

Official Journal

of the European Communities

ISSN 0378-6978

L 203

Volume 26

27 July 1983

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC, EURATOM, ECSC) No 2074/83
of 21 July 1983
amending the Staff Regulations of officials and the conditions of employment of
other servants of the European Communities**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing a single Council and a single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, submitted after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Court of Justice,

Whereas Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽²⁾, as last amended by Regulation (ECSC, EEC, Euratom) No 2023/83 ⁽³⁾, lay down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities respectively; whereas it is for the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, to amend the Staff Regulations and the conditions of employment;

Whereas experience gained in applying the said Staff Regulations and the said conditions of employment has shown that the amendments set out in this Regulation should be made, it being understood that the other questions referred to in the Commission's proposal should remain open,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 37 (1) of the Staff Regulations the words 'is one who' shall be replaced by the words 'is an established official who'.

⁽¹⁾ OJ No C 34, 11. 2. 1980, p. 41.

⁽²⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽³⁾ OJ No L 199, 22. 7. 1983, p. 3.

Article 2

Article 37 (1) (b) of the Staff Regulations shall be replaced by the following:

'(b) has at his own request:

- been placed at the disposal of another of the institutions of the European Communities; or
- been placed at the disposal of an organization devoted to furthering the Community's interests and included on a list to be drawn up by agreement between the institutions of the Communities after consulting the Staff Regulations Committee.'

Article 3

The following shall be added to Article 39 (d) of the Staff Regulations:

'However, an official on secondment under the second indent of Article 37 (1) (b) who acquires pension rights in the body to which he is seconded shall cease to be affiliated to the pension scheme in his original institution for the duration of this secondment.

An official who becomes an invalid while on secondment within the meaning of Article 37 (1) (b), second indent, and the dependents of an official who dies during the same period, shall be entitled under these Staff Regulations to the invalidity or the survivor's pension less any amounts paid to them on the same grounds and for the same period by the body to whom the official was seconded.

This provision shall not result in the official or his dependants being entitled to a total pension higher than the maximum amount he would have received pursuant to these Staff Regulations.'

Article 4

Article 40 of the Staff Regulations shall be amended as follows :

1. In paragraph 1, the word 'established' shall be inserted before the word 'official' ;
2. The following subparagraph shall be added to paragraph 2 :

'If, however, an official applies for such leave in order to be able :

- to bring up a child who is under five years old and considered as a dependant of the official within the meaning of Article 2 (2) of Annex VII ; or
- to bring up a child considered to be a dependant of his within the meaning of Article 2 (2) of Annex VII and who suffers from a serious mental or physical handicap recognized by the medical officer of the institution and who requires constant care or supervision,

leave may be extended annually four times, provided that at the time of each extension one or other of the conditions referred to in the above two indents obtains.

If an official applies for such leave in order to be able to accompany his or her spouse, the latter also being an official or other servant of the Communities required in the course of his or her duties to establish his or her habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his or her duties, leave may be extended annually five times, provided that, at the time of each extension, the conditions which warranted the grant of the leave obtain. An official may benefit from the latter provision on the extension of leave only once in his or her career.' ;

3. At the end of the second subparagraph of paragraph 3 the words '... in Article 83 (2) and calculated by reference to his last basic salary' shall be replaced by '... in Article 83 (2) ; the contributions shall be calculated by reference to the basic salary for the official's grade and step.'

Article 5

Article 67 of the Staff Regulations shall be amended as follows :

1. Subparagraphs 1 (a) and (b) shall be replaced by the following :
'(a) household allowance ;
(b) dependent child allowances.' ;
2. The following paragraph shall be added :

'4. Where, by virtue of Articles 1, 2 and 3 of Annex VII, such family allowances are paid to a

person other than the official, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second paragraph of Article 63. They shall be subject to the weighting for the country in question or, in the absence of such a weighting, a weighting of 100.

Paragraphs 2 and 3 shall apply where family allowances are paid to such a person.'

Article 6

Article 72 of the Staff Regulations shall be amended as follows :

1. Paragraph 1 shall be replaced by the following :

'1. An official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Annex VII are insured against sickness up to 80 % of the expenditure incurred subject to rules drawn up by agreement between the institutions of the Communities after consulting the Staff Regulations Committee. This rate shall be increased to 85 % for the following services : consultations and visits, surgical operations, hospitalization, pharmaceutical products, radiology, analyses, laboratory tests and prostheses on medical prescription with the exception of dental prostheses. It shall be increased to 100 % in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognized by the appointing authority as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100 % shall not apply in the case of occupational disease or accident having given rise to the application of Article 73.

One-third of the contribution required to meet such insurance cover shall be charged to the official but so that the amount charged to him shall not exceed 2 % of his basic salary.'

2. The following paragraph shall be inserted :

'1b. Where the ex-spouse of an official, a child who ceases to be an official's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations can provide evidence that he or she cannot be covered by any other public scheme of sickness insurance, he or she may continue for a maximum of one year to be insured against sickness as provided for in paragraph 1, in his or her capacity as insured persons covered under that official's insurance ; this cover shall not give rise to the levy of a contribution. This one-year period shall commence on the date of the decree

absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.';

3. In the first subparagraph of paragraph 2 the words 'in the preceding paragraph' shall be replaced by the words 'in paragraph 1';
4. The first subparagraph in paragraph 4 shall be replaced by the following:

'Persons entitled to the foregoing benefits shall declare the amount of any reimbursements paid or which they can claim under any other sickness insurance scheme provided for by law or regulation for themselves or for persons covered by their insurance.'

Article 7

Article 75 of the Staff Regulations shall be replaced by the following:

Article 75

In the event of the death of an official, an official's spouse or dependent child, or any other dependent person within the meaning of Article 2 of Annex VII who lived as part of the official's household, the institution shall reimburse the costs involved in transporting the body from the official's place of employment to his place of origin.

However, in the event of an official's death during a mission, the institution shall bear the costs involved in transporting the body from the place where death occurs to the official's place of origin.'

Article 8

The following paragraph shall be added to Article 80 of the Staff Regulations:

'Entitlement as provided for in the first, second and third paragraphs shall apply in the event of the death of a former official entitled to an allowance under Article 50 of the Staff Regulations, Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68, Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72 or Article 3 of Regulation (ECSC, EEC Euratom) No 1543/73.'

