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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 286/83
of 1 February 1983
on the supply of skimmed-milk powder as food aid to Bolivia

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European
Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 1037/82 of 26 April 1982 laying down general rules for the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1982 food-aid programme ⁽¹⁾, and in particular Article 7 thereof,

Of the quantity of skimmed-milk powder still available under the reserve provided for by Regulation (EEC) No 1038/82, 423 tonnes shall be allocated to Bolivia as food aid.

Having regard to the proposal from the Commission ;

Article 2

Whereas Council Regulation (EEC) No 1038/82 of 26 April 1982 on the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1982 food-aid programme ⁽²⁾ provides for a reserve of 10 990 tonnes of skimmed-milk powder ; whereas certain quantities are still available under this reserve ;

The transport of the quantity of skimmed-milk powder allocated to Bolivia shall be financed by the Community, including delivery to the place of destination 'free at destination'.

Whereas the Community has received from Bolivia a request for food aid in the form of skimmed-milk powder ; whereas that country's needs justify food aid from the Community,

Article 3

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

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

Done at Brussels, 1 February 1983.

For the Council

The President

Otto SCHLECHT

⁽¹⁾ OJ No L 120, 1. 5. 1982, p. 1.

⁽²⁾ OJ No L 120, 1. 5. 1982, p. 3.

COMMISSION REGULATION (EEC) No 287/83**of 3 February 1983****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2118/82⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within

a band of 2.25 %, a rate of exchange based on their central rate,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 2 February 1983;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2118/82 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 February 1983.

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

Done at Brussels, 3 February 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 44.

ANNEX

to the Commission Regulation of 3 February 1983 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	107.07
10.01 B II	Durum wheat	149.90 ⁽¹⁾ ⁽²⁾
10.02	Rye	109.00 ⁽⁶⁾
10.03	Barley	115.29
10.04	Oats	99.35
10.05 B	Maize, other than hybrid maize for sowing	102.40 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	46.69 ⁽⁴⁾
10.07 C	Grain sorghum	99.37 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽²⁾
11.01 A	Wheat or meslin flour	165.28
11.01 B	Rye flour	167.15
11.02 A I a)	Durum wheat groats and meal	244.86
11.02 A I b)	Common wheat groats and meal	176.74

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 288/83

of 3 February 1983

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2119/82⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 % a rate of exchange based on their central rate,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 2 February 1983;

Whereas on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February 1983.

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

Done at Brussels, 3 February 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 47.

ANNEX

to the Commission Regulation of 3 February 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	18.06
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	3.16	3.16	3.16
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 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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 289/83**of 3 February 1983****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1413/82 ⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 3488/82 ⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 3488/82, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁶⁾, as last amended by Regulation (EEC) No 3488/82, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁷⁾, as last amended by Regulation (EEC) No 3489/82 ⁽⁸⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽⁹⁾,

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978 ⁽¹⁰⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender ⁽¹¹⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 31 January and 1 February 1983 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 372, 30. 12. 1982, p. 13.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁸⁾ OJ No L 372, 30. 12. 1982, p. 14.

⁽⁹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹⁰⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹¹⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 4 February 1983.

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

Done at Brussels, 3 February 1983.

For the Commission

Poul DALSAER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CCT heading No	Non-member countries
15.07 A I a)	28.00 ⁽¹⁾
15.07 A I b)	30.00 ⁽¹⁾
15.07 A I c)	33.00 ⁽¹⁾
15.07 A II a)	37.00 ⁽²⁾
15.07 A II b)	56.00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

- (a) Spain and Lebanon: 0.60 ECU/100 kg;
- (b) Turkey: 22.36 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Algeria, Morocco, Tunisia: 24.78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this tariff subheading:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3.86 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3.09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7.25 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5.80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CCT heading No	Non-member countries
07.01 N II	6.60
07.03 A II	6.60
15.17 B I a)	15.00
15.17 B I b)	24.00
23.04 A II	2.64

COMMISSION REGULATION (EEC) No 290/83

of 2 February 1983

imposing a provisional anti-dumping duty on imports of urea ammonium nitrate solution fertilizer originating in the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultations within the Advisory Committee provided for under the above Regulation,

