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Contents

I Acts whose publication is obligatory

- *Council Regulation (EEC) No 2563/82 of 21 September 1982 amending, as regards the nomenclature of certain tariff headings, Regulation (EEC) No 562/81 on the reduction of customs duties on imports into the Community of certain agricultural products originating in Turkey 1**
- *Council Regulation (EEC) No 2564/82 of 21 September 1982 amending Regulation (EEC) No 562/81 on the reduction of customs duties on imports into the Community of certain agricultural products originating in Turkey 6**
- Commission Regulation (EEC) No 2565/82 of 23 September 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal 8
- Commission Regulation (EEC) No 2566/82 of 23 September 1982 fixing the premiums to be added to the import levies on cereals, flour and malt 10
- Commission Regulation (EEC) No 2567/82 of 23 September 1982 fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 12
- *Commission Regulation (EEC) No 2568/82 of 17 September 1982 imposing a provisional anti-dumping duty on imports of polyvinyl chloride resins and compounds originating in Czechoslovakia, and accepting undertakings and terminating the proceeding in respect of imports of such products originating in Romania, the German Democratic Republic and Hungary 15**
- Commission Regulation (EEC) No 2569/82 of 21 September 1982 temporarily suspending intervention buying in of certain qualities of meat in certain Member States 19
- Commission Regulation (EEC) No 2570/82 of 23 September 1982 fixing the amount of the subsidy on oil seeds 20

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 2571/82 of 23 September 1982 fixing the world market price for colza, rape and sunflower seed	22
Commission Regulation (EEC) No 2572/82 of 23 September 1982 abolishing the countervailing charge on certain varieties of plums originating in Poland	24
Commission Regulation (EEC) No 2573/82 of 23 September 1982 amending Regulation (EEC) No 2472/82 introducing a countervailing charge on lemons originating in Uruguay	25
Commission Regulation (EEC) No 2574/82 of 23 September 1982 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	26
Commission Regulation (EEC) No 2575/82 of 23 September 1982 fixing the corrective amount applicable to the refund on cereals	30
Commission Regulation (EEC) No 2576/82 of 23 September 1982 fixing the import levies on white sugar and raw sugar	32

II *Acts whose publication is not obligatory*

Council

82/650/EEC :

*Council Decision of 20 September 1982 under the Treaties, concerning fishery activities in waters under the sovereignty or jurisdiction of Member States, taken on a temporary basis pending the adoption of permanent Community measures	33
--	----

Commission

82/651/EEC :

*Commission Decision of 10 September 1982 on the aids granted in Sicily in the citrus fruit, fruit and vegetables sector	34
--	----

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 2563/82
of 21 September 1982**

amending, as regards the nomenclature of certain tariff headings, Regulation (EEC) No 562/81 on the reduction of customs duties on imports into the Community of certain agricultural products originating in Turkey

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the EEC-Turkey Association Council, by its Decision No 1/80, decided to abolish in stages the customs duties still applicable to imports into the Community of agricultural products originating in Turkey which may not yet be imported into the Community free of customs duty;

Whereas Regulation (EEC) No 562/81⁽¹⁾, as last amended by Regulation (EEC) No 977/82⁽²⁾, established rates of duty applicable for the period 1 January 1981 to 31 December 1982; whereas, in accordance with Decision No 1/80, the said rates were calculated on the basis of the customs duties applicable in the Community;

Whereas Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽³⁾ amended the Common

Customs Tariff; whereas it is therefore necessary to adapt the Annex to Regulation (EEC) No 562/81;

Whereas, in accordance with Regulation (EEC) No 3555/80⁽⁴⁾, imports into Greece of products originating in Turkey shall be subject to the tariff treatment applicable to third countries enjoying most-favoured-nation treatment; whereas therefore the Hellenic Republic continues to apply the said treatment,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 562/81, the description of the goods and the rates of duty for the products falling within headings Nos 03.01, 03.02 and 03.03 of the Common Customs Tariff are hereby replaced by those in the Annex hereto.

Article 2

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

It shall apply with effect from 1 June 1982.

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

Done at Brussels, 21 September 1982.

For the Council

The President

U. ELLEMANN-JENSEN

⁽¹⁾ OJ No L 65, 11. 3. 1981, p. 1.

⁽²⁾ OJ No L 115, 29. 4. 1982, p. 2.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽⁴⁾ OJ No L 382, 31. 12. 1980, p. 1.

ANNEX

CCT heading No	Description	Rate of duty (%)
03.01	Fish, fresh (live or dead), chilled or frozen :	
	A. Freshwater fish :	
	I. Trout and other salmonidae :	
	a) Trout	8.4
	b) Salmon	2.3
	II. Eels (<i>Anguilla</i> spp.)	Free
	III. Carp	5.6
	B. Saltwater fish :	
	I. Whole, headless or in pieces :	
	a) Herring :	
	2. From 16 June to 14 February :	
	aa) Fresh or chilled	10.5 (a) (b)
	bb) Frozen	10.5 (a) (b)
	b) Sprats :	
	2. From 16 June to 14 February :	9.1
	d) Sardines (<i>Sardina pilchardus</i>) :	
	1. Fresh or chilled	16.1 (a)
	2. Frozen	16.1 (a)
	e) Sharks :	
	1. Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.) :	
	aa) Fresh or chilled	Free (a)
	bb) Frozen	Free (a)
	2. Other	Free
	f) Redfish (<i>Sebastes</i> spp.) :	
	1. Fresh or chilled	Free (a)
	2. Frozen	Free (a)
	g) Atlantic halibut and lesser or Greenland halibut :	
	1. Atlantic halibut (<i>Hippoglossus hippoglossus</i>) :	
	aa) Fresh or chilled	Free
	bb) Frozen	Free
	2. Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>) :	
	aa) Fresh or chilled	Free
	bb) Frozen	Free
	h) Cod (<i>Gadus morrhua</i> , <i>Boreogadus saida</i> , <i>Gadus ogac</i>) :	
	1. Fresh or chilled	Free (a)
	2. Frozen	Free (a)
	ij) Saithe (<i>Pollachius virens</i>) :	
	1. Fresh or chilled	2.1 (a)
	2. Frozen	2.1 (a)

(a) Subject to compliance with the reference price fixed or to be fixed.

