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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 971/84**of 10 April 1984****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 9 April 1984;

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 11 April 1984.

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

Done at Brussels, 10 April 1984.

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. 47.

ANNEX

to the Commission Regulation of 10 April 1984 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	88,54
10.01 B II	Durum wheat	145,88 ⁽¹⁾ ⁽²⁾
10.02	Rye	99,68 ⁽⁶⁾
10.03	Barley	82,95
10.04	Oats	74,94
10.05 B	Maize, other than hybrid maize for sowing	57,51 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	89,16 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	138,23
11.01 B	Rye flour	154,77
11.02 A I a)	Durum wheat groats and meal	239,85
11.02 A I b)	Common wheat groats and meal	146,80

⁽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 972/84

of 10 April 1984

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
9 April 1984;

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 11 April
1984.

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

Done at Brussels, 10 April 1984.

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 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 10 April 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7
10.01 B I	Common wheat, and meslin	0	0	0	21,76
10.01 B II	Durum wheat	0	0	0	1,18
10.02	Rye	0	0	0	0
10.03	Barley	0	4,41	4,41	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1,41	1,41	0,82
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	30,45

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	38,73	38,73
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	28,94	28,94
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	7,85	7,85	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	5,87	5,87	0	0
11.07 B	Roasted malt	0	6,84	6,84	0	0

COMMISSION REGULATION (EEC) No 973/84**of 10 April 1984****correcting Regulation (EEC) No 958/84 suspending advance fixing of the import
levy for maize and common wheat**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82 ⁽²⁾, and in particular the
second subparagraph of Article 15 (7) thereof,

Whereas Commission Regulation (EEC) No 958/84 ⁽³⁾
suspended advance fixing of the import levy for maize
and common wheat;

Whereas, pursuant to Article 3 (3) of Council Regula-
tion (EEC) No 1182/71 ⁽⁴⁾, Saturday is not to be taken
into consideration in calculation of a period expressed
in working days; whereas, by error, the period of
suspension fixed by Regulation (EEC) No 958/84 was
set without this requirement being taken into account;

whereas the Regulation in question should therefore
be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 958/84 is amended
to read as follows:

Article 1

Advance fixing of the import levy on maize falling
within subheading 10.05 B of the Common
Customs Tariff and on common wheat falling
within subheading 10.01 B I of the Common
Customs Tariff is suspended up to and including
11 April 1984^{*}.

Article 2

This Regulation shall enter into force on 11 April
1984.

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

Done at Brussels, 10 April 1984.

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 L 97, 7. 4. 1984, p. 25.

⁽⁴⁾ OJ No L 124, 8. 6. 1971, p. 1.

COMMISSION REGULATION (EEC) No 974/84

of 10 April 1984

fixing the amount of the aid for skimmed milk and skimmed-milk powder for use as feed

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 856/84 ⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Article 2a (1) of Council Regulation (EEC) No 986/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk and skimmed-milk powder for use as feed ⁽³⁾, as last amended by Regulation (EEC) No 1187/82 ⁽⁴⁾, defines the criteria governing the fixing of these aids; whereas paragraph 3 of the abovementioned Article specifies a margin which must be adhered to when the level of aid is fixed for skimmed-milk powder;

Whereas, in applying these rules to the present market situation, it follows that the aid for skimmed milk and skimmed-milk powder should be fixed at the level set out below;

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

The amount of the aid referred to in Article 10 of Regulation (EEC) No 804/68 shall be 73 ECU per 100 kilograms for skimmed-milk powder and 6,95 ECU per 100 kilograms for skimmed milk.

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 9 April 1984.

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

Done at Brussels, 10 April 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 10.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 4.

⁽⁴⁾ OJ No L 140, 20. 5. 1982, p. 6.

COMMISSION REGULATION (EEC) No 975/84**of 10 April 1984****amending for the 15th time Regulation (EEC) No 2793/77 on detailed rules of application for granting special aid for skimmed milk for use as feed for animals other than young calves**

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 856/84 ⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Commission Regulation (EEC) No 2793/77 ⁽³⁾, as last amended by Regulation (EEC) No 2838/83 ⁽⁴⁾, fixes the amount of the special aid for skimmed milk for use as feed for animals other than young calves and the maximum selling price applied by dairies; whereas, in view of changes in the market situation, this aid and the maximum selling price should be adapted;

Whereas Article 2a of Council Regulation (EEC) No 986/68 ⁽⁵⁾, as last amended by Regulation (EEC) No 1187/82 ⁽⁶⁾, states that the aid shall be fixed on the basis of the intervention price for skimmed-milk powder; whereas the conditions for granting aid should in consequence be adapted from the beginning of the milk year; whereas, on account of administrative constraints, and in particular the monthly basis on which accounting systems operate, the adaptation should come into effect from the beginning of the following month; whereas the opportunity should be

taken on this occasion to adapt the system in the light of experience gained;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2793/77 is hereby amended as follows:

1. In Article 1 (2), '9,10 ECU per 100 kilograms' is replaced by '10,60 ECU per 100 kilograms'.
2. Article 3 (1) (c) shall read as follows:

'(c) if the dairy has adhered to:

- for this skimmed milk, a maximum ex-dairy selling price of 2,48 ECU per 100 kilograms,
- for the skimmed milk referred to at the third indent of Article 4 (1) (c) and the third indent of Article 4 (2), a maximum ex-dairy selling price of 6,13 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 9 April 1984.

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

Done at Brussels, 10 April 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ No L 90, 1. 4. 1984, p. 10.
⁽³⁾ OJ No L 321, 16. 12. 1977, p. 30.
⁽⁴⁾ OJ No L 279, 12. 10. 1983, p. 9.
⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 4.
⁽⁶⁾ OJ No L 140, 20. 5. 1982, p. 6.

COMMISSION REGULATION (EEC) No 976/84**of 10 April 1984****amending Regulation (EEC) No 756/70 on granting aid for skimmed milk
processed into casein and caseinates**

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 856/84 ⁽²⁾, and in particular
Article 11 (3) thereof,

Whereas the amount of aid for 100 kilograms of
skimmed milk processed into casein or caseinates was
fixed at 6,50 ECU by Article 2 (1) of Commission
Regulation (EEC) No 756/70 ⁽³⁾, as last amended by
Regulation (EEC) No 1445/83 ⁽⁴⁾; whereas the inter-
vention price for skimmed-milk powder has been
amended for the new milk year and that, for this
reason, account should be taken of the new valoriza-
tion of liquid skimmed milk for the processing of
caseins and caseinates;

Whereas, in addition, account should be taken of the
development of casein prices in international trade;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (1) of Regulation (EEC) No 756/70, '6,50
ECU' is hereby replaced by '8,00 ECU'.

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 9 April 1984.

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

Done at Brussels, 10 April 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 10.

⁽³⁾ OJ No L 91, 25. 4. 1970, p. 28.

⁽⁴⁾ OJ No L 146, 4. 6. 1983, p. 17.

