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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3490/83**of 9 December 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 2157/83⁽⁵⁾ and subsequent amending Regulations;

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

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

a band of 2,25 %, a rate of exchange based on their central rate,

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

Whereas these exchange rates being those recorded on 8 December 1983;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2157/83 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 December 1983.

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

Done at Brussels, 9 December 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 206, 30. 7. 1983, p. 47.

ANNEX

to the Commission Regulation of 9 December 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	87,33
10.01 B II	Durum wheat	115,30 ⁽¹⁾ ⁽²⁾
10.02	Rye	76,04 ⁽⁶⁾
10.03	Barley	58,09
10.04	Oats	42,27
10.05 B	Maize, other than hybrid maize for sowing	55,42 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	30,72 ⁽⁴⁾
10.07 C	Grain sorghum	72,50 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	136,39
11.01 B	Rye flour	120,55
11.02 A I a)	Durum wheat groats and meal	192,12
11.02 A I b)	Common wheat groats and meal	146,05

⁽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 3491/83

of 9 December 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
2158/83⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 % a rate of exchange based on their
central rate,

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

Whereas these exchange rates being those recorded on
8 December 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 10 December
1983.

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

Done at Brussels, 9 December 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 206, 30. 7. 1983, p. 50.

ANNEX

to the Commission Regulation of 9 December 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 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0,61	0,61	0
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 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 3492/83

of 9 December 1983

altering the components used to calculate the differential amounts 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 market in oils and fats ⁽¹⁾,
as last amended by Regulation (EEC) No 1413/82 ⁽²⁾,

Having regard to Council Regulation (EEC) No
1223/83 of 20 May 1983 on the exchange rates to be
applied in agriculture ⁽³⁾, as last amended by Regula-
tion (EEC) No 1877/83 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No
1569/72 of 20 July 1972 laying down special measures
for colza, rape and sunflower seed ⁽⁵⁾, as last amended
by Regulation (EEC) No 2027/83 ⁽⁶⁾, and in particular
Article 2 (3) thereof,

Whereas Commission Regulation (EEC) No 2300/73
of 23 August 1973 ⁽⁷⁾, as last amended by Regulation
(EEC) No 2937/83 ⁽⁸⁾, laid down detailed rules of
application for Regulation (EEC) No 1569/72;
whereas, pursuant to Article 2 (2) of Regulation (EEC)
No 1569/72, forward differential amounts are to be
determined where the forward exchange rate for one
or more currencies differs from the spot rate by at least
a given percentage;

Whereas the components used to calculate the
differential amounts were fixed by Regulation (EEC)

No 2363/83 ⁽⁹⁾, as last amended by Regulation (EEC)
No 3328/83 ⁽¹⁰⁾;

Whereas, for the period 30 November to 6 December
1983, for certain currencies

- for the current month, the difference referred to in
Article 2(1) of Regulation (EEC) No 1569/72
differs by more than one point from the percen-
tage adopted for the previous fixing,
- for certain following months the difference
referred to in Article 2(2) of Regulation (EEC) No
1569/72 exceeds 2,5 %; whereas this difference in
the case of certain forward differential amounts
differs by more than one point from the percen-
tage adopted for the previous fixing;

Whereas these facts should be taken into account for
the fixing of the components used to calculate the
differential amounts for colza, rape and sunflower seed
where those components are already applied in respect
of the Member State concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2363/83 is hereby
replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 12 December
1983.

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

Done at Brussels, 9 December 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 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 186, 9. 7. 1983, p. 24.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 199, 22. 7. 1983, p. 14.

⁽⁷⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁸⁾ OJ No L 288, 21. 10. 1983, p. 20.

⁽⁹⁾ OJ No L 228, 20. 8. 1983, p. 5.

⁽¹⁰⁾ OJ No L 330, 26. 11. 1983, p. 6.

