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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2538/83**of 9 September 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 2157/83⁽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 8 September 1983;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2157/83 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 10 September 1983.

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

Done at Brussels, 9 September 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 206, 30. 7. 1983, p. 47.

ANNEX

to the Commission Regulation of 9 September 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	76,86
10.01 B II	Durum wheat	111,13 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	65,36 ⁽⁶⁾
10.03	Barley	50,42
10.04	Oats	70,45
10.05 B	Maize, other than hybrid maize for sowing	39,52 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	51,92 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	120,88
11.01 B	Rye flour	105,03
11.02 A I a)	Durum wheat groats and meal	186,13
11.02 A I b)	Common wheat groats and meal	130,23

⁽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 2539/83

of 9 September 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
2158/83 ⁽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
8 September 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 10
September 1983.

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

Done at Brussels, 9 September 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 206, 30. 7. 1983, p. 50.

ANNEX

to the Commission Regulation of 9 September 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 9	1st period 10	2nd period 11	3rd period 12
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	4,80	4,80	4,80
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 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2540/83

of 9 September 1983

laying down detailed rules for the application of the additional measures applicable to holders of long-term storage contracts for table wine for 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 1595/83 ⁽²⁾, and in particular Articles 12a (5) and 65 thereof,

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1887/83 ⁽⁴⁾, and in particular Article 2 (2) thereof,

Whereas the measures employed to support the wine market have not altogether yielded the desired results; whereas, in particular, the representative prices for table wines of types A I, A II, A III, R I and R II have remained lower than the respective activating prices since the beginning of the wine-growing year; whereas, therefore, the first condition required under Article 12a (1) of Regulation (EEC) No 337/79 for the adoption of additional measures applicable to holders of long-term storage contracts is satisfied; whereas the second condition, namely that the representative price should remain lower than the activating price for three consecutive weeks, is likely to be fulfilled for table wines of types A I, A II, A III, R I and R II during the reference period;

Whereas these measures should provide for the possibility of removing from the market by distillation a certain quantity of wine and for the possibility of delaying for several months the marketing of the remaining quantity held by holders of long-term storage contracts, in anticipation of a recovery of the market; whereas, however, this latter measure might not achieve the desired objective; whereas provision for any further measures which may be necessary should therefore be made;

Whereas the distillation provided for by this Regulation should take place in accordance with the provi-

sions of Council Regulation (EEC) No 2179/83 ⁽⁵⁾; whereas, pursuant to Articles 4, 5 and 26 of that Regulation, time limits should be fixed for the submission of applications for approval of supply contracts and declarations, for approval by the intervention agencies and for the distillation operations; whereas Article 8 of that Regulation specifies that the amount of the aid to be paid is to be fixed using the criteria set out therein;

Whereas additional information which should appear in the supply contract and in the declaration should also be specified;

Whereas Article 9 (1) of Regulation (EEC) No 2179/83 introduced a system of securities with a view to bringing forward the payment of aid while guaranteeing intervention agencies against the risk of undue payment; whereas, therefore, the time limits for advance payment should be specified as well as the time limits and procedures for releasing the security;

Whereas wine delivered for distillation under the arrangements provided for in this Regulation may be processed into wine fortified for distillation; whereas the provisions applicable to distillation operations should therefore be adjusted, pursuant to the rules laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83;

Whereas the intervention agencies and the Commission should be informed of the progress of distillation operations and should in particular be aware of the quantities of wine distilled and the quantities of alcohol obtained;

Whereas storage contracts must be concluded in accordance with Commission Regulation (EEC) No 1059/83 ⁽⁶⁾;

Whereas during the storage period there is a natural alteration in the volatile acidity of the wine which might exceed the limit provided for in Commission Regulation (EEC) No 3476/82 ⁽⁷⁾, which was laid down with a storage period of nine months in view; whereas it seems appropriate to accept that, when a storage contract is concluded for four months, and provided

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 48.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 186, 9. 7. 1983, p. 24.

⁽⁵⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽⁶⁾ OJ No L 116, 30. 4. 1983, p. 77.