COMMISSION REGULATION (EEC) No 977/84**of 10 April 1984****concerning the putting up for sale on the internal market of 142 600 tonnes of common wheat of bread-making quality held by the Danish intervention agency and amending Regulation (EEC) No 1687/76**

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 8 (4) thereof,

Having regard to Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency⁽³⁾, and in particular Article 4 thereof,

Whereas Council Regulation (EEC) No 1146/76 of 17 May 1976 on particular and special intervention measures for cereals⁽⁴⁾ lays down the general rules applicable in this field;

Whereas, for the 1983/84 marketing year, the market in common wheat shows an imbalance between supply and demand which has resulted in particularly large deliveries into intervention;

Whereas the accumulation of these stocks of common wheat combined with budgetary constraints threatens to create serious disturbances in the operation of the common organization of the market, particularly at intervention level;

Whereas, in order to remedy this situation, measures have been taken to facilitate the disposal on the Community market of the stocks held by the intervention agencies; whereas these measures, which have taken the form of the sale of common wheat for use in animal feedingstuffs, are due to expire on 31 March 1984;

Whereas further outlets for disposal in this sector currently exist in Denmark; whereas the stocks existing in Denmark allow for such action;

Whereas the envisaged action should produce its full effect before the beginning of the 1984/85 marketing year;

Whereas it is appropriate that this sale should take place in accordance with the provisions of Commission Regulation (EEC) No 1836/82 of 7 July 1982

laying down the procedure and conditions for the disposal of cereals held by intervention agencies⁽⁵⁾ subject, however, to certain special provisions designed to ensure that the operation is conducted in conformity with the aim pursued;

Whereas, in particular, the intended use of the cereal in question calls for the fixing of special price conditions; whereas these conditions should serve to attenuate the tension on the cereals market and prevent any deterioration; whereas, moreover, in view of the fixing of special price conditions, provision should be made for a security to be lodged in order to ensure that the operators enjoying such conditions genuinely put the cereals concerned to the use provided for;

Whereas, in order to facilitate supervision of the use of the cereals to be put up for sale by the Danish intervention agency, the minimum quantity to be covered by tenders should be fixed at 200 tonnes;

Whereas, moreover, where supervision is concerned, the provisions of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁶⁾, as last amended by Regulation (EEC) No 783/84⁽⁷⁾, are applicable; whereas, however, it is appropriate to strengthen the said detailed rules; whereas, to this effect, provision should be made for the systematic inspection of accounts as well as on-the-spot verification, possibly based on sampling; whereas, moreover, provision should be made for the cereals in question to be treated in such a manner that they can be identified;

Whereas, in view of the special use provided for in this Regulation, Regulation (EEC) No 1687/76 should be amended;

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

1. The Danish intervention agency shall put up for sale on the internal market by means of an invitation to tender about 142 600 tonnes of common wheat of bread-making quality to be used in animal feedingstuffs.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽⁴⁾ OJ No L 130, 19. 5. 1976, p. 9.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁷⁾ OJ No L 85, 28. 3. 1984, p. 26.

2. Without prejudice to the provisions of this Regulation, the provisions of Regulation (EEC) No 1836/82 shall apply to the sale provided for in paragraph 1.

Article 2

The sale of the common wheat referred to in Article 1 shall take place on the basis of a standing invitation to tender.

The invitation to tender shall be open for the period April until the end of May 1984.

The Danish intervention agency shall issue partial invitations to tender at least once a week.

Article 3

1. By way of derogation from Article 5 (1) and (2) of Regulation (EEC) No 1836/82, the successful offer price must correspond to not less than 215,67 ECU per tonne during April 1984; this price shall be adjusted upwards by the amount of a monthly increase provided for in respect of the reference price during the following month.

2. By way of derogation from Article 3 of Regulation (EEC) No 1836/82, to be admissible, tenders must be for a quantity of not less than 200 tonnes.

Article 4

Without prejudice to Article 13 (2) of Regulation (EEC) No 1836/82, where the offer price is less than the amount given by the reference price in force during the month in which the contract is awarded, reduced by 11,62 ECU per tonne and increased by 1 %, the tender shall be valid only if accompanied by a written undertaking by the tenderer:

- to lodge, no later than two working days following the day of receipt of notification of the award of contract, a security amounting to the difference between those two prices,
- to keep a stock record showing the quantities purchased and the use to which they have been put and, in the event of sale, the name and address of the purchaser and the quantities sold.

The security shall be released only for those quantities in respect of which the successful tenderer can prove they were used in animal feedingstuffs before 1 August

1984. Such proof must be furnished not later than 31 December 1984.

Article 5

The control referred to in Article 2 of Regulation (EEC) No 1687/76 shall comprise systematic verification of accounts and on-the-spot controls. The latter may take the form of sampling.

The intervention agency concerned may treat the cereals concerned in a manner permitting their identification. The treatment must be carried out at the lowest possible cost.

Article 6

Regulation (EEC) No 1687/76 is hereby amended as follows:

In the Annex, part II 'Products subject to a use and/or destination other than that mentioned under I', the following point 22 and related footnote are added:

- '22. Commission Regulation (EEC) No 977/84 of 10 April 1984 concerning the putting up for sale on the internal market of 142 600 tonnes of common wheat of bread-making quality held by the Danish intervention agency and amending Regulation (EEC) No 1687/76 ⁽²²⁾:

On the dispatch of common wheat for processing:

— Section 104:

"Intended for processing (Article 1 of Regulation (EEC) No 977/84)."

— Section 106:

The date on which the common wheat was withdrawn from the intervention stocks.

⁽²²⁾ OJ No L 99, 11. 4. 1984, p. 9.'

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, 10 April 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 978/84**of 10 April 1984****concerning the putting up for sale on the internal market of 150 000 tonnes of common wheat of bread-making quality held by the United Kingdom intervention agency and amending Regulation (EEC) No 1687/76**

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 8 (4) thereof,

Having regard to Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency⁽³⁾, and in particular Article 4 thereof,

Whereas Council Regulation (EEC) No 1146/76 of 17 May 1976 on particular and special intervention measures for cereals⁽⁴⁾ lays down the general rules applicable in this field;

Whereas, for the 1983/84 marketing year, the market in common wheat shows an imbalance between supply and demand which has resulted in particularly large deliveries into intervention;

Whereas the accumulation of these stocks of common wheat combined with budgetary constraints threatens to create serious disturbances in the operation of the common organization of the market, particularly at intervention level;

Whereas, in order to remedy this situation, measures have been taken to facilitate the disposal on the Community market of the stocks held by the intervention agencies; whereas these measures, which have taken the form of the sale of common wheat for use in animal feedingstuffs, are due to expire on 31 March 1984;

Whereas further outlets for disposal in this sector currently exist in the United Kingdom; whereas the stocks existing in the United Kingdom allow for such action;

Whereas the envisaged action should produce its full effect before the beginning of the 1984/85 marketing year;

Whereas it is appropriate that this sale should take place in accordance with the provisions of Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the

disposal of cereals held by intervention agencies⁽⁵⁾ subject, however, to certain special provisions designed to ensure that the operation is conducted in conformity with the aim pursued;

Whereas, in particular, the intended use of the cereal in question calls for the fixing of special price conditions; whereas these conditions should serve to attenuate the tension on the cereals market and prevent any deterioration; whereas, moreover, in view of the fixing of special price conditions, provision should be made for a security to be lodged in order to ensure that the operators enjoying such conditions genuinely put the cereals concerned to the use provided for;

Whereas, in order to facilitate supervision of the use of the cereals to be put up for sale by the United Kingdom intervention agency, the minimum quantity to be covered by tenders should be fixed at 200 tonnes;

Whereas, moreover, where supervision is concerned, the provisions of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁶⁾, as last amended by Regulation (EEC) No 977/84⁽⁷⁾, are applicable; whereas, however, it is appropriate to strengthen the said detailed rules; whereas, to this effect, provision should be made for the systematic inspection of accounts as well as on-the-spot verification, possibly based on sampling; whereas, moreover, provision should be made for the cereals in question to be treated in such a manner that they can be identified;

Whereas, in view of the special use provided for in this Regulation, Regulation (EEC) No 1687/76 should be amended;

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

1. The United Kingdom intervention agency shall put up for sale on the internal market by means of an invitation to tender about 150 000 tonnes of common wheat of bread-making quality to be used as animal feed.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽⁴⁾ OJ No L 130, 19. 5. 1976, p. 9.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁷⁾ See page 9 of this Official Journal.