ANNEX

	Current	1st month	2nd month	3rd month	4th month	5th month
1. Colza, rape and sunflower seed, processed for oil production in Germany or exported from that country						
Target price corrective (coefficient to be applied)	+ 0,1085	+ 0,1085	+ 0,1085	+ 0,1085	+ 0,1085	+ 0,1085
Subsidy or refund corrective (coefficient to be applied)	— 0,1085	— 0,1085	— 0,1085	— 0,1085	— 0,1085	— 0,1085
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	—	—	—	—	—	—
— the Netherlands	— 0,0436	— 0,0436	— 0,0436	— 0,0436	— 0,0436	— 0,0436
— the BLEU	— 0,1085	— 0,1085	— 0,1085	— 0,1085	— 0,1085	— 0,1085
— France	— 0,1581	— 0,1581	— 0,1581	— 0,1581	— 0,1581	— 0,1724
— Denmark	— 0,0983	— 0,0983	— 0,0983	— 0,0983	— 0,0983	— 0,0983
— Ireland	— 0,1085	— 0,1085	— 0,1085	— 0,1085	— 0,1085	— 0,1210
— the United Kingdom	— 0,0242	— 0,0242	— 0,0242	— 0,0242	— 0,0242	— 0,0242
— Italy	— 0,1227	— 0,1227	— 0,1227	— 0,1297	— 0,1297	— 0,1567
— Greece	— 0,1468	— 0,1468	— 0,1468	— 0,1468	— 0,1468	— 0,1468
2. Colza, rape and sunflower seed, processed for oil production in the Netherlands or exported from that country						
Target price corrective (coefficient to be applied)	+ 0,0678	+ 0,0678	+ 0,0678	+ 0,0678	+ 0,0678	+ 0,0678
Subsidy or refund corrective (coefficient to be applied)	— 0,0678	— 0,0678	— 0,0678	— 0,0678	— 0,0678	— 0,0678
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,0456	+ 0,0456	+ 0,0456	+ 0,0456	+ 0,0456	+ 0,0456
— the Netherlands	—	—	—	—	—	—
— the BLEU	— 0,0678	— 0,0678	— 0,0678	— 0,0678	— 0,0678	— 0,0678
— France	— 0,1197	— 0,1197	— 0,1197	— 0,1197	— 0,1197	— 0,1319
— Denmark	— 0,0572	— 0,0572	— 0,0572	— 0,0572	— 0,0572	— 0,0572
— Ireland	— 0,0678	— 0,0678	— 0,0678	— 0,0678	— 0,0678	— 0,0786
— the United Kingdom	+ 0,0203	+ 0,0203	+ 0,0203	+ 0,0203	+ 0,0203	+ 0,0203
— Italy	— 0,0828	— 0,0828	— 0,0828	— 0,0863	— 0,0863	— 0,1151
— Greece	— 0,1080	— 0,1080	— 0,1080	— 0,1080	— 0,1080	— 0,1080
3. Colza, rape and sunflower seed, processed for oil production in the BLEU or exported from the BLEU						
Target price corrective (coefficient to be applied)	—	—	—	—	—	—
Subsidy or refund corrective (coefficient to be applied)	—	—	—	—	—	—
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,1217	+ 0,1217	+ 0,1217	+ 0,1217	+ 0,1217	+ 0,1217
— the Netherlands	+ 0,0728	+ 0,0728	+ 0,0728	+ 0,0728	+ 0,0728	+ 0,0728
— the BLEU	—	—	—	—	—	—
— France	— 0,0556	— 0,0556	— 0,0556	— 0,0556	— 0,0556	— 0,0556
— Denmark	+ 0,0114	+ 0,0114	+ 0,0114	+ 0,0114	+ 0,0114	+ 0,0114
— Ireland	—	—	—	—	—	—
— the United Kingdom	+ 0,0945	+ 0,0945	+ 0,0945	+ 0,0945	+ 0,0945	+ 0,0945
— Italy	— 0,0160	— 0,0160	— 0,0160	— 0,0160	— 0,0160	— 0,0210
— Greece	— 0,0430	— 0,0430	— 0,0430	— 0,0430	— 0,0430	— 0,0430

