

Official Journal

of the European Communities

ISSN 0378-6978

L 354

Volume 25

16 December 1982

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3363/82**of 15 December 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 14 December 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 16 December 1982.

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

Done at Brussels, 15 December 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 15 December 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	114.13
10.01 B II	Durum wheat	149.93 ⁽¹⁾ ⁽²⁾
10.02	Rye	99.55 ⁽⁶⁾
10.03	Barley	105.40
10.04	Oats	91.65
10.05 B	Maize, other than hybrid maize for sowing	108.94 ⁽³⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	33.34 ⁽⁴⁾
10.07 C	Grain sorghum	98.50 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	173.83
11.01 B	Rye flour	153.45
11.02 A I a)	Durum wheat groats and meal	245.71
11.02 A I b)	Common wheat groats and meal	186.56

⁽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 3364/82**of 15 December 1982****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2119/82⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on
14 December 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 16 December
1982.

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

Done at Brussels, 15 December 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 15 December 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 12	1st period 1	2nd period 2	3rd period 3
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	0.53	0.53	0.53
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 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 3365/82
of 15 December 1982
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by the Act of
Accession of Greece ⁽²⁾, and in particular Article 11 (2)
thereof,

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2371/82 ⁽³⁾, as last
amended by Regulation (EEC) No 3291/82 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2371/82 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 the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December
1982.

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

Done at Brussels, 15 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 255, 1. 9. 1982, p. 5.

⁽⁴⁾ OJ No L 349, 9. 12. 1982, p. 5.

ANNEX

to the Commission Regulation of 15 December 1982 fixing the import levies on rice and broken rice

(ECU/tonne)

CCT heading No	Description	Third countries ⁽²⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	139.44	66.12
	2. Long grain	171.74	82.27
	b) Husked rice :		
	1. Round grain	174.30	83.55
	2. Long grain	214.67	103.73
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	271.01	123.58
	2. Long grain	412.75	194.49
	b) Wholly milled rice :		
	1. Round grain	288.63	131.96
	2. Long grain	442.47	208.88
	III. Broken rice	77.92	35.96

⁽¹⁾ Subject to the application of the provisions of Article 10 of Regulation (EEC) No 435/80.

⁽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⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 3366/82**of 15 December 1982****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by the Act of
Accession of Greece ⁽²⁾, and in particular Article 13 (6)
thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2372/82 ⁽³⁾, as last amended by Regulation (EEC)
No 3292/82 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December
1982.

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

Done at Brussels, 15 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 255, 1. 9. 1982, p. 8.

⁽⁴⁾ OJ No L 349, 9. 12. 1982, p. 7.

ANNEX

to the Commission Regulation of 15 December 1982 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 12	1st period 1	2nd period 2	3rd period 3
ex 10.06	Rice :				
	B. Other				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 3367/82
of 14 December 1982
establishing unit values for the determination of the customs value of certain
perishable goods

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Commission Regulation (EEC) No
1577/81 of 12 June 1981 establishing a system of
simplified procedures for the determination of the
customs value of certain perishable goods⁽¹⁾, as last
amended by Regulation (EEC) No 3063/82⁽²⁾, and in
particular Article 1 thereof,

Whereas Article 1 of that Regulation provides that the
Commission shall periodically establish unit values for
the products referred to in the classification in the
Annex ;

Whereas the result of applying the rules and criteria
laid down in Regulation (EEC) No 1577/81 to the
elements communicated to the Commission in accor-

dance with Article 1 (2) of that Regulation is that the
unit values set out in the Annex to this Regulation
should be established in regard to the products in
question,

HAS ADOPTED THIS REGULATION :

Article 1

The unit values provided for in Article 1 (1) of Regula-
tion (EEC) No 1577/81 are hereby established as set
out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 December
1982.

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

Done at Brussels, 14 December 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 323, 19. 11. 1982, p. 8.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	1 392	252.11	72.92	202.61	21.15	40 794	80.43	16.98
1.12	07.01-21 07.01-22	07.01 B I	Cauliflowers	1 673	300.02	85.00	240.90	25.53	49 107	93.66	21.50
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	590	105.89	30.00	85.02	9.01	17 332	33.05	7.58
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	1 317	236.31	66.94	189.74	20.11	38 679	73.77	16.93
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	5 945	1 066.17	302.05	856.08	90.75	174 508	332.82	76.41
1.22	ex 07.01-36	ex 07.01 D II	Endives	1 347	241.66	68.46	194.04	20.57	39 554	75.43	17.31
1.28	07.01-41 07.01-43	07.01 F I	Peas	5 991	1 074.40	304.38	862.69	91.45	175 856	335.40	77.00
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	3 565	639.45	181.16	513.45	54.43	104 665	199.62	45.82
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	1 996	358.10	101.45	287.54	30.48	58 614	111.79	25.66
1.40	ex 07.01-54	ex 07.01 G II	Carrots	473	85.66	24.78	68.85	7.18	13 862	27.33	5.77
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	5 005	897.53	254.27	720.67	76.40	146 905	280.18	64.32
1.60	07.01-63	ex 07.01 H	Onions (other than sets)	545	97.80	27.70	78.53	8.32	16 008	30.53	7.00
1.70	07.01-67	ex 07.01 H	Garlic	7 187	1 288.91	365.16	1 034.93	109.71	210 966	402.36	92.37
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	1 771	317.67	90.00	255.07	27.04	51 996	99.16	22.76
1.80		07.01 K	Asparagus :								
1.80.1	ex 07.01-71		— green	18 412	3 301.88	935.45	2 651.25	281.07	540 444	1 030.75	236.64
1.80.2	ex 07.01-71		— other	21 836	3 915.80	1 109.37	3 144.20	333.33	640 929	1 222.40	280.63
1.90	07.01-73	07.01 L	Artichokes	2 826	506.87	143.60	407.00	43.14	82 964	158.23	36.32
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	2 793	500.93	141.91	402.22	42.64	81 992	156.37	35.90
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	2 197	394.06	111.64	316.41	33.54	64 499	123.01	28.24
1.112	07.01-85	07.01 Q II	Chantarelles	31 493	5 647.55	1 600.00	4 534.71	480.74	924 379	1 763.01	404.75
1.118	07.01-91	07.01 R	Fennel	1 598	286.72	81.23	230.22	24.40	46 930	89.50	20.54
1.120	07.01-93	07.01 S	Sweet peppers	2 626	470.91	133.41	378.12	40.08	77 078	147.00	33.74
1.130	07.01-94	ex 07.01 T	Aubergines (Solanum melongena L.)	3 894	698.37	197.85	560.76	59.44	114 308	218.01	50.05
1.140	07.01-96	ex 07.01 T	Vegetable marrows (including courgettes) (Cucurbita pepo L. var. medullosa Alef.)	2 220	398.19	112.81	319.73	33.89	65 175	124.30	28.53
1.150	ex 07.01-99	ex 07.01 T	Celery stalks and leaves	2 254	404.34	114.55	324.66	34.41	66 182	126.22	28.97
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	2 870	514.65	145.80	413.24	43.81	84 238	160.66	36.88
2.10	08.01-31	ex 08.01 B	Bananas, fresh	1 669	299.37	84.81	240.38	25.48	49 000	93.45	21.45
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	3 567	639.67	181.90	514.01	53.79	104 781	199.75	45.03
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	5 682	1 018.97	288.68	818.18	86.73	166 783	318.09	73.02
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	13 087	2 346.87	664.88	1 884.42	199.77	384 130	732.62	168.19
2.50		08.02 A I	Sweet oranges, fresh :								
2.50.1	08.02-02 08.02-06 08.02-12 08.02-16		— Sanguines and semi-sanguines	2 294	414.85	120.20	333.05	34.93	67 623	132.66	28.04

