

Official Journal

of the European Communities

ISSN 0378-6978

L 86

Volume 26

31 March 1983

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 772/83

of 28 March 1983

opening, allocating and providing for the administration of a Community tariff quota for carrots falling within subheading ex 07.01 G II of the Common Customs Tariff and originating in Cyprus (1983)

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 Article 2 of Council Regulation (EEC) No 3746/81 of 21 December 1981 laying down the arrangements applicable to trade with Cyprus beyond 31 December 1981⁽¹⁾, as amended by Regulation (EEC) No 3532/82⁽²⁾, provides, for the period 1 April to 15 May 1983, for the opening of a Community tariff quota of 2 300 tonnes of carrots, falling within subheading ex 07.01 G II of the Common Customs Tariff and originating in Cyprus, at a rate of customs duty equal to 40 % of the customs duty in the Common Customs Tariff; whereas the Community tariff quota should therefore be opened for this period;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States, until the quota has been used up; whereas, however, since the period of application of the quota is very short, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, in the conditions and according to the procedure specified in Article 1 (2); whereas this method of management requires close cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of

Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 April to 15 May 1983, the Common Customs Tariff duty for carrots falling within subheading ex 07.01 G II of the Common Customs Tariff and originating in Cyprus shall be suspended at 6,8 % within the limits of a Community tariff quota of 2 300 tonnes.

Within the limits of this tariff quota, Greece shall apply the customs duties calculated in accordance with the relevant provisions in the 1979 Act of Accession and the Protocol of Adaptation.

The Protocol on the definition of the concept of 'originating products' and on methods of administrative cooperation⁽³⁾, annexed to the Additional Protocol to the Agreement between the European Economic Community and Cyprus, shall be applicable.

2. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

⁽¹⁾ OJ No L 374, 30. 12. 1981, p. 4.

⁽²⁾ OJ No L 371, 30. 12. 1982, p. 2.

⁽³⁾ OJ No L 339, 28. 12. 1977, p. 19.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (2) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods established in their territory have free access to the quota so long as the residual balance of the quota volume allows this.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for free circulation.

4. The extent to which the quota has been exhausted shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 4

The Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

Article 5

This Regulation shall enter into force on 1 April 1983.

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

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 773/83**of 28 March 1983****opening, allocating and administering a Community tariff quota for certain grades of ferro-chromium falling within subheading ex 73.02 E I of the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

and to the economic outlook for the quota period in question ;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas, for certain grades of ferro-chromium containing not less than 4 % by weight of carbon, production is, to a variable degree, inadequate in the Community and producers are unable to meet the total requirements of consumer industries ; whereas it is therefore in the Community's interest to suspend totally in respect of this metal the application of the Common Customs Tariff duty for a period running up to 31 December 1983 within a suitable tariff quota ; whereas, in order to avoid disturbing the equilibrium of the market for this ferro-alloy and to ensure parallel development in sales of Community production and in supplies to meet the requirements of consumer industries, it is appropriate to fix the quota volume at the provisional level of 63 000 tonnes, covering immediate import needs from third countries ; whereas for the same reasons a distinction should be made between certain grades of ferro-chrome and the above-mentioned quota volume should be allocated between them ; whereas, moreover, Member States should be free only to authorize amounts to be charged against this volume subject to certain conditions relating to destination ;

Whereas equal and continuous access to these quotas should be guaranteed for all Community importers and the rate of duty for these tariff quotas should be applied consistently to all imports until the quotas are exhausted ; whereas, in the light of these principles, arrangements for the utilization of the Community tariff quotas based on an allocation among Member States would seem to comply with the Community nature of the quotas ; whereas, to correspond as closely as possible to the actual trend in the market in the products in question, such allocation should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period

Whereas, however, since the quotas are autonomous Community tariff quotas intended to cover import needs arising in the Community, the quota volumes may, as an experiment, be allocated on the basis of the temporary import needs from third countries estimated for each of the Member States ; whereas this system of allocation also ensures the uniform application of the Common Customs Tariff ;

Whereas, to take account of future import trends for the products concerned, the quota volumes should be divided into two instalments, the first being allocated among the Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares ; whereas, to give importers of the Member States some degree of certainty, the first instalment of each Community tariff quota should be fixed at a relatively high level which could be at more than 90 % of the quota volumes ;

