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Information and Notices

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I

(Information)

COMMISSION

ECU ⁽¹⁾

11 August 1982

Currency amount for one unit:

Belgian and Luxembourg franc con.	45·1194	United States dollar	0·935892
Belgian and Luxembourg franc fin.	47·6041	Swiss franc	2·01777
German mark	2·36313	Spanish peseta	106·804
Dutch guilder	2·60178	Swedish krona	5·82312
Pound sterling	0·551823	Norwegian krone	6·34254
Danish krone	8·21479	Canadian dollar	1·17370
French franc	6·57464	Portuguese escudo	81·0670
Italian lira	1317·74	Austrian schilling	16·6121
Irish pound	0·687145	Finnish markka	4·50351
Greek drachma	66·8321	Japanese yen	246·654
		Australian dollar	0·956945
		New Zealand dollar	1·28680

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the EUA;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1).
Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).
Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).
Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Average prices and representative prices for table wines at the various marketing centres

(Established on 10 August 1982 for the application of Article 4 (1) of Regulation (EEC)
No 337/79)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Bastia	No quotation	Bordeaux	3·344
Béziers	No quotation	Nantes	No quotation
Montpellier	No quotation	Bari	2·327
Narbonne	No quotation	Cagliari	No quotation
Nîmes	No quotation	Chieti	2·289
Perpignan	No quotation	Ravenna (Lugo, Faenza)	2·347
Asti	2·804	Trapani (Alcamo)	2·056
Firenze	2·133	Treviso	No quotation
Lecce	No quotation	Athens	No quotation
Pescara	No quotation	Heraklion	No quotation
Reggio Emilia	2·327	Patras	No quotation
Treviso	No quotation	Representative price	2·403
Verona (for local wines)	2·521		
Heraklion	No quotation		
Patras	No quotation		
Representative price	2·442		
			ECU/hl
R II		A II	
Bastia	No quotation	Rheinfalz (Oberhaardt)	82·81
Brignoles	No quotation	Rheinhessen (Hügelland)	No quotation (*)
Bari	2·289	The wine-growing region of the Luxembourg Moselle	No quotation (*)
Barletta	No quotation	Representative price	82·81
Cagliari	No quotation		
Lecce	No quotation		
Taranto	No quotation		
Heraklion	No quotation	A III	
Patras	No quotation	Mosel-Rheingau	91·24
Representative price	2·289	The wine-growing region of the Luxembourg Moselle	No quotation (*)
		Representative price	91·24
	ECU/hl		
R III			
Rheinfalz-Rheinhessen (Hügelland)	No quotation		

(*) Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

Commission communications under Article 115 of the EEC Treaty

By Decision dated 10 August 1982 the Commission has authorized the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to women's, girls' and infants' woven and knitted dresses, falling within subheadings ex 60.05 A II and ex 61.02 B II of the Common Customs Tariff (category 26), originating in Hong Kong and in free circulation in the other Member States.

The said Decision is applicable from 4 August to 31 October 1982.

By Decision dated 10 August 1982 the Commission has authorized the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to men's and boys' underpants and briefs, women's, girls' and infants' (other than babies') knickers and briefs, falling within subheading ex 60.04 B IV of the Common Customs Tariff (category 13), originating in South Korea and in free circulation in the other Member States.

The said Decision is applicable from 28 July to 31 December 1982.

The Commission, by Decision of 10 August 1982 under Article 115 of the EEC Treaty, has rejected an application by the United Kingdom for authorization not to apply Community treatment to imports of products of category 2 falling within heading No 55.09 of the Common Customs Tariff, originating in Peru and in free circulation in the other Member States.

