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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3082/82
of 15 November 1982**

amending Regulation (EEC) No 337/79 on the common organization of the market in wine and Regulation (EEC) No 950/68 on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Regulation (EEC) No 337/79⁽⁴⁾, as last amended by Regulation (EEC) No 2144/82⁽⁵⁾, contains in Annex II thereof a certain number of definitions of products covered by the common organization of the market;

Whereas, in the interests of harmonization, it is appropriate to lay down that the determination of the degree of concentration of certain concentrated products defined in Annex II of the said Regulation must be carried out in accordance with the method prescribed for processed fruit and vegetables and contained in Annex III to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽⁶⁾, as last amended by Regulation (EEC) No 1118/81⁽⁷⁾; whereas the modification of the above-mentioned definitions leads to a modification of the Common Customs Tariff annexed to Regulation (EEC) No 950/68⁽⁸⁾, as last amended by Regulation (EEC) No 2791/82⁽⁹⁾;

Whereas to avoid the risk of fraud, the definitions of sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine should be added to by making provision that the excess pressure which is a characteristic of these wines must be due to carbon dioxide in solution;

Whereas the occasion shall be taken to rectify an error of substance that has appeared in Article 39 of Regulation (EEC) No 337/79,

HAS ADOPTED THIS REGULATION:

Article 1

In the second indent of the second subparagraph of Article 39 (6) of Regulation (EEC) No 337/79 the term 'table wine' shall be replaced by 'wine'.

Article 2

Annex II to Regulation (EEC) No 337/79 is hereby amended as follows:

1. Point 5 shall be replaced by the following:

'5. Concentrated grape must: uncaramelized grape must which is:

- obtained by partial dehydration of grape must carried out by any authorized method other than by direct heat in such a way that the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Regulation (EEC) No 516/77) at a temperature of 20 °C is not less than 51.9 %,
- derived exclusively from vine varieties referred to in Article 49,
- produced within the Community, and
- obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested.

⁽¹⁾ OJ No C 206, 14. 8. 1981, p. 4.

⁽²⁾ OJ No C 327, 14. 12. 1981, p. 114.

⁽³⁾ OJ No C 310, 30. 11. 1981, p. 9.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁵⁾ OJ No L 227, 3. 8. 1982, p. 1.

⁽⁶⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽⁷⁾ OJ No L 118, 30. 4. 1981, p. 10.

⁽⁸⁾ OJ No L 172, 27. 7. 1968, p. 1.

⁽⁹⁾ OJ No L 295, 21. 10. 1982, p. 4.

An actual alcoholic strength of the concentrated grape must of not more than 1 % vol shall be permissible.'

2. Point 5a shall be replaced by the following :

'5a. Rectified concentrated grape must : the liquid uncaramelized product which :

- is obtained by partial dehydration of grape must carried out by any authorized method other than by direct heat in such a way that the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Regulation (EEC) No 516/77) at a temperature of 20 °C is not less than 70.5 % ; Member States may, however, allow a different figure for products used within their territory, provided it is not lower than 51.9 %,
- has undergone authorized treatment for deacidification and elimination of constituents other than sugar, so that its acidity, expressed as tartaric acid, is not greater than 1 g/kg of total sugars and its ash content is not greater than 1.2 g/kg of total sugars,
- has a :
 - total phenol content of between 100 and 400 mg/kg of total sugars,
 - simple phenol content of not less than 50 % of total phenols,
 - sucrose content of less than 20 g/kg of total sugars,
- is derived exclusively from the vine varieties referred to in Article 49 ;
- is produced within the Community,
- is obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested.

An actual alcoholic strength of the concentrated rectified grape must of not more than 1 % vol shall be permissible.'

3. Point 7 shall be replaced by the following :

'7. Concentrated grape juice : uncaramelized grape juice obtained by partial dehydration of grape juice carried out by any authorized method other than by direct heat in such a way that the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Regulation (EEC) No 516/77) at a temperature of 20 °C is not less than 51.9 %.

An actual alcoholic strength of the concentrated grape juice of not more than 1 % volume shall be permissible.'

