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I Acts whose publication is obligatory

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2451/82**of 9 September 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 2118/82⁽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 8 September 1982;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2118/82 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 10 September 1982.

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

Done at Brussels, 9 September 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 223, 31. 7. 1982, p. 44.

ANNEX

to the Commission Regulation of 9 September 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	113.11
10.01 B II	Durum wheat	161.78 ⁽¹⁾ ⁽²⁾
10.02	Rye	74.63 ⁽⁶⁾
10.03	Barley	105.59
10.04	Oats	62.51
10.05 B	Maize, other than hybrid maize for sowing	107.33 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	13.91 ⁽⁴⁾
10.07 C	Grain sorghum	104.21 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	171.61
11.01 B	Rye flour	117.26
11.02 A I a)	Durum wheat groats and meal	263.84
11.02 A I b)	Common wheat groats and meal	185.05

⁽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 2452/82**of 9 September 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 2119/82⁽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 8 September 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 10 September 1982.

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

Done at Brussels, 9 September 1982.

For the Commission

Poul DALSAGER

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 223, 31. 7. 1982, p. 47.

ANNEX

to the Commission Regulation of 9 September 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 9	1st period 10	2nd period 11	3rd period 12
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	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	6.31	6.31	6.35
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

(ECU/tonne)						
CCT heading No	Description	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2453/82**of 9 September 1982****fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1413/82⁽²⁾, and in particular Article 16 (2) thereof,

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 6 and 7 September 1982 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 356, 11. 12. 1981, p. 13.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁸⁾ OJ No L 356, 11. 12. 1981, p. 14.

⁽⁹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹¹⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

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

Article 3

This Regulation shall enter into force on 10 September 1982.

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

Done at Brussels, 9 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	31.50 ⁽¹⁾
15.07 A I b)	34.50 ⁽¹⁾
15.07 A I c)	33.00 ⁽¹⁾
15.07 A II a)	37.00 ⁽²⁾
15.07 A II b)	56.00 ⁽³⁾

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

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

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

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

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	7.59
07.03 A II	7.59
15.17 B I a)	17.25
15.17 B I b)	27.60
23.04 A II	2.64

COMMISSION REGULATION (EEC) No 2454/82

of 7 September 1982

on the supply of maize meal to the International Committee of the Red Cross as food aid

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 28 thereof,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid⁽³⁾, and in particular Article 6 thereof,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2543/73⁽⁵⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, on 26 April 1982, the Council of the European Communities has expressed its intention to grant, under a Community measure 4 000 tonnes of cereals for the International Committee of the Red Cross under its food-aid programme for 1982;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general rules for the implementation of certain food-aid operations involving cereal and rice products⁽⁶⁾, as last amended by Regulation (EEC) No 3323/81⁽⁷⁾; whereas it is necessary to specify, for the purposes of the Community measure envisaged, the characteristics of the products to be supplied and the supply conditions which are set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall be charged with implementing the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

This Regulation shall enter into force on the 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, 7 September 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 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁶⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁷⁾ OJ No L 334, 21. 11. 1981, p. 27.

ANNEX

1. **Programme :** 1982
2. **Recipient :** International Committee of the Red Cross (ICRC)
3. **Place or country of destination :** Angola
4. **Product to be mobilized :** maize meal
5. **Total quantity :** 2 080 tonnes (4 000 tonnes of cereals)
6. **Number of lots :** two — No 1 : 1 040 tonnes
— No 2 : 1 040 tonnes
7. **Intervention agency responsible for conducting the procedure :**
AIMA — Azienda di Stato per gli interventi sui mercati agricoli, via Palestro, 81, I-Roma (telex 613 003)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - *Maize meal* (11.02 A V a) 2):
 - maize meal of fair and sound merchantable quality, free from abnormal smell and pests
 - moisture content : 12 % maximum
 - acidity : 0.6 % maximum
10. **Packaging :**
 - in new bags⁽¹⁾:
 - jute sacks of a minimum weight of 600 g, or
 - composite sacks jute/polypropylene of a minimum weight of 335 g
 - net weight of the bags : 50 kg
 - marking of the bags :
 - a red cross 15 × 15 cm followed by
 - No 1 : 'ANG-79 / SEMOLA DE MILHO / DOM DA COMUNIDADE ECONÓMICA EUROPEIA / ACCAO DO COMITE INTERNACIONAL DA CRUZ VERMELHA / DISTRIBUÇAO GRATUITA / LOBITO'
 - No 2 : 'ANG-80 / SEMOLA DE MILHO / DOM DA COMUNIDADE ECONÓMICA EUROPEIA / ACCAO DO COMITE INTERNACIONAL DA CRUZ VERMELHA / DISTRIBUÇAO GRATUITA / LOBITO'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Lobito
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 20 September 1982 at 12 noon
16. **Shipment period :** No 1 : 1 to 15 October 1982
No 2 : 1 to 15 November 1982
17. **Security :** 12 ECU per tonne
18. At the request of the ICRC, the successful tenderer shall supply to the beneficiary, on delivery, the following documents (in Portuguese):
 - certificate of origin
 - phytosanitary certificate
 - fumigation certificate
 - *pro forma* invoices

⁽¹⁾ Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

**COMMISSION REGULATION (EEC) No 2455/82
of 9 September 1982**

**amending Regulations (EEC) No 1332/82 and (EEC) No 1498/82 as regards the
time limit for concluding private storage contracts for long-keeping cheeses and
for Pecorino Romano cheese**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products ⁽¹⁾, as last amended
by Regulation (EEC) No 1183/82 ⁽²⁾, and in particular
Article 9 (3) thereof,

Whereas Commission Regulation (EEC) No
1332/82 ⁽³⁾, lays down detailed rules for the granting of
private storage aid for long-keeping cheeses during the
1982/83 marketing year; whereas as regards the
conclusion of the contract, Article 2 (3) did not lay
down the period within which the contract must be
drawn up; whereas Commission Regulation (EEC) No
1498/82 ⁽⁴⁾ introducing private storage aid for Pecorino
Romano cheese likewise contains no such provision;
whereas therefore a provision should be inserted into
these Regulations stipulating that the contract must be
drawn up within 40 days after the date when storage
under contract begins;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Article 2 (3) of Regulation (EEC) No 1332/82 is
hereby replaced by the following:

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

Done at Brussels, 9 September 1982.

'3. The storage contract shall be concluded:

- (a) in writing, stating the date when storage
covered by the contract begins; this date may
not be earlier than the day following that on
which the operations connected with putting
the batch of cheese covered by the contract
into storage were completed;
- (b) after completion of the operations connected
with putting the batch of cheese covered by the
contract into storage and at the latest 40 days
after the date when storage covered by the
contract begins.

2. Article 2 (2) of Regulation (EEC) No 1498/82 is
hereby replaced by the following:

'2. The storage contract shall be concluded:

- (a) in writing, stating the date when storage
covered by the contract begins; this may not
be earlier than the day following that on which
the operations connected with putting the
batch of cheese covered by the contract into
storage were completed;
- (b) after completion of the operations connected
with putting the batch of cheese covered by the
contract into storage and at the latest 40 days
after the date on which the storage covered by
the contract begins.'

Article 2

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

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 150, 29. 5. 1982, p. 76.

⁽⁴⁾ OJ No L 161, 12. 6. 1982, p. 9.

