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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2030/83

of 22 July 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 21 July 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 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 44.

ANNEX

to the Commission Regulation of 22 July 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	106,94
10.01 B II	Durum wheat	127,95 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	122,90 ⁽⁶⁾
10.03	Barley	109,39
10.04	Oats	103,19
10.05 B	Maize, other than hybrid maize for sowing	66,56 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	14,78
10.07 B	Millet	32,15 ⁽⁴⁾
10.07 C	Grain sorghum	97,70 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	165,35
11.01 B	Rye flour	187,72
11.02 A I a)	Durum wheat groats and meal	211,32
11.02 A I b)	Common wheat groats and meal	175,64

⁽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 2031/83

of 22 July 1983

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
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
21 July 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 23 July 1983.

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

Done at Brussels, 22 July 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 22 July 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 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	1,13	1,13	3,40
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	5,91	5,91	10,37
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 2032/83

of 22 July 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 18 and 19 July 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 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAGER

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)	36,00 ⁽¹⁾
15.07 A I b)	36,00 ⁽¹⁾
15.07 A I c)	33,00 ⁽¹⁾
15.07 A II a)	44,00 ⁽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	7,92
07.03 A II	7,92
15.17 B I a)	18,00
15.17 B I b)	28,80
23.04 A II	2,64

COMMISSION REGULATION (EEC) No 2033/83
of 22 July 1983
fixing the amount of the subsidy on oil seeds

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 27 (4) thereof,

Whereas the amount of the subsidy referred to in
Article 27 of Regulation No 136/66/EEC was fixed by
Regulation (EEC) No 1785/83 ⁽³⁾, as last amended by
Regulation (EEC) No 1938/83 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1785/83 to the

information known to the Commission that the
amount of the subsidy at present in force should be
altered to the amount set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the subsidy referred to in Article 27 of
Regulation No 136/66/EEC shall be as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 176, 1. 7. 1983, p. 38.

⁽⁴⁾ OJ No L 191, 15. 7. 1983, p. 44.

ANNEX

to the Commission Regulation of 22 July 1983 fixing the amount of the subsidy
on oil seeds

(ECU/100 kg)

CCT heading No	Description	Subsidy
ex 12.01	Colza and rape seed	20,408
ex 12.01	Sunflower seed	27,398

(ECU/100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		July 1983	August 1983	September 1983	October 1983	November 1983	December 1983
ex 12.01	Colza and rape seed	20,408	20,317	20,608	20,949	21,929	21,667
ex 12.01	Sunflower seed	27,398	27,515	26,892	27,839	28,944	—

COMMISSION REGULATION (EEC) No 2034/83

of 22 July 1983

fixing the world market price for colza, rape and sunflower seed

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 markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1413/82⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽³⁾, as last amended by Regulation (EEC) No 1986/82⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza, rape and sunflower seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 2136/82⁽⁶⁾, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 9 (4) of Regulation (EEC) No 2300/73, the Commission must determine the world market price for colza, rape and sunflower seed;

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1785/83 of 30 June

1983 fixing the amount of the subsidy on oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 2033/83⁽⁸⁾;

Whereas, if the price system is to operate normally, the world market price 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 it follows from applying these provisions that the world market price for colza, rape and sunflower seed should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The world market price referred to in Article 9 (4) of Regulation (EEC) No 2300/73 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 215, 23. 7. 1982, p. 10.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 223, 31. 7. 1982, p. 88.

⁽⁷⁾ OJ No L 176, 1. 7. 1983, p. 38.

⁽⁸⁾ See page 8 of this Official Journal.

ANNEX

to the Commission Regulation of 22 July 1983 fixing the world market price for colza, rape and sunflower seed

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	27,812
ex 12.01	Sunflower seed	29,957

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		July 1983	August 1983	September 1983	October 1983	November 1983	December 1983
ex 12.01	Colza and rape seed	27,812	27,903	28,132	28,311	27,851	28,633
ex 12.01	Sunflower seed	29,957	30,195	30,818	30,486	29,996	—

⁽¹⁾ The conversion rates from ECU into currency as foreseen by Article 9 (5) (a) of Regulation (EEC) No 2300/73 are the following :

1 ECU = DM	2,24184
1 ECU = Fl	2,52595
1 ECU = Bfr/Lfr	44,9008
1 ECU = FF	6,87456
1 ECU = Dkr	8,14104
1 ECU = £ Irl	0,725690
1 ECU = £	0,571448
1 ECU = Lit	1 349,27
1 ECU = Dr	74,3423

COMMISSION REGULATION (EEC) No 2035/83
of 22 July 1983

**amending Regulation (EEC) No 1602/82 in respect of coefficients to be applied
to the production aid for prunes and dried plums (prunes d'Ente)**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 516/77
of 14 March 1977 on the common organization of the
market in products processed from fruit and vege-
tables⁽¹⁾, as last amended by Regulation (EEC) No
1088/83⁽²⁾, and in particular Article 3c thereof,

Whereas Commission Regulation (EEC) No
1602/82⁽³⁾, as amended by Regulation (EEC) No
1615/83⁽⁴⁾, fixed coefficients to be applied to the
production aid for tomato concentrates and prunes
and to the minimum price for dried plums (prunes
d'Ente) for the 1983/84 marketing year;

Whereas experience has shown that the size of dried
Ente plums and of prunes intended for industrial uses
does not affect their commercial evaluation; whereas
Annex II to Regulation (EEC) No 1602/82 should
therefore be amended;

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

The following paragraph is hereby added to Annex II
to Regulation (EEC) No 1602/82:

'For dried Ente plums and prunes intended for
industrial uses irrespective of their size, the coeffi-
cient to be applied is 40,000.'

Article 2

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

It shall apply for the first time to products from the
1983 harvest.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 118, 5. 5. 1983, p. 16.

⁽³⁾ OJ No L 179, 23. 6. 1982, p. 16.

⁽⁴⁾ OJ No L 159, 15. 6. 1983, p. 48.

COMMISSION REGULATION (EEC) No 2036/83

of 22 July 1983

laying down detailed rules implementing the system of aid for the use of concentrated grape must for the manufacture in the United Kingdom and Ireland of certain products and fixing the amounts of aid for the 1983/84 wine-growing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1595/83 ⁽²⁾, and in particular Articles 14a (4) and 65 thereof,

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

Whereas, under the second and third indents of the first subparagraph of Article 14a (1) of Regulation (EEC) No 337/79, an aid system was introduced for the use of grape musts and concentrated grape musts produced in wine-growing zones C III a) and C III b) for the preparation in the United Kingdom and Ireland of certain products, falling within heading No 22.07 of the Common Customs Tariff and for the use of concentrated grape musts produced in the Community for the manufacture of certain products marketed in the United Kingdom and in Ireland with instructions for obtaining from them a beverage in imitation of wine;

Whereas the products falling within heading No 22.07 of the Common Customs Tariff referred to in the second indent of the first subparagraph of Article 14a (1) of the abovementioned Regulation are at the moment produced exclusively from concentrated grape must; whereas, at present aid should therefore be fixed for the use of concentrated grape must alone;

Whereas implementation of the aid system requires administrative arrangements for checking both the origin of the products for which aid is given and the use to which they are put;

Whereas, to ensure that the aid system and the checking arrangements operate properly, operators

must be required to submit written applications giving the information necessary to identify the product and enable the operations to be checked;

Whereas, so that the aid system can have an appreciable effect on the quantity of Community products used, a minimum quantity for which applications may be submitted should be fixed;

Whereas it should also be stated that aid will be granted only for products having the minimum quality characteristics required for use for the purposes indicated in the second and third indents of the first subparagraph of Article 14a (1) of Regulation (EEC) No 337/79;

Whereas Article 14a (3) of that Regulation sets criteria for fixing the aid amounts; whereas application of these criteria gives the aid amounts fixed below;

Whereas, to enable the competent authorities of the Member States to make the necessary checks, obligations on operators in regard to the keeping of stock records should be laid down in addition to the provisions of Title II of Commission Regulation (EEC) No 1153/75 ⁽⁴⁾, as last amended by the Act of Accession of Greece;

Whereas it should be laid down that entitlement to aid is established at the moment when the processing operations are completed; whereas to allow for technical losses the quantity actually used should be allowed to be up to 10 % less than that shown in the application;

Whereas for technical reasons operators lay in their stocks a long time before manufacturing the marketed products; whereas accordingly arrangements should be made to enable advance payment of the aid to be made to operators, the competent authorities being guaranteed by appropriate security against the risk of incorrect payment; whereas the period within which advance payment is to be made and the procedure for release of the security should be specified;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 48.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 113, 1. 5. 1975, p. 1.

