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Contents

I Acts whose publication is obligatory

- Commission Regulation (EEC) No 2978/82 of 9 November 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal 1
- Commission Regulation (EEC) No 2979/82 of 9 November 1982 fixing the premiums to be added to the import levies on cereals, flour and malt 3
- Commission Regulation (EEC) No 2980/82 of 9 November 1982 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving that region 5
- ★ Commission Regulation (EEC) No 2981/82 of 8 November 1982 re-establishing the levying of customs duties applicable to third countries on certain products originating in Sweden 8
- ★ Commission Regulation (EEC) No 2982/82 of 9 November 1982 amending Regulation (EEC) No 2456/82 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 and Regulation (EEC) No 2457/82, laying down, for the 1982/83 wine-growing year, provisions concerning the distillation of the by-products of wine-making 11
- Commission Regulation (EEC) No 2983/82 of 9 November 1982 opening a standing invitation to tender for the sale for export of olive oil held by the Italian intervention agency 13
- Commission Regulation (EEC) No 2984/82 of 9 November 1982 opening a standing invitation to tender for the sale for export of olive oil held by the Greek intervention agency 16
- Commission Regulation (EEC) No 2985/82 of 9 November 1982 abolishing the countervailing charge on cucumbers originating in Spain 19
- Commission Regulation (EEC) No 2986/82 of 9 November 1982 fixing the amount of the subsidy on oil seeds 20

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 2987/82 of 9 November 1982 fixing the world market price for colza, rape and sunflower seed	22
Commission Regulation (EEC) No 2988/82 of 9 November 1982 discontinuing the additional amounts for certain pigmeat products	24
* Council Regulation (EEC) No 2989/82 of 9 November 1982 on the granting of aid for the consumption of butter in Denmark, Greece, Italy and Luxembourg	25
* Council Regulation (EEC) No 2990/82 of 9 November 1982 on the sale of butter at reduced prices to persons receiving social assistance	26
* Commission Regulation (EEC) No 2991/82 of 9 November 1982 on the temporary marketing during the 1982/83 milk year of reduced-price butter for direct consumption in the Community	27

II *Acts whose publication is not obligatory*

Commission

82/741/EEC :

* Commission Decision of 20 October 1982 setting a time limit for the completion of the negotiations concerning reference tariffs for the carriage of goods by road to and from Greece	32
--	----

82/742/EEC :

* Commission Decision of 29 October 1982 relating to a proceeding under Article 85 of the EEC Treaty (IV/30.517 — Amersham Buchler)	34
---	----

Corrigenda

* Corrigendum to Commission Regulation (EEC) No 3800/81 of 16 December 1981 determining the classification of vine varieties (OJ No L 381, 31. 12. 1981)	39
--	----

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2978/82**of 9 November 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 November 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 November 1982.

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

Done at Brussels, 9 November 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. 44.

ANNEX

to the Commission Regulation of 9 November 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	98.97
10.01 B II	Durum wheat	146.43 ⁽¹⁾ ⁽²⁾
10.02	Rye	98.10 ⁽⁶⁾
10.03	Barley	112.75
10.04	Oats	75.88
10.05 B	Maize, other than hybrid maize for sowing	103.03 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	98.10 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	152.35
11.01 B	Rye flour	151.15
11.02 A I a)	Durum wheat groats and meal	240.20
11.02 A I b)	Common wheat groats and meal	163.66

⁽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 2979/82**of 9 November 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 November 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 November 1982.

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

Done at Brussels, 9 November 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 9 November 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 11	1st period 12	2nd period 1	3rd period 2
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	1.10	1.10	0
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 11	1st period 12	2nd period 1	3rd period 2	4th period 3
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 2980/82
of 9 November 1982**

**fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving that region**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 1195/82⁽²⁾,

Having regard to Commission Regulation (EEC) No
2661/80 of 17 October 1980 laying down detailed
rules for applying the variable slaughter premium for
sheep⁽³⁾, as amended by Regulation (EEC) No
1238/82⁽⁴⁾, and in particular Articles 3 (1) and 4 (1)
thereof,

Whereas the United Kingdom is the only country
paying the variable slaughter premium; whereas the
United Kingdom has decided to pay it only in Region
5 (Great Britain), within the meaning of Article 3 (1) of
Regulation (EEC) No 1837/80; whereas it is necessary
therefore for the Commission to fix, for the period 18
to 24 October 1982, the level of the premium and the
amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 2661/80
stipulates that the level of the variable slaughter
premium is to be fixed each week by the Commission
for each Member State concerned or, in the case of the
United Kingdom, for Great Britain;

Whereas Article 4 (1) of Regulation (EEC) No 2661/80
lays down that the amount to be charged on products
leaving the Member States concerned or, in the case of
the United Kingdom, Great Britain shall be fixed
weekly by the Commission for each Member State
concerned and in the case of the United Kingdom for
Great Britain;

Whereas it follows from the application of the rules
laid down in Article 9 (1) of Regulation (EEC) No
1837/80 and in Article 4 (1) and (3) of Regulation
(EEC) No 2661/80 that the variable slaughter premium
for sheep certified as eligible in the United Kingdom,
and the amounts to be charged on products leaving
Great Britain, during the period 18 to 24 October
1982, shall be as set out in the Annexes hereto;

Whereas it should be recalled that Commission Regu-
lation (EEC) No 3191/80 of 9 December 1980⁽⁵⁾, as
last amended by Regulation (EEC) No 1558/82⁽⁶⁾,
fixed transitional measures concerning non-recovery of
the variable slaughter premium for sheepmeat and
goatmeat products exported from the Community,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified in Great Britain as
eligible for the variable slaughter premium during the
period 18 to 24 October 1982, the level of the
premium shall be as set out in Annex I hereto.

Article 2

Without prejudice to the provisions of Regulation
(EEC) No 3191/80, for products referred to in Article 1
(a) of Regulation (EEC) No 1837/80 which left Great
Britain during the period 18 to 24 October 1982, the
amounts to be charged shall be as set out in Annex II
hereto.

Article 3

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 18 October 1982.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 22.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 19.

⁽⁴⁾ OJ No L 143, 20. 5. 1982, p. 10.

⁽⁵⁾ OJ No L 332, 10. 12. 1980, p. 14.

⁽⁶⁾ OJ No L 172, 18. 6. 1982, p. 21.

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

Done at Brussels, 9 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Level of variable slaughter premium for certified sheep in Great Britain for the week commencing 18 October 1982

Description	Premium
Certified sheep or sheepmeat	98.528 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Great Britain.

ANNEX II

Amount to be charged for products leaving Great Britain during the week commencing 18 October 1982

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Charge
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight
		46.308
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	98.528
	2. Short forequarters	68.970
	3. Chines and/or best ends	108.381
	4. Legs	128.086
	5. Other :	
	aa) Unboned (bone-in)	128.086
02.01 A IV b)	bb) Boned or boneless	179.321
	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	73.896
	2. Short forequarters	51.727
	3. Chines and/or best ends	81.286
	4. Legs	96.065
	5. Other :	
02.06 C II a)	aa) Unboned (bone-in)	96.065
	bb) Boned or boneless	134.491
	Meat of sheep or goats, salted in brine, dried or smoked :	
02.06 C II a)	1. Unboned (bone-in)	128.086
	2. Boned or boneless	179.321

COMMISSION REGULATION (EEC) No 2981/82

of 8 November 1982

re-establishing the levying of customs duties applicable to third countries on certain products originating in Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Kingdom of Sweden ⁽¹⁾, and in particular Protocol 1 thereto,

Having regard to Council Regulation (EEC) No 3738/81 of 7 December 1981 establishing ceilings and Community supervision for imports of certain products originating in Sweden ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 3 of the abovementioned Protocol provides that the products listed below, imported under reduced duty rates according to Article 1 (1) to (3) are subject to the annual ceiling indicated below, above which the customs duties applicable to third countries may be re-established :

CCT heading No	Description	Ceiling (tonnes)
48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets :	
	ex F. Other :	
	— Bible paper, manifold (thin typing) paper; printing paper and writing paper, containing not more than 5 % of mechanical wood pulp	39 404
	— Printing paper and writing paper, containing more than 5 % of mechanical wood pulp	173 525
48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets :	
	ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² :	
	— Coated printing or writing paper	53 102
	ex D. Other :	
	— Coated printing or writing paper	

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 96.