Article 9

The second subparagraph of Article 82 (1) of the Staff Regulations shall be replaced by the following:

'They shall be weighted at the rate fixed for the country inside or outside the Communities where the recipient proves he has his residence.

If the recipient establishes his residence in a country for which no weighting has been fixed, the weighting of 100 shall be applied.

Pensions expressed in Belgian francs shall be paid in one of the currencies referred to in Article 45 of Annex VIII to the Staff Regulations in the manner provided for in the second paragraph of Article 63 of the Staff Regulations.'

Article 10

The following paragraph shall be added to Article 1 of Annex VII to the Staff Regulations:

'5. If the official is entitled to the household allowance only by virtue of paragraph 2 (b) and a person other than the official has by law or by an order of court or of the competent administrative authority been given custody of all his dependent children within the meaning of Articles 2 (2) and (3) below, the household allowance shall be paid to that other person in the name and on behalf of the official. This condition shall be deemed to be fulfilled in the case of dependent children who have reached their majority if such children have their normal residence with the other parent.

If, however, the official's children are in the care of several different persons, the household allowance shall be divided among them according to the number of children in their care.

If the person eligible by virtue of the foregoing to receive the household allowance paid in the official's name is also eligible to receive this allowance by reason of his or her own status as official or other member of staff, that person shall receive the higher of the two allowances only.'

Article 11

The following paragraph shall be added to Article 2 of Annex VII to the Staff Regulations:

'7. If custody of the dependent child within the meaning of paragraphs 2 and 3 has been entrusted by law or by an order of court or of the competent administrative authority to another person, the dependent child allowance shall be paid to that person in the name and on behalf of the official.'

Article 12

The following paragraph shall be added to Article 3 of Annex VII to the Staff Regulations:

'If custody of the child in respect of whom the education allowance is paid has been entrusted by law or by an order of court or of the competent administrative authority to another person, the education allowance shall be paid to that person in the name and on behalf of the official. In such case, the distance of at least 50 km referred to in

the preceding paragraph shall be calculated from the place of residence of the person having custody of the child.'

Article 13

Article 8 (4) of Annex VII to the Staff Regulations shall be amended as follows:

1. In the second sentence, after the words 'shall be entitled', the following words shall be inserted: 'for himself and, if he is entitled to receive the household allowance, for his spouse and other dependants within the meaning of Article 2.';

2. The following subparagraph shall be added:

'However if the spouse and the persons referred to in Article 2 (2) do not live with the official at his place of employment, they shall be entitled once in each calendar year, subject to the submission of supporting documents, to repayment of travel expenses from the place of origin to the place of employment or to repayment of travel expenses to another place not exceeding the cost of the former journey.'

Article 14

The following paragraph shall be added to Article 11 of Annex VIII to the Staff Regulations:

'3. Paragraph 2 shall also apply to an official who is reinstated after a period of secondment under the second indent of Article 37 (1) (b) of the Staff Regulations and to an official who is reinstated following expiry of a period of leave on personal grounds under Article 40 of the Staff Regulations.'

Article 15

The following Article shall be inserted in Annex VIII to the Staff Regulations:

Article 17a

Subject to Article 1 (1) and Article 22, the widow of a former official who was removed from his post or

whose service was terminated by virtue of Regulation (EEC, Euratom, ECSC) No 259/68, (Euratom, ECSC, EEC) No 2530/72 or (ECSC, EEC, Euratom) No 1543/73 and who died whilst in receipt of a monthly allowance under Article 50 of the Staff Regulations or under one of the abovementioned Regulations shall be entitled, provided that she had been married to him for at least one year when he left the service of an institution, to a widow's pension equal to 60 % of the retirement pension to which her husband would have been entitled if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

The amount of the widow's pension provided for in the first paragraph shall not be less than the amount provided for in the second paragraph of Article 79 of the Staff Regulations. The amount of the widow's pension shall in no case, however, exceed the amount of the first payment of the retirement pension to which the former official would have been entitled assuming that, had he stayed alive and exhausted his rights to one or other of the abovementioned allowances, he would have been entitled to a retirement pension.

The duration of the marriage specified in the first paragraph shall not be taken into account if there are one or more children of a marriage contracted by the official before he left the service, provided that the widow maintains or has maintained such dependent children within the meaning of Article 2 (2) of Annex VII.

Nor shall the duration of the marriage be taken into account if the former official's death occurs in one of the circumstances described in the second paragraph of Article 17.'

Article 16

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

However, Articles 10, 11 and 12 shall not enter into force until the first day of the seventh month following publication of this Regulation 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 July 1983.

For the Council

The President

D. KOULOURIANOS

COMMISSION REGULATION (EEC) No 2075/83

of 26 July 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 25 July 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 27 July 1983.

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

Done at Brussels, 26 July 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 26 July 1983 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)
		Levies
10.01 B I	Common wheat, and meslin	103,43
10.01 B II	Durum wheat	124,22 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	118,77 ⁽⁶⁾
10.03	Barley	107,17
10.04	Oats	100,89
10.05 B	Maize, other than hybrid maize for sowing	65,34 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	10,93
10.07 B	Millet	26,20 ⁽⁴⁾
10.07 C	Grain sorghum	94,55 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	160,44
11.01 B	Rye flour	181,94
11.02 A I a)	Durum wheat groats and meal	205,54
11.02 A I b)	Common wheat groats and meal	170,33

⁽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 2076/83**of 26 July 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 25 July 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 27 July 1983.

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

Done at Brussels, 26 July 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 26 July 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	3,46
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	0,20	0,20	5,96
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 2077/83**of 25 July 1983****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat ⁽¹⁾, as last
amended by Regulation (EEC) No 1195/82 ⁽²⁾, and in
particular the first paragraph of Article 11 thereof,

Whereas the import levies on live sheep and goats and
on sheepmeat and goatmeat other than frozen meat
were fixed by Regulation (EEC) No 1252/83 ⁽³⁾, as last
amended by Regulation (EEC) No 1747/83 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1252/83 to the

quotations and other information known to the
Commission that the levies at present in force should
be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on live sheep and goats and on
sheepmeat and goatmeat other than frozen meat shall
be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August
1983.

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

Done at Brussels, 25 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 22.

⁽³⁾ OJ No L 133, 21. 5. 1983, p. 23.