Whereas, to prevent discrimination between operators and to resolve certain uncertainties as to interpretation that may arise with regard to the representative rates to be applied under Commission Regulation (EEC) No 1054/78 ⁽¹⁾, as last amended by Regulation (EEC) No 1873/83 ⁽²⁾, it should be specified that for all operations under this Regulation the representative rate applicable should in all cases be that applying on 16 December 1983 in the wine sector, applicable in advance from 1 September 1983;

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

HAS ADOPTED THIS REGULATION:

Article 1

Aid shall be granted for the 1983/84 wine-growing year in accordance with the conditions laid down in this Regulation:

- to manufacturers, hereinafter referred to as 'manufacturers', who use concentrated grape must made entirely from grapes produced within wine-growing zones C III a) and C III b) for the manufacture in the United Kingdom and Ireland, of products falling within heading No 22.07 of the Common Customs Tariff for which, by virtue of the first subparagraph of Article 54 (1) of Regulation (EEC) No 337/79, the use of composite names including the word 'wine' may be permitted by those Member States,
- to processors, hereinafter referred to as 'processors' who use concentrated grape must made entirely from grapes produced within the Community as the main component in a range of products marketed in the United Kingdom and Ireland by the said processors, with clear instructions enabling the consumer to obtain therefrom a beverage in imitation of wine.

Article 2

1. Manufacturers or processors who wish to qualify for the aid referred to in Article 1 shall submit a written application, between 1 September 1983 and 31 August 1984 to the competent authority of the Member State in which the concentrated grape must is employed.

Applications must be made at least seven working days before the commencement of the manufacturing process.

2. The application for aid shall show:

- (a) the name and business name and the address of the manufacturer or processor;

⁽¹⁾ OJ No L 134, 22. 5. 1978, p. 40.

⁽²⁾ OJ No L 186, 9. 7. 1983, p. 17.

- (b) the wine-growing zone from which the concentrated grape must comes, as defined in Annex IV to Regulation (EEC) No 337/79;

- (c) the following technical particulars:

- the place of storage,
- the place where the operations referred to in Article 1 are carried out,
- the quantity (in kilograms, and, if the concentrated grape must referred to in the second indent of Article 1 is packed in containers with a content not exceeding five kilograms, the number of containers),
- the density,
- the prices paid.

The Member States may require further particulars for the purposes of identifying the concentrated grape must.

3. A copy of the accompanying document(s) covering transport of the concentrated grape must from the producer's plant to the manufacturer's or processor's plant, drawn up by the competent agency of the Member States, shall be attached to the application for aid. The Member States may not make use of the provisions of the second subparagraph of Article 4 (2) of Regulation (EEC) No 1153/75.

The wine-growing zone where the fresh grapes employed were harvested shall be entered in column 15 of the document.

Article 3

1. Applications for aid shall cover a minimum quantity of 50 kilograms of concentrated grape must.

2. The concentrated grape must in respect of which aid is applied for must be of sound, fair and merchantable quality and suitable for use for the purposes listed in Article 1.

Article 4

The amount of the aid shall be at a fixed rate of:

- 0,15 ECU per kilogram of concentrated grape must used for the purposes referred to in the first indent of Article 1,
- 0,26 ECU per kilogram of concentrated grape must used for the purposes referred to in the second indent of Article 1.

Article 5

The manufacturer or processor shall be bound to use, for the purposes referred to in Article 1, the total quantity of the concentrated grape must in respect of which an aid application has been made. A shortfall of 10 % of the quantity of concentrated grape must stated in the application shall be tolerated.

Article 6

The manufacturer or processor shall keep a stock record, in accordance with the provisions of Title II of Regulation (EEC) No 1153/75, showing in particular:

- the consignments of concentrated grape must purchased and brought each day into his plant, together with the particulars indicated in Article 2 (2) (b) and (c) and the name and address of the vendor(s),
- the quantities of concentrated grape must used each day for the purposes listed in Article 1,
- the consignments of finished products listed in Article 1 obtained and dispatched each day from his plant, together with the name and address of the consignee(s).

Article 7

The manufacturer or processor shall inform the competent authority in writing, within one month, of the date when all the concentrated grape must covered by an application for aid has been used for the purposes listed in Article 1 allowing for the shortfall provided for in Article 5.

Article 8

1. Entitlement to the aid shall be acquired at the moment when the concentrated grape must has been used for the purposes indicated in Article 1.
2. The amount of aid shall be that applicable for the wine-growing year during which it was applied for.
3. Conversion of the amounts given in Article 4 into national currency shall be carried out by reference to the representative rate in force on 16 December 1983 in the wine sector, to apply in advance with effect from 1 September 1983.

Article 9

1. The competent authority shall pay the aid for the quantity of concentrated grape must actually used not later than three months after receipt of the information indicated in Article 7.

2. Manufacturers and processors as referred to in Article 1 may apply for advance payment of an amount equal to the aid specified in Article 4 provided they have lodged security for 110 % of the said amount in favour of the competent authority.

Security shall be lodged in the form of a guarantee by an establishment satisfying criteria set by the Member State to which the competent authority belongs.

3. The advance payment referred to in paragraph 2 shall be paid within three months of the security

being lodged provided that evidence that the concentrated grape must has been paid for is provided.

4. When the information referred to in Article 7 has been received by the competent authority the security mentioned in paragraph 2 shall be released in whole or in part depending on the amount of aid to be paid pursuant to the provisions of Article 10.

Article 10

1. Except in case of *force majeure*, the aid shall not be payable if the manufacturer or processor does not fulfil the requirement set out in Article 5.
2. Except in case of *force majeure*, if the manufacturer or processor does not comply with any requirement of this Regulation, other than those referred to in Article 5, the aid payable shall be reduced by an amount to be fixed by the competent authority in relation to the seriousness of the infringement.
3. In cases of *force majeure*, the competent authority shall determine the measures which it deems necessary having regard to the circumstances invoked.
4. The Member States shall inform the Commission of cases in which paragraph 2 has been applied, and of how requests for recourse to the *force majeure* clause have been dealt with.

Article 11

1. The Member States concerned shall take all measures necessary for the application of this Regulation and, in particular, measures permitting verification of the identity of the concentrated grape must in respect of which an application for aid is made and measures to prevent its being put to improper use.
2. For this purpose the competent authority shall:
 - carry out a verification in the manufacturer's or processor's plant which at least shall consist of a spot check,
 - inspect each manufacturer's or processor's stock record as referred to in Article 6.

Article 12

The Member States concerned shall communicate to the Commission, before the 20th of each month, in respect of the preceding month, and for each intended use referred to in Article 1:

- (a) the quantities of concentrated grape must in respect of which an application for aid has been made, with a breakdown to show the wine-growing zone from which they have come;
- (b) the quantities of concentrated grape must in respect of which aid has been given, with a breakdown to show the wine-growing zone from which they have come;

(c) the prices to be paid by manufacturers and processors for concentrated grape must.

this Regulation, and shall inform the Commission without delay of their names and addresses.

Article 13

The Member States concerned shall designate a competent authority to be responsible for applying

Article 14

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

It shall apply from 1 September 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2037/83
of 22 July 1983

**laying down detailed rules implementing the system of aid for the use of grapes,
grape must and concentrated grape must for the manufacture of grape juice and
fixing the amounts of aid for the 1983/84 wine-growing year**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 337/79
of 5 February 1979 on the common organization of
the market in wine ⁽¹⁾, as last amended by Regulation
(EEC) No 1595/83 ⁽²⁾, and in particular Articles 14a (4),
48 (6) and 65 thereof,

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

Whereas, under the first indent of the first subpara-
graph of Article 14a (1) of Regulation (EEC) No
337/79, a system was introduced for aiding the use, for
the manufacture of grape juice, of grape and concen-
trated grape must produced from grapes grown in the
Community; whereas paragraph 2 of the same Article
provides that the aid system can also be applied to the
use of grapes of Community origin; whereas juice
manufacturing practices are such that the aid should
also be given for the use of such grapes;

Whereas application of the aid system requires admi-
nistrative provisions for checking the origin and use of
the products for which aid is given;

Whereas the purpose of the aid scheme is to promote
the use of products of Community origin for the
manufacture of grape juice in place of imported
products; whereas the aid should therefore be given to
users of the raw material, i.e. to processors;

Whereas in order to ensure that the aid system func-
tions properly and that the checks can be properly

carried out, processors should be required to lodge
written declarations giving the information necessary
for identification of the product and to enable checks
on the operations to be carried out;