(b) Duty exemption within the limits of an *erga omnes* annual tariff quota of 34 000 tonnes to be granted by the competent authorities and subject to compliance with the reference price.

CCT heading No	Description	Rate of duty (%)
03.01 (cont'd)	B. I. k) Haddock (<i>Melanogrammus aeglefinus</i>):	
	1. Fresh or chilled	2.1 (a)
	2. Frozen	2.1 (a)
	l) Whiting (<i>Merlangus merlangus</i>):	
	1. Fresh or chilled	2.1 (a)
	2. Frozen	2.1 (a)
	m) Ling (<i>Molva</i> spp.):	
	1. Fresh or chilled	2.1 (a)
	2. Frozen	2.1 (a)
	n) Alaska pollack (<i>Theragra chalcogramme</i>) and pollack (<i>Pollachius pollachius</i>):	
	1. Fresh or chilled	2.1
	2. Frozen	2.1
	o) Mackerel (<i>Scomber scombrus</i> , <i>Scomber japonicus</i> and <i>Orcynopsis unicolor</i>):	
	2. From 16 June to 14 February:	
	aa) Fresh or chilled	2.8 (a)
	bb) Frozen	2.8 (a)
	p) Anchovies (<i>Engraulis</i> spp.):	
	1. Fresh or chilled	10.5 (a)
	2. Frozen	10.5
	q) Plaice (<i>Pleuronectes platessa</i>):	
	1. Fresh or chilled	2.1 (a)
	2. Frozen	2.1 (a)
	r) Flounder (<i>Platichthys flesus</i>):	
	1. Fresh or chilled	2.1
	2. Frozen	2.1
	s) Sea bream of the species <i>Dentex dentex</i> and <i>Pagellus</i> spp.:	
	1. Fresh or chilled	2.1
	2. Frozen	2.1 (a)
	t) Hake (<i>Merluccius</i> spp.):	
	1. Fresh or chilled	2.1 (a) (b)
	2. Frozen	2.1 (a) (b)
	u) Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)	2.1
	v) Other	2.1 (c) (d)
	II. Fillets:	
	a) Fresh or chilled	12.6 (a)
	b) Frozen:	
	1. Of cod (<i>Gadus morrhua</i> , <i>Boreogadus saida</i> , <i>Gadus ogac</i>)	10.5 (a) (e)

- (a) Subject to compliance with the reference price fixed or to be fixed.
- (b) Exemption in respect of silver hake (*Merluttius bilinearis*) within the limits of an *erga omnes* annual tariff quota of 2 000 tonnes to be granted by the competent authorities.
- (c) Exemption until 30 June 1982 for flaps of fish of the species *Sardinops sagax* or *ocellata*, of 12 cm or more in length, intended for processing, within the limits of an *erga omnes* Community tariff quota of 5 000 tonnes to be granted by the competent authorities.
- (d) Exemption until 30 June 1982 for fish of the species *Sardinops sagax* or *ocellata*:
- (a) whole, of 20 cm or more in length;
- (b) headless, of 15 cm or more in length, intended for processing, within the limits of an *erga omnes* Community tariff quota of 3 000 tonnes to be granted by the competent authorities.
- (e) Duty rate reduced to 5.6 % within the limits of an *erga omnes* annual Community tariff quota of 10 000 tonnes to be granted by the competent authorities.

CCT heading No	Description	Rate of duty (%)
03.01 (cont'd)	B. II. b) 2. Of saithe (<i>Pollachius virens</i>) 3. Of haddock (<i>Melanogrammus aeglefinus</i>) 4. Of redfish (<i>Sebastes</i> spp.) 5. Of whiting (<i>Merlangus merlangus</i>) 6. Of ling (<i>Molva</i> spp.) 7. Of tuna (<i>Thunnus</i> spp. and <i>Euthynnus</i> spp.) 8. Of mackerel (<i>Scomber scombrus</i> , <i>Scomber japonicus</i> and <i>Orcynopsis unicolor</i>) 9. Of hake (<i>Merluccius</i> spp.) 10. Of sharks (<i>Squalus</i> spp.) 11. Of plaice (<i>Pleuronectes platessa</i>) 12. Of flounder (<i>Platichthys flesus</i>) 13. Of herring 14. Other C. Livers and roes	10·5 (a) 10·5 (a) 9·7 (a) 10·5 (a) 10·5 (a) 12·6 10·5 (a) 10·5 (a) 10·5 10·5 (a) 10·5 10·5 (a) 10·5 (a) 7
03.02	Fish, dried, salted or in brine ; smoked fish, whether or not cooked before or during the smoking process : A. Dried, salted or in brine : I. Whole, headless or in pieces : a) Herring c) Anchovies (<i>Engraulis</i> spp.) d) Atlantic halibut (<i>Hippoglossus hippoglossus</i>) e) Salmon, salted or in brine f) Other II. Fillets : b) Of salmon, salted or in brine c) Of lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>), salted or in brine d) Other B. Smoked, whether or not cooked before or during the smoking process : I. Herring II. Salmon III. Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>) IV. Atlantic halibut (<i>Hippoglossus hippoglossus</i>) V. Mackerel (<i>Scomber scombrus</i> , <i>Scomber japonicus</i> and <i>Orcynopsis unicolor</i>) VI. Trout VII. Eels (<i>Anguilla</i> spp.) VIII. Other C. Livers and roes D. Fish meal	3·3 2·8 (b) 4·2 3 (c) 3·3 (d) 4·2 4·2 4·4 (e) 2·8 3·6 4·2 4·4 3·9 3·9 3·9 3·9 3 3·6

(a) Subject to compliance with the reference price fixed or to be fixed.