2. Without prejudice to the provisions of this Regulation, the provisions of Regulation (EEC) No 1836/82 shall apply to the sale provided for in paragraph 1.

Article 2

The sale of the common wheat referred to in Article 1 shall take place on the basis of a standing invitation to tender.

The invitation to tender shall be open for the period April until the end of May 1984.

The United Kingdom intervention agency shall issue partial invitations to tender at least once a week.

Article 3

1. By way of derogation from Article 5 (1) and (2) of Regulation (EEC) No 1836/82, the successful offer price must correspond to not less than 215,67 ECU per tonne during April 1984; this price shall be adjusted upwards by the amount of a monthly increase provided for in respect of the reference price during the following month.

2. By way of derogation from Article 3 of Regulation (EEC) No 1836/82, to be admissible, tenders must be for a quantity of not less than 200 tonnes.

Article 4

Without prejudice to Article 13 (2) of Regulation (EEC) No 1836/82, where the offer price is less than the amount given by the reference price in force during the month in which the contract is awarded, reduced by 11,62 ECU per tonne and increased by 1 %, the tender shall be valid only if accompanied by a written undertaking by the tenderer:

- to lodge, no later than two working days following the day of receipt of notification of the award of contract, a security amounting to the difference between those two prices,
- to keep a stock record showing the quantities purchased and the use to which they have been put and, in the event of sale, the name and address of the purchaser and the quantities sold.

The security shall be released only for those quantities in respect of which the successful tenderer can prove

they were used in animal feedingstuffs before 1 August 1984. Such proof must be furnished not later than 31 December 1984.

Article 5

The control referred to in Article 2 of Regulation (EEC) No 1687/76 shall comprise systematic verification of accounts and on-the-spot controls. The latter may take the form of sampling.

The intervention agency concerned may treat the cereals concerned in a manner permitting their identification. The treatment must be carried out at the lowest possible cost.

Article 6

Regulation (EEC) No 1687/76 is hereby amended as follows:

In the Annex, part II 'Products subject to a use and/or destination other than that mentioned under I', the following point 23 and related footnote are added:

- '23. Commission Regulation (EEC) No 978/84 of 10 April 1984 concerning the putting up for sale on the internal market of 150 000 tonnes of common wheat of bread-making quality held by the United Kingdom intervention agency and amending Regulation (EEC) No 1687/76⁽²³⁾:

On the dispatch of common wheat for processing:

— Section 104:

"Intended for processing (Article 1 of Regulation (EEC) No 978/84)."

— Section 106:

The date on which the common wheat was withdrawn from the intervention stocks.

⁽²³⁾ OJ No L 99, 11. 4. 1984, p. 11.'

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, 10 April 1984.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 979/84

of 9 April 1984

opening an invitation to tender for the sale for export of olive oil held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1413/82 ⁽²⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 5/81 of 1 January 1981 laying down the general rules for the system of the accession compensatory amount for olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78 ⁽⁴⁾ provides that olive oil held by the intervention agencies is to be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency has bought in, since the 1975/76 marketing year, large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 2041/83 ⁽⁶⁾, laid down the conditions for the sale by tender of olive oil; whereas at the present time there exist opportunities for exporting olive oil; whereas, therefore, the said oil should be put up for sale under an invitation to tender, providing that, taking into account the world market, the obligation to export is a delay shorter than the normal six months;

Whereas, in order to avoid any export problem, it shall be precisely stated on the package of the product to be exported one of the denominations set out in the Annex to Regulation No 136/66/EEC;

Whereas the minimum selling price is so fixed that the Community operators enjoy equal conditions of competition with operators in non-member countries; whereas, accordingly, oil should under this Regulation qualify neither for the export refund provided for in Article 20 of Regulation No 136/66/EEC nor for the

consumption aid provided for in Article 11 of the same Regulation;

Whereas there is an established export trade in olive oil put up in small containers from the Community to the United States of America and to Canada; whereas if oil subject of an award by tender under this Regulation were to be exported in bulk to these two countries, it might well damage this traditional export trade; whereas, to guard against this danger, exportation in bulk or in immediate containers of a net content of more than five litres should be allowed only to countries other than the United States of America and Canada;

Whereas Article 20 of Commission Regulation (EEC) No 2730/79 of 29 November 1979 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁷⁾, as last amended by Regulation (EEC) No 519/83 ⁽⁸⁾, specifies the evidence required to prove importation into non-Community countries;

Whereas Commission Regulation (EEC) No 2566/79 of 15 November 1979 on the country nomenclature for the external trade statistics of the Community and statistics of trade between Member States ⁽⁹⁾ lists the non-member countries of Europe, Africa and the Near and Middle East;

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

1. The Italian intervention agency 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale for export of:

— approximately 5 000 tonnes of olive residue oil.

Unsold quantities from a tender will be put on sale at the following tender.

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 1, 1. 1981, p. 8.

⁽⁴⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 200, 23. 7. 1983, p. 25.

⁽⁷⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁸⁾ OJ No L 58, 5. 3. 1983, p. 5.

⁽⁹⁾ OJ No L 294, 21. 11. 1979, p. 5.

2. The quantities of olive oil awarded shall not be exported to the United States of America or Canada.

3. By derogation of the dispositions of Article 1 of Regulation (EEC) No 2960/77, the oil awarded must be exported within four months of the sale, having been refined and made edible. The amount effectively exported shall be determined by applying to the amount withdrawn the formula set out at Article 17 1 (b) of Regulation (EEC) No 2960/77.

4. According to the dispositions of Article 35 of Regulation No 136/66/EEC, if the oil awarded is exported in bulk, the immediate packaging must state one of the denominations set out in points 5 and 6 of the Annex to the said Regulation.

Article 2

The invitation to tender shall be made public on 11 April 1984.

Particulars of the lots of oil offered for sale and the places where they are stored shall be displayed at the head office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender referred to above shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach AIMA, via Palestro 81, Rome, Italy, not later than 2 p.m. (local time) on 24 April 1984.

The second series of tenders must be lodged by 2 p.m. (local time) on 23 May 1984.

Article 4

1. Tenders shall be made for an olive residue oil of 10° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

Olive residue oil:

- below 10° down to 8° acidity:
an increase of Lit 2 682 for each degree or fraction of a degree of acidity below 10°,
- below 8°:
an additional increase of Lit 2 280 for each degree or fraction of a degree below 8°,

— above 10°:

a reduction of Lit 2 682 for each degree or fraction of a degree above 10°.

Article 5

Not later than three days after the expiry of each time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the seventh day of each month following that during which the tenders were submitted.

AIMA shall supply the agencies responsible for storage with a list of the lots remaining unsold and shall display it at their head office not later than 7 May 1984.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 13 000 per 100 kilograms.

The security referred to in Article 12 (3) of Regulation (EEC) No 2960/77 shall be Lit 138 000 per 100 kilograms of olive residue oil.

For the purposes of applying the provisions of Article 1 (2), the security referred to in the second subparagraph of this Article shall not be released unless proof is provided that the oil was imported into a non-member country other than the United States of America or Canada, except in cases where it has been destroyed during transport as a result of *force majeure*, or that it has been used for supplies as indicated in Article 5 of Regulation (EEC) No 2730/79.

The Member States may, however, exempt the exporter from producing the documentary evidence, other than the transport document, specified in Article 20 of Regulation (EEC) No 2730/79, in the case of a transaction where there is reasonable certainty of arrival at destination of products for which a declaration of

export to a non-member country in Europe, Africa, or the Near or Middle East, listed in Regulation (EEC) No 2566/79, was made.

In the case of export of oil in bulk, the security referred to in the second subparagraph shall be forfeit up to the amount of the corrective amount applicable in trade between Greece and the other Member States, if the party concerned does not provide proof that it has not received such amount.

