean the front part of the half-carcass comprising all the bones and the scrag, neck and shoulder and cut straight at the eighth rib, with the flank and breast attached.

Article 3

The Federal Republic of Germany shall notify the Commission of the measures taken to implement this Regulation.

Article 4

This Regulation shall enter into force on 16 August 1982.

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

Done at Brussels, 23 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

COMMISSION REGULATION (EEC) 2018/82
of 23 July 1982
amending Regulation (EEC) No 427/81 authorizing Greece to suspend the entire
customs duties applicable on imports of beef and veal products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Greece, and
in particular Article 64 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 427/81 ⁽¹⁾,
as amended by Regulation (EEC) No 844/82 ⁽²⁾,
authorized Greece to suspend the entire customs
duties applicable on beef and veal products from other
Member States until 30 June 1982; whereas the situa-
tion on the beef and veal market in Greece is still one
of heavy demand and high prices; whereas, in conse-
quence, the authorization which was initially limited
to 30 June 1982 should be extended until 31 August
1982;

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

HAS ADOPTED THIS REGULATION :

Article 1

In Article 1 of Regulation (EEC) No 427/81, '30 June
1982' is hereby replaced by '31 August 1982'.

Article 2

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

It shall apply with effect from 1 July 1982.

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

Done at Brussels, 23 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 47, 20. 2. 1981, p. 20.

⁽²⁾ OJ No L 98, 14. 4. 1982, p. 11.

COMMISSION REGULATION (EEC) No 2019/82**of 22 July 1982****on the issue of import licences on 30 July 1982 for sheepmeat and goatmeat
products originating in certain non-member countries**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 424/82
of 22 February 1982 concerning the import system
applicable to certain non-member countries in the
sheepmeat and goatmeat sector in 1982⁽³⁾, and in
particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 526/82⁽⁴⁾
laid down detailed rules for implementing the import
system provided for in Regulation (EEC) No 424/82;
whereas provision should be made, pursuant to Article
2 (5) of Regulation (EEC) No 526/82, for determining
the extent to which import licences may be issued in
connection with applications lodged in respect of the
third quarter of 1982;

Whereas, in cases where the quantities in respect of
which licence applications have been lodged exceed
the quantities which may be imported pursuant to
Article 1 of Regulation (EEC) No 526/82, such quanti-
ties should be reduced by a single percentage figure in
accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in
cases where the quantities in respect of which licence
applications have been lodged do not exceed the

quantities provided for in Regulation (EEC) No
526/82,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, on 30 July 1982, issue the import
licences provided for in Regulation (EEC) No 526/82
and applied for from 1 to 10 July 1982 subject to the
following conditions:

- (a) for products falling within subheading 02.01 A IV
a) of the Common Customs Tariff, the quantities
applied for, originating:
 - in Spain shall be reduced by 94.118 %,
 - in other non-member countries shall be
granted in full;
- (b) for products falling within subheading 02.01 A IV
b) of the Common Customs Tariff, the quantities
applied for, originating:
 - in Chile shall be reduced by 99.329 %,
 - in other non-member countries shall be
granted in full;
- (c) for products falling within subheading 01.04 B of
the Common Customs Tariff, the quantities
applied for, originating in other non-member
countries shall be granted in full.

Article 2

This Regulation shall enter into force on 26 July 1982.

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

Done at Brussels, 22 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 26.

⁽³⁾ OJ No L 55, 26. 2. 1982, p. 1.

⁽⁴⁾ OJ No L 63, 6. 3. 1982, p. 11.

COMMISSION REGULATION (EEC) No 2020/82
of 22 July 1982
temporarily suspending intervention buying in of certain qualities of meat in
certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 6 (5) (b) thereof,

Whereas Article 3 (1) of Council Regulation (EEC) No 1197/82 ⁽²⁾ provides the possibility of suspending, in accordance with the procedure provided for in Article 27 of Regulation (EEC) No 805/68, the buying in by intervention agencies of one or more qualities of fresh or chilled meat in Member States or regions of Member States when the market price of the quality or qualities in question remains, during a period of three consecutive weeks, between 100 and 102 % of the maximum buying-in price fixed for that or those qualities;

Whereas in Great Britain the market price for a certain quality is between 100 and 102 % of the

maximum buying-in price; whereas, therefore, intervention buying in should be temporarily suspended for the quality in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

In application of Article 3 (1) (a) of Regulation (EEC) No 1197/82, intervention buying in shall be suspended from 26 July 1982 in the following Member State for the quality specified:

in Great Britain: Steers M.

Article 2

This Regulation shall enter into force on 26 July 1982.

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

Done at Brussels, 22 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 26.

COMMISSION REGULATION (EEC) No 2021/82

of 23 July 1982

re-establishing the levying of customs duties on shawls, scarves, mufflers, mantillas, veils and the like, products of category 84 (code 0840), originating in India, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3602/81 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3602/81 of 7 December 1981 applying generalized tariff preferences for 1982 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 (1) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling which is indicated in column 6 of Annex B, for each of the beneficiaries indicated in column 5 of the same Annex;

Whereas Article 3 (1) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question, originating in any of the said countries and territories, once the relevant Community ceiling has been reached;

Whereas, in respect of shawls, scarves, mufflers, mantillas, veils and the like, products of category 84, the ceiling should be 71.4 tonnes; whereas on 10 July 1982 the amounts of imports into the Community of the products in question originating in India, a country covered by preferential tariff arrangements, reached that ceiling; whereas, bearing in mind the objectives of Regulation (EEC) No 3602/81, which provides that the ceiling should not be exceeded, customs duties should be re-established in respect of the products in question in relation to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 July 1982, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3602/81, shall be re-established in respect of the following products, imported into the Community and originating in India:

Code	Category	CCT heading No	NIMEXE code 1982	Description
	(1)	(2)	(3)	(4)
0840	84	ex 61.06	61.06-30; 40; 50; 60	Shawls, scarves, mufflers, mantillas, veils and the like: Other than knitted or crocheted, of wool, of cotton or of man-made textile fibres

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, 23 July 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 365, 21. 12. 1981, p. 90.