Whereas Member States may exhaust their initial shares at different rates ; whereas, to avoid disruption of supplies on this account, provision should be made that any Member State which has almost used up its initial share should draw an additional share from the corresponding reserve ; whereas each time its additional share is almost exhausted a Member State should draw a further share, and so on as many times as each reserve allows ; whereas the initial and additional shares should be valid until the end of the quota period ; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be in a position to monitor the extent to which the quota volumes have been used up and to inform the Member States accordingly ;

Whereas, if at a given date in the quota period a considerable quantity of one of a Member State's initial shares remains unused, it is essential that such State should return a significant proportion thereof to the corresponding reserve, in order to prevent a part of one of the Community quotas from remaining unused in one Member State while it could be used in others ;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From the date of entry into force of this Regulation until 31 December 1983, a tariff quota of 63 000 tonnes shall be opened within the Community in respect of certain grades of ferro-chromium falling within subheading ex 73.02 E I of the Common Customs Tariff.

2. The volume of the tariff quota referred to in paragraph 1 shall be allocated as follows:

- (a) 3 000 tonnes for ferro-chromium containing not less than 4 % by weight of carbon;
- (b) 60 000 tonnes for ferro-chromium containing not less than 6 % by weight of carbon.

3. Imports of the products in question which already benefit from exemption from customs duties under another preferential tariff system are not to be charged against this tariff quota.

4. Within this quota, the customs tariff duty shall be totally suspended. Within the context of this quota, the Hellenic Republic shall apply customs duties calculated in accordance with the relevant provisions laid down in the 1979 Act of Accession.

Article 2

1. A first instalment of each of the volumes indicated in Article 1 (2), amounting to 2 900 tonnes for the tariff quota referred to at (a) and 56 000 tonnes for the tariff quota referred to at (b), shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1983 shall be as follows:

- (a) as regards ferro-chromium containing not less than 4 % by weight of carbon:

	(tonnes)
Benelux	1 570
Denmark	10
Germany	100
Greece	10
France	600
Ireland	10
Italy	300
United Kingdom	300

- (b) as regards ferro-chromium containing not less than 6 % by weight of carbon

	(tonnes)
Benelux	765
Denmark	5
Germany	30 000
Greece	5
France	13 200
Ireland	5
Italy	6 070
United Kingdom	5 950

- 2. The two instalments, involving 100 tonnes and 4 000 tonnes respectively, shall constitute the reserves.

Article 3

1. As soon as one of the Member States has used 90 % or more of one of its initial shares as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share rounded up as necessary to the next whole number.

2. As soon as one of the Member States, after exhausting one or other of its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share.

3. As soon as one of the Member States, after exhausting one or other second share, has used 90 % or more of the third share drawn by it, that Member State shall forthwith and on the same conditions draw a fourth share equal to the third.

This process shall continue until the reserves are exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for doing so.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1983.

Article 5

Member States shall, not later than 1 November 1983 return to the reserve the unused portion of their initial share which on 15 October 1983 exceeds 20 % of the

initial amount. They may return a greater portion if there are grounds for believing that such part may not be used in full.

Not later than 1 November 1983, the Member States shall notify the Commission of the total quantities of the products in question imported up to and including 15 October 1983 and charged against the Community quotas and of any portion of their initial shares returned to the corresponding reserve.

Article 6

Member States may decide that only products to be used for certain purposes may be charged against their quota shares. A control in the case that the products have been used for the particular purpose specified shall be carried out by applying the Community provisions on the subject.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserves have been used up.

Not later than 5 November 1983, it shall inform the Member States of the amounts still in the reserves following any return of shares pursuant to Article 5.

It shall ensure that, when an amount exhausting one of the reserves is drawn, the amount so drawn does not exceed the balance available, and to this end shall

notify the amount of that balance to the Member State making the last drawing.

Article 8

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the tariff quotas.

2. Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.

3. The extent to which Member States have used up their shares shall be determined on the basis of imports of the products in question entered with the customs authorities for free circulation.