⁽²⁾ OJ No L 376, 30. 12. 1981, p. 15.

CCT heading No	Description	Ceiling (tonnes)
48.07 (cont'd)	ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Other, excluding coated printing or writing paper ex. D. Other : — Other, excluding coated printing or writing paper	142 654
48.15	Other paper and paperboard, cut to size or shape : B. Other	
		16 108

Whereas imports into the Community of those products, originating in Sweden, have reached that ceiling; whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be re-established,

HAS ADOPTED THIS REGULATION :

Article 1

From 13 November to 31 December 1982, the levying of customs duties applicable to third countries shall be re-established imports into the Community of the following products :

CCT heading No	Description	Origin
48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets : ex F. Other : — Bible paper, manifold (thin typing) paper; printing paper and writing paper, containing not more than 5 % of mechanical wood pulp — Printing paper and writing paper, containing more than 5 % of mechanical wood pulp	Sweden
48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets : ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Coated printing or writing paper ex D. Other : — Coated printing or writing paper	

CCT heading No	Description	Origin
48.07 (cont'd)	ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Other, excluding coated printing or writing paper ex. D. Other : — Other, excluding coated printing or writing paper	Sweden
48.15	Other paper and paperboard, cut to size or shape : B. Other	

Article 2

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

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

Done at Brussels, 8 November 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

**COMMISSION REGULATION (EEC) No 2982/82
of 9 November 1982**

amending Regulation (EEC) No 2456/82 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 and Regulation (EEC) No 2457/82, 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
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 39 (8)
40 (6) 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 the third indent of Article 2 (4) of Commis-
sion Regulation (EEC) No 2456/82 ⁽³⁾ laid down the
criteria for determining the total quantity of wine
normally produced, which is exempt from the obliga-
tion to distil referred to in Article 40 of Regulation
(EEC) No 337/79; whereas, as regards wines produced
from grape varieties listed in the classification for a
particular administrative unit as both wine grape varie-
ties and varieties for the production of wine spirits,
calculations carried out using the criteria laid down
produce results entailing substantial practical difficul-
ties for the 1982/83 marketing year; whereas the
abovementioned criteria should therefore be amended
so that during the first year the measure may be
applied effectively and without excessive difficulties;

Whereas the amount of the aid for certain distillation
operations is laid down in the second subparagraph of
Article 7 (1) of Regulation (EEC) No 2456/82 and in
the second subparagraph of Article 9 (1) of Commis-
sion Regulation (EEC) No 2457/82 ⁽⁴⁾; whereas, for the
sake of clarity and to avoid any difference in treatment
between these and other distillation operations
planned for the same year, it should be made clear
that the amounts shown apply to the alcohol
contained in the product to be distilled;

Whereas two errors in Articles 6 (2) and 7 (3) of Regu-
lation (EEC) No 2456/82, should be corrected;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2456/82 is hereby amended as
follows:

1. The third indent of the first subparagraph of Article
2 (4) is replaced by the following:

‘— the average, quantities produced in the wine-
growing years 1974/75 to 1979/80, for wine
produced from grape varieties listed in the clas-
sification for that administrative unit as both
wine grape varieties and varieties for the
production of wine spirits’.

2. The third subparagraph of Article 2 (4) is replaced
by the following:

‘For the wines referred to in the second indent 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.

For the wines referred to in the third indent of the
first subparagraph, the quantity normally produced
per hectare shall be equal for each administrative
unit to the total quantity normally produced
divided by the number of hectares planted with
vines of the varieties in question.’

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

‘2. Wines as referred to in the third indent of the
first subparagraph of Article 2 (4) must be distilled
to give a product with an alcoholic strength of
92 % vol or more.’

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 227, 3. 8. 1982, p. 1.

⁽³⁾ OJ No L 262, 10. 9. 1982, p. 11.

⁽⁴⁾ OJ No L 262, 10. 9. 1982, p. 18.

4. The second subparagraph of Article 7 (1) is replaced by the following :

'The amount of the aid shall be :

- 0.88 ECU per % vol alcohol per hectolitre of wine where the product of distillation has an alcoholic strength of not more than 85 % vol and not less than 52 % vol and meets the national quality requirements applicable to wine spirits,
- 0.90 ECU per % vol alcohol per hectolitre of wine where the product of distillation has an alcoholic strength of not less than 86 % vol.'

5. The third subparagraph of Article 7 (3) is replaced by the following :

'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 expiry of 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 20 % of the aid paid.'

Article 2

The second subparagraph of Article 9 (1) of Regulation (EEC) No 2457/82 shall be replaced by the following :

'The amount of the aid shall be :

- 0.33 ECU per % vol alcohol contained in the product to be distilled where the product of distillation is a marc spirit meeting the national quality provisions applicable thereto,
- 0.37 ECU per % vol alcohol per hectolitre of the product to be distilled where the product of distillation is a wine spirit meeting the national quality provisions applicable thereto,
- 0.39 ECU per % vol alcohol per hectolitre of the product to be distilled where the product of distillation has an alcoholic strength of not less than 86 % vol.'

Article 3

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, 9 November 1982.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2983/82

of 9 November 1982

opening a standing invitation to tender for the sale for export of olive oil held by
the Italian intervention agency

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 12 (4) thereof,

Having regard to Council Regulation (EEC) No 5/81
of 1 January 1981 laying down the general rules for
the system of the corrective amount for olive oil ⁽³⁾,
and in particular Article 7 thereof,

Whereas Article 2 of Council Regulation (EEC) No
2754/78 ⁽⁴⁾ provides that olive oil held by the interven-
tion agencies is to be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No
136/66/EEC, the Italian intervention agency has
bought in, since the 1975/76 marketing year, large
quantities of olive oil;

Whereas Commission Regulation (EEC) No
2960/77 ⁽⁵⁾, as last amended by Regulation (EEC) No
1852/82 ⁽⁶⁾, laid down the conditions for the sale by
tender of olive oil for the Community market and for
export; whereas at the present time there exist oppor-
tunities for exporting edible virgin olive oil; whereas,
therefore, the said oil should be put up for sale under a
standing invitation to tender;

Whereas the minimum selling price is so fixed that
the Community operators enjoy equal conditions of
competition with operators in non-member countries;
whereas, accordingly, oil should under this Regulation
qualify neither for the export refund provided for in
Article 20 of Regulation No 136/66/EEC nor for the
consumption aid provided for in Article 11 of the
same Regulation;

Whereas there is an established export trade in olive
oil put up in small containers from the Community to
the United States of America and to Canada; whereas
if oil subject of an award by tender under this Regula-
tion were to be exported in bulk to these two coun-
tries, it might well damage this traditional export
trade; whereas, to guard against this danger, exporta-

tion in bulk or in immediate containers of a net
content of more than five litres should be allowed only
to countries other than the United States of America
and Canada;

Whereas Article 20 of Commission Regulation (EEC)
No 2730/79 of 29 November 1979 laying down
common detailed rules for the application of the
system of export refunds on agricultural products ⁽⁷⁾, as
last amended by Regulation (EEC) No 2646/81 ⁽⁸⁾,
specifies the evidence required to prove importation
into non-Community countries;

Whereas Commission Regulation (EEC) No 2566/79
of 15 November 1979 on the country nomenclature
for the external trade statistics of the Community and
statistics of trade between Member States ⁽⁹⁾ lists the
non-member countries of Europe, Africa and the Near
and Middle East;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Italian intervention agency 'Azienda di Stato
per gli interventi nel mercato agricolo', hereinafter
referred to as 'AIMA', shall open a standing invitation
to tender in accordance with the provisions of this
Regulation and of Regulation (EEC) No 2960/77 for
the sale for export of:

- approximately 10 000 tonnes of fine virgin olive
oil from intervention purchases made during the
1980/81 and 1981/82 marketing years,
- approximately 7 500 tonnes of olive residue oil
from intervention purchases made during the
1980/81 and 1981/82 marketing years,

Approximately one-fifth of these quantities will be put
on sale each month together with any unsold quanti-
ties from the previous invitations to tender.

2. The quantities of olive oil awarded shall not be
exported in bulk or in immediate containers of a net
content of more than five litres to the United States of
America or Canada.

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 1, 1. 1. 1981, p. 8.

⁽⁴⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 203, 10. 7. 1982, p. 17.

⁽⁷⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁸⁾ OJ No L 259, 12. 9. 1981, p. 10.

⁽⁹⁾ OJ No L 294, 21. 11. 1979, p. 5.