Article 9

The storage charge provided for in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 3 500 per 100 kilograms.

Article 10

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, 9 April 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 980/84

of 9 April 1984

opening an invitation to tender for the sale of olive oil held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1413/82 ⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 (1) of Council Regulation (EEC) No 2754/78 ⁽³⁾ provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Greek intervention agency has since the 1980/81 marketing year, bought in large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77 ⁽⁴⁾, as last amended by Regulation (EEC) No 2041/83 ⁽⁵⁾, laid down the conditions for the sale by tender of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of the said oil;

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

The Greek intervention agency 'Ypiresia Diachiriseos Agoron Georgikon Prolonton', hereinafter referred to as 'Ydagep', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 5 000 tonnes of olive residue oil.

Unsold quantities from the first tender will be put on sale at the following tender.

Article 2

The invitation to tender shall be published on 10 April 1984. Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the head office of Ydagep, 5 Acharnon Street, Athens, Greece.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach Ydagep, 5 Acharnon Street, Athens, Greece, not later than 2 p.m. (local time) on 24 April 1984.

The second series of tenders must be lodged by 2 p.m. (local time) on 24 May 1984.

Article 4

1. Tenders shall be submitted for an oil of 10° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

Olive residue oil:

— below 10° down to 8° acidity:

an increase of Dr 155 for each degree or fraction of a degree of acidity below 10°,

— below 8°:

an additional increase of Dr 131 for each degree or fraction of a degree below 8°,

— above 10°:

a reduction of Dr 155 for each degree or fraction of a degree above 10°.

Article 5

Not later than three days after the expiry of each time limit laid down for the submission of tenders, Ydagep shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 200, 23. 7. 1983, p. 25.

Article 6

The minimum selling price shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Ydegep not later than the seventh day of each month following that during which the tenders were submitted. Ydegep shall supply the agencies responsible for storage with a list

of the lots remaining unsold and shall display it at their head office not later than 7 May 1984.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Dr 746 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Dr 200 per 100 kilograms.

Article 10

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, 9 April 1984.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 981/84

of 9 April 1984

opening an invitation to tender for the sale of olive oil held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1413/82 ⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 (1) of Council Regulation (EEC) No 2754/78 ⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender ;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency has, since the 1975/76 marketing year, bought in large quantities of olive oil ;

Whereas Commission Regulation (EEC) No 2960/77 ⁽⁴⁾, as last amended by Regulation (EEC) No 2041/83 ⁽⁵⁾, laid down the conditions for the sale by tender of olive oil ; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil ;

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

The Italian intervention agency 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an intervention to tender, in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77, for the sale on the Community market of a quantity of approximately 5 000 tonnes of olive residue oil.

Any quantities not disposed of as a result of the first invitation to tender shall be put up for sale again under the next invitation to tender.

Article 2

The invitation to tender shall be published on 10 April 1984.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the head office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach AIMA, via Palestro 81, Rome, Italy, not later than 2 p.m. (local time) on 24 April 1984.

The second series of tenders must be submitted not later than 2 p.m. (local time) on 24 May 1984.

Article 4

1. Tenders shall be made for an oil of 10° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below :

Olive residue oil :

- below 10° down to 8° acidity :
an increase of Lit 2 682 for each degree or fraction of a degree of acidity below 10° ;
- below 8° :
an additional increase of Lit 2 280 for each degree or fraction of a degree below 8° ;
- above 10° :
a reduction of Lit 2 682 for each degree or fraction of a degree above 10°.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 200, 23. 7. 1983, p. 25.

Article 6

The minimum selling price shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the seventh day of the month following that during which the tenders were submitted. AIMA shall supply the agencies responsible for storage with a list of the lots remaining unsold and shall display it at their head office not later than 7 May 1984.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 13 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 3 500 per 100 kilograms.

Article 10

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, 9 April 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 982/84
of 10 April 1984

**fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving that region**

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⁾,

Having regard to Commission Regulation (EEC) No
2661/80 of 17 October 1980 laying down detailed
rules for applying the variable slaughter premium for
sheep⁽³⁾, as last amended by Regulation (EEC) No
3531/83⁽⁴⁾, and in particular Articles 3 (1) and 4 (1)
thereof,

Whereas the United Kingdom is the only country
paying the variable slaughter premium; whereas the
United Kingdom has decided to pay it only in Region
5 (Great Britain), within the meaning of Article 3 (1) of
Regulation (EEC) No 1837/80; whereas it is necessary
therefore for the Commission to fix, for the period 19
to 25 March 1984, the level of the premium and the
amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 2661/80
stipulates that the level of the variable slaughter
premium is to be fixed each week by the Commission
for each Member State concerned or, in the case of the
United Kingdom, for Great Britain;

Whereas Article 4 (1) of Regulation (EEC) No 2661/80
lays down that the amount to be charged on products
leaving the Member States concerned or, in the case of
the United Kingdom, Great Britain shall be fixed
weekly by the Commission for each Member State
concerned and in the case of the United Kingdom for
Great Britain;

Whereas it follows from the application of the rules
laid down in Article 9 (1) of Regulation (EEC) No
1837/80 and in Article 4 (1) and (3) of Regulation
(EEC) No 2661/80 that the variable slaughter premium
for sheep certified as eligible in the United Kingdom,
and the amounts to be charged on products leaving
Great Britain during the period 19 to 25 March 1984,
shall be as set out in the Annexes hereto;

Whereas it should be recalled that Commission Regu-
lation (EEC) No 3191/80 of 9 December 1980⁽⁵⁾, as
last amended by Regulation (EEC) No 1267/83⁽⁶⁾,
fixed transitional measures concerning non-recovery of
the variable slaughter premium for sheepmeat and
goatmeat products exported from the Community,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified in Great Britain as
eligible for the variable slaughter premium during the
period 19 to 25 March 1984 the level of the premium
shall be as set out in Annex I hereto.

Article 2

Without prejudice to the provisions of Regulation
(EEC) No 3191/80, for products referred to in Article 1
(a) of Regulation (EEC) No 1837/80 which left Great
Britain during the period 19 to 25 March 1984, the
amounts to be charged shall be as set out in Annex II
hereto.

Article 3

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 19 March 1984.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 22.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 19.

⁽⁴⁾ OJ No L 352, 15. 12. 1983, p. 37.

⁽⁵⁾ OJ No L 332, 10. 12. 1980, p. 14.

⁽⁶⁾ OJ No L 133, 21. 5. 1983, p. 59.

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

Done at Brussels, 10 April 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I

Level of variable slaughter premium for certified sheep in Great Britain for the week commencing 19 March 1984

Description	Premium
Certified sheep or sheepmeat	83,356 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Great Britain.

ANNEX II

Amount to be charged for products leaving Great Britain during the week commencing 19 March 1984

(ECU/100 kg)

CCT heading No	Description	Charge
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight
		39,177
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	83,356
	2. Short forequarters	58,349
	3. Chines and/or best ends	91,692
	4. Legs	108,363
	5. Other :	
	aa) Unboned (bone-in)	108,363
02.01 A IV b)	bb) Boned or boneless	151,708
	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	62,517
	2. Short forequarters	43,762
	3. Chines and/or best ends	68,769
	4. Legs	81,272
	5. Other :	
02.06 C II a)	aa) Unboned (bone-in)	81,272
	bb) Boned or boneless	113,781
	Meat of sheep or goats, salted in brine, dried or smoked :	
02.06 C II a)	1. Unboned (bone-in)	108,363
	2. Boned or boneless	151,708

COMMISSION REGULATION (EEC) No 983/84**of 10 April 1984****altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

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 856/84 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Commission Regulation (EEC) No 894/84 of 31 March 1984 ⁽³⁾, as amended by Regulation (EEC) No 895/84 ⁽⁴⁾, has fixed the rates of the refunds applicable from 1 April 1984 to certain dairy products exported in the form of goods not covered by Annex II to the Treaty;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 894/84 to the infor-

mation at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to certain milk products exported in the form of the products which appear in the Annex to Regulation (EEC) No 804/68 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 11 April 1984.