Whereas, in order for the aid system to have an appre-
ciable effect on the quantity of Community products
used, a minimum quantity which may be covered by a
declaration should be set for each product;

Whereas it should be stated that aid will be granted
only for products having the quality characteristics
required for processing into grape juice; whereas it is
consequently necessary to prescribe that grapes and
grape must covered by a declaration must have a
density of between 1,055 and 1,085 g/cm³ at 20 °C;

Whereas Article 14a (3) of Regulation (EEC) No
337/79 sets out criteria for fixing the amount of the
aid; whereas application of these criteria gives the aid
rates for the various products in question fixed below;

Whereas, to enable the competent authorities of the
Member States to make the necessary checks, obliga-
tions on processors in regard to the keeping of stock
records should be laid down, in addition to the provi-
sions of Title II of Commission Regulation (EEC) No
1153/75 ⁽⁴⁾, as last amended by the Act of Accession of
Greece;

Whereas it should be laid down that entitlement to aid
is established at the moment when the processing
operations are completed; whereas to allow for tech-
nical losses the quantity actually used should be
allowed to be up to 10 % less than that shown in the
application;

Whereas for control purposes it is necessary to adopt a
processing coefficient as between the grapes employed
and the grape juice obtained, based on normal proces-
sing methods;

⁽¹⁾ OJ No L 54. 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 48.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 113, 1. 5. 1975, p. 1.

Whereas, in order to be paid aid, applicants must lodge an application accompanied by a number of supporting documents; whereas to ensure that the system operates uniformly in all Member States, time limits for lodging applications and for payment of aid to processors should be laid down;

Whereas the second subparagraph of Article 48 (5) of Regulation (EEC) No 337/79 states that grape juice may not be made into wine or added to wine; whereas, in order to ensure that this prohibition is complied with, special obligations and checks should be specified for processors of and bottlers of grape juice;

Whereas to prevent discrimination between operators and to resolve certain uncertainties as to interpretation that may arise with regard to the representative rates to be applied under Commission Regulation (EEC) No 1054/78 ⁽¹⁾, as last amended by Regulation (EEC) No 1873/83 ⁽²⁾, it should be specified that for all operations under this Regulation the representative rates applicable should in all cases be those applying on 16 December 1983 in the wine sector, applicable in advance from 1 September 1983;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1983/84 wine-growing year, aid shall be granted in accordance with the conditions laid down in this Regulation to processors:

- who purchase grapes grown in the Community or grape must or concentrated grape must produced entirely from grapes grown in the Community from producers or producer groups for the purpose of manufacturing grape juice, or
- who, being themselves producers or producer groups, use their own production of these products for the purpose of manufacturing grape juice.

2. For the purposes of this Regulation, 'product' means grapes grown in the Community and grape must and concentrated grape must produced entirely from grapes grown in the Community.

⁽¹⁾ OJ No L 134, 22. 5. 1978, p. 40.

⁽²⁾ OJ No L 186, 9. 7. 1983, p. 17.

3. Processing operations must be carried out between 1 September 1983 and 31 August 1984.

Article 2

1. Processors wishing to receive the aid referred to in Article 1 shall submit a written declaration to the competent authority/authorities of the Member States in which the processing takes place.

If the declaration relates to the processing of grape must or concentrated grape must it must reach the competent authority/authorities at least three working days before processing begins.

2. Declarations must be submitted in at least two copies, at least one of which shall be duly stamped by the competent authority/authorities and returned to the processor.

3. Declarations shall include the following particulars:

- (a) the name or business name and address of the processor;
- (b) the wine-growing zone, as defined in Annex IV to Regulation (EEC) No 337/79, in which the product originated;
- (c) the following technical details:
 - the nature of the product (grapes, grape must or concentrated grape must),
 - the place of storage,
 - the place where processing is to be carried out,
 - the quantity (in quintals for grapes and in hectolitres for grape must and concentrated grape must),
 - the colour,
 - the density.

Member States may require additional particulars for identification of the product.

Article 3

1. Declarations may not be made for less than:

- 13 quintals of grapes,
- 10 hectolitres of grape must,
- 3 hectolitres of concentrated grape must.

2. The product in respect of which the declaration is made must be of sound, fair and merchantable quality and suitable for the manufacture of grape juice. Grapes and grape must must have a density of between 1,055 and 1,085 g/cm³ at 20 °C.

Article 4

The amount of the aid throughout the Community is hereby fixed at :

- 4,8 ECU per quintal of grapes,
- 6,0 ECU per hectolitre of grape must,
- 21,0 ECU per hectolitre of concentrated grape must.

Article 5

Processors shall keep stock records in accordance with Title II of Regulation (EEC) No 1153/75, indicating in particular :

- the lots of product purchased and entering their premises each day, with the details referred to in Article 2 (3) (b) and (c) and, where appropriate, the name(s) and address(es) of the vendor(s),
- the quantities and wine-growing zone of origin of the products processed each day,
- the quantities of grape juice obtained each day after processing,
- the lots of grape juice leaving his premises each day with the name(s) and address(es) of the consignee(s).

Article 6

1. Not later than three months after processing is completed, the processor shall submit an application for aid to the competent authority, accompanied by :

- the copy of the declaration that he holds,
- except in the cases referred to in the first and second subparagraphs of paragraph 4, a copy or summary of the stock records referred to in Article 5 relating to the product in question ; the Member States may require that the copy or summary be stamped by an official inspector.

2. Applications shall specify the quantity of product actually processed, which may not be less than 90 % of the quantity specified in the declaration, and the day when processing was completed.

Where the application for aid refers to the grapes themselves, the ratio of the grapes employed and the juice obtained must not exceed 1,3.

3. In cases as referred to in the first indent of Article 1 (1) applications shall also be accompanied by a copy of the document that accompanied the product when it was transported from the premises of the

producer to those of the processor or by a summary of the said documents. The Member States may require that the copy or summary be stamped by an official inspector.

In cases as referred to in the second indent of Article 1 (1), the processor must furnish proof that the products for which aid is requested were :

- in the case of grapes, grown in the Community,
- in the case of grape must and concentrated grape must, wholly produced from grapes grown in the Community.

4. In addition, where bottling of grape juice is carried out in the Community by a person other than the processor, the latter shall submit to the competent authority.

- a declaration by the bottler that he has taken the grape juice over, indicating the date on which he did so,
- a copy of any accompanying document drawn up for transport of the juice.

If bottling was carried out outside the Community, the processor shall submit to the competent authority a copy of the accompanying document showing in box 23 the customs stamp certifying exportation.

The supporting documents referred to in the first and second subparagraphs and the copy or summary referred to in the second indent of paragraph 1 shall be submitted not later than six months after the bottler has taken over the grape juice or after the grape juice has been exported, as appropriate.

5. The cases as referred to in the first subparagraph of paragraph 4, the bottler shall keep stock records as prescribed in Title II of Regulation (EEC) No 1153/75, showing :

- the quantities of grape juice entering his premises each day and the name and address of the processor,
- the quantities of grape juice bottled each day,
- the quantities of bottled grape juice leaving his premises each day and the name and address of each consignee.

Article 7

The competent authority shall pay aid for the quantity of product actually processed not later than three months after receipt of all the supporting documents specified in Article 6.

Article 8

1. Entitlement to the aid shall be acquired when the grapes, grape must or concentrated grape must have been for the purpose indicated in Article 1.
2. Conversion of the amounts indicated in Article 4 into national currencies shall be at the representative rates applying on 16 December 1983 in the wine sector, applicable in advance from 1 September 1983.

Article 9

1. Except in case of *force majeure*, if the processor does not process the quantity of product covered by the declaration (allowing for the tolerance mentioned in Article 6 (2)), no aid shall be payable.
2. Except in case of *force majeure*, if the processor does not fulfil one of this obligations under this Regulation other than that to process the product covered by the declaration into grape juice, the aid payable shall be reduced by an amount fixed by the competent authority in proportion to the seriousness of the infringement.
3. In cases of *force majeure*, the competent authority shall take such action as it considers necessary having regard to the circumstances invoked.
4. Member States shall inform the Commission of cases in which paragraph 2 has been applied and the outcome of claims as to *force majeure*.

Article 10

1. Member States shall adopt the measures necessary for implementation of this Regulation, and in

particular measures for checking the identity of the product in respect of which aid is applied for.

2. To that end the competent authority shall undertake in particular:
 - checks, or at least spot checks, on processors' and, where appropriate, bottlers' premises,
 - an inspection of each processor's stock records as referred to in Article 5, and, where appropriate, of each bottler's stock records as referred to in Article 6 (5).

