

# Official Journal

## of the European Communities

ISSN 0378-6978

L 231

Volume 27

29 August 1984

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 2457/84****of 28 August 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(4)</sup>, 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 2221/84<sup>(5)</sup> 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, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 27 August 1984;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2221/84 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 August 1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 205, 1. 8. 1984, p. 1.

## ANNEX

to the Commission Regulation of 28 August 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                  | 78,68                                |
| 10.01 B II     | Durum wheat                               | 117,18 <sup>(1)</sup> <sup>(5)</sup> |
| 10.02          | Rye                                       | 83,08 <sup>(6)</sup>                 |
| 10.03          | Barley                                    | 69,84                                |
| 10.04          | Oats                                      | 44,90                                |
| 10.05 B        | Maize, other than hybrid maize for sowing | 35,29 <sup>(2)</sup> <sup>(3)</sup>  |
| 10.07 A        | Buckwheat                                 | 0                                    |
| 10.07 B        | Millet                                    | 0 <sup>(4)</sup>                     |
| 10.07 C        | Grain sorghum                             | 86,26 <sup>(4)</sup>                 |
| 10.07 D I      | Triticale                                 | ( <sup>7</sup> )                     |
| 10.07 D II     | Canary seed; other cereals                | 0 <sup>(5)</sup>                     |
| 11.01 A        | Wheat or meslin flour                     | 123,15                               |
| 11.01 B        | Rye flour                                 | 129,32                               |
| 11.02 A I a)   | Durum wheat groats and meal               | 194,71                               |
| 11.02 A I b)   | Common wheat groats and meal              | 133,00                               |

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

<sup>(2)</sup> 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'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

**COMMISSION REGULATION (EEC) No 2458/84****of 28 August 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<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73<sup>(4)</sup>, 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  
2222/84<sup>(5)</sup> 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, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)  
No 974/71, as last amended by Regulation (EEC)  
No 855/84,

- for other currencies, an exchange rate based on the  
arithmetic mean of the spot market rates of each of  
these currencies recorded for a given period in  
relation to the Community currencies referred to  
in the previous indent and the aforesaid coeffi-  
cient;

Whereas these exchange rates being those recorded on  
27 August 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 29 August  
1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 205, 1. 8. 1984, p. 4.

## ANNEX

to the Commission Regulation of 28 August 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<br>8 | 1st period<br>9 | 2nd period<br>10 | 3rd period<br>11 |
| 10.01 B I      | Common wheat, and meslin                  | 0            | 0               | 0                | 0                |
| 10.01 B II     | Durum wheat                               | 0            | 0               | 0                | 0                |
| 10.02          | Rye                                       | 0            | 0               | 0                | 0                |
| 10.03          | Barley                                    | 0            | 0               | 0                | 0                |
| 10.04          | Oats                                      | 0            | 0               | 0                | 0                |
| 10.05 B        | Maize, other than hybrid maize for sowing | 0            | 8,51            | 8,51             | 24,34            |
| 10.07 A        | Buckwheat                                 | 0            | 0               | 0                | 0                |
| 10.07 B        | Millet                                    | 0            | 0               | 0                | 0                |
| 10.07 C        | Grain sorghum                             | 0            | 0               | 0                | 0                |
| 10.07 D        | Other cereals                             | 0            | 0               | 0                | 0                |
| 11.01 A        | Wheat or meslin flour                     | 0            | 0               | 0                | 0                |

## B. Malt

| (ECU/tonne)    |                                                                                      |              |                 |                  |                  |                  |
|----------------|--------------------------------------------------------------------------------------|--------------|-----------------|------------------|------------------|------------------|
| CCT heading No | Description                                                                          | Current<br>8 | 1st period<br>9 | 2nd period<br>10 | 3rd period<br>11 | 4th period<br>12 |
| 11.07 A I (a)  | Unroasted malt, obtained from wheat, in the form of flour                            | 0            | 0               | 0                | 0                | 0                |
| 11.07 A I (b)  | Unroasted malt, obtained from wheat, other than in the form of flour                 | 0            | 0               | 0                | 0                | 0                |
| 11.07 A II (a) | Unroasted malt, other than that obtained from wheat, in the form of flour            | 0            | 0               | 0                | 0                | 0                |
| 11.07 A II (b) | Unroasted malt, other than that obtained from wheat, other than in the form of flour | 0            | 0               | 0                | 0                | 0                |
| 11.07 B        | Roasted malt                                                                         | 0            | 0               | 0                | 0                | 0                |

**COMMISSION REGULATION (EEC) No 2459/84****of 20 August 1984****amending Regulation (EEC) No 2102/84 on harvest, production and stock  
declarations relating to wine-sector products**THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

*Article 1*Having regard to the Treaty establishing the European  
Economic Community,The following Article 10a is hereby inserted in Regu-  
lation (EEC) No 2102/84 :Having regard to Council Regulation (EEC) No 337/79  
of 5 February 1979 on the common organization of  
the market in wine <sup>(1)</sup>, as last amended by Regulation  
(EEC) No 1208/84 <sup>(2)</sup>, and in particular Articles 7 (5),  
10 (2), 11 (5), 12a (5), 14 (4), 14a (4), 15 (9) and 28 (4)  
thereof,Whereas Commission Regulation (EEC) No  
2102/84 <sup>(3)</sup> lays down the details which must appear in  
harvest, production and stock declarations ;Whereas in recent wine years the Commission has not  
had adequate information about production and stocks  
in the wine sector ; whereas such information is essen-  
tial to the correct implementation of intervention  
measures and can only be acquired, under present  
circumstances, from declarations regarding harvests  
and stocks submitted by the various parties  
concerned ; whereas appropriate measures should  
therefore be taken to ensure that the said declarations  
are submitted by those concerned and that they are  
complete and exact ;Whereas to this end Regulation (EEC) No 2102/84  
should be amended to provide for penalties to apply in  
the event of failure to submit a declaration or where a  
declaration is incorrect or incomplete ;Whereas the measures provided for in this Regulation  
are in accordance with the opinion of the Management  
Committee for Wine,*Article 10a*

1. Persons required to submit harvest, produc-  
tion or stock declarations who do not submit such  
declarations by the dates specified in Article 5 or  
by such earlier dates as may be specified by  
Member States pursuant to Article 14 shall not  
qualify for the benefit of the measures provided for  
by Articles 7, 10, 11, 12a, 14, 14a and 15 of Regu-  
lation (EEC) No 337/79.

2. Persons required to submit harvest, produc-  
tion or stock declarations who submit declarations  
found to be incomplete or incorrect by the com-  
petent authorities of the Member States may  
benefit from the measures referred to in paragraph  
1 only if the missing or incorrect details are not  
essential to the proper application of the measures  
in question.

3. Where the declarations referred to in para-  
graphs 1 and 2 are found to be absent, incomplete  
or incorrect only after application of the measures  
referred to in Articles 7, 10, 11, 12a, 14, 14a and 15  
of Regulation (EEC) No 337/79, the competent  
intervention agencies shall recover sums paid in  
error.

*Article 2*This Regulation shall enter into force on 15  
September 1984.It shall apply only to harvest, production and stock  
declarations submitted from that date, and in connec-  
tion with intervention measures introduced for the  
wine-growing year 1984/85 and subsequent years  
pursuant to Articles 7, 10, 11, 12a, 14, 14a and 15 of  
Regulation (EEC) No 337/79.<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.<sup>(2)</sup> OJ No L 115, 1. 5. 1984, p. 77.<sup>(3)</sup> OJ No L 194, 24. 7. 1984, p. 1.

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

Done at Brussels, 20 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 2460/84****of 20 August 1984****laying down for the 1984/85 wine-growing year detailed implementing rules  
concerning the distillation provided for in Article 11 of Regulation (EEC) No  
337/79**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 337/79  
of 5 February 1979 on the common organization of  
the market in wine <sup>(1)</sup>, as last amended by Regulation  
(EEC) No 1208/84 <sup>(2)</sup>, and in particular Articles 11 (5)  
and 65 thereof,

Whereas Article 11 (1) of Regulation (EEC) No 337/79  
provides that preventive distillation of table wines and  
wines suitable for producing table wines may be  
decided on whenever such measure seems necessary in  
the light of harvest forecasts or in order to improve the  
quality of products marketed; whereas tentative fore-  
casts for harvests point to heavy production in terms of  
quantity; whereas it is therefore appropriate, given the  
surpluses on the wine market, to implement this  
measure;

Whereas it is necessary to rationalize the market  
without exceeding the quantities compatible with  
sound market management; whereas for this purpose  
the maximum quantity of table wine which may be  
distilled by each producer should be limited according  
to the cultivated area devoted to the production of  
table wine; whereas, however, to take account of  
national provisions on the recognition of quality wines  
psr in some Member States, the maximum quantities  
of table wine which may be distilled in the zones  
concerned should be related not to the area devoted to  
the production of table wine but to each producers'  
total cultivated area; whereas, however, in cases in  
which it is not possible to relate the quantity precisely  
to the area from which the wine comes, the quantity  
eligible for distillation should be limited to a per-  
centage of the quantity of table wine produced during the  
1984/85 wine-growing year; whereas this percentage  
should be such as to achieve similar results to those  
obtained in the context of a limit related to the area  
cultivated; whereas the percentage should therefore be  
set by taking into account the recorded average yield

per hectare; whereas the yield in the Greek parts of  
zones C III is considerably below that in the rest of  
the Community so that a different percentage should  
be set for these parts of the zone;

Whereas preventive distillation must be carried out in  
accordance with the provisions of Council Regulation  
(EEC) No 2179/83 of 25 July 1983 laying down  
general rules for distillation operations involving wine  
and the by-products of wine-making <sup>(3)</sup>; whereas, in  
addition, attention should be drawn in the context of  
such distillation to the consequences arising from  
non-submission of a declaration or from the submis-  
sion of incomplete or incorrect declarations laid down  
by Commission Regulation (EEC) No 2102/84 of 13  
July 1984 on harvest, production and stock declara-  
tions relating to wine-sector products <sup>(4)</sup>, as amended  
by Regulation (EEC) No 2459/84 <sup>(5)</sup>;

Whereas it should be specified that delivery contracts  
and declarations must contain the information neces-  
sary for identification of the wines to which they  
relate;

Whereas certain time limits for the operation should  
be laid down for both producers and distillers to  
ensure that the measure is as effective as possible;

Whereas the price of wine for distillation normally  
prevents the sale of the products of distillation at  
market prices; whereas an aid, fixed on the basis of  
the criteria set out in Article 8 of Regulation (EEC) No  
2179/83, is therefore needed, while taking into  
account also the current uncertainty over prices on the  
market for distillation products;

Whereas preventive distillation is open to all table  
wines and wines suitable for yielding table wine;  
whereas, however, the minimum buying-in prices of  
wines delivered for distillation are fixed as a per-  
centage of the guide prices for the various types of table  
wine; whereas the table wines which are in a close  
economic relationship with each type of table wine  
should therefore be defined;

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 115, 1. 5. 1984, p. 77.

<sup>(3)</sup> OJ No L 212, 3. 8. 1983, p. 1.

<sup>(4)</sup> OJ No L 194, 24. 7. 1984, p. 1.

<sup>(5)</sup> See page 5 of this Official Journal.

Whereas, in the absence of a Community definition of rosé wine and in the interests of clarity, it should be stated that rosé table wines must be treated in the same way as red table wines owing to the close economic relationship between them;

Whereas it is necessary to avoid the risk of products of the distillation of certain wines disturbing the market in wine spirits with a registered designation of origin; whereas to this end, in accordance with Article 3 (2) of Regulation (EEC) No 2179/83, provision should be made that products obtained from distilling such wine should not have an alcoholic strength less than 92 % vol;

Whereas provision should be made for the minimum price guaranteed to producers to be paid to them, as a general rule, within a period which will enable them to obtain a profit comparable to that which they would have obtained from a commercial sale; whereas, in these circumstances, it is essential to pay the aid due to them for the distillation in question at the earliest opportunity, while guaranteeing that operations are correctly carried out by means of an appropriate system of securities;

Whereas some wines delivered for preventive distillation can be fortified; whereas the provisions applicable to distillation operations should therefore be adapted, in accordance with the rules laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83;

Whereas, in order to draw up accurate forecasts, it is essential to know the quantities of wine likely to be subject to preventive distillation; whereas provision should therefore be made to provide the Commission with information about these quantities in good time;

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

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

HAS ADOPTED THIS REGULATION:

#### *Article 1*

This Regulation lays down detailed implementing rules for the 1984/85 wine-growing year concerning the arrangements referred to in Article 11 of Regulation (EEC) No 337/79 for the preventive distillation of table wines and wines suitable for yielding table wine.

#### *Article 2*

1. The contracts and declarations referred to in Articles 4 (1) and 5 (1) respectively of Regulation (EEC) No 2179/83 shall be submitted for approval to the competent intervention agency not later than 5 December 1984.

2. Producers who have obtained wine by processing grapes which they have harvested on their own holding and cooperative wineries or groups thereof to which members are obliged, in accordance with the provisions of their statutes, to deliver all of their harvest, may conclude one or more contracts or submit one or more declarations covering a quantity of table wine or wine for yielding table wine which shall not exceed:

- 10 hectolitres per hectare of vineyard cultivated for the production of table wine in the French part of wine-growing zone B and in wine-growing zones C I, C II and C III,
- 4 hectolitres per hectare of vineyard cultivated in wine-growing zone A and the German part of wine-growing zone B.