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

Done at Brussels, 10 April 1984.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 10.

⁽³⁾ OJ No L 91, 1. 4. 1984, p. 66.

⁽⁴⁾ OJ No L 91, 1. 4. 1984, p. 69.

ANNEX

to the Commission Regulation of 10 April 1984 altering the rates of the refunds applicable from 11 April 1984 to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CCT heading No	Description	(ECU/100 kg)	
		A	B
ex 04.02 A II	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CCT heading No 35.01 b) On exportation of other goods	— 59,41	— 78,60
ex 04.02 A II	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3)	96,82	101,16
ex 04.02 A III	Concentrated milk, with a fat content by weight of 7,5 % and a content by weight in dry matter equal to 25 % (PG 4)	24,60	25,33
ex 04.03	Butter, with a fat content by weight of 82 % (PG 6): a) On exportation of the following goods manufactured under the conditions laid down in Regulations (EEC) No 262/79, (EEC) No 442/84 and (EEC) No 1932/81: — goods falling within CCT heading No 19.08 or subheadings 18.06 B and 21.07 C, — preparations for making ice-cream and similar edible products called 'ice-mix' falling within CCT subheading 18.06 D and heading No 21.07, — raw doughs and powdered preparations falling within CCT subheading 19.02 B II b) b) On exportation of goods of CCT subheadings 21.07 G VII to IX c) On exportation of other goods	— — — 138,23 ⁽¹⁾ 125,23	

⁽¹⁾ Rate applicable only in the cases indicated in Article 7 of Regulation (EEC) No 1760/83.

The granting of the refund in column B is conditional on the production of proof that the product was manufactured after the beginning of the 1984/85 milk year.

COMMISSION REGULATION (EEC) No 984/84
of 10 April 1984
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 969/84⁽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 11 April 1984.

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

Done at Brussels, 10 April 1984.

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 98, 10. 4. 1984, p. 29.

ANNEX

to the Commission Regulation of 10 April 1984 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	45,18
	B. Raw sugar	38,15 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 March 1984

amending Decision 82/730/EEC as regards the list of establishments in Austria approved for the purposes of importing fresh meat into the Community

(84/190/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries⁽¹⁾, as last amended by Directive 83/91/EEC⁽²⁾, and in particular Articles 4 (1) and 18 (1) (a) and (b) thereof,

Whereas a list of establishments in Austria, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Council Decision 82/730/EEC⁽³⁾, as last amended by Commission Decision 84/14/EEC⁽⁴⁾;

Whereas a routine inspection carried out under Article 5 of Directive 72/462/EEC and Article 3 (1) of Commission Decision 83/196/EEC of 8 April 1983 concerning on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat from non-member countries⁽⁵⁾ has revealed that the level of hygiene of one establishment has altered since the last inspection;

Whereas the list of establishments should therefore be amended;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 82/730/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 March 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 59, 5. 3. 1983, p. 34.

⁽³⁾ OJ No L 311, 8. 11. 1982, p. 1.

⁽⁴⁾ OJ No L 16, 19. 1. 1984, p. 37.

⁽⁵⁾ OJ No L 108, 26. 4. 1983, p. 18.

ANNEX

LIST OF ESTABLISHMENTS

Approval No	Establishment	Address
I. BOVINE MEAT		
A. Slaughterhouses and cutting premises		
O 4 St 7	Vieh- und Fleisch GmbH Alpenfleisch KG	Linz Stainach
B. Slaughterhouses		
K 7	Städtischer Schlachthof	St. Veit
N 4	WÖV, Versandschlachthof	Greinsfurth
N 9	WÖV, Versandschlachthof	Mistelbach
N 12	Josef Grandits	Kirchschlag
N 15	Rumpold	Martinsberg
O 6	Welser Schlachthof GmbH & Co. KG	Wels
O 11	Fürst und Söhne, Vieh- und Fleischexport	Pregarten
O 25	Schlachthof Rudolf Grossfurner	Utzenaich
St 5	Hans Scheucher GmbH	Jagerberg-Ungersdorf
St 6	Städtischer Schlacht- und Viehhof	Graz
St 20	Prettenhofer	Gross-Steinbach
St 21	Rudolf Jöbstl	Strass
St 23	Johann Zsifkowics KG	Fürstenfeld
W 2	Markt- und Schlachtbetrieb St. Marx	Wien
C. Cutting premises		
O 15	Zerlegungsbetrieb Handlbauer & Co.	Wels
II. PIGMEAT		
A. Slaughterhouse and cutting premises		
O 4	Vieh- und Fleisch GmbH	Linz
B. Slaughterhouses		
N 4	WÖV, Versandschlachthof	Greinsfurth
N 9	WÖV, Versandschlachthof	Mistelbach
N 12	Josef Grandits	Kirchschlag
N 15	Rumpold	Martinsberg
O 6	Welser Schlachthof GmbH & Co. KG	Wels
O 25	Schlachthof Rudolf Grossfurner	Utzenaich
St 5	Hans Scheucher GmbH	Jagerberg-Ungersdorf
St 6	Städtischer Schlacht- und Viehhof	Graz
St 20	Prettenhofer	Gross-Steinbach
St 21	Rudolf Jöbstl	Strass
St 23	Johann Zsifkowics KG	Fürstenfeld
W 2	Markt- und Schlachtbetrieb St. Marx	Wien

Approval No	Establishment	Address
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C. Cutting premises

O 15 St 7	Zerlegungsbetrieb Handlbauer & Co. Alpenfleisch KG	Wels Stainach
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III. COLDSTORE

W 19	Frigoscandia GmbH, Wiener Kühlhaus	Wien
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COMMISSION DECISION

of 30 March 1984

relating to a proceeding under Article 85 of the EEC Treaty

(IV/30.804 — Nuovo CEGAM)

(Only the Italian text is authentic)

(84/191/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 17 of 6
February 1962, First Regulation implementing Articles
85 and 86 of the EEC Treaty ⁽¹⁾, as last amended by
the Act of Accession of Greece, and in particular
Articles 4, 6 and 8 thereof,

Having regard to the notification submitted on 22
June 1983 by the Association Nuovo Consorzio
Centrale Guasti alle Macchine (Nuovo CEGAM),
Milan, in accordance with Article 4 of Regulation No
17, seeking a declaration under Article 85 (3) of the
Treaty that the basic instruments of the Association
are exempt from the provisions of Article 85 (1),

Having regard to the summary of the application
published in accordance with Article 19 (3) of Regula-
tion No 17 ⁽²⁾,

After consultation with the Advisory Committee on
Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

A. Procedure

- (1) The proceeding in this case was initiated as a
result of an investigation into the insurance
industry under Article 85 of the EEC Treaty
which the Commission had begun on its own
initiative. On 16 February 1983 the Commis-
sion sent a statement of objections to the
Italian association of engineering insurers
Nuovo Consorzio Centrale Guasti alle

Macchine (New Central Engineering Insurers'
Association) ('Nuovo CEGAM'), in which it
informed the Association's representatives that
there was a prima-facie case against it which
could result in adoption of a decision under
Article 3 (1) of Regulation No 17. The object of
the foundation of the Association and the effect
of its activities appeared to be to restrict or
distort competition within the common market
for the class of insurance concerned. The state-
ment of objections said the Agreement had
anti-competitive effects at three levels :

At the *direct insurance* level, the Agreement
meant that a large number of insurance compa-
nies, which otherwise would have been in
competition with one another, had virtually
ceased to compete on premiums and contract
conditions, thereby reducing the variety of
insurance services offered to the consumer.