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	1 356	243.32	68.93	195.37	20.71	39 826	75.95	17.43
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	1 479	271.14	76.04	215.29	22.39	43 384	82.99	17.72
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :								
2.60.1	08.02-29		— Monreales and satsumas	1 551	278.13	78.79	223.33	23.67	45 524	86.82	19.93
2.60.2	08.02-31		— Mandarins and wilkings	1 395	253.38	72.96	202.89	21.20	40 696	80.30	17.02
2.60.3	08.02-32		— Clementines	2 208	396.03	112.20	318.00	33.71	64 822	123.63	28.38
2.60.4	08.02-34 08.02-37		— Tangerines and others	3 007	545.60	155.25	438.31	45.61	88 825	168.57	36.11
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	1 669	299.39	84.82	240.39	25.48	49 003	93.46	21.45
2.80		ex 08.02 D	Grapefruit, fresh :								
2.80.1	ex 08.02-70		— white	1 515	271.70	76.97	218.16	23.12	44 472	84.81	19.47
2.80.2	ex 08.02-70		— pink	2 567	460.37	130.42	369.66	39.18	75 353	143.71	32.99
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	2 427	435.35	123.34	349.57	37.05	71 258	135.90	31.20
2.95	08.05-50	08.05 C	Chestnuts	3 468	621.89	176.18	499.35	52.93	101 790	194.13	44.57
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	2 032	364.50	103.26	292.67	31.02	59 660	113.78	26.12
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	1 264	226.74	64.23	182.06	19.30	37 113	70.78	16.25
2.115	08.06-50	08.06 C	Quinces	2 362	423.56	120.00	340.10	36.05	69 328	132.22	30.35
2.120	08.07-10	08.07 A	Apricots	9 860	1 768.17	500.93	1 419.76	150.51	289 411	551.97	126.72
2.130	ex 08.07-32	ex 08.07 B	Peaches	8 756	1 570.30	444.88	1 260.88	133.67	257 024	490.20	112.54
2.140	ex 08.07-32	ex 08.07 B	Nectarines	4 938	896.67	258.22	718.00	75.02	144 020	284.17	60.25
2.150	08.07-51 08.07-55	08.07 C	Cherries	4 191	758.00	219.63	608.53	63.82	123 559	242.40	51.24
2.160	08.07-71 08.07-75	08.07 D	Plums	824	147.78	42.02	118.75	12.42	24 207	46.15	10.40
2.170	08.08-11 08.08-15	08.08 A	Strawberries	20 146	3 612.77	1 023.52	2 900.88	307.53	591 331	1 127.81	258.92
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	8 857	1 588.37	450.00	1 275.38	135.20	259 981	495.84	113.83
2.180	08.09-11	ex 08.09	Water melons	740	135.73	38.07	107.77	11.20	21 718	41.54	8.87
2.190	08.09-19	ex 08.09	Melons (other than water melons)	2 858	512.58	145.22	411.58	43.63	83 899	160.01	36.73
2.195	ex 08.09-90	ex 08.09	Pomegranates	3 272	586.82	166.25	471.19	49.95	96 050	183.19	42.05
2.200	ex 08.09-90	ex 08.09	Kiwis	14 149	2 537.39	718.86	2 037.40	215.99	415 315	792.10	181.85
2.205	ex 08.09-90	ex 08.09	Medlars	4 312	773.39	219.10	621.00	65.83	126 587	241.43	55.42

COMMISSION REGULATION (EEC) No 3368/82**of 15 December 1982****amending for the second time Regulation (EEC) No 2660/80 laying down
detailed rules for applying the premium for sheepmeat producers**

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⁾, and in
particular Article 5 (8) thereof,

Having regard to Council Regulation (EEC) No 878/77
of 26 April 1977 on the exchange rates to be applied
in Agriculture⁽³⁾, as last amended by Regulation (EEC)
No 2792/82⁽⁴⁾,

Whereas Article 7 of Commission Regulation (EEC)
No 2660/80⁽⁵⁾, as amended by Regulation (EEC) No
1237/82⁽⁶⁾, lays down the conversion rate to be
applied for payment of the premium; whereas follo-
wing the amendment to Regulation (EEC) No 1837/80
the said Article 7 should be amended so as to indicate
the conversion rate to be applied for the various
payment operations relating to the premium;