Producers and cooperative wineries or groups thereof other than those referred to in the first subparagraph may conclude one or more contracts or submit one or more declarations covering a quantity of table wine or wine suitable for yielding table wine which shall not exceed:

- 20 % in the Greek part of wine-growing zones C III,
- 10 % in the other wine-growing zones,

of the quantity of table wine produced by them during the 1984/85 wine-growing year.

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

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

4. Approval shall be conditional on observance of the conditions set out in Article 10a of Regulation (EEC) No 2102/84.

5. The intervention agency shall notify the producer of the results of the approval procedure not later than 10 January 1985.

*Article 3*

1. Distillation operations may not be carried out after 31 August 1985.

2. Only a product with an alcoholic strength of not less than 92 % vol may be obtained by the distillation of wines obtained from grapes of varieties classified for the same administrative unit as both wine grape varieties and varieties for the production of wine spirits. Such wines may not be fortified.

*Article 4*

1. Without prejudice to the application of Article 14b of Regulation (EEC) No 337/79, the minimum buying-in price referred to in Article 11 (2) of that Regulation shall be :

- 2,22 ECU per % vol per hectolitre for red table wines of types R I and R II,
- 3,30 ECU per % vol per hectolitre for red table wines of type R III,
- 2,06 ECU per % vol per hectolitre for white table wines of types A I and for wines suitable for yielding table wine,
- 4,62 ECU per % vol per hectolitre for white table wines of type A II,
- 5,27 ECU per % vol per hectolitre for white table wines of type A III.

2. The minimum buying-in price referred to in paragraph 1 shall be paid by the distiller to the producer within three months of the date of reception at the distillery of each lot of wine delivered.

*Article 5*

1. The amount of the aid referred to in Article 11 (3) of Regulation (EEC) No 337/79 shall be as follows :

(a) where the product of the distillation corresponds to the definition of neutral alcohol given in the Annex to Regulation (EEC) No 2179/83 :

- 1,72 ECU per % vol per hectolitre for products derived from red table wines of types R I and R II,
- 2,82 ECU per % vol per hectolitre for products derived from red table wines of type R III,

- 1,56 ECU per % vol per hectolitre for products derived from white table wines of types A I and from wines suitable for yielding table wine,
- 4,16 ECU per % vol per hectolitre for products derived from white table wines of type A II,
- 4,82 ECU per % vol per hectolitre for products derived from white table wines of type A III ;

(b) where the product of the distillation is a wine spirit having the quality characteristics provided for in the relevant national provisions :

- 1,61 ECU per % vol per hectolitre for products derived from red table wines of types R I and R II,
- 2,71 ECU per % vol per hectolitre for products derived from red table wines of type R III,
- 1,45 ECU per % vol per hectolitre for products derived from white table wines of types A I and from wines suitable for yielding table wine,
- 4,05 ECU per % vol per hectolitre for products derived from white table wines of type A II,
- 4,71 ECU per % vol per hectolitre for products derived from white table wines of type A III ;

(c) where the product of the distillation is a distillate or raw alcohol, having an alcoholic strength of 52 % vol or more :

- 1,61 ECU per % vol per hectolitre for products derived from red table wines of types R I and R II,
- 2,71 ECU per % vol per hectolitre for products derived from red table wines of type R III,
- 1,45 ECU per % vol per hectolitre for products derived from white table wines of types A I and from wines suitable for yielding table wine,
- 4,05 ECU per % vol per hectolitre for products derived from white table wines of type A II,
- 4,71 ECU per % vol per hectolitre for products derived from white table wines of type A III.

2. The aid shall be calculated on the basis of the amount corresponding to the wine actually delivered, allowance being made for the tolerances referred to in Article 6 (2) of Regulation (EEC) No 2179/83.

*Article 6*

1. The provisions of this Regulation relating to red wines shall also apply to rosé wines.

2. The provisions of this Regulation relating to a given type of table wine shall also apply to table wines which are in close economic relationship with that type of table wine.

For the purposes of this Regulation, the following shall be considered to be in a close economic relationship with the type of table wine indicated:

- A I: white table wines which are not of types A I, A II or A III,
- R I: red table wines with an actual alcoholic strength of not more than 12,5 % vol which are not of types R I or R III,
- R II: red table wines with an actual alcoholic strength exceeding 12,5 % vol which are not of type R III.

#### Article 7

Within four months of the date of submission of proof that the total quantity of wine covered by the contract has been distilled, the distiller shall be required to supply the intervention agency with proof that he has paid the minimum buying-in price referred to in Article 4 (1) within the period referred to in Article 4 (2).

If such proof is not submitted within the period set, the aid shall be recovered by the intervention agency. However, if this proof is submitted after expiry of that period but not later than 28 February 1986 the intervention agency shall recover only 20 % of the aid paid.

If it is ascertained that the distiller has not paid the minimum buying-in price to the producer, the intervention agency shall pay the producer, before 1 May 1986, an amount equal to the aid, where appropriate through the intervention agency of the producer's Member State.

#### Article 8

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

2. For the purposes of the release of the security referred to in paragraph 1, proof that the total quantity of wine has been distilled and, where appropriate, proof of payment of the buying-in price for the wine within the period set, shall be provided not later than 31 October 1985.

However, if the proofs referred to in the first subparagraph are provided after the deadline set in that subparagraph but before 1 February 1986, the amount to

be released shall be 80 % of the security, the difference being forfeit.

If these proofs are not provided before 1 February 1986, the entire security shall be forfeit.

#### Article 9

1. In the case referred to in Article 26 of Regulation (EEC) No 2179/83, the contract or declaration relating to delivery for fortification shall be submitted for approval to the competent intervention agency not later than 5 December 1984.

The intervention agency shall inform the producer of the result of the approval procedure not later than 10 January 1985.

2. The wine may be fortified for distillation only after approval of the contract or declaration and not later than 31 July 1985.

3. Fortified wine may not be distilled after 31 August 1985.

4. The processor shall send to the intervention agency not later than the 10th of each month a statement of the quantities of wine which have been delivered to him during the previous month.

5. For wine fortified for distillation, the processor shall receive an aid, calculated per hectolitre and per % vol actual alcoholic strength before fortification of:

- 1,58 ECU for red table wines of types R I and R II,
- 2,66 ECU for red table wines of type R III,
- 1,42 ECU for white table wines of types A I and for wines suitable for yielding table wine,
- 3,98 ECU for white table wines of type A II,
- 4,63 ECU for white table wines of type A III.

To receive the aid, the processor must submit, not later than 28 June 1985, an application to the competent intervention agency, attaching copies of the accompanying documents relating to the transport of the wine for which the aid is applied for or a summary of those documents.

The Member States may require that the copies or summary referred to in the second subparagraph be endorsed by a supervisory authority.

The aid shall be paid not later than three months after the date of submission of proof that the security referred to in Article 26 (4) of Regulation (EEC) No 2179/83 has been lodged and, in any event, after the date on which the contract or declaration has been approved.

6. Subject to Article 23 of Regulation (EEC) No 2179/83, the security shall be released only if, not later than 29 November 1985, proof is furnished :

- that the total quantity of wine covered by the contract or declaration has been fortified and distilled,
- that the buying-in price of the wine has been paid to the producer within the period referred to in Article 4 (2).

If the proofs referred to in the first subparagraph are not furnished by 29 November 1985 at the latest, the intervention agency shall recover the aid from the processor of the fortified wine.

However, if these proofs are furnished after the deadline laid down but before 1 March 1986, the intervention agency shall recover an amount equal to 20 % of the amount paid.

If it is found that the fortified wine processor has not paid the buying-in price to the producer, the intervention agency shall pay the producer, before 1 April 1986, an amount equal to the aid, where appropriate through the intervention agency of the producer's Member State.

#### *Article 10*

1. Member States shall notify the Commission :

- not later than 10 December 1984 of the quantities of wine and fortified wine covered by contracts submitted for approval,

- not later than 15 January 1985 of the quantities of wine and fortified wine covered by approved distillation contracts.

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

3. Member States shall inform the Commission by telex, not later than the 20th of each month for the previous month, of the quantities of wine and fortified wine distilled and the quantities, expressed in pure alcohol, of products obtained, distinguishing between the latter in accordance with paragraph 2.

4. Member States shall report, not later than 30 September 1985, any cases in which the distiller or processor has failed to meet his obligations and the measures taken in consequence.

#### *Article 11*

The amounts referred to in this Regulation shall be converted into national currency at the representative rates applying in the wine sector on 1 September 1984.

#### *Article 12*

This Regulation shall enter into force on 1 September 1984.

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

Done at Brussels, 20 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 2461/84****of 20 August 1984****laying down for the 1984/85 wine-growing year detailed rules for the application  
of Article 39 of Regulation (EEC) No 337/79**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 337/79  
of 5 February 1979 on the common organization of  
the market in wine <sup>(1)</sup>, as last amended by Regulation  
(EEC) No 1208/84 <sup>(2)</sup>, and in particular Articles 6 (3),  
39 (8) and 65 thereof,

Whereas the operations referred to in Article 39 of  
Regulation (EEC) No 337/79 are to be carried out in  
accordance with the provisions of Council Regulation  
(EEC) No 2179/83 of 25 July 1983 laying down  
general rules for distillation operations involving wine  
and the by-products of wine-making <sup>(3)</sup>;

Whereas it is necessary to determine both the condi-  
tions for the fulfilment by producers of the obligations  
laid down in Article 39 (2) and (3) of Regulation (EEC)  
No 337/79, and the obligations incumbent on distil-  
lers;

Whereas wine producers are required to deliver for  
distillation a quantity of product with an alcohol  
content which corresponds to a percentage of the  
volume of alcohol naturally contained in the grapes  
used to produce the wine; whereas the Commission is  
required to fix that percentage within a given upper  
limit;

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

Whereas, in accordance with Article 13 (3) of Regula-  
tion (EEC) No 2179/83, producers who deliver their

grape marc for the manufacture of oenocyanin qualify  
for a reduced percentage; whereas, taking into account  
the fact that the alcohol contained in the marcs repre-  
sents a substantial proportion of the quantity of  
alcohol to be delivered, the reduced percentage should  
be fixed at 3 %; whereas, pursuant to the same provi-  
sion, producers of white quality wines psr qualify for a  
reduced rate; whereas experience in preceding wine-  
growing years suggest that this rate should be fixed at  
5 %;

Whereas, for the purpose of determining the quantity  
of alcohol to be contained in the products to be deli-  
vered, it is also necessary to fix, in accordance with  
Article 39 (2) of Regulation (EEC) No 337/79, a stan-  
dard natural alcoholic strength for each wine-growing  
year and each wine-growing zone; whereas, however,  
by virtue of Article 39 (4) of Regulation (EEC) No  
337/79, producers in certain zones are not subject to  
the obligation in question; whereas, in the absence of  
precise information on the alcoholic strength of wines  
for the coming wine-growing year, this determination  
may be undertaken by reference to the average  
strengths recorded in the wine-growing zones  
concerned in previous wine-growing years, taking into  
account improvements in quality; whereas, however, it  
is necessary to allow for the possibility of altering the  
alcoholic strength referred to above before the date on  
which distillation of the wine commences in order to  
take account of the quality of the vintage; whereas,  
moreover, experience has shown that provision should  
be made for the adoption of different alcoholic  
strengths for administrative units which, having  
suffered from exceptionally bad weather conditions,  
are recognized as disaster areas by Member States;

Whereas the fixing of the buying-in price for  
by-products of wine-making should take account, on  
the one hand, of the need to ensure that all producers  
fulfil the obligation to distil in every respect and, on  
the other hand, of the level of the market price for  
alcohol distilled from wine;

Whereas, in order to ensure that the arrangements are  
as effective as possible, provision should be made for  
certain time limits on the operations to be carried out  
by producers and distillers;

Whereas the distillation products of certain wines  
subject to the obligation referred to in Article 39 of  
Regulation (EEC) No 337/79 should not be allowed to  
disturb the market in wine spirits with a registered  
designation of origin;

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 115, 1. 5. 1984, p. 77.

<sup>(3)</sup> OJ No L 212, 3. 8. 1983, p. 1.