⁽⁴⁾ OJ No L 171, 29. 6. 1983, p. 19.

ANNEX

to the Commission Regulation of 25 July 1983 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CCT heading No	Week No 18 from 1 to 7 August 1983	Week No 19 from 8 to 14 August 1983	Week No 20 from 15 to 21 August 1983	Week No 21 from 22 to 28 August 1983	Week No 22 from 29 August to 4 September 1983
01.04 B	81,456 ⁽¹⁾	79,383 ⁽¹⁾	76,196 ⁽¹⁾	74,345 ⁽¹⁾	72,178 ⁽¹⁾
02.01 A IV a) 1	173,310 ⁽²⁾	168,900 ⁽²⁾	162,120 ⁽²⁾	158,180 ⁽²⁾	153,570 ⁽²⁾
2	121,317 ⁽²⁾	118,230 ⁽²⁾	113,484 ⁽²⁾	110,726 ⁽²⁾	107,499 ⁽²⁾
3	190,641 ⁽²⁾	185,790 ⁽²⁾	178,332 ⁽²⁾	173,998 ⁽²⁾	168,927 ⁽²⁾
4	225,303 ⁽²⁾	219,570 ⁽²⁾	210,756 ⁽²⁾	205,634 ⁽²⁾	199,641 ⁽²⁾
5 aa)	225,303 ⁽²⁾	219,570 ⁽²⁾	210,756 ⁽²⁾	205,634 ⁽²⁾	199,641 ⁽²⁾
bb)	315,424 ⁽²⁾	307,398 ⁽²⁾	295,058 ⁽²⁾	287,888 ⁽²⁾	279,497 ⁽²⁾
02.06 C II a) 1	225,303	219,570	210,756	205,634	199,641
2	315,424	307,398	295,058	287,888	279,497

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3019/81 and (EEC) No 3459/82 and Commission Regulation (EEC) No 19/82.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 3019/81, (EEC) No 1985/82 and (EEC) No 3459/82 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 2078/83
of 25 July 1983
fixing the import levies on frozen sheepmeat and goatmeat

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat ⁽¹⁾, as last
amended by Regulation (EEC) No 1195/82 ⁽²⁾, and in
particular the first paragraph of Article 11 thereof,

Whereas the import levies on frozen sheepmeat and
goatmeat were fixed by Regulation (EEC) No
1253/83 ⁽³⁾, as last amended by Regulation (EEC) No
1748/83 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1253/83 to the

quotations and other information known to the
Commission that the levies should be altered to the
amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat
shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August
1983.

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

Done at Brussels, 25 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 22.

⁽³⁾ OJ No L 133, 21. 5. 1983, p. 26.

⁽⁴⁾ OJ No L 171, 29. 6. 1983, p. 21.

ANNEX

to the Commission Regulation of 25 July 1983 fixing the import levies on frozen sheepmeat and goatmeat

(ECU/100 kg)

CCT heading No	Week No 18 from 1 to 7 August 1983 ⁽¹⁾	Week No 19 from 8 to 14 August 1983 ⁽¹⁾	Week No 20 from 15 to 21 August 1983 ⁽¹⁾	Week No 21 from 22 to 28 August 1983 ⁽¹⁾	Week No 22 from 29 August to 4 September 1983 ⁽¹⁾
02.01 A IV b) 1	129,983	126,675	121,590	118,635	115,178
2	90,988	88,673	85,113	83,045	80,625
3	142,981	139,343	133,749	130,499	126,696
4	168,978	164,678	158,067	154,226	149,731
5 aa)	168,978	164,678	158,067	154,226	149,731
bb)	236,569	230,549	221,294	215,916	209,624

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 3019/81, (EEC) No 1985/82 and (EEC) No 3459/82 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 2079/83

of 25 July 1983

imposing a provisional anti-dumping duty on imports of dicumyl peroxide
originating in Japan

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3017/79 of 20 December 1979 on protection against
dumped or subsidized imports from countries not
members of the European Economic Community⁽¹⁾,
as amended by Regulation (EEC) No 1580/82⁽²⁾, and
in particular Article 11 thereof,

After consultations within the Advisory Committee as
provided for by the above Regulation,

Whereas :

A. Procedure

1. In 1982 the Commission received a complaint lodged by the European Council of Chemical Manufacturers' Federations (CEFIC) on behalf of the producers of dicumyl peroxide whose collective output constitutes practically all Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of dicumyl peroxide falling within subheading ex 29.08 D of the Common Customs Tariff, corresponding to NIMEXE code ex 29.08-70, originating in Japan, and commenced an investigation.
2. The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
3. The complainant producers, the known exporters and some importers made their views known in

writing. One of the exporters concerned requested and was granted a hearing.

4. Submissions were made by certain Community processors of the product.
5. The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigation at the premises of the following :
 - Amdic SA, Amersfoort, Netherlands,
 - Hercules NV, Beringen, Belgium,
 - Mitsubishi Corporation, Tokyo, Japan,
 - Mitsui Petrochemical Industries Ltd, Tokyo, Japan,
 - Nippon Oil and Fats Co. Ltd, Tokyo and Taketoyo, Japan.
6. The Commission requested and received detailed written submissions from the complainant Community producers, the known exporters and certain importers and verified the information therein to the extent considered necessary.

The investigation of dumping covered the period from January to December 1982.

B. Normal value

Sales on the domestic market in the normal course of trade

7. Normal value was provisionally determined on the basis of the weighted average of the domestic prices of the two Japanese producers who exported to the Community.

C. Export price

8. Nippon Oil and Fats Co. Ltd, a producer, and Mitsubishi Corporation their exporter, of dicumyl peroxide to the Community, did not supply evidence to support the figures given by them regarding export prices. Accordingly, the Commission has used the information available to it on export prices, i.e. that contained in the complaint and has so informed these two companies.
9. Where exports were made to a subsidiary company in the Community export prices were constructed on the basis of the prices at which the imported product was first resold to an independent buyer, suitably adjusted to take account of all costs

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No C 46, 17. 2. 1983, p. 21.

incurred between importation and resale including customs duty, and of a profit margin of 5 % considered reasonable in the light of the profit margins of independent importers of comparable products.