Article 2

The invitation to tender shall be made public on 9 November 1982.

Particulars of the lots of oil offered for sale and the places where they are stored shall be displayed at the head office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender referred to above shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach AIMA, via Palestro 81, Rome, Italy, not later than 2 p.m. (local time) on 23 November 1982.

Subsequent series of tenders must be lodged by 2 p.m. on :

- 17 December 1982,
- 21 January 1983,
- 22 February 1983,
- 23 March 1983.

Article 4

1. With regard to olive residue oil, tenders shall be made for an oil of 5° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, reduced in accordance with the scale below :

- above 5° up to 8° acidity :
reduction of Lit 1 805 for each degree or fraction of degree of acidity above 5°,
- above 8° :
additional reduction of Lit 2 191 for each degree or fraction of degree above 8°.

Article 5

Not later than three days after the expiry of each time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the seventh day of each month following that during which the tenders were submitted.

AIMA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

A list of the lots put up for sale and a list of the lots remaining unsold from the previous invitations to tender shall be displayed at the head office of AIMA not later than the seventh day of each month.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be 9.50 ECU per 100 kilograms.

The security referred to in Article 12 (3) of Regulation (EEC) No 2960/77 shall be 170 ECU per 100 kilograms of olive oil.

For the purposes of applying the provisions of Article 1 (2), the security referred to in the second subparagraph of this Article shall not be released in the event of olive oil being exported in bulk or in immediate containers of a net content of more than five litres unless proof is provided that the oil was imported into a non-member country other than the United States of America or Canada, except in cases where it has been destroyed during transport as a result of *force majeure* or that it has been used for supplies as indicated in Article 5 of Regulation (EEC) No 2730/79.

The Member States may, however, exempt the exporter from producing the documentary evidence, other than the transport document, specified in Article 20 of Regulation (EEC) No 2730/79, in the case of a transaction where there is reasonable certainty of arrival at destination of products for which a declaration of export to a non-member country in Europe, Africa, or the Near or Middle East, listed in Regulation (EEC) No 2566/79, was made.

In the case of export of oil in bulk, the security referred to in the second subparagraph shall be forfeit up to the amount of the corrective amount applicable in trade between Greece and the other Member States, if the party concerned does not provide proof that it has not received such amount.

Article 9

The storage charge provided for in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 3 500 per 100 kilograms.

Article 10

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, 9 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2984/82**of 9 November 1982****opening a standing invitation to tender for the sale for export of olive oil held by
the Greek intervention agency**

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 12 (4) thereof,

Having regard to Council Regulation (EEC) No 5/81
of 1 January 1981 laying down the general rules for
the system of the corrective amount for olive oil⁽³⁾,
and in particular Article 7 thereof,

Whereas Article 2 of Council Regulation (EEC) No
2754/78⁽⁴⁾ provides that olive oil held by the interven-
tion agencies is to be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No
136/66/EEC, the Greek intervention agency has
bought in, since the 1980/81 marketing year, large
quantities of olive oil;

Whereas Commission Regulation (EEC) No
2960/77⁽⁵⁾, as last amended by Regulation (EEC) No
1852/82⁽⁶⁾, laid down the conditions for the sale by
tender of olive oil for the Community market and for
export; whereas at the present time there exist oppor-
tunities for exporting edible virgin olive oil; whereas,
therefore, the said oil should be put up for sale under a
standing invitation to tender;

Whereas the minimum selling price is so fixed that
the Community operators enjoy equal conditions of
competition with operators in non-member countries;
whereas, accordingly, oil should under this Regulation
qualify neither for the export refund provided for in
Article 20 of Regulation No 136/66/EEC nor for the
consumption aid provided for in Article 11 of the
same Regulation;

Whereas there is an established export trade in olive
oil put up in small containers from the Community to
the United States of America and to Canada; whereas
if oil subject of an award by tender under this Regula-

tion were to be exported in bulk to these two coun-
tries, it might well damage this traditional export
trade; whereas, to guard against this danger, exporta-
tion in bulk or in immediate containers of a net
content of more than five litres should be allowed only
to countries other than the United States of America
and Canada;

Whereas Article 20 of Commission Regulation (EEC)
No 2730/79 of 29 November 1979 laying down
common detailed rules for the application of the
system of export refunds on agricultural products⁽⁷⁾, as
last amended by Regulation (EEC) No 202/82⁽⁸⁾,
specifies the evidence required to prove importation
into non-Community countries;

Whereas Commission Regulation (EEC) No 2566/79
of 15 November 1979 on the country nomenclature
for the external trade statistics of the Community and
statistics of trade between Member States⁽⁹⁾ lists the
non-member countries of Europe, Africa and the Near
and Middle East;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Greek intervention agency 'Ypiresia Diachi-
riseos Agoron Georgikon Proionton', hereinafter
referred to as 'Ydagep', shall open a standing invitation
to tender in accordance with the provisions of this
Regulation and of Regulation (EEC) No 2960/77 for
the sale for export of:

- approximately 10 000 tonnes of fine virgin olive
oil from intervention purchases made during the
1980/81 and 1981/82 marketing years,
- approximately 7 500 tonnes of olive residue oil
from intervention purchases made during the
1980/81 and 1981/82 marketing years.

Approximately one-fifth of these quantities will be put
on sale each month together with any unsold from the
previous invitations to tender.

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 1, 1. 1. 1981, p. 8.

⁽⁴⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 203, 10. 7. 1982, p. 17.

⁽⁷⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁸⁾ OJ No L 21, 29. 1. 1982, p. 23.

⁽⁹⁾ OJ No L 294, 21. 11. 1979, p. 5.

2. The quantities of olive oil awarded shall not be exported in bulk or in immediate containers of a net content of more than five litres to the United States of America or Canada.

Article 2

The invitation to tender shall be made public on 9 November 1982.

Particulars of the lots of oil offered for sale and the places where they are stored shall be displayed at the head office of Ydagep, 5 Acharnon Street, Athens, Greece.

A copy of the invitation to tender referred to above shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach Ydagep, 5 Acharnon Street, Athens, Greece, not later than 2 p.m. (local time) on 23 November 1982.

Subsequent series of tenders must be lodged by 2 p.m. on:

- 17 December 1982,
- 21 January 1983,
- 22 February 1983,
- 23 March 1983.

Article 4

1. With regard to olive residue oil, tenders shall be made for an oil of 5° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, reduced in accordance with the scale below:

- above 5° up to 8° acidity:
reduction of Dr 93 for each degree or fraction of degree of acidity above 5°,
- above 8°:
additional reduction of Dr 113 for each degree or fraction of degree above 8°.

Article 5

Not later than three days after the expiry of each time limit laid down for the submission of tenders, Ydagep shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Ydagep not later than the seventh day of each month following that during which the tenders were submitted.

Ydagep shall supply the agencies responsible for storage with a list of the lots remaining unsold.

A list of the lots put up for sale and a list of the lots remaining unsold from the previous invitations to tender shall be displayed at the head office of Ydagep not later than the seventh day of each month.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be 9.50 ECU per 100 kilograms.

The security referred to in Article 12 (3) of Regulation (EEC) No 2960/77 shall be 170 ECU per 100 kilograms of olive oil.

For the purposes of applying the provisions of Article 1 (2), the security referred to in the second subparagraph of this Article shall not be released in the event of olive oil being exported in bulk or in immediate containers of a net content of more than five litres unless proof is provided that the oil was imported into a non-member country other than the United States of America or Canada, except in cases where it has been destroyed during transport as a result of *force majeure* or that it has been used for supplies as indicated in Article 5 of Regulation (EEC) No 2730/79.

The Member States may, however, exempt the exporter from producing the documentary evidence, other than the transport document, specified in Article 20 of Regulation (EEC) No 2730/79, in the case of a transaction where there is reasonable certainty of arrival at destination of products for which a declaration of export to a non-member country in Europe, Africa, or the Near or Middle East, listed in Regulation (EEC) No 2566/79, was made.

In the case of export of oil in containers of a net content not exceeding five litres, the security referred to in the second subparagraph shall be forfeit up to the amount of the corrective amount, if the party concerned does not provide proof that it has not received such amount.

Article 9

The storage charge provided for in Article 15 of Regulation (EEC) No 2960/77 shall be Dr 150 per 100 kilograms.