(b) Exemption until 31 December 1982 for anchovies (*Engraulis* spp.), salted or in brine, in packings of a net content of 8 kg or more, within the limits of an *erga omnes* Community tariff quota of 1 500 tonnes to be granted by the competent authorities.

(c) Duty rate suspended up to and including 30 June 1982.

(d) Duty rate reduced to 2·5 % (suspension) up to and including 30 June 1982 in respect of coalfish (*Pollachius virens* or *Gadus virens*), salted or in brine, intended for smoking or drying (f).

(e) Duty rate reduced to 2·5 % (suspension) up to and including 30 June 1982 in respect of fillets of coalfish (*Pollachius virens* or *Gadus virens*) salted or in brine, intended for smoking or drying (f).

(f) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

CCT heading No	Description	Rate of duty (%)
03.03	Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried ; crustaceans, in shell, simply boiled in water : A. Crustaceans : V. Other : a) Norway lobsters (<i>Nephrops norvegicus</i>) : 1. Frozen 8·4 (a) 2. Other 8·4 b) Other 8·4 B. Molluscs : I. Oysters : b) Other 12·6 II. Mussels 7 IV. Other : a) Frozen : 1. Squid : aa) <i>Loligo</i> spp. Free (a) bb) <i>Todarodes sagittatus</i> Free (a) cc) <i>Illex</i> spp. 2·2 (a) dd) Other 2·2 2. Cuttlefish of the species <i>Sepia officinalis</i>, <i>Rossia macrosoma</i>, <i>Sepiola rondeleti</i> 2·2 (a) 3. Octopus 2·2 (a) 4. Coquilles St Jacques (<i>Pecten maximus</i>) 2·2 5. Striped venus and other species of the family Venericae 2·2 6. Other 2·2 b) Other : 1. Squid : aa) <i>Loligo</i> spp. Free bb) <i>Todarodes sagittatus</i> Free cc) <i>Illex</i> spp. 2·2 dd) Other 2·2 2. Other 2·2	

(a) Subject to compliance with the reference price fixed or to be fixed.

COUNCIL REGULATION (EEC) No 2564/82

of 21 September 1982

amending Regulation (EEC) No 562/81 on the reduction of customs duties on imports into the Community of certain agricultural products originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the EEC-Turkey Association Council, by its Decision No 1/80, decided to abolish in stages the customs duties still applicable to imports into the Community of agricultural products originating in Turkey which may not yet be imported into the Community free of customs duty;

Whereas Regulation (EEC) No 562/81⁽¹⁾, as last amended by Regulation (EEC) No 2563/82⁽²⁾, established rates of duty applicable for the period 1 January 1981 to 31 December 1982; whereas, in accordance with Decision No 1/80, the said rates were calculated on the basis of the customs duties applicable in the Community;

Whereas Regulation (EEC) No 1435/82⁽³⁾ suspended temporarily the autonomous Common Customs Tariff duties on certain agricultural products; whereas Regulations (EEC) No 1536/82⁽⁴⁾ and (EEC) No 1537/82⁽⁵⁾ opened Community tariff quotas for certain fish of the species 'Sardinops sagax' or 'ocellata'; whereas Regulations (EEC) No 3798/81⁽⁶⁾, (EEC) No 1644/82⁽⁷⁾ and (EEC) No 1645/82⁽⁸⁾ opened Community tariff quotas for, respectively, herrings, sweet cherries marinated in alcohol and frozen hake fillets;

Whereas the duties applicable in the Community to those products have therefore been amended and this should be taken into account for the determination of the customs duties to be applied to imports of the said products originating in Turkey;

Whereas it is accordingly necessary to amend the Annex to Regulation (EEC) No 562/81;

Whereas, in accordance with Regulation (EEC) No 3555/80⁽⁹⁾, imports into Greece of products originating in Turkey shall be subject to the tariff treatment

applicable to third countries enjoying most-favoured-nation treatment; whereas the Hellenic Republic therefore continues to apply the said arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 562/81 is hereby amended as follows:

1. Subheadings 03.01 B I a) 2 aa) and bb): in footnote (b) '34 000 tonnes' shall be replaced by '84 700 tonnes'.
2. Subheading 03.01 B I v):
 - in footnote (c), the words 'until 30 June 1982' shall be replaced by the words 'until 31 December 1982',
 - in footnote (d), the words 'until 30 June 1982' and '3 000 tonnes' shall be replaced by the words 'until 31 December 1982' and '2 300 tonnes' respectively.
3. Subheading 03.01 B II b) 9: a footnote reference (g) shall be added after '10.5 (a)' in the third column and the following footnote added:
'(g) Duty of 5.6 % from 27 June to 15 October 1982 up to an amount of an *erga omnes* Community tariff quota of 5 400 tonnes for frozen hake fillets intended for processing. Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.'
4. Subheading 03.02 A I e): in footnote (c) the words 'up to and including 30 June 1982' shall be replaced by the words 'up to and including 31 December 1982'.
5. Subheading 03.02 A I f): in footnote (d), the words 'reduced to 2.5 % (suspension) up to and including 30 June 1982' shall be replaced by the words 'reduced to 2.2 % (suspension) up to and including 31 December 1982' and the words 'or *Gadus virens*' deleted.
6. Subheading 03.02 A II d): in footnote (e), the words 'up to and including 30 June 1982' shall be replaced by the words 'up to and including 31 December 1982' and the words 'or *Gadus virens*' deleted.
7. Subheading 07.01 G III: in footnote (a), the words 'up to and including 30 June 1982' shall be replaced by the words 'up to and including 31 December 1982'.

⁽¹⁾ OJ No L 65, 11. 3. 1981, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 158, 9. 6. 1982, p. 1.

⁽⁴⁾ OJ No L 171, 17. 6. 1982, p. 1.

⁽⁵⁾ OJ No L 171, 17. 6. 1982, p. 4.

⁽⁶⁾ OJ No L 379, 31. 12. 1981, p. 48.

