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Commission

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1011/83**of 28 April 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 27 April 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 29 April 1983.

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

Done at Brussels, 28 April 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 28 April 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	103,12
10.01 B II	Durum wheat	144,78 ⁽¹⁾ ⁽²⁾
10.02	Rye	117,64 ⁽⁶⁾
10.03	Barley	103,54
10.04	Oats	102,96
10.05 B	Maize, other than hybrid maize for sowing	79,15 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	47,39
10.07 B	Millet	56,72 ⁽⁴⁾
10.07 C	Grain sorghum	76,73 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	159,48
11.01 B	Rye flour	178,82
11.02 A I a)	Durum wheat groats and meal	238,04
11.02 A I b)	Common wheat groats and meal	169,89

⁽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 1012/83

of 28 April 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 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
27 April 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 29 April
1983.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSAER

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 28 April 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 4	1st period 5	2nd period 6	3rd period 7
10.01 B I	Common wheat, and meslin	0	0	0	3,28
10.01 B II	Durum wheat	0	0	0	2,19
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	2,46
10.07 A	Buckwheat	0	8,75	8,75	8,75
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	4,60

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	5,84	5,84
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	4,36	4,36
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 1013/83**of 28 April 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 25 and 26 April 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 29 April 1983.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSAGER

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)	29,00 ⁽¹⁾
15.07 A I b)	33,00 ⁽¹⁾
15.07 A I c)	33,00 ⁽¹⁾
15.07 A II a)	40,00 ⁽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 1014/83

of 28 April 1983

amending Regulation (EEC) No 262/79 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice-cream and other foodstuffs, and repealing Regulation (EEC) No 1468/79

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1183/82 ⁽²⁾, and in particular Article 6 (7) thereof,

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

Whereas Commission Regulation (EEC) No 262/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 2479/82 ⁽⁶⁾, and Commission Regulation (EEC) No 1932/81 of 13 July 1981 on the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as last amended by Regulation (EEC) No 48/82 ⁽⁸⁾, apply simultaneously; whereas it is therefore appropriate, for control reasons, to require that the records in both cases be kept separate and that butter from public storage is not to be processed at the same time as butter from the market;

Whereas Commission Regulation (EEC) No 1468/79 ⁽⁹⁾, as last amended by Regulation (EEC) No 1250/81 ⁽¹⁰⁾, provided for the granting of aid for butter from private storage during the period of application of Regulation (EEC) No 262/79 and in respect of the same uses as provided for in that Regulation;

Whereas Regulation (EEC) No 1932/81 adopted for the most part the system introduced by Regulation (EEC) No 1468/79; whereas it is therefore appropriate to repeal the latter Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 262/79 is hereby amended as follows:

1. The following subparagraph is added to Article 9 (1):

'If the establishment processes also butter which qualified for the aid provided for in Regulation (EEC) No 1932/81, it shall in addition undertake:

- to keep separately the records referred to under the first subparagraph (c),
- to process butter qualifying for aid under Regulation (EEC) No 1932/81 after having processed all the butter purchased under this Regulation and stored in the establishment.'

2. The following subparagraph is added to Article 10 (1) (a):

'Where the successful tenderer participates also in the tendering procedures under Regulation (EEC) No 1932/81, separate stock records must be kept for butter used under each Regulation.'

3. Article 15 (1) is replaced by the following:

'1. The tendering security shall be 60 ECU per tonne.'

4. In the second subparagraph of Article 18 (2) the words '14 units of account' are replaced by '14 ECU'.

5. In the first subparagraph of Article 23 (2) the words 'three units of account' are replaced by '4 ECU'.

Article 2

Regulation (EEC) No 1468/79 is hereby repealed.

Article 3

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 161, 29. 6. 1979, p. 13.

⁽⁵⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽⁶⁾ OJ No L 264, 14. 9. 1982, p. 9.

⁽⁷⁾ OJ No L 191, 14. 7. 1981, p. 6.

⁽⁸⁾ OJ No L 7, 12. 1. 1982, p. 5.

⁽⁹⁾ OJ No L 177, 14. 7. 1979, p. 40.