Article 10

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, 9 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2985/82
of 9 November 1982
abolishing the countervailing charge on cucumbers originating in Spain

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1738/82⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Commission Regulation (EEC) No 2952/82
of 4 November 1982⁽³⁾ introduced countervailing
charges on cucumbers originating in Spain ;

Whereas Article 25 of Regulation (EEC) No 1035/72
on the introduction of countervailing charges applies
to a given product only during the period in respect of

which a reference price has been fixed for that
product ; whereas Commission Regulation (EEC) No
303/82 of 9 February 1982⁽⁴⁾ fixed the reference prices
for cucumbers up to 10 November 1982 ; whereas
Regulation (EEC) No 2952/82 should therefore be
repealed with effect from 11 November 1982.

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2952/82 is hereby repealed.

Article 2

This Regulation shall enter into force on 11
November 1982.

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

Done at Brussels, 9 November 1982.

For the Commission

Poul DALSAGER

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 309, 5. 11. 1982, p. 15.

⁽⁴⁾ OJ No L 37, 10. 2. 1982, p. 12.

COMMISSION REGULATION (EEC) No 2986/82
of 9 November 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 2908/82 ⁽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 10 November 1982.

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

Done at Brussels, 9 November 1982.

For the Commission

Poul DALSAGER

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 304, 30. 10. 1982, p. 38.

ANNEX

to the Commission Regulation of 9 November 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	24·228
ex 12.01	Sunflower seed	29·654

(ECU/100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		November 1982	December 1982	January 1983	February 1983	March 1983	April 1983
ex 12.01	Colza and rape seed	24·228	24·768	24·406	24·682	25·173	25·449
ex 12.01	Sunflower seed	29·654	29·994	30·441	30·721	30·505	—

COMMISSION REGULATION (EEC) No 2987/82
of 9 November 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 2986/82 ⁽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 10 November 1982.

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

Done at Brussels, 9 November 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 9 November 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	23·641
ex 12.01	Sunflower seed	25·952

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		November 1982	December 1982	January 1983	February 1983	March 1983	April 1983
ex 12.01	Colza and rape seed	23·641	23·594	24·449	24·666	24·668	24·885
ex 12.01	Sunflower seed	25·952	26·195	26·331	26·634	26·850	—

⁽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	1 337·69
1 ECU = Dr	66·5070

COMMISSION REGULATION (EEC) No 2988/82
of 9 November 1982
discontinuing the additional amounts for certain pigmeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EEC) No 2966/80 ⁽²⁾, and in particular the second subparagraph of Article 13 (5) thereof,

Whereas, for certain of the products specified in Article 1 (1) of Regulation (EEC) No 2759/75, additional amounts were last fixed by Commission Regulation (EEC) No 2728/82 of 12 October 1982 fixing additional amounts for certain pigmeat products ⁽³⁾;

Whereas from the regular review of the dates serving as a basis for the determination of average offer prices for the abovementioned products it appears that the free-at-frontier offer prices for the pilot products are no longer below the sluice-gate price; whereas the conditions set out in the first subparagraph of Article

2 (4) of Council Regulation (EEC) No 2767/75 of 29 October 1975 laying down general rules for the system of 'pilot products and derived products' enabling additional amounts to be fixed for pigmeat ⁽⁴⁾ are not satisfied; whereas it is therefore necessary to discontinue additional amounts laid down in Regulation (EEC) No 2728/82;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2728/82 is hereby repealed.

Article 2

This Regulation shall enter into force on 11 November 1982.

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

Done at Brussels, 9 November 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 289, 13. 10. 1982, p. 20.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 29.

COUNCIL REGULATION (EEC) No 2989/82**of 9 November 1982****on the granting of aid for the consumption of butter in Denmark, Greece, Italy and Luxembourg**

THE COUNCIL 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 12 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the situation on the Community butter market is characterized by large stocks and it is therefore advisable to increase the consumption of butter by all appropriate means;

Whereas the reduction of final consumer prices is an efficient means of attaining this objective; whereas, to this end, the Commission envisages the adoption of an *ad hoc* measure based on Article 6 (7) of Regulation (EEC) No 804/68 involving an additional reduction in the price of butter bought for direct consumption in view of the Christmas and New Year holidays;

Whereas the implementation of the abovementioned measure presents particular problems in Denmark, Greece, Italy and Luxembourg; whereas, in fact, the butter markets in these Member States are characterized by very low or non-existent public stocks and by very small quantities under private storage contracts; whereas, in order to avoid placing consumers in these Member States at a disadvantage, as compared with consumers in the other Member States, provision should be made for subsidizing butter in Denmark, Greece, Italy and Luxembourg on the same

conditions as the butter sold in the other Member States in the framework of the said measure;

Whereas Denmark and Luxembourg make use of the provisions of Council Regulation (EEC) No 1269/79 of 25 June 1979 on the marketing of reduced-price butter for direct consumption ⁽³⁾, as last amended by Regulation (EEC) No 1186/82 ⁽⁴⁾; whereas the measure provided for in this Regulation has to take into account the aid granted in pursuance of the said Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Aid shall be granted in Denmark, Greece, Italy and Luxembourg for the direct consumption of butter.
2. The aid is hereby fixed at 130 ECU per 100 kilograms for Greece and Italy and at 85 ECU per 100 kilograms for Denmark and Luxembourg.

Article 2

The detailed rules for the application of this Regulation shall lay down, in particular, a time limit for the packaging of the butter in small packets, the maximum amount of butter which may be eligible for the aid referred to in Article 1, and provisions guaranteeing that the butter will be consumed in the Member State for which it is intended.

Article 3

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, 9 November 1982.

For the Council

The President

K. ENNGAARD

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 161, 29. 6. 1979, p. 8.

⁽⁴⁾ OJ No L 140, 20. 5. 1982, p. 5.

COUNCIL REGULATION (EEC) No 2990/82**of 9 November 1982****on the sale of butter at reduced prices to persons receiving social assistance**

THE COUNCIL 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 12 (2) thereof,

Having regard to the proposal from the Commission,

Whereas previous measures authorizing the sale of
butter at reduced prices to persons receiving social
assistance have proved an effective means of disposing
of the Community butter surplus; whereas they have
enabled consumers in this category to consume more
butter;

Whereas the situation on the Community butter
market is such as to justify the repetition of these
measures; whereas, however, Community finance for
them should be limited,

HAS ADOPTED THIS REGULATION:

Article 1

Member States are hereby authorized to grant aid for
the purchase of butter at reduced prices by persons
receiving social assistance.

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

Done at Brussels, 9 November 1982.

Article 2

Member States shall take all appropriate measures to
ensure that the aid benefits only persons receiving
social assistance and is granted only in respect of
amounts of butter which do not exceed their personal
consumption.

Article 3

By way of derogation from the arrangements referred
to in Article 3 of Council Regulation (EEC) No 729/70
of 21 April 1970 on the financing of the common
agricultural policy ⁽³⁾, as last amended by Regulation
(EEC) No 3509/80 ⁽⁴⁾, finance from the European Agri-
cultural Guidance and Guarantee Fund, Guarantee
Section, for aid granted for the purchase of butter at
reduced prices by persons receiving social assistance
shall amount to no more than 80 ECU per 100 kilo-
grams of butter.

Article 4

Regulation (EEC) No 1762/78 ⁽⁵⁾ is hereby repealed.

Article 5

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

For the Council

The President

K. ENNGAARD

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 367, 31. 12. 1980, p. 87.

⁽⁵⁾ OJ No L 204, 28. 7. 1978, p. 7.

