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Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 266/82 of 4 February 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 267/82 of 4 February 1982 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 268/82 of 4 February 1982 fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products	5
Commission Regulation (EEC) No 269/82 of 4 February 1982 fixing the export refunds on malt	8
*Commission Regulation (EEC) No 270/82 of 4 February 1982 extending the promotional and publicity measures referred to in Regulation (EEC) No 723/78 in respect of milk and milk products	10
*Commission Regulation (EEC) No 271/82 of 4 February 1982 continuing the measures referred to in Regulation (EEC) No 723/78 on market research measures within the Community in respect of milk and milk products	14
*Commission Regulation (EEC) No 272/82 of 4 February 1982 continuing the measures referred to in Regulation (EEC) No 1271/78 on the improvement of the quality of milk within the Community	17
*Commission Regulation (EEC) No 273/82 of 4 February 1982 continuing the measures referred to in Regulation (EEC) No 1993/78 on technical assistance for the development of the use and consumption of milk products of Community origin outside the Community	21
*Commission Regulation (EEC) No 274/82 of 4 February 1982 amending Regulation (EEC) No 2518/70 as regards the list of representative wholesale markets or ports for fishery products	24

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 275/82 of 4 February 1982 altering the components used to calculate the differential amounts for colza and rape seed	28
Commission Regulation (EEC) No 276/82 of 4 February 1982 fixing the import levies on white sugar and raw sugar	31
Commission Regulation (EEC) No 277/82 of 4 February 1982 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	32
Commission Regulation (EEC) No 278/82 of 4 February 1982 fixing the export refunds on rice and broken rice	36

II *Acts whose publication is not obligatory*

Commission

82/57/EEC :

* Commission Directive of 17 December 1981 laying down certain provisions for implementing Council Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation	38
--	----

82/58/EEC :

* Commission Decision of 21 December 1981 establishing that the apparatus described as 'Unigon waterfall sonogram frequency analysis system, model BC-1' may not be imported free of Common Customs Tariff duties	47
---	----

82/59/EEC :

* Commission Decision of 21 December 1981 establishing that the apparatus described as 'Tracor gas chromatograph, model 560, with detector, model Hall 700A and hydrogen generator, model 15 EHG 2B4' may not be imported free of Common Customs Tariff duties	48
--	----

82/60/EEC :

* Commission Decision of 22 January 1982 amending Decision 81/987/EEC on health protection measures in respect of the Republic of Botswana	49
--	----

Corrigenda

* Corrigendum to 'Official Journal of the European Communities' No L 25 of 2 February 1982	50
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 266/82**of 4 February 1982****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 3808/81⁽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 2196/81⁽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 3 February 1982;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2196/81 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 5 February 1982.

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSA GER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 4 February 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	80.29
10.01 B II	Durum wheat	114.58 ⁽¹⁾ ⁽²⁾
10.02	Rye	38.70 ⁽⁶⁾
10.03	Barley	62.99
10.04	Oats	55.19
10.05 B	Maize, other than hybrid maize for sowing	94.89 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	92.29 ⁽⁴⁾
10.07 C	Grain sorghum	78.25 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	127.68
11.01 B	Rye flour	69.54
11.02 A I a)	Durum wheat groats and meal	192.13
11.02 A I b)	Common wheat groats and meal	136.27

⁽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 267/82

of 4 February 1982

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2197/81⁽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 3 February 1982;

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 5 February 1982.

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 4 February 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

<i>(ECU/tonne)</i>					
CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	17.34
10.02	Rye	0	0	0	4.86
10.03	Barley	0	3.37	3.38	1.94
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	3.87
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

<i>(ECU/tonne)</i>						
CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	6.00	6.02	3.45	3.45
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	4.48	4.50	2.58	2.58
11.07 B	Roasted malt	0	5.22	5.24	3.01	3.01

COMMISSION REGULATION (EEC) No 268/82

of 4 February 1982

fixing 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 3454/80⁽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 3549/81⁽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 3549/81, 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 3549/81, 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 3550/81⁽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 1 and 2 February 1982 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 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 356, 11. 12. 1981, 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 356, 11. 12. 1981, 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 5 February 1982.

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

<i>(ECU/100 kg)</i>	
CCT heading No	Non-member countries
15.07 A I a)	30.00 ⁽¹⁾
15.07 A I b)	30.00 ⁽¹⁾
15.07 A I c)	33.00 ⁽¹⁾
15.07 A II a)	32.50 ⁽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

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

COMMISSION REGULATION (EEC) No 269/82

of 4 February 1982

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1783/81⁽⁵⁾, defines the specific criteria to be taken into account

when the refund on these products is being calculated;

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

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

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

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

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

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 February 1982.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 176, 1. 7. 1981, p. 10.

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

Done at Brussels, 4 February 1982.

For the Commission
Poul DALSGER
Member of the Commission

ANNEX

to the Commission Regulation of 4 February 1982 fixing the export refunds on malt

	<i>(ECU / tonne)</i>
CCT heading No	Refund
11.07 A I b)	63.84
11.07 A II b)	55.49
11.07 B	66.32

COMMISSION REGULATION (EEC) No 270/82

of 4 February 1982

extending the promotional and publicity measures referred to in Regulation (EEC) No 723/78 in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 857/81⁽²⁾, and in particular Article 4 thereof,

Whereas the promotional and publicity measures first carried out pursuant to Commission Regulation (EEC) No 723/78⁽³⁾ and continued pursuant to Regulations (EEC) No 199/79⁽⁴⁾, (EEC) No 531/80⁽⁵⁾ and (EEC) No 326/81⁽⁶⁾ have proved an effective means of expanding the markets in milk products in the Community; whereas they should therefore be continued during the 1982/83 milk year;

Whereas the organizations representing the dairy sector in one or more Member States or in the Community should be invited again to propose detailed programmes which these organizations would themselves carry out;

Whereas the other rules can for the most part be drawn from the earlier Regulations, account being taken of relevant experience;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Publicity and promotional measures advocating human consumption of milk and milk products in the

Community shall be encouraged under the conditions laid down in this Regulation.

2. These measures shall be carried out during the period up to 31 March 1983. However, a longer time limit may be agreed in exceptional cases in accordance with Article 5 to ensure maximum effectiveness of the measure in question.

3. The time limit fixed in paragraph 2 shall not prevent subsequent agreement to an extension of that limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the Commission and proves that, due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated.

4. Where a contract as referred to in Article 5 is concluded later, measures carried out from 1 February 1982 shall, however, be eligible for the Community contribution.

Article 2

1. The publicity and promotional measures referred to in Article 1 (1):

- (a) shall be proposed by organizations representing the dairy sector in one or more Member States or in the Community;
- (b) shall be limited to the territory of the Member State or States whose dairy sector is represented by the organization concerned;
- (c) shall be carried out as far as possible by the organization which has made the proposal. In cases where this organization must use subcontractors, the proposal must contain a duly justified request for a derogation;
- (d) must:

— make use of the publicity media best suited to ensure maximum effectiveness for the measure undertaken,

— take account of the particular conditions obtaining with regard to the marketing and consumption of milk and milk products in the various regions of the Community,

— be of a general nature and not brand orientated,

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 17.

⁽³⁾ OJ No L 98, 11. 4. 1978, p. 5.

⁽⁴⁾ OJ No L 28, 2. 2. 1979, p. 10.

⁽⁵⁾ OJ No L 59, 4. 3. 1980, p. 18.

⁽⁶⁾ OJ No L 35, 7. 2. 1981, p. 11.

- promote Community milk products without references to their country or region of manufacture; however, this condition shall not apply to products, the manufacture of which is limited to a specified area of the Community,
- not replace similar measures but, where appropriate, widen them.

2. Community financing shall be limited to 90 % of expenditure incurred by a measure within the meaning of paragraph 1 if the organization in question has not previously financed such measures during the period 1 January 1975 to 31 December 1977.

Where a measure in existence before the last mentioned date is to be widened, Community financing shall be limited to 90 % of the amount in excess of the total average expenditure of the same kind by the organization in question during the period 1 January 1975 to 31 December 1977, irrespective of any change in the legal form of the said organization.

On application by the organization in question, the average annual expenditure during the reference period referred to above may be replaced by an annual flat-rate sum of 0.15 ECU multiplied by the number of inhabitants in the territory where the organization in question carries out its activities in accordance with its statutes.

3. For the purposes of applying paragraph 2, no account shall be taken of administrative expenditure incurred in carrying out these measures.

4. Community contribution to expenditure on the measures provided for in this Article shall be allocated equitably among the Member States, particular account being taken of their population and their production and consumption of milk and milk products.

Article 3

1. The parties specified in Article 2 (1) (a) shall be invited to transmit to the competent authority appointed by their Member State, hereinafter called 'the intervention agency', detailed proposals concerning the measures referred to in Article 1 (1).

Where the proposed measures are undertaken, wholly or in part, within the territory of one or more Member States other than that in which the organization in question has its head office, the said organization shall transmit a copy of its proposal to the intervention agencies of those other Member States.

2. Proposals must reach the intervention agency concerned before 1 March 1982. However, in justified

cases, a proposal may be submitted indicating that it will be completed before 1 April 1982 so as to comply with the conditions laid down in Article 4. Where the latter date is not complied with, the proposal shall be considered null and void.

3. Further details for submission of proposals shall be as set out in the notice from the intervention agencies published in the *Official Journal of the European Communities* (OJ No C 54, 13. 3. 1981, p. 7).

4. Within 20 working days of the expiry of the time limits laid down in paragraph 2, intervention agencies shall:

- (a) examine the proposals received and, where appropriate, any supporting documents, as regards both form and substance;
- (b) transmit them to the Commission, accompanied by their reasoned opinion.

