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Contents

I *Acts whose publication is obligatory*

- ★**Council Regulation (EEC) No 31/83 of 21 December 1982 on an interim common measure for restructuring the inshore fishing industry and aquaculture 1**
- Commission Regulation (EEC) No 32/83 of 6 January 1983 fixing the import levies on cereals and on wheat or rye flour, groats and meal 5
- Commission Regulation (EEC) No 33/83 of 6 January 1983 fixing the premiums to be added to the import levies on cereals, flour and malt 7
- Commission Regulation (EEC) No 34/83 of 6 January 1983 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 9
- ★**Commission Regulation (EEC) No 35/83 of 6 January 1983 adding other products to the Annex to Council Regulation (EEC) No 1766/82 on common rules for imports from the People's Republic of China 12**
- ★**Commission Regulation (EEC) No 36/83 of 6 January 1983 amending for the second time Regulation (EEC) No 2457/82 laying down, for the 1982/83 wine-growing year, provisions concerning the distillation of the by-products of wine-making 14**
- Commission Regulation (EEC) No 37/83 of 6 January 1983 fixing the amount of the subsidy on oil seeds 16
- Commission Regulation (EEC) No 38/83 of 6 January 1983 fixing the world market price for colza, rape and sunflower seed 18
- Commission Regulation (EEC) No 39/83 of 6 January 1983 altering the export refunds on oil seeds 20

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 40/83 of 6 January 1983 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	22
Commission Regulation (EEC) No 41/83 of 6 January 1983 fixing the export refunds on malt	26
*Information concerning the date of entry into force of the Transitional Protocol between the European Economic Community and the Portuguese Republic	28

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 31/83**of 21 December 1982****on an interim common measure for restructuring the inshore fishing industry and aquaculture**

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⁾,

Whereas Article 9 (2) of Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry ⁽³⁾ provides that common measures may be decided upon for the attainment of the objectives mentioned in paragraph 1 of that Article in so far as they relate to the objectives set out in Article 39 (1) (a) of the Treaty; whereas these common measures may be financed by the Guidance Section of the European Agricultural Guidance and Guarantee Fund, hereinafter referred to as 'the Fund', under Article 1 (3) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 3509/80 ⁽⁵⁾;

Whereas action to restructure inshore fishing is necessary in order to promote the rational use of the available resources and the best use of production factors and to ensure an equitable standard of living for those who depend on fishing for their livelihood; whereas, for this purpose, the Commission proposed to the Council a common measure to restructure, modernize and develop the fishing industry and develop aquacul-

ture ⁽⁶⁾; whereas this proposal has not yet been approved by the Council;

Whereas Council Regulation (EEC) No 1852/78 of 25 July 1978 on an interim common measure for restructuring the inshore fishing industry ⁽⁷⁾, as last amended by Regulation (EEC) No 2992/81 ⁽⁸⁾, has ensured the financing by the Fund, until 31 December 1981, of investment projects designed to develop inshore fishing or aquaculture; whereas this measure was intended, first and foremost, to help regions experiencing particular difficulties in developing production structures in the sectors in question;

Whereas, pending a decision on the structural measures to be implemented as a whole as part of a common fisheries policy, such a measure should be continued under the year 1982;

Whereas a contribution from the Fund in the form of a capital subsidy not exceeding 25 % of the total investment represents an appropriate participation in the realization thereof;

Whereas some regions of the Community find themselves at a disadvantage from the point of view of income and under-employment both in the fishing industry and elsewhere; whereas structural development measures in these regions should be strengthened;

Whereas time limits should be laid down for submission of aid applications to the Commission;

Whereas aid applications submitted for the first time under Regulation (EEC) No 1852/78 and not aided from the Fund for lack of available appropriations should be entertained under this Regulation;

⁽¹⁾ OJ No C 166, 3. 7. 1982, p. 4.

⁽²⁾ OJ No C 238, 13. 9. 1982, p. 81.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 19.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 367, 31. 12. 1980, p. 87.

⁽⁶⁾ OJ No C 243, 22. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 211, 1. 8. 1978, p. 30.

⁽⁸⁾ OJ No L 299, 20. 10. 1981, p. 24.

Whereas, in order to ensure that beneficiaries observe the conditions laid down when aid is granted from the Fund, an effective control procedure should be provided for together with the possibility of suspending, reducing or discontinuing aid from the Fund,

2. In order to qualify for aid from the Fund, the aquaculture projects referred to in Article 2 (b) must involve the breeding or rearing of fish, crustaceans or molluscs for commercial purposes.