⁽⁷⁾ OJ No L 365, 24. 12. 1982, p. 38.

the wine covered by the new contract is the same as the wine covered by the previous contract, the wine should be considered to have fulfilled the required conditions even if the volatile acidity content is higher than that laid down by the said Regulation, provided that the limit laid down for table wine of the type in question has not been exceeded, and that all other administrative and technical conditions are complied with;

Whereas to allow for market developments, it should be possible to terminate contracts;

Whereas the application of the measures provided for in this Regulation extends beyond 15 December 1983; whereas it is necessary, in order to avoid any discrimination between those concerned, to provide for the application of a single representative rate for all payments relating to the distillation operations referred to in this Regulation; whereas, since the storage contracts referred to in the latter were concluded during the 1982/83 wine-growing year, the last representative rate applicable during the said wine-growing year should be used;

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

This Regulation lays down detailed rules for the application of additional measures, as provided for in Article 12a of Regulation (EEC) No 337/79, in respect of holders of long-term storage contracts for table wine for the 1982/83 wine-growing year.

Article 2

1. The period of three consecutive weeks referred to in Article 12a (1) of Regulation (EEC) No 337/79 shall fall between 15 July and 30 November 1983.

2. If the decision referred to in Article 12a (5) of Regulation (EEC) No 337/79 is adopted, holders of long-term storage contracts for the types of table wine in respect of which the decision is adopted and for wines in close economic relationship with such wines may:

(a) for quantity of wine subject to contract not exceeding a percentage to be determined of the total quantity of table wine which they have produced during the 1982/83 wine-growing year, undertake distillation under the conditions referred to in Articles 3 to 9;

(b) for a quantity of wine subject to contract to be determined and which is not subject to the measure provided for at point (a), conclude a storage contract under the conditions referred to in Article 10, for a period to be determined.

3. The total quantity of table wine to which the percentage referred to in Article 12a (3) of Regulation (EEC) No 337/79 is to apply shall be:

- for producers subject to the obligation referred to in Article 2 (1) of Regulation No 134 ⁽¹⁾, the total of the quantities given in their harvest declarations and of the quantities given in the records referred to in Article 14 of Regulation (EEC) No 1153/75 ⁽²⁾ and obtained by themselves after the date of submission of the harvest declaration, from products listed in the said declaration,
- for producers who are not subject to the obligation referred to in the first indent, the quantity given in the records referred to in Article 14 of Regulation (EEC) No 1153/75 and obtained by themselves by vinification of purchased products.

4. Other additional measures applicable to holders of the storage contracts referred to in paragraph 2 (b) in respect of a given type of wine or a wine in close economic relationship therewith may be taken if the representative price for that type of table wine has remained lower than the activating price during the period between the date of adoption of the decision referred to in Article 12a (5) of Regulation (EEC) No 337/79 and 15 January 1984.

Article 3

1. The distillation referred to in Article 2 (2) (a) shall be carried out in accordance with the provisions of Regulation (EEC) No 2179/83 and of this Regulation.

2. The wines which may be distilled are those which have been the subject of long-term storage.

The actual alcoholic strength by volume of the wine delivered to distillation must be not higher than the actual alcoholic strength by volume of the wine which was placed under long-term storage contract.

Article 4

1. The contracts and declarations referred to in Articles 4 (1) and 5 (1), respectively, of Regulation (EEC) No 2179/83 shall be submitted for approval to the competent intervention agency by 15 January 1984 at the latest.

⁽¹⁾ OJ No 111, 6. 11. 1962, p. 2604/62.

⁽²⁾ OJ No 113, 1. 5. 1975, p. 1.

2. The contracts and declarations referred to in paragraph 1 shall specify at least:

- (a) the quantity, colour and actual alcoholic strength by volume of the wine to be distilled;
- (b) the name and address of the producer;
- (c) the place where the wine is stored;
- (d) the name of the distiller or business name of the distillery;
- (e) the address of the distillery.