COMMISSION REGULATION (EEC) No 2456/82**of 8 September 1982****laying down, for the 1982/83 wine-growing year, provisions relating to the distillation referred to in Article 40 of Regulation (EEC) No 337/79**

THE COMMISSION 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 2144/82 ⁽²⁾, and in particular Articles 40 (6) and 65 thereof,

Having regard to Council Regulation (EEC) No 2144/82 of 27 July 1982 amending Regulation (EEC) No 337/79 on the common organization of the market in wine, and in particular Article 2 thereof,

Whereas Article 40 of Regulation (EEC) No 337/79, as amended by Regulation (EEC) No 2144/82, provides for major changes in the distillation arrangements previously provided for in Article 41; whereas, consequently, those provisions of Council Regulation (EEC) No 343/79 of 5 February 1979 laying down general rules governing certain distillation operations in the wine sector ⁽³⁾, as last amended by Regulation (EEC) No 2008/82 ⁽⁴⁾, which no longer correspond to the new arrangements laid down by the said Article 40 are no longer applicable; whereas Regulation (EEC) No 343/79 does not lay down certain general rules that the new arrangements necessitate;

Whereas the new system for the common organization of the market in wine is applicable from 1 September 1982; whereas it has not been possible for the Council to adopt new general rules for the application of Article 40 of Regulation (EEC) No 337/79 in the interval between the entry into force of Regulation (EEC) No 2144/82 and 1 September; whereas, in these circumstances, the Commission should adopt all the provisions for the 1982/83 wine-growing year relating to the distillation covered by Article 40 of Regulation (EEC) No 337/79, so as to enable the new rules to be

applied from the scheduled date and to avoid difficulties in changing from the old system to the new one;

Whereas it is necessary to determine both the conditions for the fulfilment by producers of the obligations laid down in Article 40 of Regulation (EEC) No 337/79 and the conditions for the fulfilment of the obligations incumbent on distillers;

Whereas each producer should be exempted from delivering for distillation in respect of a standard quantity representing family consumption and any quantities exported; whereas it should therefore be prescribed that any export of wine must take place before a date which will allow the remaining quantities to be distilled, as is laid down, before the end of the wine-growing year;

Whereas under Article 40 (2) of Regulation (EEC) No 337/79 the obligation to distil applies only to the quantities of wine in excess of those normally produced; whereas for each of the different types of wine produced from grapes classed for two purposes these quantities should be defined; whereas for wine produced from grapes of varieties classed as both wine grape and table grape varieties the rule laid down in Commission Regulation (EEC) No 2078/76 ⁽⁵⁾ should be followed, but with a different reference period for Greece; whereas, however, for wine produced from grapes of varieties classed as both wine grape varieties and varieties for special uses, the obligation to distil constitutes a major change in the practices hitherto followed; whereas, in order to enable the Commission to take fuller account of these practices while ensuring equal treatment of all those concerned, the adoption of criteria for determining the quantity of wine normally produced per hectare in each administrative unit should be postponed to a later date;

Whereas experience has shown that it is not always easy for producers to calculate exactly the quantity of products which they must deliver to discharge their obligations; whereas the expiry of the period for making deliveries should not mean that producers who have delivered almost all the required quantity and have only minor adjustments to make are penalized out of proportion to the infringement involved, particularly as regards the application of Article 6 (1) of Regulation (EEC) No 337/79; whereas, to this end,

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 227, 3. 8. 1982, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 64.

⁽⁴⁾ OJ No L 216, 24. 7. 1982, p. 2.

⁽⁵⁾ OJ No L 233, 24. 8. 1976, p. 20.

such producers should be considered as having discharged their obligation within the required time if their intervention agency authorizes them to deliver any remaining quantities of products under arrangements to be fixed by that agency; whereas, however, quantities delivered after the period has expired should not be eligible for financing by the European Agricultural Guidance and Guarantee Fund (EAGGF);

Whereas, in order to ensure that the quantities of wine which must be distilled and which qualify for a Community contribution are actually delivered for distillation, a system of checks should be introduced based as a general rule on verification that the characteristics of the wine delivered are as indicated on the accompanying document;

Whereas it is necessary to avoid any risk that the product of distillation of certain wines that must be distilled pursuant to Article 40 of Regulation (EEC) No 337/79 may disturb the market in wine spirits with a registered designation of origin;

Whereas, in order to ensure that the arrangements are as effective as possible, provision should be made for certain time limits on the operations to be carried out by producers and distillers; whereas it should also be laid down what constitutes proof in respect of the delivery of wine to distillers, such proof varying according to whether the distiller is established in the same Member State as the producer or in another Member State;

Whereas distillers may, in accordance with Article 40 (4) of Regulation (EEC) No 337/79, either receive aid for the product to be distilled or deliver the product obtained from distillation to the intervention agency; whereas the amount of the aid must be fixed in the light of market prices for the different products obtainable by distillation; whereas, in order to avoid the production of poor quality potable spirits, it should be laid down, in the absence of Community provisions on this matter, that the potable spirits produced must comply with the national provisions in force;

Whereas, to qualify for the aid, the parties concerned must lodge an application accompanied by a number of supporting documents; whereas, to ensure that the system operates uniformly in all Member States, time limits for lodging applications and for the payment of aid to processors should be laid down;

Whereas the price to be paid by the intervention agencies for products delivered to them should take account of the average distillation costs of the product in question;

Whereas, in the absence of an organized Community market in ethyl alcohol, the intervention agencies

responsible for marketing such alcohol are obliged to resell it at less than the buying-in price and the selling price for such alcohol to be borne, at a standard rate, by the Guarantee Section of the EAGGF;

Whereas the provisions on the financing of intervention laid down in Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2788/72⁽²⁾, should cover the taking over by intervention agencies of the product of distillation;

Whereas, in order to take account of the actual situation on the market in wine for distillation, both distillers and other processors should be authorized to fortify such wine for distillation;

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

Whereas, in order to ensure appropriate supervision of distillation operations, distillers and processors who fortify wine for distillation should be made subject to a system of approval;

Whereas, in order that the Commission may keep a general watch on compliance with the obligations regarding distillation laid down in Article 40 of Regulation (EEC) No 337/79, the Member States must communicate regularly, on the basis of reports from distillers, of the progress and outcome of distillation operations;

Whereas the addition of an indicator to wine for distillation is an effective method of supervision; whereas it should be stipulated that the presence of such an indicator shall be no bar to free movement of such wine and of products obtained therefrom;

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

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 295, 30. 12. 1972, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down general rules and detailed arrangements for the distillation provided for in Article 40 of Regulation (EEC) No 337/79 for the 1982/83 wine-growing year.

Article 2

1. Those persons subject to an obligation to distil under Article 40 of Regulation (EEC) No 337/79, hereinafter called 'producers', shall discharge their obligation by delivering their wine to an approved distiller by 31 July 1983 at the latest. The provisions of paragraphs 2 and 3 shall apply.

In cases covered by the second subparagraph of Article 10 (1) the obligation shall be discharged by delivery of the wine to an approved processor by 30 June 1983 at the latest.

2. In the case of wine covered by Article 40 (1) of Regulation (EEC) No 337/79, each producer must deliver a quantity equal to the total quantity that he has produced less :

- 10 hectolitres,
- any quantity which he proves have been exported by 30 June 1983 at the latest.

3. In the case of wine covered by Article 40 (2) of Regulation (EEC) No 337/79, each producer must deliver a quantity equal to the total quantity he has produced less :

- 10 hectolitres,
- any quantity which he proves have been exported by 30 June 1983 at the latest,
- the quantity normally produced, calculated as specified in paragraph 4.

4. For each administrative unit the following shall be regarded as the total quantity of wine normally produced :

- the average quantities produced during a reference period, for wine produced from grape varieties listed in the classification for that administrative unit as both wine grape and table grape varieties,
- the average quantities produced during the wine-growing years 1974/75 to 1979/80, for wine produced from grape varieties listed in the classification for that administrative unit as both wine grape varieties and varieties for the production of dried grapes,

- the average quantities produced in the wine-growing years 1974/75 to 1979/80 minus such quantities as were distilled other than for the production of wine spirits with a registered designation of origin, for wine produced from grape varieties listed in the classification for that administrative unit as both wine grape varieties and varieties for the production of wine spirits.