Article 4

1. Complete proposals shall include:

- (a) the name and address of the party concerned;
- (b) all details concerning the measures proposed, indicating the time required for completion, the expected results and any third parties which may be involved;
- (c) the net price asked for these measures, including any taxes, expressed in the currency of the Member State in the territory of which the party concerned is established, giving an itemized breakdown of this amount and showing the corresponding financing plan;
- (d) the desired form of payment of the Community contribution (Article 7 (1) (a), (b) or (c));
- (e) the most recent report available on the party's activities.

2. A proposal shall be valid only where:

- (a) it is submitted by a party fulfilling the conditions laid down in Article 2 (1) (a);
- (b) it is accompanied by an undertaking to observe the provisions of this Regulation and those contained in the list of clauses and conditions referred to in Article 6.

Article 5

1. After examination of the proposals by the Management Committee for Milk and Milk Products pursuant to Article 31 of Regulation (EEC) No 804/68, the Commission shall conclude contracts for the measures referred to in Article 1 (1) with those parties whose proposals have been selected.

2. Prior to the conclusion of a contract, the party concerned may be requested to supply additional information and/or details concerning his proposal.

3. The intervention agency shall inform each applicant as soon as possible of the decision taken in respect of his proposal.

Article 6

1. On acceptance of a proposal in accordance with Article 5, a list of clauses and conditions shall be drawn up by the Commission in at least three copies and signed by the party concerned.

2. The list of clauses and conditions shall form an integral part of the contract referred to in Article 5 (1) and shall :

- (a) include the details referred to in Article 4 (1) or make reference to them ;
- (b) supplement these details, where necessary, by additional conditions arising from the application of Article 5 (2).

3. The Commission shall send a copy of the contract and of the list of clauses and conditions to the intervention agency responsible for ensuring the observance of the agreed conditions by means of on-the-spot checks.

Article 7

1. The intervention agency concerned shall pay to the party in question, in accordance with the choice made in the latter's proposal, either :

- (a) within six weeks of the date of signature of the contract and the list of clauses and conditions, a single payment on account amounting to 60 % of the agreed Community contribution ; or
- (b) at two-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract and the list of clauses and conditions ; or
- (c) within six weeks of the date of signature of the contract and the list of clauses and conditions, a single payment on account amounting to 80 % of the agreed Community contribution ; however, this form of payment may be stipulated only for measures which will be fully completed within a maximum of two months of the date of signature of the contract and list of clauses and conditions.

However, while a contract is being performed, the intervention agency may :

- defer payment of an instalment where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment with the Commission's prior agreement, where the party concerned shows that he must incur a substantial part of the expenditure at a date found to be significantly earlier than that laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each sum on account shall be subject to the condition that a security equal to the amount of the sum on account, plus 10 %, is lodged with the intervention agency.

3. Securities shall be released and the balance paid by the intervention agency when :

- (a) the intervention agency has confirmed that the party concerned has fulfilled its obligations as laid down in the list of clauses and conditions ;
- (b) the report referred to in Article 8 (1) has been transmitted to the Commission and to the intervention agency, and the details contained in this report have been verified by the intervention agency.

However, on reasoned request by the party concerned, the remainder can be released after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged ; and

- (c) the intervention agency has established that the party concerned, or any third party named in the contract, have spent their own contribution for the purposes laid down.

4. To the extent that the conditions set out in paragraph 3 are not fulfilled the securities shall be forfeit. In this event, the amount in question shall be deducted from the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

Each party responsible for one of the measures referred to in Article 1 (1) shall submit to the intervention agency concerned, within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the results of the measures in question, in particular concerning the evolution of the sales of milk and milk products.

The party responsible shall submit to the Commission, at the same time, the part of the report covering the results of the measures concerned.

Article 9

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

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 271/82

of 4 February 1982

continuing the measures referred to in Regulation (EEC) No 723/78 on market research measures within the Community in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 857/81⁽²⁾, and in particular Article 4 thereof,

Whereas the market research measures first carried out pursuant to Commission Regulation (EEC) No 723/78 of 10 April 1978 concerning promotional, publicity and market research measures within the Community in respect of milk and milk products⁽³⁾, and continued by Regulation (EEC) No 2935/79⁽⁴⁾, have proved an effective means of expanding the markets in milk products in the Community; whereas they should therefore be continued in the medium term;

Whereas the research institutes, organizations and private undertakings in the Community possessing the necessary qualifications and experience should be invited again to propose detailed research programmes which these organizations would themselves carry out;

Whereas, as regards the other arrangements, the provisions of the earlier Regulations, amended in the light of relevant experience, may be repeated;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Under the conditions laid down in this Regulation, encouragement shall be given to research work primarily of a technical nature, designed to expand the

markets for Community milk and milk products inside the Community.

Such work shall include the following:

- (a) research into new or improved products;
- (b) research into new or improved packagings to facilitate transport and storage of the products;
- (c) examination of the possibilities of increased use of liquid skimmed milk for animal feed;
- (d) where a special case is made, research aimed at improving the marketing of dairy products;
- (e) scientific examination of the nutritional aspects of the consumption of milk and its constituents.

2. The continuation of research work commenced under Regulation (EEC) No 2935/79 and covering the fields set out in paragraph 1 may be regarded as a measure within the meaning of paragraph 1.

3. The measures referred to in paragraph 1 shall be eligible only if they are begun after 31 March 1982; they shall be completed not later than 31 March 1984.

4. The time limit fixed in paragraph 2 shall not prevent subsequent agreement to an extension of that limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the Commission and proves that, due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated.

Article 2

1. The research work referred to in Article 1 shall be proposed and carried out by research institutes, bodies, organizations or undertakings which:

- (a) have the necessary qualifications and experience;
- (b) give suitable guarantees to ensure the satisfactory completion of the work.

2. Community financing shall be limited to 75 % of expenditure incurred in respect of the work referred to in paragraph 1.

Article 3

1. The parties specified in Article 2 (1) shall be invited to transmit to the competent authority appointed by their Member State, hereinafter called 'the intervention agency', detailed proposals concerning the measures referred to in Article 1.

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 17.

⁽³⁾ OJ No L 98, 11. 4. 1978, p. 5.

⁽⁴⁾ OJ No L 334, 18. 12. 1979, p. 13.

2. Proposals shall reach the intervention agency concerned before 1 April 1982.

3. Further details for submission of proposals shall be as set out in the notice from the intervention agencies published in the *Official Journal of the European Communities* (OJ No C 54, 13. 3. 1981, p. 7).

4. Within 20 working days of the expiry of the time limit laid down in paragraph 2, the intervention agency shall :

- (a) examine the proposals received and, where appropriate, any supporting documents, as regards both form and substance ;
- (b) transmit them to the Commission, accompanied by their reasoned opinion.

Article 4

1. Proposals shall include :

- (a) the name and address of the party concerned ;
- (b) any details concerning the research work proposed, indicating the time required for completion, the expected results and any third parties which may be involved ;
- (c) the net price asked for this work, expressed in the currency of the Member State on whose territory the party concerned is established, giving an itemized breakdown of this amount and showing the corresponding financing plan ;
- (d) the desired form of payment of the Community contribution (Article 7 (1) (a) or (b)) ;
- (e) the most recent report available on the party's activities.

2. Proposals shall be valid only where :

- (a) they are submitted by a party fulfilling the conditions laid down in Article 2 (1) ;
- (b) they are accompanied by an undertaking to observe the provisions of this Regulation and those contained in the list of clauses and conditions referred to in Article 6.

Article 5

1. After examination of the proposals by the Management Committee for Milk and Milk Products pursuant to Article 31 of Regulation (EEC) No 804/68, the Commission shall conclude contracts for the research work referred to in Article 1 (1) with those parties whose proposals have been selected.

Prior to the conclusion of a contract, the party concerned may be requested to supply additional information and/or details concerning its proposal.

2. The intervention shall inform each applicant as soon as possible of the decision taken in respect of its proposal.

Article 6

1. On acceptance of a proposal in accordance with Article 5, a list of terms and conditions shall be drawn up by the Commission in at least three copies and signed by the party concerned.

2. The list of clauses and conditions shall form an integral part of the contract referred to in Article 5 (1) and shall :

- (a) include the details referred to in Article 4 (1) or make reference to them ;
- (b) supplement these details, where necessary, by additional provisions resulting from the application of the second subparagraph of Article 5 (1).

3. The Commission shall send a copy of the contract and of the list of clauses and conditions to the intervention agency responsible for ensuring compliance with the agreed conditions by means of on-the-spot checks.

Article 7

1. The intervention agency concerned shall pay to the party in question, in accordance with the choice given in the latter's proposal, either :

- (a) within six weeks of the date of signature of the contract and the list of clauses and conditions, a single payment on account amounting to 60 % of the agreed Community contribution ; or
- (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract and the list of clauses and conditions.

However, while a contract is being performed, the intervention agency may :

- defer payment of an instalment where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment with the Commission's prior agreement where the party concerned shows that he must incur a substantial part of the expenditure at a date found to be significantly earlier than that laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each instalment shall be subject to lodging with the intervention agency a security equal to the amount of the instalment, plus 10 %.

Where a contract is concluded with a public institution, the lodging of security may be dispensed with, provided that there exists in some other form a guarantee equivalent to that referred to in paragraph 4, in the event of failure to comply with the conditions set out in paragraph 3.

3. The release of securities and payment of the balance by the intervention agency shall be subject to :

- (a) confirmation by the intervention agency that the party concerned has fulfilled its obligations as laid down in the list of clauses and conditions ;
 - (b) transmission to the Commission and to the intervention agency of the report referred to in Article 8 (1), and verification of the details contained in this report by the intervention agency. However, on reasoned request by the party concerned, the remainder can be released after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged ; and
 - (c) the intervention agency finding that the party concerned, or any third party named in the contract, have spent their own contribution for the purposes laid down.
4. To the extent that the conditions set out in paragraph 3 are not fulfilled, securities shall be forfeit. In

this event, the amount in question shall be deducted from the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for research work as referred to in Article 1 (1) shall submit to the intervention agency concerned, within the time limit and in accordance with the rules laid down in the contract and list of terms and conditions, and in any case before 1 July 1984, a detailed report on the utilization of the Community funds allocated and on the results of the measures in question and, in particular, concerning the evolution of the sales of milk and milk products.