Whereas pursuant to Article 4 (2) of Council Regu-
lation (EEC) No 1134/68⁽⁷⁾ the sums due are to be paid
on the basis of the conversion rate which obtained at
the time when the transaction or part transaction was
carried out; whereas pursuant to Article 6 of the same
Regulation, the time when a transaction is carried out
is to be considered as being the date on which occurs
the event, as defined by Community rules or, in the
absence of and pending adoption of such rules, by the
rules of the Member State concerned, on which the
amount involved in the transaction becomes due and
payable; whereas, however, by virtue of Article 4 (3) of
Regulation (EEC) No 878/77, the abovementioned
provisions may be waived;

Whereas where, in accordance with Article 5 of Regu-
lation (EEC) No 1837/80, a premium is to be granted
to offset the loss of income on the part of producers,

the amount of the premium cannot be established
definitely until the end of the marketing year in ques-
tion; whereas it is therefore justified to take as the
conversion rate the representative rate in force on the
last day of the said marketing year; whereas, however,
in the case of the advance established on the basis
solely of a foreseeable loss of income, the rate adopted
should be that in force on the first day of the same
marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 of Regulation (EEC) No 2660/80 is hereby
replaced by the following:

Article 7

1. The conversion rate to be applied
 - to the estimated amount of the premium, as
referred to in the first subparagraph of Article 5
(4) of Regulation (EEC) No 1837/80, and
 - the advance referred to in Article 1 of this
Regulation

shall be the representative rate in force on the first
day of the marketing year for which the premium
is granted.

2. The conversion rate to be applied
 - to the revised amount of the premium at the
end of the marketing year, as referred to in
Article 5 (5) of Regulation (EEC) No 1837/80,
 - the balance of the premium, as referred to in
the second subparagraph of Article 1 (1) of this
Regulation,
 - the total revised amount mentioned in the
second subparagraph of Article 5 (5) of Regula-
tion (EEC) No 1837/80 in the case of a carry-
over to the following marketing year,

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 22.

⁽³⁾ OJ No L 106, 29. 4. 1977, p. 27.

⁽⁴⁾ OJ No L 295, 21. 10. 1982, p. 6.

⁽⁵⁾ OJ No L 276, 20. 10. 1980, p. 16.

⁽⁶⁾ OJ No L 143, 20. 5. 1982, p. 9.

⁽⁷⁾ OJ No L 188, 1. 8. 1968, p. 1.

- the amount of the deduction referred to in Article 3 (1) of Regulation (EEC) No 2643/80, and

shall be the representative rate in force on the last day of the marketing year in respect of which the premium is granted.

- the total amount of the balances, as referred to in the third subparagraph of Article 1 (1) of this Regulation, in the case of the payment being carried over to the following marketing year,

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, 15 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 3369/82
of 15 December 1982
fixing the aid for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1614/79 of 24 July 1979 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 1984/82 ⁽²⁾, and in particular Article 2 (5) thereof,

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1614/79 was fixed by Regulation (EEC) No 2653/82 ⁽³⁾, as last amended by Regulation (EEC) No 3217/82 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2653/82

to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The aid referred to in Article 2 of Regulation (EEC) No 1614/79 is hereby fixed at 28.694 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 December 1982.

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

Done at Brussels, 15 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 190, 28. 7. 1979, p. 8.

⁽²⁾ OJ No L 215, 23. 7. 1982, p. 7.

⁽³⁾ OJ No L 280, 2. 10. 1982, p. 11.

⁽⁴⁾ OJ No L 339, 1. 12. 1982, p. 46.

COMMISSION REGULATION (EEC) No 3370/82
of 15 December 1982
fixing the export refunds on fruit and vegetables

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 30 (4) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72
provides that, to the extent necessary to allow econom-
ically significant quantities to be exported, the dif-
ference between prices in international trade for the
products referred to in that Article and prices for the
products within the Community may be covered by an
export refund;

Whereas Article 2 of Council Regulation (EEC) No
2518/69 of 9 December 1969 laying down general
rules for the granting of refunds on exports of fruit
and vegetables and criteria for fixing their amounts⁽³⁾,
as amended by Regulation (EEC) No 2455/72⁽⁴⁾,
provides that when refunds are being fixed, account
must be taken of the existing situation and future
trends with regard to prices and availabilities of fruit
and vegetables on the Community market on the one
hand and prices in international trade on the other;
whereas account must also be taken of the costs indi-
cated in (b) of that Article and of the economic aspects
of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC)
No 2518/69, when prices on the Community market
are being determined account must be taken of the
prices which are most favourable from the exportation
point of view; whereas, when prices in international
trade are being determined, the quotations and prices
referred to in paragraph 2 of that Article must be
taken into account;

Whereas the situation with regard to international
trade or the specific requirements of certain markets
may make it necessary to vary the refund for a given
product according to the destination of that product;

Whereas tomatoes, sweet fresh oranges, fresh manda-
rins, fresh lemons and apples of the common quality
standards 'Extra' Class, Class I and Class II, 'Extra'
Class and Class I hothouse grapes and open ground
grapes, almonds and hazelnuts, and unshelled walnuts
may at present be exported in economically significant
quantities;

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

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

Whereas it follows from applying these detailed rules
to the present market situation and to its future trends,
and in particular to quotations and prices for fruit and
vegetables in the Community and in international
trade that the refunds should be as set out in the
Annex hereto;

Whereas the obligations under Article 10 (1) (b) 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⁽⁵⁾, as last amended by Regulation
(EEC) No 202/82⁽⁶⁾, may be relaxed in the case of
exports to non-member countries outside Europe;
whereas, in such a case, Article 23 (1) (c) of Regulation
(EEC) No 2730/79 may be applied;

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 1.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁶⁾ OJ No L 21, 29. 1. 1982, p. 23.