⁽¹⁰⁾ OJ No L 126, 12. 5. 1981, p. 5.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 1015/83

of 28 April 1983

determining the time limit for the entry into storage of butter sold under
Regulation (EEC) No 262/79

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products ⁽¹⁾, as last amended
by Regulation (EEC) No 1183/82 ⁽²⁾, and in particular
Article 6 (7) thereof,

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

Whereas under Article 1 of Commission Regulation
(EEC) No 262/79 of 12 February 1979 on the sale of
butter at reduced prices for use in the manufacture of
pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as
last amended by Regulation (EEC) No 1014/83 ⁽⁶⁾, the
butter put up for sale must have entered into storage
before a date to be determined; whereas this date

should be fixed in the light of the development of
butter stocks and quantities available;

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

HAS ADOPTED THIS REGULATION:

Article 1

The butter referred to in Article 1 of Regulation (EEC)
No 262/79 must have entered into storage before 1
November 1982.

Article 2

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

It shall apply from 1 June 1983.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 161, 29. 6. 1979, p. 13.

⁽⁵⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽⁶⁾ See page 8 of this Official Journal.

COMMISSION REGULATION (EEC) No 1016/83**of 28 April 1983****fixing the export refunds on fishery products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, and in particular the fourth subparagraph of Article 25 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 25 of Regulation (EEC) No 3796/81 provides that, to the extent necessary to enable economically important exports of the products listed in Article 1 (2) of that Regulation to be effected on the basis of prices for these products on the world market, the difference between these prices and prices within the Community may be covered by an export refund ;

Whereas Article 2 of Council Regulation (EEC) No 110/76 of 19 January 1976 laying down general rules for granting export refunds on fishery products and criteria for fixing the amount of such refunds⁽²⁾, provides that, when refunds are being fixed, account must be taken on the one hand of the existing situation and the future trend with regard to prices and availabilities of fishery products on the Community market and prices on the world market on the other ; whereas account must also be taken of the costs referred to in subparagraph (c) of that Article and of the economic significance of the proposed exports and of the aims of the common organization of the market in fishery products ;

Whereas Article 3 of Regulation (EEC) No 110/76 provides that, when prices on the Community market are being determined, account must be taken of the ruling prices which are most favourable from the exportation point of view ; whereas, when prices on the world market are being determined, account must be taken of the prices indicated in paragraph 2 of that Article ;

Whereas the world market situation or the specific requirements of certain markets may make it necessary

to vary the refund according to the destination of the products in question ;

Whereas products of Community origin which are landed, direct from the fishing grounds, in ports situated outside the customs territory of the Community do not qualify for refunds ;

Whereas economically important quantities of frozen whole mackerel, frozen fillets of mackerel, dried and salted coalfish and mackerel, dried, salted or in brine, can be exported at the present time ;

Whereas, pursuant to Commission Regulation (EEC) No 686/78 of 6 April 1978 laying down additional provisions as regards the granting of export refunds on fishery products⁽³⁾, for the purposes of the export refund system, fishery products of Community origin frozen and/or processed on board a vessel registered or recorded in a third country and flying the flag of a third country shall be considered to be products which are not of Community origin ;

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

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

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 20, 28. 1. 1976, p. 48.

⁽³⁾ OJ No L 93, 7. 4. 1978, p. 12.

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds referred to in Article 1 (2) of Regulation (EEC) No 3796/81 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 May 1983.

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

Done at Brussels, 28 April 1983.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission

to the Commission Regulation of 28 April 1983 fixing the export refunds on fishery products