Whereas the need to improve the quality of wine requires that all marc and lees be distilled; whereas the distillation of wine at the beginning of the wine-growing year should therefore be prohibited;

Whereas distillers may, in accordance with Article 39 (6) of Regulation (EEC) No 337/79, either qualify for aid in respect of the product to be distilled or deliver to the intervention agency the product obtained by distillation;

Whereas the amount of the aid should be fixed according to the criteria laid down in Article 16 of Regulation (EEC) No 2179/83; whereas, in order to avoid the production of poor-quality potable spirits, it should be stipulated, in the absence of Community provisions on this matter, that the potable spirits produced must comply with the national provisions in force;

Whereas, to qualify for the aid, the parties concerned must lodge an application accompanied by a number of supporting documents; whereas, to ensure that the system operates uniformly in all Member States, time limits should be laid down for the lodging of applications for the payment of aid to distillers and for the submission of proof of payment of the buying-in price;

Whereas a standard price should be paid by the intervention agencies for the products delivered to them; whereas this, price must be fixed in accordance with the criteria laid down in Article 18 (2) of Regulation (EEC) No 2179/83;

Whereas, in the absence of an organized Community market in ethyl alcohol, the intervention agencies responsible for marketing such alcohol are obliged to resell it at less than the buying-in price; whereas provision should be made for the difference between the buying-in price and selling price for such alcohol to be borne, at a standard rate, by the EAGGF Guarantee Section;

Whereas the provisions on the financing of intervention laid down in Council Regulation (EEC) No 729/70<sup>(1)</sup>, as last amended by Regulation (EEC) No 2788/72<sup>(2)</sup>, should be extended to cover the taking-over by the intervention agencies of products derived from distillation;

Whereas some of the wines to be delivered for distillation in order to discharge the obligation laid down in Article 39 (2) of Regulation (EEC) No 337/79 may be made into fortified wine; whereas the provisions concerning distillation operations should therefore be amended in consequence, in accordance with the rules

laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83;

Whereas, in cases where the by-products of wine-making are withdrawn under supervision in accordance with Article 39 (4) and (5) of Regulation (EEC) No 337/79, a minimum average alcoholic strength should be laid down for those by-products; whereas, in the absence of precise information on this matter for the coming wine-growing year, this strength may be fixed by reference to the average strengths recorded in the different wine-growing zones concerned in previous wine-growing years; whereas, however, the system of withdrawal hitherto applied in some Member States included the fixing of a different alcoholic strength which was varied, where appropriate, according to the administrative units; whereas, in order to permit a smooth transfer from the old to the new system of withdrawal under supervision, Member States should be authorized to fix, under certain conditions, an average minimum alcoholic strength higher than that fixed as a flat rate;

Whereas, in order that the Commission may keep a general watch on compliance with the obligation to distil the by-products of wine-making, the Member States concerned must notify it regularly, on the basis of reports from distillers, of the progress and outcome of distillation operations;

Whereas Article 6 of Regulation (EEC) No 337/79 provides that only producers fulfilling the obligations laid down in Article 39 of that Regulation during a reference period to be determined may qualify for the intervention measures; whereas that period must therefore be specified;

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

HAS ADOPTED THIS REGULATION:

#### *Article 1*

This Regulation lays down, for the 1984/85 wine-growing year, detailed rules for the application of Article 39 of Regulation (EEC) No 337/79.

#### *Article 2*

1. Producers subject to the obligation laid down in Article 39 (2) and (3) of Regulation (EEC) No 337/79 shall discharge that obligation by delivering, in accordance with Article 3 and not later than 31 July 1985:

- marc and lees or the liquid product produced by the over-pressing of grape marc and the pressing of wine lees to an approved distiller,
- any wine to an approved distiller or an approved processor fortifying wine for distillation.

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(2)</sup> OJ No L 295, 30. 12. 1972, p. 1.

2. The minimum alcoholic strength of products delivered for distillation shall be laid down by the Member States.

#### Article 3

1. The amount of alcohol contained in the products delivered for distillation shall be :

- 8 % of the volume of alcohol contained in the wine, when the wine is obtained by direct vinification of grapes,
- 3 % of the volume of alcohol contained in the wine, when the wine is obtained by vinification of grape must, partially fermented grape must or new wines still in fermentation.

2. The percentage referred to in the first indent of paragraph 1 shall be reduced to :

- 3 for producers delivering marc for the manufacture of oenocyanine,
- 5 for producers of white quality wines *psr*, for that part of their production which qualifies as such.

#### Article 4

For the purpose of determining the volume of alcohol contained in products delivered for distillation pursuant to Article 39 of Regulation (EEC) No 337/79, the standard natural alcoholic strength by volume shall be :

- 8,5 for zone B,
- 9,0 for zones C I,
- 9,5 for zone C II,
- 10,0 for zones C III.

However, the alcoholic strengths given above may be altered before the wine-distilling operations referred to in Article 7 begin, if the quality of the vintage so requires. Such strengths may also be altered for administrative units or parts thereof which are recognized as disaster areas by the Member States within the meaning of national law.

#### Article 5

1. The price to be paid by the distiller to the producer for marc, lees, the liquid product obtained by the over-pressing of grape marc and wine lees, and any wine delivered for distillation, hereinafter called 'the buying-in price for wine delivered for distillation', shall be 1,05 ECU per % vol per hectolitre of alcohol contained in the products.

2. Not later than three months after the producer has delivered the products, the distiller shall pay the producer an advance of at least 80 % of the price referred to in paragraph 1.

However, the producer and distiller may agree that the advance is to be paid after delivery of the products, but not more than one month after the invoice concerning them is presented.

The balance shall be paid to the producer not later than 31 December 1985.

#### Article 6

Not later than the 10th of each month, distillers shall communicate to the intervention agencies, for the previous month, a statement of quantities of products distilled as referred to in Article 2 (1) and of products obtained from distillation, broken down into the categories referred to in the first subparagraph of Article 3 (1) of Regulation (EEC) No 2179/83.

#### Article 7

1. Subject to Article 11, the distillation operations referred to in Article 39 of Regulation (EEC) No 337/79 may not take place after 31 August 1985.

2. Any wine delivered in order to discharge the obligation laid down in Article 39 (2) of Regulation (EEC) No 337/79 may be distilled only from 1 January 1985.

#### Article 8

1. The distiller may receive aid under the conditions laid down in paragraph 2 :

The amount of the aid shall be :

- 0,58 ECU per % vol hectolitre of product produced by distillation, where the latter is a neutral alcohol complying with the definition given in the Annex to Regulation (EEC) No 2179/83,
- 0,49 ECU per % vol per hectolitre of product produced by distillation, where the latter is a marc spirit meeting the national quality requirements applicable,
- 0,47 ECU per % vol per hectolitre of product produced by distillation, where the latter is a wine spirit meeting the national quality requirements applicable,
- 0,47 ECU per % vol per hectolitre of product produced by distillation, where the latter is a distillate or raw alcohol with an alcoholic strength of not less than 52 % vol.

2. A distiller who wishes to receive the aid referred to in paragraph 1 shall not later than 31 October 1985 submit an application to the intervention agency of the Member State in which distillation took place, accompanied by :

(a) a summary of deliveries in respect of each producer giving :

- quantity, colour and actual alcoholic strength by volume of the wine delivered,
- the serial number of the document provided for in Article 53 (1) of Regulation (EEC) No 337/79 in all cases where such a document has been drawn up for the transport of products to the distillery in accordance with Community rules,
- the quantity and type of the by-products of wine-making ;

(b) a statement, endorsed by a supervisory authority designated by the Member State concerned, of the quantities of :

- neutral alcohol,
- marc spirit,
- wine spirit,
- distillate or raw alcohol with an alcoholic strength of not less than 52 % vol,

obtained by the distillation of the by-products of wine-making or of wine.

Member States may require that the summary referred to at point (a) in the first subparagraph be endorsed by a supervisory authority.

3. The intervention agency shall pay the aid referred to in paragraph 1 not later than three months after submission of the application and of the documents referred to in paragraph 2.

The distiller must provide the intervention agency before 1 February 1986 with proof that he has paid the producer the buying-in price for wine delivered for distillation within the period laid down in Article 5 (2).

If such proof is not provided before 1 February 1986, the intervention agency shall recover the aid from the distiller.

However, if the proof is provided after the time limit laid down but before 1 May 1986 and the delay is not due to serious negligence by the distiller, the intervention agency shall recover 20 % of the aid paid.

If it is found that the distiller has not paid the producer the buying-in price for wine delivered for distillation, the intervention agency shall pay the producer, before 1 June 1986, an amount equal to the aid, if necessary through the intervention agency of the producer's Member State.

#### Article 9

1. The delivery by the distiller to the intervention agency of products with an alcoholic strength of not less than 92 % vol shall be effected not later than 31 October 1985, or, in the event of application of Article 11 (2) of Regulation (EEC) No 2179/83, within a period fixed by the competent national authority.

2. The price to be paid to the distiller by the intervention agency shall be 1,72 ECU per % vol of pure alcohol per hectolitre.

If the distiller has received aid as provided for in Article 8, this price shall be reduced by the amount of that aid.

If the distiller has not received the aid, the provisions of Article 8 (2) shall apply.

3. If Article 18 (3) of Regulation (EEC) No 2179/83 is applied, the differentiated prices shall be :

- 1,82 ECU per % vol of pure alcohol per hectolitre, for alcohol derived from the distillation of marc,
- 1,54 ECU per % vol of pure alcohol per hectolitre, for alcohol derived from the distillation of wine, lees or the liquid obtained from the over-pressing of grape marc or the pressing of wine lees.

4. The prices referred to in paragraphs 2 and 3 shall apply to neutral alcohol complying with the definition given in the Annex to Regulation (EEC) No 2179/83. For other alcohols, the prices laid down in paragraphs 2 and 3 shall be reduced by 0,11 ECU per % vol of pure alcohol per hectolitre.

5. The intervention agency shall pay the distiller for the alcohol not later than three months after the day on which it was delivered.

The second, third and fourth subparagraphs of Article 8 (3) shall apply, subject to the necessary adjustments.

#### Article 10

The Guarantee Section of the European Agricultural Guidance and Guarantee Fund shall contribute to intervention agencies' expenditure on the taking-over of alcohol.

The contribution shall be at a standard rate of 0,76 ECU per % vol of alcohol per hectolitre of alcohol taken over.

However, for alcohol taken over under Article 11 (2) of Regulation (EEC) No 2179/83, the contribution shall be 0,18 ECU per % vol of alcohol per hectolitre.

Articles 4 and 5 of Regulation (EEC) No 729/70 shall apply to this contribution.

#### Article 11

1. In the case referred to in Article 26 (1) of Regulation (EEC) No 2179/83, the contract or declaration of delivery of wine to be fortified for distillation shall be submitted for approval by the competent intervention agency not later than 31 January 1985.

The intervention agency shall inform the producer of the result of the approval procedure within 15 days following the date of submission of the contract or declaration.

2. Wine may be fortified for distillation only from 1 January 1985 and until 31 August 1985, and in any event not until the contract or declaration has been approved.

3. The distillation of wine fortified for distillation may not take place after 31 October 1985.

4. The processor shall send to the intervention agency, not later than the 10th of each month, a statement of the quantities of wine delivered to him during the previous month.

5. For wine fortified for distillation, the processor shall be entitled to an aid of 0,45 ECU per hectolitre per % vol of actual wine alcohol before fortification for distillation.

In order to receive the aid, the processor shall, not later than 30 November 1985, submit a request to the competent intervention agency, attaching a copy of the accompanying documents relating to the transport of the wine for which the aid is being requested or a summary of those documents.

Member States may require that the copies or summary referred to in the second subparagraph be endorsed by a supervisory authority.

The aid shall be paid not more than three months after the date of submission of proof that the security referred to in Article 26 (4) of Regulation (EEC) No 2179/83 has been lodged, but not in any event before the date on which the contract or declaration has been approved.

6. Subject to Article 23 of Regulation (EEC) No 2179/83, the security shall be released only if, by 31 March 1986, proof is provided that:

- the total quantity of wine stipulated in the contract or declaration has been fortified for distillation and distilled,
- the buying-in price for wine delivered for distillation has been paid to the producer within the time limits laid down in Article 5 (2).

If proof as referred to in the first subparagraph is not provided by 31 March 1986, the intervention agency shall recover the aid from the processor fortifying the wine for distillation.

However, if such proof is provided after the time limit laid down but before 1 July 1986, the intervention agency shall recover 20 % of the aid paid.

If it is found that the processor has not paid the producer the buying-in price for wine delivered for distillation, the intervention agency shall pay the

producer, before 1 August 1986, an amount equal to the aid, if necessary through the intervention agency of the producer's Member State.

#### Article 12

The average minimum alcoholic strength of the by-products of wine-making withdrawn under supervision as referred to in Article 39 (4) or (5) of Regulation (EEC) No 337/79 shall be:

- in wine-growing zone A: 1,8 % vol per 100 kilograms of by-product,
- in wine-growing zone B: 2 % vol per 100 kilograms of by-product,
- in wine-growing zone C: 3,2 % vol per 100 kilograms of by-product.

Where, in view of the special characteristics of the harvest, application of the levels referred to in the first subparagraph does not permit or threatens not to permit adequate supervision of compliance with the obligation laid down in the first subparagraph of Article 39 (1) of Regulation (EEC) No 337/79, Member States may fix, for one or more administrative units or parts of administrative units, levels higher than those referred to in the first subparagraph.

#### Article 13

1. Without prejudice to Article 6 of Regulation (EEC) No 337/79, and except in cases of *force majeure*, where a producer or a distiller does not fulfil one of the obligations incumbent on him under this Regulation, the competent authority, shall take the action it judges necessary in the light of the reasons given.

2. The Member States shall inform the Commission of cases in which paragraph 1 is applied and the action taken where *force majeure* has been invoked.

#### Article 14

1. By the 20th of each month at the latest, Member States shall communicate the following information to the Commission for the previous month:

- the quantity of wine and fortified wine distilled,
- the quantity of alcohol delivered to intervention agencies following distillation under Article 39 of Regulation (EEC) No 337/79,

- the quantity of grape marc spirits and wine spirits produced and the quantity of alcohol contained therein,
- the quantity of other products of a strength of 52 % vol or more for which aid has been requested.