HAS ADOPTED THIS REGULATION :

table grapes of open ground, walnuts in shell, almonds, hazelnuts and apples as set out in the Annex hereto.

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.

Article 2

2. The provisions of Articles 10 (1) (b) and 23 (1) (c) of Commission Regulation (EEC) No 2730/79 shall apply to exports of sweet oranges, mandarins, lemons,

This Regulation shall enter into force on 16 December 1982.

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

Done at Brussels, 15 December 1982.

For the Commission

Poul DALSAER

Member of the Commission

ANNEX

to the Commission Regulation of 15 December 1982 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)		
CCT heading No	Description	Refund
ex 07.01 M	Tomatoes ('Extra' Class, Class I and Class II)	4.50
ex 08.02 A I	Sweet fresh oranges : — For export of varieties Biondo comune and Sanguigno comune ('Extra' Class, Class I and Class II) to : — Countries or States with a planned economy in central or eastern Europe — Other destinations — For export of other varieties ('Extra' Class, Class I and Class II) to : — Countries or States with a planned economy in central or eastern Europe — Other destinations	8.00 5.32 14.50 9.67
ex 08.02 B	Fresh mandarins ('Extra' Class, Class I and Class II)	7.25
ex 08.02 C	Fresh lemons ('Extra' Class, Class I and Class II) For export to : — Countries or States with a planned economy in central or eastern Europe — Other destinations	12.00 4.23
ex 08.04 A I	Table grapes : — Fresh, open ground ('Extra' Class and Class I) — Fresh, hothouse ('Extra' Class and Class I)	7.00 19.34
ex 08.05 A II	Shelled almonds, other than bitter almonds	20.00
ex 08.05 B	Unshelled walnuts	14.00
ex 08.05 G	Unshelled hazelnuts	15.00
ex 08.05 G	Shelled hazelnuts	30.00
ex 08.06 A II	Apples ('Extra' Class, Class I and Class II) other than cider apples : For export to : — Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Jibuti, the countries of the Arabian peninsula ⁽¹⁾ , Iran, Iraq, Jordan and Finland — Indonesia, Malaysia, Singapore and Hong Kong — Countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central and eastern Europe, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Iceland, Norway, Sweden, Austria and the Faroe Islands	12.00 12.00 4.00

⁽¹⁾ For the purpose of this Regulation the 'countries of the Arabian peninsula' are considered to be the following, including the territories attached thereto : Saudi Arabia, Bahrain, Qatar, Kuwait, the Sultanate of Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qawain, Fujairah, Ras Al Khaimah), Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen).

COMMISSION REGULATION (EEC) No 3371/82**of 15 December 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 3287/82⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3287/82 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 Regulation (EEC) No 3287/82, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 1982.

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

Done at Brussels, 15 December 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 348, 8. 12. 1982, p. 28.

ANNEX

to the Commission Regulation of 15 December 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	32.68	
	(b) Other	33.26	
	(II) Flavoured or coloured sugar		0.3268
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	30.07 ⁽¹⁾	
	(b) Other raw sugar	30.60 ⁽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 3372/82
of 15 December 1982**

**fixing the maximum export refund for raw sugar for the 16th partial invitation
to tender issued within the framework of the principal standing invitation to
tender provided for in Regulation (EEC) No 2013/82**

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 first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2013/82
of 20 July 1982 on a principal standing invitation to
tender in order to determine levies and/or refunds on
exports of raw sugar ⁽³⁾, requires partial invitations to
tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC)
No 2013/82, a maximum export refund shall be fixed,
as the case may be, account being taken in particular
of the state and foreseeable development of the
Community and world markets in sugar, for the partial
invitation to tender in question;

Whereas, following an examination of the tenders
submitted in response to the 16th partial invitation to

tender, the provisions set out in Article 1 should be
adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 16th partial invitation to tender for raw sugar issued under Regulation (EEC) No 2013/82 is hereby fixed at 32.520 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 December 1982.

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

Done at Brussels, 15 December 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 216, 24. 7. 1982, p. 10.

COMMISSION REGULATION (EEC) No 3373/82**of 15 December 1982****fixing the maximum export refund for the 21st partial invitation to tender for white sugar issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2014/82**

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 first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2014/82 of 20 July 1982 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2014/82, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 21st partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 21st partial invitation to tender for white sugar issued under Regulation (EEC) No 2014/82 is hereby fixed at 35.348 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 December 1982.

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

Done at Brussels, 15 December 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 216, 24. 7. 1982, p. 15.

COMMISSION REGULATION (EEC) No 3374/82

of 15 December 1982

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 3169/82⁽⁷⁾, as last amended by Regulation (EEC) No 3339/82⁽⁸⁾;

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 14 December 1982;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3.02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽⁹⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75⁽¹⁰⁾ as last amended by Regulation (EEC) No 1459/82⁽¹¹⁾ as fixed in the Annex to amended Regulation (EEC) No 3169/82 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 1982.

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

Done at Brussels, 15 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

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

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 332, 27. 11. 1982, p. 11.

⁽⁸⁾ OJ No L 352, 14. 12. 1982, p. 19.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 164, 14. 6. 1982, p. 22.

ANNEX

to the Commission Regulation of 15 December 1982 altering the import levies on products processed from cereals and rice

CCT heading No	<i>(ECU/tonne)</i> Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 F ⁽²⁾	85.53	82.51
11.02 A VI ⁽²⁾	85.53	82.51
11.02 E II d) 1 ⁽²⁾	146.15	140.11
11.02 F VI ⁽²⁾	85.53	82.51
11.08 A II	114.31	83.48

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

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

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

COMMISSION REGULATION (EEC) No 3375/82
of 15 December 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 3309/82 ⁽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 16 December
1982.

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

Done at Brussels, 15 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 223, 31. 7. 1982, p. 50.

⁽⁴⁾ OJ No L 350, 10. 12. 1982, p. 19.