4. Point 13 shall be replaced by the following :

'13. Sparkling wine : saving the derogation provided for in Article 48 (3), the product of which is obtained by first or second alcoholic fermentation :

- of fresh grapes,
 - of grape must,
 - of wine,
- all suitable for yielding table wine,
- of table wine, or
 - of quality wine psr,

and which, when the container is opened, releases carbon dioxide derived exclusively from fermentation and which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers.'

5. Point 14 shall be replaced by the following :

'14. Aerated sparkling wine : the product which :

- is obtained, subject to the provisions of Article 48 (3) from table wine,
- is produced in the Community,
- releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas, and
- has an excess pressure, due to carbon dioxide in solution, not exceeding 3 bar when kept at a temperature of 20 °C in closed containers.'

6. Point 15 shall be replaced by the following :

'15. Semi-sparkling wine : the product which :

- is obtained from table wine, quality wine psr or from products suitable for yielding table wine or quality wine psr, provided that such wine or products have a total alcoholic strength of not less than 9 % vol,
- has an actual alcoholic strength of not less than 7 % vol,
- has an excess pressure, due to endogenous carbon dioxide in solution, of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers,
- is put up in containers of not more than three litres.'

7. Point 16 shall be replaced by the following:

'16. Aerated semi-sparkling wine: the product which

- is obtained from table wine, quality wine psr or from products suitable for yielding table wine or quality wine psr,
- has an actual alcoholic strength of not less than 7 % vol and a total alcoholic strength of not less than 9 % vol,
- has an excess pressure, of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers, due to carbon dioxide in solution, which has been wholly or partially added,
- is put up in containers of not less than three litres.'

Article 3

The Common Customs Tariff annexed to Regulation (EEC) No 950/68 is hereby amended as follows:

1. Additional Note 6 to Chapter 20 shall be replaced by the following:

'6. For the purposes of subheadings 20.07 B I a) 1 aa) and 20.07 B I b) 1 aa), "concentrated grape

juice (including grape must)" means grape juice (including grape must) for which the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Regulation (EEC) No 516/77) at a temperature of 20 °C is not less than 51.9 %.'

2. Point A in Additional Note 3 to Chapter 22 shall be replaced by the following:

'A. "Sparkling wine" (subheading 22.05 A) means a product having an actual alcoholic strength of not less than 8.5 % vol, obtained:

- either by first or second alcoholic fermentation of fresh grapes, grape must or wine, and releasing, when the container is opened, carbon dioxide derived exclusively from fermentation,
- or from wine and releasing, when the container is opened, carbon dioxide derived wholly or partly from the addition of this gas,

and having, when kept at a temperature of 20 °C in closed containers, an excess pressure due to carbon dioxide in solution of not less than 3 bar.'

3. The text of subheading 22.05 B shall be replaced by the following:

Heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
'22.05	B. Wine other than that referred to in A in bottles with "mushrooms" stoppers held in place by ties or fastenings; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C	40 ECU per hl (a)	—

Article 4

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

It shall apply from 1 January 1983.

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

Done at Brussels, 15 November 1982.

For the Council

The President

N. A. KOFOED

COUNCIL REGULATION (EEC) No 3083/82

of 15 November 1982

amending Regulation (EEC) No 339/79 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3082/82 ⁽²⁾, and in particular Article 1 (4) (c) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Whereas the definitions of certain Community wine products contained in Annex II to Regulation (EEC) No 337/79 have been changed; whereas, for the purposes of harmonization, it is necessary to alter, in Regulation (EEC) No 339/79 ⁽⁴⁾, the definitions of the corresponding products originating in third countries,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 339/79 is hereby replaced by the following:

'Article 2

In this Regulation:

(a) "grape must with fermentation arrested by the addition of alcohol" means the product which:

- has an actual alcoholic strength of not less than 12 % vol but less than 15 % vol, and
- is obtained by the addition to unfermented grape must having natural alcoholic strength of not less than 8.5 % vol of a product derived from the distillation of wine;

(b) "concentrated grape must" means uncaramelized grape must which is obtained by partial dehydration of grape must carried out by any authorized method other than by direct heat in such a way that the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Council Regulation (EEC) No 516/77) at a temperature of 20 °C is not less than 51.9 %.