2. Member States shall, for alcohol taken over by their intervention agencies, notify the Commission before 1 October 1984 of the selling prices obtaining throughout the 1983/84 wine-growing year and the characteristics and quantity of the products sold at those prices.

3. Member States shall inform the Commission before 1 March 1986 of cases in which distillers of wine have not fulfilled their obligations and of the measures taken in consequence.

#### *Article 15*

The amounts referred to in Articles 5, 8 and 9 shall be covered into national currency at the representative rate applying in the wine sector on 1 September 1984.

#### *Article 16*

The reference period referred to in Article 6 (1) of Regulation (EEC) No 337/79 shall, for the purposes of the obligations referred to in Article 39 of that Regulation, be the period 1 September 1983 to 31 July 1984.

#### *Article 17*

This Regulation shall enter into force on 1 September 1984.

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

Done at Brussels, 20 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 2462/84****of 20 August 1984****laying down for the 1984/85 wine-growing year detailed implementing rules for the distillation referred to in Article 40 of Regulation (EEC) No 337/79**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine<sup>(1)</sup>, as last amended by Regulation (EEC) No 1208/84<sup>(2)</sup>, and in particular Articles 6 (3), 40 (6) and 65 thereof,

Whereas the distillation operations referred to in Article 40 of Regulation (EEC) No 337/79 must be carried out in accordance with the provisions of Council Regulation (EEC) No 2179/83 of 25 July 1983 laying down general rules for distillation operations involving wine and the by-products of wine-making<sup>(3)</sup>;

Whereas it is necessary to determine both the conditions for the fulfilment by producers of the obligations laid down in Article 40 of Regulation (EEC) No 337/79 and the conditions for the fulfilment of the obligations incumbent on distillers;

Whereas each producer should be exempted from the obligation to deliver for distillation in respect of a standard quality representing family consumption and any quantities exported; whereas it should therefore be provided that any export of wine must take place before a date which will allow the remaining quantities to be distilled, as laid down, before the end of the wine-growing year;

Whereas under Article 40 (2) of Regulation (EEC) No 337/79 the obligation to distil does not apply to quantities of wine normally produced; whereas these quantities should be defined for each of the different types of wine produced from grapes classed for two purposes; whereas for wine produced from grapes of varieties classed as both wine-grape and table-grape varieties the rule laid down in Commission Regulation (EEC) No 2078/76<sup>(4)</sup> should be followed, but with a different reference period for Greece; whereas, however, for wine produced from grapes of varieties classed as both wine-grape varieties and varieties for

special uses, the obligation to distil was first included in the rules in the 1982/83 wine-growing year; whereas application thereof has given rise to difficulties; whereas, in order that a proper solution may be found to these difficulties whilst ensuring equal treatment of all those concerned, the adoption of criteria for determining the quantity of wine normally produced per hectare in each administrative unit should be postponed to a later date;

Whereas the quantity to be distilled by each producer should be determined on the basis of the total quantity produced; whereas this is derived from the declarations provided for by Commission Regulation (EEC) No 2102/84 of 13 July 1984 on harvest production and stock declarations relating to wine-sector products<sup>(5)</sup>, as amended by Regulation (EEC) No 2459/84<sup>(6)</sup>, and from the particulars appearing in the records provided for by Commission Regulation (EEC) No 1153/75 of 30 April 1975 prescribing the form of accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers<sup>(7)</sup>, as last amended by the Act of Accession of Greece;

Whereas it is necessary to avoid any risk that the product of the distillation of certain wines that must be distilled pursuant to Article 40 of Regulation (EEC) No 337/79 may disturb the market in wine spirits with a registered designation of origin; whereas to this end, in accordance with Article 3 (2) of Regulation (EEC) No 2179/83, provision should be made that a product obtained from distilling such wine should not have an alcoholic strength of less than 92 % vol;

Whereas, in order to ensure that the arrangements are as effective as possible, provision should be made for certain time limits on the operations to be carried out by producers and distillers;

Whereas distillers may, in accordance with Article 40 (4) of Regulation (EEC) No 337/79, either receive aid for the product to be distilled or deliver the product obtained from distillation to the intervention agency; whereas the amount of the aid must be fixed on the basis of the criteria referred to in Article 16 of Regulation (EEC) No 2179/83; whereas, in order to avoid the

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 115, 1. 5. 1984, p. 77.

<sup>(3)</sup> OJ No L 212, 3. 8. 1983, p. 1.

<sup>(4)</sup> OJ No L 233, 24. 8. 1976, p. 20.

<sup>(5)</sup> OJ No L 194, 24. 7. 1984, p. 1.

<sup>(6)</sup> See page 5 of this Official Journal.

<sup>(7)</sup> OJ No L 113, 1. 5. 1975, p. 1.

production of poor-quality potable spirits, it should be laid down, in the absence of Community provisions on this matter, that the potable spirits produced must comply with the national provisions in force;

Whereas, to qualify for the aid, the parties concerned must lodge an application accompanied by a number of supporting documents; whereas, to ensure that the system operates uniformly in all Member States, time limits should be laid down for the lodging of applications, for the payment of aid to distillers and for the payment of aid to distillers and for the submission of proof that the buying-in price has been paid;

Whereas the price to be paid by the intervention agencies for products delivered to them should be fixed on the basis of the criteria referred to in Article 18 (2) of Regulation (EEC) No 2179/83;

Whereas, in the absence of an organized Community market in ethyl alcohol, the intervention agencies responsible for marketing such alcohol are obliged to resell it at less than the buying-in price; whereas provision should be made for the difference between the buying-in price and the selling price of such alcohol to be borne, at a standard rate, by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund;

Whereas the provisions on the financing of intervention laid down in Council Regulation (EEC) No 729/70<sup>(1)</sup>, as last amended by Regulation (EEC) No 2788/72<sup>(2)</sup>, should be extended to cover the taking-over by intervention agencies of the products of distillation;

Whereas some of the wines which must be delivered for distillation pursuant to Article 40 of Regulation (EEC) No 337/79 may be made into fortified wines; whereas corresponding adjustments should therefore be made to the provisions applicable to distillation operations in accordance with the rules laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83;

Whereas, in order that the Commission may keep a general watch on compliance with the obligations regarding distillation laid down in Article 40 of Regulation (EEC) No 337/79, the Member States concerned must keep the Commission regularly informed, on the basis of reports from distillers, of the progress and outcome of distillation operations;

Whereas Article 6 of Regulation (EEC) No 337/79 stipulates that only producers who have satisfied the obligations referred to in Article 40 of the said Regula-

tion for a reference period to be determined may benefit from intervention measures; whereas this period should therefore be specified;

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

HAS ADOPTED THIS REGULATION:

#### *Article 1*

This Regulation lays down detailed implementing rules for the distillation provided for in Article 40 of Regulation (EEC) No 337/79 for the 1984/85 wine-growing year.

#### *Article 2*

1. Those producers subject to an obligation to distil under Article 40 of Regulation (EEC) No 337/79 shall discharge their obligation by delivering their wine to an approved distiller by 31 July 1985 at the latest. The provisions of paragraphs 2 and 3 shall apply.

In cases covered by Article 26 (1) of Regulation (EEC) No 2179/83, the obligation shall be discharge by delivery of the wine to an approved processor by 30 June 1985 at the latest.

2. In the case of wine covered by Article 40 (1) of Regulation (EEC) No 337/79, each producer must deliver a quantity equal to the total quantity which he has produced less:

- a standard quantity of 10 hectolitres,
- any quantity which he proves to have been exported by 31 July 1985 at the latest.

Where the distillation requirement is incumbent on a collective winery, the 10 hectolitres referred to in the first indent of the preceding subparagraph shall be deducted from the quantity produced by each member who actually delivers table grapes to the cooperative. However, the total amount deducted by the cooperative as a whole may not exceed the total quantity returned to individual members delivering table grapes during 1984/85.

3. In the case of wine covered by Article 40 (2) of Regulation (EEC) No 337/79, each producer must deliver a quantity equal to the total quantity which he has produced less:

- a standard quantity of 10 hectolitres,
- any quantity which he proves to have been exported by 31 July 1985 at the latest,
- the quantity normally produced, calculated as specified in paragraph 4.

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(2)</sup> OJ No L 295, 30. 12. 1972, p. 1.

4. For each administrative unit the following shall be regarded as the total quantity of wine normally produced :

- the average quantities produced during a reference period, in the case of wine produced from grape varieties listed in the classification for that administrative unit as both wine-grape and table-grape varieties,
- the average quantities produced during the wine-growing years 1974/75 to 1979/80, in the case of wine produced from grape varieties listed in the classification for that administrative unit as both wine-grape varieties and varieties for the production of dried grapes,
- the average quantities produced in the wine-growing years 1974/75 to 1979/80 less such quantities as were distilled other than for the production of wine spirits with a registered designation of origin, in the case of wine produced from grape varieties listed in the classification for that administrative unit as both wine-grape varieties and varieties for the production of wine spirits.

For wine as referred to in the first subparagraph, the quantity normally produced per hectare shall be the quantity determined :

- in the case of administrative units in France and Italy, in accordance with Article 5 of Regulation (EEC) No 2078/76 for the 1976/77 wine-growing year,
- in the case of administrative units in Greece, in accordance with the said Article 5, taking into account the results of the wine-growing years 1974/75 to 1979/80.

5. The total quantity produced by each producer shall be the sum of the quantities of wine mentioned in paragraph 1 appearing in the production declaration referred to in Article 2 (1) of Regulation (EEC) No 2102/84 and the quantities entered in the records referred to in Article 14 of Regulation (EEC) No 1153/75 and obtained by the producer, after the date of submission of the production declaration, from grapes or from must produced from grapes of the varieties referred to in Article 40 (1) and (2) of Regulation (EEC) No 337/79 which appear in that declaration.

#### Article 3

1. The buying-in price provided for in Article 40 (3) of Regulation (EEC) No 337/79 shall be 1,59 ECU per % vol per hectolitre.

2. The buying-in price referred to in paragraph 1 shall be paid by the distiller to the producer within three months of the day on which each consignment of wine enters the distillery.

#### Article 4

1. The distillation operations referred to in Article 40 of Regulation (EEC) No 337/79 may not take place after 31 August 1985.

2. Wine as referred to in the third indent of the first subparagraph of Article 2 (4) must be distilled to give a product with an alcoholic strength of 92 % vol or more. It may not be made into fortified wine.

3. Distillers shall send the intervention agency, on the 10th day of each month at the latest, a statement of the quantities of wine distilled and of products obtained from distillation during the previous month, itemized according to the categories specified in the first subparagraph of Article 3 (1) of Regulation (EEC) No 2179/83.

#### Article 5

1. Distillers may receive aid subject to the conditions set forth in paragraph 2.

The amount of the aid shall be :

- 1,12 ECU per % vol alcohol per hectolitre of the product of distillation where the latter corresponds to the definition of neutral alcohol given in the Annex to Regulation (EEC) No 2179/83,
- 1,01 ECU per % vol alcohol per hectolitre of the product of distillation where the latter is a wine spirit having the quality characteristics provided for in the applicable national provisions,
- 1,01 ECU per % vol alcohol per hectolitre of the product of distillation where the latter is a distillate or raw alcohol having an alcoholic strength of not less than 52 % vol.

2. Distillers who wish to receive the aid referred to in paragraph 1 shall, by 31 October 1985 at the latest, submit an application to the intervention agency of the Member State in which distillation took place, each application being accompanied, in respect of the quantities for which aid is requested, by the following :

(a) a summary of deliveries by each producer, giving at least :

- the quantity, colour and actual alcoholic strength by volume of the wine delivered,
- the serial number of the document provided for in Article 53 (1) of Regulation (EEC) No 337/79 in all cases where such a document has been drawn up for the transport of products to

the distillery in accordance with Community rules, or the reference number on the document provided for in national legislation in all other cases ;

(b) a statement, endorsed by a supervisory authority designated by the Member State concerned, of the quantities :

- of neutral alcohol,
- of wine spirits meeting national quality requirements applicable,
- of distillate or raw alcohol with an alcoholic strength of not less than 52 % vol,

which have been obtained by distillation.

Member States may require that the summary referred to at (a) in the first subparagraph be endorsed by a supervisory authority.

3. The intervention agency shall pay the aid referred to in paragraph 1 not later than three months after submission of the application and of the documents referred to in paragraph 2.

The distiller must provide the intervention agency, before 1 February 1986, with proof that he has paid the producer the buying-in price for the wine within the period stipulated in Article 3 (2).

If such proof is not provided before 1 February 1986, the aid shall be recovered by the intervention agency. If, however, the proof is furnished after that time limit but before 1 May 1986, the intervention agency shall recover 20 % of the aid paid.

Where it is established that the distiller has not paid the buying-in price to the producer, the intervention agency shall pay to the producer, before 1 June 1986, a sum equal to the amount of the aid, where appropriate through the intervention agency of the producer's Member State.

#### Article 6

1. Products having an alcoholic strength of 92 % vol or more shall be delivered to the intervention agency not later than 31 October 1985 or, where Article 11 (2) of Regulation (EEC) No 2179/83 is applied, within a period fixed by the competent national authority.