At the same time the party responsible shall submit to the Commission the part of the report covering the results of the measures.

2. The results may only be published with the express authorization of the Commission.

Article 9

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

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSA GER

Member of the Commission

COMMISSION REGULATION (EEC) No 272/82

of 4 February 1982

continuing the measures referred to in Regulation (EEC) No 1271/78 on the improvement of the quality of milk within the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 857/81 ⁽²⁾, and in particular Article 4 thereof,

Whereas measures first carried out pursuant to Commission Regulation (EEC) No 1271/78 of 13 June 1978 concerning measures to improve the quality of milk within the Community ⁽³⁾, as last amended by Regulation (EEC) No 2341/78 ⁽⁴⁾, and pursued in accordance with Regulations (EEC) No 2936/79 ⁽⁵⁾ and (EEC) No 1079/81 ⁽⁶⁾, have proved an effective means of improving the quality of milk in the Community; whereas, in the interests of greater efficacy, the measures currently being carried out in Ireland and Italy should be reinforced and completed, and Greece taken into account;

Whereas the organizations, institutions, undertakings and producer groups possessing the necessary qualifications and experience should therefore be invited again to propose detailed programmes which these organizations would themselves carry out;

Whereas, as regards the other arrangements, the major portion of the provisions of earlier Regulations, as amended in the light of relevant experience, may be repeated;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Measures shall be taken, under the conditions laid down in this Regulation, to encourage :

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 17.

⁽³⁾ OJ No L 156, 14. 6. 1978, p. 39.

⁽⁴⁾ OJ No L 282, 7. 10. 1978, p. 11.

⁽⁵⁾ OJ No L 334, 28. 12. 1979, p. 16.

⁽⁶⁾ OJ No L 112, 24. 4. 1981, p. 15.

- (a) bacteriological analysis of raw milk ;
- (b) testing in relation to health aspects of raw milk ;
- (c) the testing of milking machines ;
- (d) the counselling of individual milk producers, directed in particular towards the obtaining of milk (cowshed hygiene, milking) and its treatment (cooling) ;
- (e) counselling on the collection (jointly operated equipment, collection points) and transport of raw milk (specifications, equipment and operation of milk tankers) ;
- (f) the training of qualified personnel, for :
 - disseminating technical information,
 - quality control ;
- (g) the setting up of cooperative milk collection centres, if necessary with refrigeration facilities.

In properly justified exceptional cases, aids may also be granted to single farms ;

- (h) in certain properly justified cases, the control of the composition of raw milk and equipment for the transportation of samples.

2. The measures referred to in paragraph 1 shall be eligible only if they are begun after 31 March 1982 ; they shall be completed not later than 31 March 1984.

3. The time limit fixed in paragraph 2 shall not prevent subsequent agreement to an extension of that limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the Commission and proves that due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated.

Article 2

1. Measures as referred to in Article 1 (1) shall be proposed and carried out by institutions, organizations, undertakings or producer groups which :

- (a) have the necessary qualifications and experience ;
- (b) give guarantees that they are capable of ensuring the satisfactory completion of the work.

Proposals by individual firms will be considered only where they are particularly justified and where they would not prejudice the operations of regional organizations specializing in the field.

2. Community financing shall be limited to 90 % of expenditure incurred by the measures concerned.

3. In the case of the measures referred to in Article 1 (1) (a), (b) and (h), account shall be taken for purposes of Community financing only of the first fitting-out of laboratories with :

- equipment (which may include incubators) for examining the bacteriological content of milk,
- equipment for detecting antibiotics, cell content, inhibitory substances and impurities in raw milk,
- equipment for detecting mastitis in raw milk.

In certain properly justified cases :

- equipment for taking samples, transporting, sorting, preserving and preparing the samples,
- equipment for examining the fat, protein and lactose content of the milk, including any combined data-processing equipment, but excluding software.

The technical first fitting-out of already existing laboratories with improved, more economic, equipment shall be regarded as a measure referred to in Article 1 (1) (a), (b) and (h).

Such equipment shall be financed only where its technical capacity will be effectively utilized.

4. In the case of proposals submitted by undertakings buying milk or organizations representing such undertakings, Community participation shall, moreover, be subject to the giving by the applicant of an undertaking to introduce, in his area of operation, within the period fixed in the contract for the completion of the measures accepted, a system whereby payment for milk is varied according to its bacteriological quality.

Article 3

1. Those concerned are hereby invited to submit not later than 1 March 1982 to the competent authority appointed by their Member State, hereinafter called 'the intervention agency', complete detailed proposals concerning the measures referred to in Article 1 (1).

However, in properly justified cases, a proposal may be submitted indicating that it will be supplemented before 1 June 1982 so as to comply with the conditions laid down in Article 4. Where the latter date is

not complied with, the proposal shall be considered null and void.

2. The intervention agencies shall lay down further detailed rules for the submission of proposals in a notice which shall be published in the *Official Journal of the European Communities*.

3. Within 20 working days after expiry of the period specified in paragraph 1, the intervention agency shall :

- (a) examine the proposals received and, where appropriate, any supporting documents, as regards both form and substance ;
- (b) transit them to the Commission, accompanied by their reasoned opinion.

Article 4

1. Complete proposals shall include :

- (a) the name and address of the applicant ;
- (b) all details concerning the measures proposed, including the time required for completion, the expected results and details of any third parties to be involved ;
- (c) the total cost of these measures, expressed in the currency of the Member State on whose territory the applicant is established, giving an itemized breakdown of this amount and setting out the sources of finance ;
- (d) the desired form of payment of the Community contribution (Article 7 (1) (a) or (b)) ;
- (e) the most recent report available on the applicant's activities.

2. Proposals shall be valid only where :

- (a) they are submitted by an applicant fulfilling the conditions laid down in Article 2 (1) ;
- (b) they are accompanied by an undertaking that the applicant will comply with the provisions of this Regulation, and in particular with the obligations under Article 2 (4), and with the list of clauses and conditions referred to in Article 6.

Article 5

1. After examination of the proposals by the Management Committee for Milk and Milk Products pursuant to Article 31 of Regulation (EEC) No 804/68 and taking into account the importance of the proposed measures for milk production in the area concerned, the Commission shall conclude contracts for the measures referred to in Article 1 (1) with those applicants whose proposals have been selected.

Prior to the conclusion of a contract, an applicant may be requested to supply additional information and/or details concerning its proposal.

2. The intervention agency shall inform each applicant as soon as possible of the decision taken in respect of its proposal.

Article 6

1. On acceptance of a proposal in accordance with Article 5, a list of clauses and conditions shall be drawn up by the Commission in at least three copies and signed by the party concerned.

2. The list of terms and conditions shall form an integral part of the contract referred to in Article 5 (1) and shall :

- (a) include the details referred to in Article 4 (1) or make reference to them ; and
- (b) supplement these details, where necessary, by additional provisions resulting from the application of the second subparagraph of Article 5 (1).

3. The Commission shall send a copy of the contract and of the list of clauses and conditions to the intervention agency responsible for ensuring compliance with the agreed conditions by means of on-the-spot checks.

Article 7

1. The intervention agency concerned shall pay to the party in question, in accordance with the choice indicated in the latter's proposal, either :

- (a) within six weeks of the date of signature of the contract and the list of clauses and conditions, a single payment on account amounting to 60 % of the agreed Community contribution ; or
- (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract and the list of clauses and conditions.

However, while a contract is being performed, the intervention agency may :

- defer payment of an instalment where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment with the Commission's prior agreement, where the party concerned shows that he must

incur a substantial part of the expenditure at a date found to be significantly earlier than that laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each instalment shall be conditional on the lodging with the intervention agency of a security equal to the amount of the instalments, plus 10 %.

3. The release of securities and payment of the balance by the intervention agency shall be subject to :

- (a) confirmation by the intervention agency that the party concerned has fulfilled its obligations as laid down in the list of clauses and conditions ;
- (b) transmission to the Commission and to the intervention agency of the report referred to in Article 8 and verification of the details contained in this report by the intervention agency.

However, on reasoned request by the party concerned, the remainder can be released after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged ; and

- (c) the intervention agency finding that the party concerned, or any third party named in the contract, have spent their own contribution for the purposes laid down.

4. In so far as the conditions set out in paragraph 3 are not fulfilled, the securities shall be forfeit. In this event, the amount in question shall be deducted from the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

Each party responsible for a measure as referred to in Article 1 (1) shall submit to the intervention agency concerned within three months after completion of the measures in question, and in any case before 1 July 1984, a detailed report on the utilization of the Community funds allocated and on the results of the measure.

At the same time the party responsible shall submit to the Commission the part of the report concerning the results of the measure.

Article 9

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

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 273/82

of 4 January 1982

continuing the measures referred to in Regulation (EEC) No 1993/78 on technical assistance for the development of the use and consumption of milk products of Community origin outside the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 857/81⁽²⁾, and in particular Article 4 thereof,

Whereas the technical assistance measures first carried out pursuant to Commission Regulation (EEC) No 1993/78 of 18 August 1978 concerning measures to develop the use and consumption of milk products of Community origin outside the Community through technical and/or commercial assistance⁽³⁾, and continued pursuant to Regulation (EEC) No 2937/79⁽⁴⁾, have proved an effective means of expanding the markets in milk products outside the Community; whereas they should therefore be continued in the medium term;

Whereas the organizations or undertakings possessing the necessary qualifications and experience should therefore be invited again to propose detailed programmes which these organizations would themselves carry out;

Whereas, as regards the other arrangements, most of the provisions of previous Regulations may be repeated, taking into account relevant experience gained;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Under the terms of this Regulation, encouragement shall be given to measures to develop and

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 16.