An actual alcoholic strength of the concentrated grape must of not more than 1 % vol shall be permissible;

(c) "rectified concentrated grape must" means the liquid uncaramelized product which:

- is obtained by partial dehydration of grape must, carried out by any authorized method other than by direct heat in such a way that the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Regulation (EEC) No 516/77) at a temperature of 20 °C is not less than 70.5 %; Member States may, however, allow a different figure for products used on their territory, provided it is not lower than 51.9 %,
- has undergone authorized treatment for deacidification and elimination of constituents other than sugar, so that its acidity, expressed as tartaric acid, is not greater than 1 g/kg of total sugars and its ash content is not greater than 1.2 g/kg of total sugars,

— has a:

- total phenol content of between 100 and 400 mg/kg of total sugars,
- simple phenol content of not less than 50 % of total phenols,
- sucrose content of less than 20 g/kg of total sugars.

An actual alcoholic strength of the concentrated rectified grape must of not more than 1 % vol shall be permissible;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 206, 14. 8. 1981, p. 4.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 57.

(d) "liqueur wine" means the product which :

- has a total alcoholic strength of not less than 17.5 % vol and an actual alcoholic strength of not less than 15 % vol and not more than 22 % vol and
- is obtained from grape must or wine, which must come from wine varieties approved in the non-member country of origin for the production of liqueur wine and have a minimum natural alcoholic strength of 12 % vol :
- by freezing, or
- by the addition during or after fermentation :
- (i) of a product derived from the distillation of wine, or
- (ii) of a concentrated grape must or, in the case of certain quality liqueur wines appearing on a list to be adopted, for which such practice is traditional, of grape must concentrated by direct heat and which, apart from this operation, corresponds to the definition of concentrated grape must, or
- (iii) of a mixture of these products.

However, certain quality liqueur wines appearing on a list to be adopted may be obtained from unfermented fresh-grape must which need not have a minimum natural alcoholic strength of 12 % vol ;

(e) "sparkling wine" means the product having an actual alcoholic strength of not less than 8.5 % vol which :

- is obtained by the first or second alcoholic fermentation of fresh grapes, grape must or wine,
- releases, when the container is opened, carbon dioxide derived exclusively from fermentation and has an excess pressure,

due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers ;

(f) "aerated sparkling wine" means the product having an actual alcoholic strength of not less than 8.5 % vol which :

- is obtained from wine,
- releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas, and
- has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers ;

(g) "semi-sparkling wine" means wine :

- having an actual alcoholic strength of not less than 8.5 % vol,
- having an excess pressure, due to endogenous carbon dioxide in solution, of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers ;

(h) "aerated semi-sparkling wine" means wine :

- having an actual alcoholic strength of not less than 8.5 % vol and
- having an excess pressure, due to carbon dioxide in solution which has been added or partially added, of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers.'

Article 2

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

It shall apply from 1 January 1983.

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

Done at Brussels, 15 November 1982.

For the Council

The President

N.A. KOFOED

COMMISSION REGULATION (EEC) No 3084/82

of 22 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 19 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 23 November 1982.

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

Done at Brussels, 22 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. 44.

ANNEX

to the Commission Regulation of 22 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	99.30
10.01 B II	Durum wheat	148.48 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	99.99 ⁽⁶⁾
10.03	Barley	111.99
10.04	Oats	77.44
10.05 B	Maize, other than hybrid maize for sowing	100.15 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	95.64 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	152.81
11.01 B	Rye flour	153.80
11.02 A I a)	Durum wheat groats and meal	242.59
11.02 A I b)	Common wheat groats and meal	164.15

⁽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 3085/82**of 22 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 19 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 23 November 1982.

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

Done at Brussels, 22 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. 47.

ANNEX

to the Commission Regulation of 22 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	0.87	0.87	0.33
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	3.31
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 3086/82

of 17 November 1982

on arrangements for imports into the United Kingdom of certain textile products originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3061/79 of 20 December 1979 on common rules for imports of certain textile products originating in China⁽¹⁾, as amended by Regulation (EEC) No 2007/82⁽²⁾, and in particular Article 11 (4) and (5) thereof,

Whereas Article 11 of Regulation (EEC) No 3061/79 lays down the conditions under which quantitative limits may be established; whereas imports into the United Kingdom of certain textile products (category 75) specified in the Annex hereto and originating in China, have exceeded or are liable to exceed the level referred to in paragraph 3 of the said Article 11;

Whereas, in accordance with paragraph 5 of the said Article 11, China was notified of a request for consultations; whereas quantitative limits have been placed provisionally on the products in question pending the outcome of those consultations;

Whereas the products in question exported from China between 1 January 1982 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced;

Whereas these quantitative limits should not prevent the importation of products covered by them shipped from China before the date of entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into the United Kingdom of the category of products originating in China and specified in the Annex hereto shall be subject to the quantitative limits set out in that Annex.