D. Comparison

10. In comparing normal value with export prices the Commission took account, where appropriate, of differences affecting price comparability. Allowance was made for differences in conditions and terms of sale and transport costs. Although one exporter requested that allowance be made for differences in salesmen's salaries, commissions and technical assistance, no evidence of these differences was made available and accordingly no allowance was made.

E. Margins

11. The above preliminary examination of the facts shows the existence of dumping in respect of dicumyl peroxide produced by Nippon Oil and Fats Co. Ltd and exported by Mitsubishi Corporation and produced and exported by Mitsui Petrochemical Industries Ltd, the margins of dumping being equal to the amount by which the normal values as established exceed the prices for export to the Community.

These margins vary according to the exporter concerned, the weighted average margin for each of the exporters investigated being as follows :

Nippon Oil and Fats Co. Ltd : 30,7 %,

Mitsui Petrochemical Industries Ltd : 61,1 %.

12. For those exporters, if any, who neither replied to the Commission's questionnaire nor made themselves known otherwise in the course of the preliminary investigation, dumping was determined on the basis of the facts available. In this connection the Commission considered that the results of its investigation provided an accurate basis for determination of the level of dumping and that it would constitute a bonus for non-cooperation to assume that the dumping margin for these exporters was any lower than the higher dumping margin of 61,1 % determined with regard to an exporter who had cooperated in the investigation. For these reasons it is considered appropriate to use this latter dumping margin for this group of exporters.

F. Injury

13. With regard to injury, although imports of dicumyl peroxide from Japan showed a significant decrease from 1978 to 1980, such a situation is mainly the result of the initiation and subsequent growth of production of this product in the Community during this period by the two complainants who remain the sole Community producers. Nevertheless, since the establishment of these two production facilities in the Community, imports of dicumyl peroxide from Japan have remained relatively constant, holding approximately a 20 % market share from 1980 to 1982.
14. The resale prices of these imports undercut the prices of the Community producers during the investigation period by up to 5 % and the resale prices of these imports were lower than those required to cover the costs of Community producers and provide a reasonable profit.
15. The consequent impact on this Community industry comprising the two firms mentioned above has been that, despite the increase in production and capacity utilization which both complainant companies have achieved since the inception of their production in 1979, neither company has been able to realize prices in the Community at a level sufficient to cover costs nor, consequently, to allow an adequate return on investment.
16. The Commission has considered whether injury has been caused by other factors such as, as alleged by an exporter, significant investment in overcapacity leading to artificially high unit costs. However, the Commission considers that the present relatively high unit costs of the two Community producers do not indicate an inherent lack of competitiveness on their part ; indeed, it is a normal consequence of the early years of any industry that unit costs do not reach an optimum level. In addition the capacity utilization achieved by the two companies concerned since the inception of their production of dicumyl peroxide in 1979 and the forecasts of both Community and Japanese producers regarding increased future consumption in the EEC and other markets has led the Commission to consider that no significant miscalculations were made regarding investment. The Commission has accordingly determined that the combined effects of the conside-

able volume of dumped imports and the prices at which they are offered for sale in the Community have, taken in isolation, to be considered as constituting material injury to the Community industry concerned.

G. Community interest

17. Community processing industries have argued that the introduction of protective measures would not be in the Community interest because it would make them less competitive. In view of the particularly serious difficulties facing the Community industry and the relatively low incidence of a price increase on the costs of the processing industry, the Commission has, however, come to the conclusion that it is in the Community's interests that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

H. Rate of duty

18. Having regard to the extent of the injury caused, the rate of such duty should be less than the dumping margins provisionally established but adequate to remove the injury caused.
19. Having compared the Community producers' weighted average prices and costs, taking account of their profit situation, with the evidence available on costs relating to imports of the Japanese product and any special marketing conditions, where available, the Commission has determined the amount of duty necessary to eliminate the injury to be 23,1 % for imports of dicumyl peroxide from Japan with the exception of imports of the product manufactured by Nippon Oil and Fats Co. Ltd and exported by Mitsubishi Corporation, for which the duty should be 12,7 %.
20. A period should be fixed within which the parties concerned may make their views known and request a hearing,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of dicumyl peroxide falling within subheading ex 29.08 D of the Common Customs Tariff, corresponding to NIMEXE code ex 29.08-70, originating in Japan.

2. The amount of the duty shall be equal to 23,1 % of the price per tonne net, free-at-Community-frontier, before duty, except for products manufactured by Nippon Oil and Fats Co. Ltd and exported by Mitsubishi Corporation, in respect of which the rate of duty shall be 12,7 %.

The free-at-Community-frontier prices shall be net if the conditions of sale provide for payment within 30 days from the date of shipment; they shall be increased or reduced by 1 % for each increase or decrease of one month in the period of payment.

3. The provisions in force concerning customs duties shall apply for the application of the duty.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 3017/79, the parties concerned may make known their views and apply to be heard orally by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 3017/79, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 25 July 1983.

For the Commission

Wilhelm HAERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 2080/83
of 26 July 1983
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1789/83⁽³⁾,
as last amended by Regulation (EEC) No 2071/83⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1789/83 to the
information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 27 July 1983.

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

Done at Brussels, 26 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 176, 1. 7. 1983, p. 48.
⁽⁴⁾ OJ No L 202, 26. 7. 1983, p. 36.

ANNEX

**to the Commission Regulation of 26 July 1983 fixing the import levies on white sugar and
raw sugar**

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	29,48
	B. Raw sugar	25,58 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 2081/83

of 26 July 1983

amending for the second time Regulation (EEC) No 2183/81 laying down rules
implementing the system of aid for cotton

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Greece, and
in particular Protocol 4 on cotton,

Having regard to Council Regulation (EEC) No
2169/81 of 27 July 1981 laying down the general rules
for the system of aid for cotton ⁽¹⁾, as last amended by
Regulation (EEC) No 1982/82 ⁽²⁾, and in particular
Article 11 thereof,

Whereas Article 1 (2) of Commission Regulation
(EEC) No 2183/81 ⁽³⁾, as amended by Regulation (EEC)
No 2066/82 ⁽⁴⁾, gives a figure for ginning costs and
Article 2 (2) (e) gives the cost of unloading and for-
warding ginned cotton at Piraeus and Article 4 (1)
gives the crushing costs for cotton seed; whereas since
these costs have increased in the meantime the
amounts given in the Regulation should be adjusted;