Article 9

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 10

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 11

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

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

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

COMMISSION REGULATION (EEC) No 774/83
of 30 March 1983

**opening a standing invitation to tender for the sale of olive oil held by the
Italian intervention agency**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas Article 2 of Council Regulation (EEC) No
2754/78 of 23 November 1978 ⁽³⁾ provides that olive
oil held by the intervention agencies shall be put up
for sale by tender;

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

Whereas Commission Regulation (EEC) No
2960/77 ⁽⁴⁾, as last amended by Regulation (EEC) No
1852/82 ⁽⁵⁾, laid down the conditions for the sale by
tender on the Community market and for export of
olive oil; whereas the state of the Italian market in
olive oil is at present favourable for the sale of part of
the said oil; whereas, in order to facilitate the regular
supply of the market up to the end of the current
marketing year, the sale should be effected by means
of a standing invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency 'Azienda di Stato per
gli interventi nel mercato agricolo', hereinafter referred
to as 'AIMA', shall open a standing invitation to tender
in accordance with the provisions of this Regulation
and of Regulation (EEC) No 2960/77 for the sale on
the Community market of the following quantities of

olive oil from intervention purchases made during the
1979/80, 1980/81 and 1981/82 marketing years:

- approximately 4 500 tonnes of extra virgin olive
oil,
- approximately 8 000 tonnes of fine virgin olive oil,
- approximately 1 500 tonnes of ordinary olive oil,
- approximately 9 000 tonnes of virgin lampante
olive oil,
- approximately 9 000 tonnes of residue oil.

Approximately one-sixth of these quantities will be
put on sale each month together with any unsold
quantities from the previous invitations to tender.

Article 2

The invitation to tender shall be published on 8 April
1983. Particulars of the lots of oil offered for sale and
of the places where they are stored shall be displayed
at the central office of AIMA, Via Palestro 81, Rome,
Italy.

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

Article 3

The first series of tenders must reach AIMA, Via
Palestro 81, Rome, Italy not later than 2 p.m. (local
time) on 22 April 1983.

Subsequent series of tenders must be lodged by 2 p.m.
(local time) on:

- 24 May 1983,
- 23 June 1983,
- 21 July 1983,
- 24 August 1983,
- 23 September 1983.

Article 4

1. With regard to olive residue oil, tenders shall be
made for an oil of 5° acidity.

Within regard to virgin lampante olive oil, tenders
shall be submitted for an oil of 5° acidity.

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

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 203, 10. 7. 1982, p. 17.

A. Virgin lampante olive oil :

- up to 5° acidity :
increase of Lit 3 094 for each degree or fraction of degree of acidity below 5° ;
- above 5° up to 8° acidity :
reduction of Lit 3 094 for each degree or fraction of degree of acidity above 5° ;
- above 8° :
additional reduction of Lit 4 125 for each degree or fraction of degree above 8° .

B. Olive residue oil :

- above 5° up to 8° acidity :
reduction of Lit 1 805 for each degree or fraction of degree of acidity above 5° ;
- above 8° :
additional reduction of Lit 2 191 for each degree or fraction of degree above 8° .

Article 5

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

Article 6

The minimum selling price shall be fixed, on the basis of the tenders received, not later than the last working

day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

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

A list of the lots put up for sale and a list of the lots remaining unsold from the previous invitations to tender shall be displayed at the head office of AIMA not later than the seventh day of each month.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 12 246 per 100 kilograms.

Article 9

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

Article 10

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

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

Done at Brussels, 30 March 1983.

For the Commission

Poul DALSAGER

Member of the Commission

**COMMISSION REGULATION (EEC) No 775/83
of 30 March 1983**

amending Regulation (EEC) No 1687/76 in respect of the use of skimmed-milk powder for use in feed for animals other than young calves

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1183/82 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas the Annexes to Commission Regulation (EEC) No 1687/76 ⁽³⁾, as last amended by Regulation (EEC) No 3279/82 ⁽⁴⁾, set out endorsements to be used for the purpose of verifying the use and/or destination of products from intervention;

Whereas, in the case of the sale of skimmed-milk powder held in intervention storage intended for use in feed for animals other than young calves, under Commission Regulations (EEC) No 368/77 ⁽⁵⁾ and (EEC) No 443/77 ⁽⁶⁾ on the sale by tender or at a fixed price respectively of skimmed-milk powder for use in feed for animals other than young calves, as last amended by Regulation (EEC) No 765/83 ⁽⁷⁾, the control copy should show the method of denaturing used in conformity with the undertaking given pursuant to Article 6 (1) of Regulation (EEC) No 368/77 or Article 3 of Regulation (EEC) No 443/77;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following text is hereby added to the second indent of point 7 and to the second indent of point 8 in Part II of the Annex to Regulation (EEC) No 1687/76:

‘3. — For skimmed-milk powder to be denatured using one of the formulæ given in paragraph 1 of the Annex to Regulation (EEC) No 368/77, one of the following endorsements:

- ‘denaturing, paragraph 1 of the Annex to Regulation (EEC) No 368/77’,
- ‘denaturering, punkt 1 i bilag til forordning (EØF) nr. 368/77’,
- ‘Denaturierung, Absatz 1 des Anhangs der Verordnung (EWG) Nr. 368/77’,
- ‘μετουσίωση, παράγραφος 1 του παραρτήματος του κανονισμού (ΕΟΚ) αριθ. 368/77’,
- ‘dénaturation, paragraphe 1 de l'annexe du règlement (CEE) n° 368/77’,
- ‘denaturazione, paragrafo 1 dell'allegato del regolamento (CEE) n. 368/77’,
- ‘denaturering, hoofdstuk 1 van de bijlage van Verordening (EEG) nr. 368/77’.

— For skimmed-milk powder to be incorporated directly into an animal feed as provided for in paragraph 2 of the Annex to Regulation (EEC) No 368/77, one of the following endorsements:

- ‘denaturing by direct incorporation’,
- ‘denaturering ved direkte tilsætning’,
- ‘Denaturierung durch direkte Beimischung’,
- ‘μετουσίωση με άμεση ενσωμάτωση’,
- ‘dénaturation par incorporation directe’,
- ‘denaturazione mediante incorporazione diretta’,
- ‘denaturering door directe bijmenging’.

Article 2

This Regulation shall enter into force on 1 May 1983.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁴⁾ OJ No L 348, 8. 12. 1982, p. 7.

⁽⁵⁾ OJ No L 52, 24. 2. 1977, p. 19.

⁽⁶⁾ OJ No L 58, 3. 3. 1977, p. 16.

⁽⁷⁾ OJ No L 85, 31. 3. 1983, p. 82.

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

Done at Brussels, 30 March 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 776/83

of 30 March 1983

fixing the reference prices for tomatoes for the 1983 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas tomatoes harvested during a given crop year are marketed from January to December; whereas the quantities harvested from January to March and during the last 10 days of December are so small that there is no need to fix reference prices for the whole year; whereas reference prices should therefore be fixed only for the period 1 April up to and including 20 December;

Whereas, in accordance with Article 67 of the Act of Accession of Greece, Greek prices must be adjusted to take account of the difference between them and prices in the Community of Nine;

Whereas, pursuant to Article 23 (2) of Regulation (EEC) No 1035/72, the reference prices are fixed on the basis of the arithmetic mean of producer prices in each Member State plus an amount representing the costs of transporting Community products from production areas to Community marketing centres; whereas the trend of production costs in the fruit and vegetable sector must also be taken into account;

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

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, up to 10 July, Community-produced tomatoes are grown mainly under glass; whereas the reference prices for this period of the marketing year must therefore be fixed for a product of that type; whereas tomatoes imported from certain third countries during the same period will have been grown in the open; whereas, although such tomatoes may be classed in Class I, their quality and price are not comparable with those of products grown under glass; whereas the prices for tomatoes not grown under glass should therefore be adjusted by a conversion factor;

Whereas, from October to December inclusive, tomatoes imported from certain third countries are cultivated under glass; whereas a conversion factor should also be applied to the prices of these tomatoes to make them comparable with the reference prices which are during this period calculated on the basis of prices of Community products cultivated in the open;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1983 marketing year, the reference prices for tomatoes (subheading 07.01 M of the Common Customs Tariff), expressed in ECU per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows:

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ QJ No L 190, 1. 7. 1982, p. 7.

— April :	183,95,
— May :	124,25,
— 1 June to 10 July :	86,35,
— 11 July to 31 August :	35,62,
— September :	38,81,
— 1 October to 20 December :	40,60.

— for April, by a conversion factor of 1,80,
— for May, by a conversion factor of 1,70,
— from 1 June to 10 July by a conversion factor of 1,65;

2. For the purpose of calculating the entry price :

(b) the price for tomatoes produced under glass and imported from third countries shall, after deduction of customs duties, be multiplied by a conversion factor of 0,65 from 1 October to 20 December.