COURT OF JUSTICE

JUDGMENT OF THE COURT

(Third Chamber)

of 15 July 1982

in Case 270/81 (reference for a preliminary ruling made by the Finanzgericht Hamburg): Felicitas Rickmers-Linie KG & Co. v. Finanzamt für Verkehrssteuern Hamburg ⁽¹⁾

(Language of the Case: German)

(Provisional translation; the definitive translation will be published in the Reports of Cases Before the Court)

In Case 270/81: reference to the Court under Article 177 of the EEC Treaty by the Finanzgericht [Finance Court] Hamburg for a preliminary ruling in the proceedings pending before that court between Felicitas Rickmers-Linie KG & Co. and Finanzamt für Verkehrssteuern [Tax Office for Transfer Duty], Hamburg, — on the interpretation of Article 5 (2) of Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital (Official Journal, English Special Edition 1969 (II), p. 412) — the Court (Third Chamber), composed of A. Touffait, President, Lord Mackenzie Stuart and U. Everling, Judges; Sir Gordon Slynn, Advocate General; H. A. Rühl, Principal Administrator, acting as Registrar, gave a judgment on 15 July 1982, the operative part of which is as follows:

1. *The shares in a company have a nominal amount within the meaning of Article 5 (2) of Directive 69/335/EEC when the legal structure of the type of company to which the company concerned belongs includes amounts fixed in cash, intended to quantify the value of the members' contribution to the raising of capital in that company and to characterize with some certainty the relations between the members and the company.*
2. *It is for the national court, taking into account the criteria for interpretation laid down by the Court of Justice, to carry out the necessary examination both of the applicable national provisions and of the provisions of the company's statutes in order to establish whether that is the case.*

⁽¹⁾ OJ No C 276, 28. 10. 1981.

JUDGMENT OF THE COURT

of 15 July 1982

in Case 40/82: Commission of the European Communities, intervener: French Republic, v. United Kingdom of Great Britain and Northern Ireland, intervener: Ireland ⁽¹⁾

(Language of the Case: English)

In case 40/82: Commission of the European Communities, represented by Richard Wainwright,

acting as Agent, assisted by Peter Oliver, intervener: French Republic, represented by Gilbert Guillaume, acting as Agent, and by Alexandre Carnelutti, acting as Assistant Agent, v. United Kingdom of Great Britain and Northern Ireland, represented by Sir Ian Percival, QC, Solicitor General, Peter Scott, QC, and Peter Landon-Davies, Barrister, and Mrs G. Dagtoglou as Agent, intervener: Ireland, represented by Louis J. Dockery, acting as Agent — application for a declaration that, by imposing restrictions on imports of poultrymeat, eggs and egg products, the United Kingdom has failed to fulfil its obligations under Article 30 of the EEC Treaty — the Court, composed of J. Mertens de Wilmars, President, G. Bosco, A. Touffait and O. Due (Presidents of Chambers), P. Pescatore, Lord Mackenzie Stuart, A. O'Keefe, T. Koopmans, U. Everling, A. Chloros and F. Grévisse, Judges; F. Capotorti, Advocate-General; J. A. Pompe, Deputy Registrar, gave a judgment on 15 July 1982, the operative part of which is as follows:

1. *Declares that by applying measures which had the effect of preventing imports of fresh and refrigerated poultry products, including eggs (not intended for hatching) and egg products other than heat-treated egg products, into England, Wales and Scotland from any Member State other than Ireland and Denmark, the United Kingdom has failed to fulfil its obligations under the Treaty.*
2. *Reserves its judgment on the other issues involved in the present case and invites the Commission to lodge its reply on these issues, within a period to be fixed by the President of the Court;*
3. *Reserves the costs.*

⁽¹⁾ OJ No C 56, 4. 3. 1982.

Action brought on 19 July 1982 by British Sugar plc against Commission of the European Communities (Case 180/82)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 19 July 1982 by British Sugar plc, having its registered office at Oundle Road, Peterborough, represented by Mr Samuel A. Stamler, of the Middle Temple, Queen's Counsel, Mr Francis Jacobs, of the Middle Temple, barrister and Mr Mark Barnes, of Lincoln's Inn, barrister, instructed by Mr John Part of Messrs Freshfields, London, with an address for service in

Luxembourg at the chambers of Mr Ernest Arendt, Centre Louvigny, rue Philippe II.