3. The intervention agency shall notify the producer of the outcome of the approval procedure within 30 days of the date on which the contract or declaration was submitted.

4. Distillation shall be carried out between 20 September 1983 and 30 June 1984.

Article 5

1. The minimum purchase price provided for in Article 12a (3) of Regulation (EEC) No 337/79 shall be:

- 2,72 ECU per % vol per hectolitre in the case of table wines of type A I and of wines in close economic relationship with those wines,
- 6,12 ECU per % vol per hectolitre in the case of table wines of type A II,
- 6,99 ECU per % vol per hectolitre in the case of table wines of type A III,
- 2,99 ECU per % vol per hectolitre in the case of table wines of types R I and R II and of wines in close economic relationship with those wines.

The minimum purchase price specified in the first subparagraph shall be paid by the distiller to the producer within three months of the date on which each consignment of wine delivered enters the distillery.

2. The amount of the aid provided for in Article 8 of Regulation (EEC) No 2179/83 shall be:

- (a) for the wines specified in the first indent of paragraph 1:
 - 2,19 ECU per % vol per hectolitre of the product of distillation if it corresponds to the definition of neutral alcohol given in the Annex to Regulation (EEC) No 2179/83,
 - 2,14 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,

- 2,13 ECU per % vol per hectolitre of the product of distillation if it is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol;

(b) for the wines specified in the second indent of paragraph 1:

- 5,64 ECU per % vol per hectolitre of the product of distillation if it corresponds to the definition of neutral alcohol given in the Annex to Regulation (EEC) No 2179/83,
- 5,59 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,
- 5,58 ECU per % vol per hectolitre of the product of distillation if it is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol;

(c) for the wines specified in the third indent of paragraph 1:

- 6,52 ECU per % vol per hectolitre of the product of distillation if it corresponds to the definition of neutral alcohol given in the Annex to Regulation (EEC) No 2179/83,
- 6,47 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,
- 6,46 ECU per % vol per hectolitre of the product of distillation if it is a distillation or raw alcohol with an alcoholic strength of at least 52 % vol;

(d) for the wines specified in the fourth indent of paragraph 1:

- 2,46 ECU per % vol per hectolitre of the product of distillation if it corresponds to the definition of neutral alcohol given in the Annex to Regulation (EEC) No 2179/83,
- 2,41 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,
- 2,40 ECU per % vol per hectolitre of the product of distillation if it is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol.

The aid shall be paid for the quantity of wine actually distilled within the limit of the tolerances referred to in Article 6 (2) of Regulation (EEC) No 2179/83 and within the limit of the maximum quantities which may be distilled.

3. The distiller must provide the intervention agency, within four months following the date on which evidence that the total quantity of wine mentioned in the contract has been distilled is supplied, with evidence that he paid the producer the purchase price of the wine within the period laid down in the second subparagraph of paragraph 1.

If this evidence is not provided within the period laid down, the aid paid over shall be recovered by the intervention agency. If, however, the evidence is submitted after this period expires but before 31 December 1984 the intervention agency shall recover 20 % of the aid paid out.

If it is found that the distiller has not paid the producer the purchase price, the intervention agency shall before 1 May 1985 pay the producer an amount equal to the aid, if appropriate through the intervention agency of the producer's Member State.

Article 6

1. The advance referred to in Article 9 (1) of Regulation (EEC) No 2179/83 shall be paid over within three months of submission of evidence that the security has been lodged.

2. For the release of the security referred to in paragraph 1 the evidence that the total quantity of wine has been distilled and, where applicable, the evidence of payment of the purchase price of the wine within the specified period shall be provided not later than the end of the fifth month following the final date for the distillations operation specified in Article 4 (4).

However, if the evidence referred to in the first subparagraph is produced after the period specified therein but before 1 March 1985, 80 % of the security shall be released and the difference shall be forfeit.

If the evidence is not provided before 1 March 1985 the entire security shall be forfeit.

Article 7

1. In the case referred to in Article 26 (1) of Regulation (EEC) No 2179/83 the contract or declaration of delivery for the production of fortified wine shall be submitted for approval to the competent intervention agency by 15 January 1984 at the latest.