Whereas in Annex B of Commission Regulation (EEC)
No 2183/81 coefficients are given in point 3 to be
used when the cotton brought under supervised
storage differs from the standard quality; whereas,
taking past experience into account, coefficients
should be laid down for lower qualities;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2183/81 is hereby amended as
follows:

1. In Article 1 (2) '12,5' is replaced by '13,50'.
2. In Article 2 (2) (e) '1' is replaced by '1,08'.
3. In Article 4 (1) '7' is replaced by '7,56'.
4. In Annex B, point 3 is hereby replaced by the
following:

'Coefficients applicable to ginned cotton obtained
differing from the standard quality:

Grade	% of price to be added	% of price to be subtracted
3 and 3,5	7,5	
4	4,5	
4,5	2	
5	—	
5,5		2
6		5
6,5		9
7		14
8		20
9		27

Should the quality of the cotton be lower than
grade 9 the price of the unginned cotton shall be
determined by mutual agreement between the
contracting parties.'

Article 2

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

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

Done at Brussels, 26 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽²⁾ OJ No L 215, 23. 7. 1982, p. 5.

⁽³⁾ OJ No L 211, 31. 7. 1981, p. 35.

⁽⁴⁾ OJ No L 220, 29. 7. 1982, p. 22.

COMMISSION REGULATION (EEC) No 2082/83
of 26 July 1983

determining actual production of unginmed cotton for the 1982/83 marketing year and fixing the percentage of the aid to be paid by Member States for the 1983/84 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽¹⁾, as amended by Regulation (EEC) No 1982/82⁽²⁾, and in particular Articles 7 and 8 thereof,

Whereas Article 7 of Regulation (EEC) No 2169/81 states that actual production for each marketing year shall be determined every year, account being taken in particular of the quantities for which aid has been requested; whereas application of this criterion gives the figure for actual production in the 1982/83 marketing year indicated below;

Whereas Article 8 of Regulation (EEC) No 2169/81 provides that the percentage of the aid to be paid by Member States after ginning of the cotton pending determination of the quantity actually produced shall be laid down for each marketing year taking into account crop estimates;

Whereas the climatic conditions during this year in certain important production zones do not permit the making of sufficiently reliable forecasts; whereas, account being taken of the particular difficulties of appreciation, the percentage of the aid to be paid should be determined at a level which will allow account to be taken of the case in which the actual production would surpass the quantity for which the aid has been fully paid; whereas, however, in this unusual situation, in order to take account of the

interests of the operators involved, a possibility should be given them to request, against a guarantee, the full aid;

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

HAS ADOPTED THIS REGULATION:

Article 1

Actual Community production of unginmed cotton is hereby determined at 333 100 tonnes for the 1981/82 marketing year.

Article 2

The percentage of the aid for the 1983/84 marketing year to be paid by the Member States after ginning of the cotton has been carried out and pending determination of the actual quantity produced is hereby fixed at 92,5. However, producer Member States are authorized to pay over, on request of the beneficiaries, an amount equal to 100 % of the aid, if the beneficiaries provide the designated body of the Member State concerned a security equal to 7,5 % of the amount to be paid under each aid request submitted.

Where Article 7 (2) of Regulation (EEC) No 2169/81 is applied, the security is retained up to the limit of an amount equal to the difference between the aid paid over and the aid to be paid. The amounts thus retained shall be assigned to diminish the expenditure resulting from the granting of the aid.

Article 3

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

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

Done at Brussels, 26 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽²⁾ OJ No L 215, 23. 7. 1982, p. 5.

COMMISSION REGULATION (EEC) No 2083/83

of 26 July 1983

amending Regulation (EEC) No 1339/83 fixing for the 1983/84 marketing year the reference prices for lemons

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2004/83⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas lemons are produced in valid quantities in the Community that reference prices should be fixed for them;

Whereas lemons harvested during a crop year are marketed from June to May of the next year; whereas the reference price should therefore be fixed for a period during from 1 June to 31 May of the following year;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas, for the 1983/84 marketing year, reference prices for lemons were fixed on 1 June 1983 by Commission Regulation (EEC) No 1339/83 in accordance with Article 23 (2) of Regulation (EEC) No 1035/72 in force on that date; whereas the Article in question was amended by Council Regulation (EEC) No 2511/69⁽³⁾, as last amended by Regulation (EEC) No 2004/83, maintaining in force, for the 1983/84 marketing year, the provisions relating to the fixing for the preceding marketing year of the financial compensation for this product; whereas the reference prices fixed for lemons should therefore be adjusted;

Whereas, in accordance with the second paragraph of Article 23 (2) of Regulation (EEC) No 1035/72, reference prices for lemons are to be fixed at a level equal to that of the previous marketing year, adjusted as necessary by a percentage not exceeding the difference between the percentages representing

respectively the variations compared with the preceding marketing year in basic and buying-in prices and in the financial compensation provided for by Council Regulation (EEC) No 2511/69;

Whereas, for the 1983/84 marketing year, the financial compensation has been fixed at the same level as for the preceding marketing year; hence it is necessary to increase the reference prices by the same percentage increase as has been applied to the basic and buying-in prices;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 1339/83 is hereby replaced by the following:

'For the 1983/84 marketing year, the reference prices for fresh lemons falling within subheading 08.02 C of the Common Customs Tariff, expressed in ECU per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows:

June :	35,56
July :	39,41
August :	40,98
September :	36,11
October :	31,27
November :	27,90
December :	28,72
January :	30,25
February :	28,42
March :	29,04
April :	29,53
May :	32,43'

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 June 1983.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 21. 7. 1983, p. 2.

⁽³⁾ OJ No L 139, 28. 5. 1983, p. 30.