At the *coinsurance* level, while in the absence
of an agreement, the choice of coinsurance
would have been an open one, the Agreement
restricted members' choice of coinsurers since
they were obliged to choose other members of
the Association for this purpose.

In *reinsurance*, the anti-competitive effect of
the Agreement was twofold : first, it restricted
members' choice of reinsurers ; secondly, it
restricted the reinsurer's freedom to set his own
premium rates and contract conditions, both in
his business with members of the Association
and in his business transacted within Italy with
non-members.

The Agreement was also liable to affect trade
between the Member States in that the rules of
the Association :

- were applicable to risks situated abroad as
well as on Italian territory,
- affected the coinsurance operations of insu-
rance companies outside Italy,

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 281, 18. 10. 1983, p. 3.

- affected reinsurers outside Italy by preventing members from choosing reinsurers other than those with which the Association was under contract and by imposing contractual restrictions on the latter's activity on the market.

The Commission informed Nuovo CEGAM that it was considering finding an infringement of Article 85 (1) of the Treaty and ordering it and the individual undertakings involved to bring the infringement to an end, and that fines might be imposed.

- (2) In reply to the statement of objections Nuovo CEGAM informed the Commission on 11 April 1983 that, whilst it did not accept that the Association's activities breached Article 85 (1) of the Treaty, it was nevertheless prepared to amend its basic documents to accommodate the Commission's objections.
- (3) On 22 June 1983 Nuovo CEGAM notified its basic instruments, viz.:
 - Statutes (Statuto),
 - Convention (Convenzione) and
 - Quota and Threshold Agreement (Trattato quota ed eccedente), for negative clearance or alternatively exemption under Article 85 (3).

B. The market

- (4) In Italy the development of engineering insurance — which provides cover against the risks, direct and indirect, of breakdown of or damage to all manner of machinery, plant and equipment used in factories, on building sites, etc. — has lagged behind that of the other major branch of insurance of industrial risks, industrial fire insurance.

Whereas there is a long tradition of industrial fire insurance and a steady demand for fire insurance cover from industry, the volume of engineering insurance business transacted by those companies that are engaged in this

market is relatively modest, and certainly a long way below the level found in other Member States.

- (5) According to the companies which notified the agreements in question, the causes of this relative underdevelopment lie partly in the obsolescence of much industrial plant and the paucity of high-technology investment in Italy, and partly in the lack of an insurance tradition in the sector.

Its corollary is the backwardness of technical assistance services provided by insurance companies, especially for accident prevention.

Another feature of the engineering insurance sector in the Community is the fragmentation of the market largely along national lines. The efforts that have been made at various levels to integrate the insurance market have had little impact on this sector. It has not been greatly affected either by the abolition of restrictions on freedom of establishment in direct non-life insurance by Council Directive 73/240/EEC ⁽¹⁾ or by the judgments that the Court of Justice has handed down on freedom to provide services, particularly that in Case 33/74 ⁽²⁾,

According to the 1982 edition of the Directory of Italian Insurance Companies published by the National Association of Insurance Companies (ANIA), around 60 insurance companies and about 10 branch offices of companies with headquarters outside Italy do some engineering business in Italy.

Only about 30 of these do significant amounts of engineering business, however.

Between 1978 and 1980, premium income from this class of business in Italy ran to between Lit 17 000 and 20 000 million. By 1981 it had reached about Lit 23 500 million.

⁽¹⁾ OJ No L 228, 16. 8. 1973, p. 2.

⁽²⁾ Van Binsbergen v. Bestuur van de Bedrijfsvereniging voor de metaalnijverheid, [1974] ECR 1299.

C. The undertakings

- (6) Faced with the situation described in B above and realizing that only companies with a high degree of specialization could hope to compete on the market for engineering insurance, a number of Italian and foreign insurance companies decided to form an association, with the aim of promoting and developing this class of business.

The first such association, called *Consorzio Centrale Guasti alle Macchine*, was formed in 1956. The New Association, with which this Decision is concerned, was established on 1 January 1972, renewed at the beginning of 1979 and again extended in 1982.

Since the Commission intervened as reported in A above, the Association has amended its basic instruments and has extended the present Agreement to 31 December 2000.

Lists of the Association's present members and reinsurers, taken from the 1983 version of its Statutes and the Quota and Threshold Agreement with reinsurers, are given in Annexes I and II to this Decision.

Members of the Association together hold about 26 % of the Italian engineering insurance market. Their premium income from this business between 1978 and 1981 (on all risks — Italian and non-Italian, EEC and non-EEC) ranged from Lit 3 900 million (1978) to Lit 5 500 million (1981).

Although the volume of claims in this class of business can vary considerably from one year to the next and a year's results can be badly affected if one or two really big claims come up from among the bulk of relatively small risks insured, in the period 1978 to 1981 the volume of claims, paid or outstanding, on policies written by members of the Association was fairly stable. The ratio of premium income to claims rose from 1,18 in 1978 to 2,04 in 1981.

D. The agreements

- (7) Nuovo CEGAM has notified to the Commission the following basic instruments of the Association :

- the Statutes (*Statuto*),
- the Convention (*Convenzione*) and the
- Share and Threshold Agreement (*Trattato quota ed eccedente*), which has a key function in the operation of the Association since it governs the relations between its direct insurer members and reinsurers. The main clauses of these instruments are set out below.

The Statutes

- (8) The Association, called the 'Nuovo CEGAM', has its headquarters in Milan and its objects are defined in the preamble as :

- '(a) action to disseminate and promote insurance against risks of machinery breakdown or damage, including consequential indirect risks, risks during installation, and construction accidents ;
- (b) updating and analysis of technical and actuarial data to improve performance in this class of business ;
- (c) provision, whenever necessary, of technical assistance to members on underwriting and claims settlement.'

The Association's organs are :

- (a) the President,
- (b) the General Meeting, and
- (c) the Executive Committee.

Under Article 9, one of the tasks of the General Meeting is to approve technical documentation for members' use in their underwriting of risks, which is prepared by a Study Committee for proposal to the member companies. The documentation contains tariffs of basic premiums.

The General Meeting also sets up a Technical Committee for assessing and rating particular risks.

The Association's Secretary, who is appointed by the General Meeting, has among his tasks the job of 'coordinating the work of the Study and Technical Committees'.

Under Article 19, any member failing to discharge his obligations towards the Association may be expelled by vote of the General Meeting.

The Convention

- (9) The members of the Association also sign a Convention which supplements and elaborates on the Statutes.

The provisions of particular relevance for the purposes of this Decision are the following:

- (a) preamble: the Association may enter into special agreements with outside companies, termed 'associates', the effect of which is to extend to them the Association's rules. Associates must cede to the members by way of co- and reinsurance the portion of risks they assume in excess of their net retention of 10 %;
- (b) Clause 1: all business in the relevant class of insurance involving property located in Italy is subject to the Convention. The tariffs of basic premiums proposed by the Association must be used by members in fixing their final commercial premium rates for such business, which they do in the light of the particular circumstances surrounding the risk;
- (c) Clause 2: states the general principles that the members agree to observe in placing reinsurance:
underwriting limits, distinction between risks in Italy and abroad, option to retain more than the standard 10 %;
- (d) Clause 4: a Study Committee to be set up to amend and update the Association's rules and the general and special policy conditions;
- (e) Clause 8: lays down the maximum commissions members may pay their own commercial organizations.