HAS ADOPTED THIS REGULATION:

TITLE I

Provisions concerning the projects

Article 1

1. The Fund may participate, under the year 1982 in the financing of investment projects for:

- the development of inshore fishing in regions where fishing potential makes this possible,
- the development of aquaculture in regions which are particularly suited to this activity.

2. The measures provided for by this Regulation shall constitute common measures within the meaning of Article 6 (1) of Regulation (EEC) No 729/70.

Article 2

For the purposes of this Regulation 'project' means any investment project for:

- (a) the purchase or construction of new fishing vessels and the modernization or conversion of one or more existing fishing vessels;
- (b) the construction, equipping or modernization of establishments for rearing fish, crustaceans and molluscs in salt or brackish water.

Article 3

1. In order to qualify for assistance from the Fund, the projects referred to in Article 2 (a) should involve fishing vessels of between 12 and 24 metres in length, measured between perpendiculars. This minimum limit may be reduced from 12 metres to six metres for vessels fishing otherwise than by trawl or purse seine and operated by persons whose main activity is fishing.

In addition, the modernization or conversion work on existing fishing vessels referred to in Article 2 (a) must be carried out on a large scale for the purpose of rationalizing fishing operations, better preserving catches or saving energy and total a minimum of 65 000 ECU per project.

Article 4

1. The projects shall provide an adequate guarantee of profitability and contribute to a lasting economic improvement in the structures of the industry in question.

2. Priority for support from the Fund shall be given to projects which bring benefit to regions which have particular difficulties in developing satisfactory production structures and which also fulfil one or more of the following criteria:

- they are consistent with a rational production policy and serve to improve the market supply situation,
- they permit a diversification of fishing activity, in particular through the use of several methods of fishing in keeping with the resources available in the fishing zones concerned,
- contribute to the adaptation of existing fishing capacity in relation to the requirements for the conservation of marine biological resources,
- they improve employment prospects in the inshore fishing industry or in aquaculture,
- they improve the working conditions and, in particular, the safety of the workers concerned.

Article 5

The Member State concerned shall submit to the Commission a document confirming for each project

(a) for fishing vessels:

- that a possible production increase is compatible with the real potential catch,
- that the person operating the vessel in question has sufficient training to make the best use of the vessel's gear;

(b) for aquaculture:

- that the species to which the projects relate have already been bred commercially.

Article 6

1. Aid from the Fund shall consist of a capital subsidy paid in one or more instalments.

2. For each project:

- (a) the beneficiary must finance at least 50 % of the total investment;

- (b) the Member State must finance at least 5 % of the total investment ;
- (c) the subsidy granted by the Fund shall not exceed 25 % of the total investment.

3. By way of derogation from paragraph 2, in Greece, Greenland, Ireland, Northern Ireland, in Italy in the Mezzogiorno and the French overseas departments :

- (a) the beneficiary shall finance at least 25 % of the total investment ;
- (b) the Member States shall finance at least 5 % of the total investment ;
- (c) the subsidy granted by the Fund shall not exceed 50 % of the total investment.

TITLE II

General and financial provisions

Article 7

The estimated total cost to the Fund of the common measure is 30 million ECU. This figure shall be referred to for guidance only.

Article 8

1. Applications for aid from the Fund shall be submitted to the Commission before 1 February 1983. The Commission shall take a decision by 31 July 1983.
2. Applications for aid from the Fund shall be made through the Member State concerned and shall have been approved by the said Member State.
3. Applications for aid first submitted under Regulation (EEC) No 1852/78 which could not, owing to lack of available appropriations, receive aid from the Fund, may be taken into consideration under this Regulation and the conditions laid down herein.

Article 9

1. A decision shall be taken on aid from the Fund in accordance with the procedure laid down in Article 12, after the Fund Committee has been consulted on the financial aspects.
2. The decision on aid shall be notified to the Member State concerned and to the beneficiaries.

Article 10

1. Aid from the Fund shall be granted to natural or legal persons or groups thereof bearing the ultimate financial responsibility for the project.

Payments in respect of aid from the Fund shall be made by agencies designated for this purpose by the Member State concerned.

2. The department or agency designated for this purpose by the Member State shall send to the Commission on request all supporting documents and all documents showing that the financial or other conditions imposed for each project are fulfilled. The Commission may, if necessary, make inspection visits.