⁽³⁾ OJ No L 230, 22. 8. 1978, p. 8.

⁽⁴⁾ OJ No L 334, 18. 12. 1979, p. 13.

improve the use and consumption of milk and milk products of Community origin outside the Community through technical and/or commercial assistance in order to promote Community trade with the third countries concerned.

2. The measures referred to in paragraph 1 may only relate to technical assistance concerning the improvement of conditions for marketing, and consumer information and publicity in favour of milk products of Community origin, irrespective of the form taken by the commercial operation.

3. The measures referred to in paragraph 1 may in no case concern the direct or indirect financing of investments (supplies of plant, deliveries of goods, remuneration of staff, etc.) upon the establishment of new factories or plants, or upon the extension or renovation of existing factories or plants used for the manufacture or processing of milk products.

However, if proof is furnished that such investments are made at the instigation of the authorities or of those concerned in the third country, the provision of the necessary know-how for this purpose may be regarded as a measure within the meaning of paragraph 1.

4. Measures liable to prejudice existing Community trade in milk products with the country concerned shall not be taken into consideration.

5. The measures referred to in the previous paragraphs shall be eligible only if they are begun after 31 March 1982; they shall be completed not later than 31 March 1984.

6. The time limit fixed in paragraph 5 shall not prevent subsequent agreement to an extension of that limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the Commission and proves that, due to exceptional circumstances beyond his control, he is unable to respect the deadline originally stipulated.

Article 2

1. Measures referred to in Article 1 (1) shall be proposed and carried out by Community-based organizations or undertakings which:

(a) have the necessary qualifications and experience for carrying out the proposed measures;

(b) give suitable guarantees :

- safeguarding the interests of existing Community trade with the country or countries concerned, and
- to the effect that they will not make direct or indirect financial investments within the meaning of the first subparagraph of Article 1 (3).

2. Community financing shall be limited to 75 % of expenditure incurred by the measures under Article 1 (2).

Article 3

1. The parties specified in Article 2 (1) shall be invited to transmit to the competent authority appointed by their Member State, hereinafter called 'the intervention agency', detailed proposals concerning the measures referred to in Article 1 (1).

2. The proposals shall reach the intervention agency concerned before 1 April 1982.

3. Further details for submission of proposals shall be as set out in the notice from the intervention agencies published in the *Official Journal of the European Communities* (OJ No C 54, 13. 3. 1981, p. 7).

4. Within 20 working days following expiry of the time limit laid down in paragraph 2, the intervention agency shall :

- (a) examine the proposals received and, where appropriate, any supporting documents, as regards both form and substance ;
- (b) transmit them to the Commission, accompanied by their reasoned opinion.

Article 4

1. Proposals shall include :

- (a) the name and address of the party concerned ;
- (b) all details concerning the measures proposed, indicating the time required for completion, the expected results and any third parties which may be involved ;
- (c) the net price asked for carrying out these measures, expressed in the currency of the Member State on whose territory the party concerned is established, giving an itemized breakdown of this amount and showing the corresponding financing plan ;
- (d) the desired form of payment of the Community contribution (Article 7 (1) (a) or (b)) ;
- (e) the most recent report available on the party's activities.

2. Proposals shall be valid only where :

- (a) they are submitted by a party fulfilling the conditions laid down in Article 2 (1) ;
- (b) they are accompanied by an undertaking to comply with the provisions of this Regulation and the list of clauses and conditions referred to in Article 6.

Article 5

1. After examination of the proposals by the Management Committee for Milk and Milk Products pursuant to Article 31 of Regulation (EEC) No 804/68, the Commission shall conclude contracts in respect of the measures referred to in Article 1 (1) with those parties whose proposals have been selected.

Prior to the conclusion of a contract, the party concerned may be requested to supply additional information and/or details concerning its proposal.

2. The intervention agency shall inform each party concerned as soon as possible of the decision taken in respect of its proposal.

Article 6

1. On acceptance of a proposal in accordance with Article 5, a list of clauses and conditions shall be drawn up by the Commission in at least three copies and signed by the party concerned.

2. The list of clauses and conditions shall form an integral part of the contract referred to in Article 5 (1) and shall :

- (a) include the details specified in Article 4 (1) or make reference to them ; and
- (b) supplement these details, where necessary, by additional conditions arising from the application of the second subparagraph of Article 5 (1).

3. The Commission shall forward a copy of the contract and of the list of terms and conditions to the intervention agency responsible for ensuring compliance with the agreed conditions by means of on-the-spot checks within the Community.

Article 7

1. The intervention agency concerned shall pay to the party in question, in accordance with the choice expressed in its proposal, either :

- (a) within six weeks of the date of signature of the contract and the list of terms and conditions, a single payment on account amounting to 60 % of the agreed Community contribution ; or

- (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract and the list of clauses and conditions.

However, while a contract is being performed, the intervention agency may :

- defer payment of an instalment where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment with the Commission's prior agreement,

where the party concerned shows that he must incur a substantial part of the expenditure at a date found to be significantly earlier than that laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each instalment shall be subject to the lodging with the intervention agency of a security equal to the amount of the instalment, plus 10 %.
3. The release of securities and payments of the balance by the intervention agency shall be subject to :
 - (a) confirmation by the intervention agency that the party concerned has fulfilled its obligations as laid down in the contract and list of terms and conditions ;
 - (b) transmission to the Commission and to the intervention agency of the report referred to in Article 8 (1), and verification of the details contained in this report by the intervention agency.

However, on properly justified request by the interested party, the remainder can be released after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged ; and

- (c) the intervention agency establishing that the party concerned, or any third party named in the contract, have spent their own contribution for the purposes laid down.

4. To the extent that the conditions set out in paragraph 3 are not fulfilled, securities shall be forfeit. In this event, the amount in question shall be deducted from expenditure by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

Each party responsible for one of the measures referred to in Article 1 (1) shall submit to the intervention agency concerned, within three months after completion of the measure in question, and in any case before 1 July 1984, a report on the utilization of the Community funds allocated and on the results of the measure and in particular on the evolution of the sales of Community milk and milk products.

At the same time the party responsible shall submit to the Commission the part of the report concerning the results of the measure.

Article 9

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

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

Done at Brussels, 4 January 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 274/82
of 4 February 1982
amending Regulation (EEC) No 2518/70 as regards the list of representative
wholesale markets or ports for fishery products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 100/76
of 19 January 1976 on the common organization of
the market in fishery products ⁽¹⁾, as last amended by
Regulation (EEC) No 3443/80 ⁽²⁾, and in particular
Article 10 (3) thereof,

Whereas the wholesale markets or ports in Member
States to be considered as representative for a specific
product should be those where a significant proportion
thereof is marketed ;

Whereas the list of representative wholesale markets or
ports was laid down in Commission Regulation (EEC)
No 2518/70 of 10 December 1970 on price recording
and fixing the list of representative wholesale markets
or ports for fishery products ⁽³⁾, as last amended by
Regulation (EEC) No 3489/80 ⁽⁴⁾ ;

Whereas the trend recorded on Community markets
makes it necessary to add to the list of representative

wholesale markets and ports the port of Siccacca where
significant quantities of sardines and anchovies are
landed ; whereas, in respect of the landing of hake, the
port of Mallaig should be replaced by the port of Ayr ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to Regulation (EEC) No 2518/70 is hereby
replaced by the Annex to this Regulation.

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 January 1982.

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

Done at Brussels, 4 February 1982.

For the Commission
Giorgios CONTOGEORGIS
Member of the Commission

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 13.

⁽³⁾ OJ No L 271, 15. 12. 1970, p. 15.

⁽⁴⁾ OJ No L 365, 30. 12. 1980, p. 11.

ANNEX

REPRESENTATIVE WHOLESALE MARKETS AND PORTS FOR FISHERY PRODUCTS

I. Products listed in Annex I (A) to Regulation (EEC) No 100/76

1. Herrings	the combined markets of	Boulogne-sur-Mer
	the combined markets of	Bremerhaven/Cuxhaven
2. Sardines	the combined markets of	Dunmore East/Cobh
	the combined markets of	Hirtshals/Skagen
		Killybegs
		Lerwick
	the combined markets of	Mallaig/Oban/Ullapool/Stornoway
	the combined markets of	Scheveningen/IJmuiden
3. Redfish	the combined markets of	Ancona/Cesenatico
	the combined markets of	Chioggia/Porto Garibaldi
		Kavala
		La Turballe
		Marseille
		Patras
		Port-Vendres
		Saint-Guénolé
		Salerno
		Salonika
		Sciacca
4. Cod	the combined markets of	Sète
	the combined markets of	Trapani
5. Saithe	the combined markets of	Viareggio
	the combined markets of	Boulogne-sur-Mer
6. Haddock	the combined markets of	Bremerhaven/Cuxhaven
	the combined markets of	Ostende
	the combined markets of	Aberdeen/Peterhead
	the combined markets of	Boulogne-sur-Mer
	the combined markets of	Bremerhaven/Cuxhaven
	the combined markets of	Esbjerg/Thyborøn
5. Saithe	the combined markets of	Grimsby/Hull
	the combined markets of	IJmuiden
	the combined markets of	Ostende
	the combined markets of	Aberdeen
	the combined markets of	Boulogne-sur-Mer
6. Haddock	the combined markets of	Bremerhaven/Cuxhaven
	the combined markets of	Grimsby/Hull
	the combined markets of	Hirtshals/Skagen
	the combined markets of	IJmuiden
	the combined markets of	Lorient
	the combined markets of	Aberdeen/Peterhead
6. Haddock	the combined markets of	Boulogne-sur-Mer
	the combined markets of	Bremerhaven/Cuxhaven
	the combined markets of	Grimsby/Hull
	the combined markets of	Hanstholm/Thyborøn
	the combined markets of	IJmuiden
	the combined markets of	Killybegs
6. Haddock	the combined markets of	Lorient
	the combined markets of	Ostende
	the combined markets of	