The Quota and Threshold Agreement

- (10) The Agreement contains the rules applicable to reinsurance. The Agreement's main provisions are as follows:

- (a) Clause 1
 - All risks underwritten by members are to be reinsured in accordance with the Agreement.
 - The rates of premium and the conditions of the reinsurance are as agreed for the original insurance.

- Risks not provided for in the tariffs and/or exceeding the maximum capacities laid down in the Agreement are to be reinsured on conditions and at premium rates which the Association will negotiate with its principal reinsurer, Münchener Rückversicherungsgesellschaft.

(b) Clause 2

- The Agreement covers all engineering insurance written by members alone or with others or ceded to them for co- and reinsurance by associates.

(c) Clause 3

- Risks situated in Italy are automatically subject to the Agreement.
- Risks situated abroad and assumed by members alone or with others or ceded to them for co- and reinsurance by associates may be covered by the Agreement where the insured resides in Italy or is controlled by an Italian company.

(d) Clause 4

- Lists the types of risks excluded. Such risks may be included in the cover provided subject to the Association's prior agreement.

(e) Clause 6

- Members are required to retain a share of the risk equal to 10 % of the sum insured and may not reinsure this portion with others.
- They may retain a bigger share within certain limits.

(f) Clause 8

- The maximum commission payable by the reinsurer to the ceding insurer is laid down, the actual percentage of which depends on the size of the additions to the basic premium that are contained in the final premium.

(g) Clause 9

- Reinsurance is at the same rate of premium and on the same general and special conditions and other terms as the original insurance written by the ceding insurer.

(h) Clause 11

- Reinsurers are bound by any amendments and discounts applied by ceding insurers.

E. Comments of third parties

- (11) The Commission did not receive any comments from third parties in response to an Official Journal notice summarizing the agreements.

II. LEGAL ASSESSMENT

A. Article 85 (1)

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

Article 85 is equally applicable to agreements on services and to agreements on goods.

- (13) The founding of the Association Nuovo CEGAM constitutes an agreement between undertakings and the activities of the Association are based on decisions by its organs, which constitute decisions by an association of undertakings.
- (14) In scrutinizing the said agreements and decisions for restrictive elements, regard must be had to the objects and effects of the rules of the Association both as regards direct insurance and reinsurance.
- (15) Under the Agreement, a large number of direct insurers, who but for the formation of the Association would be in full competition with one another, have established machinery under which, on the basis of statistical information on claims experience communicated by the members to the Association's organs, a common tariff of basic premiums for various types of risk is drawn up which the members agree to apply. In this way the members of the Association have voluntarily foresworn the right which they had prior to the Agreement to fix independently the basic rates of premium which they use in calculating the actual commercial rates of premium which they charge the insured. For risks not expressly

covered by the Association's tariffs or exceeding certain limits, members are no longer free to calculate basic rates of premium themselves but must abide by the decision of the Association's competent committee. Although members are able to fix their own final premiums by adding to the basic premium a margin for expenses, commission and profit which they see to in their best commercial interest, the Agreement nevertheless unquestionably has the object and effect of restricting the competition that would otherwise exist between the firms concerned.

- (16) The members' freedom of choice is restricted by the obligation to place all their reinsurance with reinsurers who are parties to the Quota and Threshold Agreement.

The reinsurers, in their turn, are restricted in their freedom to conclude contracts by the obligation to accept the premium and the general and special conditions and other terms agreed by the ceding insurer in the original insurance contract, and by the obligation to accept all amendments and discounts.

The same can be said of the obligation imposed on reinsurers to accept all risks underwritten by members.

All the above restrictions are accepted by reinsurers as part of a package deal in return for being guaranteed all the members' reinsurance business. Members are also guaranteed that any more favourable terms which the reinsurers might agree with other ceding insurers not belonging to the Association will automatically be extended to them.

These various restrictions establish a web of interlocking relationships between insurers and reinsurers which are calculated to cement their mutual ties and in the final analysis to act as a barrier to the entry of outsiders on to the market.

- (17) The Agreement is liable to affect trade between Member States in that the Association's rules :

— apply to risks situated both on Italian territory and abroad,

- affect reinsurers outside Italy by preventing business being given to reinsurers other than those party to the Quota and Threshold Agreement and by imposing contractual restrictions on commercial behaviour.

It is also to be noted that reinsurance companies based outside Italian territory in another EEC Member State are parties to the Agreement.

B. Article 85 (3)

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

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives ;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

- (19) The engineering insurance market in Italy is characterized by weak demand and relatively limited supply. To do business in this sector the insurer needs highly specialized resources, for such is the technological element of the risks insured that an intimate knowledge of the particular industry concerned is required both for assessing and rating the risk and preventing its occurrence.

In such a situation, the formation of an association such as Nuovo CEGAM in order to acquire the specialist expertise essential for effective performance in the sector (statistical information, studies of risk, prevention techniques), and to ensure adequate reinsurance support, can be considered to be a means of improving the production and distribution of insurance services and of promoting technical and economic progress.

- (20) The consumers of insurance services can also be said to receive a fair share of the benefit resulting from the formation and operation of the Association, since the promotion work being undertaken by Nuovo CEGAM in the Italian insurance industry is helping to enlarge its capacity, thereby widening the choice available to the consumer and offering him a technically more advanced product, on terms that are competitive with those of other companies operating on the market.

- (21) A number of clauses that the Commission considered unacceptable in the previous version of the Agreement have been deleted from the version now notified. This applies in particular to :

- the clause giving the organs of the Association power to fix tariffs of final premiums which the member companies were bound to apply,
- the limits on the duration of policies,
- the obligation on members to choose other members as coinsurers,
- the obligation on the reinsurers not to agree more favourable reinsurance terms or premiums on the Italian market outside the Association.

- (22) The restrictions remaining in the notified version of the Agreement do appear to be indispensable to the attainment of the Association's objectives.

- (23) The determination of standard tariffs of basic premiums by the Association's organs is acceptable given that it does not impede the members' freedom to determine the final premium for a particular risk in the light of their own commercial policy or business considerations. Hence, the insured, that is, the user, still has a choice between insurers offering different final premiums.

Without a standard basic tariff the Association would have found it harder to achieve its aims of improving production and distribution, in view of the technical expertise and wide claims experience required in transacting this class of insurance business.

- (24) In considering the exclusive obligation undertaken by the Association's members to place their reinsurance business with particular reinsurers, it is important to bear in mind the role which reinsurance contracts play in insurance. Reinsurance is a key operational consideration in the commercial calculations of an insurance company and one which must normally be settled before the direct insurer underwrites a particular risk: before assuming that risk the insurer must know whether and on what terms he can obtain reinsurance for it.

Obligatory reinsurance under an agreement by its very nature involves an automatic reciprocal obligation on the reinsured and the reinsurer to offer and accept all risks specified in the Agreement. In the case in question, considering the specificity of the market in this class of insurance business outlined in paragraphs 4 and 5 above, it is unlikely that the direct insurers would obtain reinsurance terms equivalent to those under the Agreement if they did not agree to give all their business to reinsurers who are party thereto.

It is highly unlikely, also, that direct insurers could obtain the same terms negotiating individually with the reinsurers as they have done by negotiating as a body in the Association.

It should also be borne in mind that all parties to the Agreement have an opportunity once a year to withdraw from it.

- (25) The agreements do not afford the parties the opportunity of eliminating competition for a substantial part of the insurance services in question.

The Association's members together hold about 26 % of the Italian market for engineering insurance and are in competition with a number of other powerful insurance companies, the biggest of which alone has 25 % and the top three together (not including any member of Nuovo CEGAM) 46 %.

Consequently, the Association is not able to eliminate competition in the sector.

C. Articles 6 and 8 of Regulation No 17

- (26) The present state of the market for engineering insurance and the relatively small impact the

Association has on competition in that market justify the grant of an exemption for 10 years.