2. The price to be paid to the distiller by the intervention agency shall be 2,08 ECU per % vol pure alcohol per hectolitre.

Where the distiller has received aid pursuant to Article 5, the price referred to in the first subparagraph shall be reduced by the amount of that aid.

Where the distiller has not received the aid referred to in the second subparagraph, the provisions of Article 5 (2) shall apply.

3. The prices referred to in paragraph 2 shall apply to neutral alcohol corresponding to the definition given in the Annex to Regulation (EEC) No 2179/83.

For other alcohols, the prices referred to in paragraph 2 shall be reduced by 0,11 ECU per % vol of pure alcohol per hectolitre.

4. The intervention agency shall pay the distiller for the alcohol not later than three months after the day on which it was delivered.

The second, third and fourth subparagraphs of Article 5 (3) shall apply, subject to the necessary adjustments.

#### Article 7

The Guarantee Section of the European Agricultural Guidance and Guarantee Fund shall contribute to intervention agencies expenditure on the taking over of alcohol.

The contribution shall be a flat rate of 1,12 ECU per % vol per hectolitre of alcohol taken over.

However, no contribution shall be made in respect of alcohol taken over pursuant to Article 11 (2) of Regulation (EEC) No 2179/83.

Articles 4 and 5 of Regulation (EEC) No 729/70 shall apply to this contribution.

#### Article 8

1. In the cases referred to in Article 26 (1) of Regulation (EEC) No 2179/83, the contract or declaration relating to deliveries of wine to be fortified for distillation shall be submitted for approval to the competent intervention agency not later than 31 January 1985.

The intervention agency shall inform the producer of the outcome of the approval procedure within 15 days of the date on which the contract or declaration was submitted.

2. Fortification of wine for distillation shall not be carried out after 31 July 1985.

3. Wine fortified for distillation may not be distilled until the contract or declaration has been approved, and at the latest by 31 August 1985.

4. The processor shall send the intervention agency, not later than the 10th day of each month, a statement of the quantities of wine delivered to him during the previous month.

5. For wine fortified for distillation, the processor shall receive aid amounting to 0,99 ECU per hectolitre and per % vol of actual alcoholic strength before the wine is fortified for distillation.

In order to receive the aid, the processor shall submit to the competent intervention agency, not later than 30 November 1985, an application together with copies of the accompanying documents relating to the transport of the wine for which aid is requested or a summary of those documents.

Member States may require that the copies or summary referred to in the second subparagraph be endorsed by a supervisory authority.

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

6. Subject to Article 23 of Regulation (EEC) No 2179/83, the security shall be released only if proof has been provided, by 31 March 1986 at the latest :

- that the total quantity of wine specified in the contract or declaration has been fortified for distillation and distilled,
- that the buying-in price for the wine has been paid to the producer within the period specified in Article 3 (2).

If the proofs referred to in the first subparagraph are not provided by 31 March 1986 at the latest, the intervention agency shall recover the aid from the processor of the fortified wine.

However, if such proofs are provided after the time limit stipulated but before 1 July 1986, the intervention agency shall recover an amount equal to 20 % of the aid paid.

If it is established that the processor fortifying wine for distillation has not paid the buying-in price to the producer, the intervention agency shall pay the producer, before 1 August 1986, a sum equal to the amount of the aid, where appropriate through the intervention agency of the producers' Member State.

#### Article 9

By way of derogation from Article 40 (1) and (2) of Regulation (EEC) No 337/79, the wines referred to in that Article may be transported :

- to a customs office, so that customs export formalities may be completed and the wines may leave the customs territory of the Community,
- to the premises of an approved processor, so that the wines may be fortified for distillation.

#### Article 10

1. Without prejudice to the application of Article 6 of Regulation (EEC) No 337/79, and except in cases of

*force majeure*, where a producer or distiller does not fulfil one of the obligations incumbent on him by virtue of this Regulation, the competent authorities shall decide upon the action which they judge necessary in the light of the reasons given.

2. Member States shall inform the Commission of cases in which paragraph 1 is applied and of the action taken where *force majeure* has been invoked.

#### Article 11

1. By the 20th day of each month at the latest, Member States shall send the Commission a statement specifying in respect of the previous month :

- the quantity of wine and fortified wine distilled,
- the quantity of alcohol delivered to the intervention agencies under the distillation arrangements provided for in Article 40 of Regulation (EEC) No 337/79,
- the quantity of wine spirits produced and the quantity of alcohol contained therein,
- the quantity of other products with an alcoholic strength of 52 % vol or more for which aid has been requested.

2. Member States shall, in respect of alcohol taken over by their intervention agencies, notify the Commission before 1 October 1984 of the selling prices obtaining throughout the 1983/84 wine-growing year and of the characteristics and quantity of the products sold at these prices.

3. Member States shall inform the Commission not later than 31 March 1986 of cases in which distillers of wine or fortifiers of wine for distillation have not fulfilled their obligations and of the measures taken in consequence.

#### Article 12

The amounts referred to in Articles 3, 5 and 6 shall be converted into national currency at the representative rate applying in the wine sector on 1 September 1984.

#### Article 13

For the obligations laid down in Article 40 of Regulation (EEC) No 337/79, the reference period referred to in Article 6 (1) of that Regulation shall run from 1 September 1983 to 31 July 1984.

#### Article 14

This Regulation shall enter into force on 1 September 1984.

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

Done at Brussels, 20 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 2463/84****of 20 August 1984****laying down for the 1983/84 wine-growing year detailed rules for the application of the additional measures applicable to holders of long-term storage contracts for table wine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine<sup>(1)</sup>, as last amended by Regulation (EEC) No 1208/84<sup>(2)</sup>, and in particular Articles 12a (5) and 65 thereof,

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture<sup>(3)</sup>, as last amended by Regulation (EEC) No 855/84<sup>(4)</sup>, and in particular Article 2 (2) thereof,

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

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

Whereas, pursuant to Article 12a (3) of Regulation (EEC) No 337/79, the distillation provided for by this

Regulation may not exceed 18 % of the total quantity of the table wine produced by each holder for the marketing year in which the long-term contract was concluded; whereas, in order to determine the said total quantity, reference should be made to the declarations provided for by Commission Regulation (EEC) No 2408/83 of 25 August 1983 on harvest and stock declarations relating to wine-sector products<sup>(5)</sup>, as amended by Regulation (EEC) No 62/84<sup>(6)</sup>, and to the entries in the records provided for by Commission Regulation (EEC) No 1153/75 of 30 April 1975 prescribing the form of accompanying documents and specifying the obligations of wine producers and traders other than retailers<sup>(7)</sup>, as last amended by the Act of Accession of Greece;

Whereas the distillation provided for by this Regulation should take place in accordance with the provisions of Council Regulation (EEC) No 2179/83 of 25 July 1983 laying down general rules for distillation operations involving wine and the by-products of wine-making<sup>(8)</sup>; whereas, pursuant to Articles 4, 5 and 26 of that Regulation, time limits should be fixed for the submission of applications for approval of supply contracts and declarations, for approval by the intervention agencies and for the distillation operations; whereas Article 8 of that Regulation specifies that the amount of the aid to be paid is to be fixed using the criteria set out therein;

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

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

Whereas some of the wines delivered for distillation under this Regulation may be made into fortified wine; whereas the provisions applicable to distillation

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 115, 1. 5. 1984, p. 77.

<sup>(3)</sup> OJ No L 132, 21. 5. 1983, p. 33.

<sup>(4)</sup> OJ No L 90, 1. 4. 1984, p. 1.

<sup>(5)</sup> OJ No L 236, 26. 8. 1983, p. 21.

<sup>(6)</sup> OJ No L 9, 12. 1. 1984, p. 12.

<sup>(7)</sup> OJ No L 113, 1. 5. 1975, p. 1.

<sup>(8)</sup> OJ No L 212, 3. 8. 1983, p. 1.

operations should therefore be adjusted in conformity with the rules laid down in Articles 25 and 26 of Regulation (EEC) No 2179/83;

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

Whereas storage contracts must be concluded in accordance with Commission Regulation (EEC) No 1059/83 of 29 April 1983 on storage contracts for table wine, grape must, concentrated grape must and rectified concentrated grape must<sup>(1)</sup>, as amended by Regulation (EEC) No 1997/84<sup>(2)</sup>;

Whereas during the storage period there is a neutral alteration in the volatile acidity of the wine which might exceed the limit provided for in Commission Regulation (EEC) No 3676/82 of 23 December 1983 authorizing the conclusion of long-term private storage contracts for certain table wines for the 1983/84 wine year<sup>(3)</sup>, which was laid down with a storage period of nine months in view; whereas it seems appropriate to permit that, when a storage contract is concluded for four months, and provided the wine covered by the new contract is the same as the wine covered by the previous contract, the wine should be considered to have fulfilled the required conditions even if the volatile acidity content is higher than that laid down by the said Regulation, provided that the limit laid down for table wine of the type in question has not been exceeded and that all other administrative and technical conditions are complied with;

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

Whereas, since the storage contracts referred to in this Regulation were concluded during the 1983/84 wine-growing year, the last representative rate applicable during the said wine-growing year should be used;

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

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down detailed rules for the application of additional measures, as provided for in Article 12a of Regulation (EEC) No 337/79, in respect

of holders of long-term storage contracts for table wine for the 1983/84 wine-growing year.

#### Article 2

1. The period of three consecutive weeks referred to in Article 12a (1) of Regulation (EEC) No 337/79 shall fall between 15 July and 30 November 1984.

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

- (a) for a quantity of wine subject to contract not exceeding a percentage to be determined of the total quantity of table wine which they have produced during the 1983/84 wine-growing year, undertake distillation under the conditions referred to in Articles 3 to 9;
- (b) for a quantity of wine subject to contract to be determined and which is not subject to the measure provided for at point (a), conclude a storage contract under the conditions referred to in Article 9, for a period to be determined.

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

- for producers subject during the 1983/84 wine-growing year to the obligation referred to in Article 3 (1) of Regulation (EEC) No 2408/83, the total of the quantities given in their harvest declarations and of the quantities given in the records referred to in Article 14 of Regulation (EEC) No 1153/75 and obtained by themselves after the date of submission of the harvest declaration, from products listed in the said declaration,
- for producers who were not subject during the 1983/84 wine-growing year to the obligation referred to in the first indent, the quantity given in the records referred to in Article 14 of Regulation (EEC) No 1153/75 and obtained by themselves by vinification of purchased products.

4. Other additional measures applicable to holders of the storage contracts referred to in paragraph 2 (b) in respect of a given type of wine or a wine in close economic relationship therewith may be taken if the representative price for that type of table wine has remained lower than the activating price during the period between the date of adoption of the decision referred to in Article 12a (5) of Regulation (EEC) No 337/79 and 15 January 1985.

<sup>(1)</sup> OJ No L 116, 30. 4. 1983, p. 77.

<sup>(2)</sup> OJ No L 186, 13. 7. 1984, p. 28.

<sup>(3)</sup> OJ No L 366, 28. 12. 1983, p. 47.

*Article 3*

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

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

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

*Article 4*

1. The contracts and declarations referred to in Articles 4 (1) and 5 (1) respectively of Regulation (EEC) No 2179/83 shall be submitted for approval to the competent intervention agency by 10 December 1984 at the latest.

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

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

3. The intervention agency shall notify the producer of the outcome of the approval procedure by 10 January 1985 at the latest.

4. Distillation shall be carried out by 31 August 1985 at the latest.

*Article 5*

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

- 2,88 ECU per % vol per hectolitre in the case of table wines of type A I and of wines in close economic relationship with those wines,
- 6,45 ECU per % vol per hectolitre in the case of table wines of type A II,
- 7,30 ECU per % vol per hectolitre in the case of table wines of type A III,
- 3,16 ECU per % vol per hectolitre in the case of table wines of types R I and R II and of wines in close economic relationship with those wines.

The minimum purchase price specified in the first subparagraph shall be paid by the distiller to the

producer within three months of the data on which each consignment of wine delivered enters the distillery.

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

(a) for the wines specified in the first indent of paragraph 1:

- 2,39 ECU per % vol per hectolitre of the product of distillation if it qualifies as neutral alcohol under the definition given in the Annex to Regulation (EEC) No 2179/83,
- 2,28 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,
- 2,28 ECU per % vol per hectolitre of the product of distillation if it is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol;

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

- 6,02 ECU per % vol per hectolitre of the product of distillation if it qualifies as neutral alcohol under the definition given in the Annex to Regulation (EEC) No 2179/83,
- 5,91 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,
- 5,91 ECU per % vol per hectolitre of the product of distillation if it is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol;

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

- 6,88 ECU per % vol per hectolitre of the product of distillation if it qualifies as neutral alcohol under the definition given in the Annex to Regulation (EEC) No 2179/83,
- 6,77 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,
- 6,77 ECU per % vol per hectolitre of the product of distillation if it is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol;

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

- 2,68 ECU per % vol per hectolitre of the product of distillation if it qualifies as neutral alcohol under the definition given in the Annex to Regulation (EEC) No 2179/83,

- 2,57 ECU per % vol per hectolitre of the product of distillation if it is a wine spirit with the quality characteristics laid down in the applicable national provisions,
- 2,57 ECU per % vol per hectolitre of the product of distillation if it is a distillate or raw alcohol with an alcoholic strength of at least 52 % vol.