COMMISSION REGULATION (EEC) No 2991/82**of 9 November 1982****on the temporary marketing during the 1982/83 milk year of reduced-price butter for direct consumption in the Community**

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 Articles 6 (7), 12 (3) and 28 thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream⁽³⁾, as last amended by Regulation (EEC) No 1272/79⁽⁴⁾, and in particular Article 7a thereof,

Whereas Council Regulation (EEC) No 1269/79 of 25 June 1979 on the marketing of reduced-price butter for direct consumption⁽⁵⁾, as last amended by Regulation (EEC) No 1186/82⁽⁶⁾, provides for aid to reduce the price of butter and encourage the consumption thereof;

Whereas there are large quantities of butter on the market and all appropriate means should therefore be used to increase butter consumption;

Whereas a reduction in prices to the final customer is an appropriate means of attaining this objective;

Whereas, moreover, there are in the Community stocks of butter which were built up following intervention under Article 6 (1) and (2) of Regulation (EEC) No 804/68;

Whereas it will not be possible to dispose of these stocks on normal terms during the present milk year; whereas prolonged storage should be avoided in view of the high cost involved; whereas steps should therefore be taken to facilitate disposal of this butter;

Whereas the Christmas and New Year holidays may provide an opportunity for selling butter at a reduced

price for direct consumption; whereas, if this measure were applied only to butter in public storage, it would be difficult to run down the stocks of butter in private storage; whereas, therefore, the butter which has been the subject of storage contracts under Article 9 (2) of Regulation (EEC) No 985/68 should also be released to the market under this measure;

Whereas either the reduction in the selling price of butter or the amount of the aid should be sufficient to ensure that additional quantities are disposed of without disturbing normal trade in butter; whereas, should a Member State make use of Council Regulation (EEC) No 1269/79, the measures laid down in this Regulation should take into account aid granted under the abovementioned Regulation;

Whereas, to ensure even distribution throughout the Community of the butter made available to consumers under this measure and to avoid disturbances of the market in certain Member States, the maximum quantities qualifying for this aid should be fixed for each Member State, particular account being taken of the usual level of consumption in the Member State concerned; whereas, given its social welfare character, the restricted quantities and the brief period involved, this sale of butter on the occasion of the Christmas and the New Year holidays can only achieve its aim if the butter in question is consumed in the Member State where it is stored and if subsequent distribution to those concerned is handled by the national authorities;

Whereas, with regard to Denmark, Greece, Italy and Luxembourg, which have neither public stocks nor private stocks under contract on their territory, or very small stocks thereof, Council Regulation (EEC) No 2989/82 of 9 November 1982 on the granting of aid for butter consumption in Denmark, Greece, Italy and Luxembourg⁽⁷⁾ provides that aid may be granted for butter intended for direct consumption in these Member States so that consumers there can benefit, on comparable terms, from the reduction in the price of butter; whereas it is therefore necessary to adopt at the same time detailed rules for the application of the said Regulation (EEC) No 2989/82;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 161, 29. 6. 1979, p. 13.

⁽⁵⁾ OJ No L 161, 29. 6. 1979, p. 8.

⁽⁶⁾ OJ No L 140, 20. 5. 1982, p. 5.

⁽⁷⁾ See page 25 of this Official Journal.

Whereas butter sold under this Regulation should be clearly distinguished at all marketing stages from other butter; whereas, to this end, provisions should be adopted concerning the putting-up of the butter in small packets; whereas a time limit for packing should be fixed to ensure that the operation proceeds smoothly;

Whereas a system of supervision should be set up to ensure that the butter is not diverted from its destination; whereas the keeping of stock records at all marketing stages, the provision of a security and, in the case of butter from private storage, the condition that aid will be paid only if certain requirements are met, would contribute to this end; whereas, moreover, as regards butter in public storage, the provisions of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽¹⁾, as last amended by Regulation (EEC) No 1252/81⁽²⁾, should apply; whereas the same provisions may be applied to butter in private storage or, in the case of Denmark, Greece, Italy and Luxembourg, to market butter;

Whereas the necessary information should be communicated to the Commission regularly to enable it to follow the progress of the operation in the Member States;

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. The Member States shall, subject to the conditions laid down in this Regulation and to the maximum quantities specified in the Annex:

- (a) sell at a reduced price, butter which has been the subject of the measures provided for in Article 6 (1) of Regulation (EEC) No 804/68 and has been stored for at least 120 days by the intervention agency and/or
- (b) grant aid in respect of butter which has been, during the 1982/83 milk year, the subject of a storage contract pursuant to Article 8 (2) of Regulation (EEC) No 985/68 and which has been stored under contract for at least 120 days on the date of the application referred to in Article 3 (2).

2. Moreover, subject to the quantities specified in the Annex to this Regulation, Denmark, Greece, Italy

and Luxembourg shall grant aid in respect of butter which is not the subject of the intervention measures laid down in Article 6 (1) and (2) of Regulation (EEC) No 804/68.

Article 2

1. Butter from public storage shall be sold ex cold-store at the buying-in price applied by the intervention agency concerned on the day when the contract of sale is concluded, less 130 ECU per 100 kilograms.

However, where Member States apply Scheme A, as referred to in Article 2 (1) of Regulation (EEC) No 1269/79, or the scheme referred to in Article 2 (2) thereof, the reduction shall be 85 ECU per 100 kilograms.

The butter shall be sold in lots of not less than five tonnes. Where the quantity apportioned in accordance with Article 4 is less than five tonnes, however, the Member State concerned may regard that quantity as the minimum saleable quantity.

2. Contracts of sale shall be concluded before 20 December 1982.

3. The purchaser shall take delivery of the butter not later than 12 days after the contract of sale is concluded and in any case not later than 31 December 1982.

Before taking delivery, the purchaser shall:

- pay the purchase price of the butter,
- provide, as security to ensure that the butter is used as specified in Article 8, an amount equal to the reduction in price referred to in paragraph 1, plus 5 ECU per 100 kilograms.

Except in case of *force majeure*, if the purchaser has not taken delivery of the butter within the time limit specified, the sale shall be cancelled in respect of the remaining quantities.

Article 3

1. Butter from private storage shall qualify for a subsidy of 130 ECU per 100 kilograms; for Member States which apply Scheme A, as referred to in Article 2 (1) of Regulation (EEC) No 1269/79, or the scheme referred to in Article 2 (2) of that Regulation, the subsidy shall be 85 ECU per 100 kilograms.

2. The person who concluded the storage contract shall, before 20 December 1982, submit an application for removal from storage to the intervention agency with which he concluded the contract, stating the quantities of butter he proposes to remove from storage and specifying its characteristics, in the manner determined by the intervention agency, and the proposed date of removal from storage.

⁽¹⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽²⁾ OJ No L 126, 12. 5. 1981, p. 8.

The agency shall without delay issue an acknowledgement of receipt authorizing or refusing, where appropriate in part, in accordance with Article 4, removal from storage in pursuance of this Regulation.

3. The butter referred to in Article 1 (2) shall qualify for a subsidy of 130 ECU per 100 kilograms in the case of Greece and Italy and 85 ECU per 100 kilograms in the case of Denmark and Luxembourg.

Article 4

The Member States shall take the appropriate measures to ensure as far as possible a balanced distribution of the quantities of butter referred to in the Annex to this Regulation, having regard in particular to the quantity of butter normally sold by the parties concerned for direct consumption.

Such measures may make provision, in order to ensure that this operation is carried out smoothly, for sales pursuant to Article 2 and/or authorizations for removal from storage pursuant to Article 3 to take place in instalments.

Article 5

1. The butter shall be used exclusively for direct consumption in the Member State where the subsidy or the price reduction are granted, apart from small quantities of a non-commercial character bought by final private consumers.

2. The butter shall be marketed unblended, in packs weighing not less than 125 grams and not more than 500 grams, bearing on the upper surface, in letters at least five millimetres high:

(a) one or more of the following inscriptions, at the discretion of the Member State concerned:

- 'Special sale-EEC' and/or 'Christmas butter',
- 'Særligt EØF-salg' and/or 'Julesmør',
- 'EWG-Sonderverkauf' and/or 'Weihnachtsbutter' and/or 'Molkereibutter aus Interventionsbeständen',
- 'Εἰδική πώληση ΕΟΚ' 'Βούτυρο Χριστουγέννων',
- 'Vente spéciale CEE' and/or 'Beurre de Noël',
- 'Vendita speciale CEE' and/or 'Burro di Natale',
- 'Speciale verkoop EEG' and/or 'Kerstboter';

(b) such maximum price as the Member State concerned may have fixed pursuant to Article 10 (2);

(c) the name and address of the firm responsible for packaging or its official control number.

However, the Member States may fix the maximum weight referred to above at 250 grams.

3. The butter shall be put up in packs within not more than 45 days from, depending on the case, either the day of taking delivery in accordance with Article 2 (3) or the day of acknowledgement of receipt referred to in the second subparagraph of Article 3 (2). The Member State concerned may reduce this period.

Putting up in an establishment approved for the purpose by the Member State concerned and under the conditions determined by that Member State shall take place in the Member State where the butter is removed from storage and is to be offered for sale for direct consumption.

Article 6

1. The butter shall remain in its original packing until it is put in small packs.

It shall be accompanied by a list of the packages, enabling the butter to be identified and specifying the date of removal from storage.