The applicant requests the Court to:

- (a) annul the refusal of the Commission to take interim measures; alternatively,
- (b) to declare that the Commission's failure to take interim measures, alternatively its failure to address to the applicant a decision refusing them is a breach of the Treaty; and in any event,
- (c) to order the Commission to pay the costs.

Contentions and main arguments:

The application is directed against an announcement of the Commission of 16 July 1982 saying:

'In the light of the further arguments submitted by British Sugar and third parties, the Commissioner for Competition, for the purpose of establishing whether or not a merger between Berisford and British Sugar constitutes an infringement of Article 86 of the EEC Treaty, has decided to open formal proceedings under Article 3 of Regulation No 17.

Furthermore, as the Commissioner for Competition has no reason to doubt the effectiveness of a possible prohibition of the merger at a later stage and a possible order to divest, he has decided not to propose interim measures to the Commission.'

The applicant contends that the market with which this case is concerned is an organic growth, the nature of which must inevitably change once basic trading patterns are radically disturbed and active steps taken to integrate two dominant organizations in it. Divestiture cannot reverse such changes. The Commission clearly failed to give any, or any adequate weight to the grave risk that this might be so, and gave no opportunity to British Sugar to address itself to this point which the Commission came to regard as decisive. Furthermore, there is no authority as to the circumstances in which the Commission should order divestiture or the Court would confirm such an order. In refusing interim relief and relying on its powers to secure divestiture the Commission has wrongly assessed the 'balance of convenience'.

II

(Preparatory Acts)

COMMISSION

Proposal for a

- I. Directive amending Directive 75/268/EEC on mountain and hill farming and farming in certain less-favoured areas**
- II. Council Regulation amending Regulation (EEC) No 355/77 on common measures to improve the conditions under which agricultural products are processed and marketed**

(Submitted by the Commission to the Council 1982)

I

Proposal for a Directive amending Directive 75/268/EEC on mountain and hill farming and farming in certain less-favoured areas

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the regions of Greece the minimum of three hectares for the utilized agricultural area of farms qualifying for the compensatory allowance provided for in Title II of Council Directive 75/268/EEC⁽¹⁾, as last amended by Directive 80/666/EEC⁽²⁾, is too high in view of the large number of very small holdings; whereas the minimum should be reduced to two hectares;

Whereas in the less-favoured agricultural areas of the regions of Greece within the meaning of Directive 75/268/EEC the rate of reimbursement of 25 % of eligible expenditure in respect of incentives for farmers who submit a development plan, provided for in Article 15 of the Directive, does not appear sufficient for effective application of the measures for the modernization of farms provided for in Council Directive 72/159/EEC⁽³⁾; whereas the rate should therefore be fixed at 50 %;

Whereas the measures provided for in Article 11 of Directive 75/268/EEC are of particular importance in the regions of Greece; whereas the rate of reimbursement of relevant expenditure does not

appear sufficient to permit application of those measures; whereas the rate of reimbursement should therefore be fixed at 50 % and the maximum Community contribution at 48 358 ECU per joint investment scheme and 242 ECU per hectare of pasture or mountain grazing land improved or provided with equipment;

Whereas in Greece the rate of reimbursement of 25 % of eligible expenditure in respect of the compensatory allowance, provided for in Article 15 of Directive 75/268/EEC, does not appear sufficient to permit effective application of that measure; whereas the rate should therefore be fixed at 50 %,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 75/268/EEC is hereby amended as follows:

1. The second subparagraph of Article 6 (1) is replaced by the following:
'However, in the Mezzogiorno, including the islands, in the overseas departments and in the regions of Greece the minimum utilized agricultural area per holding shall be two hectares.'
2. The last subparagraph of Article 7 (1) (a) is replaced by the following:
'The foregoing two subparagraphs do not apply in the hill areas of Italy and Greece which form part of the areas referred to in Article 3 (4) and (5).'
3. The second subparagraph of Article 15 (1) is replaced by the following:

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 180, 14. 7. 1980, p. 34.