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

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

If this evidence is not provided within the period laid down, the aid paid over shall be recovered by the intervention agency. If, however, the evidence is submitted after this period expires but before 28 February 1985 the intervention agency shall recover 20 % of the aid paid out.

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

#### Article 6

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

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

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

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

#### Article 7

1. In the case referred to in Article 26 (1) of Regulation (EEC) No 2179/83 the contract or declaration of delivery for the production of fortified wine shall be submitted to the competent intervention agency by 10 December 1984 at the latest.

The intervention agency shall notify the producer of the outcome of the approval procedure by 10 January 1985 at the latest.

2. The fortified wine may not be produced until after the contract or declaration has been approved but must be produced by 31 July 1985 at the latest.

3. The fortified wine must be distilled by 31 August 1985 at the latest.

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

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

- 2,24 ECU for table wines of type A I and wines in close economic relationship with those wines,
- 5,81 ECU for table wines of type A II,
- 6,66 ECU for table wines of type A III,
- 2,52 ECU for table wines of types R I and R II and wines in close economic relationship with those wines.

To receive the aid the fortifier shall by 31 August 1985 at the latest submit an application to the competent intervention agency together with a copy of the transport documents accompanying the wine for which aid is requested or a summary of those documents.

Member States may require that copies or summaries as referred to in the second subparagraph be endorsed by a supervisory authority.

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

6. Subject to the provisions of Article 23 of Regulation (EEC) No 2179/83, the security shall be released only if by 31 December 1985 at the latest evidence is provided that :

- the total quantity of wine covered by the contract or the declaration has been processed into fortified wine and distilled,

- the purchase price of the wine has been paid to the producer within the period specified in the second subparagraph of Article 5 (1).

If the evidence specified in the first subparagraph is not provided by 31 December 1985 at the latest the intervention agency shall recover the aid from the producer of the fortified wine.

If, however, the evidence is presented after the time limit but by 31 March 1986 at the latest the intervention agency shall recover an amount equal to 20 % of the aid paid over.

If it is found that the fortifier has not paid the purchase price to the producer, the intervention agency shall by 30 April 1986 at the latest pay the producer an amount equal to the aid, if necessary through the intervention agency of the producer's Member State.

#### *Article 8*

1. Member States shall notify the Commission not later than 15 January 1985 of the quantities of wine and fortified wine covered by approved delivery contracts and declarations.

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

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

4. Member States shall notify not later than 30 September 1985 cases in which distillers or fortifiers

have failed to fulfil their obligations and the measures taken in consequence.

#### *Article 9*

1. The contracts referred to in Article 2 (2) (b) shall be concluded not later than 15 January 1985.

The volatile acidity of the table wine covered by the contracts referred to in the first subparagraph may exceed the limits required by Regulation (EEC) No 3676/83 when long-term storage contracts are concluded.

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

2. In the case of storage contracts as referred to in Article 2 (2) (b) the amount of the aid shall be that laid down for long-term storage contracts for the 1983/84 wine-growing year.

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

In that case :

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

#### *Article 10*

Conversion into national currency of the amounts specified in Articles 5 and 7 shall be at the representative rate applicable in the wine sector on 31 August 1984.

#### *Article 11*

This Regulation shall enter into force on 16 September 1984.

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

Done at Brussels, 20 August 1984.

*For the Commission*

Poul DALSAER

*Member of the Commission*

## COMMISSION REGULATION (EEC) No 2464/84

of 24 August 1984

imposing a provisional anti-dumping duty on imports of certain shovels  
originating in Brazil

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2176/84 of 23 July 1984 on protection against  
dumped or subsidized imports from countries not  
members of the European Economic Community<sup>(1)</sup>,  
and in particular Article 11 thereof,

After consultation within the Advisory Committee as  
provided for by the abovementioned Regulation,

Whereas :

**A. Procedure**

- (1) In October 1983, the Commission received a complaint lodged by the Deutscher Schaufel-Verband eV on behalf of German producers representing a major proportion of the Community production of the shovels in question. The complaint contained evidence of dumping and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports into the Community of certain shovels made of iron or steel, falling within heading No ex 82.01 of the Common Customs Tariff, corresponding to NIMEXE code ex 82.01-10, originating in Brazil. The Commission then commenced an investigation.
- (2) The Commission officially so advised the exporter and importer known to be concerned, the representatives of the exporting country and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing. All the parties concerned made their views known in writing and requested and were granted hearings.
- (3) The Commission sought and verified all the information it deemed to be necessary for the purposes of a preliminary determination and

carried out investigations at the premises of the  
following :

*EEC producer :*

Idealspaten-Bredt KG, Herdecke, Federal Republic of Germany,

*non-EEC exporter :*

Metalurgica Timboense S/A, Timbo-Santa Catarina, Brazil.

- (4) During the course of the investigation the exporter and importer claimed that the complainants were not entitled to lodge a complaint under the terms of Article 4 (5) of Regulation (EEC) No 2176/84. In this context they alleged that the estimate made in the complaint of the German share of total Community production far exceeded the real figure and therefore could not be called a major proportion of Community production.
- (5) In this respect the Commission considers that, given the lack of published Community statistics for the product concerned, the complainants made a reasonable attempt at estimating the German share of total Community production. Though certain errors have been pointed out by the exporter and importer in the figures used by the complainants for this purpose, these do not alter the Commission's preliminary view that the collective output of the German producers constitutes a major proportion of the total Community production of the product concerned and that they are therefore entitled to lodge an anti-dumping complaint.
- (6) The investigation of dumping covered the period 1 January to 31 December 1983.

**B. Normal value**

- (7) The normal values were established on the basis of the actual prices of domestic sales in Brazil.

**C. Export prices**

- (8) Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No C 348 23. 12. 1983, p. 5.

**D. Comparison**

- (9) The Brazilian exporter argued that, the export price and the normal value were not on a comparable basis, and that appropriate allowances should be made in accordance with Article 2 (10) of Regulation (EEC) No 2176/84 which provides for differences affecting price comparability.

- (10) A request was made by the exporter for an adjustment to take account of the fact that quantities exported to the EEC had been much larger than those sold on the Brazilian domestic market. It stated that this adjustment should be made in the form of a theoretical discount which it claimed would be granted if the same quantities were sold domestically as were exported or by taking account of the cost savings made in the production of the larger quantities exported.

The Commission refused this claim for an adjustment on the grounds that an adjustment could not be granted for discounts not actually given and that, though the firm presented information purporting to show the cost savings made in the production of the larger quantities exported, the information as presented was not sufficient to convince the Commission that such an adjustment should be made.

- (11) With regard to differences in conditions and terms of sale, adjustments were made for differences in payment terms, commissions, transport and port charges.
- (12) The exporter also claimed that an adjustment should be made for the provision for bad debts made by them as required under Brazilian law.

The Commission has rejected this claim as this cost does not bear a direct relationship to the sales under consideration.

- (13) The exporter also claimed that an adjustment should be made because Brazilian domestic prices are increased in advance to take account of the inflation which occurs between manufacture and sale. The exporter claimed that such an increase is not necessary for export sales because of the frequent devaluations of the Brazilian currency.

The Commission has rejected this claim as the comparison between domestic and export prices has to be made on the basis of the prices actually paid or payable in respect of transactions which took place at the same time.

**E. Margin**

- (14) The above preliminary examination of the facts shows the existence of dumping, the net weighted average margin being 18,4 %.

**F. Injury**

- (15) With regard to the injury caused by the dumped imports, the evidence available to the Commission shows that imports into the Community of the shovels in question rose from 35 tonnes in 1980 to 369 tonnes in 1983. In the Federal Republic of Germany, the only destination of these imports, this represented an increase in market share from 0,9 % in 1980 to 13,4 % in 1983.

It should be noted, however, that because import statistics are not available for shovels only, that consumption figures used to calculate market shares include significant quantities of spades and therefore the Brazilian share of the German market is understated.

- (16) With regard to the prices at which the product in question has been resold on the German market the Commission has found that these are approximately 50 % below those charged by the German producers.
- (17) With regard to the quality of the dumped shovels, the exporter and importer have claimed that they are inferior to those sold by the German producers. Conflicting evidence on this point has been submitted by both sides to the Commission.

The Commission is not convinced by the evidence presented by the exporter and importer in support of their allegations that the dumped product is of inferior quality but has, provisionally decided that, even if this argument was accepted and an adjustment made, the remaining price difference between the dumped product and the German shovels would still exceed the dumping margin provisionally established.

- (18) The Commission has provisionally established that the extremely low prices and the sharply increased volume of the dumped imports has been a material factor in the reduction in output of 35 %, the reduction in sales of over 30 % and the significant decrease in market share suffered by the complainant producers between 1980 and 1983.

In addition, these imports have caused price depression which was particularly evident in 1983 and, consequently, the largest complainant producer moved from profitability in 1980 to the position of suffering heavy losses in 1983. With regard to the smaller producers, the Commission has noted that the situation is even more serious as they tend not to sell such a wide product mix as the main producer and depend for their continued survival on a stable market for shovels and sales at price levels which are sufficient to cover costs. In this respect the Commission has noted that one of the smaller producers has recently gone bankrupt.

- (19) The Commission has also investigated whether the injury suffered by the complainant producers has been caused by factors other than the dumped imports, such as the trend in demand and the volume and prices of other imports.

The Commission's examination of these factors shows that while demand fell in the Federal Republic by 25 % between 1980 and 1983, Brazilian imports rose from an insignificant quantity in 1980 to the extent that exports from Brazil to that Member State in 1983 exceeded those from any country.

With regard to other imports which originate mainly in Eastern Europe, the Commission found that their volume, with the exception of exports from the German Democratic Republic, declined in line with the fall in demand and consequently their market share remained stable between 1980 and 1983. It was also found, from the information available, that these imports were, in general, priced at the cif Community frontier level above those originating in Brazil. Moreover, imports from Eastern Europe into the Federal Republic are subject to quantitative restrictions.

During the course of the preliminary investigation the exporter and importer alleged that, as the increased Brazilian market share in Germany had been gained at the expense of imports from Eastern Europe, any action against Brazilian imports would only lead to increased imports from these sources. In this respect the Commission's investigation showed that the increased Brazilian market share was gained almost exclusively at the expense of Community producers and that, given that the market share of Eastern European imports has remained stable over the last four years, there is no evidence to support the exporter's and importer's allegations.

The Commission also investigated claims that Italian shovels were being sold at particularly low prices in Germany and found that the Italian share of the German market has decreased by almost 45 % in the last four years. It also found from the available information that Italian shovels are, at the cif German frontier level, priced considerably above those originating in Brazil.

- (20) Therefore the sharp increase in the dumped imports and the prices at which they are offered for resale in the Community have led the Commission to find that the effects of the dumped imports of certain shovels originating in Brazil must be regarded as a cause of material injury to the Community industry concerned.

#### G. Community interest

- (21) After having considered both the interests of the Community and the dumping and the injury provisionally established, the Commission has come to the conclusion that action should be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

#### H. Rate of duty

- (22) Having regard to the extent of the injury caused, the duty should correspond to the margin of dumping provisionally established.
- (23) A period should be fixed within which the parties concerned may make their views known in writing and request an oral hearing,

HAS ADOPTED THIS REGULATION :

#### Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of shovels made of iron or steel falling within heading No ex 82.01 of the Common Customs Tariff and corresponding to NIMEXE code ex 82.01-10, originating in Brazil.
2. The amount of the duty shall be equal to 18,4 % of the cif price duty unpaid.
3. The provisions in force concerning customs duties shall apply.

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

*Article 2*

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84 the parties concerned may make known their views and apply to be heard orally

by the Commission within one month of the entry into force of this Regulation.

*Article 3*

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84 it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 24 August 1984.

*For the Commission*

Étienne DAVIGNON

*Vice-President*

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**COMMISSION REGULATION (EEC) No 2465/84****of 27 August 1984****determining the actual production of unginned cotton for the 1983/84 marketing year and fixing the percentage of the aid to be paid by Member States for the 1984/85 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid of cotton<sup>(1)</sup>, as last amended by Regulation (EEC) No 1462/84<sup>(2)</sup>, and in particular Articles 7 and 8 thereof,

Whereas Article 7 of Regulation (EEC) No 2169/81 states that actual production for each marketing year shall be determined every year, account being taken in particular of the quantities for which aid has been requested; whereas application of this criterion gives the figure for actual production in the 1983/84 marketing year indicated below;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Actual Community production of unginned cotton is hereby determined at 428 500 tonnes for the 1983/84 marketing year.

*Article 2*

The percentage of the aid for the 1984/85 marketing year to be paid by the Member States after ginning of the cotton has been carried out and pending determination of the actual quantity produced is hereby fixed at 100.

*Article 3*

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

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(2)</sup> OJ No L 142, 29. 5. 1984, p. 1.