Article 11

Member States shall inform the Commission before the 20th of each month in respect of the preceding month:

- (a) of the quantities of products for which aid has been requested, broken down by their nature and the wine-growing zone in which they originated;
- (b) of the quantities of products for which aid has been granted, broken down by their nature and the wine-growing zone in which they originated;

Article 12

Member States shall appoint one or more competent authorities empowered to implement this Regulation, and shall inform the Commission without delay of their names and addresses.

Article 13

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

It shall apply from 1 September 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAER

Member of the Commission

COMMISSION REGULATION (EEC) No 2038/83

of 22 July 1983

amending for the second time Regulation (EEC) No 546/83 laying down provisions for distillation of table wine pursuant to Article 15 (2) of Regulation (EEC) No 337/79

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1595/83 ⁽²⁾, and in particular Article 15 thereof,

Whereas the quantity of table wine entitled to benefit from the distillation measure authorized by Commission Regulation (EEC) No 546/83 ⁽³⁾, as amended by Regulation (EEC) No 1001/83 ⁽⁴⁾, is expressed for each producer as a percentage of his total production; whereas, for the purpose of calculating total production, the provisions contained in the second indent of Article 2 (3) of Regulation (EEC) No 546/83 have turned out to be inadequate and could result in discrimination against producers who have obtained table wine from new wine still in fermentation; whereas the provisions referred to above should accordingly be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The second indent of Article 2 (3) of Regulation (EEC) No 546/83 is hereby replaced by the following:

- for producers who are not subject to the obligation referred to in the first indent, the quantity given in the records referred to in Article 14 of Regulation (EEC) No 1153/75 and obtained by themselves by vinification of purchased products.'

Article 2

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

It shall apply with effect from 10 March 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 66.

⁽³⁾ OJ No L 64, 10. 3. 1983, p. 12.

⁽⁴⁾ OJ No L 112, 28. 4. 1983, p. 16.

COMMISSION REGULATION (EEC) No 2039/83
of 22 July 1983
amending Regulation No 282/67/EEC on detailed rules for intervention for oil
seeds

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 26 (3) thereof,

Whereas Article 7 of Commission Regulation No
282/67/EEC ⁽³⁾, as last amended by Regulation (EEC)
No 1724/82 ⁽⁴⁾, provides that increases or reductions
are to be made in the intervention price paid for seed
which is not of standard quality; whereas, in view of
price developments during the 1982/83 marketing
year, the increases and reductions set out in Annex I
to Regulation No 282/67/EEC should be altered;

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

Regulation No 282/67/EEC is hereby amended as
follows:

1. In Part I of Annex I, '0,029 ECU' is replaced by
'0,025 ECU'.
2. In Part II of Annex I, '0,048 ECU' is replaced by
'0,035 ECU'.

Article 2

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

It shall apply with effect from 1 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No 151, 13. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 189, 1. 7. 1982, p. 61.

COMMISSION REGULATION (EEC) No 2040/83

of 22 July 1983

amending Regulation No 225/67/EEC on detailed rules for determining the world market price for oil seeds

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⁾,

Having regard to Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oilseeds and fixing the frontier crossing point ⁽³⁾, as last amended by Regulation (EEC) No 1983/82 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas Commission Regulation No 225/67/EEC ⁽⁵⁾, as last amended by Regulation (EEC) No 1725/82 ⁽⁶⁾, set the costs for processing colza, rape and sunflower seed to be used for application of Articles 2 and 6 of Regulation No 115/67/EEC; whereas as these costs have increased the amounts given in Articles 5 and 8 of Regulation No 225/67/EEC should be adjusted accordingly;

Whereas Article 3 of Regulation No 225/67/EEC states that, where offers and quotations relate to a quality other than the standard quality for which the target price was fixed they shall be adjusted by the coefficients of equivalence given in the Annex to that Regulation;

Whereas the qualities of the colza, rape and sunflower seed imported from the main producer countries outside the Community are somewhat different from the qualities used to determine the coefficients of equivalence valid at the moment for seed from these countries; whereas coefficients of equivalence should be set to reflect the new position;

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

Regulation No 225/67/EEC is hereby amended as follows:

1. In Article 5 the amounts '4,3 ECU' given at (a), '5,1 ECU' given at (b) and '4,9 ECU' given at (c) are replaced by the amounts of '4,55 ECU', '5,4 ECU' and '5,2 ECU' respectively.
2. In the first indent of Article 8 (1) the amounts '4,3 ECU' and '5,1 ECU' are replaced by '4,55 ECU' and '5,4 ECU' respectively.
3. In the third indent of Article 8 the amount '3,3 ECU' is replaced by '3,5 ECU'.
4. The table in the Annex is replaced by the following:

	(ECU/100 kg)	
	Coefficient of equivalence	
	Amount to be deducted from the price	Amount to be added to the price
A. Colza and rape seed from:		
— Canada	— 0,892	—
— Other non-member countries	— 0,366	—
B. Sunflower seed	— 0,253	—

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽⁴⁾ OJ No L 215, 23. 7. 1982, p. 6.

⁽⁵⁾ OJ No 136, 30. 6. 1967, p. 2919/67.

⁽⁶⁾ OJ No L 189, 1. 7. 1982, p. 62.

Article 2

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, 22 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2041/83**of 22 July 1983****amending for the sixth time Regulation (EEC) No 2960/77 on detailed rules for the sale of olive oil held by intervention agencies**

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 the
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 13 (1) of Commission Regulation
(EEC) No 2960/77 ⁽³⁾, as last amended by Regulation
(EEC) No 1852/82 ⁽⁴⁾, provides that where olive oil
held by the intervention agencies is sold it shall be
withdrawn, depending on the quantity awarded, within
a period of 40 or 60 days following notification of the
result of the tender;

Whereas experience has shown that for quantities in
excess of 3 000 tonnes operators are encountering real
difficulties in observing the time limits, in particular
where the oil is distributed between several interven-
tion centres; whereas the time limit for withdrawing
the oil in such a case should be extended under
certain conditions in order to enable intervention sales
to be conducted properly;

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

Article 13 (1) of Regulation (EEC) No 2960/77 is
hereby replaced by the following:

'1. The purchaser shall withdraw the entire lot
awarded. Withdrawal may begin as soon as the
provisional amount referred to in Article 12 (1) has
been paid and, in the case of sale for export, the
security referred to in Article 12 (3) has been
lodged.

Withdrawal shall be completed not later than the
40th day following receipt of the information
referred to in Article 10.

However, where the party concerned has been
awarded a quantity

- in excess of 1 000 tonnes but not exceeding
3 000 tonnes, withdrawal shall be completed
not later than the 60th day following receipt of
the information,
- in excess of 3 000 tonnes, withdrawal shall be
completed not later than the 90th day
following receipt of the information, provided
that a quantity of at least 3 000 tonnes shall be
withdrawn not later than 60 days following
receipt of the information.'

Article 2

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, 22 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁴⁾ OJ No L 203, 10. 7. 1982, p. 17.

COMMISSION REGULATION (EEC) No 2042/83

of 20 July 1983

on arrangements for imports into France, Italy and the United Kingdom of woven fabrics of synthetic fibre (category 3) originating in Indonesia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3589/82 of 23 December 1982 on common rules for imports of certain textile products originating in third countries⁽¹⁾, and in particular Article 11 thereof,

Whereas Article 11 of Regulation (EEC) No 3589/82 lays down the conditions under which quantitative limits may be established; whereas imports into the Community of woven fabrics of synthetic fibre (category 3) originating in Indonesia have exceeded the level referred to in paragraph 2 of the said Article;

Whereas, in accordance with paragraph 5 of the said Article 11 of Regulation (EEC) No 3589/82, Indonesia was notified on 20 June 1983 of a request for consultations;

Whereas, pending a mutually satisfactory solution, the Commission has requested Indonesia to limit, for a provisional period of three months from the date of notification of the request for consultations, exports of products of category 3 to France at 124 tonnes, to Italy at 60 tonnes and to the United Kingdom at 151 tonnes;

Whereas, pending the outcome of the requested consultations, quantitative limits identical to those requested of the supplier country should be applied provisionally to imports of the category of products in question;

Whereas paragraph 13 of the said Article provides for compliance with the quantitative limits to be ensured by means of a double-checking system in accordance with Annex VI to Regulation (EEC) No 3589/82;

Whereas the products in question exported from Indonesia between 20 June 1983 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced;

Whereas these quantitative limits should not prevent the importation of products covered by them shipped

from Indonesia before the date of entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into France, Italy and the United Kingdom of the category of products originating in Indonesia specified in the Annex hereto shall be subject to the provisional quantitative limits given therein until 19 September 1983.