Article 2

1. Products as referred to in Article 1, shipped from China to the United Kingdom before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a shipment certificate proving that shipment actually took place before that date.

2. All quantities of products shipped from China on or after 1 January 1982 and released for free circulation shall be deducted from the quantitative limit laid down. This provisional limit shall not, however, prevent the importation of products covered by it but shipped from China before the date of entry into force of this Regulation.

Article 3

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

It shall apply until the entry into force of a Regulation establishing definitive quantitative limits following the current consultations.

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

Done at Brussels, 17 November 1982.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 345, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 216, 24. 7. 1982, p. 1.

ANNEX

Category	CCT heading No	NIMEXE code (1982)	Description	Third countries	Member States	Units	Quantitative limits from 1 January to 31 December	
							1982	1983
75	60.05 A II b) 4 ff)	60.05-66 ; 68	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : A. Outer garments and clothing accessories : II. Other : Men's and boys' suits (including coordinate suits consisting of two or three pieces which are ordered, packed, consigned and normally sold together), of knitted or crocheted fabric, not elastic or rubberized, of wool, of cotton or of man-made textile fibres, excluding ski suits	China	UK	1 000 pieces	9	9

**COMMISSION REGULATION (EEC) No 3087/82
of 22 November 1982**

**amending Regulation (EEC) No 2602/82 increasing for part of the 1982/83
marketing year the minimum size of apples allowed to be marketed**

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 Articles 2 (3) and 5 (3) thereof,

Whereas Commission Regulation (EEC) No
1641/71⁽³⁾, as last amended by Regulation (EEC) No
2439/82⁽⁴⁾, fixes quality standards for dessert apples
and pears;

Whereas Commission Regulation (EEC) No
2602/82⁽⁵⁾ derogates from the quality standards laid
down in Regulation (EEC) No 1641/71 by raising to
60 mm the minimum size of apples of large-fruit
varieties which may be marketed in the Community or
third countries as from 1 January 1983 for delivery
fresh to the consumer;

Whereas, to ensure that all apples marketed during the
period 1 January to 30 June 1983 are made subject to

the provisions of Regulation (EEC) No 2602/82, that
Regulation should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (1) of Regulation (EEC) No 2602/82 is hereby
replaced by the following:

'1. Notwithstanding the common quality stan-
dards laid down by Regulation (EEC) No 1641/71,
apples of large-fruit varieties, less than 60 mm in
size, may not be marketed for delivery fresh to the
consumer from 1 January to 30 June 1983.'

Article 2

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

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No L 172, 31. 7. 1971, p. 1.

⁽⁴⁾ OJ No L 261, 9. 9. 1982, p. 14.

⁽⁵⁾ OJ No L 277, 29. 9. 1982, p. 12.

COMMISSION REGULATION (EEC) No 3088/82

of 22 November 1982

fixing for the 1982/83 marketing year the reference price for clementines, and
amending Regulation (EEC) No 950/68

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 Article 27 (1) thereof,

Whereas Article 23 (1) of Regulation (EEC) No
1035/72 provides that reference prices for the whole
Community are to be fixed each year before the begin-
ning of the marketing year;

Whereas the importance of clementine production in
the Community is such that a reference price must be
fixed for that product;

Whereas the period during which clementines
harvested during a given crop year are marketed
extends from October to 15 May of the following year;
whereas the quantity put on the market during
October and from 1 March to 15 May of the following
year represents only a small percentage of that
marketed over the whole marketing year; whereas the
reference price should therefore be fixed only for the
period running from 1 November to the last day of
February of the following year;

Whereas the fixing of a single reference price valid for
the whole marketing year appears to be the solution
most suited to the particular nature of the Community
market in the product in question;