The intervention agency shall notify the producer of the outcome of the approval procedure within 15 days of the date of submission of the contract or declaration.

2. The fortified wine may not be produced until after the contract or declaration has been approved but by 30 June 1984 at the latest.

3. The fortified wine must be distilled by 31 August 1984 at the latest.

4. The fortifier shall transmit to the intervention agency by the 10th day of each month at the latest a statement of the quantities of wine delivered to him in the previous month.

5. The fortifier shall receive aid per hectolitre per % vol of the actual alcoholic strength of the wine before processing, as follows:

- 2,10 ECU for table wines of type A I and wines in close economic relationship with those wines,
- 5,50 ECU for table wines of type A II,
- 6,37 ECU for table wines of type A III,
- 2,37 ECU for table wines of types R I and R II and wines in close economic relationship with those wines.

To receive the aid the fortifier shall by 31 August 1984 at the latest submit an application to the competent intervention agency together with a copy of the transport documents accompanying the wine for which aid is requested or a summary of those documents.

Member States may require that copies or summaries be endorsed by a supervisory authority.

The aid shall be paid over at the latest three months after the date of submission of proof that the security referred to in Article 26 (4) of Regulation (EEC) No 2179/83 has been lodged and in any event after the date on which the contract or declaration has been approved.

6. Subject to the provisions of Article 23 of Regulation (EEC) No 2179/83, the security shall be released only if by 31 December 1984 at the latest evidence is provided that:

- the total quantity of wine covered by the contract or the declaration has been processed into fortified wine and distilled,
- the purchase price of the wine has been paid to the producer within the period specified in the second subparagraph of Article 5 (1).

If such evidence is not provided by 31 December 1984 at the latest, the intervention agency shall recover the aid from the producer of the fortified wine.

If, however, the evidence is presented after that time limit but before 1 April 1985, the intervention agency shall recover an amount equal to 20 % of the aid paid over.

If it is found that the fortifier has not paid the purchase price to the producer, the intervention agency shall before 1 May 1985 pay the producer an amount equal to the aid, if appropriate through the intervention agency of the producer's Member State.

Article 8

1. Member States shall notify the Commission not later than 29 February 1984 of the quantities of wine covered by approved distillation contracts.

2. Distillers shall send to the intervention agency, not later than the 10th day of each month, a statement of the quantities of wine distilled during the previous month, giving separate figures for each of the categories specified in the first subparagraph of Article 3 (1) of Regulation (EEC) No 2179/83.

3. Member States shall inform the Commission by telex, not later than the 20th day of each month in respect of the previous month, of the quantities of wine distilled and the quantities expressed as pure alcohol of the products which they have obtained, distinguishing between them in accordance with paragraph 2.

4. Member States shall notify not later than 30 September 1984 cases in which distillers or fortifiers have failed to fulfil their obligations and the measures taken in consequence.

Article 9

1. The contracts referred to in Article 2 (2) (b) shall be concluded not later than 15 January 1984.

The volatile acidity of the table wine covered by the contracts referred to in the first subparagraph may

exceed the limits required by Regulation (EEC) No 3476/82 when long-term storage contracts are concluded.

If the holder of a long-term storage contract decides to take advantage of Article 2 (2) (b) in respect of all the wine covered by the contract, the intervention agency may extend the old contract for the new period by altering the relevant wording.

2. In the case of storage contracts as referred to in Article 2 (2) (b), the amount of the aid shall be that laid down for long-term storage contracts for the 1982/83 wine-growing year.

3. The storage contracts referred to in Article 2 (2) (b) shall be terminated at the request of the producers concerned.

In that case :

- the storage aid shall remain payable for the period during which the wine was placed under such a contract,
- wine subject to the contract may not be distilled as referred to in Article 2 (2) (a).

Article 10

The amounts specified in Articles 5 and 7 shall be converted into national currency at the representative rate applicable in the wine sector on 31 August 1983.