**COMMISSION REGULATION (EEC) No 2466/84**  
**of 28 August 1984**  
**fixing the import levies on milk and milk products**

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 <sup>(1)</sup>, as last amended  
by Regulation (EEC) No 1557/84 <sup>(2)</sup>, and in particular  
Article 14 (8) thereof,

Whereas the import levies on milk and milk products  
were fixed by Regulation (EEC) No 2344/84 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules  
contained in Regulation (EEC) No 2344/84 to the  
prices 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 14 (2) of Regu-  
lation (EEC) No 804/68 shall be as set out in the  
Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September  
1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13

<sup>(2)</sup> OJ No L 150, 6. 6. 1984, p. 6.

<sup>(3)</sup> OJ No L 217, 14. 8. 1984, p. 21.

## ANNEX

## to the Commission Regulation of 28 August 1984 fixing the import levies on milk and milk products

*(ECU/100 kg net weight, unless otherwise indicated)*

| CCT heading No     | Code | Import levy       |
|--------------------|------|-------------------|
| 04.01 A I a)       | 0110 | 24,89             |
| 04.01 A I b)       | 0120 | 22,48             |
| 04.01 A II a) 1    | 0130 | 22,48             |
| 04.01 A II a) 2    | 0140 | 27,10             |
| 04.01 A II b) 1    | 0150 | 21,27             |
| 04.01 A II b) 2    | 0160 | 25,89             |
| 04.01 B I          | 0200 | 50,39             |
| 04.01 B II         | 0300 | 106,59            |
| 04.01 B III        | 0400 | 164,73            |
| 04.02 A I          | 0500 | 17,96             |
| 04.02 A II a) 1    | 0620 | 118,99            |
| 04.02 A II a) 2    | 0720 | 153,08            |
| 04.02 A II a) 3    | 0820 | 155,50            |
| 04.02 A II a) 4    | 0920 | 222,55            |
| 04.02 A II b) 1    | 1020 | 111,74            |
| 04.02 A II b) 2    | 1120 | 145,83            |
| 04.02 A II b) 3    | 1220 | 148,25            |
| 04.02 A II b) 4    | 1320 | 215,30            |
| 04.02 A III a) 1   | 1420 | 26,59             |
| 04.02 A III a) 2   | 1520 | 35,90             |
| 04.02 A III b) 1   | 1620 | 106,59            |
| 04.02 A III b) 2   | 1720 | 164,73            |
| 04.02 B I a)       | 1820 | 36,27             |
| 04.02 B I b) 1 aa) | 2220 | per kg 1,1174 (*) |
| 04.02 B I b) 1 bb) | 2320 | per kg 1,4583 (*) |
| 04.02 B I b) 1 cc) | 2420 | per kg 2,1530 (*) |
| 04.02 B I b) 2 aa) | 2520 | per kg 1,1174 (*) |
| 04.02 B I b) 2 bb) | 2620 | per kg 1,4583 (*) |
| 04.02 B I b) 2 cc) | 2720 | per kg 2,1530 (*) |
| 04.02 B II a)      | 2820 | 50,55             |
| 04.02 B II b) 1    | 2910 | per kg 1,0659 (*) |
| 04.02 B II b) 2    | 3010 | per kg 1,6473 (*) |
| 04.03 A            | 3110 | 193,80            |
| 04.03 B            | 3210 | 236,44            |
| 04.04 A            | 3300 | 203,74 (*)        |
| 04.04 B            | 3900 | 225,55 (*)        |
| 04.04 C            | 4000 | 157,69 (*)        |
| 04.04 D I a)       | 4410 | 162,28 (*)        |
| 04.04 D I b)       | 4510 | 163,97 (*)        |
| 04.04 D II         | 4610 | 260,69            |
| 04.04 E I a)       | 4710 | 225,55            |
| 04.04 E I b) 1     | 4800 | 188,77 (")        |

*(ECU/100 kg net weight, unless otherwise indicated)*

| CCT heading No | Code | Import levy           |
|----------------|------|-----------------------|
| 04.04 E I b) 2 | 5000 | 175,62 <sup>(1)</sup> |
| 04.04 E I c) 1 | 5210 | 131,72                |
| 04.04 E I c) 2 | 5250 | 272,34                |
| 04.04 E II a)  | 5310 | 225,55                |
| 04.04 E II b)  | 5410 | 272,34                |
| 17.02 A II     | 5500 | 40,31 <sup>(12)</sup> |
| 21.07 F I      | 5600 | 40,31                 |
| 23.07 B I a) 3 | 5700 | 86,23                 |
| 23.07 B I a) 4 | 5800 | 111,93                |
| 23.07 B I b) 3 | 5900 | 103,70                |
| 23.07 B I c) 3 | 6000 | 82,85                 |
| 23.07 B II     | 6100 | 111,93                |

- (<sup>1</sup>) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria.
- (<sup>2</sup>) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (<sup>3</sup>) In calculating the fat content the weight of any added sugar shall be disregarded.
- (<sup>4</sup>) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
  - (b) 7,25 ECU ; and
  - (c) 23,40 ECU.
- (<sup>5</sup>) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ; and
  - (b) 23,40 ECU.
- (<sup>6</sup>) The levy is limited to :
- 18,13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
  - 9,07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (<sup>7</sup>) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (<sup>8</sup>) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (<sup>9</sup>) The levy is limited to 36,27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (<sup>10</sup>) The levy is limited to 12,09 ECU per 100 kg net weight :
- for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
  - for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (<sup>11</sup>) The levy is limited to :
- 77,70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
  - 50 ECU for products listed under (o) and (p) of that Annex imported from Austria,
  - 101,88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
  - 65,61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Yugoslavia and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey, Cyprus or Yugoslavia,
  - 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria, for products listed under (s) of that Annex imported from Finland and for products listed under (r) of that Annex imported from Norway,
  - 18,13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland,
  - 12,09 ECU for products listed under (f) of that Annex imported from Australia and New Zealand.
- (<sup>12</sup>) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (<sup>13</sup>) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and sub-headings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
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## COMMISSION REGULATION (EEC) No 2467/84

of 28 August 1984

fixing the import levies on products processed from cereals and rice

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 1025/84<sup>(4)</sup>, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice<sup>(5)</sup>, as last amended by Regulation (EEC) No 1027/84<sup>(6)</sup>, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and

from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals<sup>(7)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(8)</sup>, provides that the levy thus determined, increased by the fixed component is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than 3,02 ECU per tonne from the average of the levies calculated as described above;

Whereas in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing; whereas Regulation (EEC) No 1921/75<sup>(9)</sup>, as amended by Regulation (EEC) No 2415/75<sup>(10)</sup>, laid down certain transitional measures in respect of starches;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Regulation (EEC) No 2742/75<sup>(11)</sup>, as last amended by Regulation (EEC) No 1026/84<sup>(12)</sup>, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(13)</sup>, as last amended by Regulation (EEC) No 279/80<sup>(14)</sup>;

(<sup>1</sup>) OJ No L 281, 1. 11. 1975, p. 1.  
(<sup>2</sup>) OJ No L 107, 19. 4. 1984, p. 1.  
(<sup>3</sup>) OJ No L 166, 25. 6. 1976, p. 1.  
(<sup>4</sup>) OJ No L 107, 19. 4. 1984, p. 13.  
(<sup>5</sup>) OJ No L 281, 1. 11. 1975, p. 65.  
(<sup>6</sup>) OJ No L 107, 19. 4. 1984, p. 15.

(<sup>7</sup>) OJ No L 168, 25. 6. 1974, p. 7.  
(<sup>8</sup>) OJ No L 202, 26. 7. 1978, p. 8.  
(<sup>9</sup>) OJ No L 195, 26. 7. 1975, p. 25.  
(<sup>10</sup>) OJ No L 247, 23. 9. 1975, p. 22.  
(<sup>11</sup>) OJ No L 281, 1. 11. 1975, p. 57.  
(<sup>12</sup>) OJ No L 107, 19. 4. 1984, p. 14.  
(<sup>13</sup>) OJ No L 85, 31. 3. 1976, p. 2.  
(<sup>14</sup>) OJ No L 31, 8. 2. 1980, p. 1.

Whereas, in respect of products falling within subheading 07.06 A of the Common Customs Tariff, Council Regulation (EEC) No 604/83 of 14 March 1983 on the import system applicable in 1983 to 1986 to products falling within subheading 07.06 A of the Common Customs Tariff and amending Regulation (EEC) No 950/68 on the Common Customs Tariff<sup>(1)</sup> lays down the terms on which the import levy may be charged at 6 % *ad valorem* and provides for the Common Customs Tariff to be amended accordingly;

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, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to

in the previous indent and the aforesaid coefficient;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 72, 18. 3. 1983, p. 3.

## ANNEX

to the Commission Regulation of 28 August 1984 fixing the import levies on products  
processed from cereals and rice

(ECU/tonne)

| CCT heading No                    | Imports                                    |                                     |
|-----------------------------------|--------------------------------------------|-------------------------------------|
|                                   | Third countries<br>(other than ACP or OCT) | ACP or OCT                          |
| 07.06 A I                         | 72,54 <sup>(1)</sup>                       | 70,73 <sup>(1)</sup> <sup>(2)</sup> |
| 07.06 A II                        | 75,56 <sup>(1)</sup>                       | 70,73 <sup>(1)</sup> <sup>(2)</sup> |
| 11.01 C <sup>(2)</sup>            | 136,61                                     | 130,57                              |
| 11.01 D <sup>(2)</sup>            | 84,47                                      | 78,43                               |
| 11.01 E I <sup>(2)</sup>          | 85,58                                      | 79,54                               |
| 11.01 E II <sup>(2)</sup>         | 48,09                                      | 45,07                               |
| 11.01 F <sup>(2)</sup>            | 48,66                                      | 45,64                               |
| 11.01 G <sup>(2)</sup>            | 87,43                                      | 84,41                               |
| 11.02 A II <sup>(2)</sup>         | 165,32                                     | 159,28                              |
| 11.02 A III <sup>(2)</sup>        | 136,61                                     | 130,57                              |
| 11.02 A IV <sup>(2)</sup>         | 84,47                                      | 78,43                               |
| 11.02 A V a) 1 <sup>(2)</sup>     | 50,64                                      | 44,60                               |
| 11.02 A V a) 2 <sup>(2)</sup>     | 85,58                                      | 79,54                               |
| 11.02 A V b) <sup>(2)</sup>       | 48,09                                      | 45,07                               |
| 11.02 A VI <sup>(2)</sup>         | 48,66                                      | 45,64                               |
| 11.02 A VII <sup>(2)</sup>        | 87,43                                      | 84,41                               |
| 11.02 B I a) 1 <sup>(2)</sup>     | 119,08                                     | 116,06                              |
| 11.02 B I a) 2 aa)                | 47,46                                      | 44,44                               |
| 11.02 B I a) 2 bb) <sup>(2)</sup> | 81,45                                      | 78,43                               |
| 11.02 B I b) 1 <sup>(2)</sup>     | 119,08                                     | 116,06                              |
| 11.02 B I b) 2 <sup>(2)</sup>     | 81,45                                      | 78,43                               |
| 11.02 B II a) <sup>(2)</sup>      | 106,87                                     | 103,85                              |
| 11.02 B II b) <sup>(2)</sup>      | 120,71                                     | 117,69                              |
| 11.02 B II c) <sup>(2)</sup>      | 73,72                                      | 70,70                               |
| 11.02 B II d) <sup>(2)</sup>      | 135,42                                     | 132,40                              |
| 11.02 C I <sup>(2)</sup>          | 127,95                                     | 124,93                              |
| 11.02 C II <sup>(2)</sup>         | 144,60                                     | 141,58                              |
| 11.02 C III <sup>(2)</sup>        | 187,39                                     | 181,35                              |
| 11.02 C IV <sup>(2)</sup>         | 72,73                                      | 69,71                               |
| 11.02 C V <sup>(2)</sup>          | 73,72                                      | 70,70                               |
| 11.02 C VI <sup>(2)</sup>         | 135,42                                     | 132,40                              |
| 11.02 D I <sup>(2)</sup>          | 82,66                                      | 79,64                               |
| 11.02 D II <sup>(2)</sup>         | 93,28                                      | 90,26                               |
| 11.02 D III <sup>(2)</sup>        | 77,01                                      | 73,99                               |
| 11.02 D IV <sup>(2)</sup>         | 47,46                                      | 44,44                               |
| 11.02 D V <sup>(2)</sup>          | 48,09                                      | 45,07                               |
| 11.02 D VI <sup>(2)</sup>         | 87,43                                      | 84,41                               |
| 11.02 E I a) 1 <sup>(2)</sup>     | 77,01                                      | 73,99                               |
| 11.02 E I a) 2 <sup>(2)</sup>     | 47,46                                      | 44,44                               |
| 11.02 E I b) 1 <sup>(2)</sup>     | 151,12                                     | 145,08                              |
| 11.02 E I b) 2 <sup>(2)</sup>     | 93,18                                      | 87,14                               |
| 11.02 E II a) <sup>(2)</sup>      | 146,58                                     | 140,54                              |
| 11.02 E II b) <sup>(2)</sup>      | 165,32                                     | 159,28                              |
| 11.02 E II c) <sup>(2)</sup>      | 85,58                                      | 79,54                               |
| 11.02 E II d) 1 <sup>(2)</sup>    | 83,55                                      | 77,51                               |
| 11.02 E II d) 2 <sup>(2)</sup>    | 154,99                                     | 148,95                              |
| 11.02 F I <sup>(2)</sup>          | 146,58                                     | 140,54                              |
| 11.02 F II <sup>(2)</sup>         | 165,32                                     | 159,28                              |
| 11.02 F III <sup>(2)</sup>        | 136,61                                     | 130,57                              |
| 11.02 F IV <sup>(2)</sup>         | 84,47                                      | 78,43                               |