Whereas, under the second subparagraph of Article 23
(2) of Regulation (EEC) No 1035/72, the reference
price for clementines is to be fixed at a level equal to
that of the previous marketing year, adjusted as neces-
sary by a percentage not exceeding the difference
between the percentages representing respectively the
variation compared with the preceding marketing year
in basic and buying-in prices and in the financial
compensation provided for by Council Regulation
(EEC) No 2511/69 of 9 December 1969 laying down
special measures for improving the production marke-

ting of Community citrus fruit⁽³⁾, as last amended by
Regulation (EEC) No 1204/82⁽⁴⁾;

Whereas, for the 1982/83 marketing year, the financial
compensation has been fixed at the same level as for
the preceding marketing year; hence it is necessary to
increase the reference prices by the same percentage
increase as has been applied to the basic and
buying-in prices;

Whereas Article 22a of Regulation (EEC) No 1035/72
provides that the tariff nomenclature resulting from
the application of this Regulation is to be repeated in
the Common Customs Tariff and consequently an
amendment should be made to the Common Customs
Tariff laid down in Council Regulation (EEC) No
950/68⁽⁵⁾, as last amended by Regulation (EEC) No
3082/82⁽⁶⁾, distinguishing clementines from other
small citrus fruits;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1982/83 marketing year, the reference price
for fresh clementines, falling within subheading 08.02
B of the Common Customs Tariff, expressed in ECU
per 100 kilograms net, of packed products of quality
Class I of all sizes, shall, for the period 1 November to
28 February, be 35.33.

Article 2

Regulation (EEC) No 950/68 is hereby amended in
accordance with the Annex.

Article 3

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

Article 2 shall apply from 1 January 1983.

⁽¹⁾ OJ No L 318, 18. 12. 1969, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 38.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ See page 1 of this Official Journal.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

Subheading 08.02 B of the Common Customs Tariff is hereby replaced by the following text :

Heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
08.02	Citrus fruit, fresh or dried :		
			
			
	B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids :		
	I. Clementines	20 (b)	—
	II. Other	20 (b)	—

COMMISSION REGULATION (EEC) No 3089/82
of 22 November 1982

**fixing for the 1982/83 marketing year the Community offer price for
clementines, applicable as regards Greece**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Greece,

Having regard to Council Regulation (EEC) No 10/81
of 1 January 1981 fixing, in respect of fruit and vege-
tables, the general rules for implementing the 1979
Act of Accession⁽¹⁾, and in particular Article 9 (1)
thereof,

Whereas Article 75 of the Act of Accession introduces
a compensatory mechanism, on import into the
Community of Nine, for fruit and vegetables coming
from Greece for which an institutional price is fixed ;

Whereas Article 75 (2) (a) of the Act of Accession
provides that a Community offer price is to be calcu-
lated annually on the basis, on the one hand, of the
arithmetical average of producer prices in each
Member State of the Community of Nine increased by
the cost of packing the fruit and transporting it from
the areas of production to the representative centres of
Community consumption and, on the other hand, the
trend of production costs in the fruit and vegetable
sector ; whereas these producer prices are to be the
average of the price quotations recorded over the three
years prior to the date of fixing the Community offer
price ; whereas the annual Community offer price may
not, however, exceed the level of the reference price
applied to imports from third countries, this Commu-
nity offer price being reduced by 6 % at the time of
the second move toward price alignment referred to in
Article 59 of the Act ;

Whereas, in accordance with Article 3 of Regulation
(EEC) No 10/81, the prices taken for the calculation of
producer prices shall be those recorded for a home-

grown product with defined commercial characteristics
on the representative market or markets situated in the
production areas where prices are lowest, for the
products or varieties which represent a considerable
proportion of production marketed throughout the
year or for part of it, which are of quality Class I and
which satisfy specified requirements as regards market
preparation ; whereas, when the average of prices
recorded on each representative market is being calcu-
lated, prices which could be considered excessively
high or excessively low in relation to normal price
fluctuations on that market must be disregarded ;

Whereas application of the abovementioned criteria
results in the Community offer prices for clementines,
for the period 1 November 1982 to 28 February 1983,
being fixed at the level set out below ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the 1982/83 marketing year, the Community offer
price for fresh clementines falling within subheading
08.02 B of the Common Customs Tariff, expressed in
ECU per 100 kilograms net of packed products of
Class I, of all sizes, shall, for the period 1 November to
28 February, be 33.21.