After consulting the Fund Committee on the financial aspects, the Commission may decide to suspend, reduce or discontinue aid from the Fund, in accordance with the procedure laid down in Article 12 :

- if the project is not carried out as planned, or
- if some of the conditions imposed are not complied with, or
- if the beneficiary, contrary to the particulars given in his application and repeated in the decision granting aid, has not, within two years of notification of that decision, begun work and if he has not, before the end of this period, supplied adequate assurances that the project will be carried out.

The decision shall be notified to the Member State concerned and to the beneficiary.

The Commission shall recover any sums not paid or unduly paid.

3. Without prejudice to Article 108 (3) of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁽¹⁾, as amended by Regulation (ECSC, EEC, Euratom) No 1252/79⁽²⁾, the appropriations made available by a decision taken in accordance with the second subparagraph of paragraph 2 or because the beneficiary abandons the project or reduces the investments laid down in the decision to grant aid, may be used for the financing of other projects.

Article 11

The particulars which applications for aid from the Fund referred to in Article 8 must contain and the form in which projects must be presented are those set out in Commission Regulation (EEC) No 1898/80⁽³⁾.

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽²⁾ OJ No L 160, 28. 6. 1979, p. 1.

⁽³⁾ OJ No L 187, 21. 7. 1980, p. 1.

Article 12

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee for the Fishing Industry, either on the initiative of its chairman or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion within a time limit to be set by the chairman according to the urgency of the matter. Opinions shall be adopted by a majority of 45 votes, the votes of Member States being weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

3. The Commission shall adopt the measures, which shall apply immediately. However, if they are not in accordance with the opinion of the Standing Committee for the Fishing Industry, the Commission shall forthwith communicate them to the Council; in that event the Commission may defer their application for not more than one month from the date of such communication. The Council, acting by a qualified majority, may adopt different measures within one month.

Article 13

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, 21 December 1982.

For the Council

The President

O. MØLLER

COMMISSION REGULATION (EEC) No 32/83**of 6 January 1983****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 5 January 1983

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 7 January 1983.

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

Done at Brussels, 6 January 1983.

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 6 January 1983 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	118.20
10.01 B II	Durum wheat	156.68 ⁽¹⁾ ⁽²⁾
10.02	Rye	111.01 ⁽⁶⁾
10.03	Barley	117.08
10.04	Oats	99.04
10.05 B	Maize, other than hybrid maize for sowing	116.42 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	53.34 ⁽⁴⁾
10.07 C	Grain sorghum	107.98 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	179.80
11.01 B	Rye flour	169.76
11.02 A I a)	Durum wheat groats and meal	256.25
11.02 A I b)	Common wheat groats and meal	192.71

⁽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 33/83**of 6 January 1983****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 5 January 1983;

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 7 January 1983.

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

Done at Brussels, 6 January 1983.

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 6 January 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4
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	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
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 34/83**of 6 January 1983****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 3488/82⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 3488/82, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁶⁾, as last amended by Regulation (EEC) No 3488/82, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁷⁾, as last amended by Regulation (EEC) No 3489/82⁽⁸⁾, and in particular Article 10 (2) thereof,

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 3 and 4 January 1983 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 372, 30. 12. 1982, p. 13.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁸⁾ OJ No L 372, 30. 12. 1982, p. 14.

⁽⁹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹¹⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

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

Article 3

This Regulation shall enter into force on 7 January 1983.

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

Done at Brussels, 6 January 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	30.00 ⁽¹⁾
15.07 A I b)	33.00 ⁽¹⁾
15.07 A I c)	33.00 ⁽¹⁾
15.07 A II a)	37.00 ⁽²⁾
15.07 A II b)	56.00 ⁽³⁾

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

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

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

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

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	7.26
07.03 A II	7.26
15.17 B I a)	16.50
15.17 B I b)	26.40
23.04 A II	2.64

COMMISSION REGULATION (EEC) No 35/83**of 6 January 1983****adding other products to the Annex to Council Regulation (EEC) No 1766/82 on
common rules for imports from the People's Republic of China**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1766/82 of 30 June 1982 on common rules for
imports from the People's Republic of China⁽¹⁾, and
in particular Article 2(2) thereof,

After consultations within the Committee provided for
under the said Regulation,

Whereas the Joint Committee established by the
Trade Agreement between the European Economic
Community and the People's Republic of China⁽²⁾
met in Brussels on 11 and 12 November 1982;
whereas in this Joint Committee it was proposed,
among other measures, that new products should be
inserted in the Annex to Regulation (EEC) No
1766/82;

Whereas, account being taken of the relevant provi-
sions of the Trade Agreement, the measures in ques-
tion should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

The products listed in the Annex to this Regulation
are hereby added to the Annex to Regulation (EEC)
No 1766/82.