- (27) To enable the Commission to check that the conditions of the competition rules continue to be fulfilled throughout the period of the exemption, the parties should be required to inform it once a year of any amendment of the agreements notified or of the conclusion of any new agreement between them, such information requirement being without prejudice to the need for the parties to notify, under Article 4 (1) of Regulation No 17, any changes in the subject matter or membership of the exempted agreements if they wish to continue to enjoy the exemption.

The parties should also be required to send the Commission annually a report containing statistical information on the activities of the Association,

HAS ADOPTED THIS DECISION:

Article 1

Pursuant to Article 85 (3) of the Treaty establishing the European Economic Community, the provisions of Article 85 (1) are hereby declared inapplicable for the period 22 June 1983 to 21 June 1993 to the following agreements:

- the Statutes (Statuto) of the Association Nuovo CEGAM, approved by an Extraordinary General Meeting of the Association on 18 May 1983,
- the Convention (Convenzione) of the Association Nuovo CEGAM, approved by the same Meeting,
- the Quota and Threshold Agreement (Trattato quota ed eccedente), in the form notified on 22 June 1983, between the members of the Association Nuovo CEGAM and the reinsurers listed in the schedule to the Agreement.

Article 2

The undertakings to which this Decision is addressed shall inform the Commission once a year of any amendment of or addition to the notified agreements and of the conclusion of any new agreement between

them. They shall also send the Commission annually a report containing statistical information on the activities of the Association.

I, and the reinsurance companies which are parties to the Quota and Threshold Agreement with the Association, listed in Annex II.

Article 3

Done at Brussels, 30 March 1984.

This Decision is addressed to the Association Nuovo Consorzio Centrale Guasti alle Macchine, Milan, the member companies of the Association, which are parties to its Statutes and Convention, listed in Annex

For the Commission

Frans ANDRIESEN

Member of the Commission

ANNEX I

Members of the Association

1. Assitalia — Le Assicurazioni d'Italia
 2. Milano Assicurazioni
 3. Compagnie riunite di assicurazione
 4. La Fondiaria
 5. Italiana incendio, vita e rischi diversi
 6. La Pace — Assicurazioni e riassicurazioni
 7. RAS — L'Assicuratrice italiana
 8. Società cattolica di assicurazione
 9. Società reale mutua di assicurazioni
 10. Toro Assicurazioni
 11. UAP Italiana
 12. Nationale suisse — Compagnia italiana di assicurazione
 13. La Previdente
 14. ITAS — Istituto Trentino-Alto Adige per assicurazioni
 15. Winterthur — Compagnia italo-svizzera di assicurazioni
 16. CARD — Compagnia di assicurazioni rami danni
 17. Compagnia latina di assicurazioni
-

*ANNEX II***Reinsurers party to the Quota and Threshold Agreement with the Association**

1. Assitalia — Le Assicurazioni d'Italia
 2. Milano Assicurazioni
 3. Compagnie riunite di assicurazione
 4. La Fondiaria
 5. Italiana incendio, vita e rischi diversi
 6. La Pace — Assicurazioni e riassicurazioni
 7. RAS — L'Assicuratrice italiana
 8. Società cattolica di assicurazione
 9. Società reale mutua di assicurazioni
 10. Toro Assicurazioni
 11. UAP Italiana
 12. Nationale suisse — Compagnia italiana di assicurazione
 13. La Previdente
 14. ITAS — Istituto Trentino-Alto Adige per assicurazioni
 15. Winterthur — Compagnia italo-svizzera di assicurazioni
 16. CARD — Compagnia di assicurazioni rami danni
 17. Compagnia latina di assicurazioni
 18. Unione italiana di riassicurazione
 19. La Vittoria riassicurazioni
 20. Reale riassicurazioni
 21. La Consorziale
 22. Compagnie suisse de réassurances
 23. Gerling Konzern Global
 24. Münchener Rückvers.-Ges.
-

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 895/84 of 31 March 1984 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(Official Journal of the European Communities No L 91 of 1 April 1984)

Page 70, Annex, column A:

for: '170,16',

read: '170,16 (')'.

THE PROFESSIONS IN THE EUROPEAN COMMUNITY

Towards freedom of movement and mutual recognition of qualifications

J.-P. de CRAYENCOUR

Aside from establishing a common market, one of the tasks of the European Community is to promote closer relations between the States belonging to it (Article 2 of the Treaty of Rome). One of the means of achieving this end is the free movement of persons.

This freedom of movement concerns *inter alia*, the professions. Members of the professions will be able to play their part in European integration and put their independent and responsible services at the disposal of a wider clientele in the Community only if obstacles standing in the way of freedom of the professions, whether it takes the form of the right of establishment or the freedom to provide services, are removed.

As the professions are generally highly regulated, this freedom of movement can only be satisfactorily achieved if certain of the regulations governing them, such as those relating to training requirements and professional ethics, are harmonized to some degree.

Existing rules and regulations in the various Member States could be reviewed in the light of any such harmonization and of changes in society, while paying due attention to the values of independence and responsibility which are a feature of the professions, with a view to promoting European integration.

The aim of this booklet on 'The professions in the European Community — Towards freedom of movement and mutual recognition of qualifications' is to highlight the benefits to be derived from free movement and the manner in which it can be properly implemented. It describes the legal process involved, suggests how harmonization might be realized and underlines the steps to be taken to achieve the most urgent objective, namely mutual recognition of diplomas. Finally, it outlines what has been achieved thus far and what remains to be done.

J.-P. de CRAYENCOUR — Born in London on 16 July 1915. Belgian — Studied law at Louvain. Pupil lawyer at the Brussels bar, then Director of the Study Centre of the National Federation of Small Firms. Administrator and General Secretary of the International Study Institute of Small Firms (classes moyennes). Worked in the Office of the Minister for Small Firms and Traders in 1958. Joined the Commission of the European Communities on 1 March 1959 and worked in the Directorate for the Right of Establishment. Head of Division on 1 June 1959. Retired on 1 May 1973. Founded the Secrétariat européen des professions libérales, intellectuelles et sociales (SEPLIC — headquarters in Brussels). Married with seven children. Chairman/founder of the Confédération nationale des associations de parents, 1956. Capitaine-commandant de réserve honoraire in the First Regiment of the 'Guides', prisoner of war, war volunteer, resistance movement participant.

Published in: Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish.

The Greek version is not yet available.

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OPENING OF THE HISTORICAL ARCHIVES OF THE EUROPEAN COMMUNITIES

Rarely can it have been so easy to trace the origins of such a momentous and deep-rooted phenomenon as the construction of Europe. The Community's birth certificate was made out on a particular day and entered in a completely new register. Many of the witnesses to it are still alive and some 30 years on, the great debate that surrounded the Community's birth is firmly entrenched in our memories. The event is not so recent that we cannot call it to mind with the objectivity that comes with time, nor so remote that there is no living memory of it. In fact, the time is just right. The opening of the archives will allow historians to take over from the newswriters, and researchers will be able to certify the evidence.

The Communities intend to record this event with the publication of this guide: its purpose is to inform of the historical context of the European Communities and of the documentary sources in the Communities' archives.

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Notice to subscribers

In order to improve its service to subscribers, the Office for Official Publications of the European Communities has decided to produce new-style Alphabetical Tables and to publish the Methodological Tables in a more complete fashion.

The Methodological Tables, at first, will appear in the same form and with the same publication dates as in 1984.

With regard to the Alphabetical Tables, a project was communicated to you about 15 March 1984, to allow time for receipt of any comments.

The publication of the new 1984 Alphabetical Tables will be delayed for several weeks; nevertheless the computerized system to be put into operation will allow this backlog to be taken up from the second quarter of 1984.