2. Packages containing butter in bulk or put up in small packs shall bear, in letters two centimetres high, one or more of the following inscriptions:

- 'Butter at reduced price (Regulation (EEC) No 2991/82)',
- 'Smør til nedsat pris (forordning (EØF) nr. 2991/82)',
- 'Verbilligte Butter (Verordnung (EWG) Nr. 2991/82)',
- 'Βούτυρο με μειωμένη τιμή (κανονισμός (ΕΟΚ) αριθ. 2991/82)',
- 'Beurre à prix réduit (règlement (CEE) n° 2991/82)',
- 'Burro a prezzo ridotto (regolamento (CEE) n. 2991/82)',
- 'Boter tegen verlaagde prijs (Verordening (EEG) nr. 2991/82)'.

Article 7

1. If the butter is resold, the obligations as regards the use to be made of the butter and the latest date for packing shall be incorporated in the contract of sale.

Such contract shall be drawn up in writing and shall specify that the purchaser is aware of the penalties imposed by the relevant Member State for breaches of the aforesaid obligations.

2. Holders of butter shall keep stock records setting out in respect of each delivery the name and address of the purchaser and the quantity purchased.

3. However, at the retail stage a record of quantities purchased shall suffice. The retail trade may only sell the butter for direct consumption.

Article 8

The requirements of Regulation (EEC) No 1687/76 regarding the use and/or destination of the butter shall be considered to have been satisfied when it is found, to the satisfaction of the competent authority in the Member State concerned, that the butter has been put up in small packs and taken over by the retail trade in the Member State where it is held or, in the case of butter from private stocks, in the Member State of the intervention agency referred to in Article 3 (2).

Article 9

As regards butter in private storage :

- the provision of Regulation (EEC) No 1687/76 shall apply with effect from the date of removal from storage,
- the subsidy provided for in Article 3 (1) shall be paid, after the removal from storage referred to in Article 3 (2), provided the party concerned has lodged as security an amount equivalent to the subsidy plus 5 ECU per 100 kilograms,
- such security shall be released only on production of the proof referred to in Article 12 of Regulation (EEC) No 1687/76, and in respect of the quantities specified in the documents concerned.

Article 10

1. The Member States shall take all necessary steps to ensure that the effect of the price reduction or subsidy is passed on at the retail stage.
2. To this end, Member States shall fix a maximum retail price for the butter concerned.

However, the Member States may substitute for such a provision other provisions of equivalent effect.

Article 11

1. In the case of Denmark, Greece, Italy and Luxembourg, the holders of the butter referred to in Article 1 (2) shall, before 20 December 1982, send an application for aid to their intervention agency specifying the origin of the butter, the quantity, the date of

packing and the packing centre where the butter is to be put up in small packets.

2. The intervention agency concerned shall as soon as possible authorize or refuse, where appropriate in part, the aid, which shall be granted after the butter concerned has been packaged and put up for sale for direct consumption.

Packaging in small packets shall take place within not more than 60 days following the authorization referred to in the preceding subparagraph, in an establishment approved for that purpose by the Member State in question and under conditions specified by it.

3. The provisions of Articles 4, 5 (1) and (2), 7, 8, 9 and 10 shall apply to the distribution of the quantity of butter referred to in the Annex to this Regulation, its putting up in small packs, its marketing and the payment of the subsidy.

4. The provisions of Regulation (EEC) No 1687/76 shall apply to the butter referred to in Article 1 (2) with effect from the date when such butter is put up in small packs.

Article 12

Member States shall inform the Commission on the Tuesday of each week :

- of the quantities of butter from public storage which have been the subject of contracts of sale with the intervention agency pursuant to this Regulation,
- of the quantities of butter from private storage in respect of which the Member State has issued acknowledgement of receipt as provided for in the second subparagraph of Article 3 (2),
- of the quantities of butter from the market, in the case of Denmark, Greece, Italy and Luxembourg, specifying the quantities accepted and those rejected.

Article 13

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, 9 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

Maximum quantities of butter referred to in Article 1

(tonnes)

Member State	Origin of the butter			Total
	Public storage	Private storage	Market butter	
Federal Republic of Germany	5 000	25 000	—	30 000
France	7 000	23 400	—	30 400
Italy	—	746	16 054	16 800
Netherlands	—	5 150	—	5 150
Belgium	730	5 520	—	6 250
Luxembourg	—	—	300	300
United Kingdom	10 000	13 500	—	23 500
Ireland	1 500	1 550	—	3 050
Denmark	—	—	3 050	3 050
Greece	—	—	1 500	1 500
EEC	24 230	74 866	20 904	120 000

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 October 1982

setting a time limit for the completion of the negotiations concerning reference tariffs for the carriage of goods by road to and from Greece

(82/741/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2831/77 of 12 December 1977 on the fixing of rates for the carriage of goods by road between Member States⁽¹⁾, and in particular Article 7 (3) thereof,

Whereas, except in the case of France, the negotiations held between the road hauliers professional organizations in accordance with Article 6 (1) of Regulation (EEC) No 2831/77 with a view to drawing up reference tariffs for carriage between Greece and the other Member States have yet to produce draft tariffs, even though tariffs should have been introduced on 1 January 1981; whereas in such a situation the Commission may, on its own initiative, set the organizations concerned a time limit for the completion of the negotiations held to draw up the draft reference tariffs;

Whereas, under the circumstances, the Commission should exercise those powers in order to speed up the establishment of reference tariffs for Greece;

Whereas 1 December 1982 is a reasonable deadline for the professional organizations concerned to complete their negotiations and to send the Member States the

relevant draft tariffs, together with details of the positions adopted by the users' and freight forwarders' organizations respectively,

HAS ADOPTED THIS DECISION:

Article 1

The bilateral or multilateral negotiations between the road hauliers professional organizations concerning the introduction of reference tariffs for Greece — except those for the links with France — must be completed before 1 December 1982, due account being taken of the positions adopted by the users' and freight forwarders' organizations respectively.

Article 2

This Decision is addressed to the road hauliers' professional organizations designated by the Member States under Article 6 of Regulation (EEC) No 2831/77, a list of which is annexed hereto.

Done at Brussels, 20 October 1982.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission

⁽¹⁾ OJ No L 334, 24. 12. 1977, p. 22.

ANNEX

Road hauliers' professional organizations, as designated by the Member States under Article 6 of Regulation (EEC) No 2831/77, to whom this Decision is addressed

Belgium	Nationale Belgische Federatie der Baanvervoerders (NBFBV) Fédération nationale belge des transporteurs routiers (FNBTR) Rue Picard 69 1020 Bruxelles
Denmark	Landsforeningen danske vognmænd Jens Kofoedsgade 1 1268 København
Germany	— Bundesverband des Deutschen Güterfernverkehrs e.V. — Bundesverband des Deutschen Güternahverkehrs e.V. Breitenbachstraße 1 6000 Frankfurt/Main 93 — Arbeitsgemeinschaft Möbeltransport Bundesverband e.V. Schulstraße 53 6234 Hattusheim 1
Greece	α) Γενική Συνομοσπονδία Επαγγελματιών Αυτοκινητιστών Ελλάδος Πειραιώς 4 Αθήνα β) Γενική Συνομοσπονδία Επαγγελματιών Φορτηγών Αυτοκινητιστών Ελλάδος Θηβών 70 Πειραιάς γ) Όμοσπονδία Φορτηγών Αυτοκινητιστών Ελλάδος Εθνικών και Διεθνών Μεταφορών Πλατεία Ελευθερίας 23-24 Αθήνα
Ireland	The Irish Road Haulage Association 58 Burrin Street Carlow
Luxembourg	Chambre de commerce du grand-duché de Luxembourg 7, rue Alcide De Gasperi Kirchberg, Luxembourg
Netherlands	NIWO Koninginnegracht 93-95 's-Gravenhage
Italy	— Associazione nazionale delle imprese dei trasporti automobilistici (ANITA) Via Castebrasso 16 11142 Roma EUR — Federazione autotrasportatori italiani (FRI) Via Panama, 62 00198 Roma — Federazione italiana trasportatori artigiani (FITA) Via di Santa Prassede, 24 00184 Roma — Unione italiana autotrasportatori internazionali (UNITAI) Via della Magliana, 210 00146 Roma
United Kingdom	Road Haulage Association Ltd Roadway House 104 New Kings Road London SW6 4LN