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

Done at Brussels, 26 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2084/83

of 26 July 1983

amending Regulation (EEC) No 1332/83 fixing for the 1983/84 marketing year the
Community offer price for lemons applicable with regard to Greece

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Greece,

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

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

Whereas, in accordance with Article 75 (2) (a) of the
Act of Accession, a Community offer price is to be
calculated annually on the one hand, on the basis of
the arithmetical average of producer prices of each
Member State of the Community of Nine, increased
by the transport and packaging costs borne by the
products from the areas of production up to the repre-
sentative centres of Community consumption and, on
the other hand, taking into account the trend of
production costs in the fruit and vegetables sector ;
whereas the said producer prices are to correspond to
an average of the price quotations recorded over three
years prior to fixing the Community offer price ;
whereas, however, the annual Community offer price
may not exceed the level of the reference price applied
vis-à-vis third countries ;

Whereas, in order to take account of seasonal price
variations, the marketing year should be split into
several periods and a Community offer price fixed for
each such period ;

Whereas, by virtue of Article 3 of Regulation (EEC)
No 10/81, the rates used to calculate production prices
are those recorded for an indigenous product whose
trade characteristics are defined, on the representative
market or markets within the production zones where
the rates are lowest, for the products or varieties which
represent a substantial proportion of marketable
production throughout the year or during a part of the
year and which correspond to quality category I and to
set conditions in respect of packaging ; whereas the
average rate for each representative market is to be

drawn up disregarding rates which may be considered
excessively high or low compared with the normal
fluctuations recorded on the said market ;

Whereas application of the abovementioned criteria
results in the adjustment, following the amendment of
the reference prices for lemons, of the Community
offer prices for lemons for the period 1 June 1983 to
31 May 1984 fixed by Regulation (EEC) No
1332/83⁽²⁾ ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 of Regulation (EEC) No 1332/83 is hereby
replaced by the following :

'The Community offer price for the 1983/84
marketing year for fresh lemons falling within
subheading 08.02 C of the Common Customs
Tariff expressed in ECU per 100 kilograms net is
hereby fixed as follows, for products of quality
category I, graded according to size and packed :

June	32,35
July :	35,86
August :	37,29
September :	32,86
October :	28,46
November :	25,39
December	26,14
January :	27,52
February :	25,86
March :	26,42
April :	26,87
May :	29,52'

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 as from 1 June 1983.

⁽¹⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽²⁾ OJ No L 139, 28. 5. 1983, p. 19.

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

Done at Brussels, 26 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2085/83

of 26 July 1983

fixing, for the 1983/84 marketing year, the reference prices for apples

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas, under Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are fixed annually before the beginning of the marketing year;

Whereas because of the importance of apple-growing in the Community it is necessary to fix a reference price for apples;

Whereas apples harvested during a given crop year are marketed from July of one year to June of the following year; whereas reference prices should therefore be fixed for the period from 1 July up to and including 30 June of the following year;

Whereas to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas under Article 23 (2) of Regulation (EEC) No 1035/72 reference prices are fixed on the basis of the arithmetic mean of producer prices in each Member State plus an amount to cover the cost of transporting Community products from production areas to Community consumption centres; whereas the trend of production costs for fruit and vegetables must also be taken into consideration;

Whereas producer prices are the average of the prices recorded during the three years prior to the date of fixing the reference price, for a home-grown product with defined commercial characteristics, on the repre-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1983/84 marketing year the reference prices for apples other than cider apples falling within subheading 08.06 A II of the Common Customs Tariff, expressed in ECU per 100 kilograms net, shall be as follows for packed Class I fruit, all sizes:

— July	41,23
— August	34,99
— September	37,63
— October	37,83
— November	38,53
— December	39,41
— January	41,97
— February	43,52
— March	45,49
— April	46,58
— May	51,26
— June	53,34

Article 2

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

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

Done at Brussels, 26 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

COMMISSION REGULATION (EEC) No 2086/83

of 26 July 1983

fixing, for the 1983/84 marketing year, the Community offer price for apples
applicable with regard to Greece

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Greece,

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

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

Whereas, in accordance with Article 75 (2) (a) of the
Act of Accession, a Community offer price is to be
calculated annually on the one hand, on the basis of
the arithmetical average of producer prices of each
Member State of the Community of Nine, increased
by the transport and packaging costs borne by the
products from the areas of production up to the repre-
sentative centres of Community consumption and, on
the other hand, taking into account the trend of
production costs in the fruit and vegetables sector ;
whereas the said producer prices are to correspond to
an average of the price quotations recorded over three
years prior to fixing the Community offer price ;
whereas, however, the annual Community offer price
may not exceed the level of the reference price applied
vis-à-vis third countries, this Community offer price
being reduced by 9 % at the time of the third move
toward price alignment referred to in Article 59 of the
Act ;

Whereas, in order to take account of seasonal price
variations, the marketing year should be split into
several periods and a Community offer price fixed for
each such period ;

Whereas, by virtue of Article 3 of Regulation (EEC)
No 10/81, the rates used to calculate production prices
are those recorded for an indigenous product whose

trade characteristics are defined, on the representative
market or markets within the production zones where
the rates are lowest, for the products or varieties which
represent a substantial proportion of marketable
production throughout the year or during a part of the
year and which correspond to quality category I and to
set conditions in respect of packaging ; whereas the
average rate for each representative market is to be
drawn up disregarding rates which may be considered
excessively high or low compared with the normal
fluctuations recorded on the said market ;

Whereas application of the abovementioned criteria
results in fixing the Community offer prices for apples
for the period 1 July 1983 to 30 June 1984 at the
levels set out hereinafter ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the 1983/84 marketing year, the Community offer
price for apples other than cider apples falling within
subheading ex 08.06 A II of the Common Customs
Tariff, expressed in ECU per 100 kilograms net is
hereby fixed as follows, for products of quality cate-
gory I, graded according to size and packed :

— July	37,51
— August	31,84
— September	34,24
— October	34,42
— November	35,06
— December	35,86
— January	38,19
— February	39,60
— March	41,39
— April	42,38
— May	46,64
— June	48,53

Article 2

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

⁽¹⁾ OJ No L 1, 1. 1. 1981, p. 17.

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

Done at Brussels, 26 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2087/83

of 25 July 1983

fixing the amount of aid for peas and field beans referred to in Article 3 (2) of Regulation (EEC) No 1431/82

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas and field beans ⁽¹⁾, as last amended by Regulation (EEC) No 1577/83 ⁽²⁾, and in particular Article 3 (6) (b) thereof,

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community when the average world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas Council Regulation (EEC) No 1576/83 of 22 June 1983 ⁽³⁾ fixed the guide price for peas and field beans for the 1983/84 marketing year;

Whereas the world market price for the products concerned was determined by a decision of the Commission, taken pursuant to Article 3 (2) of Regulation (EEC) No 1431/82, concerning the determination of the world market price for peas and field beans;

Whereas, to permit the normal operation of the aid system, the following should be used in connection with these aids:

- for currencies which are kept within a maximum spread of 2,25 % at any given moment, a conversion rate based on their actual parity,

- for the other currencies, a conversion rate based on the arithmetic mean of the spot market rate for each of these currencies recorded over a given period against the Community currencies referred to in the previous indent;

Whereas the aid must be fixed at least once every marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 shall be 9,44 ECU per 100 kilograms.