Whereas in 1981 the Council, by Regulation (EEC) No 349/81⁽³⁾, imposed a definitive anti-dumping duty on imports of urea ammonium nitrate solution fertilizer (UAN), originating in the United States of America, the level of duty being 6.5 %;

Whereas this definitive anti-dumping duty did not apply to UAN exported by Agrico, who were found not to have dumped, nor to certain other exporters of UAN whose offers of price undertakings were accepted by Commission Decision 81/35/EEC⁽⁴⁾;

Whereas three of these companies have since withdrawn from their price undertakings and the Council, following further investigation by the Commission, imposed definitive anti-dumping duties on those companies by Regulation (EEC) No 101/83⁽⁵⁾;

Whereas the Commission has also received a request from the Comité du marché commun de l'industrie des engrais azotés et phosphatés (CMC-engrais) on behalf of Community producers whose collective output constitutes the majority of Community production of the product in question that Regulation (EEC) No 349/81 and Decision 81/35/EEC be subject to review; whereas this request was supported by evidence of renewed dumping by the United States exporters of UAN and of material injury resulting therefrom, which was considered sufficient to justify re-opening the proceedings; whereas the Commission

accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽⁶⁾, the re-opening of the anti-dumping proceeding concerning imports into the Community of UAN, falling within NIMEXE code ex 31.02-90 and originating in the United States of America, and recommenced an investigation;

Whereas the Commission officially so advised the exporters and importers known to be concerned as well as representatives of the exporting country;

Whereas the Commission has given the parties directly concerned the opportunity to make known their views in writing and to request a hearing;

Whereas some of the exporters and importers have made known their views in writing and have requested and been granted a hearing;

Whereas the Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following:

EEC producers:

- BASF Aktiengesellschaft, Ludwigshafen, Germany,
- Ruhr-Stickstoff AG, Bochum, Germany,
- APC SA (Azote et produits chimiques), Paris, France,
- Compagnie française de l'azote (Cofaz), Neuilly-sur-Seine, France,
- Générale des engrais, Neuilly-sur-Seine, France,
- Société chimique de la Grande-Paroisse, Paris, France,
- Nederlandsche Stikstof Maatschappij, Brussels,
- Unie van Kunstmestfabrieken BV, Utrecht;

EEC importers:

- Demufert SA, Brussels,
- Ferdis SA, Brussels;

United States exporters:

- Agrico Chemical Company, Tulsa, Oklahoma,
- Transcontinental Fertilizer Company, Philadelphia, Pennsylvania;

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No L 39, 12. 2. 1981, p. 4.

⁽⁴⁾ OJ No L 39, 12. 2. 1981, p. 35.

⁽⁵⁾ OJ No L 15, 19. 1. 1983, p. 1.

⁽⁶⁾ OJ No C 179, 16. 7. 1982, p. 4.

Whereas the Commission provisionally determined normal value on the basis of the domestic prices of the sole producer, Agrico, who exported to the EEC and who provided sufficient evidence regarding these sales; whereas the Commission is satisfied with the evidence supplied that these sales were made at price levels above all costs both fixed and variable normally incurred in the course of production;

Whereas export prices were determined on the basis of the prices actually paid or payable for the products exported to the Community;

Whereas, in comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability where claims in this area could be satisfactorily demonstrated; whereas adjustment was made to take account of differences in terms and conditions of sale and differences in the concentration of nitrogen in the product in question;

Whereas, for the purposes of arriving at the most appropriate level at which to make the comparison, the Commission took account of the fact that Agrico supplied almost all its domestic customers ex-terminal, these storage terminals being situated in areas of high consumption and being supplied mostly by direct pipeline from the manufacturing plant and also by barge or truck;

Whereas, additionally, the costs of operating these terminals were treated by Agrico as overheads and accordingly no allowance could be made for these costs; whereas allowance was, however, made for the cost of transporting the product to the terminal, a similar deduction being made in the case of export sales for the cost of transport from the plant to a fob level;

Whereas the above preliminary examination of the facts shows the existence of dumping in respect of Agrico's exports to the Community, the margin of dumping being equal to the amount by which the normal value as established exceeds the prices for export to the Community;

Whereas the weighted average margin for Agrico was 4.14 %;