CCT heading No	Description	Refund
03.01	Fish, fresh (live or dead), chilled or frozen : B. Saltwater fish : I. Whole, headless or in pieces : o) Mackerel : 1. bb) Frozen : For exports to all destinations with the exception of Sweden, Norway, Faroe Islands, Finland, Iceland and the USSR 2. bb) Frozen : For exports to all destinations with the exception of Sweden, Norway, Faroe Islands, Finland, Iceland and the USSR II. Fillets : b) Frozen : 8. Of mackerel : For exports to all destinations with the exception of Sweden, Norway, Faroe Islands, Finland, Iceland and the USSR	3,46 3,46 2,52
03.02	Fish, dried, salted or in brine, smoked fish, whether or not cooked before or during the smoking process : ex A. I. f) — Coalfish, dried and salted, whole, headless or in pieces : For exports to Puerto Rico, the People's Republic of the Congo, Zaire, Gabon, Cameroon, Angola, Jamaica, Trinidad, Barbados, Windward and Leeward Islands, Panama, Surinam and the Dominican Republic — Mackerel, dried, salted or in brine, whole, headless or in pieces : For exports to Jamaica, Trinidad and Windward and Leeward Islands	13,36 3,24

COMMISSION REGULATION (EEC) No 1017/83**of 28 April 1983****amending for the third time Regulation (EEC) No 1686/82 fixing countervailing charges on seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 1686/82⁽³⁾, as last amended by Regulation (EEC) No 618/83⁽⁴⁾, fixed countervailing charges on seeds in respect of a certain type of hybrid maize for sowing ;

Whereas, since that time, a significant variation has been recorded in the free-at-frontier offer prices which, under the terms of Article 4 (2) of Commission

Regulation (EEC) No 1665/72⁽⁵⁾, requires that these charges be amended ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to Regulation (EEC) No 1686/82 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 May 1983.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 186, 30. 6. 1982, p. 27.

⁽⁴⁾ OJ No L 72, 18. 3. 1983, p. 35.

⁽⁵⁾ OJ No L 175, 2. 8. 1972, p. 49.

ANNEX

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CCT heading No	Description	Amount of countervailing charge ⁽¹⁾	Country of origin
ex 10.05	Maize :		
	A. Hybrid for sowing :		
	I. Double hybrids and top cross hybrids	6,5	Hungary
		15,4	Austria
		16,5	Yugoslavia
		21,5	Romania
		21,5	Other countries ⁽²⁾
	II. Three cross hybrids	8,7	Yugoslavia
		15,6	Austria
		27,2	Hungary
		38,2	Romania
		38,2	Other countries ⁽³⁾
	III. Single hybrids	54,6	Spain
		27,9	Romania
		54,6	Other countries ⁽⁴⁾

⁽¹⁾ The countervailing charge may not exceed 4 % of the customs value.

⁽²⁾ With the exception of Spain, USA and Canada.

⁽³⁾ With the exception of Canada, Spain and USA.

⁽⁴⁾ With the exception of Yugoslavia, USA, Canada, Austria and Hungary.

COMMISSION REGULATION (EEC) No 1018/83

of 28 April 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 29 April
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, 28 April 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 28 April 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	57,00 64,00 — 15,00
10.01 B II	Durum wheat	15,00
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — Zones II b) and I a) — other third countries	68,00 93,00 0
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	73,50 80,50 — 15,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	70,00 —
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	94,00 89,00 82,00 75,00 69,00 62,00

(ECU/tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	100,00
	— of an ash content of 701 to 1 150	100,00
	— of an ash content of 1 151 to 1 600	100,00
	— of an ash content of 1 601 to 2 000	100,00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 950	214,00
	— of an ash content of 951 to 1 300	214,00
	— of an ash content of 1 301 to 1 500	214,00
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	94,00

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

COMMISSION REGULATION (EEC) No 1019/83
of 28 April 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 organi-
zation 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 Commu-
nity 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 impor-
tant to ensure equilibrium and the natural develop-
ment 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 distur-
bances 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 414/83⁽⁵⁾,
defines the specific criteria to be taken into account

when the refund on these products is being calcu-
lated;

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 29 April
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 51, 24. 2. 1983, p. 1.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 28 April 1983 fixing the export refunds on malt

CCT heading No	Refund (ECU/tonne)
11.07 A I b)	75,81
11.07 A II b)	95,97
11.07 B	111,84

COMMISSION REGULATION (EEC) No 1020/83

of 28 April 1983

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1459/82⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend

with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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 preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 164, 14. 6. 1982, p. 22.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION :