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 July 1983.

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

Done at Brussels, 25 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 18.

⁽³⁾ OJ No L 163, 22. 6. 1983, p. 16.

COMMISSION REGULATION (EEC) No 2088/83

of 25 July 1983

on the grant of re-storage aid for table wine for which a storage contract was concluded during the 1982/83 wine-growing year

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 Articles 10 and 65 thereof,

Whereas detailed implementing rules relating to storage contracts for table wine, in particular rules for the conclusion of such contracts, were laid down by Commission Regulation (EEC) No 2600/79 ⁽³⁾, as last amended by Regulation (EEC) No 3150/82 ⁽⁴⁾, and by Commission Regulation (EEC) No 1059/83 ⁽⁵⁾;

Whereas the quantities of table wine in stock are large for the time of year; whereas this is due to the fact that stocks during the current wine-growing year are substantially higher than usual in some regions while the forecasts for the coming harvest give little hope of a reduction;

Whereas the wine under storage contracts is stored in containers which may be required to store the next harvest;

Whereas, in order that producers may store their next vintage under normal conditions, aid should be granted for the re-storage of table wine, subject to a limitation as to distance;

Whereas, in order to limit this measure to cases where it appears economically justified, only storage contracts concluded or extended by the intervention agencies during a given period should be considered; whereas, in order to ensure that the measure operates correctly, provisions should also be adopted in respect of the nature of the transport and the date of submission of the application;

Whereas, since there is little time for administrative implementation and since the quantities involved are often small and the transport costs minimal by comparison with total costs, a standard amount of aid should be fixed;

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

On application and subject to the conditions laid down in Article 2, aid may be granted for the re-storage, in another location or another warehouse belonging to a third party, of table wine covered by a storage contract under Regulations (EEC) No 2600/79 and (EEC) No 1059/83.

Article 2

Aid may be granted only where:

- the distance to the new place of storage is not greater than 150 kilometres; however, where storage capacity is not available within this distance and in the case of transport by sea, the intervention agency may authorize transport to the nearest appropriate place of storage,
- the storage contracts in question have either been concluded or had their validity extended by the intervention agencies under Article 17 of Regulation (EEC) No 2600/79 or Article 18 of Regulation (EEC) No 1059/83 prior to 1 July and expire on or after 15 September 1983,
- re-storage takes place between 1 July and 16 October 1983 where the wine is covered by a long-term contract and the transport is carried out, following receipt of the authorization referred to in Article 16 (2) of Regulation (EEC) No 1059/83, in one or more vehicles,
- applications for aid and supporting documents in respect of the aid are submitted not later than 15 December 1983 to the intervention agency of the Member State concerned.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 326, 23. 11. 1982, p. 1.

⁽³⁾ OJ No L 297, 24. 11. 1979, p. 15.

⁽⁴⁾ OJ No L 331, 26. 11. 1982, p. 33.

⁽⁵⁾ OJ No L 116, 30. 4. 1983, p. 77.

Article 3

The aid for all table wines shall be 1,45 ECU per hectolitre.

Article 4

The intervention agency shall pay the aid to the producer not later than four months after the submission of the application for aid and of the supporting documents referred to in the last indent of Article 2.

Article 5

Conversion into national currencies of the aid referred to in Article 1 shall be carried out at the representative rate applicable for the sector on 1 June 1983.

Article 6

1. Member States shall take all appropriate measures to ensure the necessary controls; they shall, in particular, check that the re-storage of the wine has actually taken place.

2. Member States shall notify the Commission not later than 31 January 1984 of the quantities of wine which have been re-stored.

Article 7

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

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

Done at Brussels, 25 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2089/83

of 25 July 1983

fixing the average world market price, the indicative yield and the amount to be deducted from the aid payable in Greece for linseed for the 1982/83 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for linseed⁽¹⁾, and in particular Article 2 (4) thereof,

Whereas an average world market price for linseed must be determined each year according to the criteria laid down in Council Regulation (EEC) No 1774/76⁽²⁾;

Whereas Article 4 of Commission Regulation (EEC) No 1799/76⁽³⁾, as last amended by Regulation (EEC) No 1977/80⁽⁴⁾, provides that this average price is to be the arithmetic mean of the world market prices as referred to in that Article and recorded each week over a representative period;

Whereas the most representative period for the marketing of Community linseed may be taken to be that from 6 September 1982 to 25 March 1983; whereas this is therefore the period to be taken into account;

Whereas the application of all these provisions produces the average world market price for linseed specified below;

Whereas Article 81 (3) of the Act of Accession of Greece provides that the amount of aid for linseed harvested in Greece shall be reduced by the amount of customs duties applied by that country to imports of this product from non-member countries;

Whereas Article 2 (2) of Regulation (EEC) No 569/76 provides that the subsidy is to be granted for a production figure obtained by applying an indicative yield to

the areas sown and harvested; whereas that yield must be determined by applying the criteria laid down in Regulations (EEC) No 569/76 and (EEC) No 1774/76;

Whereas, in accordance with Article 17 (1) of Regulation (EEC) No 1799/76, the producer Member States have supplied the Commission with the results of the sampling, carried out pursuant to Article 2a (2) of that Regulation, regarding the yields per hectare of seed harvested from each of the types of flax referred to in Articles 7a and 10a of the said Regulation in the homogeneous production areas; whereas, on the basis of those results, the indicative yield for linseed should be that specified below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1982/83 marketing year, the average world market price for linseed shall be 26,638 ECU per 100 kilograms.

Article 2

For the 1982/83 marketing year the aid for linseed shall be reduced by 0,210 ECU per 100 kilograms for seeds harvested in Greece.

Article 3

For the 1982/83 marketing year, the indicative yields for linseed and the relevant production zones shall be as specified in the Annex.

Article 4

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 67, 15. 3. 1976, p. 29.

⁽²⁾ OJ No L 199, 24. 7. 1976, p. 1.