Whereas, with regard to injury, the Commission investigation showed that Agrico's export to the Community increased by 203 % during the first four months of 1982 by comparison to the whole of 1981 and that all of the 1982 exports were made at dumped levels in contrast with those of 1981 which were not; whereas the dumped shipments made by Agrico in 1982 taken

on an annual basis accounted for some 9 % of Community consumption; whereas, furthermore, these dumped imports taken together with the imports dumped by the three companies who were the subject of a Commission investigation following their withdrawal from price undertakings accounted for some 21 % of Community consumption in 1982;

Whereas the prices paid in the Community for the dumped products in question significantly undercut the prices of the Community producers;

Whereas the impact on this Community industry has been that losses continue to be made on UAN sales;

Whereas, in considering whether injury has been caused by other factors, the evidence available to the Commission shows that certain Community producers situated in the Netherlands have entered the market and increased their sales of UAN, particularly in France; whereas, however, the investigation has shown that the low level of these producers' prices resulting in considerable losses was due to the fact that they had to compete with the dumped imports; whereas, accordingly, injury caused by the dumped imports has been sustained by producers throughout the Community and the allegation of the exporters and importers concerned that any injury to French and German producers was solely as a result of increased sales of UAN from other Community producers cannot be supported;

Whereas the exporters and importers concerned further alleged that the French producers, comprising 43 % of Community production of UAN, could not be considered to have sustained injury in view of the decision of the minister responsible for competition, as published in the French 'Bulletin officiel de la concurrence et de la consommation' of 12 December 1981, requiring an alteration of certain aspects of the French producers pricing policy regarding *inter alia* nitrogen based fertilizers; whereas they further alleged that although this decision refers to both solid (mainly ammonium nitrate) and liquid (UAN) nitrogen based fertilizers this does not reduce its relevance since ammonium nitrate and UAN are effectively like products; whereas, however, in its investigation, the Commission sought and verified data relating to production and sales of UAN, which data clearly permitted separate identification of the product concerned; whereas the Commission is satisfied that in the course of this investigation it received correct information on the particular situation relating to Community producers of UAN; whereas the Commission, in the light of this information, is satisfied that the dumped imports of UAN from the companies concerned have caused material injury to the Commu-

nity producers, including those in France ; whereas the Commission sees no contradiction between this specific injury finding regarding UAN and the decision of the French authorities which referred to the behaviour of fertilizer producers in relation to a much wider range of both phosphorous and nitrogen based fertilizers ;

Whereas the Commission, for the purposes of reaching a preliminary finding in the review procedure, received no new evidence regarding sales of UAN to the Community by United States exporters other than Agrico and accordingly has no reason to alter its view that the continued application of the existing duty was a requirement for the elimination of injury and the prevention of its recurrence ;

Whereas no representations have been received by the Commission from consumers in the Community ; whereas, in any event, the interest of consumers in the Community is not served in the long run by a Community industry weakened or reduced by persistent dumping ; whereas, in these circumstances, protection of the Community's interests calls for the imposition of provisional anti-dumping duties on urea ammonium nitrate solution fertilizer originating in the United States of America and exported by Agrico which, having regard to the extent of injury caused, should be equal to the dumping margin found ;

Whereas a period should be fixed within which the parties concerned may make their views known and request a hearing,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on urea ammonium nitrate solution fertilizer,

falling within subheading ex 31.02 C of the Common Customs Tariff and corresponding to NIMEXE code ex 31.02-90, exported by Agrico Chemical Company, Tulsa, Oklahoma.

2. The rate of duty shall be based on the customs value determined in accordance with Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes ⁽¹⁾, and shall be 4.14 %.

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

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

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 3017/79, the parties concerned may make known their views and apply to be heard 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 3017/79, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 2 February 1983.