7. Whiting	the combined markets of	Aberdeen/Peterhead Boulogne-sur-Mer IJmuiden Lorient
8. Mackerel		Boulogne-sur-Mer Concarneau Douarnenez Falmouth
	the combined markets of	Hirtshals/Skagen IJmuiden Killybegs
	the combined markets of	Mallaig/Ullapool Newlyn Piraeus Plymouth
9. Anchovies	the combined markets of	Ancona/Cesenatico
	the combined markets of	Chioggia/Porto Garibaldi Kavala Patras Piraeus Port-Vendres Pozzuoli Saint-Jean-de-Luz Salerno Salonika Sciacca Trapani Viareggio
10. Plaice	the combined markets of	Esbjerg/Thyborøn Lowestoft Hamburg IJmuiden Zeebrugge
11. Hake		Ayr La Rochelle Lorient
II. Products listed in Annex I (C) to Regulation (EEC) No 100/76		
Shrimps of the genus Crangon spp	the combined markets of	Cuxhaven/Dorum/Spieka/Wremen Den Oever Husum Zeebrugge
III. Products listed in Annex II to Regulation (EEC) No 100/76		
1. Sardines	the combined markets of the combined markets of	Concarneau/Douarnenez Bayonne/Saint-Jean-de-Luz Kavala Salonika
2. Sea-beam of the species <i>Dentex dentex</i> and <i>Pagellus</i>		Anzio Bari Piraeus San Benedetto del Tronto
3. Squid (<i>Loligo</i> spp)		Anzio Bari Piraeus San Benedetto del Tronto
4. Squid (<i>Ommastrephes sagittatus</i> , <i>Todarodes sagittatus</i> , <i>Illex</i> spp)		Anzio Bari Piraeus San Benedetto del Tronto

-
- | | |
|---|--|
| 5. Cuttlefish of the species
Sepia officinalis, Rossia
macrosoma, Sepiola rondeleti | Anzio
Bari
Piraeus
San Benedetto del Tronto |
| 6. Octopus | Anzio
Bari
Piraeus
San Benedetto del Tronto |

IV. Products listed in Annex III (A) of Regulation (EEC) No 100/76

- | | |
|----------------------|---|
| All species of tunny | Audierne
Cagliari
Camaret
Concarneau
Douarnenez
Saint-Jean-de-Luz
Trapani |
|----------------------|---|
-

COMMISSION REGULATION (EEC) No 275/82**of 4 February 1982****altering the components used to calculate the differential amounts for colza and rape 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 3454/80 ⁽²⁾,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 3398/81 ⁽⁴⁾;

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed ⁽⁵⁾, as last amended by Regulation (EEC) No 852/78 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973 ⁽⁷⁾, as last amended by Regulation (EEC) No 3476/80 ⁽⁸⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72; whereas the components used to calculate the differential

amounts were fixed by Regulation (EEC) No 2900/81 ⁽⁹⁾, as last amended by Regulation (EEC) No 188/82 ⁽¹⁰⁾; whereas, in the case of the pound sterling, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 for the period 27 January to 2 February 1982 has changed, by reference to the representative rate valid on 8 February 1982, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when fixing the components used to calculate the differential amounts for colza and rape seed where those components are already applied in respect of the Member States concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2900/81 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 8 February 1982.

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSAGER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 106, 29. 4. 1977, p. 27.

⁽⁴⁾ OJ No L 344, 30. 11. 1981, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁷⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁸⁾ OJ No L 363, 31. 12. 1980, p. 71.

⁽⁹⁾ OJ No L 287, 8. 10. 1981, p. 5.

⁽¹⁰⁾ OJ No L 20, 28. 1. 1982, p. 25.

ANNEX

	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)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.0929	— 0.0929	+	—
— harvested in Germany			—	—
— harvested in the Netherlands			—	0.0420
— harvested in the BLEU			—	0.0920
— harvested in France			—	0.1058
— harvested in Denmark			—	0.0920
— harvested in Ireland			—	0.0920
— harvested in the United Kingdom			0.0133	—
— harvested in Italy			—	0.1438 (a) 0.1222 (b)
2. Colza and rape seed, processed for oil production in the Netherlands or exported from that country :	+ 0.0531	— 0.0531	+	—
— harvested in Germany			0.0438	—
— harvested in the Netherlands			—	—
— harvested in the BLEU			—	0.0520
— harvested in France			—	0.0666
— harvested in Denmark			—	0.0520
— harvested in Ireland			—	0.0520
— harvested in the United Kingdom			0.0578	—
— harvested in Italy			—	0.1063 (a) 0.0837 (b)
3. Colza and rape seed, processed for oil production in the BLEU or exported from the BLEU :	Nil	Nil	+	—
— harvested in Germany			0.1013	—
— harvested in the Netherlands			0.0550	—
— harvested in the BLEU			—	—
— harvested in France			—	0.0152
— harvested in Denmark			—	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.1159	—
— harvested in Italy			—	0.0571 (a) 0.0333 (b)
4. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1013	—
— harvested in the Netherlands			0.0550	—
— harvested in the BLEU			—	—
— harvested in France			—	0.0152
— harvested in Denmark			—	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.1159	—
— harvested in Italy			—	0.0571 (a) 0.0333 (b)
5. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.0144	+ 0.0144	+	—
— harvested in Germany			0.1183	—
— harvested in the Netherlands			0.0713	—
— harvested in the BLEU			0.0155	—
— harvested in France			—	—
— harvested in Denmark			0.0155	—
— harvested in Ireland			0.0155	—
— harvested in the United Kingdom			0.1332	—
— harvested in Italy			—	0.0425 (a) 0.0187 (b)

	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)	
6. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	+ 0.1048	— 0.1048	+	—
— harvested in Germany			—	0.0131
— harvested in the Netherlands			—	0.0546
— harvested in the BLEU			—	0.1039
— harvested in France			—	0.1175
— harvested in Denmark			—	0.1039
— harvested in Ireland			—	0.1039
— harvested in the United Kingdom			—	—
— harvested in Italy			—	0.1551 (a) 0.1337 (b)
7. Colza and rape seed, processed for oil production in Ireland or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1013	—
— harvested in the Netherlands			0.0550	—
— harvested in the BLEU			—	—
— harvested in France			—	0.0152
— harvested in Denmark			—	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.1159	—
— harvested in Italy			—	0.0571 (a) 0.0333 (b)
8. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.0595 (a) — 0.0334 (b)	+ 0.0595 (a) + 0.0334 (b)	+	—
— harvested in Germany			0.1680 (a) 0.1392 (b)	—
— harvested in the Netherlands			0.1189 (a) 0.0913 (b)	—
— harvested in the BLEU			0.0606 (a) 0.0344 (b)	—
— harvested in France			0.0444 (a) 0.0190 (b)	—
— harvested in Denmark			0.0606 (a) 0.0344 (b)	—
— harvested in Ireland			0.0606 (a) 0.0344 (b)	—
— harvested in the United Kingdom			0.1835 (a) 0.1544 (b)	—
— harvested in Italy			—	—

(a) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and for putting under control or for export until 30 June 1982.

(b) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and for putting under control or for export from 1 July 1982.

COMMISSION REGULATION (EEC) No 276/82
of 4 February 1982
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 amended by Regulation (EEC) No 192/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1808/81⁽³⁾, as last amended by Regulation (EEC) No 265/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1808/81 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 5 February 1982.

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.
⁽³⁾ OJ No L 181, 2. 7. 1981, p. 24.
⁽⁴⁾ OJ No L 27, 4. 2. 1982, p. 21.

ANNEX

to the Commission Regulation of 4 February 1982 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar: flavoured or coloured sugar B. Raw sugar	26.19 19.52 ⁽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 277/82

of 4 February 1982

fixing the export refunds 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 Council Regulation (EEC) No 3808/81⁽²⁾,

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

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

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas

these quantities were fixed in Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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

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

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 the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 February 1982.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 4 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 4 February 1982 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

		<i>(ECU/tonne)</i>
CCT heading No	Description	Refund
10.01 A	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — the Iberian peninsula and Zone II b) — other third countries	48-00 61-00 15-00
10.01 B	Durum wheat for exports to : — Morocco, Tunisia and Zone V — other third countries	70-00 —
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — other third countries	10-00 25-00 0
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — the Iberian peninsula and Zone II b) — Japan — other third countries	27-00 32-00 — 15-00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10-00 —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour ⁽¹⁾ : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	85-00 80-50 74-85 69-25 64-00 57-50

(ECU/tonne)

CCT heading No	Description	Refund
ex 11.01 B	Rye flour ⁽¹⁾ :	
	— of an ash content of 0 to 700	35-00
	— of an ash content of 701 to 1 150	35-00
	— of an ash content of 1 151 to 1 600	35-00
	— of an ash content of 1 601 to 2 000	35-00
11.02 A I a)	Durum wheat groats and meal ⁽¹⁾ :	
	— of an ash content of 0 to 950	130-00
	— of an ash content of 951 to 1 300	130-00
	— of an ash content of 1 301 to 1 500	130-00
11.02 A I b)	Common wheat groats and meal ⁽¹⁾ :	
	— of an ash content of 0 to 520	85-00

⁽¹⁾ Destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1).