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

Article 2

This Regulation shall enter into force on 1 May 1983.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 28 April 1983 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)								
CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10	6th period 11
10.01 B I	Common wheat, and meslin for export to :							
	— China	0	+ 6,00	+ 6,00	0	0	0	0
	— other third countries	0	0	0	0	0	0	0
10.01 B II	Durum wheat	0	0	0	—	—	—	—
10.02	Rye	0	0	0	—	—	—	—
10.03	Barley	0	0	— 10,00	— 10,00	— 10,00	—	—
10.04	Oats	0	0	0	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	— 20,00	— 20,00	— 20,00	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

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

COMMISSION REGULATION (EEC) No 1021/83

of 28 April 1983

fixing the corrective amount applicable to the refund 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 Council Regulation (EEC) No 1451/82⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1459/82⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and

the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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 preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 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.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

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

Done at Brussels, 28 April 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 28 April 1983 fixing the corrective amount applicable to the refund on malt

CCT heading No	(ECU/tonne)					
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
11.07 A I a)	0	0	0	0	0	0
11.07 A I b)	0	0	0	0	0	0
11.07 A II a)	0	0	0	0	0	0
11.07 A II b)	0	0	0	0	0	0
11.07 B	0	0	0	0	0	0

CCT heading No	(ECU/tonne)					
	6th period 11	7th period 12	8th period 1	9th period 2	10th period 3	11th period 4
11.07 A I a)	0	0	0	0	0	0
11.07 A I b)	0	0	0	0	0	0
11.07 A II a)	0	0	0	0	0	0
11.07 A II b)	0	0	0	0	0	0
11.07 B	0	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 January 1983

relating to a proceeding under Article 85 of the EEC Treaty
(IV/30.735 — Deutsche Castrol Vertriebsgesellschaft mbH)

(Only the German text is authentic)

(83/205/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 Article 11 (5)
thereof,

Whereas :

I

- (1) Deutsche Castrol Vertriebsgesellschaft mbH (Castrol) is a subsidiary of Castro Ltd, of the United Kingdom, whose products it markets in the Federal Republic of Germany. Such products consist of engine oils and lubricants for a wide range of applications, but especially for motor vehicles.
- (2) The Commission has received a complaint from the proprietor of a motor vehicle repair workshop who is bound by an agreement with Castrol. The agreement, concluded in 1968, provided that Castrol would make available an interest-free loan of DM 40 000 and workshop equipment valued at DM 15 000. In return the complainant undertook, for a period of 20 years, to purchase from Castrol 80 % of all his requirements of lubricants, amounting to about 5 000 litres/kilograms per annum and at least

100 000 litres/kilograms in total, at the prices from time to time in force. The complainant asserts that this agreement forms part of a network of similar exclusive purchasing agreements which Castrol has imposed on the German market. He complains that these agreements preclude the firms which have entered into them for a long period not only from obtaining competing products but also from purchasing Castrol products by means of parallel imports at more favourable prices from other Member States. On account of their restrictive effect on competition, the exclusive purchasing agreements are said to be incompatible with Article 85 of the EEC Treaty.

- (3) As a result of this complaint the Directorate-General for Competition, by a letter of 8 October 1982 referring to the legal basis and the purpose of the request and the penalties for supplying incorrect information, requested Castrol to furnish various information with a view to clarifying the facts. The information requested concerns the market position of the undertaking and its behaviour in the Federal Republic of Germany. Castrol did not reply to this request for information. By a letter of 29 November 1982 the Directorate-General for Competition again requested Castrol to answer the questions asked, but without result.
- (4) Castrol maintains that the agreement between itself and the complainant cannot infringe Article 85 (1) of the EEC Treaty since it does not affect trade between Member States. Even if

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

the agreement is regarded as forming part of a group of similar agreements, this would not lead to any different conclusion in view of the weak position of Castrol on the relevant market. In any case, it is claimed that the agreements are covered by Regulation No 67/67/EEC⁽¹⁾. Furthermore, the Commission's questions are not formulated with sufficient precision and are not reasonably relevant to the subject of the investigations.