⁽⁷⁾ OJ No L 182, 26. 6. 1982, p. 1.

⁽⁸⁾ OJ No L 182, 26. 6. 1982, p. 4.

⁽⁹⁾ OJ No L 382, 31. 12. 1980, p. 1.

8. Subheading 07.04 B : footnote (b) shall be replaced by the following :
- '(b) Duty rate reduced to 7 % (suspension) up to and including 31 December 1982 for sweet, red or green peppers, dried, dehydrated or evaporated, in pieces, with a moisture content of not more than 9.5 % but not further prepared.'
9. Subheading 15.07 D I b) 2 : in footnote (a), the words '35 ECU' and '30 June 1982' shall be replaced by the words '70 ECU' and '31 December 1982' respectively.
10. Subheading 16.05 B :
- in footnote (a), the words '30 June 1982' shall be replaced by '31 December 1982',
 - in footnote (b), the words 'reduced to 3.9 % (suspension) up to and including 30 June 1982' shall be replaced by the words 'reduced to 4.2 % (suspension) up to and including 31 December 1982.'
11. Subheading 20.06 B I e) 2 bb) : a footnote reference (a) shall be added after '22.4' in the third column and the following footnote added :
- '(a) Rate of 7 % from 1 July to 31 December 1982 up to an amount of an *erga omnes*

Community tariff quota of 1 500 tonnes, to be granted by the competent authorities, for sweet cherries, marinated in alcohol, of a diameter not exceeding 18.9 millimetres, stoned, intended for the manufacture of chocolate products.

Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.'

Article 2

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

It shall apply with effect from :

- 16 June 1982 with regard to Article 1 point 1 ;
- 27 June 1982 with regard to Article 1 point 3 ;
- 1 July 1982 with regard to Article 1 point 2 and points 4 to 11.

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

Done at Brussels, 21 September 1982.

For the Council

The President

U. ELLEMAHN-JENSEN

COMMISSION REGULATION (EEC) No 2565/82**of 23 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 22 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 24 September 1982.

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

Done at Brussels, 23 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 23 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	117.94
10.01 B II	Durum wheat	160.34 ⁽¹⁾ ⁽²⁾
10.02	Rye	84.21 ⁽⁶⁾
10.03	Barley	104.51
10.04	Oats	78.42
10.05 B	Maize, other than hybrid maize for sowing	103.62 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	12.93 ⁽⁴⁾
10.07 C	Grain sorghum	103.46 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	178.38
11.01 B	Rye flour	131.18
11.02 A I a)	Durum wheat groats and meal	262.61
11.02 A I b)	Common wheat groats and meal	192.36

⁽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 2566/82
of 23 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 organ-
ization 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 agricul-
tural policy⁽³⁾, as last amended by Regulation (EEC)
No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
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
22 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 24
September 1982.

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

Done at Brussels, 23 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. 47.

ANNEX

to the Commission Regulation of 23 September 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 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	2.14	2.14	2.14
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	11.17	11.17	12.23
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 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 2567/82**of 23 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 20 and 21 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 24 September 1982.

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

Done at Brussels, 23 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CCT heading No	Non-member countries
15.07 A I a)	32.00 ⁽¹⁾
15.07 A I b)	35.00 ⁽¹⁾
15.07 A I c)	33.00 ⁽¹⁾
15.07 A II a)	37.00 ⁽²⁾
15.07 A II b)	56.00 ⁽²⁾

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

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

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

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

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CCT heading No	Non-member countries
07.01 N II	7.70
07.03 A II	7.70
15.17 B I a)	17.50
15.17 B I b)	28.00
23.04 A II	2.64

COMMISSION REGULATION (EEC) No 2568/82

of 17 September 1982

imposing a provisional anti-dumping duty on imports of polyvinyl chloride resins and compounds originating in Czechoslovakia, and accepting undertakings and terminating the proceeding in respect of imports of such products originating in Romania, the German Democratic Republic and Hungary

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1580/82⁽²⁾, and in particular Article 11 thereof,

After consultations within the Advisory committee set up pursuant to Article 6 of Regulation (EEC) No 3017/79,

Whereas in July 1981 the Commission received a complaint from the European Council of Chemical Manufacturers' Federations, on behalf of 24 producers of polyvinyl chloride resins and compounds, representing almost the whole of the Community industry, asking it to open an anti-dumping proceeding;

Whereas the complaint contained sufficient evidence that such products originating in Czechoslovakia, the German Democratic Republic, Hungary and Romania were being dumped, and that material injury was being caused thereby; whereas the Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of a proceeding in respect of imports of polyvinyl chloride resins and compounds originating in Czechoslovakia, the German Democratic Republic, Hungary and Romania and commenced an investigation of the matter at Community level;

Whereas the Commission officially so advised the exporters and importers known by it to be concerned;

Whereas the Commission has given the parties directly concerned the opportunity to make known their views in writing and to be heard;

Whereas some of the parties concerned took this opportunity to present detailed written and/or oral observations;

Whereas, in order to arrive at a preliminary assessment of the dumping margin and injury, the Commission gathered from the Community exporters, importers and producers concerned which agreed to cooperate in the investigation all the information it deemed necessary, and checked that information; whereas, where necessary, it carried out inspections at the companies' premises; whereas information was supplied by the following companies in particular:

— Community importers:

Deutsche Chemapol GmbH (Frankfurt)
Inter-Chemol GmbH (Frankfurt)
Conti Chemie GmbH (Frankfurt)
Karl O. Helm AG (Hamburg)
Kunstoplast-Chemie GmbH (Nienhagen)
Rehau Plastiks AG & Co. (Rehau)
Braas und Co. GmbH (Frankfurt)
Pegulan Werke AG (Frankenthal)
Thyssen Industrie AG (Essen)
IVK (Frankfurt)
Amtel Chimie et Plastiques (Puteaux)
Chemapol France SA (Paris)
Rehau Plastiks SA (Morhange)
Eutraplast (Brussels)
TR International Ltd (London)
Liatsis-Polybros Ltd (Athens)
Simitis Brothers SA (Piraeus)
Dasico A/S (Birkørød)