	Current	1st month	2nd month	3rd month	4th month	5th month
4. Colza, rape and sunflower seed, processed for oil production in Denmark or exported from that country						
Target price corrective (coefficient to be applied)	+ 0,0113	+ 0,0113	+ 0,0113	+ 0,0113	+ 0,0113	+ 0,0113
Subsidy or refund corrective (coefficient to be applied)	— 0,0113	— 0,0113	— 0,0113	— 0,0113	— 0,0113	— 0,0113
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,1090	+ 0,1090	+ 0,1090	+ 0,1090	+ 0,1090	+ 0,1090
— the Netherlands	+ 0,0607	+ 0,0607	+ 0,0607	+ 0,0607	+ 0,0607	+ 0,0607
— the BLEU	— 0,0113	— 0,0113	— 0,0113	— 0,0113	— 0,0113	— 0,0113
— France	— 0,0663	— 0,0663	— 0,0663	— 0,0663	— 0,0663	— 0,0663
— Denmark	—	—	—	—	—	—
— Ireland	— 0,0113	— 0,0113	— 0,0113	— 0,0113	— 0,0113	— 0,0113
— the United Kingdom	+ 0,0822	+ 0,0822	+ 0,0822	+ 0,0822	+ 0,0822	+ 0,0822
— Italy	— 0,0271	— 0,0271	— 0,0271	— 0,0271	— 0,0271	— 0,0457
— Greece	— 0,0538	— 0,0538	— 0,0538	— 0,0538	— 0,0538	— 0,0538
5. Colza, rape and sunflower seed, processed for oil production in France or exported from that country						
Target price corrective (coefficient to be applied)	— 0,0589	— 0,0589	— 0,0589	— 0,0589	— 0,0589	— 0,0589
Subsidy or refund corrective (coefficient to be applied)	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,1877	+ 0,1877	+ 0,1877	+ 0,1877	+ 0,1877	+ 0,2036
— the Netherlands	+ 0,1360	+ 0,1360	+ 0,1360	+ 0,1360	+ 0,1360	+ 0,1496
— the BLEU	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589
— France	—	—	—	—	—	—
— Denmark	+ 0,0710	+ 0,0710	+ 0,0710	+ 0,0710	+ 0,0710	+ 0,0710
— Ireland	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589	+ 0,0589
— the United Kingdom	+ 0,1590	+ 0,1590	+ 0,1590	+ 0,1590	+ 0,1590	+ 0,1651
— Italy	+ 0,0420	+ 0,0420	+ 0,0420	+ 0,0420	+ 0,0420	+ 0,0420
— Greece	+ 0,0133	+ 0,0133	+ 0,0133	+ 0,0133	+ 0,0133	+ 0,0133
6. Colza, rape and sunflower seed, processed for oil production in the United Kingdom or exported from that country						
Target price corrective (coefficient to be applied)	+ 0,0864	+ 0,0864	+ 0,0864	+ 0,0864	+ 0,0864	+ 0,0864
Subsidy or refund corrective (coefficient to be applied)	— 0,0864	— 0,0864	— 0,0864	— 0,0864	— 0,0864	— 0,0864
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,0248	+ 0,0248	+ 0,0248	+ 0,0248	+ 0,0248	+ 0,0248
— the Netherlands	— 0,0199	— 0,0199	— 0,0199	— 0,0199	— 0,0199	— 0,0199
— the BLEU	— 0,0864	— 0,0864	— 0,0864	— 0,0864	— 0,0864	— 0,0864
— France	— 0,1372	— 0,1372	— 0,1372	— 0,1372	— 0,1372	— 0,1423
— Denmark	— 0,0759	— 0,0759	— 0,0759	— 0,0759	— 0,0759	— 0,0759
— Ireland	— 0,0864	— 0,0864	— 0,0864	— 0,0864	— 0,0864	— 0,0864
— the United Kingdom	—	—	—	—	—	—
— Italy	— 0,1010	— 0,1010	— 0,1010	— 0,1010	— 0,1010	— 0,1155
— Greece	— 0,1257	— 0,1257	— 0,1257	— 0,1257	— 0,1257	— 0,1257

	Current	1st month	2nd month	3rd month	4th month	5th month
7. Colza, rape and sunflower seed, processed for oil production in Ireland or exported from that country						
Target price corrective (coefficient to be applied)	—	—	—	—	—	—
Subsidy or refund corrective (coefficient to be applied)	—	—	—	—	—	—
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,1217	+ 0,1217	+ 0,1217	+ 0,1217	+ 0,1217	+ 0,1357
— the Netherlands	+ 0,0728	+ 0,0728	+ 0,0728	+ 0,0728	+ 0,0728	+ 0,0850
— the BLEU	—	—	—	—	—	—
— France	— 0,0556	— 0,0556	— 0,0556	— 0,0556	— 0,0556	— 0,0556
— Denmark	+ 0,0114	+ 0,0114	+ 0,0114	+ 0,0114	+ 0,0114	+ 0,0114
— Ireland	—	—	—	—	—	—
— the United Kingdom	+ 0,0945	+ 0,0945	+ 0,0945	+ 0,0945	+ 0,0945	+ 0,0945
— Italy	— 0,0160	— 0,0160	— 0,0160	— 0,0160	— 0,0160	— 0,0173
— Greece	— 0,0430	— 0,0430	— 0,0430	— 0,0430	— 0,0430	— 0,0430
8. Colza, rape and sunflower seed, processed for oil production in Italy or exported from that country						
Target price corrective (coefficient to be applied)	— 0,0163	— 0,0163	— 0,0163	— 0,0163	— 0,0163	— 0,0340
Subsidy or refund corrective (coefficient to be applied)	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0340
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,1399	+ 0,1399	+ 0,1399	+ 0,1461	+ 0,1461	+ 0,1776
— the Netherlands	+ 0,0902	+ 0,0902	+ 0,0902	+ 0,0945	+ 0,0945	+ 0,1260
— the BLEU	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0222
— France	— 0,0403	— 0,0403	— 0,0403	— 0,0403	— 0,0403	— 0,0403
— Denmark	+ 0,0279	+ 0,0279	+ 0,0279	+ 0,0279	+ 0,0279	+ 0,0384
— Ireland	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0163	+ 0,0168
— the United Kingdom	+ 0,1123	+ 0,1123	+ 0,1123	+ 0,1123	+ 0,1123	+ 0,1284
— Italy	—	—	—	—	—	—
— Greece	— 0,0275	— 0,0275	— 0,0275	— 0,0275	— 0,0275	— 0,0098
9. Colza, rape and sunflower seed, processed for oil production in Greece or exported from that country						
Target price corrective (coefficient to be applied)	— 0,0450	— 0,0450	— 0,0450	— 0,0450	— 0,0450	— 0,0450
Subsidy or refund corrective (coefficient to be applied)	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450
Differential component (coefficient to be applied to the target price)						
Seed harvested in :						
— Germany	+ 0,1721	+ 0,1721	+ 0,1721	+ 0,1721	+ 0,1721	+ 0,1721
— the Netherlands	+ 0,1210	+ 0,1210	+ 0,1210	+ 0,1210	+ 0,1210	+ 0,1210
— the BLEU	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450
— France	— 0,0132	— 0,0132	— 0,0132	— 0,0132	— 0,0132	— 0,0199
— Denmark	+ 0,0569	+ 0,0569	+ 0,0569	+ 0,0569	+ 0,0569	+ 0,0569
— Ireland	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450	+ 0,0450
— the United Kingdom	+ 0,1437	+ 0,1437	+ 0,1437	+ 0,1437	+ 0,1437	+ 0,1437
— Italy	+ 0,0282	+ 0,0282	+ 0,0282	+ 0,0282	+ 0,0282	+ 0,0122
— Greece	—	—	—	—	—	—