(a) the prices for tomatoes not produced under glass, imported from third countries, shall, after deduction of customs duties, be multiplied :

Article 2

This Regulation shall enter into force on 1 April 1983.

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

Done at Brussels, 30 March 1983.

For the Commission

Poul DALSAGER

Member of the Commission

**COMMISSION REGULATION (EEC) No 777/83
of 30 March 1983**

**fixing the Community offer price for tomatoes applicable with regard to Greece
for the 1983 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,

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

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

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

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

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

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

Whereas, up to 10 July, tomatoes produced in the
Community of Nine are grown mainly under glass ;
whereas the Community offer price for this period of
the marketing year must therefore be fixed for a
product of that type ; whereas Greek tomatoes during
the same period will have been grown in the open ;
whereas, although such tomatoes may be classed in
Class I, their quality and price are not comparable
with those of products grown under glass ; whereas the
prices for tomatoes not grown under glass should
therefore be adjusted by a conversion factor ;

Whereas application of the abovementioned criteria
results in fixing the Community offer prices for toma-
toes for the period 1 April to 20 December 1983 at the
levels set out hereinafter ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. For the 1983 marketing year, the Community
offer price for tomatoes (subheading 07.01 M of the
Common customs Tariff), expressed in ECU per 100
kilograms net of packed products of Class I, of all
sizes, shall be as follows :

— April :	167,39,
— May :	113,06,
— 1 June to 10 July :	78,57,
— 11 July to 31 August :	32,41,
— September :	35,31,
— 1 October to 20 December :	36,94.

⁽¹⁾ OJ No L 1, 1. 1. 1981, p. 17.

2. For the purpose of calculating the Greek offer price, the prices for tomatoes not produced under glass shall be multiplied :

- for April, by a conversion factor of 1,80,
- for May, by a conversion factor of 1,70,

— from 1 June to 10 July by a conversion factor of 1,65.

Article 2

This Regulation shall enter into force on 1 April 1983.

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

Done at Brussels, 30 March 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 778/83
of 30 March 1983
laying down quality standards for tomatoes

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1738/82⁽²⁾, and in
particular Article 2 (3) thereof,

Whereas the quality standards for tomatoes are laid
down in Annex II/2 of Regulation No 23⁽³⁾; whereas
those standards were amended by Regulation No 190/
67/EEC⁽⁴⁾;

Whereas a change has occurred in the production and
marketing of tomatoes, particularly as regards the
requirements of consumer and wholesale markets;
whereas the common quality standards for tomatoes as
laid down by Regulation No 23 should therefore be
changed to take those new requirements into account;

Whereas such changes entail alteration of the defini-
tion of the supplementary quality class as laid down by
Council Regulation No 211/66/EEC⁽⁵⁾; whereas
account should be taken, in defining that class, of the
economic importance to producers of the products
concerned and of the need to meet consumer require-
ments;

Whereas the standards are applicable at all stages of
marketing; whereas transportation over a long
distance, storage for a certain length of time or the
various handling operations may bring about deteriora-
tion due to the biological development of the products
or their tendency to perish; whereas, therefore,
account should be taken of such deterioration when
applying the standards at the marketing stages
following dispatch; whereas, since the products in the

'Extra' Class have to be particularly carefully sorted
and packaged, only lack of freshness or turgescence is
to be taken into account only in their case;

Whereas in the interest of clarity and certainty as to
legal requirements for ease of use the standards thus
changed should be consolidated in a single text;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quality standards for tomatoes falling within
subheading 07.01 M of the Common Customs Tariff
are set out in the Annex hereto.

These standards shall apply at all marketing stages,
under the conditions laid down in Regulation (EEC)
No 1035/72.

However, at the stages following dispatch the products
may show, in relation to the standards prescribed,

- a slight lack of freshness and turgescence,
- for the products graded in the classes other than
the 'Extra' Class, slight deterioration due to their
development and their tendency to perish.

Article 2

1. The words 'to tomatoes' in Article 2 of Regula-
tion No 23 and the word 'tomatoes' in Article 1 of
Regulation No 211/66/EEC are hereby deleted.