(ECU/tonne)

| CCT heading No               | Imports                                    |                      |
|------------------------------|--------------------------------------------|----------------------|
|                              | Third countries<br>(other than ACP or OCT) | ACP or OCT           |
| 11.02 F V <sup>(2)</sup>     | 85,58                                      | 79,54                |
| 11.02 F VI <sup>(2)</sup>    | 48,66                                      | 45,64                |
| 11.02 F VII <sup>(2)</sup>   | 87,43                                      | 84,41                |
| 11.02 G I                    | 64,60                                      | 58,56                |
| 11.02 G II                   | 39,18                                      | 33,14                |
| 11.04 C I                    | 75,56                                      | 68,91 <sup>(1)</sup> |
| 11.04 C II a)                | 60,45                                      | 36,27 <sup>(1)</sup> |
| 11.04 C II b)                | 91,70                                      | 67,52 <sup>(1)</sup> |
| 11.07 A I a)                 | 149,86                                     | 138,98               |
| 11.07 A I b)                 | 114,73                                     | 103,85               |
| 11.07 A II a)                | 140,00 <sup>(4)</sup>                      | 129,12               |
| 11.07 A II b)                | 107,36                                     | 96,48                |
| 11.07 B                      | 123,32 <sup>(4)</sup>                      | 112,44               |
| 11.08 A I                    | 60,45                                      | 39,90                |
| 11.08 A II                   | 59,94                                      | 29,11                |
| 11.08 A III                  | 131,19                                     | 110,64               |
| 11.08 A IV                   | 60,45                                      | 39,90                |
| 11.08 A V                    | 60,45                                      | 19,95 <sup>(1)</sup> |
| 11.09                        | 382,50                                     | 201,16               |
| 17.02 B II a) <sup>(1)</sup> | 148,76                                     | 52,04                |
| 17.02 B II b) <sup>(1)</sup> | 106,39                                     | 39,90                |
| 17.02 F II a)                | 151,24                                     | 54,52                |
| 17.02 F II b)                | 104,40                                     | 37,91                |
| 21.07 F II                   | 106,39                                     | 39,90                |
| 23.02 A I a)                 | 33,27                                      | 27,27                |
| 23.02 A I b)                 | 64,44                                      | 58,44                |
| 23.02 A II a)                | 33,27                                      | 27,27                |
| 23.02 A II b)                | 64,44                                      | 58,44                |
| 23.03 A I                    | 230,90                                     | 49,56                |

<sup>(1)</sup> This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

<sup>(2)</sup> For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications :

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

<sup>(3)</sup> Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

<sup>(4)</sup> In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

<sup>(5)</sup> In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories :

- arrowroot falling within subheading 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading 11.08 A V.

**COMMISSION REGULATION (EEC) No 2468/84****of 28 August 1984****fixing the import levies on compound feedingstuffs**

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<sup>(1)</sup>), as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>), and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs<sup>(3)</sup>), as amended by Regulation (EEC) No 2560/77<sup>(4)</sup>), provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of

these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'<sup>(5)</sup>; as last amended by Regulation (EEC) No 279/80<sup>(6)</sup>;

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, multiplied by the coefficient provided for in Article 2b (2) of Council Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 1984.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 60.

<sup>(4)</sup> OJ No L 303, 28. 11. 1977, p. 1.

<sup>(5)</sup> OJ No L 85, 31. 3. 1976, p. 2.

<sup>(6)</sup> OJ No L 31, 8. 2. 1980, p. 1.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

# ANNEX

to the Commission Regulation of 28 August 1984 fixing the import levies on compound feedingstuffs

(ECU/tonne)

| CCT heading No | Nomenclature in simplified wording                                                                                                                                                                                                                                                                                                                    | Levies                                            |                |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------|
|                |                                                                                                                                                                                                                                                                                                                                                       | Third countries<br>(other than<br>ACP and<br>OCT) | ACP and<br>OCT |
|                | Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 968/68, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II, or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04, and subheadings 17.02 A and 21.07 F I) containing starch, glucose or glucose syrup : |                                                   |                |
|                | Containing no starch or containing 10 % or less by weight of starch :                                                                                                                                                                                                                                                                                 |                                                   |                |
| 23.07 B I a) 1 | — Containing no milk products or containing less than 10 % by weight of such products                                                                                                                                                                                                                                                                 | 17,95                                             | 7,07           |
| 23.07 B I a) 2 | — Containing 10 % or more but less than 50 % by weight of milk products                                                                                                                                                                                                                                                                               | 579,77                                            | 568,89         |
|                | Containing more than 10 % but not more than 30 % by weight of starch :                                                                                                                                                                                                                                                                                |                                                   |                |
| 23.07 B I b) 1 | — Containing no milk products or containing less than 10 % by weight of such products                                                                                                                                                                                                                                                                 | 32,98                                             | 22,10          |
| 23.07 B I b) 2 | — Containing 10 % or more but less than 50 % by weight of milk products                                                                                                                                                                                                                                                                               | 594,80                                            | 583,92         |
|                | Containing more than 30 % by weight of starch :                                                                                                                                                                                                                                                                                                       |                                                   |                |
| 23.07 B I c) 1 | — Containing no milk products or containing less than 10 % by weight of such products                                                                                                                                                                                                                                                                 | 55,07                                             | 44,19          |
| 23.07 B I c) 2 | — Containing 10 % or more but less than 50 % by weight of milk products                                                                                                                                                                                                                                                                               | 616,89                                            | 606,01         |

**COMMISSION REGULATION (EEC) No 2469/84****of 28 August 1984****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 606/82<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Regulation (EEC) No 2225/84<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2225/84 to the

information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

*Article 1*

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 2225/84, are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 August 1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 205, 1. 8. 1984, p. 11.

## ANNEX

to the Commission Regulation of 28 August 1984 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

| CCT heading No | Description                                                                                                                                                            | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question | Amount of levy per 100 kg of dry matter |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------|
| 17.02          | Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel : |                                                                                                    |                                         |
|                | C. Maple sugar and other syrup                                                                                                                                         | 0,4538                                                                                             | —                                       |
|                | D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :                                                                                          |                                                                                                    |                                         |
|                | I. Isoglucose                                                                                                                                                          | —                                                                                                  | 56,42                                   |
|                | ex II. Other                                                                                                                                                           | 0,4538                                                                                             | —                                       |
|                | E. Artificial honey, whether or not mixed with natural honey                                                                                                           | 0,4538                                                                                             | —                                       |
|                | F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose                                                                   | 0,4538                                                                                             | —                                       |
| 21.07          | Food preparations not elsewhere specified or included :                                                                                                                |                                                                                                    |                                         |
|                | F. Flavoured or coloured sugar syrups :                                                                                                                                |                                                                                                    |                                         |
|                | III. Isoglucose                                                                                                                                                        | —                                                                                                  | 56,42                                   |
|                | IV. Other                                                                                                                                                              | 0,4538                                                                                             | —                                       |

## COMMISSION REGULATION (EEC) No 2470/84

of 28 August 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 606/82<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1854/84<sup>(3)</sup>, as last amended by Regulation (EEC) No 2430/84<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1854/84 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 29 August 1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 172, 30. 6. 1984, p. 53.

<sup>(4)</sup> OJ No L 227, 24. 8. 1984, p. 22.

## ANNEX

to the Commission Regulation of 28 August 1984 fixing the import levies on white sugar and raw sugar

| CCT heading No | Description                                                                                                | Levy<br>(ECU/100 kg)          |
|----------------|------------------------------------------------------------------------------------------------------------|-------------------------------|
| 17.01          | Beet sugar and cane sugar, in solid form :<br>A. White sugar : flavoured or coloured sugar<br>B. Raw sugar | 45,38<br>41,66 <sup>(1)</sup> |

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

**COMMISSION REGULATION (EEC) No 2471/84****of 28 August 1984****altering the export refunds on syrups and certain other sugar sector products  
exported in the natural state**

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<sup>(1)</sup>, as  
last amended by Regulation (EEC) No 606/82<sup>(2)</sup>, and  
in particular Article 19 (4) thereof,

Whereas the refunds on syrups and certain other sugar  
products were fixed by Regulation (EEC) No  
2226/84<sup>(3)</sup>;

Whereas it follows from applying the rules, criteria  
and other provisions contained in Regulation (EEC)

No 2226/84 to the information at present available to  
the Commission that the export refunds at present in  
force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The refunds to be granted on the products listed in  
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No  
1785/81, exported in the natural state, as fixed in the  
Annex to Regulation (EEC) No 2226/84 are hereby  
altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 August  
1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSAER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 205, 1. 8. 1984, p. 13.

## ANNEX

to the Commission Regulation of 28 August 1984 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

| CCT heading No | Description                                                                                                                                                            | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question (1) | Amount of refund per 100 kg of dry matter (2) |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| 17.02          | Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel : |                                                                                                        |                                               |
|                | D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :                                                                                          |                                                                                                        |                                               |
|                | I. Isoglucose                                                                                                                                                          | —                                                                                                      | 39,76                                         |
|                | ex II. Other, excluding sorbose                                                                                                                                        | 0,3976                                                                                                 | —                                             |
|                | E. Artificial honey, whether or not mixed with natural honey                                                                                                           | 0,3976                                                                                                 | —                                             |
|                | F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose                                                                   | 0,3976                                                                                                 | —                                             |
| 21.07          | Food preparations not elsewhere specified or included :                                                                                                                |                                                                                                        |                                               |
|                | F. Flavoured or coloured sugar syrups :                                                                                                                                |                                                                                                        |                                               |
|                | III. Isoglucose                                                                                                                                                        | —                                                                                                      | 39,76                                         |
|                | IV. Other (other than lactose, glucose and malto-dextrine syrups)                                                                                                      | 0,3976                                                                                                 | —                                             |

(1) The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

(2) Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

**COMMISSION REGULATION (EEC) No 2472/84****of 28 August 1984****altering the export refunds on white sugar and raw sugar exported in the natural state**

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 last on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 606/82<sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 2352/84<sup>(3)</sup>, as amended by Regulation (EEC) No 2414/84<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2352/84 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION :

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 2352/84 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 August 1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 218, 15. 8. 1984, p. 5.

<sup>(4)</sup> OJ No L 226, 23. 8. 1984, p. 12.

## ANNEX

to the Commission Regulation of 28 August 1984 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

| CCT heading No | Description                                    | Amount of refund     |                                                                                       |
|----------------|------------------------------------------------|----------------------|---------------------------------------------------------------------------------------|
|                |                                                | per 100 kg           | per percentage point of sucrose content and per 100 kg net of the product in question |
| 17.01          | Beet sugar and cane sugar, solid :             |                      |                                                                                       |
|                | A. White sugar ; flavoured or coloured sugar : |                      |                                                                                       |
|                | (I) White sugar :                              |                      |                                                                                       |
|                | (a) Candy sugar                                | 39,76                |                                                                                       |
|                | (b) Other                                      | 37,90                |                                                                                       |
|                | (II) Flavoured or coloured sugar               |                      | 0,3976                                                                                |
|                | B. Raw sugar :                                 |                      |                                                                                       |
|                | II. Other :                                    |                      |                                                                                       |
|                | (a) Candy sugar                                | 36,58 <sup>(1)</sup> |                                                                                       |
|                | (b) Other raw sugar                            | 34,60 <sup>(1)</sup> |                                                                                       |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

**COMMISSION REGULATION (EEC) No 2473/84****of 28 August 1984****altering the rates of the refunds applicable to certain products from the sugar sector 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 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 606/82<sup>(2)</sup>, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 August 1984 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 2230/84<sup>(3)</sup>;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 2230/84 to the

information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EEC) No 2230/84 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 August 1984.

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

Done at Brussels, 28 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 205, 1. 8. 1984, p. 24.

## ANNEX

to the Commission Regulation of 28 August 1984 altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Table A

|                                      |                                                                                                                                                    |                                    |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <i>Rate of refund in ECU/100 kg:</i> | White sugar :                                                                                                                                      | 39,76                              |
|                                      | Raw sugar :                                                                                                                                        | 36,58                              |
|                                      | Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose) : | $39,76 \times \frac{S^{(1)}}{100}$ |
|                                      | Molasses :                                                                                                                                         | —                                  |
|                                      | Isoglucose or flavoured or coloured isoglucose syrups :                                                                                            | 39,76 <sup>(2)</sup>               |

Table B

|                                      |                                                                                                                                                    |                                    |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <i>Rate of refund in ECU/100 kg:</i> | White sugar :                                                                                                                                      | 35,88                              |
|                                      | Raw sugar :                                                                                                                                        | 33,01                              |
|                                      | Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose) : | $35,88 \times \frac{S^{(1)}}{100}$ |
|                                      | Molasses :                                                                                                                                         | —                                  |

<sup>(1)</sup> 'S' represents the weight of sucrose (including invert sugar expressed as sucrose) in 100 kilograms of syrup.

<sup>(2)</sup> Amount of refund for 100 kilograms of dry matter.