For the wines referred to in the first indent of the first subparagraph, the quantity normally produced per hectare shall be the quantity established :

- for administrative units in France and Italy, in accordance with Article 5 of Regulation (EEC) No 2078/76 for the 1976/77 wine-growing year,
- for administrative units in Greece, in accordance with the said Article 5, taking into account the results of the wine-growing years 1974/75 to 1979/80.

For the wines referred to in the second and third indents of the first subparagraph, the criteria for the allocation per hectare or per producer of the total quantity of wine normally produced in each administrative unit shall be adopted by 15 December 1982.

5. For each producer the total quantity produced shall be the sum of the quantities of wine mentioned in paragraph 1 appearing in the harvest declaration mentioned in Article 2 (1) of Regulation No 134 (1) and the quantities entered in the records referred to in Article 14 of Regulation (EEC) No 1153/75 (2) obtained by him, after the date of presentation of the harvest declaration, from grapes or from must produced from grapes of the varieties referred to in Article 40 (1) and (2) of Regulation (EEC) No 337/79, which appear in that declaration.

6. The competent intervention agency may allow producers, who have delivered within the period set in paragraph 1 at least 90 % of the quantity of wine they are obliged to deliver, to discharge their obligation by delivering the remaining quantity by a date to be fixed by the responsible national authority.

In such cases :

- the buying-in price for the remaining quantities of wine and the price for the alcohol produced from that wine and delivered to the intervention agency shall be reduced by an amount equal to the EAGGF contribution referred to in Article 9,

(1) OJ No 111, 6. 11. 1962, p. 2604/62.

(2) OJ No L 113, 1. 5. 1975, p. 1.

- there shall be no EAGGF contribution to intervention agencies' expenditure on the alcohol delivered to them,
- no aid shall be paid for products of distillation not delivered to intervention agencies,
- the obligation shall be considered to have been discharged within the period referred to in the first subparagraph.

Article 3

The buying-in price provided for in Article 40 (3) of Regulation (EEC) No 337/79 shall be 1.51 ECU per % vol per hectolitre.

This price shall apply to bulk merchandize ex producer's premises.

Article 4

1. The characteristics of the wine delivered to the distiller, and in particular the quantity and the actual alcoholic strength by volume, shall be checked on the basis of the accompanying document issued for transport of the wine to the distillery. The competent authorities of the Member States shall check that the characteristics of the wine delivered to the distillery correspond to the information given in the accompanying document.

The Member States may provide for the check mentioned in the first subparagraph to be made by sampling.

2. If, in accordance with the Community provisions in force, an accompanying document is not made out, the wine to be distilled shall be checked under arrangements that the Member States shall establish and communicate to the Commission. These arrangements must guarantee the same degree of effectiveness as those provided for in paragraph 1.

Article 5

1. On delivery of the wine referred to in Article 2, the distiller shall provide the producer with a certificate stating the quantity and alcoholic strength of the wine delivered.

Notwithstanding the first subparagraph, if a producer subject to the obligation referred to in Article 40 (1) or (2) of Regulation (EEC) No 337/79 has wine distilled in another Member State, the distiller shall have certified by the intervention agency of the Member State in which distillation takes place, in Section 23 of the

accompanying document for the products to be distilled, that they have been taken over by the distillery. The distiller shall forward to the producer a copy of the accompanying document, thus certified, within 30 days of reception of the products to be distilled.

2. The distiller shall pay the producer the buying-in price indicated in Article 3 not later than 90 days after delivery of the wine.

Article 6

1. Subject to Article 10 (8) the distillation operations referred to in Article 40 of Regulation (EEC) No 337/79 may not take place after 31 August 1983.

2. Wines as referred to in Article 2 (4) (c) must be distilled to give a product with an alcoholic strength of 92 % vol or more.

3. Distillers shall notify the intervention agency, no later than the 10th day of each month, of the quantities of wine distilled during the previous month, specifying:

- the quantity of alcohol obtained of 92 % vol or more,
- the quantity of alcohol obtained of 86 % vol or more but less than 92 % vol,
- the quantity and the alcoholic strength of products obtained of 85 % vol or less.

Article 7

1. Distillers:

- who do not intend to deliver to the intervention agency products of distillation which they obtain with an alcoholic strength of 92 % vol or more, or
- who obtain a product having an alcoholic strength of less than 92 % but not less than 86 % vol, or
- who obtain a product having an alcoholic strength of not less than 52 % vol but not more than 85 % vol, and meeting the national quality requirements applicable to wine spirits,

shall receive aid.

The amount of the aid shall be:

- 0.88 ECU per % vol alcohol per hectolitre for products having an alcoholic strength of not more than 85 % vol and not less than 52 % vol and meeting the national quality requirements applicable to wine spirits,
- 0.90 ECU per % vol alcohol per hectolitre for products having an alcoholic strength of not less than 86 % vol.

2. Distillers who wish to receive the aid referred to in paragraph 1 shall by 30 September 1983 submit an application to the intervention agency of the Member State in which distillation took place accompanied by, for the quantities for which aid is requested :

- (a) copies of the accompanying documents for transport of the wine delivered to him or a summary of the contents of those documents ;
- (b) a statement, endorsed by a supervisory authority designated by the Member State concerned, of the quantities :
 - with an alcoholic strength of 86 % vol or more,
 - of wine spirits meeting the national quality requirements applicable, obtained by distillation.

Member States may require that the copies or summary referred to at point (a) in the first subparagraph be endorsed by a supervisory authority.

3. The intervention agency shall pay the aid referred to in paragraph 1 not later than 90 days after submission of the application and of the documents referred to in paragraph 2.

The distiller must provide the intervention agency before 1 January 1984 which proof that he has paid the producer the buying-in price for the wine within the stipulated period.

If such proof is not provided within the period specified in the second subparagraph, the aid paid shall be recovered by the intervention agency. If, however, the proof is furnished after the stipulated period but before 1 March 1984 and the delay is not due to serious negligence by the distiller, the intervention agency shall recover 80 % of the aid paid.

Article 8

1. Distillers who do not receive the aid referred to in Article 7 may deliver to the intervention agency products with an alcoholic strength of 92 % vol or more obtained directly or indirectly from distillation.

Delivery to the intervention agency shall be made not later than 31 August 1983 or, if Article 2 (6) is applied, by the date fixed by the competent national authority.

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

- 1.96 ECU per % vol per hectolitre for neutral alcohol with an alcoholic strength of 96 % vol or more,
- 1.91 ECU per % vol for neutral alcohol with an alcoholic strength of less than 96 % vol but not less than 92 % vol.

These prices shall apply to bulk merchandize free at the premises of the intervention agency.

3. The intervention agency shall pay the distiller for the alcohol not later than 90 days after the day on which it was delivered.

Article 9

The Guarantee Section of the EAGGF shall contribute to intervention agencies' expenditure on the taking over of alcohol.

The contribution shall be at a flat rate of 0.95 ECU per % vol per hectolitre of alcohol taken over.

Articles 4 and 5 of Regulation (EEC) No 729/70 shall apply to this contribution.

Article 10

1. Wine to be distilled under Article 40 of Regulation (EEC) No 337/79, except wine referred to in the third indent of the first subparagraph of Article 2 (4) of this Regulation, may be fortified for distillation either by the distiller or by an approved processor other than the producer.

If such processing is carried out by an approved processor the provisions of this Article shall apply.

2. The wine may be fortified for distillation only on the territory of the Member State in which the producer's winery is located, and not later than 31 July 1983.