— Community producers:

BASF AG (Ludwigshafen)
Deutsche Solvay-Werke GmbH (Solingen)
Hoechst AG (Frankfurt)
Chemische Werke Huels AG (Marl)
Lonza-Werke GmbH (Weil am Rhein)
Wacker-Chemie GmbH (Munich)
Société artésienne de Vinyle (Paris)
Ato Chimie (Paris la Défense)
Chloe Chimie (Paris la Défense)
Solvic SA (Paris)
PCUK SA (Courbevoie)
Solvic SpA (Milan)
BP Chemicals Ltd (South Glamorgan)
BIP Vinyls Ltd (Durham)
ICI PLC (London)
Vinatex Ltd (Havant)
Shell Nederland Chemie BV (The Hague)

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No C 332, 19. 12. 1981, p. 2.

DSM NV (Sittard)
Solvic SA (Brussels)
Esso Pappas Chemical AE (Athens)

— and exporters :

Chemolimpex (Budapest)
Chimimportexport (Bucharest)
Petrinex (Bratislava)
AHB Chemie (Berlin, German Democratic Republic)

Whereas, in its preliminary investigation, the Commission based its calculations on the 1981 weighted average prices for polyvinyl chloride resins in powder form (general purpose suspension and solid PVC), which make up the vast majority of PVC exports to the Community from the countries concerned ;

Whereas, in order to establish whether the abovementioned imports were dumped, the Commission had to take into account the fact that Czechoslovakia, the German Democratic Republic, Hungary and Romania are not market economies ;

Whereas for that reason the Commission has to base its calculations on the normal value in a market economy country ; whereas, in that connection, the complaint cited the Swedish domestic market ;

Whereas other parties suggested that comparison be made with prices in the United States or Canada ; whereas the Commission, having considered the possibility, nevertheless concluded that certain structural factors made comparison with North American manufactures less appropriate ; whereas certain exporters requested that the normal value be based on Swedish export prices ; whereas the Commission, however, could not accept this, since the majority of Sweden's output was sold on the domestic market and Swedish export prices might be influenced by competition from low-cost exports originating in other countries ;

Whereas, on the basis of inspections carried out on the premises of Swedish producers and in the light of the written and oral arguments put forward by the parties concerned, the Commission based its preliminary assessment of the normal value on the prices for general purpose suspension PVC on the Swedish domestic market, taking into account that the means of production of that product are broadly comparable in Sweden, the exporting countries named in the complaint and the Community, that about half of Sweden's requirements are covered by imports, mainly from the Community and other Scandinavian countries, with the exporting countries named in the complaint taking a negligible share of the market, and that Sweden's tariffs on imported PVC are relatively

low ; whereas the Commission therefore found that the situation on the Swedish market was an appropriate reflection of the conditions of competition for western European PVC manufactures and that the level of prices was reasonable ;

Whereas the preliminary assessment of dumping was therefore effected by comparing the weighted average Swedish ex-work prices for sales over the period January to December 1981 with the prices for exports to the Community from the countries in question over the same period ;

Whereas, to take due account of the differences affecting price comparability, all discounts and transport costs were deducted from the Swedish prices for loose goods as invoiced to the customers ; whereas an adjustment was made to bring the prices to a 'cash payment' level ; whereas certain export prices charged by the countries named in the procedure were set on a fob and a cif basis and a price adjustment was made where necessary to take into account the transport costs included in those prices and the payment terms ; whereas, in working out the export prices, account was also taken, where possible, of deliveries of lower-quality goods ;

Whereas the above preliminary examination of the facts shows the existence of dumping in respect of the imports considered in the investigation, the dumping margin being equal to the amount by which the normal value as established above exceeds the price for export to the Community ; whereas the margin varies depending on the exporting country and importing Member State concerned ; whereas the margins vary, for example, between 53 and 68 % for imports originating in Czechoslovakia, between 58 and 74 % for Romania, between 26 and 37 % for the German Democratic Republic and between 25 and 45 % for Hungary ;

Whereas, with regard to the injury caused to the Community industry by the dumped imports, the evidence available to the Commission during the preliminary assessment showed that the total Community imports (excluding intra-German trade) of polyvinyl chloride resins from the countries in question rose from 62 100 tonnes in 1979 to 125 200 tonnes in 1981, an increase of 102 % ; whereas over that period the share of the Community market taken by these imports increased from 2.3 to 5.6 % ; whereas that increase in market share was very unevenly distributed among the Member States, being particularly marked in the Federal Republic of Germany which in 1981 alone, setting aside intra-German trade, took 75 300 tonnes or 60 % of the imports in question, accounting for 11.6 % of the market as against only 4 % in 1979 ;

whereas over the same period the imports in question increased their market share from 2.3 to 8.4 % in the Netherlands, from 3.9 to 6.4 % in Belgium, from 1.6 to 3.6 % in France and from 1.7 to 2.0 % in the United Kingdom ;

Whereas the selling prices in the Community of polyvinyl chloride resins originating in the countries in question have undercut those of Community producers of general purpose products by different amounts, up to 20 % in some cases ;

Whereas the evidence available to the Commission also shows that dumped imports increased and considerable market shares were captured at a time when demand in the Community was falling sharply ; whereas Community producers have therefore lost further sales, and have been unable to stabilize the market despite cutting back output considerably ; whereas the dumped imports have been an important factor in depressing prices ; whereas, for the above reasons, Community producers are making unacceptable losses ;

Whereas the Commission has also investigated the influence of other imports of polyvinyl chloride resins into the Community and has found that such imports have declined with the level of demand in the Community, changing their market share little ;

Whereas in assessing the effects of dumping the Commission also took into account that the excess capacity for the manufacture of polyvinyl chloride in the Community exerts considerable pressure on prices which is not attributable to the imports in question ; whereas, under those market conditions, it is impossible to make a profit or cover costs ;