Article 2

1. Products as referred to in Article 1, shipped from Indonesia to the said Member States before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place before that date.

2. Imports of such products shipped from Indonesia to the said Member States after the entry into force of this Regulation shall be subject to the double-checking system described in Annex VI to Regulation (EEC) No 3589/82.

3. All quantities of such products shipped from Indonesia to the said Member States on or after 20 June 1983 and released for free circulation shall be deducted from the quantitative limits laid down. These provisional limits shall not, however, prevent the importation of products covered by them but shipped from Indonesia before the date of 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*.

It shall apply until 19 September 1983.

⁽¹⁾ OJ No L 374, 31. 12. 1982, p. 106.

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

Done at Brussels, 20 July 1983.

For the Commission
Wilhelm HAFFERKAMP
Vice-President

ANNEX

Category	CCT heading No	NIMEXE code (1983)	Description	Third country	Member States	Units	Quantitative limits from 20 June to 19 September 1983
3	56.07 A	56.07-01, 04, 05, 07, 08, 10, 12, 15, 19, 20, 22, 25, 29, 30, 31, 35, 38, 39, 40, 41, 43, 45, 46, 47, 49	Woven fabrics of man-made fibres (discontinuous or waste): A. Of synthetic textile fibres: Woven fabrics of synthetic fibres (discontinuous or waste) other than narrow woven fabrics, pile fabrics (including terry fabrics) and chenille fabrics	Indonesia	F I UK	tonnes	124 60 151

COMMISSION REGULATION (EEC) No 2043/83

of 20 July 1983

modifying the supplementary quota for imports into the Community of certain textile products (category 12) originating in Thailand, opened for the 1983 Berlin Trade Fairs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3589/82 of 23 December 1982 establishing a common procedure for administering quantitative quotas⁽¹⁾, and in particular Article 9 (3) thereof,

Whereas, by Regulation (EEC) No 3589/82, the importation of textile products originating in certain third countries was made subject to quantitative limitation and allocation among the Member States and to common rules for authorization ;

Whereas, by Commission Regulation (EEC) No 800/83⁽²⁾, supplementary quotas for the 1983 Berlin Trade Fairs were opened and were allocated to the Federal Republic of Germany ;

Whereas it is desirable to increase the supplementary quota for the 1983 Berlin Trade Fairs in respect of products in category 12 originating in Thailand ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Regulation (EEC) No 3589/82,

HAS ADOPTED THIS REGULATION :

Article 1

The supplementary quota opened by Regulation (EEC) No 800/83 for the import of products in category 12 originating in Thailand is hereby replaced by the quota set out 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, 20 July 1983.

For the Commission

Wilhelm HAFFERKAMP

Vice-President

⁽¹⁾ OJ No L 374, 31. 12. 1982, p. 106.

⁽²⁾ OJ No L 89, 7. 4. 1983, p. 17.

ANNEX

Cate- gory	CCT heading No	NIMEXE code (1983)	Description	Third country	Units	Quantity
12	60.03 A B I II b) C D	60.03-11, 19, 20, 27, 30, 90	Stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic or rubberized : Other than women's stockings of synthetic textile fibres	Thailand	1 000 pairs	302

COMMISSION REGULATION (EEC) No 2044/83

of 22 July 1983

fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 2966/80⁽²⁾, and in particular the first sentence of Article 15 (5) thereof,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 (4) thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund ;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below ;

Whereas facilities exist at present for the export of live pigs falling within subheading 01.03 A II b), and for certain products falling within subheading 02.01 A III ; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets ;

Whereas, in the case of products falling within subheading 02.06 B I, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within this

subheading and of the foreseeable trend of production costs on the world market ; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within subheadings 02.06 B I b) 1 and B I b) 5 aa) ;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within subheadings ex 16.01 A and B, ex 16.02 A II and B III a) 2, the refund for these products should be fixed so as to take this situation into account ; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations ;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The list of products on which the export refund referred to in Article 15 of Regulation (EEC) No 2759/75 is granted, and the amount of that refund, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

ANNEX

to the Commission Regulation of 22 July 1983 fixing the export refunds on pigmeat

(ECU/100 kg)		
CCT heading No	Description	Refund
		net weight
01.03	Live swine : A. Domestic species : II. Other : b) Other	20,00
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 1. Whole carcasses or half-carcasses 2. Legs and parts thereof 3. Fore-ends or shoulders ; parts thereof 4. Loins and parts thereof 5. Bellies and parts thereof 6. Other : ex aa) Boned or boneless : (11) Legs, fore-ends, shoulders or loins, and parts thereof, derinded and defatted, with a maximum layer of 3 mm fat, frozen (a) (22) Other legs, fore-ends, shoulders or loins ; parts thereof (a) (33) Bellies and parts thereof, derinded and defatted, with a maximum layer of 7 mm fat, frozen (a) (44) Other bellies and parts thereof, derinded (a)	40,00 40,00 40,00 40,00 35,00 60,00 40,00 45,00 40,00
02.06	Meat and edible meat offal (except poultry liver), salted, in brine, dried or smoked : B. Of domestic swine : I. Meat : a) Salted or in brine : 3. Hams and parts thereof 5. Loins and parts thereof 6. Bellies and parts thereof 7. Other : ex aa) Boned or boneless : (11) Hams, fore-ends, shoulders or loins, parts thereof (a) (22) Bellies and parts thereof, derinded (a)	32,00 32,00 20,00 32,00 20,00

CCT heading No	Description	(ECU/100 kg) Refund
		net weight
02.06 (cont'd)	b) Dried or smoked : 1. Hams and parts thereof : (aa) 'Prosciutto di Parma', 'Prosciutto di San Daniele' (b) (bb) Other 4. Bellies and parts thereof 5. Other : ex aa) Boned or boneless : (11) 'Prosciutto di Parma, Prosciutto di San Daniele'; parts thereof (b) (22) Hams, fore-ends, shoulders or loins, parts thereof (a)	64,00 47,00 22,00 64,00 47,00
ex 16.01	Sausages and the like, of meat, meat offal or animal blood, suitable for human consumption : A. Liver sausages (f) B. Other (c) : I. Sausages, dry or for spreading, uncooked (d) (f) II. Other (f)	30,00 60,00 40,00
ex 16.02	Other prepared or preserved meat or meat offal, suitable for human consumption : A. Liver : II. Other B. Other : III. Other : a) Containing meat or offal of domestic swine : 2. Other, containing by weight : aa) 80 % or more of meat or offal, of any kind, including fats of any kind or origin : 11. Hams or loins (excluding collars); parts thereof : (aaa) Uncooked ; mixtures of cooked and uncooked meat (e) (g) (bbb) Other (g) 22. Collars or shoulders ; parts thereof : (aaa) Uncooked ; mixtures of cooked and uncooked meat (e) (g) (bbb) Other (g)	24,00 22,00 65,00 22,00 53,00

CCT heading No	Description	Refund (ECU/100 kg)
ex 16.02 (cont'd)		net weight
	33. Other :	
	(aaa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal (e) (g)	17,00
	(bbb) Other (g)	33,00
	bb) 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin (g)	21,00
	cc) Less than 40 % of meat or offal, of any kind, including fats of any kind or origin (g)	11,00

- (a) The cuts are classified in this subheading only if they can be identified as originating from the primary cuts mentioned.
- (b) Only those products for which the name is certified by the competent authorities of the producing Member State can benefit from this refund.
- (c) The refund on sausages presented in containers with a preservative liquid is granted on net weight after deduction of weight of this liquid.
- (d) The weight of a coating of paraffin corresponding to normal use in the trade is considered as part of the net weight of the sausage.
- (e) The term 'uncooked' shall apply to products which have not been subjected to any heat-treatment or which have been subjected to a heat-treatment insufficient to ensure the coagulation of meat proteins in the whole of the product and which therefore show traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.
- (f) If composite food preparations (including prepared dishes) containing sausages, are classified under heading No 16.01 because of their composition, the refund is granted only on the net weight of the sausages, the meat and the offal, including fats of any kind or origin, which make part of these preparations.
- (g) The refund on products containing bones is granted on the net weight of the product after deduction of the weight of the bones.

COMMISSION REGULATION (EEC) No 2045/83**of 22 July 1983****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Regulation (EEC) No 1776/83⁽³⁾, as last amended by Regulation (EEC) No 1969/83⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1776/83 to the information known to the Commission that the basic

amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1776/83, are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 176, 1. 7. 1983, p. 17.

⁽⁴⁾ OJ No L 192, 16. 7. 1983, p. 63.