II

- (5) The information requested in Article 1 of this Decision is necessary within the meaning of Article 11 (1) of Regulation No 17, in order to determine the applicability of Article 85 (1) of the Treaty, Articles 1 and 6 of Regulation No 67/67/EEC and Article 7 of Regulation No 19/65/EEC to the exclusive purchasing agreements entered into by Castrol. They are thus within the scope of the power to obtain information conferred on the Commission by Regulation No 17.
- (6) As an exclusive purchasing agreement, the agreement described above and now before the Commission may fall under the prohibition of Article 85 (1). Such an agreement, even when concluded merely between undertakings in one Member State, may be such as to affect trade between Member States. This is particularly so when it forms part of a series of similar agreements which, taken either in isolation or together with others, and in the economic and legal context in which they are made, may affect trade between Member States and have as their object or effect the prevention, restriction or distortion of competition. (Judgment of the Court of Justice of the European Communities of 12 December 1967, (1967) ECR 437 — *Braserie de Haecht I*). If the requirements of Article 85 (1) of the Treaty were satisfied, it would be necessary to consider the applicability of Regulation No 67/67/EEC. If that Regulation also were found applicable, the Commission would be entitled to consider whether there are sufficient grounds for making use of the power conferred on it by Article 7 of Regulation No 19/65/EEC to withdraw the benefit of group exemption by an individual decision (cf. Judgment of the Court of Justice of the European Communities of 1 February 1977, (1977) ECR 65 — *Brouwerij Concordia*).

⁽¹⁾ As it stood at 8 December 1972 (OJ No L 276, 9. 12. 1972, p. 15), extended from 31 December 1982 to 30 June 1983 by Commission Regulation (EEC) No 3577/82 of 23 December 1982 (OJ No L 373, 31. 12. 1982, p. 58).

- (7) For the the purposes of its examination the Commission needs to ascertain the extent of the exclusive purchasing agreements maintained by Castrol in the Federal Republic of Germany, and the undertaking's economic and market significance. The questions posed are directed to this end. They are concerned merely with data on the activities of Castrol and do not go beyond what is relevant to this case and what Castrol might reasonably be expected to supply.

III

- (8) Under Articles 15 (1) (b) and 16 (1) (c) of Regulation No 17 the Commission may, by decision, impose on undertakings or associations of undertakings :
- (a) fines of from 100 to 5 000 units of account where, intentionally or negligently, they supply incorrect information in response to a request made pursuant to Article 11 (3) or (5) or do not supply information within the time limit fixed by a decision taken under Article 11 (5);
 - (b) periodic penalty payments of from 50 to 1 000 units of account per day, calculated from the date appointed by the decision, in order to compel them to supply complete and correct information which it has requested by decision taken pursuant to Article 11 (5),

HAS ADOPTED THIS DECISION :

Article 1

Deutsche Castrol Vertriebsgesellschaft mbH, of Hamburg, is required, within one month of notification of this Decision, to furnish replies to the following questions :

1. Please indicate how many exclusive purchasing agreements of the kind described in I.2 above you have concluded in the Federal Republic of Germany. Please classify these agreements according to their duration as follows :
 - (a) over 15 years ;
 - (b) 10 to 15 years ;
 - (c) five to 10 years ;
 - (d) less than five years.
2. What was the total turnover of Deutsche Castrol Vertriebsgesellschaft mbH in motor vehicle lubricants in the last financial year ?

3. What share of your turnover in lubricants, in terms of value and percentage, is attributable to your business relations with firms which are obliged to purchase exclusively from Castrol in the manner described under I.2?
4. What is your estimate of your market share of lubricants (engine oils, gear oils and greases) in the Federal Republic of Germany :
 - (a) in total ;
 - (b) in relation to motor vehicle repair workshops ?

An application for judicial review of this Decision may be made to the Court of Justice of the European Communities in Luxembourg within two months of its notification on the conditions laid down in the EEC Treaty, in particular Article 173 and 185.

Done at Brussels, 10 January 1983.

Article 2

This Decision is addressed to :

Deutsche Castrol Vertriebsgesellschaft mbH,
Esplanade 39,
D-2000 Hamburg 36.

For the Commission

Étienne DAVIGNON

Vice-President