Whereas, in view of the above findings, the Commission has provisionally concluded, in particular in the light of the adjustment problems facing the Community industry, that the harmful effects of the dumped imports constitute in themselves material injury requiring protective measures ; whereas Community processing industries argue that the introduction of protective measures would make them less competitive, and would therefore not be in the Community's interest ; whereas, in view of the particularly serious difficulties facing PVC manufacturers, the Commission has nevertheless come to the conclusion that it is in the Community's interests for immediate action to be taken by introducing a provisional anti-dumping duty ;

Whereas, in calculating the rate of duty, the Commission took into account that the exporters in question suffer varying disadvantages *vis-à-vis* Community

producers in the marketing of their products ; whereas the Commission has accordingly concluded that the introduction of a provisional anti-dumping duty of 12 % for Czechoslovakia, 10 % for Romania, 6 % for the German Democratic Republic and 4 % for Hungary would be sufficient to eliminate the injury ;

Whereas, after being informed of these findings, the exporting bodies in Romania (Chimimportexport, Bucharest), Hungary (Chemolimpex, Budapest) and the German Democratic Republic (AHB Chemie, Berlin) offered undertakings to eliminate the injurious effects of the exports ; whereas the Commission considers these undertakings appropriate ; whereas the Advisory Committee set up pursuant to Article 6 of Council Regulation (EEC) No 3017/79 has raised no objections ; whereas the abovementioned exporters' undertakings can therefore be accepted, and the proceeding against them terminated,

HAS ADOPTED THIS REGULATION :

Article 1

The undertakings given by the exporting bodies in Romania (Chimimportexport, Bucharest), Hungary (Chemolimpex, Budapest) and the German Democratic Republic (AHB Chemie, Berlin) are hereby accepted and the proceeding in respect of imports of polyvinyl chloride resins and compounds originating in those countries is hereby terminated.

Article 2

1. A provisional anti-dumping duty is hereby imposed on imports of polyvinyl chloride resins and compounds falling within subheading 39.02 C VII ex a) of the Common Customs Tariff, in the form of powders (including moulding powders), granules, flakes and similar bulk forms (NIMEXE codes 39.02-41 and ex 39.02-43) originating in Czechoslovakia.

2. The rate of anti-dumping duty shall be 12 % in respect of Czechoslovakia on the basis of customs value determined in accordance with Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes⁽¹⁾.

3. The provisions in force concerning customs duties shall apply to the provisional anti-dumping duty.

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to payment of a deposit equivalent to the amount of the provisional anti-dumping duty.

Article 3

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 3017/79, the parties concerned may make known their views, and apply to be heard orally

by the Commission, within one month of the entry into force of this Regulation.

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 3017/79, this Regulation shall be applicable until such time as the Council adopts definitive measures and in any event for a maximum period of four months.

Article 4

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

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

Done at Brussels, 17 September 1982.

For the Commission

Lorenzo NATALI

Vice-President

COMMISSION REGULATION (EEC) No 2569/82
of 21 September 1982
temporarily suspending intervention buying in of certain qualities of meat in
certain Member States

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Whereas in France the market price for certain quali-
ties is between 100 and 102 % of the maximum

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

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

HAS ADOPTED THIS REGULATION :

Article 1

In application of Article 3 (1) (a) of Regulation (EEC)
No 1197/82, intervention buying in shall be
suspended from 27 September 1982 in the following
Member State for the quality specified :

in France : jeunes bovins U

Article 2

This Regulation shall enter into force on 27
September 1982.

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

Done at Brussels, 21 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 26.

COMMISSION REGULATION (EEC) No 2570/82
of 23 September 1982
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/66/EEC
of 22 September 1966 on the establishment of a
common organization of the market in oils and fats ⁽¹⁾,
as last amended by Regulation (EEC) No 1413/82 ⁽²⁾,
and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in
Article 27 of Regulation No 136/66/EEC was fixed by
Regulation (EEC) No 2120/82 ⁽³⁾, as last amended by
Regulation (EEC) No 2514/82 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2120/82 to the

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 24
September 1982.

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

Done at Brussels, 23 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 223, 31. 7. 1982, p. 50.

⁽⁴⁾ OJ No L 268, 17. 9. 1982, p. 30.

ANNEX

to the Commission Regulation of 23 September 1982 fixing the amount of the subsidy
on oil seeds

(ECU/100 kg)

CCT heading No	Description	Subsidy
ex 12.01	Colza and rape seed	24.738
ex 12.01	Sunflower seed	27.943

(ECU/100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		September 1982	October 1982	November 1982	December 1982	January 1983	February 1983
ex 12.01	Colza and rape seed	24.738	25.231	25.224	25.717	25.710	26.203
ex 12.01	Sunflower seed	27.943	28.526	29.216	29.692	29.634	—

COMMISSION REGULATION (EEC) No 2571/82
of 23 September 1982
fixing the world market price for colza, rape and sunflower seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽³⁾, as last amended by Regulation (EEC) No 1986/82⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza, rape and sunflower seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 2136/82⁽⁶⁾, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 2120/82 of 30 July

1982 fixing the amount of the subsidy on oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 2570/82⁽⁸⁾;

Whereas, if the price system is to operate normally, the world market price should be calculated on the following basis:

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

Whereas it follows from applying these provisions that the world market price for colza, rape and sunflower seed should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 September 1982.

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

Done at Brussels, 23 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 215, 23. 7. 1982, p. 10.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 223, 31. 7. 1982, p. 88.

⁽⁷⁾ OJ No L 223, 31. 7. 1982, p. 50.

⁽⁸⁾ See page 20 of this Official Journal.