3. The wine shall be fortified for distillation under official supervision. For this purpose :

- the accompanying document(s) and register(s) that are compulsory under Article 53 of Regulation (EEC) No 337/79 shall show the % vol increase in actual alcoholic strength by volume by indicating the strength before and after addition of the distillate to the wine,
- a sample of the wine shall be taken under official supervision before it is fortified in order that the actual alcoholic strength by volume may be determined analytically by an official laboratory or a laboratory working under official supervision ; two copies of the analysis report shall be sent to the processor of the wine, one of which he shall transmit to the intervention agency of the Member State in which the wine is fortified.

4. Member States may restrict the number of locations at which wine may be fortified for distillation should this be necessary to ensure that the most suitable method of supervision can be used.

5. When wine as referred to in Article 2 is delivered, the processor shall issue the producer with a certificate stating the quantity and alcoholic strength of the wine delivered.

6. The processor shall pay the producer the buying-in price for the wine referred to in Article 3 not later than 90 days after the producer has delivered it.

7. The processor shall send the intervention agency, not later than the 10th day of each month, a statement of the quantities of wine delivered to him during the previous month.

8. The processor shall receive the aid referred to in the first indent of the second subparagraph of Article 7 (1) for wine fortified for distillation. The aid shall be calculated on the number of hectolitres and the actual alcoholic strength by volume before the wine is fortified for distillation. In order to receive the aid the processor shall not later than 30 November 1984 submit, to the intervention agency of the Member State in which fortification has been carried out, an application accompanied by:

- (a) copies of the accompanying documents for transport of the wine for which aid is requested or a summary of those documents,
- (b) proof that the wine fortified for distillation obtained from the wine for which aid is requested has been distilled.

Member States may require that the copies or summary referred to at point (a) in the first subparagraph be endorsed by a supervisory authority.

9. The wine fortified for distillation may be distilled only by an approved distiller, and not later than 31 October 1983. Only wine spirits meeting the applicable national quality requirements may be obtained from the wine fortified for distillation.

10. The intervention agency of the Member State in which the wine was fortified shall pay the aid to the processor not later than 90 days after submission of the application and of the documents referred to in paragraph 8.

Article 11

Notwithstanding Article 40 (1) and (2) of Regulation (EEC) No 337/79, wine covered by that Article may be moved:

- to customs offices for accomplishment of customs export formalities and removal thereupon from the customs territory of the Community,

- to the premises of approved processors for processing into wine fortified for distillation.

Article 12

1. For the purposes of this Regulation, an approved distiller shall be one appearing on a list drawn up by the competent authorities of each Member State.

For the purposes of this Regulation, an approved fortifier shall be a processor of wine into wine fortified for distillation whose name appears on a list drawn up by the competent authorities of each Member State.

2. Approval shall be withdrawn if the distiller or fortifier does not pay the producer the buying-in price for wine referred to in Article 3. It may be withdrawn if the distiller or fortifier does not meet the obligations incumbent on him under Community legislation, in particular those relating to notification.

Article 13

The Member States shall take the necessary measures to ensure that the provisions of this Regulation are applied, and in particular supervisory measures to ensure that the wine covered by Article 40 of Regulation (EEC) No 337/79 is not diverted to uses other than distillation. Member States may, for this purpose, require separate vinification and the use of an indicator.

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

Article 14

1. By the 20th day of each month at the latest, Member States shall communicate the following information to the Commission in respect of the previous month:

- the quantity of alcohol delivered to intervention agencies following distillation under Article 40 of Regulation (EEC) No 337/79,
- the quantity of wine spirits produced and the quantity of alcohol contained therein,
- the quantity of alcohol produced of a strength of 86 % vol or more for which aid has been requested.

2. Member States shall, for alcohol taken over by their intervention agencies, notify the Commission before 1 October 1982 of the selling prices obtaining throughout the 1981/82 wine growing year and of the characteristics and quantity of the alcohol sold at these prices.

3. Member States shall inform the Commission not later than 31 March 1984 of cases in which distillers of wine or fortifiers of wine for distillation have not fulfilled their obligations and of the measures taken in consequence.

Article 15

The amounts referred to in Articles 3, 7 and 8 shall be converted into national currency at the representative

rate applying on 16 December 1982 in the wine sector, which shall apply from 1 September 1982 for this purpose.

Article 16

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 September 1982.

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

Done at Brussels, 8 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2457/82**of 8 September 1982****laying down, for the 1982/83 wine-growing year, provisions concerning the distillation of the by-products of wine-making**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2144/82 ⁽²⁾, and in particular Articles 6 (3), 39 (8) and 65 thereof,

Having regard to Council Regulation (EEC) No 2144/82 of 27 July 1982 amending Regulation (EEC) No 337/79 on the common organization of the market in wine, and in particular Article 2 thereof,

Whereas Article 39 of Regulation (EEC) No 337/79, as amended by Regulation (EEC) No 2144/82, provides for substantial changes in the arrangements for the compulsory distillation of the by-products of wine-making; whereas, consequently, those provisions of Council Regulation (EEC) No 349/79 of 5 February 1979 on the distillation of the by-products of wine-making ⁽³⁾ and 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 ⁽⁴⁾, which no longer correspond to the new arrangements laid down by Article 39 of Regulation (EEC) No 337/79 are no longer applicable; whereas those same Regulations do not lay down certain general rules which the new arrangements necessitate;

Whereas the new system for the common organization of the market in wine is applicable from 1 September 1982; whereas it has not been possible for the Council to adopt new general rules for the application of Article 39 of Regulation (EEC) No 337/79 in the interval between the entry into force of Regulation (EEC) No 2144/82 and 1 September 1982; whereas, in these circumstances, the Commission should adopt all the provisions relating to the distillation of

by-products of wine-making for the 1982/83 wine-growing year in order to enable the new rules to be applied from the scheduled date and to avoid difficulties in changing from the old system to the new one;

Whereas it is necessary to determine both the conditions for the fulfilment by producers of the obligations laid down in Article 39 (2) and (3) of Regulation (EEC) No 337/79, and the obligations incumbent on distillers;

Whereas experience has shown that it is not always easy for producers to calculate exactly the quantity of products which they must deliver to discharge their obligations; whereas the expiry of the period for making deliveries should not mean that producers who have delivered almost all the required quantity and have only minor adjustments to make suffer a penalty out of proportion to the infringement involved, particularly as regards the application of Article 6 (1) of Regulation (EEC) No 337/79; whereas, to this end, such producers should be considered as having discharged their obligation within the required period if the intervention agency authorizes them to deliver any quantities of products remaining due under arrangements to be fixed by the agency; whereas, however, quantities delivered after the period has expired should not be eligible for financing by the EAGGF;

Whereas, as a consequence of the derogation provided for in the second subparagraph of Article 39 (1) of Regulation (EEC) No 337/79, it is possible to obtain and to release to the market products for which the Community accompanying document for wine products cannot be used; whereas, to prevent any fraudulent use of the products in question, the Member States concerned should be obliged to introduce arrangements to control the movement of such products;

Whereas, for the purpose of determining the quantity of alcohol to be contained in products delivered in pursuance of the obligation to distil the by-products of wine-making, provision should be made, in accordance with Article 39 (2) of Regulation (EEC) No 337/79, for fixing the percentage which that quantity must represent in relation to the volume of alcohol naturally contained in the products used in the production of wine; whereas, for the 1982/83 wine-growing year, it would seem appropriate to fix this percentage at the maximum level provided for in the said Article;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 227, 3. 8. 1982, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 84.

⁽⁴⁾ OJ No L 216, 24. 7. 1982, p. 4.