COMMISSION REGULATION (EEC) No 3493/83

of 9 December 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 2937/83⁽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 2866/83 of 13

October 1983 fixing the amount of the subsidy on oil seeds⁽⁷⁾;

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 12 December 1983.

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

Done at Brussels, 9 December 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 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 288, 21. 10. 1983, p. 20.

⁽⁷⁾ OJ No L 282, 14. 10. 1983, p. 33.

ANNEX

to the Commission Regulation of 9 December 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	40,472
ex 12.01	Sunflower seed	40,072

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		December 1983	January 1984	February 1984	March 1984	April 1984	May 1984
ex 12.01	Colza and rape seed	40,472	40,472	40,472	40,555	41,376	41,376
ex 12.01	Sunflower seed	40,072	39,924	40,046	40,046	40,546	—

⁽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 = £	0,565227
1 ECU = Lit	1 362,81
1 ECU = Dr	80,7220

COMMISSION REGULATION (EEC) No 3494/83
of 9 December 1983
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Act of Accession of Greece⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas Council Regulation (EEC) No 2779/75 of 29 October 1975⁽³⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds ;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature

of these exports and their importance at the present time ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The list of products on which the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 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 12 December 1983.

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

Done at Brussels, 9 December 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

to the Commission Regulation of 9 December 1983 fixing the export refunds on poultrymeat

CCT heading No	Description	Refund
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls :	ECU/100 units
	For all exports except to the United States of America :	
	A. Of a weight not exceeding 185 g, known as 'chicks' :	
	I. Turkeys and geese	3,00
	II. Other	1,50
02.02	Dead poultry (that is to say fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen :	ECU/100 kg
	For all exports except to the United States of America :	
	A. Whole poultry :	
	I. Fowls :	
	a) Plucked and gutted, with heads and feet, known as '83 % chickens'	16,00
	b) Plucked and drawn, without heads and feet but with hearts, livers and gizzards, known as '70 % chickens'	16,00
	c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens'	16,00
	II. Ducks :	
	a) Plucked, bled, not drawn or gutted with heads and feet, known as '85 % ducks'	21,00
	b) Plucked and drawn without heads and feet, with hearts, livers and gizzards known as '70 % ducks'	21,00
	c) Plucked and drawn without heads and feet, without hearts, livers and gizzards, known as '63 % ducks'	21,00
	IV. Turkeys :	
	a) Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as '80 % turkeys'	13,00
	b) Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as '73 % turkeys'	13,00

CCT heading No	Description	Refund
		ECU/100 kg
02.02 (cont'd)	B. Poultry cuts (excluding offals):	
	I. Boned or boneless:	
	b) Of turkeys	26,00
	c) Of other poultry	26,00
	II. Unboned (bone-in):	
	a) Halves or quarters:	
	1. Of fowls	17,00
	2. Of ducks	21,00
	4. Of turkeys	14,00
	b) Whole wings, with or without tips	11,00
	d) Breasts and cuts of breasts:	
	2. Of turkeys	21,00
	3. Of other poultry	22,00
	e) Legs and cuts of legs:	
	2. Of turkeys	
	aa) Drumsticks and cuts of drumsticks	10,00
	bb) Other	19,00
	3. Of other poultry	21,00