Article 2

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

⁽¹⁾ OJ No L 1, 1. 1. 1981, p. 17.

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 3090/82
of 22 November 1982
altering the export refunds on syrups and certain other sugar products exported
in the natural state

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, as
last amended by Regulation (EEC) No 606/82⁽²⁾, and
in particular Article 19 (4) thereof,

Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No
2899/82⁽³⁾, as amended by Regulation (EEC) No
3002/82⁽⁴⁾;

Whereas it follows from applying the rules, criteria
and other provisions contained in Regulation (EEC)
No 2899/82 to the information at present available to
the Commission that the export refunds at present in

force should be altered as shown in the Annex to this
Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to amended Regulation (EEC) No 2899/82 are
hereby altered to the amounts shown in the Annex to
this Regulation.

Article 2

This Regulation shall enter into force on 23
November 1982.

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 304, 30. 10. 1982, p. 19.

⁽⁴⁾ OJ No L 315, 11. 11. 1982, p. 15.

ANNEX

to the Commission Regulation of 22 November 1982 altering the export refunds on syrups
and certain other sugar products exported in the natural state

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel : D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) : I. Isoglucose ex II. Other, excluding sorbose E. Artificial honey, whether or not mixed with natural honey F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	 — 0.3295 0.3295 0.3295	 32.95 — — —
21.07	Food preparations not elsewhere specified or included : F. Flavoured or coloured sugar syrups : III. Isoglucose IV. Other (other than lactose, glucose and malto-dextrine syrups)	 — 0.3295	 32.95 —

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 3091/82**of 22 November 1982****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 606/82 ⁽²⁾, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 November 1982 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 2904/82 ⁽³⁾, as amended by Regulation (EEC) No 3003/82 ⁽⁴⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 2904/82 to the

information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by amended Regulation (EEC) No 2904/82 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 November 1982.

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

Done at Brussels, 22 November 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 304, 30. 10. 1982, p. 32.

⁽⁴⁾ OJ No L 315, 11. 11. 1982, p. 17.

ANNEX

to the Commission Regulation of 22 November 1982 altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Table A

<i>Rate of refund in ECU/100 kg:</i>	White sugar:	32.95
	Raw sugar:	30.31
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$32.95 \times \frac{S^{(1)}}{100}$
	Molasses:	—
	Isoglucose or flavoured or coloured isoglucose syrups:	32.95 ⁽²⁾

Table B

<i>Rate of refund in ECU/100 kg:</i>	White sugar:	29.23
	Raw sugar:	26.89
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$29.23 \times \frac{S^{(1)}}{100}$
	Molasses:	—

⁽¹⁾ 'S' represents the weight of sucrose (including invert sugar expressed as sucrose) in 100 kilograms of syrup.

⁽²⁾ Amount of refund for 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 3092/82
of 22 November 1982
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 2996/82⁽³⁾, as amended by Regulation (EEC) No 3037/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2996/82 to the

information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 2996/82, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 November 1982.

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 315, 11. 11. 1982, p. 9.

⁽⁴⁾ OJ No L 320, 17. 11. 1982, p. 9.

ANNEX

to the Commission Regulation of 22 November 1982 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	32.95	
	(b) Other	31.51	
	(II) Flavoured or coloured sugar		0.3295
/	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	30.31 ⁽¹⁾	
	(b) Other raw sugar	28.99 ⁽¹⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

COMMISSION REGULATION (EEC) No 3093/82**of 22 November 1982****altering the basic amount of the import levy on syrups and certain other sugar products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the import levies on syrups and certain other sugar products were fixed by Regulation (EEC) No 2898/82⁽³⁾, as last amended by Regulation (EEC) No 3030/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2898/82 to the information known to the Commission that the basic

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

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 2898/82, are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 November 1982.

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 304, 30. 10. 1982, p. 17.

⁽⁴⁾ OJ No L 319, 16. 11. 1982, p. 7.