Article 11

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

It shall apply from 16 September 1983.

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

Done at Brussels, 9 September 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2541/83

of 9 September 1983

on the application of the additional measures applicable to holders of long-term storage contracts for certain table wines for 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 1595/83 ⁽²⁾, and in particular Article 12a (5) thereof,

Whereas the measures to support the wine market which were employed during the 1982/83 wine-growing year have not in all cases given the desired results; whereas Article 2 (1) of Commission Regulation (EEC) No 2540/83 of 9 September 1983 laying down detailed rules for the application of the additional measures applicable to holders of long-term storage contracts for table wine for the 1982/83 wine-growing year ⁽³⁾ provides that the period of three consecutive weeks referred to in Article 12a (1) of Regulation (EEC) No 337/79 must fall between 15 July and 30 November; whereas since 15 July the representative prices for table wines of type A I, A II, A III, R I and R II have remained lower than the activating price for three consecutive weeks; whereas the conditions laid down in Article 12a (1) are thus satisfied; whereas it is therefore necessary to adopt the measures referred to in Article 12a;

Whereas Article 2 (2) of Regulation (EEC) No 2540/83 provides for the fixing of the quantity of wine under storage contract which may be distilled and the duration of any storage contracts; whereas, having regard

to the market situation as indicated by the harvest forecasts and the levels of stocks at the end of the wine-growing year, the said quantity should be fixed at the maximum level laid down in Article 12a (3) of Regulation (EEC) No 337/79, and the said duration at four months;

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

Holders of long-term storage contracts for table wine other than table wine of type R III may, in accordance with the provisions of Regulation (EEC) No 2540/83:

- distil a quantity of wine under contract up to 18 % of their total table wine production in the 1982/83 wine year,
- in respect of all or part of the table wine under contract in excess of 18 % of their total table wine production in the 1982/83 wine year, conclude one or more storage contracts for a period of four months.

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 from 16 September 1983.

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

Done at Brussels, 9 September 1983.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 48.

⁽³⁾ See page 5 of this Official Journal.

COMMISSION REGULATION (EEC) No 2542/83

of 9 September 1983

amending certain provisions of Regulations (EEC) No 262/79 and (EEC) No 1932/81 concerning respectively the sale of butter at reduced prices and the granting of aid for butter for use in the manufacture of pastry products, ice-cream and other foodstuffs

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 1600/83 ⁽²⁾, and in particular Articles 6 (7) and 12 (3) 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 Article 9 (1) of Commission Regulation (EEC) No 262/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 1014/83 ⁽⁶⁾, provides that establishments which also process butter under Commission Regulation (EEC) No 1932/81 ⁽⁷⁾, as last amended by Regulation (EEC) No 48/82 ⁽⁸⁾, must abide by certain undertakings; whereas experience has shown that certain undertakings need not be required where the establishment provides adequate guarantees as to its functioning;

Whereas the possibility provided for in (a) of the first subparagraph of Article 10 (2) of Regulation (EEC) No 262/79 should be extended to products falling within subheading 19.02 B II b) of the Common Customs Tariff in the form of uncooked dough; whereas Article 2 (1) (a) of Regulation (EEC) No 1932/81 should therefore be amended;

Whereas under Article 23 of Regulation (EEC) No 262/79 a condition for the granting of an extension of the processing period is that there has been no serious negligence on the part of the party concerned; whereas experience suggests that such proof need no longer be required;

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 is added to the second indent of the second subparagraph of Article 9 (1):

'However, at the request of the party concerned, Member States may waive this obligation if the establishment has premises so designed as to guarantee the separation and identification of any stocks of the butter in question.'

2. The first subparagraph of Article 10 (2) is replaced by the following:

'2. However, an undertaking may take part in the tendering procedure without subscribing to the conditions provided for in Article 5 (1) and (2) if it gives a written undertaking to fulfil the following conditions:

- (a) all the butter awarded shall be processed in accordance with the use specified in the tender (formula A, formula B or formula C) into products as specified in Article 4 (1), (2) and 3 (a) (aa) within eight months of the final day for submission of tenders as specified in Article 12 (2);
- (b) the processing referred to under (a) shall be undertaken in such a way that the minimum quantity of butter used in each factory in one month is five tonnes;
- (c) the requirements laid down in the second subparagraph of Article 9 (1) shall be observed.'