COMMISSION REGULATION (EEC) No 3495/83
of 9 December 1983
fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2771/75 of 29 October 1975 on the common
organization of the market in eggs ⁽¹⁾, as last amended
by Regulation (EEC) No 3643/81 ⁽²⁾, and in particular
the first sentence of the fifth subparagraph of Article 9
(2) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 9 of Regulation (EEC) No 2771/75
provides that the difference between prices on the
world market for the products listed in Article 1 (1) of
that Regulation and prices for those products within
the Community may be covered by an export refund ;

Whereas Council Regulation (EEC) No 2774/75 of 29
October 1975 ⁽³⁾ lays down general rules for granting
export refunds and criteria for fixing the amount of
such refunds ;

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

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

these currencies recorded for a given period in
relation to the Community currencies referred to
in the previous indent ;

Whereas it follows from applying these rules and
criteria to the present situation on the market in eggs
that the refund should be fixed at an amount which
would permit Community participation in world trade
and would also take account of the nature of these
exports and their importance at the present time ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The list of products on which, when they are exported
in the natural state, the export refund referred to in
Article 9 of Regulation (EEC) No 2771/75 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 12 December
1983.

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

Done at Brussels, 9 December 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 364, 29. 12. 1981, p. 1.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

to the Commission Regulation of 9 December 1983 fixing the export refunds on eggs

(a) Only poultry eggs which fulfil the conditions stipulated by the competent authorities of the European Communities are eligible for entry under this subheading.

**COMMISSION REGULATION (EEC) No 3496/83
of 9 December 1983**

**laying down detailed rules for implementing the import system applicable to
certain non-member countries for sheepmeat and goatmeat in the first quarter
of 1984**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2977/83 of 19 October 1983 concerning the import
system applicable to certain non-member countries in
the sheepmeat and goatmeat sector in the first quarter
of 1984⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 2977/83 laid down that
the levy applicable on import of products falling
within subheadings 01.04 B and 02.01 A IV of the
Common Customs Tariff from non-member countries,
other than those which have concluded voluntary
restraint agreements with the Community, is to be
limited to 10 % *ad valorem* within certain maximum
quantities ;

Whereas Regulation (EEC) No 2977/83 laid down that
imports into the Member States should be allowed,
taking account of the traditional pattern of trade ;
whereas it is therefore appropriate to set the maximum
quantity for which import licences may be issued in
certain Member States ;

Whereas the said imports should be restricted to the
quantities provided for ; whereas it is accordingly
necessary to derogate from Commission Regulation
(EEC) No 3183/80 of 3 December 1980 laying down
common detailed rules for the application of the
system of import and export licences and advance-
fixing certificates for agricultural products⁽²⁾, as last
amended by Regulation (EEC) No 2666/82⁽³⁾, in
respect of the quantities which may be imported
beyond those indicated on licences ;

Whereas the Member States should be required to
provide information with regard to the said imports ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Import licences for the products referred to in
Article 1 (1) of Regulation (EEC) No 2977/83 shall be
issued by the Member States in the first quarter of
1984 within a limit of the quantities laid down in that
Article, expressed in tonnes carcase equivalent by
non-member country and by category.

2. France for the first quarter of 1984 and Ireland,
however, are hereby authorized to limit the issue of
import licences to the quantities which they tradition-
ally import from the non-member countries
concerned. Licences shall be issued in accordance with
paragraph 1.

Article 2

1. Commission Regulation (EEC) No 20/82⁽⁴⁾ shall
apply, subject to the following provisions.

2. The maximum overall quantity for which any
one party may apply by lodging one or more licence
applications shall be that laid down in Article 1.

3. Applications for licences may be lodged only
during the first 10 days of January 1984.

4. Applications for licences, broken down by
product and by country of origin, shall be forwarded
by the Member States to the Commission not later
than 16 January 1984.

⁽¹⁾ OJ No L 294, 26. 10. 1983, p. 1.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽³⁾ OJ No L 283, 6. 10. 1982, p. 7.

⁽⁴⁾ OJ No L 3, 7. 1. 1982, p. 26.

5. The Commission shall decide, before 26 January 1984 by product and by country of origin, either :

- (a) to authorize the issue of licences for all the quantities applied for ; or
- (b) to reduce all the quantities applied for by the same percentage, with the exception of quantities applied for in the Member States referred to in Article 1 (2) for each of which a special percentage may be determined.