Whereas producers who deliver their marc for the manufacture of oenocyanine generally supply non-fermented grape marc; whereas the treatment which such marc undergoes for the extraction of oenocyanine makes it unsuitable for fermentation and distillation thereafter; whereas those producers should therefore be exempted in proportion to their production of grape marc; whereas this exemption cannot be calculated exactly; whereas, this being the case, it is preferable to provide for a fixed reduction in the general rate;

Whereas, in accordance with Article 11 (1) of Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions⁽¹⁾, as last amended by Regulation (EEC) No 2145/82⁽²⁾, a yield per hectare is fixed for each of the quality wines psr, which facilitates observance of the prohibition against the pressing of wine lees and over-pressing of grapes; whereas, moreover, the marcs and lees of quality white wines psr contain little alcohol; whereas, therefore, a reduced rate should be applied to these products;

Whereas the obligation to distil represents a considerable constraint for the isolated producer who makes only a small quantity of wine; whereas, as a result of that obligation, he would incur transport costs for his grape marc and wine lees which would be out of all proportion to the return which he could hope to obtain on the alcohol distilled therefrom; whereas such producers should therefore be exempted from the obligation to distil;

Whereas, for the purpose of determining the quantity of alcohol to be contained in the products to be delivered, it is also necessary to fix, in accordance with Article 39 (2) of Regulation (EEC) No 337/79, a standard natural alcoholic strength for each wine-growing year and each wine-growing zone; whereas, however, by virtue of Article 39 (4) of Regulation (EEC) No 337/79, producers in certain zones are not subject to the obligation in question; whereas, in the absence of precise information on the alcoholic strength of wines for the coming wine-growing year, this determination may be made by reference to the average strengths recorded in the wine-growing zones concerned in previous wine-growing years, taking into account improvements in quality; whereas, however, it is necessary to allow for the possibility of altering the alcoholic strength referred to above before the date on which distillation of the wine commences to take account of the quality of the vintage; whereas, moreover, experience has shown that provision should be made for the adoption of different alcoholic strengths

for administrative units which, having suffered from exceptionally bad weather conditions, are recognized as disaster areas by Member States;

Whereas the fixing of the buying-in price for by-products of wine-making should take account, on the one hand, of the need to ensure that all producers fulfil the obligation to distil in every respect and, on the other hand, of the level of the market price for alcohol distilled from wine;

Whereas, in order to ensure that the arrangements are as effective as possible, provision should be made for certain time limits on the operations to be carried out by producers and distillers; whereas it should also be laid down what constitutes proof in respect of the delivery of marc, lees and wine to distillers, such proof varying according to whether the distiller is established in the same Member State as the producer or in another Member State;

Whereas the need to improve the quality of wine requires that all marc and lees be distilled; whereas the distillation of wine at the beginning of the wine-growing year should therefore be prohibited;

Whereas distillers may, in accordance with Article 39 (6) of Regulation (EEC) No 337/79, either qualify for aid in respect of the product to be distilled or deliver to the intervention agency the product obtained by distillation;

Whereas the amount of the aid should be fixed in the light of the market prices for the various products obtainable by distillation; whereas, in order to avoid the production of poor-quality potable spirits, it should be stipulated, in the absence of Community provisions on this matter, that the potable spirits produced must comply with the national provisions in force;

Whereas, to qualify for the aid, the parties concerned must lodge an application accompanied by a number of supporting documents; whereas, to ensure that the system operates uniformly in all Member States, time limits for the lodging of applications and for the payment of aid to processors should be laid down;

Whereas a standard price should be paid by the intervention agencies for the products delivered to them; whereas, in fixing this price, account must be taken of the average cost of distilling the various products delivered;

Whereas, in certain regions of the Community, the relation between the quantities of marc and those of wine and lees is such that the average distillation costs differ from those used to calculate the standard price; whereas, as a result of this situation, it is, or is liable to be, economically impossible in certain of these regions to achieve the objective of the obligation to distil the by-products of wine-making;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 48.

⁽²⁾ OJ No L 227, 3. 8. 1982, p. 10.

Whereas it is therefore to fix, at the same time, both a standard price and prices differentiated according to the origin of the alcohol, while leaving it to the Member States to decide whether such differentiated prices should be applied in regions where the application of the standard prices would lead to the difficulties referred to above;

Whereas recourse to this option must not increase the expenditure incurred by the intervention agency and, hence, by the EAGGF; whereas it is therefore necessary to correlate the prices differentiated according to the origin of the alcohol and the standard price; whereas this correlation must be such that the weighted average of the prices differentiated according to the origin of the alcohol is not more than the standard price;

Whereas, in the absence of an organized Community market in ethyl alcohol, the intervention agencies responsible for marketing such alcohol are obliged to resell it at less than the buying-in price; whereas provision should be made for the difference between the buying-in price and the selling price for such alcohol to be borne, at a standard rate, by the Guarantee Section of the EAGGF;

Whereas the provisions on the financing of intervention laid down in Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2788/72⁽²⁾, should cover the distillation of the by-products of wine-making;

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

Whereas, in cases where the by-products of wine-making are withdrawn under supervision in accordance with Article 39 (4) and (5) of Regulation (EEC) No 337/79, it is important to ensure that all the by-products of the processing of grapes have been completely withdrawn by the end of the 1982/83 wine-growing year;

Whereas, in order that the Commission may keep a general watch on compliance with the obligation to distil the by-products of wine-making, the Member States concerned must notify it regularly, on the basis of reports from distillers, of the progress and outcome of distillation operations;

Whereas Article 6 of Regulation (EEC) No 337/79 provides that only producers fulfilling the obligations laid down in Article 39 of that Regulation during a reference period to be determined may qualify for the

intervention measures; whereas that period must therefore be specified;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules and detailed arrangements for the distillation provided for in Article 39 of Regulation (EEC) No 337/79 for the 1982/83 wine-growing year.

Article 2

1. Persons subject to Article 39 (2) or (3), hereinafter called 'producers', shall discharge their obligations by delivering by 31 August 1983 at the latest to an approved distiller, free at the distillery, marc, lees and, where applicable, wine, in accordance with the provisions of Article 3.

Notwithstanding the first subparagraph, and in application of the second subparagraph of Article 39 (1) of Regulation (EEC) No 337/79, producers in the Greek and Italian islands, except Sicily and Sardinia, located in wine-growing zones C III (a) and C III (b):

- are authorized to overpress grapes and to press wine lees,
- may be released from their obligation by delivering the liquid product obtained by the operation referred to in the first indent to an approved distiller, free at the distillery, by 31 August 1983 at the latest.

The Member States concerned shall introduce a system for monitoring the production and movement of the product referred to in the second subparagraph and shall inform the Commission thereof. The system should provide at least for a document for movement of the said product to distilleries, and may involve:

- an obligation upon the producer to notify the competent authority in advance if he intends to carry out the operation referred to in the first indent of the second subparagraph,
- the addition of an indicator to the product obtained,
- the use, subject to any adaptations necessary, of the VA 1 accompanying document referred to in Article 2 of Commission Regulation (EEC) No 1153/75⁽³⁾.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 295, 30. 12. 1972, p. 1.

⁽³⁾ OJ No L 113, 1. 5. 1975, p. 1.

2. The minimum alcoholic strength of the products delivered for distillation shall be fixed by the Member States.

3. The competent intervention agency may allow producers who have delivered, by the time limit set in paragraph 1, at least (90 %) of the quantity of products which they are obliged to deliver to discharge their obligation by delivering the remaining quantity before a date to be fixed by the competent national authority.