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, 6 January 1983.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 195, 5. 7. 1982, p. 21.

⁽²⁾ OJ No L 123, 11. 5. 1978, p. 2.

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

Position i den fælles toldtarif Nummer des Gemeinsamen Zolldtarifs Κλάση του Κοινού Δασμολογίου CCT heading No Numéro du tarif douanier commun Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief	NIMEXE (1982)
ex 53.10	53.10-20
62.03 B I a)	62.03-91
68.16 ex B	68.16-20
73.23 ex B	73.23-23 25

COMMISSION REGULATION (EEC) No 36/83

of 6 January 1983

amending for the second time Regulation (EEC) No 2457/82 laying down, for the 1982/83 wine-growing year, provisions concerning the distillation of the by-products of wine-making

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3082/82 ⁽²⁾, and in particular Article 39 (8) thereof;

Having regard to Council Regulation (EEC) No 2144/82 of 27 July 1982 amending Regulation (EEC) No 337/79 on the common organization of the market in wine ⁽³⁾ and in particular Article 2 thereof,

Whereas, for the purposes of Article 39 of Regulation (EEC) No 337/79, wine producers are required to deliver for distillation a quantity of product with an alcohol content which corresponds to a percentage of the volume of alcohol naturally contained in the grapes used to produce the wine; whereas the Commission has to fix this percentage subject to a maximum limit laid down in the said Article 39; whereas, for the 1982/83 wine-growing year, this percentage was fixed in Article 3 of Regulation (EEC) No 2457/82 ⁽⁴⁾, as amended by Regulation (EEC) No 2982/82 ⁽⁵⁾;

Whereas it is particularly difficult in practice to calculate the quantity of product to be delivered in relation to the alcohol content of the grapes used, primarily on account of the significant fluctuations in the relation between the grapes used and the wine obtained, depending on the grape varieties; whereas by contrast these difficulties are obviated and checks made simpler and more efficient if the same calculation is carried out in relation to the alcohol contained in the wine; whereas this method of calculation also enables the economic objective of the measure to be met without producers being required to deliver larger quantities; whereas, moreover, this procedure corres-

ponds to the practice followed hitherto for application of Article 39 of Regulation (EEC) No 337/79;

Whereas it therefore seems advisable to amend Article 3 (1) of Regulation (EEC) No 2457/82; whereas amending the provision in force during the wine-growing year is not likely to result in discrimination between producers as, under Article 8 of Regulation (EEC) No 2457/82, wine delivered in order to meet the obligation referred to in Article 39 (2) of Regulation (EEC) No 337/79 may not be distilled until 1 January 1983;

Whereas it has not been possible for Member States to set up a system for checking the withdrawal of by-products of wine-making, as provided for in Article 13 (1) of Regulation (EEC) No 2457/82, within the prescribed time; whereas, in order to facilitate the transition to the new system introduced by Article 39 (4) of Regulation (EEC) No 337/79, provision should be made, for the first wine-growing year in which it is applicable, for the operations referred to above to be checked in accordance with the national provisions in force during the previous wine-growing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2457/82 is hereby amended as follows:

1. Article 3 (1) is replaced by the following:

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

— 8 % of the volume of alcohol contained in the wine, if the wine has been reproduced by direct vinification of grapes,

— 3 % of the volume of alcohol contained in the wine, if the wine has been produced by vinification of grape must, grape must in fermentation or new wine still in fermentation.'

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 326, 23. 11. 1982, p. 1.

⁽³⁾ OJ No L 227, 3. 8. 1982, p. 1.

⁽⁴⁾ OJ No L 262, 10. 9. 1982, p. 18.

⁽⁵⁾ OJ No L 314, 10. 11. 1982, p. 11.

2. Article 13 (1) is replaced by the following :

year to ensure compliance with the requirement set out in Article 39 (1) of the said Regulation.' /

'1. For the application of Article 39 (4) of Regulation (EEC) No 337/79, Member States shall check the withdrawal of by-products from any processing of grapes in accordance with the national provisions applied during the 1981/82 wine-growing

Article 2

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

It shall apply with effect from 1 September 1982.