ANNEX

to the Commission Regulation of 23 September 1982 fixing the world market price for
colza, rape and sunflower seed

(ECU/100 kg)⁽¹⁾

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	22.145
ex 12.01	Sunflower seed	26.497

(ECU/100 kg)⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		September 1982	October 1982	November 1982	December 1982	January 1983	February 1983
ex 12.01	Colza and rape seed	22.145	22.145	22.645	22.645	23.145	23.145
ex 12.01	Sunflower seed	26.497	26.497	26.390	26.497	27.138	—

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

1 ECU = DM	2.33379
1 ECU = Fl	2.57971
1 ECU = Bfr/Lfr	44.9704
1 ECU = FF	6.61387
1 ECU = Dkr	8.23400
1 ECU = £ Irl	0.691011
1 ECU = £	0.546224
1 ECU = Lit	1 326.30
1 ECU = Dr	66.5070

COMMISSION REGULATION (EEC) No 2572/82
of 23 September 1982
abolishing the countervailing charge on certain varieties of plums originating in Poland

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 2488/82 of 14 September 1982⁽³⁾, introduced a countervailing charge on certain varieties of plums originating in Poland;

Whereas for this product originating in Poland 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 these plums originating in Poland can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2488/82 is hereby repealed.

Article 2

This Regulation shall enter into force on 24 September 1982.

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

Done at Brussels, 23 September 1982.

For the Commission

Poul DALSAER

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 265, 15. 9. 1982, p. 16.

COMMISSION REGULATION (EEC) No 2573/82
of 23 September 1982
amending Regulation (EEC) No 2472/82 introducing a countervailing charge on
lemons originating in Uruguay

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 Regulation (EEC) No 2472/82⁽³⁾ introduced a countervailing charge on lemons originating in Uruguay;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that

Regulation is amended; whereas, if these conditions are taken into consideration, the countervailing charge on the import of lemons originating in Uruguay must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The amount '8.96 ECU' appearing in Article 1 of Regulation (EEC) No 2472/82 is replaced by the amount '18.79 ECU'.

Article 2

This Regulation shall enter into force on 24 September 1982.

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

Done at Brussels, 23 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 263, 11. 9. 1982, p. 18.

COMMISSION REGULATION (EEC) No 2574/82

of 23 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 24
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. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 23 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 23 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	 59-00 67-00 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	 56-00 60-00 — 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 2575/82**of 23 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 organi-
zation 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 desti-
nation;

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 calcu-
lated 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 24 September 1982.

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

Done at Brussels, 23 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 23 September 1982 fixing the corrective amount applicable to the refund on cereals

CCT heading No	Description	(ECU/tonne)						
		Current	1st period	2nd period	3rd period	4th period	5th period	6th period
9		10	11	12	1	2	3	
10.01 B I	Common wheat, and meslin	0	0	— 7.00	— 11.00	— 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	0	— 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	0	— 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 2576/82

of 23 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 2560/82⁽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 24 September 1982.

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

Done at Brussels, 23 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 273, 23. 9. 1982, p. 39.

ANNEX

to the Commission Regulation of 23 September 1982 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	42.51 38.61 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 September 1982

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

(82/650/EEC)

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

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

From 23 September 1982 pending a Council decision or until 31 October 1982, whichever is the earlier, the Member States shall conduct their fishing activities in accordance with the usual seasonal cycles, taking into account the TACs proposed by the Commission on 21 June 1982, as amended on 29 June, 21 July and 27 August 1982, and the portion of those TACs which remains available to the Community bearing in mind its commitments to third countries.

Done at Brussels, 20 September 1982.

For the Council

The President

N. A. KOFOED

⁽¹⁾ OJ No C 158, 27. 6. 1980, p. 2.

COMMISSION

COMMISSION DECISION

of 10 September 1982

on the aids granted in Sicily in the citrus fruit, fruit and vegetables sector

(Only the Italian text is authentic)

(82/651/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 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 Article 31 thereof,

Having given notice, pursuant to the first subparagraph of Article 93 (2) of the Treaty, to those concerned to submit their comments and having regard to those comments⁽³⁾,

I

Whereas, by letters of 13 January and 9 February 1981, the Italian Government notified the Commission, pursuant to Article 93 (3) of the EEC Treaty, of the draft Law of the Region of Sicily laying down measures for the rationalization of the citrus fruit and fruit and vegetable processing industry and measures to assist marketing, which had been approved by the Legislative Committee of the Regional Assembly;

Whereas at a meeting between the Italian authorities and Commission staff on 26 and 27 March 1981 the Italian experts supplied details concerning the legal instrument in question; whereas other information was supplied by telex of 8 May 1981 from the Permanent Representation of Italy;

Whereas the Commission staff learned meanwhile that the measure in question had been adopted as Regional Law No 10/81 of 3 February 1981;

Whereas the Commission, after examining Law No 10/81, took the view that the subsidies of 40 % for the

purchase of packaging materials for citrus fruit, fruit and vegetables for export provided for in Article 3 (e) of Law No 10/81 constituted incompatible aids; whereas it considered that the measure — even after the amendments made to it by Article 21 of Law No 16/81 of 2 March 1981 providing for the aid to be granted for packaging materials for citrus fruit, fruit and vegetables which were to be marketed in Italy — constituted:

- both operating aid, in the case of aid being granted to undertakings which marketed packaged citrus fruit and fruit and vegetables in Italy,
- and a measure contrary to the provisions of the common organization of the market in fruit and vegetables, in the case of aid being claimed by undertakings which exported packaged citrus fruit and fruit and vegetables;

Whereas the Commission also took the view that the measures provided for in Article 6 of Law No 10/81 constituted aid for exports to other Member States and non-member countries and were therefore incompatible with the common organization of the market in the products in question; whereas this measure provides for the grant to single farms or groups of farms exporting citrus fruit, fruit and vegetables of 12 % interest-rate subsidies on loans for one year taken up in anticipation of sums amounting to 80 % of the selling price subsequently paid by foreign importers purchasing their products;

Whereas the Commission therefore initiated the procedure laid down in Article 93 (2) of the EEC Treaty in respect of all the abovementioned measures and gave notice to the Italian Government by letter of 31 July 1981 to submit its comments;

II

Whereas, by telexes of 30 September 1981 and 12 February 1982, the Italian Government replied to the Commission's letter, stressing, among other things, that as regards the aids for packaging materials provided for in Article 3 (e) of Law No 10/81 the

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No C 335, 23. 12. 1981, p. 2.