ANNEX

to the Commission Regulation of 15 December 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	24.410
ex 12.01	Sunflower seed	32.021

(ECU/100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		December 1982	January 1983	February 1983	March 1983	April 1983	May 1983
ex 12.01	Colza and rape seed	24.410	24.783	24.921	25.315	25.346	25.351
ex 12.01	Sunflower seed	32.021	32.242	32.824	32.725	32.263	—

COMMISSION REGULATION (EEC) No 3376/82
of 15 December 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 3375/82⁽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 16 December 1982.

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

Done at Brussels, 15 December 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 24 of this Official Journal

ANNEX

to the Commission Regulation of 15 December 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	23.952
ex 12.01	Sunflower seed	24.168

(ECU/100 kg)⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		December 1982	January 1983	February 1983	March 1983	April 1983	May 1983
ex 12.01	Colza and rape seed	23.952	24.072	24.427	24.526	24.988	24.983
ex 12.01	Sunflower seed	24.168	24.530	24.531	24.630	25.092	—

⁽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 = £	0.580902
1 ECU = Lit	1 337.69
1 ECU = Dr	66.5070

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 December 1982

relating to a proceeding under Article 85 of the EEC Treaty (IV/30.070 — National Panasonic)

(Only the English text is authentic)

(82/853/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Articles 3 and 15 thereof,

Having regard to the investigations carried out on 27 June 1979 in accordance with the Commission Decision of 22 June 1979 at the premises of National Panasonic (UK) Ltd.

Having regard to the Commission Decision of 26 April 1982 to initiate proceedings,

Having regard to the written reply to the statement of objections received on 6 June 1982 in accordance with Articles 2 and 3 of Regulation No 17,

Having regard to the opinion delivered by the Advisory Committee on Restrictive Practices and Dominant Positions on 22 September 1982 in accordance with Article 10 of Regulation No 17,

Whereas :

I. THE FACTS

A. The nature of the proceeding

- (1) This proceeding is directed at the export prohibition imposed by National Panasonic (UK) Ltd,

on one of its authorized dealers in the United Kingdom.

B. The undertakings

(a) *Matsushita Electric Industrial Company Ltd (MEI) of Japan*

- (2) MEI is a leading Japanese manufacturer of a wide variety of products, including consumer electronic products, with a total turnover in 1980 exceeding \$ 13 500 million. MEI has 39 overseas manufacturing subsidiaries and associated companies.

(b) *Matsushita Electric Trading Company Ltd (MET) of Japan*

- (3) MET is a majority owned subsidiary of MEI which operates the export and import division of the Matsushita Group. MET has 32 marketing subsidiaries and associated companies outside Japan. MET's sales outside Japan for 1980 amounted to \$ 3 610.9 million of which⁽²⁾ was realized from the sale of consumer electronic products in the EEC.

(c) *National Panasonic (UK) Ltd (NPUK)*

- (4) NPUK is the wholly owned marketing company of MET responsible for the import of MET consumer products in the United Kingdom and their distribution to dealers. In the year ending

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

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

September 1980 NPUK's turnover was £ 62 808 566, and sales of hi-fi equipment accounted for

- (5) Although no written agreements exist between NPUK and its dealers, it nevertheless operates a network of authorized dealers throughout the United Kingdom, and each dealer has to comply with certain criteria to be allowed into the network. Details of this were supplied in a statement of facts given to the Commission on 11 February 1982 by NPUK. Moreover these conditions were frequently referred to during regular visits to dealers by representatives of NPUK.

(d) *Audiotronic Holdings Ltd (Audiotronics)*

- (6) Audiotronics was, between 1976 and 1978, a large distribution group of hi-fi and similar products in the United Kingdom with whole saling retailing, importing and exporting interests. In the United Kingdom it owned a chain of retail shops, which traded under the name of Laskys. In Belgium and the Netherlands it owned a similar chain of shops trading under the name of Allwave. In France it was also involved in the running of another chain of shops trading under the name of King-Musique. The turnover for the whole group in 1976 was nearly £ 22 million of which more than £ 3 million was produced from exports from the United Kingdom. In 1977 its turnover was £ 36 344 000 of which more than £ 4 million was produced from exports, and in 1978 its total turnover was more than £ 30 million of which over £ 3 million was produced from exports.

C. The products

- (7) MEI manufactures and MET distributes a wide variety of products including consumer electronic equipment, home appliances, communication measuring and business equipment, semiconductors, tubes and lighting equipment, industrial equipment and batteries.
- (8) As part of its range of consumer electronic products, MEI manufactures both video and audio equipment for home entertainment under the trade names 'National', 'Panasonic' and 'Technics'.
- (9) This case is concerned with hi-fi and similar audio equipment which forms the upper range of the audio products supplied by MEI and sold mostly under the 'Technics' brand. 'Hi-fi' implies high fidelity in sound reproduction

which can be measured according to various standards. Although the term is imprecise and is not consistently used by all manufacturers, it is used to describe the best and most expensive products in any manufacturer's range which were, between 1976 and 1978, usually supplied in systems form consisting of separate components such as amplifier, tuner, cassette deck, record player and loudspeakers.

D. Distribution and sales of MET products within the EEC

- (10) MET has two manufacturing companies and 10 marketing companies within the EEC including one associated company. In most Member States import and distribution is handled exclusively by one of these marketing companies but, in the Netherlands, notably, this business is carried out by an independent company. MET has no central organization for marketing in the EEC and it supplies each marketing company and independent distributor directly.
- (11) Details of total revenues for sales of consumer electronic products supplied by MET in 1976, 1978 and 1980 to its main distributors in the EEC are set out below as are the amounts of those totals realized from the sale of hi-fi equipment sold under the 'Technics' trade name. These countries cover the most important market in hi-fi equipment.

(a) *Total revenues from sales of consumer electronics products supplied by MET (million ECU)*

	B	F	D	NL	UK
1976					
1977					
1978					
1979					
1980					

(b) *Revenues from sales of hi-fi equipment (sold under the 'Technics' trade name) (million ECU)*

1976
1977
1978
1979
1980

NB: The turnover in products described as, or which might be regarded as equivalent to, hi-fi equipment sold under other MET trade names are not included in (b) above.