ANNEX

to the Commission Regulation of 22 July 1983 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,3176	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	39,55
	ex II. Other	0,3176	—
	E. Artificial honey, whether or not mixed with natural honey	0,3176	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,3176	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	39,55
	IV. Other	0,3176	—

COMMISSION REGULATION (EEC) No 2046/83
of 22 July 1983
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1789/83⁽³⁾, as last amended by Regulation (EEC) No 2017/83⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1789/83 to the information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 176, 1. 7. 1983, p. 48.
⁽⁴⁾ OJ No L 198, 21. 7. 1983, p. 24.

ANNEX

to the Commission Regulation of 22 July 1983 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	31,76 28,03 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 2047/83

of 22 July 1983

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 2012/83⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2012/83 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2012/83 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 198, 21. 7. 1983, p. 15.

ANNEX

to the Commission Regulation of 22 July 1983 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	26,35	
	(b) Other	22,84	
	(II) Flavoured or coloured sugar		0,2635
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	24,24 ⁽¹⁾	
	(b) Other raw sugar	21,01 ⁽¹⁾	

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

COMMISSION REGULATION (EEC) No 2048/83

of 22 July 1983

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by the Act of Accession of Greece⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 1745/83⁽⁷⁾, as last amended by Regulation (EEC) No 2018/83⁽⁸⁾;

Whereas Council Regulation (EEC) No 414/83 of 21 February 1983⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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

Done at Brussels, 22 July 1983.

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 21 July 1983;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹¹⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 414/83, as fixed in the Annex to amended Regulation (EEC) No 1745/83 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 July 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 L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

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

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 171, 29. 6. 1983, p. 13.

⁽⁸⁾ OJ No L 198, 21. 7. 1983, p. 25.

⁽⁹⁾ OJ No L 51, 24. 2. 1983, p. 1.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 22 July 1983 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.02 A II ⁽²⁾	224,88	218,84
11.02 B II b) ⁽²⁾	164,72	161,70
11.02 C II ⁽²⁾	197,55	194,53
11.02 D II ⁽²⁾	127,03	124,01
11.02 E II b) ⁽²⁾	224,88	218,84
11.02 F II ⁽²⁾	224,88	218,84

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

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

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

COMMISSION REGULATION (EEC) No 2049/83
of 22 July 1983
altering the export refunds on oil seeds

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⁾,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds ⁽³⁾, as last amended by Regulation (EEC) No 2429/72 ⁽⁴⁾, and in particular the second sentence of Article 2 (3) thereof,

Whereas the export refunds on oil seeds were fixed by Regulation (EEC) No 1779/83 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1779/83 to the

information at present known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The refunds on the products referred to in Article 21 of Regulation No 136/66/EEC, as fixed in the Annex to Regulation (EEC) No 1799/83, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 July 1983.

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

Done at Brussels, 22 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 176, 1. 7. 1983, p. 24.

*ANNEX***to the Commission Regulation of 22 July 1983 altering the export refunds on oil seeds**

<i>(ECU / 100 kg)</i>		
CCT heading No	Description	Refund
ex 12.01	Colza and rape seed, other than for sowing	19,500
ex 12.01	Sunflower seed, other than for sowing	—

COUNCIL REGULATION (EEC) No 2050/83

of 21 July 1983

confirming Commission Regulation (EEC) No 873/83 revoking the protective measures in respect of imports into France and the United Kingdom of tableware and other articles of a kind commonly used for domestic or toilet purposes, of stoneware, and introducing a system of automatic authorization for imports of the products in question originating in or coming from South Korea

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, and in particular Article 15 (5) and (6) thereof,

Whereas, by its Regulation (EEC) No 873/83 ⁽²⁾, the Commission repealed protective measures in respect of imports into France and the United Kingdom of tableware and other articles of a kind commonly used for domestic or toilet purposes, of stoneware, and introduced an automatic import authorization system for such products originating in or coming from South Korea ;

Whereas one Member State remitted an appeal on this Regulation to the Council on 11 May 1983 ;

Whereas the Council's discussions have shown that the situation which induced the Commission to adopt

Regulation (EEC) No 873/83 was persisting ; whereas it is consequently justifiable to retain such measures ;

Whereas, pursuant to Article 15 (6) of Regulation (EEC) No 288/82, it is accordingly desirable for the Council to confirm Commission Regulation (EEC) No 873/83,

HAS ADOPTED THIS REGULATION :

Article 1

Commission Regulation (EEC) No 873/83 is hereby confirmed.

Article 2

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

It shall apply until 31 December 1985.

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

Done at Brussels, 21 July 1983.

For the Council

The President

D. KOULOURIANOS

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 96, 15. 4. 1983, p. 8.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 July 1983

relating to a proceeding under Article 85 of the EEC Treaty

(IV/30.174 — Vimpoltu)

(Only the Dutch text is authentic)

(83/361/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 17 of 6
February 1962: First Regulation implementing
Articles 85 and 86 of the Treaty⁽¹⁾, as last amended by
the Act of Accession of Greece, and in particular
Articles 3 (1) and 6 thereof,

Having regard to the notification made to the
Commission on 11 September 1980 by the Vereniging
van Importeurs van en Groothandelaren in Land- en
Tuinbouwmachines 'VIMPOLTU' (hereinafter referred
to as 'Vimpoltu'), in accordance with Article 4 of
Regulation No 17, of the decision adopted by
Vimpoltu on 27 May 1980,

Having regard to the application submitted by
Vimpoltu to the Commission on the same date for
negative clearance of Vimpoltu's abovementioned
decision under Article 2 of Regulation No 17 or,
failing that, an exemption under Article 85 (3) of the
EEC Treaty,

Having decided on 1 July 1982 to open proceedings
in Case IV/30.174,

Having given the undertakings concerned the oppor-
tunity to reply to the objections raised by the

Commission, in accordance with Article 19 (1) of
Regulation No 17 and with Commission Regulation
No 99/63/EEC of 25 July 1963 on the hearings
provided for in Article 19 (1) and (2) of Council Regu-
lation No 17⁽²⁾,

After consultations within the Advisory Committee on
Restrictive Practices and Dominant Positions, in accor-
dance with Article 10 of Regulation No 17, on 25
February 1983,

Whereas :

I. THE FACTS

A. Vimpoltu

(1) Vimpoltu is an association which was consti-
tuted under Dutch law in 1927. Article 5 of its
constitution states its objects as :

- (a) to promote the agricultural machinery trade
in the broadest sense ;
- (b) to foster good relations between those
engaged in the agricultural machinery trade ;
- (c) to regulate that trade ;
- (d) to promote the general interests of its
members.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

Under Article 5 (2), the association attempts to achieve those objects by *inter alia* laying down conditions for the sale and delivery of agricultural machinery and placing obligations on its members or groups of them regarding observance of such rules as are laid down by it.

- (2) Vimpoltu has ordinary, extraordinary and honorary members. Ordinary membership is open on request to partnerships, limited partnerships, public and private limited companies, and individuals of full age, registered or resident in the Netherlands, who independently carry on trade, mainly or exclusively on a wholesale basis, in agricultural machinery which they acquire direct from the manufacturer and who keep stocks of the machinery and of spare parts (Articles 8 and 9 of the constitution).

- (3) Membership can end with the member's death or upon his resignation or expulsion. Expulsion is possible only for breaches of the constitution, rules or decisions of the association (Article 10 of the constitution).

- (4) By resolution of the general meeting, Vimpoltu can set up divisions charged with promoting the interests of a particular section of the trade (Article 14 of the constitution).

Such divisions are empowered to take decisions on trade in the machinery falling within their ambit. Before becoming effective, such decisions must be approved by the board. After board approval, divisional decisions are notified to all members of the association (Article 24 of the constitution).

- (5) The division concerned in this case is Division I, Agricultural tractors, machinery and implements. Vimpoltu has around 20 members in the tractor business who are both importers and wholesalers and who together hold a share of the Dutch tractor market of about 90 %.

B. The farm tractor market in the Netherlands

- (6) For some years there has been no farm tractor manufacturer in the Netherlands.
- (7) All the tractors required to meet domestic demand are imported, most of them from other

Member States (50 % from the Federal Republic of Germany and smaller proportions from the United Kingdom, Italy and France, for example).

- (8) The level of imports of tractors in recent years has been ⁽¹⁾:

— 1978 : 12 389 units,
— 1979 : 10 651 units,
— 1980 : 8 006 units.