6. Licences shall be issued on 30 January 1984.

Article 3

1. The licence application and the licence itself shall bear, in section 14, the name of the non-member country of origin. For products falling within sub-heading 01.04 B, the licence application and the licence itself shall bear, in sections 10 and 11, a statement of the net mass and the number of animals to be imported. It shall be obligatory to import from the country stated in the licence.

2. The licence shall bear in section 20 (a) one of the following entries :

- 'Levy limited to 10 % of the customs value (application of Regulation (EEC) No 3496/83). Licence valid for (quantity in figures and words) ... kg',
- 'Importafgiften begrænses til 10 % af toldværdien (jf. forordning (EØF) nr. 3496/83). Licensen er gyldig for (mængde i tal og bogstaver) ... kg',
- 'Beschränkung der Abschöpfung auf 10 % des Zollwerts (Anwendung der Verordnung (EWG) Nr. 3496/83). Lizenz gültig für (Menge in Zahlen und Buchstaben) ... kg',

— 'Εισφορά περιορισμένη στο 10 % της δασμολογητέας αξίας [εφαρμογή του κανονισμού (ΕΟΚ) αριθ. 3496/83]. Πιστοποιητικό έγκυρο για (ποσότητα αριθμητικώς και ολογράφως) ... χγρ',

— 'Prélèvement limité à 10 % de la valeur en douane [application du règlement (CEE) n° 3496/83]. Certificat valable pour (quantités en chiffres et en lettres) ... kg',

— 'Prelievo limitato al 10 % del valore in dogana (applicazione del regolamento (CEE) n. 3496/83). Titolo valido per (quantità in cifre e lettere) ... kg',

— 'Heffing beperkt tot 10 % van de douanewaarde (toepassing van Verordening (EEG) nr. 3496/83). Certificaat geldig voor (hoeveelheid in cijfers en in letters) ... kg'.

Notwithstanding Article 8 (4) of Regulation (EEC) No 3183/80, only the quantity stated in section 20 (a) of the import licence may be placed in free circulation ; the figure '0' shall be entered for this purpose in section 22 of the said licence.

Article 4

Member States shall communicate to the Commission by telex, not later than the 15th day following issue, the quantities, by product and by country of origin, in respect of which import licences have been issued pursuant to this Regulation.

Article 5

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 January 1984.

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

Done at Brussels, 9 December 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 3497/83**of 9 December 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 3486/83⁽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 Regu-
lation (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 10 December
1983.

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

Done at Brussels, 9 December 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 176, 1. 7. 1983, p. 48.
⁽⁴⁾ OJ No L 347, 9. 12. 1983, p. 43.

ANNEX

**to the Commission Regulation of 9 December 1983 fixing the import levies on white sugar
and raw sugar**

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	38,44
	B. Raw sugar	33,10 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES OF THE EUROPEAN COMMUNITIES

of 29 November 1983

appointing an Advocate-General to the Court of Justice

(83/609/EEC, Euratom, ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COMMU-
NITIES,

Having regard to the Treaty establishing the European
Coal and Steel Community, and in particular Article
32b thereof,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 167
thereof,

Having regard to the Treaty establishing the European
Atomic Energy Community, and in particular Article
139 thereof,

Whereas, by letter to the President of the Council,
dated 1 July 1983, Mr G. Reischl, Advocate-General at
the Court of Justice of the European Communities,
announced his resignation with effect from 9
November 1983;

Whereas, pursuant to Articles 8 and 13 of the Protocol
on the Statute of the Court of Justice of the European
Coal and Steel Community, Articles 7 and 8 of the
Protocol on the Statute of the Court of Justice of the
European Economic Community, and Articles 7 and 8
of the Protocol on the Statute of the Court of Justice
of the European Atomic Energy Community, an

Advocate-General should be appointed for the
remainder of the term of office of Mr G. Reischl;

Whereas, Mr G. Reischl's replacement will not be able
to take up the duties of Advocate-General before 11
January 1984,

HAVE DECIDED AS FOLLOWS:

Article 1

The following shall be appointed Advocate-General at
the Court of Justice until 6 October 1985 inclusive:

Mr Carl Otto LENZ

Article 2

This Decision shall take effect on 11 January 1984.

Done at Brussels, 29 November 1983.

The President

G. VARFIS

COMMISSION

COMMISSION DECISION

of 5 December 1983

relating to a proceeding under Article 85 of the EEC Treaty (IV/30.668 — Murat)

(Only the French text is authentic)

(83/610/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 Article 2 thereof,

Having regard to the application made by the notification on 1 June 1982 by the jewellery manufacturer, Murat SA, Viry-Chatillon, France, for negative clearance or, failing that, exemption of a proposed standard form agreement with the retailers of its products in a number of Community countries,

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

Having heard the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions,

WHEREAS:

I. THE FACTS

A. The undertaking

- (1) Murat is a public limited company with a registered office at Viry-Chatillon, France, whose shares are mainly held by non-corporate investors. Its main business is the manufacture of gold, silver and gold-plated jewellery, the latter chiefly rolled gold with a high gold content

which is applied by a process used by Murat since 1847. The company, which owns three factories in France employing about 450, is one of the biggest employers in the French jewellery industry, which despite a tendency towards concentration is still quite widely dispersed. In a secondary capacity Murat also distributes under its brand name jewellery and watches made by others.