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

COMMISSION REGULATION (EEC) No 278/82**of 4 February 1982****fixing the export refunds on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by the Act of Accession of Greece ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

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

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 rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 February 1982.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 17 December 1981

**laying down certain provisions for implementing Council Directive 79/695/EEC
on the harmonization of procedures for the release of goods for free circulation**

(82/57/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 79/695/EEC of 24
July 1979 on the harmonization of procedures for the
release of goods for free circulation⁽¹⁾, and in parti-
cular Article 26 (1) thereof,

Whereas, in order to define clearly the obligations
which the person who completes an entry for release
for free circulation must fulfil pursuant to Article 3 of
Directive 79/695/EEC, it is necessary to specify the
particulars which the entry must contain and the
documents which must accompany the entry;

Whereas the specification of those particulars and the
production of those documents are, under Article 6 (1)
of the abovementioned Directive, prerequisites for the
acceptance of the entry; whereas Article 6 (2),
however, permits the customs authority, at the request
of the declarant and for reasons which that authority
deems valid, to waive that requirement and accept an
incomplete entry subject to certain conditions;
whereas it is necessary, therefore, to indicate the parti-
culars and documents which are in any event essential

for the acceptance of the entry and to specify the time
limits for completion of the entry;

Whereas the subsequent failure to produce particulars
or documents which were missing at the time when
the entry was accepted may affect the amount of the
import duties payable in respect of the goods in ques-
tion; whereas it is necessary, therefore, to lay down
precise rules to ensure that the Community regula-
tions are applied correctly and that any duties payable
in respect of the goods in question are paid;

Whereas, in order to ensure as far as possible the
correct application of import duties, it is necessary to
establish practical, uniform procedures for the prior
examination of goods and the taking of samples by the
person concerned; whereas similar provision must also
be made with regard to the examination of goods and
taking of samples by the competent authorities follo-
wing acceptance of the entry; whereas, in the latter
instance, provision must be made in particular for
appropriate measures to deal with any refusal on the
part of the declarant to be present at the examination
and taking of samples, at the request of the customs
authority, with a view to rectifying the suspended
operation;

Whereas it is necessary to lay down the measures to be
taken by the competent authorities in order to provide
for the situation of goods where these cannot be
released for free circulation for one of the reasons
specified in Article 15 (1) (b) or (c) of Directive
79/695/EEC;

⁽¹⁾ OJ No L 205, 13. 8. 1979, p. 19.

Whereas the provisions of this Directive shall apply without prejudice to Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States⁽¹⁾;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on General Customs Rules,

HAS ADOPTED THIS DIRECTIVE :

Article 1

This Directive lays down certain provisions for implementing Articles 3, 4, 6, 9 (1), (4) and (5), 10 (1), 13, 14 and 15 (1) of Directive 79/695/EEC, hereinafter referred to as 'the basic Directive'.

TITLE I

CONTENTS OF THE ENTRY FORM FOR RELEASE FOR FREE CIRCULATION

A. Particulars to be supplied

Article 2

1. The particulars referred to in Article 3 (1) of the basic Directive which must be contained in the entry shall be the following :

- (a) the declarant's name and address and, where he is acting on behalf of a third party, the legal conditions under which he does so where such information is necessary to determine the person liable for payment of any customs debt ;
- (b) where the declarant is not himself the consignee of the goods, the name and address of the said consignee ;
- (c) where goods have been entered for free circulation at a customs office subsequent to the lodging in respect of those goods of the summary declaration referred to in Article 3 of Directive 68/312/EEC of 30 July 1968 on harmonization of the provisions laid down by law, regulation or administrative action relating to : 1. customs treatment of goods entering the customs territory of the Community ; 2. temporary storage of such goods⁽²⁾, a reference to this summary declaration unless the customs

authority undertakes to enter this information itself ;

- (d) where the summary declaration referred to in (c) has not been lodged in respect of goods entered for free circulation :
 - which have not previously been entered under another customs procedure, the particulars for identifying the means of transport in which the goods reached the customs office,
 - which have previously been entered under another customs procedure, a reference to that procedure.
- (e) the number, kind, marks and serial numbers of packages containing the goods declared or, if the goods are not packed, the number of articles covered by the declaration or the words 'bulk', depending on the circumstances, and the particulars necessary to identify those unpacked goods ;
- (f) the location of the goods declared, where the customs authority considers this necessary ;
- (g) the Common Customs Tariff nomenclature heading or subheading of the goods and a description of the said goods in conformity with the terms of that nomenclature or in terms that are sufficiently precise to enable the customs authority to determine forthwith and unambiguously that they correspond to the tariff heading or subheading declared ;
- (h) in the case of goods liable to *ad valorem* duty, their customs value calculated in accordance with the Community provisions in force as well as, if necessary, the quantitative data needed in order to assess that value ;
- (i) in the case of goods liable to a specific duty, the quantity and any additional particulars that may be necessary for application of such duty ;
- (j) in the case of goods liable to *ad valorem* duty with a minimum or a maximum duty based on specific particulars, all the information referred to under (h) and (i) ;
- (k) the country of consignment of the goods within the meaning of Article 10 of Regulation (EEC) No 1736/75 and their country of origin within the meaning of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods⁽³⁾ or, in the case of goods for which preferential treatment has been requested by virtue of their origin, of the Community instruments or agreements providing for such preferential treatment ;

⁽¹⁾ OJ No L 183, 14. 7. 1975, p. 3.

⁽²⁾ OJ No L 194, 6. 8. 1968, p. 13.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 1.

- (l) the number, preceded by the letter(s) indicating the issuing Member State, and the date of issue of any import licence or advance-fixing certificate presented pursuant to the provisions applicable in respect of the common agricultural policy;
- (m) all other particulars needed for application of the rules governing the release for free circulation of the goods declared.

2. In addition to the particulars referred to in paragraph 1, the Member States may require that the following be included in the entry:

- (a) the name and address of the consignor of the goods;
- (b) the rate of import duty applicable to the goods declared;
- (c) for information purposes the amount of import duty, as calculated by the declarant.

3. Where a Member State does not apply the provisions contained in Article 17 (b) of the basic Directive and the goods in question qualify either for a flat rate system of imposing charges or for relief from import duty, the particulars referred to in paragraph 1 (g) may be indicated in simplified form.

In addition, where goods qualify for relief from import duty, the particulars referred to in paragraph 1 (h) (i), (j) and (k) shall not be required unless the customs authority considers it necessary in order to enable the provisions governing the release of the goods in question for free circulation to be applied.

B. Documents to accompany the entry

Article 3

1. The documents which, under Article 3 (2) of the basic Directive, must accompany the entry, shall be:

- (a) the invoice on the basis of which the customs value is declared, as required to comply with Commission Regulation (EEC) No 1496/80 of 11 June 1980 on the declaration of particulars relating to customs value and on documents to be furnished⁽¹⁾;
- (b) where it is required under Regulation (EEC) No 1496/80, the declaration of particulars for the assessment of the customs value of the goods

declared, drawn up in accordance with the conditions laid down in the said Regulation;

- (c) the documents required for the application of preferential tariff arrangements or other measures derogating from the general legal rules applicable to the goods declared;
- (d) all other documents required for the application of the provisions governing the release for free circulation of the goods declared.

2. The customs authority may, should it consider it necessary, require transport documents or, as the case may be, documents relating to the previous customs procedure to be produced when the entry form is lodged.

Where a single item is presented in two or more packages, the customs authority may also require the production of a packing list or equivalent document indicating the contents of each package.

3. Where a Member State does not apply the provisions contained in Article 17 (b) of the basic Directive and the goods in question qualify either for a flat-rate system of imposing charges or for relief from import duty, the documents referred to in paragraph 1 (b) and (c) may be dispensed with.

In addition, where goods qualify for relief from import duty, the documents referred to in paragraph 1 (a) shall not be required unless the customs authority considers it necessary in order to enable the provisions governing the release of the goods in question for free circulation to be applied.

4. The accompanying documents must be kept by the customs authority unless provided otherwise or unless the declarant requires them for other operations. In the latter case the customs authority shall take the necessary steps to ensure that the documents in question cannot subsequently be used except in respect of the quantity or value of goods for which they remain valid.

C. Examination of goods and taking of samples before lodging of the entry

Article 4

1. The examination of goods and the taking of samples referred to in Article 4 of the basic Directive may be carried out only by authorization of the customs authority. Such authorization shall be granted at the request of the person concerned.

⁽¹⁾ OJ No L 154, 21. 6. 1980, p. 16.

2. Examination of goods may be authorized at the oral request of the person concerned, unless the customs authority considers, having regard to the circumstances, that a written application is required.

The taking of samples may be authorized only at the written request of the person concerned.

3. A written request as referred to in paragraph 2 must be signed by the person concerned and lodged with the customs office concerned. It must include the following particulars :

- name and address of the applicant,
- the location of the goods,
- number of the summary declaration save where the customs authority undertakes to enter such information, or indication of the previous customs procedure, or the particulars for identifying the means of transport on which the goods are located,
- all other information necessary for identifying the goods.

The customs authority shall indicate its authorization on the request presented by the person concerned. Where the request is for the taking of samples, the said authority shall indicate the quantity of goods to be taken.

4. Prior examination of goods and the taking of samples shall be carried out under the supervision of the customs authority, which shall specify the procedures in each particular case.

The person concerned shall bear the risk and the cost of unpacking, weighing, repacking and any other operation involving the goods. He shall also pay any costs in connection with analysis.

5. Where the samples taken are not covered in due course by the entry for release for free circulation in respect of the goods to which they relate, the import duties to which they may be liable shall be calculated on the basis of the particulars given in the written request referred to in paragraph 2 at the rate applicable at the date on which the request was accepted.

D. Incomplete entries

Article 5

Entries which the customs authority may, pursuant to Article 6 (2) of the basic Directive, accept without their

containing certain of the particulars referred to in Article 2 must contain at least the particulars referred to in Article 2 (1) (a), (c), (d) and (e) and :

- a description of the goods in terms that are sufficiently precise to enable the customs authority to determine forthwith and unambiguously the tariff heading or subheading concerned,
- where the goods are liable for *ad valorem* duties, their value for customs purposes, or, where it appears that the declarant is not in a position to declare this value, a provisional indication of value which is deemed acceptable by the customs authority, due account being taken in particular of the information available to the declarant,
- any further particulars deemed necessary by the customs authority in order to identify the goods, implement the provisions governing their release for free circulation and determine the amount of any security required before the goods may be released for free circulation.