For the Commission

Wilhelm HAFFERKAMP

Vice-President

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

COMMISSION REGULATION (EEC) No 291/83

of 3 February 1983

amending Regulation (EEC) No 2425/81 laying down detailed rules for the application of the system of aid for dried grapes and dried figs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2194/81 of 27 July 1981 laying down the general rules for the system of production aid for dried figs and dried grapes ⁽¹⁾, as amended by Regulation (EEC) No 2674/82 ⁽²⁾, and in particular Article 14 thereof,

Whereas Article 6 (1) of Commission Regulation (EEC) No 2425/81 ⁽³⁾ provides that two aid applications may be submitted for each marketing year; whereas, in cases where storage into the following marketing year is authorized pursuant to Article 10 (1) of Regulation (EEC) No 2194/81 and the products stored are sold for processing, the processor may submit his application only when the products have been processed; whereas this situation leads to delay in the payment of the aid for products obtained during the marketing year; whereas this situation should be remedied by allowing the processor to submit an additional aid application relating to products bought from storage agencies after the end of the marketing year; whereas to make the existing procedures more flexible, these measures should be applicable for products obtained from 1 January 1982;

Whereas Commission Regulation (EEC) No 2197/82 ⁽⁴⁾, as amended by Regulation (EEC) No 3434/82 ⁽⁵⁾, has extended the period of storage of certain quantities of dried figs and dried grapes held by the Greek storage agencies beyond the end of the 1981/82 marketing year;

Whereas Regulation (EEC) No 2425/81 should be amended to allow periodic submission of applications for storage aid during the extended period of storage;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2425/81 is hereby amended as follows:

1. Article 6 (1) is replaced by the following:

'1. The processor may submit two aid applications for each marketing year, the first relating to products obtained up to 31 December and the second to those obtained or bought during the remaining part of the marketing year.

The aid application shall, within 60 days following expiry of the periods referred to above, be submitted to the agency designated by the Member State in which the processing took place.

In cases where storage into the following marketing year is authorized pursuant to Article 10 (1) of Regulation (EEC) No 2194/81 and the products stored are sold for processing, an additional aid application relating to such products may be submitted. It shall be submitted within 60 days following the last day fixed for sales at prices fixed in advance from storage agencies.'

2. Article 8 (1) is replaced by the following:

'1. The storage agency may submit two applications for storage aid during the marketing year, the first relating to the period up to the end of February and the second relating to the remaining part of the marketing year.

⁽¹⁾ OJ No L 214, 1. 8. 1981, p. 1.

⁽²⁾ OJ No L 284, 7. 10. 1982, p. 3.

⁽³⁾ OJ No L 240, 24. 8. 1981, p. 1.

⁽⁴⁾ OJ No L 233, 7. 8. 1982, p. 24.

⁽⁵⁾ OJ No L 361, 22. 12. 1982, p. 1.

In cases where storage into the following marketing year is authorized pursuant to Article 10 (1) of Regulation (EEC) No 2194/81, additional aid applications may be submitted for each period of six months and, where applicable, at the end of the storage period.

Each application shall be submitted within 60 days following the end of the storage period concerned.'

Article 2

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

Article 1 (1) shall, at the request of the person concerned, apply to products obtained from 1 January 1982. In that case, the application shall be submitted before 1 March 1983.

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

Done at Brussels, 3 February 1983.

For the Commission

Poul DALSAGER

Member of the Commission

(2) OJ No L 190, 1. 7. 1982, p. 7.

2. For the purpose of calculating the entry price, the prices for cucumbers, not produced under glass, imported from third countries shall, after deduction of customs duties, be multiplied by the following conversion factors:

- from 11 February to 30 September: 1.30,
- from 1 October to 10 November: 1.00.

Article 2

This Regulation shall enter into force on 11 February 1983.

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

Done at Brussels, 3 February 1983.

For the Commission

Poul DALSGER

Member of the Commission

(¹) OJ No L 1, 1. 1. 1981, p. 17.

2. For the purpose of calculating the Greek offer price, the prices for cucumbers, not produced under glass, shall be multiplied by the following conversion factors :

- from 11 February to 30 September : 1.30,
- from 1 October to 10 November : 1.00.

Article 2

This Regulation shall enter into force on 11 February 1983.

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

Done at Brussels, 3 February 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 294/83

of 2 February 1983

opening a standing invitation to tender for the export of 100 000 tonnes of
bread-making wheat held by the British intervention agency

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82⁽²⁾, and in particular
Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No
2738/75 of 29 October 1975 laying down general rules
for intervention on the market in cereals⁽³⁾ provides
that cereals held by the intervention agencies shall be
disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82
of 7 July 1982⁽⁴⁾ lays down the procedure and condi-
tions for the disposal of cereals held by intervention
agencies;

Whereas, on 13 January 1983, the United Kingdom
notified the Commission that it wished to put up for
sale for export to third countries 100 000 tonnes of
bread-making wheat held by its intervention agency;
whereas it is possible to accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

The British intervention agency may, on the condi-
tions laid down in Regulation (EEC) No 1836/82,
open a standing invitation to tender for the export of
100 000 tonnes of bread-making wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum
of 100 000 tonnes of bread-making wheat to be
exported to all third countries with the exception of
countries in Zone IV, within the meaning of Regula-
tion (EEC) No 1124/77.