COMMISSION DECISION
of 29 October 1982
relating to a proceeding under Article 85 of the EEC Treaty
(IV/30.517 — Amersham Buchler

(Only the English and German texts are authentic)

(82/742/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

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

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Articles 6 and 8 thereof,

Having regard to the notification and application for negative clearance made to the Commission on 21 December 1981 by Amersham International Ltd on behalf of that company and of Buchler GmbH concerning the formation of a joint venture company,

Having regard to the publication of the summary of the notification⁽²⁾, pursuant to Article 19 (3) of the said Regulation No 17 to which no observations from third parties were received by the Commission,

Having regard to the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions delivered on 7 September 1982 in accordance with Article 10 of the said Regulation No 17,

Whereas :

I. THE FACTS

A. THE AGREEMENTS

1. On 21 December 1981, Amersham International Ltd (Amersham), an English company, notified the following agreements :

- (1) Company Contract of Amersham Buchler GmbH & Co. KG of 16 August 1971, superseded by Company Contract of Amersham Buchler GmbH & Co. KG of 29 November 1974 ;
- (2) Company Contract of Amersham Buchler GmbH of 16 August 1971, amended on 20 December 1971, superseded by Company

Contract of Amersham Buchler GmbH of 18 December 1972 ;

- (3) Contract between Buchler & Co. and Amersham Buchler GmbH & Co. KG of 13 October 1971, superseded by Contract between The Radiochemical Centre Ltd (TRC Ltd), The Radiochemical Centre GmbH (TRC GmbH), Buchler & Co. KG and Amersham Buchler GmbH & Co. KG of 20 December 1978 ; and
- (4) Exclusive distributorship agreement between The Radiochemical Centre Ltd and Amersham Buchler GmbH & Co. KG of 20 December 1978.

The agreements under (1) and (2) were made for the founding of a joint venture company named Amersham Buchler GmbH & Co. KG, with Amersham Buchler GmbH being the unlimited liability partner.

The agreements under (3) provide that the joint venture should buy Buchler's radioactive product business and that it should receive know-how and expertise from Amersham and Buchler. By the agreement under (4), the joint venture is appointed the exclusive distributor of Amersham for the Federal Republic of Germany including West Berlin.

With respect to these agreements, Amersham made an application to the Commission for negative clearance, or, failing that, an exemption under Article 85 (3).

2. The joint venture was formed jointly by :

- (a) TRC GmbH, a 100 % subsidiary of Amersham (formerly TRC Ltd) ; and
- (b) Buchler GmbH (formerly Buchler GmbH & Co. KG).

TRC GmbH holds 60 % and Buchler holds 40 % of the capital of the joint venture. The agreements have the object of establishing a joint venture for the manufacture and marketing of radioactive material and products, and in particular of radiochemical products for research purposes, radio-pharmaceutical products, and radiation sources.

⁽¹⁾ Official Journal Special Edition 1959—1962, p. 87.

⁽²⁾ OJ No C 110, 1. 5. 1982, p. 3.

The agreements provide that the founding parties may not compete with the joint venture. In case a competitor gains control over one of the parties, the other party may require that the former cease to be a party to the joint venture.

3. Before entering into these agreements, Amersham (then: The Radiochemical Centre) acted as a commercial department within the United Kingdom Atomic Energy Authority (UKAEA), a body controlled by the UK Government. This Centre had responsibility for research, development, manufacture, use and disposal of radioisotopes. In 1971, the commercial activities of the UKAEA in the field of radioisotopes were transferred to a newly-created corporate entity, The Radiochemical Centre Ltd (TRC Ltd), which later changed its name to Amersham International Ltd. The UKAEA assured TRC Ltd access to its nuclear facilities and granted TRC Ltd the right to act as the commercial representative for all commercially-applicable radioactive products emanating from the facilities of the UKAEA.

Buchler had acted for Amersham as sole distributor for Germany since 1960. Traditionally, Buchler had been producing radioactive sources derived from naturally-occurring radioactive materials, especially radium. Other branches of production have included and continue to include radiation protection equipment, irradiation devices for use in medicine, research and industry as well as the making of Quinidine salts and Quinidine.

4. In 1971, Amersham (then: TRC Ltd) and Buchler agreed to establish Amersham Buchler GmbH & Co. KG. Buchler transferred its radioactive product business to the joint venture but remained an independent producer as regards its other product lines.

The principal task of the joint venture is to distribute in Germany the products made by Amersham. It is to ensure the high standards of safe handling during transport and storage which radioactive products require. Moreover the joint venture provided the basis for creating a waste disposal service for the radioactive waste of which most customers could not dispose of otherwise. Amersham sells its products in other Member States through other distributors.

B. THE MARKET

5. Amersham Buchler's total sales for the fiscal year 1980/81 amount to⁽¹⁾. This represents an estimated share of the German market for radioactive products of 17.8 %, the overall volume of that market being estimated at Amersham Buchler's biggest competitors on the market are, and with estimated market shares of 13.5 %, 11.5 %, and 11.3 %, respectively. The remaining 45.9 % are distributed among more than 17 other companies.

II. LEGAL ASSESSMENT

A. APPLICABILITY OF ARTICLE 85 (1)

6. The agreements notified by Amersham have as their object or effect the prevention, restriction or distortion of competition within the common market. However, the prohibition in Article 85 (1) may be declared inapplicable in the present case in accordance with Article 85 (3).
7. The agreements setting up the joint venture fall within the ambit of Article 85 (1) because they limit competition between Amersham and Buchler. Before 1971, they had been competitors although not over the entirety of their respective product lines. Amersham produced a wide variety of radioactive products including radiopharmaceuticals, clinical reagents, radiochemicals and radiation sources derived from nuclear reactors or the company's own cyclotron.

Only part of Buchler's turnover, on the other hand, was attributable to the production of radioactive materials, and that part consisted mainly of radioactive sources derived from naturally-occurring radioactive materials such as radium. The overlap therefore concerned only one out of four sectors of Amersham's activity, namely the radiation sources.

8. As regards potential competition, Buchler was not able to expand into the product lines manufactured by Amersham. Buchler's radioactive source, plant and equipment were largely outdated and Buchler lacked the financial resources necessary to modernize this part of its operations. Therefore, as far as Buchler is concerned, the formation of the

⁽¹⁾ In the published version of the Decision, some figures or names of undertakings have hereinafter been omitted, pursuant to Article 21 (2) of Regulation No 17 concerning non-disclosure of business secrets.

joint venture did not exclude potential competition to a considerable extent. As regards Amersham, the cooperation with Buchler may have reduced its interest in expanding, e.g., into the radiation protection business, but this product is not closely related to Amersham's product lines. The probability of expansion into this field was therefore not very high.

9. Accordingly, the restrictive effect on competition of the joint venture, while appreciable, is not of great severity.
10. The agreements affect trade between Member States since they were concluded between a British and a German company and concern a considerable amount of exports from the UK to Germany. Before the creation of the joint venture, i.e. in fiscal year 1969/70, Amersham's sales to Germany amounted to £ 409 000. In 1980/81, its sales to Germany had risen to £ 3.1 million or 6.7 % of the market.

B. APPLICABILITY OF ARTICLE 85 (3)

11. The agreements fulfil the requirements laid down in Article 85 (3).

For the reasons given in this paragraph and in paragraph 13, the joint venture contributes to improving the production and distribution of goods since it enables Amersham to produce and market a much greater variety of products in Germany than before. Radioactive products require a high level of know-how in manufacture and marketing. They are perishable products having a limited useful life of a few days or weeks only. Most of them cannot be stockpiled so that a rapid and efficient system of accepting and executing orders has to be established. Moreover, the products have to fulfil stringent national and international requirements as regards packaging, labelling, transport and storage. Finally, the customers expect the producer to take back their radioactive waste and to dispose of it safely. Because of these factors, Amersham could no longer rely on a simple distributor since such a distributor could not be expected to provide all the necessary services and to invest considerable sums in the waste disposal service. The formation of the joint venture solved these problems and permitted

Amersham a better market penetration with an increased number of products being marketed in Germany.

12. It is to be expected that the consumer receives a fair share of the resulting benefit since the competitive pressure — increased by Amersham's improved market penetration — will ensure that at least part of the resulting profits are transferred to the consumer. Amersham Buchler's market share of about 18 % of the German market does not enable it to prevent a transfer of the profits to the consumer, especially since it is in competition with very powerful companies such as and others with market shares of 13.5 %, 11.5 % and 11.3 % respectively.
13. The restrictions on competition resulting from the setting-up of the joint venture are indispensable to the attainment of the objectives described in paragraphs 11 and 12 above.