ANNEX

to the Commission Regulation of 22 November 1982 altering the basic amount of the import levy on syrups and certain other sugar products

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0.3823	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	51.66
	ex II. Other	0.3823	—
	E. Artificial honey, whether or not mixed with natural honey	0.3823	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0.3823	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	51.66
	IV. Other	0.3823	—

COMMISSION REGULATION (EEC) No 3094/82
of 22 November 1982
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1716/82⁽³⁾, as last amended by Regulation (EEC) No 3057/82⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 1982.

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 189, 1. 7. 1982, p. 42.

⁽⁴⁾ OJ No L 322, 18. 11. 1982, p. 34.

ANNEX

to the Commission Regulation of 22 November 1982 fixing the import levies on white sugar and raw sugar

		<i>(ECU/100 kg)</i>
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	38.23
	B. Raw sugar	34.95 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 3095/82

of 22 November 1982

introducing a countervailing charge on tomatoes originating in Romania

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Whereas Commission Regulation (EEC) No 1441/82
of 8 June 1982 fixing the reference prices for tomatoes
for the period 11 July to 20 December 1982⁽³⁾ fixed
the reference price for products of Class I for the
period 1 October to 20 December 1982 at 37.11 ECU
per 100 kilograms net;

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

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

tion (EEC) No 3011/81⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets; whereas it is necessary to multiply the prices
with the coefficient fixed in Article 1 (2) of Regulation
(EEC) No 1441/82;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 6.07 ECU per 100 kilo-
grams net is applied to tomatoes (subheading 07.01 M
of the Common Customs Tariff) originating in
Romania.

Article 2

This Regulation shall enter into force on 24
November 1982.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No L 158, 9. 6. 1982, p. 14.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 301, 22. 10. 1981, p. 18.

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

Done at Brussels, 22 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

COUNCIL REGULATION (EEC) No 3096/82

of 22 November 1982

imposing definitive collection of a provisional anti-dumping duty on trichloroethylene originating in the German Democratic Republic and Poland

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1580/82⁽²⁾, and in particular Article 12 thereof,

Having regard to the Commission proposal presented after consultation within the Advisory Committee set up by the said Regulation,

Whereas, by Regulation (EEC) No 2127/82⁽³⁾, the Commission imposed a provisional anti-dumping duty on trichloroethylene falling within subheading 29.02 A II ex b) of the Common Customs Tariff (NIMEXE code 29.02-33) and originating in the German Democratic Republic and Poland; whereas the amount of the duty was fixed as follows, by country of origin, expressed as a percentage of the price free-at-Community frontier duty unpaid:

- | | |
|--------------------------------|----------|
| — German Democratic Republic : | 26.2 %, |
| — Poland : | 29.5 % ; |

Whereas, in accordance with Article 2 of the lastmentioned Regulation, the Commission has given the parties concerned the opportunity to make known their views and to apply to be heard orally by it within a month of the entry into force of the provisional duty, without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 3017/79; whereas the exporter from the German Democratic Republic, the exporter from Poland and certain importers concerned availed themselves of this opportunity and put forward their point of view orally and in writing; whereas, having made a

detailed examination of the arguments put forward, which in substance corresponded to those already advanced at the preliminary stage of the investigation, the Commission did not feel that it should modify the weighted averages of the provisionally established dumping margins;

Whereas, with regard to the injury sustained, the Commission has not, since Regulation (EEC) No 2127/82 was adopted, received any further information which would justify revising the conclusions which it formulated in that Regulation;

Whereas, faced with these results, the exporter from the German Democratic Republic, AHB-Chemie (Berlin, GDR), and the exporter from Poland, CIECH-Organica (Warsaw), proposed price undertakings which appear adequate for eliminating in the future the injurious effects of the imports in question;

Whereas the proceeding may therefore be terminated without a definitive anti-dumping duty being imposed;

Whereas, in view of the arguments already put forward by the Commission in the lastmentioned Regulation, and in the light of the dumping by exporters from the German Democratic Republic and Poland and of the material injury sustained by the branch of the Community industry concerned, the provisional duties must, in the interests of the Community, be definitively collected,

HAS ADOPTED THIS REGULATION :

Article 1

The sums lodged as security for the provisional anti-dumping duty imposed by Regulation (EEC) No 2127/82 shall be definitively collected.

Article 2

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

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No L 223, 31. 7. 1982, p. 76.

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

Done at Brussels, 22 November 1982.

For the Council

The President

U. ELLEMANN-JENSEN

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