⁽³⁾ OJ No L 96, 23. 4. 1972, p. 1.

'In the Mezzogiorno, including the islands, in the western region of Ireland and in the regions of Greece the rate of reimbursement for expenditure incurred in respect of measures taken under Articles 8 (2) and 10 of Directive 72/159/EEC, as supplemented by Article 9 of this Directive, shall be 50 %.

In the Mezzogiorno, including the islands and in the regions of Greece, the rate of reimbursement for expenditure in respect of measures taken under Article 11 shall be 50 %.'

4. The second subparagraph of Article 15 (2) is replaced by the following:

'In the Mezzogiorno, including the islands, and in the regions of Greece the Community contribution to eligible expenditure in respect of the aid provided for in Article 11 may not exceed 48 358

ECU per joint investment scheme and 242 ECU per hectare of pasture or mountain grazing land improved or provided with equipment.'

5. The second subparagraph of Article 15 (3) is replaced by the following:

'In Italy, Ireland and the regions of Greece the rate of reimbursement shall be 50 %.'

Article 2

The amendments provided for in Article 1 (1) shall take effect from 1 January 1982.

Article 3

This Directive is addressed to the Member States.

II

Proposal for a Council Regulation amending Regulation (EEC) No 355/77 on common measures to improve the conditions under which agricultural products are processed and marketed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the marketing and processing of agricultural products are inadequately developed and often inefficient in all areas of the Hellenic Republic, with the exception of Greater Athens; whereas the development of these activities and the improvement of the conditions under which they are carried on is of vital importance to the agricultural economy and indeed to the general economy of these regions, in which agriculture is a basic activity; whereas such an improvement would serve not only to increase and rationalize outlets for agriculture but would also play an important part in directing and adjusting agricultural production in line with market requirements; whereas it would thus facilitate attainment of the objectives of the other common measures peculiar to the regions under consideration;

Whereas, in particular on account of the slow development of the economy in general and the difficulties of a financial nature, economic measures relating to the processing and marketing of agricultural products can be stimulated in these regions of the Hellenic Republic only by a particularly intensive effort;

Whereas the conditions laid down in Council Regulation (EEC) No 355/77 ⁽¹⁾ amended by Regulation (EEC) No ... are determined by reference to the situation of agriculture in the regions;

Whereas the conditions at present laid down do not make it possible to overcome the serious obstacles encountered by any economic measures in these regions of the Hellenic Republic;

Whereas, therefore, the conditions laid down in the said Regulation should be adjusted in order to correspond more closely to the situation in these regions; whereas, in particular, the granting of greater amounts of aid and a higher rate of contribution by the European Agricultural Guidance and Guarantee Fund, Guidance Section, may provide adequate encouragement for economic activities in these regions,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 355/77 is hereby amended as follows:

1. The last sentence of Article 16 (3) is replaced by the following:

'The estimated cost for 1983 is 156 million ECU.'

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

2. Article 17a (1) (a) and (b) is replaced by the following:

'Article 17a

By way of derogation from Article 17 (2):

- (a) the financial contribution of the recipient must be at least:
- 25 % in the case of projects carried out in the Mezzogiorno and in all areas of the Hellenic Republic with the exception of Greater Athens,
 - 35 % in the case of projects carried out in Languedoc-Roussillon and projects concerning wine carried out in the departments of Vaucluse, Bouches-du-Rhône, Var, Ardèche and Drôme;

- (b) the aid granted by the Fund shall not exceed:

- 50 % for projects carried out in the Mezzogiorno and in all areas of the Hellenic Republic, with the exception of Greater Athens,
- 35 % for projects carried out in Languedoc-Roussillon and projects concerning wine carried out in the departments of Vaucluse, Bouches-du-Rhône, Var, Ardèche and Drôme.'

Article 2

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

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