Until the time when the agreements were made, Amersham had been essentially a government agency rather than a commercial enterprise. The joint venture allowed Amersham to enter the German market more quickly and effectively and at a lower cost than would have been the case had it established a subsidiary on its own. Buchler had been Amersham's distributor in Germany since 1960 and had obtained all Amersham's German customers for it. It would have been expensive (perhaps involving substantial compensation) for Amersham to end its relationship with Buchler and set up a subsidiary to form its own links with German buyers. Buchler contributed an established sales force, production facilities and a good knowledge of the German market. It had long-established contacts with customers such as hospitals, industry and researchers and was fully informed about their individual technical needs: in this industry products must be suited to the needs of particular buyers. Moreover, Buchler was familiar with the stringent requirements of German law concerning storage and handling of radioactive products. It would have been difficult and costly for Amersham to meet these requirements and to establish a sales force and production facilities comparable to those of Buchler. The intended improvement of production and distribution could thus not have been achieved otherwise.

In this case, the non-competition clause does not add to the normal non-competition effect implicit in a joint venture of this kind. It ensures that Amersham and Buchler do not jeopardize the functioning of the joint venture or the amortization of its investments. On the other hand, the parties are not prevented from expanding into each other's product lines not covered by the agreements; Amersham is for example, free to start the production of radiation protection equipment.

14. The agreements do not afford the parties the possibility of eliminating competition in respect of a substantial part of the products in question. Their market share on the German market is about 18 % and they face competition from a number of other powerful companies (see point 12 above). By way of comparison, the total assets (in 1981) of , one of Amersham Buchler's strongest competitors, amounted to \$ 2 063 million, whereas Amersham Buchler's total assets amounted to , Amersham's to \$ 87.6 million and Buchler's to \$ 17.5 million. In view of the large resources available to its competitors, Amersham Buchler is not able to eliminate competition in this field.

In all these circumstances the objective benefits of the agreement outweigh its relatively limited impact on competition.

C. ARTICLES 6 AND 8 OF REGULATION NO 17

15. In accordance with Article 6 of Regulation 17, this Decision is to take effect as from the date of notification, i.e., as from 21 December 1981.
16. In view of the relatively balanced market situation and the rather limited impact of the joint venture's foundation on the competitive conditions in the common market, it is justified to grant the exemption for a period of 15 years (Article 8 (1) of Regulation No 17).
17. In order to enable the Commission to ascertain that the conditions for the application of Article 85 (3) continue to be fulfilled during the period of exemption, the parties must be required to inform the Commission of any material amendment to the agreements notified, of the conclusion of any new agreement between them and of any exten-

sion of their cooperation (Article 8 (1) of Regulation No 17),

HAS ADOPTED THIS DECISION :

Article 1

Pursuant to Article 85 (3) of the Treaty establishing the European Economic Community, the provisions of Article 85 (1) are hereby declared inapplicable for the period 21 December 1981 to 20 December 1996 to the following agreements :

1. Company Contract of Amersham Buchler GmbH & Co. KG of 29 November 1974 ;
2. Company Contract of Amersham Buchler GmbH of 18 December 1972 ;
3. Agreements comprised in a contract concerning know-how and expertise concluded between The Radiochemical Centre Ltd, The Radiochemical Centre GmbH, Buchler & Co. KG and Amersham Buchler GmbH & Co. KG of 20 December 1978 ; and
4. Exclusive distributorship agreement between the Radiochemical Centre Ltd and Amersham Buchler GmbH & Co. KG of 20 December 1978.

Article 2

The undertakings to which this Decision is addressed shall inform the Commission without delay of any material amendment or addition to the agreements notified, of the conclusion of any new agreement between them, and of any extension of the cooperation between them.

Article 3

This Decision is addressed to the following undertakings :

1. Amersham International Ltd,
White Lion Road,
UK-Amersham
Buckinghamshire HP7 9LL ;
2. The Radiochemical Centre GmbH,
Gieselweg 1,
D-3300 Braunschweig ;
3. Buchler GmbH,
Harxbütteler Straße 3,
D-3300 Braunschweig ;

4. Amersham Buchler GmbH,
Gieselweg 1,
D-3300 Braunschweig;

Done at Brussels, 29 October 1982.

5. Amersham Buchler GmbH & Co. KG,
Gieselweg 1,
D-3300 Braunschweig.

For the Commission

Frans ANDRIESEN

Member of the Commission

CORRIGENDA**Corrigendum to Commission Regulation (EEC) No 3800/81 of 16 December 1981
determining the classification of vine varieties**

(Official Journal of the European Communities No L 381 of 31 December 1981)

Annex :

Page 17, 3. Department of the Allier, (b) :

for: 'Ramorantin B',

read: 'Romorantin B'.

Page 19, 9. Department of the Ariège, (a) :

for: 'Merlet N' and 'Ondanc B',

read: 'Merlot N' and 'Ondenc B'.

Page 20, 10. Department of the Aube, (b) :

for: 'Lelon B',

read: 'Melon B'.

Page 21, 13. Department of the Bouches-du-Rhône, (b) :

for: 'Gros Vert (""') and 'Villard noir',

read: 'Gros Vert B (""') and 'Villard Noir N'.

Page 22, 16. Department of the Charente, (a) :

for: 'Gamay',

read: 'Gamay N'.

Page 23, 19. Department of the Corrèze,

(a) :

for: 'Merlot M' and 'Petit Verdet N',

read: 'Merlot N' and 'Petit Verdot N' ;

(b) :

for: 'Garonnet H',

read: 'Garonnet N'.

Page 24, 24. Department of the Dordogne, (a) :

for: 'Muscadelles',

read: 'Muscadelle B'.

Page 24, 25. Department of the Doubs, (b) :

for: 'Kelon B',

read: 'Melon B'.

Page 24, 26. Department of the Drôme, paragraph A, (a) :

for: 'Grenache gris S' and 'Lledoner Palut N',

read: 'Grenache Gris G' and 'Lledoner Pelut N'.

Page 25, 26. Department of the Drôme, paragraph B, (a) :

for: 'Lledoner Palut',

read: 'Lledoner Pelut N'.

Page 26, 31. Department of the Haute-Garonne, (a) :

for: 'Cinsaur N',

read: 'Cinsaut N'.

Page 27, 33. Department of the Gironde, (b) :

for: 'Potan N (")',

read: 'Portan N (")'.

Page 28, 38. Department of the Isère, (b):

for: 'Ravant blanc B',

read: 'Ravat blanc B'.

Page 30, 45. Department of the Loiret, (b):

for: 'Sainoir N',

read: 'Seinoir N'.

Page 31, 49. Department of the Maine-et-Loire, (a):

for: 'Chardonay B',

read: 'Chardonnay B'.

Page 33, 64. Department of the Pyrénées-Atlantique, (a):

for: 'Gamay Tenturier de Beuze N',

read: 'Gamay teinturier de Bouze N'.

Page 35, 74. Department of the Haute-Savoie, (a):

for: 'Gamay teinturier de Beuze N',

read: 'Gamay teinturier de Bouze N'.

Page 36, 79. Department of the Deux-Sèvres, (a):

for: 'Pinot gris B',

read: 'Pinot Gris G'.

Page 36, 81. Department of the Tarn, (a):

for: 'Gamay teinturier de Chaudenay',

read: 'Gamay teinturier de Chaudenay N'.

Page 37, 83. Department of the Var,

(a):

for: 'Sémillon B',

read: 'Sémillon B';

(b):

for: 'Gros vert (")' and 'Potrtan N (")',

read: 'Gros Vert B (")' and 'Portan N (")'.

Page 37, 84. Department of the Vaucluse, (b):

for: 'Gros Vert (")',

read: 'Gros Vert B (")'.

The variety 'Tespranillo (')' is deleted.

Page 38, 85. Department of the Vendée, (a):

for: 'Pinot gris B',

read: 'Pinot Gris G'.

Page 65, III. FRANCE, point 1, (b):

for: 'Perlaut B',

read: 'Perlaut B (')'.

Add the following footnote:

(') Added under Article 11 (1) (b) of Regulation (EEC) No 347/79 with effect from 23 February 1976.'