- (2) Murat sells the biggest part of its products on the French market, which accounts for about 90 % of its annual turnover. Its share of that market varies according to the type of product concerned: 4 % for gold, 14 to 15 % for silver, 30 % for gold-plated (making it the market leader in this class) and 60 % for the rolled gold category of gold-plated. Within the EEC Murat exports mainly to Germany, Belgium and Luxembourg, but its market share in these countries is quite small. In a small way it has also quite recently entered the United Kingdom, Irish and Dutch markets, and occasionally sells to Italy and Greece as well. Its exports to non-EEC countries — Switzerland and latterly also Austria, Spain and countries outside Europe — are fairly insignificant.

- (3) To promote sales of its brand both inside and outside the common market, Murat has built up a distribution system which operates as follows: the method of supplying retailers varies depending on the country. In France and Germany retailers are supplied by Murat representatives direct.

In the Belgium-Luxembourg area its products are marketed to the retailers by an exclusive distributor bound to Murat by an exclusive distribution agreement, which was notified in 1963 and fulfils the conditions of the block

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 155, 14. 6. 1983, p. 2.

exemption granted for such agreements by Commission Regulations No 67/67/EEC ⁽¹⁾ and (EEC) No 1983/83 ⁽²⁾. Since less than two years there have also been exclusive distributors for the United Kingdom and Ireland, the Netherlands and the non-EEC countries Austria and Spain.

For the other continents Murat has two sales representatives who make annual sales tours to various countries.

- (4) The retailing of Murat products is handled by a network of around 7 000 retailers in France, 1 000 in Germany and 650 in Belgium and Luxembourg, and Murat is also planning to expand its network in the countries in which it has entered the market.

B. The notified agreement

- (5) The notified draft agreement is intended to serve as the standard form agreement governing relations between Murat and its retailers in all the countries in which it does business. It embodies the requirements currently applied by Murat in authorizing retailers to sell its products.
- (6) The requirements are as follows. The dealer must :
- carry on a business as a retail jeweller/watchmaker either from a shop or from a self-contained specialist department,
 - possess the necessary professional knowledge, evidence by either the certificate of a jewellery or watchmaking college or by at least four years' experience in the trade in either sales or repair work,
 - have premises used exclusively for trade in jewellery, clocks and watches, gold and silver plate, table ornaments and luxury gift articles.
- (7) Murat retailers further undertake :
- to order such quantities as both to cover their own requirements and match the quantities usually delivered by Murat, the minimum stocks taken on such occasions to

represent at least three months' sales of Murat brand products. This minimum order size is much lower than that customary in the trade. Retailers generally order two or three times a year, i.e. four to six months' supplies at a time,

- to keep stock under good conditions and to display the product to advantage,
- not to mix Murat products with others of similar appearance but different quality,
- to use the promotional aids and advertising material supplied by Murat for displaying Murat products in their shops,
- when asked to repair Murat brand jewellery, either to carry out such repair work themselves or have it done by others whose workmanship they can control or, where the work is such that there is a danger of damaging the article, to return the products to Murat's after-sales service department.

- (8) Murat undertakes in return :

- to do its best to fulfil either direct or through its exclusive distributors orders placed by authorized retailers,
- to supply or permit to be supplied only retailers who meet the requirements of the agreement,
- to place its full technical, commercial and promotional expertise at dealers' disposal to help them boost their sales,
- to mount nation-wide advertising campaigns and allow retailers to use this advertising at local level with posters, shields, display stands and small catalogues,
- to honour its warranty and devote the utmost care to any product of its manufacture returned for repair or alteration.

- (9) The notified standard form agreement contains no provisions on price fixing. Retailers are free to set their own prices. Some of the annual catalogues which Murat publishes for jewellery retailers to distribute contain recommended prices. Such prices are not in any way binding and quite large differences can in fact be found in the prices charged even by retailers quite close together.

The agreement has a one-year term, which is renewable by tacit agreement. It may be terminated for breaches of the retailer's obligations.

⁽¹⁾ OJ No 57, 25. 3. 1967, p. 849/67.

⁽²⁾ OJ No L 173, 30. 6. 1983, p. 1.