- (12) According to the estimates available total wholesale revenues from the sale of all products which are defined as hi-fi equipment in the EEC amounted to 675 million ECU in 1976 and to 737 million ECU in 1978.

E. Price differentials in the EEC

- (13) Throughout the relevant period prices of the products concerned were lower in the United Kingdom than in France, Germany, the Netherlands and Belgium.
- (14) From March 1976 to the end of that year, prices of all relevant products to large and small dealers were lower in the UK. The price difference varied from a minimum 11 % for certain ranges to 41 % for others.
- (15) In 1977, there were average price differences to large and small dealers making prices lower in the United Kingdom than they were in Germany and the Netherlands by up to 22 %. Although these price differences did not occur between the United Kingdom and France during this period, there was an average price difference of 21 % between the United Kingdom and Belgium from April to September 1977.
- (16) In 1978 although not all prices for relevant products were lower in the United Kingdom than in France, Belgium, Germany and the Netherlands, price differences did exist for certain models making some products 30 to 35 % cheaper in the United Kingdom.

F. Export of MET hi-fi products from the United Kingdom

- (17) Between at least 1976 and 1978, the conditions under which MET hi-fi products were marketed in the five Member States referred to above were conducive to the re-export of these products from the United Kingdom to the other Member States concerned and other countries in Europe. At least one of NPUK's authorized dealers, Audiotronics, was exporting commercial quantities of MET hi-fi products to other countries in Europe including Belgium, Germany and the Netherlands. Audiotronics' total exports

of audio products for all products, including MET hi-fi equipment, amounted to £ 3 million in 1976. In 1977 the total exports of Audiotronics amounted to £ 4.656 million and in 1978 to £ 3.117 million. While in 1976 Audiotronics exported MET hi-fi products to the value of £ 17 024, and in 1977 to the value of £ 406, it exported MET hi-fi products to the value of £ 52 159 in 1978.

- (18) During the course of a visit by officials of the Commission in 1977 to the business premises of Audiotronics, the Commission obtained copies of documents indicating that Audiotronics had been prevented by NPUK from re-exporting MET hi-fi products to other Member States.

G. The Commission investigation

- (19) On 27 June 1979, in accordance with a Decision adopted on 22 June 1979, the Commission carried out an investigation at the business premises of NPUK at which the available business records were examined and copies of a number of documents were obtained.
- (20) These documents indicated that NPUK was operating a marketing policy which imposed on its authorized dealers a number of restrictions including a prohibition on exports to other Member States.
- (21) On 24 August 1979 NPUK applied to the Court of Justice for the annulment of the Decision of 22 June 1979 and for the return or destruction of all documents taken or notes made by the officials of the Commission at the time of the investigation on 29 June 1979 and for an undertaking from the Commission not to make further use of such documents or notes.
- (22) On 24 June 1980 the Court of Justice dismissed the application of NPUK as unfounded.

H. The findings of the Commission's investigations

(a) NPUK and Audiotronics

- (23) The visit to Audiotronics in 1977 disclosed that on 8 September 1976 its managing director had sent an internal memorandum to the export department of the company stating that he had agreed, with immediate effect, not to export trade quantities of Technics and National products to Europe other than to Allwave shops.

- (24) On 20 September 1976, in response to an enquiry from Euro Electric of Brussels, a wholesale importer of electric and electronic goods for resale throughout the EEC, Audiotronics replied that 'owing to manufacturer's agency agreement we are no longer able to export Technics equipment'.
- (25) Audiotronics stopped exporting Technics or other MET products to independent dealers in about September 1976 and made almost no exports throughout 1977.
- (26) NPUK claimed in its reply to the statement of objections that this was due to a shortage of supplies of Technics equipment from Japan but this claim is not supported by the facts.
- (27) Audiotronics' sales figures show that it started exporting in 1978 in much larger quantities than in 1976. Documents obtained at the time of the Commission's inspection also show that NPUK knew that Audiotronics had recommenced its exports of Technics products.
- (28) It would appear that NPUK had contacted at that time the buyer at Audiotronics' group headquarters, not only concerning re-exports but also regarding the supply of an unauthorized dealer, Audio Marketing Ltd, which traded under the name of Sarays and was well known for its discounting practices. In response, the Managing Director of Audiotronics, wrote to the Managing Director of NPUK on 2 May 1978 to apologize for 'incidents' having occurred with dealers, and stating that firm instructions had been issued to ensure that Audiotronics would no longer re-export Technics products.
- (29) The Managing Director of NPUK acknowledged this letter on 3 May 1978 and accepted Audiotronics apologies stating his satisfaction at receiving its assurances in this matter. On the copy of this letter discovered at the premises of NPUK there was a manuscript note which indicated that the letter from Audiotronics was sent at the request of NPUK.
- (30) An internal memorandum was issued by NPUK on 11 May 1978 setting out instructions to find out which dealers were selling goods on the continent at discounted prices and stating that Audiotronics is to be kept 'under surveillance'. Such exporters are referred to under the heading of 'Pirate exporting from UK to Europe'.
- (31) Shortly after this, Audiotronics ceased all parallel exports to other Member States except for small quantities dispatched for Italy and Ireland.
- (32) By the end of 1978 Audiotronics had closed its export department and ceased effectively to export any hi-fi or similar products to other Member States.
- (b) *Export of MET products by other dealers*
- (33) The Commission obtained additional evidence that another dealer, Audio Marketing of London, exported small quantities of Technics material in 1977. As a result this firm received visits from representatives of NPUK who 'warned us of the outcome if we exported any goods to the EEC countries. All four gentlemen made it quite clear that if such information came to light, all supplies for the products would cease from their company'.
- (34) Similarly, the Commission was informed that another dealer, Radford of Bristol, exported Technics equipment to Belgium, Germany and the Netherlands from 1976 to 1979 and were told in 1976/77 by their local Technics representative not to export Technics equipment overseas.
- (35) In their answer to the Statement of objections, NPUK have included statements denying that these approaches were made by the representatives concerned.
- (36) However, the import/export manager of NPUK issued a memorandum on 16 January 1978 requesting that a number of dealers, including Audio Marketing should be 'kept under surveillance for possible exporting to Europe'.
- (37) On 18 January 1978, the import/export manager of NPUK issued a further memorandum which, although referring to exports to Austria, further set out rules to prevent exports by dealers from taking place. This memorandum is headed 'Black market export from UK to Europe'. It contains a list of 'suspect dealers' which include both Radford and Audio Marketing.
- (38) The import/export manager of NPUK's internal memorandum of 11 May 1978 also mentions both Radford and Audio Marketing amongst other dealers as being one of the dealers 'to be kept under surveillance' in this matter.
- (39) At a meeting of NPUK management on 27 June 1978 the minutes record that, for Technics