2. Annex II/2 to Regulation No 23 and Annex II to
Regulation No 211/66/EEC are hereby repealed.

Article 3

This Regulation shall enter into force on 1 April 1983.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No 30, 20. 4. 1962, p. 965/62.

⁽⁴⁾ OJ No 133, 29. 6. 1967, p. 2795/67.

⁽⁵⁾ OJ No 233, 20. 12. 1966, p. 3939/66.

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

Done at Brussels, 30 March 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX**QUALITY STANDARD FOR TOMATOES****I. DEFINITION OF PRODUCE**

This standard applies to tomatoes of the varieties (cultivars) grown from *Lycopersicum esculentum* Mill. to be supplied fresh to the consumer, tomatoes for industrial processing being excluded.

Tomatoes may be classified into three commercial types, according to shape :

- 'round' (i.e. of spherical type, including 'cherry' tomatoes),
- 'ribbed',
- 'oblong' (or 'elongated').

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for tomatoes after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the tomatoes must be :

- intact,
- fresh-looking,
- sound, produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The development and condition of the tomatoes must be such as to enable them :

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

The tomatoes are classified into the four classes defined below :

(i) 'Extra' Class

Tomatoes in this class must be of superior quality. They must have firm flesh and have the characteristics typical of the variety as regards shape, appearance and development.

Their colouring, depending on their state of ripeness, must satisfy the requirements set out in the last subparagraph of paragraph A above.

The tomatoes must be free from 'green backs' and other defects, except for very slight superficial defects, provided this affects neither the quality nor the general appearance of the produce, nor the general presentation in the package.

(ii) Class I

Tomatoes in this class must be of good quality, reasonably firm and have the characteristics typical of the variety.

They must be free of unhealed cracks and visible 'green backs'.

The tomatoes may show the following slight defects provided they do not affect the general appearance, quality, conservation or presentation of the product :

- slight defect in shape and development,
- slight defect in colouring,
- slight skin defects,
- very slight bruises.

Furthermore 'ribbed' tomatoes may show :

- healed cracks not more than 1 cm long,
- no excessive deformations,
- small umbilicus, but no suberization,
- suberization of the stigma up to 1 cm²,
- fine blossom scar in elongated form (like a seam), but not longer than two-thirds of the greatest diameter of the fruit.

(iii) *Class II*

This class includes tomatoes which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The tomatoes must be reasonably firm and must not show unhealed cracks.

The tomatoes may show the following slight defects provided they retain their basic characteristics as regards quality and presentation :

- defects in shape, development and colouring,
- skin defects or bruises, provided the fruit is not seriously affected,
- healed cracks not more than 3 cm in length.

Furthermore 'ribbed' tomatoes may show :

- more marked deformations than allowed under Class I, but without being misshapen,
- umbilicus,
- superization of the stigma up to 2 cm²,
- fine blossom scar in elongated form (like a seam).

(iv) *Class III*⁽¹⁾

This class includes tomatoes which do not qualify for inclusion in the higher classes, but satisfy the requirements for Class II above. However, they may have healed cracks more than 3 cm in length.

III. PROVISIONS CONCERNING SIZING

Sizing is determined by the maximum diameter of the equatorial section. The following provisions shall not apply to 'cherry' tomatoes.

A. Minimum size

For tomatoes classified in the 'Extra' Class and Classes I and II, the minimum size is set at :

- for 'round' and 'ribbed' tomatoes : 35 mm,
- for 'oblong' tomatoes : 30 mm.

For tomatoes classified in Class III, the minimum size is set at :

- for 'oblong' tomatoes and tomatoes produced under protection (glass or plastic) regardless of commercial type : 20 mm,
- for other tomatoes : 35 mm.

B. Sizing scale

The following sizing scale has been adopted :

- 30 mm and over but under 35 mm⁽²⁾,
- 35 mm and over but under 40 mm,
- 40 mm and over but under 47 mm,
- 47 mm and over but under 57 mm,
- 57 mm and over but under 67 mm,
- 67 mm and over but under 82 mm,
- 82 mm and over but under 102 mm,
- 102 mm and over.

Observance of sizing scale is compulsory for 'Extra' Class and Class I tomatoes.

⁽¹⁾ Supplementary class within the meaning of Article 2 (1) of Regulation (EEC) No 1035/72. The application of this quality class or of certain of its specifications is subject to a decision to be taken under Article 4 (1) of that Regulation.