- (10) The notified standard form agreement originally contained a clause which Murat has since amended in response to observations made by the Commission. The clause forbade authorized retailers to 'sell Murat products outside the usual distribution channels to unauthorized dealers'. Murat have now limited the prohibition to the sale of Murat products 'outside the usual distribution channels to any dealer not meeting the general requirements covered in the criteria of professional competence', i.e. criteria set out in paragraph 6.
- (11) The Commission has received no observations from third parties following publication of the notice required by Article 19 (3) of Regulation No 17.

II. LEGAL ASSESSMENT

- (12) The notified standard form agreement governing the relations between Murat and its retailers embodies the terms of the selective distribution system set up by Murat at the retail level and is an agreement between undertakings within the meaning of Article 85 of the Treaty.
- (13) As has been established in cases before the Court of Justice, agreements concerned with selective distribution systems are not caught by Article 85 (1) of the Treaty when the dealers in question are selected on objective, qualitative criteria related to the capacity of the dealer, his staff and premises and bearing in mind the genuine requirements of distribution of the products, and provided that such criteria are laid down in a uniform manner for all prospective dealers and applied in a non-discriminatory fashion.
- (14) In the present case, the requirements Murat has laid down for admission to the authorized retailer network are purely of a general, technical and professional nature. The requirements, concerning the retailer's standard of professional training and technical knowledge and the intended purpose and appearance of his premises (see paragraph 6 above) are such as, in general, to exclude from the distribution system only traders who would be unable to sell articles of jewellery under conditions that were satisfactory for the consumers or who would be unable to supply services ancillary to distribution. Satisfactory conditions for the sale of high-quality gold, silver and high-gold-content gold-plated jewellery are afforded only by specialist shops which have trained staff and adequate storage and display facilities. Retailers must also be capable of undertaking warranty obligations and providing after-sales service, either themselves or through third parties.
- (15) Nor are the other obligations imposed on retailers caught by Article 85 (1) of the Treaty. The obligation to use the promotional aids supplied by Murat for displaying its products and not to mix Murat products with others of similar appearance but different quality do not restrict competition, but seek to enhance the presentation and brand image of Murat products and avoid confusion with other brands. They do not prevent Murat retailers from selling competing products. The obligation, to take at least three months' supplies each time the authorized retailer orders, is not in this case significantly restrictive from a competition point of view since this quantity is less than that customary in the trade (see first indent of paragraph 7 above).
- (16) The obligations undertaken by Murat, in particular to supply or permit to be supplied only retailers who meet the specified requirements, represent a normal consideration for the commitments accepted by retailers and are in accordance with the Community competition rules.
- (17) Since the notified standard form agreement does not contain any obligation having as its object or effect the prevention, restriction or distortion of competition within the common market or liable to affect trade between the Member States, there are no grounds, on the basis of the facts in the Commission's possession, for action on its part under Article 85 (1) of the Treaty. The Commission can therefore give the agreement negative clearance under Article 2 of Regulation No 17.

These requirements are laid down uniformly for all potential retailers. Furthermore, retailers meeting the requirements are not subject to approval in all cases by Murat before being supplied with its products (see paragraph 10 above) so that the system does not lend itself to a discriminatory application.

HAS ADOPTED THIS DECISION:

Article 2

This Decision is addressed to Murat SA, Viry-Chatillon, France.

Article 1

The Commission hereby finds that, on the basis of the facts in its possession, there are no grounds under Article 85 (1) of the EEC Treaty for action on its part in respect of the standard form distribution agreement between Murat and its retailers.

Done at Brussels, 5 December 1983.

For the Commission

Franz ANDRIESEN

Member of the Commission

THE COMMUNITY SCALE FOR THE CLASSIFICATION OF CARCASSES OF ADULT BOVINE ANIMALS

Illustrated leaflet

The leaflet 'The Community scale for the classification of carcasses of adult bovine animals' was prepared to illustrate the various conformation classes and fat-cover classes defined in the Annexes to Regulations (EEC) No 1208/81 and (EEC) No 2930/81.

The leaflet contains 20 photographs illustrating on the front the five conformation classes (photographs of the external surface and in profile) and on the back the five classes of fat cover (photographs of the internal and external surfaces), accompanied by the technical descriptions given in the Regulations referred to above. Except for conformation class E, where the photograph represents the lower range of the class, the illustrations correspond to the middle range of the conformation and fat-cover classes. The photographs have been chosen by a group of international experts particularly well qualified in the classification of carcasses of adult bovine animals.

This leaflet is above all a practical instrument for use mainly in the classification of carcasses in slaughterhouses. It is also an illustrated manual for those working in the meat trade. Finally, it can usefully be employed in technical colleges both in the training of meat technicians and for all those who might be concerned with some aspect of meat production or marketing in their future careers.

Published in: Danish, Dutch, English, French, German, Greek, Italian

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