products, 'the prevention of pirate accounts, discounting and re-export still continuing'.

I. The imposition of a 'code of conduct' by MET

- (40) In September 1981, Matsushita (MET) informed the Commission that it had taken urgent steps to regulate its policies in the EEC in an effort to ensure that such policies would comply with the provisions of the EEC Treaty and would be implemented by all its subsidiaries in the EEC.

Following a complete review of its marketing and distribution policies MET accordingly prepared a 'code of conduct' to be implemented at senior management level. The new rules provide for a Community wide guarantee system and a compliance programme for distribution of MET products in strict conformity with EEC rules on competition.

II. LEGAL ASSESSMENT

A. The applicability of Article 85 (1) of the EEC Treaty

- (41) Article 85 (1) of the EEC Treaty prohibits, as incompatible with the common market, all agreements between undertakings which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market.

(a) The undertakings

- (42) National Panasonic (UK) Ltd and Audiotronics Holdings Ltd are both undertakings within the meaning of Article 85 (1) of the Treaty.

(b) The agreement

- (43) Notwithstanding the absence of any formal written agreements signed by the parties, a relationship nevertheless existed between NPUK and its dealers in the United Kingdom under which the terms and conditions of supply were clearly understood. NPUK does not contest the existence of such agreement, and has furnished evidence of this in the form of a description of the criteria upon which dealers were appointed.
- (44) The arrangement, therefore, under which NPUK supplied each of its dealers in the United Kingdom, and in particular Audiotronics, constituted in each case, notwithstanding its lack of formality, an agreement within the meaning of Article 85 (1) of the Treaty.

- (45) The existence of an export prohibition as part of that agreement is made clear by the evidence found by the Commission. Audiotronics' internal memorandum of 8 September 1976 states that an agreement had been reached not to export trade quantities of Technics and National products to Europe other than to Allwave shops. Likewise, agreement between the parties is shown by the wording of Audiotronics' telex to Euro Electric on 20 September 1976.

- (46) Moreover, the exchange of correspondence between NPUK and Audiotronics in 1978 demonstrates that the two companies had reached an agreement on the export situation.

- (47) This evidence demonstrates that NPUK was seeking to implement an agreement with Audiotronics notwithstanding the fact that the arrangement relating to export prohibitions did not form part of a written agreement.

(c) The restrictions on competition

- (48) An export prohibition, even if it is imposed after the event on a dealer with the manufacturer or the distributor previously thought unlikely to export and in order to prevent further exports from being carried out, nevertheless has as its object and effect a restriction of competition within the common market. Its object is to prevent dealers and their subsequent purchasers in other Member States from reselling the products in question and thus from competing with other established dealers. In that such a prohibition also limits the area within which such products may be offered for resale, it has the effect also of tending to isolate that part of the market and thereby to create divisions in the common market. Such artificial partitioning of the common market hinders the establishment of a single market among Member States which is a fundamental objective of the EEC Treaty.

- (49) The Commission is satisfied that NPUK as part of its overall policy towards dealers did impose upon Audiotronics in 1976 and 1978 a prohibition on the export of MET hi-fi products which NPUK had supplied to Audiotronics for resale. The memorandum issued by Audiotronics in 1976 clearly demonstrates that it had agreed that Audiotronics should stop re-exporting in 1976, and this is further confirmed by Audiotronics' telex to Euro Electric.

- (50) The effectiveness of the export ban at that time is further demonstrated by the fact that Audiotronics had to turn down orders from dealers abroad during 1976, and in fact almost entirely ceased exporting Technics equipment throughout 1977. No evidence is shown that such exports were to any extent prevented

because of a shortage of supplies from Japan and indeed when Audiotronics did recommence exports in 1978, NPUK intervened to prevent this from happening again.

(51) This is shown by the conduct of NPUK in 1978 as recorded by the internal documents which were discovered and by the exchange of letters between Audiotronics and NPUK in June 1978.

(52) Furthermore, the fact that NPUK did intend to prevent Audiotronics from exporting Technics products to other Member States is supported by the evidence that NPUK had a number of dealers under surveillance and was clearly prepared to go to great lengths to prevent any dealer from exporting MET hi-fi to other Member States. Such an embargo on exports is clearly an appreciable restriction of competition. NPUK's internal documents indeed use such terms as 'pirate exporting' and 'black market export from UK to Europe' in respect of the exports of such dealer.

(53) This prohibition on exports was motivated by trade price differences during the relevant period which made it attractive for parallel importers to seek supplies in the United Kingdom at low prices.

(54) Therefore, the export ban enabled NPUK to protect its authorized dealers from outside competition, but also ensured the dealers a secure margin on sales.

(d) *The effect on trade between Member States*

(55) An export prohibition, by its very nature, is liable to affect trade between Member States. By imposing such a prohibition NPUK prevented trade from developing between the United Kingdom and other Member States in a manner which would otherwise undoubtedly have taken place having regard to the opportunities which existed for such business. Trade prices were lower in the United Kingdom than in other EEC Member States during the relevant period either as a whole in 1976 or for certain items and under certain conditions in 1977 and 1978. Moreover, Audiotronics felt that there was a considerable market for exports since, despite NPUK's behaviour in 1976, it resumed exporting in 1978. Dealers' interest in exporting is further demonstrated by the fact that other

United Kingdom dealers were exporting MET hi-fi equipment at that time

(56) The restriction therefore had an appreciable effect not only on actual trade but also on the trade which might have taken place if the prohibition had not been imposed.