2. The regions in which the 100 000 tonnes of
bread-making wheat are stored are stated in Annex I
to this Regulation.

Article 3

The export licences shall be valid from their date of
issue, within the meaning of Article 9 of Regulation
(EEC) No 1836/82, until the end of the third month
following.

Article 4

1. The time limit for submission of tenders under
the first partial invitation to tender shall expire on 16
February 1983 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under
the last partial invitation to tender shall expire on 25
May 1983 at 1 p.m. (Brussels time).

3. The tenders shall be lodged with the British
intervention agency.

Article 5

The British intervention agency shall notify the
Commission of the tenders received not later than two
hours after expiry of the time limit for the submission
thereof. Notification shall be given as specified in the
table in Annex II to this Regulation.

Article 6

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 49.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

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

Done at Brussels, 2 February 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Northern region	3 886
Midlands and east	59 838
Southern region	36 226

ANNEX II

Standing invitation to tender for the export of 100 000 tonnes of bread-making wheat held by the British intervention agency

(Regulation (EEC) No 294/83)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne)	Price increases (+) or reductions (—) (ECU/tonne)	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

COMMISSION REGULATION (EEC) No 295/83**of 2 February 1983****opening a standing invitation to tender for the export of 75 000 tonnes of bread-making wheat held by the Dutch intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 2738/75 of 29 October 1975 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agencies shall be disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82 of 7 July 1982⁽⁴⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, on 13 January 1983, the Netherlands notified the Commission that it wished to put up for sale for export to third countries 75 000 tonnes of bread-making wheat held by its intervention agency; whereas it is possible to accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Dutch intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 75 000 tonnes of bread-making wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 75 000 tonnes of bread-making wheat to be exported to all third countries with the exception of countries in Zone IV within the meaning of Regulation (EEC) No 1124/77.

2. The regions in which the 75 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until the end of the third month following.

Article 4

1. The time limit for submission of tenders under the first partial invitation to tender shall expire on 16 February 1983 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under the last partial invitation to tender shall expire on 25 May 1983 at 1 p.m. (Brussels time).

3. The tenders shall be lodged with the Dutch intervention agency.

Article 5

The Dutch intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex II to this Regulation.

Article 6

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 49.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

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

Done at Brussels, 2 February 1983.

For the Commission

Poul DALSAER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Region Rotterdam	39 308
Region Amsterdam	20 761
Region Groningen	15 463

ANNEX II

Standing invitation to tender for the export of 75 000 tonnes of bread-making wheat held by the Dutch intervention agency

(Regulation (EEC) No 295/83)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne)	Price increases (+) or reductions (—) (ECU/tonne)	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

COMMISSION REGULATION (EEC) No 296/83

of 2 February 1983

opening a standing invitation to tender for the export of 150 000 tonnes of barley
held by the German intervention agency

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

open a standing invitation to tender for the export of
150 000 tonnes of barley held by it.

Having regard to the Treaty establishing the European
Economic Community,

Article 2

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82⁽²⁾, and in particular
Article 7 (5) thereof,

1. The invitation to tender shall cover a maximum
of 150 000 tonnes of barley to be exported to all third
countries.

2. The regions in which the 150 000 tonnes of
barley are stored are stated in Annex I to this Regula-
tion.

Whereas Article 3 of Council Regulation (EEC) No
2738/75 of 29 October 1975 laying down general rules
for intervention on the market in cereals⁽³⁾ provides
that cereals held by the intervention agencies shall be
disposed of by invitation to tender;

Article 3

The export licences shall be valid from their date of
issue, within the meaning of Article 9 of Regulation
(EEC) No 1836/82, until the end of the third month
following.