- (9) Total sales revenue ⁽²⁾ from new farm tractors has been :

	Vimpoltu members	Cebeco Handels- raad ⁽³⁾ ⁽⁴⁾
1975	Fl 145 615 000	
1976	Fl 217 009 000	
1977	Fl 276 673 000	
1978	Fl 276 904 000	
1979	Fl 273 862 000	
1980	Fl 195 285 000	

- (10) The Commission has no reason to doubt these figures, which were supplied by the undertakings. The main link between importers and consumers are the farm machinery dealers, of whom there are approximately 1 500. It is difficult to distinguish tractor dealers since general farm machinery dealers provide after-sales service (maintenance and repairs) for all types of farm machinery.

- (11) The biggest group of final consumers are the roughly 160 000 agricultural holdings in the Netherlands.

- (12) The sales figures supplied by Vimpoltu (see (9) above) indicate that demand for new farm tractors in the Netherlands has been contracting for some years. The deteriorating economic situation is undoubtedly behind this trend. However, it must also be borne in mind that in the Netherlands tractors are often more expensive than in other countries.

⁽¹⁾ Landbouwmecanisatie 32 (1981) 5 (May), p. 541.

⁽²⁾ At wholesale prices.

⁽³⁾ Cebeco Handelsraad is a cooperatively-run undertaking which, though not a member of Vimpoltu, applies the Vimpoltu decision.

⁽⁴⁾ Pursuant to Article 21 (2) of Regulation No 17, turnover figures are not published in the Official Journal.

The specialist farming press⁽¹⁾ cites several reasons for the higher prices:

(a) Factors involving importers and dealers:

- Foreign manufacturers' pricing: the 'gross' (i.e., undiscounted) retail price to the consumer ultimately depends on the price the importer has to pay to the manufacturer. The prices Dutch importers are charged are, it is claimed, sometimes higher than those paid by importers in other countries.
- Differences in original equipment supplied with tractors sold in the Netherlands and elsewhere (e.g., in the Netherlands tractors have larger, and therefore more expensive, tyres).
- The fact that all tractors sold in the Netherlands have to be imported, which interposes an extra link in the distribution chain between manufacturer and consumer.

(b) Factors involving consumers: the customary haggling over prices means that dealers seek large trade discounts from importers (up to 40 % prior to the Vimpoltu decision). Part of this discount is often passed on to the consumer in the form of a higher trade-in price for his used tractor.

(c) External factors such as exchange rate fluctuations can raise or lower the prices of imported tractors.

C. Vimpoltu's decision of 27 May 1980

(13) The decision is binding on the members of Vimpoltu's agricultural tractors and machinery division and is also applied by Cebeco Handelsraad. It lays down 'fair trading' rules for trade in agricultural tractors and the fittings and accessories supplied as part of their original equipment.

(14) The decision came into effect on 1 September 1980.

⁽¹⁾ Landbouwmecanisaatie 29 (1978) 6 (June), article by Mr Crucq.

(15) Annex 6 to the notification lists among the grounds for the decision:

- (a) 'Gross' retail prices⁽²⁾ had for various reasons become relatively high.
- (b) As a result, importers were giving dealers large, but widely varying, discounts off the full prices.
- (c) This had produced a confused situation on the tractor market which was to the disadvantage of the consumers/farmers.

According to Vimpoltu, the decision was intended to dispel this confusion, mainly for the benefit of consumers/farmers.

(16) It has transpired from the investigations that in 1979 Smecoma and Bovag⁽³⁾, which represent virtually all farm-tractor dealers in the Netherlands, were invited by Vimpoltu to take part in consultations to consider what could be done about falling sales and the relatively high recommended retail prices and large trade discounts. Although the talks did not lead to an agreement between Vimpoltu and Smecoma/Bovag on the Vimpoltu decision, the maximum rate of discount that was later laid down in the decision was in line with the wishes the dealers' associations had expressed during the talks. For the dealers, however, it was very important that a maximum rate of discount was coupled with acceptable recommended retail prices and reasonable trade-in prices for used tractors.

(17) The decision prohibits importers from selling tractors to dealers at a total discount per tractor (inclusive of any turnover-related rebates, special allowances or other benefits) exceeding 25 % of the recommended retail price.

(18) Payment terms are normally to be cash. Where credit and/or finance is given, interest of at least 3 % above the current discount rate for promissory notes is to be charged.

⁽²⁾ I.e., the retail prices recommended by the importer.

⁽³⁾ Stichting Sectie Mechanisatiebedrijven (Agricultural Machinery Dealers' Foundation) and Bond van Motor voertuigbedrijven, Afdeling Mechanisatiebedrijven (Motor Vehicle Dealers' Federation, Agricultural Machinery Section).

- (19) As regards delivery terms, the net price to the dealer is to be for delivery to his showroom or warehouse including the costs of preparation or delivery normally borne by the importer.
- (20) Special rules are laid down for sales promotions. Sales promotions may consist only of price reductions within the maxima laid down in the decision and introduction and cancellation must be notified with the Secretariat in advance. Fellow importers must also be informed within 10 days of the introduction of sales promotions.
- (21) In the event of suspected breaches of the decision's provisions, importers are subject to investigation, which may involve either direct inspections by an accountant or submission of a report by their own accountant.
- (22) If a breach is established, fines of up to Fl 10 000 per offence and/or per tractor delivered may be imposed according to the gravity of the offence. Clear deviations from standard practice or behaviour which are designed to serve as a means of granting extra discounts above the maximum permitted percentage are regarded as offences against the agreed rules of fair trading.
- (23) All importers are further required to publish and exchange their new price lists before the decision comes into force on 1 September 1980 and on each occasion thereafter when they change their prices. It has been established that the importers did in fact exchange their recommended price lists from 1 September 1980.
- (24) The importers also promise their full cooperation in the arrangements to be made with the dealers' organizations for publishing reasonable trade-in prices for second-hand tractors.
- (25) Besides the Vimpoltu decision whose terms have just been described, there is also an arrangement in the trade to publish lists of trade-in prices for second-hand tractors. This rests on a decision by the Centraal Orgaan Mechanisatiebedrijven (Central Council of Agricultural Machinery Dealers)⁽¹⁾ (hereinafter referred to as 'the COM') to extend its list of second-hand tractor selling prices which it had published since 1962 to trade-in prices for such tractors, starting in 1981. In reply to a request for information from the Commission, the COM stated that the move was prompted by the fact that the farming press was more interested in the publication of trade-in prices than selling prices, and reflected a demand among the readership of the farming press, namely the trade (see (16) above) and farmers.
- (26) The trade-in prices shown in the COM price lists are 'guide' prices which are established by the COM price-list subcommittee in periodical surveys of dealers.
- (27) The trade-in price lists are published twice a year by the COM price-list subcommittee. In reply to the Commission's request for information, the COM stated that Vimpoltu and the farming press were not represented on the subcommittee but did attend meetings. A letter sent by the COM to the members of the price-list subcommittee on 29 August 1980, however, refers to Vimpoltu representatives as 'taking part' in a meeting. In reply to the statement of objections, which included the COM's decision in the practices objected to, the COM said it was ending this participation by Vimpoltu representatives.
- (28) There is a further arrangement in the trade covering standard terms of business for agricultural machinery. These were adopted following consultations in the Stichting Mechanisatie Centrum (Agricultural Machinery Trade Foundation Centre), Wageningen, by Vimpoltu, Cebeco Handelsraad, the Vereniging van Regionale Importeurs en Groothandelaren in Land-en Tuinbouwmachines (Association of Regional Agricultural and Horticultural Machinery Importers and Wholesalers), the Vereniging van Handelaren in Landbouwwerktuigen en Tractoren (Association of Agricultural Machinery and Tractor Dealers), Smecoma, Bovag, the Vereniging van Importeurs en Fabrikanten van en Groothandelaren in Melkwinning- en -bewaarapparatuur (Association of Milking and Dairy Equipment Importers, Manufacturers and Wholesalers) and by the Landbouwschap (Agriculture Board).
- (29) The standard terms can be declared applicable to any offer, order or contract of sale in respect of machinery (including tractors) intended for use by or on behalf of persons resident or established in the Netherlands. They may be applied at all levels of distribution and are

⁽¹⁾ A liaison committee between the two dealers' associations Bovag and Smecoma.

intended to apply to transactions involving new machinery. From the information gathered by the Commission in the course of its investigations it appears that a considerable number of manufacturers and importers apply the standard terms.

- (30) The standard terms cover *inter alia* price changes, transfer of ownership and risk, payment terms, placing of tractors in service, warranty, liability, advertising, after-sales service and settlement of disputes. They are supplemented by arbitration rules.