In such cases :

- the buying-in price paid for the remaining quantities and the price for the alcohol produced therefrom which is delivered to the intervention agency shall be reduced by an amount equal to the EAGGF financial contribution referred to in Article 11,
- there shall be no EAGGF contribution to intervention agencies' expenditure on the alcohol delivered to them,
- no aid shall be paid for products of distillation not delivered to intervention agencies, and
- the obligation shall be considered to have been discharged by the time limit referred to in the first subparagraph.

Article 3

1. Subject to the provisions of paragraphs 2 and 3, the quantity of alcohol contained in the products delivered for distillation shall be :

- 8 % of the volume of alcohol naturally contained in the grapes used to produce the wine, if the wine has been produced by direct vinification of grapes,
- 3 % of the volume of alcohol naturally contained in the products used to produce the wine, if the wine has been obtained by vinification of grape must, grape must in fermentation or new wine still in fermentation.

2. The percentage referred to in the first indent of paragraph 1 shall be reduced to :

- three, for producers who deliver marc for the manufacture of oenocyanin,
- five, for producers of quality white wines *psr*, for the part of their harvest for which this designation can be used.

3. The obligation referred to in Article 39 (2) of Regulation (EEC) No 337/79 shall not apply to isolated producers who do not obtain more than 25 hectolitres of wine.

Producers subject to the obligation indicated in Article 40 of Regulation (EEC) No 337/79 shall, for that part

of their production covered by that obligation, be required to deliver for distillation as referred to in Article 39 (2) of that Regulation only the by-products of wine-making.

Article 4

For the determination of the volume of alcohol contained in the products delivered for distillation as referred to in Article 39 of Regulation (EEC) No 337/79, the standard natural alcoholic strength by volume shall be :

- 8.5 for zone B,
- 9.0 for zones C I,
- 9.5 for zone C II,
- 10.0 for zones C III.

However, if the quality of the vintage so requires, these strengths may be altered before the distillation operations referred to in Article 8 begin, in order to take account of that quality. They may also be altered for administrative units or parts thereof which have been recognized by the Member States under national legislation as disaster areas.

Article 5

The price to be paid by the distiller to the producer for marc, lees, the liquid product obtained by overpressing grape marc and wine lees and, where applicable, wine delivered for distillation, hereinafter called 'the buying-in price for wine deliveries', shall be 1.00 ECU per % vol alcohol per hectolitre. It shall apply to bulk merchandize, free at the distillery.

Article 6

1. On delivery of the products referred to in Article 2, the distiller shall provide the producer with a certificate stating the quantity and alcoholic strength of the products delivered.

By way of derogation from the first subparagraph, if a producer subject to the obligation referred to in Article 39 (2) or (3) of Regulation (EEC) No 337/79 has marc, lees or wine distilled in another Member State, the distiller shall require the intervention agency of the Member State in which distillation takes place to certify in Section 23 of the accompanying document for the products to be distilled that the products have been taken over by the distillery. The distiller shall forward to the producer a copy of the accompanying document thus certified, within 30 days of reception of the products to be distilled.

2. Not later than three months after the producer has delivered the products, the distiller shall pay him an advance of at least 80 % of the buying-in price for wine deliveries. The balance shall be paid to the producer not later than 31 December 1983.

Article 7

Distillers shall notify the intervention agency, no later than the 10th day of each month, of the quantities distilled during the previous month, specifying:

- the quantity of alcohol obtained of 92 % vol or more,
- the quantity of alcohol obtained of 86 % vol or more but less than 92 % vol,
- the quantity and the alcoholic strength of the potable spirits obtained, broken down into marc spirit and wine spirit.

Article 8

The distillation operations referred to in Article 39 of Regulation (EEC) No 337/79 must be carried out by 30 September 1983 at the latest.

Wine delivered in order to meet the obligation referred to in Article 39 (2) of Regulation (EEC) No 337/79 may not be distilled until 1 January 1983.

Article 9

1. A distiller:

- who does not intend to deliver to the intervention agency products obtained with an alcoholic strength of 92 % or more, or
- who has obtained a product with an alcoholic strength of less than 92 % vol but not less than 86 %, or
- who has obtained a product with an alcoholic strength of not less than 52 % vol but not more than 85 % vol which meets the national quality provisions applicable as appropriate to marc spirit or wine spirit,

shall receive aid, subject to the conditions laid down in paragraph 2.

The amount of the aid shall be:

- 0.33 ECU per % vol alcohol per hectolitre for the product of distillation of grape marc which meets the national quality provisions applicable to marc spirit,
- 0.37 ECU per % vol alcohol per hectolitre for the product of distillation of wine and lees which meets the national quality provisions applicable to wine spirit,

— 0.39 ECU per % vol alcohol per hectolitre for products with an alcoholic strength of 86 % vol or more.

2. Distillers who wish to receive the aid referred to in paragraph 1 shall by 31 October 1983 submit an application to the intervention agency of the Member State in which distillation took place, accompanied by:

- (a) copies of the accompanying documents relating to transport of the by-products of wine-making or wine delivered to him or a summary of the content of those documents;
- (b) a statement, endorsed by a supervisory authority designated by the Member State, of the quantities:
 - of marc spirit,
 - of wine spirit,
 - of products with an alcoholic strength of 86 % vol or more obtained by distillation of the by-products of wine-making or of wine;
- (c) proof that he has paid the producer the advance referred to in Article 6 (2) by the stipulated time limit.

The Member States may require that the copies or summary referred to at point (a) in the first subparagraph be endorsed by a supervisory authority. When the product delivered to the distiller is that referred to in the second subparagraph of Article 2 (1), the accompanying document shall be replaced by the national movement control document referred to in the third subparagraph of Article 2 (1).

3. The intervention agency shall pay the aid referred to in paragraph 1 not more than 90 days after submission of the application and of the documents referred to in paragraph.

The distiller must provide the intervention agency before 1 February 1984 with proof that he has paid the producer the balance mentioned in Article 6 (2) by the stipulated time limit. If such proof is not provided the intervention agency shall recover from the distiller an amount equal to the balance and pay it to the producer in question.

Article 10

1. Distillers who do not receive the aid referred to Article 9 may deliver to the intervention agency products with an alcoholic strength of 92 % vol or more obtained directly or indirectly by distillation.

Delivery to the intervention agency shall be made not later than 30 September 1983 or, if Article 2 (3) is applied, on the date fixed by the competent national authority.

2. The price to be paid by the intervention agency, hereinafter called 'the standard price of alcohol from wine deliveries', shall be 1.60 ECU per % vol alcohol per hectolitre.

Where, because of application of the standard price of alcohol from wine deliveries, it is, or is liable to be, impossible, in certain regions of the Community, for one or more of the by-products of wine-making to be distilled, the Member States may decide to differentiate by origin the prices for alcohol taken over by the intervention agencies.

These differentiated prices shall be :

- 1.69 ECU per % vol alcohol per hectolitre for alcohol produced by distillation of marc,
- 1.45 ECU per % vol alcohol per hectolitre for alcohol produced by distillation of wine, lees or the liquid obtained by overpressing grape marc or wine lees.

3. The prices stated in paragraph 2 shall apply to a neutral alcohol with an alcoholic strength of 96 % vol or more.

For alcohol with a strength of less than 96 % vol but not less than 92 % vol, the prices given in paragraph 2 shall be reduced by 0.05 ECU per % vol per hectolitre.

4. The prices given in paragraphs 2 and 3 shall be for bulk merchandize free at the intervention agency store.

5. The intervention agency shall pay the price to the distiller within 90 days of the day of delivery of the alcohol.

Article 11

The Guarantee Section of the EAGGF shall contribute to intervention agencies' expenditure on the taking over of alcohol.

The contribution shall be at a flat rate of 0.59 ECU per % vol alcohol per hectolitre of alcohol taken over.