B. Inapplicability of Article 85 (3)

(57) Article 85 (3) of the Treaty provides that the provisions of Article 85 (1) may be declared inapplicable in the case of any agreement which contributes to improving the production or distribution of goods, or to promoting technical or economic progress while allowing consumers a fair share of the resulting benefit, and which does not :

(a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives ;

(b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

(58) For the benefit of exemption under Article 85 (3) to apply, however, such an agreement must first have been notified to the Commission in accordance with the provisions of either Articles 4 (1) or 5 (1) of Regulation No 17, except where the requirement to make such notification is removed by the terms of Articles 4 (2) or 5 (2) of that Regulation, which do not cover prohibition on export. The agreement in question, however, was not notified to the Commission.

(59) Even if the agreement had been notified to the Commission, exemption would still be unavailable as the requirements of Article 85 (3) are not satisfied. An express prohibition on export cannot afford any of the advantages which would objectively justify such a restriction on competition

C. Article 15 (2) of Regulation No 17

(60) Under Article 15 (2) of Regulation No 17, the Commission may impose fines of from one thousand to one million units of account, or a sum in excess thereof, but not exceeding 10 % of the turnover in the preceeding business year of each of the undertakings participating in the

- infringement where, either intentionally or negligently, they infringe Article 85 (1) of the Treaty. In fixing the fine, regard shall be had both to the gravity and to the duration of the infringement.
- (61) On the facts of the case, the Commission is of the opinion that the imposition of fines is justified in respect of the prohibition on exports imposed by NPUK as a condition for the supply of MET products to dealers.
- (62) The Commission considers that NPUK deliberately infringed Article 85 (1) by imposing an export prohibition on Audiotronics in 1976 and again in 1978. It was aware of the difficulty of protecting its dealers while parallel exports were taking place and wanted to curtail such adverse effects.
- (63) NPUK should have been aware that such a prohibition is a serious infringement of the Treaty.
- (64) With regard to the duration of the infringement, as it relates to Audiotronics, the Commission is satisfied that the prohibition extended from at least September 1976 to the end of 1978 when Audiotronics ceased exporting hi-fi products.
- (65) With regard to the gravity of the infringement the Commission must, in assessing the amount of the fine to be imposed, take account of the deliberate nature of NPUK's conduct towards Audiotronics and the action it was prepared to take to trace dealers which transgressed its policy and the sanctions it was prepared to use against such dealers to enforce such policy. In that the prohibition on export was imposed in the first instance to assist other distributors of MET products, NPUK must have been aware that one of the results of its policy would be the fragmentation of the common market as it related to at least MET hi-fi products. The conduct of NPUK was deliberately intended to prevent intrabrand competition within a major part of the common market and the effects that such competition was likely to have on the level of prices for such products. The price differences at the time of the infringement made it attractive for parallel exports to take place and NPUK was perfectly well aware of the fact that had they not intervened, Audiotronics might well have continued exporting MET products.
- (66) The Commission considers that such deliberate conduct designed to frustrate the aim of establishing a common market for the products in question justifies the imposition of a substantial fine.
- (67) Regard must, however, also be taken of the fact that MET has taken urgent steps to regulate the overall marketing policies of its subsidiaries in the EEC. In consultation with the Commission, MET has adjusted its guarantees so that consumers may have their purchases serviced throughout the Community irrespective of where in the common market such purchases were made. MET has also conducted an audit of its legal practices in the Community and has issued codes of conduct to all its subsidiaries in the EEC which have the authority of the parent company.
- (68) This constructive attitude adopted by the management of MET since at least September 1981, has been taken into account in assessing the amount of the fine. The undertakings concerned have adopted a comprehensive practical detailed and carefully considered antitrust compliance programme, with appropriate legal advice.
- Such action must be considered a positive step which contributes to an awareness at all levels of the group of the daily impact of competition policy. It tends to ensure that senior management is in a position to control the behaviour of the whole group in the market place and thereby to establish effective internal rules for the compliance with EEC competition law.
- (69) In taking this action of MET into account, therefore, the further examination of the grounds for imposing a fine in the amount which would otherwise have been justified has not been made.
- HAS ADOPTED THIS DECISION:
- Article 1*
- The agreement between National Panasonic (UK) Ltd and Audiotronic Holdings Ltd consisting in the prevention from September 1976 until the end of 1978 of exports of Technics equipment out of the United Kingdom, was an infringement of Article 85 (1) of the Treaty establishing the European Economic Community.
- Article 2*
- A fine of 450 000 ECU (£ 263 790) is hereby imposed on National Panasonic (UK) Ltd.
- This fine shall be paid into Lloyd's Bank Ltd, Overseas Department, PO Box 19, 6 East Cheap, UK-London

EC P3AB, account No 1086341, in the name of the Commission of the European Communities within three months from the date of notification of this Decision to National Panasonic (UK) Ltd.

Article 3

This Decision shall be enforceable, in accordance with Article 192 of the Treaty establishing the European Economic Community.

Article 4

This Decision is addressed to:

National Panasonic (UK) Ltd, 300/318 Bath Road,
UK-Slough SL1 6JB, Berkshire.

Done at Brussels, 7 December 1982.

For the Commission

Frans ANDRIESSEN

Member of the Commission

CORRIGENDA

**Corrigendum to Council Regulation (EEC) No 3166/82 of 22 November 1982 amending
Regulation (EEC) No 103/76 laying down common marketing standards for certain fresh or
chilled fish**

(Official Journal of the European Communities No L 332 of 27 November 1982)

Page 6, third column of first block entry, column heading :

for: 'Cod',

read: 'Haddock'.