Article 6

1. Entries which the customs authority may, pursuant to Article 6 (2) of the basic Directive, accept without their being accompanied by certain of the documents specified in Article 3 must be accompanied at least by those documents which must be produced before the goods declared can be released for free circulation.

2. By way of derogation from paragraph 1, an entry not accompanied by any of the documents required before the goods can be released for free circulation may be accepted once it is established, to the satisfaction of the customs authority, that :

- (a) the document concerned exists and is valid ;
- (b) it could not be annexed to the entry form for reasons beyond the declarant's control ;
- (c) any delay in accepting the entry would prevent the release of the goods for free circulation or make them liable to a higher rate of import duty.

Data relating to missing documents shall, in all cases, be indicated in the entry.

Article 7

1. Without prejudice to the Community provisions governing valuation for customs purposes, the period allowed by the customs authority to the declarant for the communication of particulars or production of documents not supplied at the time when the entry was accepted may not exceed one month from the date of such acceptance.

However, in the case of a document required for the application of a reduced or zero rate of import duty, where the customs authority has good reason to believe that the goods covered by the incomplete entry may qualify for such reduced or zero rate of duty, a further period may, at the declarant's request, be allowed for the production of the document in question. Such additional period may not exceed three months.

2. Where a reduced or zero rate of import duty is applicable to goods released for free circulation only within certain tariff quotas or ceilings, the importation may be charged within the authorized limits only when the document on which the granting of this reduced or zero rate is conditional is actually produced. The document must in any case be produced :

- before the date on which a Community measure re-establishes the levying of normal import duties where tariff ceilings are concerned,
- before the limits laid down have been reached where tariff quotas are concerned.

3. Subject to paragraphs 1 and 2, the document on whose presentation the granting of the reduced or zero rate of import duty is conditional may be produced after the expiry date of the period for which the reduced or zero rate was set in so far as the entry in respect of the goods in question was accepted before that date.

Article 8

1. The effect of the customs authority's acceptance of an incomplete declaration may not be such as to prevent or delay the grant of authorization to release the goods thus declared, unless other grounds exist for such action. Without prejudice to the provisions of Article 20, release shall take place in accordance with the conditions laid down in paragraphs 2 to 5 below.

2. Where the late production of a particular or of a supporting document missing at the time when an entry is accepted cannot affect the amount of import duties to which the goods covered by the said declaration are liable, the customs authority shall immediately enter in the accounts the sum payable, calculated in the usual manner.

3. Where, in implementation of the provisions of Article 5, the entry contains a provisional indication of value, the customs authority shall :

- enter forthwith in the accounts the amount of import duties determined on the basis of this indication,
- require, if necessary, the lodging of a security adequate to cover the difference between that amount and the amount to which the goods may ultimately be liable.

4. Where in circumstances other than those referred to in paragraph 3 the late production of a particular or of a supporting document missing at the time when an entry is accepted may affect the amount of import duties to which the goods covered by the said declaration are liable :

- (a) where late production of the missing particular or document may lead to the application of import duty at a reduced rate, the customs authority shall :
 - immediately enter in the accounts the import duties payable at the reduced rate,
 - require the lodging of a security covering the difference between that sum and the sum which would be payable were the import duties on the goods in question calculated at the normal rate ;
- (b) where the late production of the missing particular or document may lead to admission of the goods declared with total exemption from import duties, the customs authority shall require the lodging of a security covering the amount which could be payable were the duties charged at the normal rate.

5. Without prejudice to any subsequent amendments which may arise particularly as a result of the final determination of the customs value, Member States may provide for declarants to have the option of requesting the immediate entry in the accounts of the amount of duties to which the goods may ultimately be liable instead of lodging the security referred to in the second indent of paragraph 3 and in the second indent of paragraph 4 (a) and in paragraph 4 (b).

Article 9

If, at the expiry of the period referred to in Article 7, the declarant has not supplied the details necessary for the final determination of the goods' value, or has failed to provide the missing particulars or documents, the customs authority shall at once enter in the accounts as import duties to which the goods in question are subject the amount of the security provided in accordance with the provisions of the second indent of Article 8 (3) or of the second indent of Article 8 (4) (a) and Article 8 (4) (b).

TITLE II

VERIFICATION OF THE ENTRY FORM

A. Documentary verification

Article 10

Without prejudice to verification carried out before an entry is accepted, for the purpose of ascertaining whether it is acceptable, the customs authority may, where it considers this necessary, check the entry form and the documents accompanying it in order to ensure, in particular, that the information contained in the latter corresponds to that given in the entry.

B. Examination of the goods

Article 11

Where it decides to examine a part of the goods only, the customs authority shall inform the declarant or his representative which items it wishes to examine. The authority's choice shall be final.

The findings of such partial examination shall apply to all goods covered by the entry in question. However, the declarant may request a further examination should he consider that the findings of the partial examination are not valid for the remainder of the goods declared.

Article 12

1. Where the customs authority elects to examine goods it shall so inform the declarant or his representative.

2. The declarant or the person designated by him to be present at the examination of the goods shall provide the customs authority with the assistance required to facilitate its work. Should the customs authority consider the assistance given unsatisfactory, it may require the declarant to designate another person able to give the necessary assistance.

3. Where the declarant refuses to be present at the examination of the goods or to designate a person able to give the assistance which the customs authority considers necessary, the latter shall impose on the declarant a period in which to comply, unless it considers that such an examination may be dispensed with.

If, on expiry of the period laid down, the declarant has not complied with the requirements of the customs authority, the latter, for the purpose of applying Article 15 (1) (a) of the basic Directive, shall proceed with the examination of the goods, at the declarant's risk and expense, calling if necessary on the services of an expert or any other person designated in accordance with the provisions in force.

The findings made by the customs authority during the examination carried out under the conditions referred to in the preceding paragraph shall have the same validity as if the examination had been carried out in the presence of the declarant.

4. Instead of the measures laid down in paragraph 3, Member States may provide for the customs authority to have the option of invalidating the entry in cases where it is beyond doubt that the declarant's refusal to be present at the examination of the goods or to designate a person able to give the necessary assistance is not intended to prevent, nor in effect prevents, that authority from finding that the rules governing the release of the goods for free circulation have been breached, and is not intended to evade, nor in effect evades, the provisions of Article 8 (2) or the second subparagraph of Article 11 (2) of the basic Directive.

C. Taking of samples

Article 13

1. Where the customs authority decides to take samples, it shall so inform the declarant or his representative.

Should it consider this desirable, the customs authority may require the declarant to be present at the taking of samples, or to arrange to be represented by a person able to tender the authority the necessary assistance.

2. Samples shall be taken by the customs authority, which may, however, ask that this be done under its supervision by the declarant or a person designated by him.

Samples shall be taken in accordance with the methods laid down in the provisions in force.

3. The quantities taken as samples should not exceed what is needed for analysis or more detailed examination, including possible check analysis.

Article 14

1. The declarant or the person designated by him to be present at the taking of samples shall render to the customs authority all the assistance needed to facilitate the operation.

2. Where the declarant refuses to be present at the taking of samples or to designate a person to attend, or where he fails to render to the customs authority all the assistance needed to facilitate the operation, the provisions of Article 12 (3) and (4) shall apply.

Article 15

Where the customs authority takes samples for analysis or more detailed examination, it shall authorize the release of the goods in question without waiting for the results of the analysis or examination, unless there are other grounds for not doing so.

In this case, the provisions of Article 20 shall apply.

Article 16

For the purposes of assessing the amount of import duties to be applied to the goods declared, the quantities taken by the customs authority as samples shall not be deducted from the quantity declared.

Article 17

Unless destroyed by the analysis or more detailed examination, the samples taken shall be returned to the declarant at his request and expense once they no longer need to be kept by the customs authority, in particular after all the declarant's means of appeal against the decision taken by the customs authority on the basis of the results of that analysis or more detailed examination have been exhausted.

Where the declarant does not ask for samples to be returned, they may either be destroyed or kept to facilitate checking of subsequent operations. In specific circumstances, however, the customs authority may require the declarant to remove any samples that remain.

D. Attestation by the customs authority*Article 18*

1. Where the customs authority checks the entry forms and documents accompanying it or examines the goods, it shall indicate at least in the copy of the entry retained by the customs authority, or in a document attached to it, the subject and results of any such check or examination. Where a partial examination of

the goods is made, the references of the consignment examined shall also be given.

Where appropriate, the customs authority shall also indicate in the entry form that the declarant or his representative was absent.

2. Should the result of the check on the entry form and documents accompanying it or examination of the goods not be in accordance with the particulars given in the entry form, the customs authority shall specify at least in the copy of the entry form retained by the customs authority, or in a document attached to this form as referred to in paragraph 1, the particulars to be taken into account for the purposes of charging duty on the goods in question and of implementing the other provisions governing their release for free circulation.

3. The attestation by the customs authority shall be dated and bear the particulars needed to identify the official issuing it.

4. Member States may provide for no endorsement to be made by the customs authority on the entry or on a document attached to it as referred to in paragraph 1 where the said authority does not check the entry or examine the goods.

TITLE III

DISPOSAL OF GOODS ENTERED FOR FREE CIRCULATION**A. Release of goods for free circulation***Article 19*

Release of the goods for free circulation shall be given on a single occasion for all the goods forming the subject of the entry.

The date on which release is given shall be indicated on the entry.

Article 20

1. Where the customs authority, while waiting for the result of the checks which it has undertaken, whether in order to verify the statements made in the entry or the documents accompanying it or to examine the goods, does not consider that it is in a position to assess the amount of import duties payable on the goods, it may nonetheless, if the declarant requests it, grant release for free circulation of the goods in question. The granting of this release shall give rise to the immediate entry in the accounts of the import duties as assessed according to the statements made in the entry.