Articles 4 and 5 of Regulation (EEC) No 729/70 shall apply to that contribution.

Article 12

1. For the purposes of this Regulation, an approved distiller shall be one appearing on a list compiled by the competent authorities of each Member State.

2. Approval shall be withdrawn if the distiller does not pay the producer the purchase price for the wine deliveries. It may be withdrawn if the distiller does not meet the obligations incumbent on him under the Community legislation, in particular those relating to notifications.

Article 13

1. For the application of Article 39 (4) of Regulation (EEC) No 337/79, the Member States shall set up a system for checking the withdrawal of by-products. This system shall be such as to ensure that all by-products from any processing of grapes are withdrawn by 1 September 1983.

2. Only those producers whose vineyards are located in wine-growing areas where distillation represents a disproportionate burden may exercise the option mentioned in Article 39 (5) of Regulation (EEC) No 337/79. A list of the areas of production concerned shall be drawn up by the competent authorities of the Member States.

The Member States shall set up a monitoring system involving at least :

- establishing the quantity of marc and lees to be withdrawn in relation to quantity of grapes used,
- establishing the quantity of alcohol contained in the marc and lees to be withdrawn,
- weighing the products withdrawn.

Article 14

1. By the 20th day of each month at the latest the Member States shall communicate the following information to the Commission for the previous month :

- the quantities of alcohol delivered to intervention agencies following distillation under Article 39 of Regulation (EEC) No 337/79,
- the quantities of marc spirit or wine spirit produced and the quantities of alcohol contained therein,
- the quantities of other products produced of a strength of 86 % vol or more for which aid has been requested.

2. The Member States shall, for alcohol taken over by their intervention agencies, notify the Commission, before 1 October 1982, of the selling prices obtaining throughout the 1981/82 wine-growing year and of the characteristics and quantities of the products sold at those prices.

3. The Member States shall inform the Commission before 1 March 1984 of any cases in which distillers have not fulfilled their obligations and of the measures taken in consequence.

Article 15

The amounts referred to in Articles 5, 9 and 10 shall be converted into national currency at the representative rate applying on 16 December 1982 in the wine sector, which shall apply from 1 September 1982 for this purpose.

Article 16

The reference period mentioned in Article 6 (1) of Regulation (EEC) No 337/79 shall be the period 1 September 1981 to 31 August 1982.

Article 17

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 September 1982.

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

Done at Brussels, 8 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2458/82**of 9 September 1982****amending Regulation (EEC) No 2254/82 laying down detailed rules for the transfer to the Italian intervention agency of skimmed-milk powder held by the intervention agencies of other Member States**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1183/82⁽²⁾, and in particular Articles 7 (5) and 28 thereof,

Having regard to Council Regulation (EEC) No 2099/82 of 20 July 1982 on the transfer to the Italian intervention agency of skimmed-milk powder held by the intervention agencies of other Member States⁽³⁾, and in particular Article 1 (3) thereof,

Whereas Commission Regulation (EEC) No 2254/82⁽⁴⁾ lays down detailed rules for making available to the Italian intervention agency, for use as feed for pigs and poultry, 10 000 tonnes of skimmed-milk powder held by the intervention agencies of other Member States; whereas the Regulation in question provides that the powder is to be transferred by the German intervention agency;

Whereas the supplying and recipient storage depots were designated by the German and Italian intervention agencies; whereas they jointly wish to amend the list of storage depots; whereas, accordingly, Annex I to Regulation (EEC) No 2254/82 should be amended;

Whereas the German intervention agency is responsible for determining and paying the transport costs; whereas, accordingly, certain factors listed in Article 3 (1) and (2) of Regulation (EEC) No 2254/82 are not applicable;

Whereas errors of substance in the text of the Regulation should also be corrected;

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

Regulation (EEC) No 2254/82 is hereby amended as follows :

1. In Article 2 (4), 'The German authorities shall bear : ' is replaced by 'The Italian authorities shall bear : '.

2. Article 3 (1) and (2) are replaced by the following :

'1. The amount of the transport costs in respect of the lots referred to in Article 1 (3) shall be determined by the German intervention agency by means of a tendering procedure.

Such costs shall include :

(a) transport (excluding loading and unloading) from the loading platform of the supplying storage depot to the unloading platform of the recipient storage depot;

(b) insurance of the goods, at their value as determined on the basis of the intervention price for skimmed-milk powder, to the unloading platform of the recipient storage depot.

2. Payment of the costs referred to in paragraph 1 shall be made within six weeks of the day on which the following documents are submitted to the German intervention agency :

(a) transport costs invoice;

(b) a certificate from each of the recipient storage depots declaring that the skimmed-milk powder has been taken over;

(c) transport documents;

(d) copy of the insurance policy and, in the event of damage or loss, declarations in respect thereof and the documents enabling the German intervention agency to obtain compensation;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 223, 31. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 240, 14. 8. 1982, p. 9.

- (e) customs document issued on definitive importation into Italy of the skimmed-milk powder ;
- (f) Community transit document.'
3. Article 3 (4) is replaced by the following :
- '4. Tenders submitted to the German intervention agency shall be made and accepted in German marks.'
4. Annex I is replaced by the Annex to this Regulation.
- Article 2*
- This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.
- It shall apply with effect from 17 August 1982.

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

Done at Brussels, 9 September 1982.

For the Commission
Poul DALSGER
Member of the Commission

BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

Parti Partie Παρτίδα Lot Lot Partita Partij	Mængde (t) Menge (t) Ποσότητα (τόνοι) Quantity (t) Quantité (t) Quantitativo (t) Hoeveelheid (t)	Afgangslager Abgangslager Ἀποθήκη ἀναχωρήσεως Supplying storage depot Entrepôt de départ Magazzino di partenza Opslagplaats van vertrek	Bestemmelseslager Bestimmungslager Ἀποθήκη προορισμοῦ Recipient storage depot Entrepôt de destination Magazzino di destinazione Opslagplaats van bestemming
A	1 200	Lagerhaus Hungen GmbH Treburger Straße 9 6082 Mörfelden — Walldorf Lager: Hungen (1 200 t)	ARSOL SpA Via del Colle 95 50041 Calenzano (Firenze)
B	500	Molkereiunion EG Bad Wildungen-Altornschen Zweigbetrieb Morschen Bahnhofstraße 12 3509 Morschen-Altornschen Lager: Bebra (75 t)	ARSOL SpA Via Bechi 26 50141 Castello (Firenze)
		Matthias Keil & Söhne Spedition, Lagerung OHG Talstraße 2 5541 Nimshuscheidermühle Lager: Nimshuscheidermühle (425 t)	ARSOL SpA Via Bechi 26 50141 Castello (Firenze)
C	1 700	Matthias Keil & Söhne Spedition, Lagerung OHG Talstraße 2 5541 Nimshuscheidermühle Lager: Schönecken (1 700 t)	AICA Srl Via Emilia 373 A 40011 Anzola dell'Emilia (Bologna)
D	1 700	Walter Troll GmbH Lagereibetriebe Hitzenweilerstraße 6 7778 Markdorf/Baden Lager: Herberlingen (1 700 t)	SNIPAA Srl Stradello Agazzotti 41050 Santa Maria di Mugnano (Modena)
E	600	Matthias Keil & Söhne Spedition, Lagerung OHG Talstraße 2 5541 Nimshuscheidermühle Lager: Schönecken (600 t)	STARZOO di Sassi Roberto Via Piangipani 4 48026 Russi (Ravenna)
F	600	Matthias Keil & Söhne Spedition, Lagerung OHG Talstraße 2 5541 Nimshuscheidermühle Lager: Schönecken (325 t)	Molino S. Pancrazio di Minardi e C. Via Provinciale Molinaccio 104 48020 San Pancrazio (Ravenna)
		Walter Troll GmbH Lagereibetriebe Hitzenweilerstraße 6 7778 Markdorf/Baden Lager: Herberlingen (250 t)	Molino s. Pancrazio di Minardi e C. Via Provinciale Molinaccio 104 48020 San Pancrazio (Ravenna)
		Rhenania Zweigniederlassung Hafenstraße 71-77 7100 Heilbronn Lager: Heilbronn (25 t)	Molino S. Pancrazio di Minardi e C. Via Provinciale Molinaccio 104 48020 San Pancrazio (Ravenna)