⁽²⁾ Only for 'oblong' tomatoes.

IV. PROVISIONS CONCERNING TOLERANCES

The following tolerances in respect of quality and size are allowed for produce not satisfying the requirements of the class indicated in each package.

A. Quality tolerances

(i) *'Extra' Class*

5 % by number or weight of tomatoes not satisfying the requirements for the class, but meeting those for Class I or, exceptionally, coming within the tolerances for that class.

(ii) *Class I*

10 % by number or weight of tomatoes not satisfying the requirements for the class, but meeting those for Class II or, exceptionally, coming within the tolerances for that class.

(iii) *Class II*

10 % by number or weight of tomatoes satisfying neither the requirements for the class nor the minimum requirements, with the exception of produce affected by rotting, pronounced bruising or any other deterioration rendering it unfit for consumption.

(iv) *Class III*

15 % by number or weight of tomatoes satisfying neither the requirements for the class nor the minimum requirements, with the exception of produce affected by rotting, pronounced bruising or any other deterioration rendering it unfit for consumption.

B. Size tolerances

For all classes, 10 % by number or weight of tomatoes conforming to the size immediately below and/or above that specified, with a minimum of 33 mm for 'round' and 'ribbed' tomatoes, and 28 mm for 'oblong' tomatoes in the 'Extra' Class and Classes I and II.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only tomatoes of the same origin, variety or commercial type, quality and size (if the produce has to be sized).

The ripeness and colouring of tomatoes in the 'Extra' Class and Class I must be practically uniform. In addition, the length of 'oblong' tomatoes must be sufficiently uniform.

The visible part of the contents of each package must be representative of the entire contents.

B. Packaging

The tomatoes must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce.

The use of materials and particularly of paper or stamps bearing trade specifications is allowed provided that the printing or labelling has been done with a non-toxic ink or glue.

No stamp or label may be placed on the tomatoes themselves.

The packages must be free from all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside :

A. Identification

Packer and/or dispatcher : name and address or officially issued or accepted code mark.

B. Nature of produce

- 'Tomatoes' and the commercial type, if the contents are not visible from the outside. These details must always be provided for 'cherry' tomatoes and for Class III tomatoes :
 - grown under protection (glass or plastic) and of a size between 20 and 35 mm,
 - 'oblong', and of a size between 20 and 30 mm.
- Name of variety (optional).

C. Origin of produce

Country of origin and, optionally, district where grown or national, regional or local place name.

D. Commercial specifications

- Class.
- When sized, size expressed as minimum and maximum diameters or, alternatively, the word 'unsized'.

E. Official control mark (optional)

COMMISSION REGULATION (EEC) No 779/83

of 30 March 1983

applying quality Class III to certain fruit for the 1983/84 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1738/82⁽²⁾, and in particular Article 4 (1) thereof,

Whereas Council Regulation No 211/66/EEC⁽³⁾ added a Class III to the common quality standards for peaches and table grapes, while the same class was added to the common quality standards for cherries and strawberries by Council Regulation (EEC) No 1194/69⁽⁴⁾; whereas Commission Regulation (EEC) No 379/71 of 19 February 1971 laying down common quality standards for citrus fruit⁽⁵⁾, and Commission Regulation (EEC) No 1641/71 of 27 July 1971 laying down quality standards for dessert apples and pears⁽⁶⁾, as last amended by Regulation (EEC) No 2196/82⁽⁷⁾, laid down a Class III for the products concerned;

Whereas Council Regulation (EEC) No 3409/82⁽⁸⁾ extends until 31 December 1986 the period during which quality 'Class III' may apply to certain fruit and vegetables;

Whereas, pursuant to Article 4 (1) of Regulation (EEC) No 1035/72, quality Class III may be applied only if

the products concerned are needed to meet consumer demand; whereas this appears to be the case at present for lemons, table grapes, cherries and strawberries; whereas, in view of the considerable fluctuations in production from one marketing year to another, the period of application of quality Class III should be limited;

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

HAS ADOPTED THIS REGULATION:

Article 1

A quality Class III, as defined in the common quality standards shall apply, for the period specified in each case, in respect of the products listed in the Annex hereto.

Article 2

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

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

Done at Brussels, 30 March 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No 233, 20. 12. 1966, p. 3939/66.