Whereas Commission Regulation (EEC) No 1836/82
of 7 July 1982⁽⁴⁾ lays down the procedure and condi-
tions for the disposal of cereals held by intervention
agencies;

Article 4

Whereas, on 13 January 1983 the Federal Republic of
Germany notified the Commission that it wished to
put up for sale for export to third countries 150 000
tonnes of barley held by its intervention agency;
whereas it is possible to accede to that request;

1. The time limit for submission of tenders under
the first partial invitation to tender shall expire on 16
February 1983 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under
the last partial invitation to tender shall expire on 25
May 1983 at 1 p.m. (Brussels time).

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

3. The tenders shall be lodged with the German
intervention agency.

HAS ADOPTED THIS REGULATION:

*Article 5**Article 1*

The German intervention agency shall notify the
Commission of the tenders received not later than two
hours after expiry of the time limit for the submission
thereof. Notification shall be given as specified in the
table in Annex II to this Regulation.

The German intervention agency may, on the condi-
tions laid down in Regulation (EEC) No 1836/82,

Article 6

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 49.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

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

Done at Brussels, 2 February 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I

Place of storage	Quantity (tonnes)
Schleswig-Holstein	30 000
Hamburg	5 000
Niedersachsen	25 000
Bremen	10 000
Nordrhein-Westfalen	75 000
Rheinland-Pfalz	5 000

ANNEX II

Standing invitation to tender for the export of 150 000 tonnes of barley by the German intervention agency

(Regulation (EEC) No 296/83)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne)	Price increases (+) or reductions (—) (ECU/tonne)	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

COMMISSION REGULATION (EEC) No 297/83
of 3 February 1983
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to the opinion of the Monetary
Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of those Regulations and prices for those
products within the Community may be covered by an
export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules
for granting export refunds on cereals and criteria for
fixing the amount of such refunds⁽³⁾, provides that
when refunds are being fixed account must be taken of
the existing situation and the future trend with regard
to prices and availabilities of cereals on the Commu-
nity market on the one hand and prices for cereals and
cereal products on the world market on the other;
whereas the same Article provides that it is also impor-
tant to ensure equilibrium and the natural develop-
ment of prices and trade on cereal markets and,
furthermore, to take into account the economic aspect
of the proposed exports, and the need to avoid distur-
bances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice⁽⁴⁾, as
last amended by Regulation (EEC) No 1459/82⁽⁵⁾,
defines the specific criteria to be taken into account

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

Whereas it follows from applying these detailed rules
to the present situation on the market in products
processed from cereals and rice that the export refund
should be fixed at an amount which will cover the
difference between Community prices and world
market prices;

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

Whereas, if the refund system is to operate normally,
refunds should be calculated on the following basis:

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2.25 %, a rate of exchange based on
their central rate,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded for a given period in
relation to the Community currencies referred to
in the previous indent;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of
Regulation (EEC) No 2727/75 subject to Regulation
(EEC) No 2744/75 shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 4 February
1983.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 164, 14. 6. 1982, p. 22.

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

Done at Brussels, 3 February 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 3 February 1983 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	93.10
11.07 A II b)	113.64
11.07 B	132.44

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 1 February 1983

on the grant of food aid in the form of cereals to Bolivia

(83/31/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 113
thereof,

Having regard to the proposal from the Commission,

Whereas, by Decision 82/270/EEC ⁽¹⁾, as amended by
Decision 82/836/EEC ⁽²⁾, the Council made provision
for setting aside within its 1982 cereals food-aid
programme a reserve of certain quantities for emer-
gency operations and other unforeseen situations ;

Whereas certain quantities of cereals are still available
under that reserve ;

Whereas the Community has received a request for
food aid from Bolivia ;

Whereas the Community should respond favourably to
that request,

HAS DECIDED AS FOLLOWS :

Sole Article

Food aid in the form of cereals from the reserve under
the 1982 cereals food-aid programme shall be allo-
cated as follows :

Recipient	Quantities allocated (in tonnes)	Arrangements for financing
Bolivia	10 000	Free at destination

Done at Brussels, 1 February 1983.

For the Council

The President

Otto SCHLECHT

⁽¹⁾ OJ No L 120, 1. 5. 1982, p. 27.

⁽²⁾ OJ No L 352, 14. 12. 1982, p. 21.

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