II. LEGAL ASSESSMENT

A. Applicability of Article 85 (1) of the EEC Treaty

- (31) Article 85 (1) of the EEC Treaty prohibits as incompatible with the common market all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market.
- (32) Vimpoltu is an association of undertakings trading in agricultural machinery including tractors and therefore constitutes an association of undertakings within the meaning of Article 85 (1).
- (33) Vimpoltu's decision constitutes a decision by an association of undertakings within the meaning of Article 85 (1).
- (34) Vimpoltu's decision has the object or effect of restricting competition within the common market.

(a) *The anti-competitive effects of Vimpoltu's decision*

- (35) The system of maximum discounts and standard delivery and payment terms (see (17) to (20) above) have the effect of preventing:

1. importers from attracting new customers by offering higher discounts or better delivery or payment terms;
2. dealers from obtaining the discounts and delivery and payment terms which might be obtainable if no maximum were laid down and unrestricted competition were allowed to operate on the market, and hence also from passing on part of any such higher discount to their customers.

- (36) The special rules on sales promotions prevent importers from introducing such schemes at will without informing Vimpoltu's Secretariat and fellow importers beforehand.

- (37) The procedure for dealing with suspected infringements (see (21) above) and the provision for imposing fines (see (22) above) aggravate the restrictive effect of the Vimpoltu decision by encouraging importers to comply with it strictly.

- (38) The arrangements for exchanging price lists (see (23) above) may mean that in setting their new prices — which they do in principle independently of one another — importers are influenced by the prices of competitors, so that prices do not vary only in response to changes in market conditions and may differ from what they would have been in the absence of such exchanges of information. Such arrangements can also lead to a degree of standardization of prices by eliminating those which diverge markedly from the average. Furthermore, the system of recommended ('gross') retail prices, fixed independently by importers, may not only affect intra-brand competition by encouraging dealers selling a particular make of tractor to observe the recommended prices, but can also affect inter-brand competition because it allows all importers to predict with a fairly high degree of certainty the pricing policy pursued by their competitors (see judgment of the Court of Justice on 17 October 1972 in Case 8/72 VCH v. Commission [1972] ECR 990, ground 21).

- (39) The anticompetitive effect of Vimpoltu's decision is increased by the COM decision to

publish tractor trade-in prices and that of the Stichting Mechanisatie Centrum to draw up standard terms of business. The standard terms are intended to regulate important secondary aspects of competition at both the manufacturer/importer and dealer levels. Given the fact that they are used by a considerable number of importers and dealers, the standard terms (see (30) above) may create greater uniformity in the terms on which business is transacted than would be the case in their absence and they therefore reinforce the restrictions of competition produced by the Vimpoltu decision.

(40) The COM decision has an influence on the Vimpoltu decision. The presence of representatives at meetings of the price-list subcommittee means that Vimpoltu can influence decisions on the trade-in price lists so as to prevent price competition switching from discounts on new tractors, where it is curtailed by the Vimpoltu decision, to trade-in prices. As well as affording the possibility of establishing a concerted practice, the presence of Vimpoltu representatives also gives Vimpoltu a means of *ex post facto* control over whether the desired level of trade-in prices is actually being followed in practice, which could make these prices binding and obligatory. In this way the COM decision serves to support and reinforce the Vimpoltu decision.

(41) In view of COM's undertaking to end the attendance of Vimpoltu representatives at meetings of its price-list subcommittee, however, the Commission has decided not to take any action against the COM decision, on the clear understanding that it will not hesitate to do so in the future if ever there is evidence of agreements, decisions or concerted practices taking the place of the Vimpoltu decision or of anti-competitive practices involving the COM and Vimpoltu regarding used-tractor trade-in prices.

(42) The restriction of competition due to the Vimpoltu decision is the more appreciable because the products to which it relates constitute 90 % of the Dutch tractor market.

(b) *The potential effect of the Vimpoltu decision on trade between Member States*

(43) The said decision, which applies over the whole territory of a Member State to products almost exclusively imported from other Member States, is apt to affect trade between Member States. Its very nature is such that there is a sufficient likelihood that it could affect, directly or indirectly, actually or potentially, trade between Member States in a manner prejudicial to the attainment of a single Community market. The origin and volume of imports of the products make it likely that the restrictions on competition described above will cause the flow of trade to be diverted from the course it would otherwise have followed.

(44) It must be remembered that the decision applies to the sale or resale in the Netherlands of tractors imported almost completely from other Member States. The existence of these restrictions may well considerably inhibit manufacturers and importers from such States who wish to sell tractors in the Netherlands in the type of marketing policy they can pursue and in their ability to compete with one another, given that they are forced to use distribution channels applying the same conditions of sale. The decision may even affect the potential volume of such firms' (manufacturers' or dealers') exports from other Member States to the Netherlands. However, this potential effect must be seen in relation to the contracting market, where the disadvantage possibly sustained by some producers in the shape of reduced exports must be set against the advantage they gain from the Vimpoltu decision in having price competition between them largely eliminated and their respective market shares maintained.

(45) The obligation on Vimpoltu members to exchange their recommended retail prices and any changes thereto may also affect trade between Member States. The general application of the obligation to exchange price information, the anticompetitive aspects of which were described at (38) above, may result in the level of the prices of participating firms differing from that they would have attained in the absence of the obligation, thus directly influencing tractor imports into the Netherlands. The fact that the retail prices are only a guide to dealers and not binding is irrelevant.

B. Inapplicability of Article 85 (3) of the EEC Treaty

- (46) Article 85 (3) states that the provisions of Article 85 (1) may be declared inapplicable in the case of any agreement which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not :
- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives ;
 - (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.
- (47) The abovementioned provisions of the Vimpoltu decision do not satisfy the requirements for exemption laid down by Article 85 (3).
- (48) In the notification, it is claimed that the Vimpoltu decision will increase the transparency of the Dutch tractor market, particularly for farmers, and lead to general reductions in the recommended retail prices and discounts in the Netherlands.
- (49) The Vimpoltu decision is mainly of benefit to importers and dealers and does not allow farmers a fair share of the benefit. Importers and dealers are seeking by the decision to maintain an agreed price level and so restrict price competition. It is highly probable that, because of the reduced price competition between importers and the reduced competition on discounts between dealers, farmers will be unable to turn any increased market transparency to practical account in negotiating better terms.
- (50) Finally, the system affords importers the possibility of restricting competition in respect of a substantial part of the products in question. The 90 % market share held by those belonging to the system leaves foreign suppliers and domestic consumers little scope for evading its influence.
- (51) Since, for the reasons set out above, the restrictions on competition produced by Vimpoltu's

decision constitute infringements of Article 85 (1) and no exemption can be granted under Article 85 (3), these restrictions are prohibited.

C. Applicability of Article 3 of Regulation No 17

- (52) Article 3 of Regulation No 17 states that where the Commission, upon application or upon its own initiative, finds that there is infringement of Article 85 (1) of the Treaty, it may, by decision, require the undertakings or associations of undertakings concerned to bring such infringement to an end.
- (53) For the reasons set out above, Vimpoltu's decision of 27 May 1980 constitutes an infringement of Article 85 (1). The association of undertakings and its member undertakings must therefore be required to terminate the infringement without delay and to refrain from any other agreement or concerted practice having the same object or effect,

HAS ADOPTED THIS DECISION :

Article 1

The decision taken by the Vereniging van Importeurs van en Groothandelaren in Land- en Tuinbouwmachines 'Vimpoltu' on 27 May 1980 laying down maximum discounts, standard delivery and payment terms and rules on sales promotions and the exchange of price information, constitutes an infringement of Article 85 (1) of the Treaty establishing the European Economic Community.

Article 2

An exemption under Article 85 (3) of the EEC Treaty in respect of the decision referred to in Article 1 is hereby refused.

Article 3

The Vereniging van Importeurs van en Groothandelaren in Land- en Tuinbouwmachines 'Vimpoltu' shall cease forthwith to apply the decision referred to in Article 1 and shall refrain from taking any action in the future with the same object or effect as that decision.

Article 4

The Vereniging van Importeurs van en Groothandelaren in Land- en Tuinbouwmachines 'Vimpoltu' shall inform its members of this Decision within one month of itself being notified of it and shall inform the Commission of the manner in which this has been done.

This Decision shall be enforceable in accordance with Article 192 of the Treaty establishing the European Economic Community.

Done at Brussels, 13 July 1983.

Article 5

This Decision is addressed to the Vereniging van Importeurs van en Groothandelaren in Land- en Tuinbouwmachines 'Vimpoltu', The Hague.

For the Commission

Frans ANDRIESEN

Member of the Commission

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