⁽³⁾ OJ No L 201, 27. 7. 1976, p. 14.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 24.

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

Done at Brussels, 25 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

Indicative yields (kg/ha) and relevant production areas

I. FIBRE FLAX

	Retted but not de-seeded	Other
Area I:	1 600	1 850
The following Dutch areas: IJsselmeerpolders, Droogmakerijen Noord-Holland and Noordelijk Kleigebied		
Area II:	1 380	1 570
1. The following Dutch areas: Droogmakerijen Zuid-Holland en Zuid-Westelijk Kleigebied		
2. The following Belgian communes: Assenede, Beveren-Waas, Blankenberge, Bredene, Brugge, Damme, De Haan, De Panne, Diksmuide (with the exception of Vladslo and Woumen), Gistel, Jabbeke, Knokke-Heist, Koksijde, Lo-Reninge, Middelkerke, Nieuwpoort, Oostende, Oudenburg, Sint-Laureins, Veurne and Zuienkerke		
Area III:	1 280	1 430
1. Other parts of the Netherlands		
2. Other parts of Belgium		
3. The following French areas: — the department of Nord, — the arrondissements of Béthune, Lens, Clais, St Omer and the canton of Marquise in the département of Pas-de-Calais, — the arrondissements of Saint-Quentin and Vervins in the département of Aisne, — the arrondissement of Charleville-Mézières in the département of Ardennes		
Area IV:	1 030	1 250
The following French areas: — the arrondissements of Arras, Boulogne-sur-Mer with the exception of the canton of Marquise, Montreuil in the département of Pas-de-Calais, — the département of Somme, — the arrondissements of Beauvais, Clermont and Compiègne in the département of Oise		
Area V:	1 050	1 140
The following French areas: — the arrondissements of Rethel, Sedan, Vouziers, in the département of Ardennes, — the arrondissements of Laon, Soissons, Château-Thierry in the département Aisne, — the département of Marne, — the arrondissement of Senlis in the département of Oise, — the départements of Seine-et-Marne, Essonne, Yvelines, Val-d'Oise, hauts-de-Seine, Seine-St-Denis, Val-de-Marne, Eure-et-Loir, Loir-et-Cher, Sarthe, — the arrondissements of Alençon and Mortagne-au-Perche in the département of Orne		
Area VI:	950	1 260
Other areas of the Community		

II. SEED FLAX

Area I:	2 070
Ireland and the United Kingdom	
Area II:	1 810
The following French areas:	
— the departement of Aube in the region of Champagne-Ardenne,	
— the departements of Seine-et-Marne and Essonne in the region of Ile-de-France,	
— the departements of Eure-et-Loir, Indre and Loiret in the region of Centre	
Area III:	1 320
The following French areas:	
— the departement of Allier in the region of Auvergne,	
— the departements of Aisne and Oise in the region of Picardie,	
— the departements of Côte-d'Or and Nièvre in the region of Bourgogne	
Area IV:	830
1. Denmark and the Federal Republic of Germany	
2. The following French areas:	
— the departement of Deux-Sèvres in the region of Poitou-Charentes,	
— the departement of Haute-Marne in the region of Champagne-Ardenne,	
— the departement of Meuse in the region of Lorraine,	
— the departement of Yonne in the region of Bourgogne,	
— the departement of Yvelines in the region of Ile-de-France	
Area V:	750
Other areas of the Community	

COMMISSION REGULATION (EEC) No 2090/83

of 25 July 1983

amending for the third time Regulation (EEC) No 546/83 laying down provisions for distillation of table wine pursuant to Article 15 (2) of Regulation (EEC) No 337/79 and altering the reduction in the quantities of table wine covered by declarations and contracts concluded

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 1595/83 ⁽²⁾, and in particular Article 15 (9) 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 the market situation indicates that the volume of wine for distillation fixed by Commission Regulation (EEC) No 546/83 ⁽⁴⁾, as last amended by Regulation (EEC) No 2038/83 ⁽⁵⁾, has proved insufficient to ensure the rationalization of the market in spite of the increase provided for in Commission Regulation (EEC) No 1001/83 ⁽⁶⁾; whereas it is necessary, therefore, to increase that volume to the maximum limit of five million hectolitres provided for in Article 15 (3) of Regulation (EEC) No 337/79;

Whereas, however, information forwarded by the Member States indicated that the total quantity of table wine covered by contracts and declarations for delivery to the intervention agencies exceeds by approximately 11 % the maximum quantity which may be distilled; whereas, in these circumstances, the mechanism for reducing those quantities provided for in Article 2 (6) of Regulation (EEC) No 546/83 should be allowed to continue to apply and the percentage reduction applicable to each contract and declaration originally provided for should be reduced to 11 %; whereas, in order to simplify the management of the measure, account should be taken, when calculating the margins, of producers who have already delivered for distillation the total quantity of table wine deter-

mined in accordance with Regulation (EEC) No 1001/83;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (6) of Regulation (EEC) No 546/83, '4,3 million hectolitres' is replaced by '5 million hectolitres'.

Article 2

1. The quantity of table wine to be delivered for distillation provided for in Regulation (EEC) No 546/83 shall, in the case of each producer, be equivalent to the quantity of table wine covered by the delivery contract referred to in Article 2 (1) or 15 (1) of that Regulation, or in the declaration referred to in Article 4 (1) thereof, less 11 %.

2. The margins provided for in the second subparagraph of Article 12 (1) of Regulation (EEC) No 546/83 shall be calculated:

- in the case of a margin of 10 % less, in relation to the quantity of wine covered by the contract or declaration following a reduction of 23 %,
- in the case of a margin of 5 % more, in relation to the quantity of wine covered by the contract or declaration following a reduction of 11 %.

Article 3

Article 2 of Regulation (EEC) No 1001/83 is hereby repealed.

Article 4

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

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 48.

⁽³⁾ OJ No L 227, 3. 8. 1982, p. 1.

⁽⁴⁾ OJ No L 64, 10. 3. 1983, p. 12.

⁽⁵⁾ OJ No L 200, 23. 7. 1983, p. 21.

⁽⁶⁾ OJ No L 112, 28. 4. 1983, p. 16.

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

Done at Brussels, 25 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

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Publication No CB-32-81-641-EN-C

ISBN 92-825-2707-7

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