Sicilian authorities had not applied the measure to packaging materials for citrus fruit, fruit and vegetables for export and that as regards the advances to exporters provided for in Article 6 of Law No 10/81 this measure was not an export aid since it was also granted to economic operators marketing their produce in Italy and that the measure was subject to the provisions on the safeguarding of employment and minimum wages; it was therefore to be regarded as aid to promote employment, not export aid; whereas the Italian authorities also stated that the measure was applicable in 1979 and 1980 only;

Whereas following the Commission's notice to other Member States to submit their comments, several Member States did so; whereas they endorsed the opinion expressed by the Commission;

III

Whereas the 40 % subsidy on the purchase price of packaging materials for citrus fruit, fruit and vegetables provided for in Article 3 (e) of Law No 10/81 has a direct effect on the selling prices of these products since that purchase price represents an average of about 40 % of wholesale prices;

Whereas the interest-rate subsidies granted to producers of citrus fruit, fruit and vegetables provided for in Article 6 of Law No 10/81 represent a considerable advantage to these producers and thus also have a direct effect on the cost of marketing the products in question and hence on their selling price;

Whereas these two measures have therefore artificially increased or at least maintained the present level of citrus fruit, fruit and vegetable production in Sicily; whereas, on the other hand, it can reasonably be imagined that these aids may in practice have encouraged those in receipt thereof to supply the products in question at prices lower than those which would apply in the absence of this public aid;

Whereas these measures are liable to affect intra-Community trade and to distort competition by favouring Italian producers to the detriment of producers in other Member States who are in a position to offer for sale the same products on the Community market and do not receive comparable aids;

Whereas the Commission has been unable to accept the arguments put forward by the Italian Government concerning Article 3 (e) of the Law in question: whereas the Italian Government stated that the subsidy for the purchase of packaging materials for exports had been abolished, but did not supply the same information with regard to aids for the purchase of packaging materials for citrus fruit, fruit and vegetables for marketing in Italy or any other information of an economic nature likely to induce the Commission to change the position which it communicated on 31 July 1981;

Whereas the Commission has also been unable to accept the argument put forward by the Italian Government in support of the aids provided for in

Article 6 of Law No 10/81, since the extension of the aids to individual farms or groups of farms marketing citrus fruit, fruit and vegetables in Italy does not render the measure compatible with Community law;

Whereas, on the other hand, the main aim of the measure is to assist farms growing citrus fruit, fruit and vegetables; whereas protection of employment and employees' pay levels is an indirect effect rather than the reason for this measure; whereas, therefore, this argument put forward by the Italian Government cannot be accepted as justification for the measure;

Whereas the measures in question therefore fulfil the criteria of Article 92 (1) of the Treaty;

Whereas the prohibition laid down in Article 92 (1) cannot be lifted under paragraph 2 of that Article since the derogations provided for therein clearly do not apply in this case;

Whereas, as regards the derogations provided for in Article 92 (3), these must be interpreted strictly when any national or regional measure is being examined; whereas they can be permitted only where the Commission can establish that the aid is necessary to achieve one of the objectives referred to in these provisions;

Whereas to apply the said derogations to aids not serving this purpose would be tantamount to allowing damage to trade between Member States and distortions of competition without any justification on grounds of the Community interest and to allowing unfair advantages for certain Member States;

Whereas in the case in point the aids provided for in Articles 3 (e) and 6 of Law No 10/81 do not offer any such reciprocal advantage;

Whereas the Italian Government has been unable to give, and the Commission unable to find, any justification for finding that the aids in question meet the conditions for application of one of the derogations provided for in Article 92 (3) of the Treaty;

Whereas the aids are not measures to promote the economic development of an area where the standard of living is abnormally low or where there is serious under-employment within the meaning of Article 92 (3) (a), since they do not constitute measures likely to promote the development of the island or the growing of citrus fruit, fruit or vegetables, being in fact operating aids without any structural effect; whereas the situation of Sicily and of the abovementioned lines of production will not be permanently affected after the aid ceases;

Whereas the measures in question do not constitute an important project of common European interest or measures to remedy a serious disturbance in the Italian economy; whereas, therefore, Article 92 (3) (b) of the Treaty is not applicable;

Whereas these measures constitute operating aids for the farmers concerned; whereas the Commission has always been opposed to such aids which do not meet

the conditions enabling them to qualify as exceptions under Article 92(3)(c) of the Treaty since they are not, by reason of their limited effectiveness, likely to facilitate development as provided for therein ;

Whereas in the present situation on the market in citrus fruit, fruit and vegetables an aid, even on a small scale, alters the trading conditions to an extent contrary to the common interest ;

Whereas it results from the foregoing that the above-mentioned aids do not meet the conditions for ranking as exceptions under Article 92(3) of the Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The subsidies :

- (a) of 40 % for the purchase of packaging materials for citrus fruit, fruit and vegetables for the purpose of marketing these products, provided for in Article 3(e) of the Law of the Region of Sicily No 10/81, and those
- (b) provided for in Article 6 of the said Regional Law for single farms or groups of farms marketing citrus fruit, fruit and vegetables in Italy or exporting these products, granted in the form of a 12 %

interest-rate subsidy on loans for one year taken up in anticipation of prices which will subsequently be paid,

are incompatible with the provisions of Article 92 of the EEC Treaty and, as far as the aid referred to in Article 6 is concerned, with the provisions of the common organization of the market in fruit and vegetables. These subsidies must therefore cease to be granted and the corresponding provisions of Articles 3(e) and 6 of Regional Law No 10/81 must be amended in such a way as to abolish the subsidies in question.

Article 2

The Italian Republic shall notify the Commission, within one month, of the measures which it has taken to ensure compliance with Article 1.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 10 September 1982.

For the Commission

Poul DALSGER

Member of the Commission