3. Article 23 (2) is replaced by the following:

'2. In other cases which cannot be regarded as cases of *force majeure* and where the periods for processing referred to in Article 8 or the period for processing referred to in Article 10 (2) (a) have been exceeded by no more than 60 days in total, the amount of the processing security to be forfeit shall

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 56.

⁽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 114, 29. 4. 1983, p. 8.

⁽⁷⁾ OJ No L 191, 14. 7. 1981, p. 6.

⁽⁸⁾ OJ No L 7, 12. 1. 1983, p. 5.

be only 4 ECU per tonne for each day by which the prescribed periods have been exceeded.'

Article 2

Article 2 (1) (a) of Regulation (EEC) No 1932/81 is hereby replaced by the following:

'(a) as regards butter, only by those undertakings which give a written undertaking to process themselves, within the time limits referred to

in paragraph 2, the butter referred to in Article 1 (2) (a) directly into the formula A, formula B or formula C products specified in Article 4 of Regulation (EEC) No 262/79 in accordance with the detailed rules laid down in Article 10 (2) of the said Regulation;'

Article 3

This Regulation shall enter into force on 15 September 1983.

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

Done at Brussels, 9 September 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2543/83
of 9 September 1983
on the supply of common wheat to Ethiopia as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid⁽³⁾, as amended by Regulation (EEC) No 3331/82⁽⁴⁾, and in particular Article 6 thereof,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 29 July 1983 the Commission of the European Communities expressed its intention to grant, under a Community measure, 20 000 tonnes of cereals to Ethiopia under its food-aid programme for 1983;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁷⁾, as last amended by Regulation (EEC) No 3323/81⁽⁸⁾; whereas it is necessary to specify, for the purposes of the Community measures envisaged, the characteristics of the products to be supplied and the supply conditions which are set out in the Annex to this Regulation;

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 German intervention agency shall be charged with implementing the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 9 September 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 1.

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

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁸⁾ OJ No L 334, 21. 11. 1981, p. 27.

ANNEX

1. **Programme :** 1983
2. **Recipient :** Ethiopia
3. **Place or country of destination :** Ethiopia
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 20 000 tonnes
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/
Main (telex 411 475)
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
the common wheat must be of fair and sound merchantable quality and correspond at least to
the minimum bread-making quality required for intervention (moisture : maximum 14,5 %)
10. **Packaging :**
 - in bulk plus 408 000 empty new jute sacks, minimum weight 500 g, of a capacity of 50 kilo-grams, 250 needles and sufficient twine⁽¹⁾
 - marking on the bags, in letters at least 5 cm high :
'FOOD AID OF THE EUROPEAN ECONOMIC COMMUNITY TO THE PEOPLE OF
ETHIOPIA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Assab
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 20 September 1983
16. **Shipment period :** 1 to 31 October 1983
17. **Security :** 6 ECU per tonne

⁽¹⁾ The bagging costs are to be borne by the successful tenderer.

COMMISSION REGULATION (EEC) No 2544/83

of 9 September 1983

re-establishing the levying of customs duties on gloves, including mittens and mitts, falling within subheading 42.03 B I and originating in Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3377/82 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3377/82 of 8 December 1982 applying generalized tariff preferences for 1983 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas, pursuant to Articles 1 and 9 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex C, other than those listed in column 4 of Annex A, within the framework of the preferential tariff ceiling fixed in column 9 of Annex A; whereas, as provided for in Article 10 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of gloves, including mittens and mitts, falling within subheading 42.03 B I, the individual ceiling was fixed at 3 222 450 ECU; whereas, on 8 September 1983, imports of these products into the Community originating in Thailand reached that ceiling after being charged thereagainst;

Whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 September 1983, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3377/82, shall be re-established on imports into the Community of the following products originating in Thailand:

CCT heading No	Description
42.03 B I	Articles of apparel and clothing accessories, of leather or of composition leather: B. Gloves, including mittens and mitts: I. Protective, for all trades

Article 2

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

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

Done at Brussels, 9 September 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 363, 23. 12. 1982, p. 1.