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

Done at Brussels, 6 January 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 37/83
of 6 January 1983
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 3568/82 ⁽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 7 January
1983.

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

Done at Brussels, 6 January 1983.

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 373, 31. 12. 1982, p. 40.

ANNEX

to the Commission Regulation of 6 January 1983 fixing the amount of the subsidy
on oil seeds

(ECU/100 kg)

CCT heading No	Description	Subsidy
ex 12.01	Colza and rape seed	25.968
ex 12.01	Sunflower seed	33.595

(ECU/100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		January 1983	February 1983	March 1983	April 1983	May 1983	June 1983
ex 12.01	Colza and rape seed	25.968	26.330	26.592	26.781	26.588	26.434
ex 12.01	Sunflower seed	33.595	33.939	33.708	33.536	33.427	—

COMMISSION REGULATION (EEC) No 38/83

of 6 January 1983

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 37/83⁽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 7 January
1983.

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

Done at Brussels, 6 January 1983.

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 16 of this Official Journal.

ANNEX

to the Commission Regulation of 6 January 1983 fixing the world market price for colza, rape and sunflower seed

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	22·887
ex 12.01	Sunflower seed	23·177

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		January 1983	February 1983	March 1983	April 1983	May 1983	June 1983
ex 12.01	Colza and rape seed	22·887	23·018	23·249	23·553	23·746	23·900
ex 12.01	Sunflower seed	23·177	23·416	23·647	23·819	23·928	—

⁽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 = £	0·603981
1 ECU = Lit	1 337·69
1 ECU = Dr	68·6563

COMMISSION REGULATION (EEC) No 39/83
of 6 January 1983
altering the export refunds 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⁾,

Having regard to Council Regulation No 142/67/EEC
of 21 June 1967 on export refunds on colza, rape and
sunflower seeds ⁽³⁾, as last amended by Regulation
(EEC) No 2429/72 ⁽⁴⁾, and in particular the second
sentence of Article 2 (3) thereof,

Whereas the export refunds on oil seeds were fixed by
Regulation (EEC) No 3561/82 ⁽⁵⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3561/82 to the
information at present 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 refunds on the products referred to in Article 21
of Regulation No 136/66/EEC, as fixed in the Annex
to Regulation (EEC) No 3561/82 are hereby altered to
the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 January
1983.

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

Done at Brussels, 6 January 1983.

For the Commission

Poul DALSAER

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 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 373, 31. 12. 1982, p. 26.

*ANNEX***to the Commission Regulation of 6 January 1983 altering the export refunds on oil seeds**

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Refund
ex 12.01	Colza and rape seed, other than for sowing	24.00
ex 12.01	Sunflower seed, other than for sowing	—

COMMISSION REGULATION (EEC) No 40/83

of 6 January 1983

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to the opinion of the Monetary
Committee,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 January
1983.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 6 January 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 6 January 1983 fixing the export refunds on cereals and
on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU / tonne) Refund
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Zone IV — other third countries	 76·00 83·00 — 15·00
10.01 B II	Durum wheat	0
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — other third countries	 75·00 85·00 0
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	 79·00 86·00 — 15·00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 30·00 —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	 112·00 106·00 98·65 91·20 84·50 75·60

(ECU/tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	50·00 50·00 50·00 50·00
11.02 A I a)	Durum wheat groats and meal : — of an ash content of 0 to 950 — of an ash content of 951 to 1 300 — of an ash content of 1 301 to 1 500	245·00 245·00 245·00
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	112·00

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

COMMISSION REGULATION (EEC) No 41/83

of 6 January 1983

fixing the export refunds on 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⁾,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1459/82⁽⁵⁾, defines the specific criteria to be taken into account

when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 January 1983.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 164, 14. 6. 1982, p. 22.

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

Done at Brussels, 6 January 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 6 January 1983 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
CCT heading No	Refund
11.07 A I b)	101.08
11.07 A II b)	106.89
11.07 B	124.56

Information concerning the date of entry into force of the Transitional Protocol between the European Economic Community and the Portuguese Republic ⁽¹⁾

The exchange of instruments notifying completion of the procedures necessary for the entry into force of the Transitional Protocol between the European Economic Community and the Portuguese Republic, signed in Brussels on 27 October 1982 took place on 22 December 1982; the Protocol therefore entered into force, pursuant to Article 11 thereof, on 1 January 1983.

⁽¹⁾ OJ No L 355, 16. 12. 1982, p. 1.