Parti Partie Παρτίδα Lot Lot Partita Partij	Mængde (t) Menge (t) Ποσότητα (τόνοι) Quantity (t) Quantité (t) Quantitativo (t) Hoeveelheid (t)	Afgangslager Abgangslager Ἀποθήκη ἀναχωρήσεως Supplying storage depot Entrepôt de départ Magazzino di partenza Opslagplaats van vertrek	Bestemmelseslager Bestimmungslager Ἀποθήκη προορισμοῦ Recipient storage depot Entrepôt de destination Magazzino di destinazione Opslagplaats van bestemming
G	600	Molkereizentrale Südwest EG Keplerstraße 5 7500 Karlsruhe 21 Lager : Karlsruhe (300 t) Franz Mühlbeck & Sohn Deubacherweg 1 6970 Lauda-Königshofen Lager : Königshofen (300 t)	ONI SpA Via G. Gonzaga 28 46023 Gonzaga (Mantova) ONI SpA Via G. Gonzaga 28 46023 Gonzaga (Mantova)
H	600	Sped. Gebr. Ansorge Wiesenstraße 4 8950 Kaufbeuren-Neugablonz Lager : Buchloe (600 t)	F.lli Martini SpA Via Finali 64 47023 Cesena (Forlì)
I	600	Lagerhaus Hungen GmbH Treburger Straße 9 6082 Mörfelden-Walldorf Lager : Hungen (300 t) Walter Troll GmbH Lagereibetriebe Hitzenweilerstraße 6 7778 Markdorf/Baden Lager : Herbertingen (300 t)	SIMEN SpA Via Stazione 2 60031 Castelplanio Scalo (Ancona) SIMEN SpA Via Stazione 2 60031 Castelplanio Scalo (Ancona)
J	600	Walter Troll GmbH Lagereibetriebe Hitzenweilerstraße 6 7778 Markdorf/Baden Lager : Herbertingen (600 t)	ZOOVIT SpA Strada Statale 106, km 244 88074 Crotone (Catanzaro)
K	100	Sped. Gebr. Ansorge Wiesenstraße 4 8950 Kaufbeuren-Neugablonz Lager : Buchloe (100 t)	F.lli Vignati Via Galilei 30 62100 Macerata
L	600	Walter Troll GmbH Lagereibetriebe Hitzenweilerstraße 6 7778 Markdorf/Baden Lager : Herbertingen (600 t)	Wessanen Italia Strada Borgosatollo 25016 Ghedi (Brescia)
M	600	Walter Troll GmbH Lagereibetriebe Hitzenweilerstraße 6 7778 Markdorf/Baden Lager : Herbertingen (200 t) Franz Mühlbeck & Sohn Deubacherweg 1 6970 Lauda-Königshofen Lager : Königshofen (250 t) Sped. Gebr. Ansorge Wiesenstraße 4 8950 Kaufbeuren-Neugablonz Lager : Buchloe (100 t) Lagerei Richard Müller Weinbergstraße 36 7573 Sinzheim Lager : Offenburg (50 t)	Soproma Italy Via della Navigazione Interna 52 35100 Padova Soproma Italy Via della Navigazione Interna 52 35100 Padova Soproma Italy Via della Navigazione Interna 52 35100 Padova Soproma Italy Via della Navigazione Interna 52 35100 Padova

COMMISSION REGULATION (EEC) No 2459/82

of 9 September 1982

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Council Regulation (EEC) No 1451/82⁽²⁾,

Having regard to the opinion of the Monetary
Committee,

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

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules
for granting export refunds on cereals and criteria for
fixing the amount of such refunds⁽³⁾, provides that
when refunds are being fixed, account must be taken
of the existing situation and the future trend with
regard to prices and availabilities of cereals on the
Community market on the one hand, and prices for
cereals and cereal products on the world market on
the other; whereas the same Article provides that it is
also important to ensure equilibrium and the natural
development of prices and trade on cereal markets
and, furthermore, to take into account the economic
aspect of the proposed exports and the need to avoid
disturbances on the Community market;

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10
September 1982.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 28.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 9 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 9 September 1982 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — other third countries	57.00 65.00 15.00
10.01 B II	Durum wheat	0
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — other third countries	40.00 50.00 0
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	53.00 57.00 — 15.00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — Zone I — other third countries	20.00 30.00 —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour ⁽¹⁾ : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	98.70 93.70 87.70 81.20 75.70 68.20

(ECU/tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour ⁽¹⁾ :	
	— of an ash content of 0 to 700	50.00
	— of an ash content of 701 to 1 150	50.00
	— of an ash content of 1 151 to 1 600	50.00
	— of an ash content of 1 601 to 2 000	50.00
11.02 A I a)	Durum wheat groats and meal ⁽¹⁾ :	
	— of an ash content of 0 to 950	130.00
	— of an ash content of 951 to 1 300	130.00
	— of an ash content of 1 301 to 1 500	130.00
11.02 A I b)	Common wheat groats and meal ⁽¹⁾ :	
	— of an ash content of 0 to 520	98.70

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

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

COMMISSION REGULATION (EEC) No 2460/82

of 9 September 1982

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1459/82⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

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

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

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

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

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

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

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

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

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 164, 14. 6. 1982, p. 22.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION :

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

Article 1

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

Article 2

This Regulation shall enter into force on 10 September 1982.

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

Done at Brussels, 9 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 9 September 1982 fixing the corrective amount applicable to the refund on cereals

CCT heading No	Description	(ECU/tonne)						
		Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
10.01 B I	Common wheat, and meslin	0	0	— 10-00	— 14-00	— 14-00	— 14-00	— 14-00
10.01 B II	Durum wheat	0	0	0	—	—	—	—
10.02	Rye	0	0	0	—	—	—	—
10.03	Barley	0	0	0	— 5-00	— 10-00	—	—
10.04	Oats	0	0	0	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	— 10-00	— 10-00	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	— 10-00	— 10-00	—	—

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

COMMISSION REGULATION (EEC) No 2461/82
of 9 September 1982
abolishing the countervailing charge on apples originating in New Zealand

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 Commission Regulation (EEC) No 2317/82
of 24 August 1982 ⁽³⁾, as amended by Regulation (EEC)
No 2389/82 ⁽⁴⁾, introduced a countervailing charge on
apples originating in New Zealand;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2317/82 is hereby repealed.

Article 2

This Regulation shall enter into force on 10
September 1982.

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

Done at Brussels, 9 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No L 249, 25. 8. 1982, p. 9.

⁽⁴⁾ OJ No L 255, 1. 9. 1982, p. 49.

COMMISSION REGULATION (EEC) No 2462/82
of 9 September 1982
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1716/82⁽³⁾, as last amended by Regulation (EEC) No 2450/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1716/82 to the information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 10 September 1982.

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

Done at Brussels, 9 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 189, 1. 7. 1982, p. 42.

⁽⁴⁾ OJ No L 261, 9. 9. 1982, p. 30.

ANNEX

to the Commission Regulation of 9 September 1982 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	43.07
	B. Raw sugar	39.00 ⁽¹⁾

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