COMMISSION REGULATION (EEC) No 2545/83
of 9 September 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 2519/83⁽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 Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 September 1983.

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

Done at Brussels, 9 September 1983.

For the Commission

Poul DALSGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 176, 1. 7. 1983, p. 48.
⁽⁴⁾ OJ No L 248, 8. 9. 1983, p. 31.

ANNEX

to the Commission Regulation of 9 September 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	33,16
	B. Raw sugar	29,04 ⁽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 DECISION No 2546/83/ECSC

of 7 September 1983

amending Decision No 2177/83/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2177/83/ECSC of 28 July 1983 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽¹⁾, and in particular Article 18 (1) thereof,

Whereas Article 14d of Decision No 2177/83/ECSC reads in part as follows: 'In the event of exchanges or transfers of a structural nature reducing the reference production of an undertaking for the group of product categories Ia, Ib, Ic and Id, relative to those which existed under the system of Decision No 1696/82/ECSC, and in so far as the enterprise has fulfilled its production quota for this group of products at a rate of at least 95 % in 1982...'; whereas this wording is to be read as excluding an insignificant reduction; whereas to be significant, a reduction must be greater than 1 %;

Whereas this definition calls for an adjustment by way of a Decision amending Decision No 2177/83/ECSC; whereas, such being the case, Decision No 2177/83/ECSC has therefore encountered an unforeseen difficulty within the meaning of Article 18 (1) thereof and should be amended in consequence,

HAS ADOPTED THIS DECISION:

Article 1

Decision No 2177/83/ECSC is hereby amended as follows:

The first paragraph of Article 14d, is replaced by the following:

'In the event of exchanges or transfers of a structural nature reducing the reference production of an undertaking for the group of product categories Ia, Ib, Ic and Id by more than 1 % relative to those which existed under the system of Decision No 1696/82/ECSC, and in so far as the enterprise has fulfilled its production quota for this group of products at a rate of at least 95 % in 1982, then the Commission may make an adjustment to its production quotas and those parts of the quotas that may be delivered to the common market in order to achieve the levels which would have obtained if the production and quantity references of each of these product categories had been set for this undertaking at the level of Decision No 1696/82/ECSC.'

Article 2

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

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

Done at Brussels, 7 September 1983.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 208, 31. 7. 1983, p. 1.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2183/83 of 28 July 1983 on arrangements for imports into France and Italy of certain textile products originating in Peru

(Official Journal of the European Communities No L 210 of 2 August 1983)

Page 8, Annex, last column heading :

for: 'Provisional quantitative limit',

read: 'Quantitative limit'.

THE COMMUNITY LEGAL ORDER

Jean-Victor LOUIS

The European Communities are not simply a forum of discussion and negotiation between States. Their institutional structure, far more complex and original than that of traditional international organizations, has given birth to a vast quantity of legislation, most of which can be relied upon directly before national courts. The Court of Justice of the three Communities is faced with a workload increasing year by year in its efforts both to clarify the interpretation of Community law for the benefit of national courts and to resolve disputes between the institutions and individuals or Member States. In short, the Communities constitute a unique legal order with a highly complex structure, which penetrates further every day into economic and social reality in the Member States, yet still remains largely unrecognized.

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Jean-Victor Louis — Born 10 January 1938 — Agrégé in international law, Brussels University (ULB), 1969 — Lecturer in Community law, ULB — Former Director and Research Director, European Studies Department, ULB — Director of the *Cahiers de Droit Européen* — Head of the Legal Department, Banque Nationale de Belgique — Author of 'Les règlements de la Communauté économique européenne' and, with others, of 'Le droit de la Communauté économique européenne', ed. Jacques Mégret (nine volumes published).

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