Where the customs authority considers that the checks which it has undertaken may enable an amount of customs duties higher than that resulting from the statements made in the entry to be assessed, it shall further require the lodging of a security sufficient to cover the difference between the amount referred to in the preceding subparagraph and the amount which may finally be payable on the goods. However, Member States may provide for declarants to have the option of requesting the immediate entry in the accounts of the amount of duties to which the goods may ultimately be liable instead of lodging this security.

2. Where, on the basis of the checks which it has carried out, the customs authority assesses an amount of import duties different from the amount which results from the statements made in the entry, the release of the goods shall give rise to the immediate entry in the accounts of the amount thus assessed.

Article 21

1. Where the customs authority has been unable to release goods for free circulation for one of the reasons specified in Article 15 (1) (b) or (c) of the basic Directive, the said authority shall set a time limit by which the declarant must fulfil the necessary conditions.

2. Where, in the circumstances referred to in Article 15 (1) (b) of the basic Directive, the declarant has not produced the requisite documents within the time limit referred to in paragraph 1, the entry in question shall be invalidated.

3. In the circumstances referred to in Article 15 (1) (c) of the basic Directive and without prejudice to any measures taken under Article 8 (2) or Article 14 of that Directive where the declarant has neither paid nor guaranteed the duties due within the time limit referred to in paragraph 1, the customs authority may start the preliminary formalities for the sale of the goods. In this case the goods shall be sold unless the requisite conditions have been fulfilled in the interim, possibly by constraint if the law of the Member State in question so permits. The customs authority shall inform the declarant thereof.

The customs authority may, at the risk and expense of the declarant, transfer the goods in question to special premises under its supervision.

B. Surrender of goods

Article 22

For the purpose of applying the first indent of Article 14 (1) of the basic Directive, a request for surrender of goods to the national exchequer shall be made in writing and signed by the declarant. This request may be made on the actual entry form.

Where the relevant authorities authorize the declarant to surrender goods to the national exchequer, such authorization must be indicated on the entry form.

The above authorization has the effect of rendering the entry invalid.

C. Destruction of goods

Article 23

For the purpose of applying the second indent of Article 14 (1) of the basic Directive, a request for the destruction of goods shall be made in writing and signed by the declarant. This request may be made on the actual entry form.

Where the relevant authorities agree to goods being destroyed, such agreement must be indicated on the entry form or any other document accompanying it.

The customs authorities present when the goods are destroyed shall endorse the entry or any other document accompanying it accordingly. Where appropriate, they shall specify on the form or document the type and quantity of any waste or scrap resulting from the destruction so that such waste or scrap may be released for free circulation on the basis of the taxation elements applicable to them.

TITLE IV

FINAL PROVISIONS

Article 24

Provided the provisions of the preceding titles are observed, the provisions of this Directive shall not prevent the use of entry forms covering two or more articles.

In such case the particulars relating to each article shall be regarded as constituting a separate entry.

Article 25

Where duties are entered in the accounts immediately, as provided for in Articles 8, 15 and 20, this shall be without prejudice to measures taken under Council Directive 78/453/EEC of 22 May 1978 on the harmonization of provisions laid down by law, regulation or administrative action concerning deferred payment of import duties or export duties⁽¹⁾.

Article 26

The Member States shall bring into force the measures necessary to comply with this Directive not later than 1 July 1982. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ No L 146, 2. 6. 1978, p. 19.

The Commission shall communicate this information to the other Member States.

Done at Brussels, 17 December 1981.

Article 27

This Directive is addressed to the Member States.

For the Commission

Karl-Heinz NARJES

Member of the Commission

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'Unigon waterfall sonogram frequency analysis system, model BC-1' may not be imported free of Common Customs Tariff duties

(82/58/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾, as amended by Regulation (EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 6 July 1981, the Government of the Federal Republic of Germany has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Unigon waterfall sonogram frequency analysis system, model BC-1', to be used for the analysis of animal signals, should be considered as a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 18 November 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a frequency analysis system;

Whereas it does not have the requisite objective characteristics making it specifically suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for non-scientific activities; whereas its use in the case in question could not alone confer upon it the character of a scientific apparatus; whereas it therefore cannot be regarded as a scientific apparatus; whereas the duty-free admission of the apparatus in question is therefore not justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Unigon waterfall sonogram frequency analysis system, model BC-1', which is the subject of an application by the Federal Republic of Germany of 6 July 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'Tracor gas chromatograph, model 560, with detector, model Hall 700A and hydrogen generator, model 15 EHG 2B4' may not be imported free of Common Customs Tariff duties

(82/59/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾, as amended by Regulation (EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 10 June 1981, the Government of the Federal Republic of Germany has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Tracor gas chromatograph, model 560, with detector, model Hall 700A and hydrogen generator, model 15 EHG 2B4', to be used for geochemical prospecting analyses on solid samples, should be considered as a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 18 November 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a gas chromatograph;

Whereas it does not have the requisite objective characteristics making it specifically suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for non-scientific activities; whereas its use in the case in question could not alone confer upon it the character of a scientific apparatus; whereas it therefore cannot be regarded as a scientific apparatus; whereas the duty-free admission of the apparatus in question is therefore not justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Tracor gas chromatograph, model 560, with detector, model Hall 700A and hydrogen generator, model 15 EHG 2B4', which is the subject of an application by the Government of the Federal Republic of Germany of 10 June 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 22 January 1982

amending Decision 81/987/EEC on health protection measures in respect of the Republic of Botswana

(82/60/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries⁽¹⁾, as last amended by Directive 81/476/EEC⁽²⁾, and in particular Article 15 thereof,

Whereas Commission Decision 81/987/EEC⁽³⁾ granted the Member States the option of authorizing imports into their territory, under certain conditions and from certain regions, of fresh meat from the Republic of Botswana, taking into account, in particular, the existing health situation in that country and the measures taken by that country's authorities to combat foot-and-mouth disease and to avoid its spreading into other, unaffected regions;

Whereas the situation concerning foot-and-mouth disease in Botswana continues to improve, no outbreak of the disease having occurred since September 1980; whereas it is now possible to extend the disease-free area to include the sector of district Central north of Dibete cordon fence and south of the Makoba Palapye-Sherwood Ranch cordons;

Whereas the veterinary authorities of Botswana have repeated their assurances concerning buffer zones, non-vaccination, control of movement and other measures; whereas the situation in Botswana will continue to be kept under review;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 81/987/EEC is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The prohibition provided for in Article 14 (2) of Directive 72/462/EEC shall not apply to the following districts of the Republic of Botswana: Ghanzi (with the exclusion of its north-west sector called "Ghanzi-Farms"), Kweneng, Kgatlend, South-East, Southern, Kgalagadi and Central (only that sector between the Dibete cordon fence and the Palapye-Sherwood Ranch and Palapye-Makoba cordon fences).'

2. In the Annex, the text of paragraph IV — Attestation of health, first subparagraph (a), first indent is replaced by the following:

— were born and reared in the Republic of Botswana and which, in the preceding 12 months or since birth, have remained in one or more of the following districts: Ghanzi (with the exclusion of its north-western sector known as "Ghanzi-Farms") Kweneng, Kgatlend, South-East, Southern, Kgalagadi, Central (only that sector between the Dibete cordon fence and the Palapye-Sherwood Ranch and Palapye-Mokoba cordon fences).'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 January 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 186, 8. 7. 1981, p. 20.

⁽³⁾ OJ No L 361, 16. 12. 1981, p. 29.

CORRIGENDA

Corrigendum to 'Official Journal of the European Communities' No L 25 of 2 February 1982

Page 5 must be replaced by the following :

COMMISSION REGULATION (EEC) No 240/82

of 28 January 1982

on arrangements for imports into France of certain textile products originating in Macao

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 3059/78 of 21 December 1978 on common rules for imports of certain textile products originating in third countries⁽¹⁾, as amended by Regulation (EEC) No 920/81⁽²⁾, and in particular Articles 11 and 15 thereof,

Importation into the Community of the categories of products originating in Macao and specified in the Annex hereto shall be subject to the quantitative limits given in that Annex and to the provisions of Article 2 (1).

Whereas Article 11 of Regulation (EEC) No 3059/78 lays down the conditions on which quantitative limitations may be established ; whereas imports into France of knitted swimwear (category 72) and other outer garments (category 83) originating in Macao have exceeded the level referred to in Article 11 (3) ;

Article 2

Whereas, in accordance with Article 11 (5), Macao was notified of a request for consultations ; whereas, following these consultations, it is desirable to make the products in question subject to quantitative limitation for the period of 1982 ;

1. The products as referred to in Article 1, shipped from Macao to France before the date of entry into force of this Regulation, which have not yet been 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 during that period.

Whereas Article 11 (13) ensures that the quantitative limit is observed by means of a double-checking system in accordance with Annex V to the aforesaid Regulation ;

2. Imports of products shipped from Macao to France after the entry into force of this Regulation shall be subject to the double-checking system described in Annex V to Regulation (EEC) No 3059/78.

Whereas the products in question exported from Macao between 1 January 1982 and the date of entry into force of this Regulation must be set off against the quantitative limit for 1982 ;

3. For the purposes of applying the provisions of paragraph 2, the quantities of products shipped from Macao on or after 1 January 1982 and released for free circulation shall be set off against the quantitative limit established for 1982.

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

Article 3

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

⁽¹⁾ OJ No L 365, 27. 12. 1978, p. 1.

⁽²⁾ OJ No L 98, 9. 4. 1981, p. 1.

It shall apply until 31 December 1982.

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

Done at Brussels, 28 January 1982.

For the Commission
Wilhelm HAFERKAMP
Vice-President

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