COMMISSION REGULATION (EEC) No 2022/82

of 23 July 1982

re-establishing the levying of customs duties on handkerchiefs, products of category 89 (code 0890), originating in Hong Kong, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3602/81 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3602/81 of 7 December 1981 applying generalized tariff preferences for 1982 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 (1) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling which is indicated in column 6 of Annex B, for each of the beneficiaries indicated in column 5 of the same Annex;

Whereas Article 3 (1) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question, originating in any of the said countries and territories, once the relevant Community ceiling has been reached;

Whereas, in respect of handkerchiefs, products of category 89, the ceiling should be 60 180 pieces; whereas on 10 July 1982 the amounts of imports into the Community of the products in question originating in Hong Kong, a country covered by preferential tariff arrangements, reached that ceiling; whereas, bearing in mind the objectives of Regulation (EEC) No 3602/81, which provides that the ceiling should not be exceeded, customs duties should be re-established in respect of the products in question in relation to Hong Kong,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 July 1982, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3602/81, shall be re-established in respect of the following products, imported into the Community and originating in Hong Kong:

Code	Category	CCT heading No	NIMEXE code 1982	Description
	(1)	(2)	(3)	(4)
0890	89	61.05 A	61.05-20	Handkerchiefs: A. Of woven cotton fabric of a value of more than, 15 ECU/kg net weight

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, 23 July 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 365, 21. 12. 1981, p. 90.

COMMISSION REGULATION (EEC) No 2023/82

of 23 July 1982

introducing a countervailing charge on tomatoes originating in Romania

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 1738/82⁽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 1441/82
of 8 June 1982 fixing the reference prices for tomatoes
until the end of the 1982 marketing year⁽³⁾ fixed the
reference price for products of Class I for the period
11 July to 31 August 1982 at 32.54 ECU per 100 kilo-
grams 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, for Romanian 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 5.59 ECU per 100 kilo-
grams net is applied to tomatoes (subheading 07.01 M
of the Common Customs Tariff) originating in
Romania.

Article 2

This Regulation shall enter into force on 27 July 1982.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No L 158, 9. 6. 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, 23 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2024/82

of 23 July 1982

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by the Act of Accession of Greece⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 1663/82⁽⁷⁾, as last amended by Regulation (EEC) No 2000/82⁽⁸⁾;

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

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

Done at Brussels, 23 July 1982.

— 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 22 July 1982;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3.02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽⁹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75⁽¹⁰⁾, as last amended by Regulation (EEC) No 1783/81⁽¹¹⁾, as fixed in the Annex to amended Regulation (EEC) No 1663/82, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 184, 29. 6. 1982, p. 10.

⁽⁸⁾ OJ No L 215, 23. 7. 1982, p. 36.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 176, 1. 7. 1981, p. 10.

ANNEX

to the Commission Regulation of 23 July 1982 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A	18.77 ⁽¹⁾	16.96 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	193.71	187.67
11.02 A III ⁽²⁾	193.71	187.67
11.02 B I a) I ⁽²⁾	169.84	166.82
11.02 B I b) I ⁽²⁾	169.84	166.82
11.02 C III ⁽²⁾	266.69	260.65
11.02 D III ⁽²⁾	109.37	106.35
11.02 E I a) I ⁽²⁾	109.37	106.35
11.02 E I b) I ⁽²⁾	214.56	208.52
11.02 F III ⁽²⁾	193.71	187.67
11.04 C I	21.79	15.14 ⁽³⁾
11.07 A II a)	196.46 ⁽⁴⁾	185.58
11.07 A II b)	149.55	138.67
11.07 B	172.48 ⁽⁴⁾	161.60

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes.

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1.6 % for rice, 2.5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5.44 ECU/tonne for products originating in Turkey.

⁽⁵⁾ In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading 11.08 A V.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 July 1982

under the Treaties, concerning fishery activities in waters under the sovereignty or jurisdiction of Member States, taken on a temporary basis pending the adoption of permanent Community measures

(82/498/EEC)

The Council refers to its declaration of 30 May 1980 on the common fisheries policy⁽¹⁾.

Pending a decision in this area and bearing in mind the Community's exclusive competence in the matter and the obligations on the Member States as defined by the Court of Justice, the Council has decided as follows:

From 24 July 1982 pending a Council decision or until 22 September 1982, whichever is the earlier, the Member States shall conduct their fishing activities in accordance with the usual seasonal cycles, taking into account the TACs proposed by the Commission on 21 June 1982, as amended on 29 June and 21 July 1982, and the portion of those TACs which remains available to the Community bearing in mind its commitments to third countries.

Done at Brussels, 21 July 1982.

For the Council

The President

K. HJORTNÆS

⁽¹⁾ OJ No C 158, 27. 6. 1980, p. 2.