⁽⁴⁾ OJ No L 157, 28. 6. 1969, p. 1.

⁽⁵⁾ OJ No L 45, 24. 2. 1971, p. 1.

⁽⁶⁾ OJ No L 172, 31. 7. 1971, p. 1.

⁽⁷⁾ OJ No L 233, 7. 8. 1982, p. 23.

⁽⁸⁾ OJ No L 360, 21. 12. 1982, p. 2.

ANNEX

Lemons :	from 1 June to 31 October 1983.
Table grapes :	from 1 May 1983 to 30 April 1984.
Cherries :	from 1 April to 30 September 1983.
Strawberries :	from 1 April to 31 December 1983.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 March 1983

concerning the introduction of protective measures applicable to tube and pipe fittings of malleable cast iron originating in certain third countries and imported into Italy

(83/125/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, and in particular the first subparagraph of Article 17 (4) thereof,

Whereas on 8 February 1983 the Italian Government informed the Commission of the damage which, it claimed, its malleable cast iron tube and pipe fittings (NIMEXE code 73.20-ex 30) industry would suffer as a result of imports from third countries; whereas, to meet this situation, the Italian Government took urgent measures in accordance with Article 17 (2) (b) of Regulation (EEC) No 288/82; whereas the Commission was informed of these measures on 16 February 1983;

Whereas, on 23 February 1983, the Commission decided that the imports, into Italy, of tube and pipe fittings of malleable cast iron, corresponding to NIMEXE code 73.20-ex 30, should remain liberalized and they are not, therefore, subject to any quantitative restriction;

Whereas, on 1 March 1983, the Italian Government referred the Commission's decision to the Council in accordance with the third sentence of the first subparagraph of Article 17 (4) of Regulation (EEC) No 288/82; whereas, therefore, the period within which the Council has to decide on that decision expires on 1 April 1983; whereas it appears impossible that any

deliberation on the matter will take place within the Council before 25 and 26 April;

Whereas, therefore, the period within which the Council must decide should, in accordance with the last sentence of the first subparagraph of Article 17 (4), be extended to 27 April inclusive,

HAS ADOPTED THIS DECISION:

Article 1

The period within which the Council must take a decision, following a referral to it by the Italian Government, on the Commission decision concerning a request for the introduction of protective measures applicable to tube and pipe fittings of malleable cast iron originating in certain third countries and imported into Italy is hereby extended to 27 April 1983 inclusive.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

COMMISSION

COMMISSION DECISION

of 30 March 1983

terminating the anti-dumping proceeding concerning imports of television image and sound recorders or reproducers originating in Japan

(83/126/EEC)

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 9 thereof,

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

Whereas in December 1982 the Commission received a complaint lodged by the 'Association of Firms with Common Interest in Video 2000' on behalf of producers representing virtually the entire Community video tape-recorder industry;

Whereas, since the complaint provided sufficient evidence of the existence of dumping and the injury resulting therefrom, the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of a proceeding concerning imports of television image and sound recorders or reproducers, falling within subheading 92.11 B of the Common Customs Tariff (NIMEXE code 92.11-80) and originating in Japan;

Whereas the Commission commenced the investigation by seeking from the parties involved the information necessary for the assessment of dumping and injury;

Whereas on 18 March 1983 the Commission was informed by the complainant that it was withdrawing its complaint following the implementation of the unilateral decision taken by the Japanese authorities to moderate in 1983 and 1984 the exports of television image and sound recorders or reproducers from Japan to the European Economic Community and to set up an export floor-price system;

Whereas, under these circumstances, the continuation of the proceeding concerning these products originating in Japan is not in the interest of the Community and protective measures are at present unnecessary;

Whereas it is, therefore, appropriate to terminate the proceeding concerning imports of television image and sound recorders or reproducers originating in Japan,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of television image and sound recorders or reproducers originating in Japan is hereby terminated.

Done at Brussels, 30 March 1983.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 14. 6. 1982, p. 2.

⁽³⁾ OJ No C 338, 24. 12. 1982, p. 27.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 689/83 of 23 March 1983 fixing the monetary compensatory amounts and certain coefficients and rates required for their application

(Official Journal of the European Communities No L 80 of 25 March 1983)

Page 28, Annex I, Part 8, CCT subheading 21.07 G V a) 1, column 'France':

for: '60,16',

read: '80,16'.
