

English edition

## Legislation

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## Contents

*I Acts whose publication is obligatory*

Commission Regulation (EEC) No 1569/82 of 18 June 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal . . . . .	1
Commission Regulation (EEC) No 1570/82 of 18 June 1982 fixing the premiums to be added to the import levies on cereals, flour and malt . . . . .	3
Commission Regulation (EEC) No 1571/82 of 18 June 1982 fixing the world market price for colza and rape seed . . . . .	5
Commission Regulation (EEC) No 1572/82 of 18 June 1982 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving that region . . . . .	7
Commission Regulation (EEC) No 1573/82 of 18 June 1982 altering the components used to calculate the differential amounts for colza and rape seed . . . . .	10
Commission Regulation (EEC) No 1574/82 of 18 June 1982 prolonging for the second time the temporary suspension of the advance fixing of the import levy for millet . . . . .	14
Commission Regulation (EEC) No 1575/82 of 18 June 1982 fixing the import levies on white sugar and raw sugar . . . . .	15

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*II Acts whose publication is not obligatory***Council**

82/399/EEC:

<b>★ Second Council Directive of 10 June 1982 on summertime arrangements</b>	<b>16</b>
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(Continued overleaf)

Contents (continued)

82/400/EEC :

- ★ **Council Directive of 14 June 1982 amending Directive 77/391/EEC and introducing a supplementary Community measure for the eradication of brucellosis, tuberculosis and leucosis in cattle . . . . . 18**

**Commission**

82/401/EEC :

- ★ **Commission Decision of 5 May 1982 concerning aid granted in Sicily in the wine and fruit and vegetables sectors . . . . . 20**

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 1569/82**

**of 18 June 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1451/82<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(4)</sup>, 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<sup>(5)</sup> 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 17 June 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 19 June 1982.

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

Done at Brussels, 18 June 1982.

*For the Commission*

Poul DALSAER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 214, 1. 8. 1981, p. 7.

## ANNEX

to the Commission Regulation of 18 June 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	109.41
10.01 B II	Durum wheat	146.74 <sup>(1)</sup> <sup>(2)</sup>
10.02	Rye	63.02 <sup>(6)</sup>
10.03	Barley	80.69
10.04	Oats	58.38
10.05 B	Maize, other than hybrid maize for sowing	94.83 <sup>(3)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	68.63 <sup>(4)</sup>
10.07 C	Grain sorghum	97.67 <sup>(4)</sup>
10.07 D	Canary seed; other cereals	0 <sup>(5)</sup>
11.01 A	Wheat or meslin flour	168.59
11.01 B	Rye flour	103.67
11.02 A I a)	Durum wheat groats and meal	241.14
11.02 A I b)	Common wheat groats and meal	179.37

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

<sup>(2)</sup> 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'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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 1570/82  
of 18 June 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 organ-  
ization of the market in cereals <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1451/82 <sup>(2)</sup>, and in particular  
Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the  
value of the unit of account and the exchange rates to  
be applied for the purposes of the common agricul-  
tural policy <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73 <sup>(4)</sup>, 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 <sup>(5)</sup> 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  
17 June 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 19 June  
1982.

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

Done at Brussels, 18 June 1982.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 214, 1. 8. 1981, p. 10.

## ANNEX

to the Commission Regulation of 18 June 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

CCT heading No	Description	<i>(ECU/tonne)</i>			
		Current 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	4.09	4.09	4.09
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.78	0.78	0.78
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

## B. Malt

CCT heading No	Description	<i>(ECU/tonne)</i>				
		Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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	7.28	7.28	7.28	7.28
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	5.44	5.44	5.44	5.44
11.07 B	Roasted malt	0	6.34	6.34	6.34	6.34

**COMMISSION REGULATION (EEC) No 1571/82**  
**of 18 June 1982**  
**fixing the world market price 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 markets in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 1413/82 <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed <sup>(3)</sup>, as last amended by Regulation (EEC) No 852/78 <sup>(4)</sup>,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3476/80 <sup>(6)</sup>, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 3701/81 of 23 December 1981 fixing the amount of the subsidy on

oil seeds <sup>(7)</sup>, as last amended by Regulation (EEC) No 1563/82 <sup>(8)</sup>;

Whereas, if the price system is to operate normally, the world market price should be calculated on the following basis:

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

Whereas it follows from applying these provisions that the world market price for colza and rape seed should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 June 1982.

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

Done at Brussels, 18 June 1982.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 162, 12. 6. 1982, p. 6.

<sup>(3)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(4)</sup> OJ No L 116, 28. 4. 1978, p. 6.

<sup>(5)</sup> OJ No L 236, 24. 8. 1973, p. 28.

<sup>(6)</sup> OJ No L 363, 31. 12. 1980, p. 71.

<sup>(7)</sup> OJ No L 369, 24. 12. 1981, p. 36.

<sup>(8)</sup> OJ No L 172, 18. 6. 1982, p. 30.

## ANNEX

to the Commission Regulation of 18 June 1982 fixing the world market price for colza and rape seed

(ECU/100 kg)<sup>(1)</sup>

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	23.685

(ECU/100 kg)<sup>(1)</sup>

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		June 1982	July 1982	August 1982	September 1982	October 1982	November 1982
ex 12.01	Colza and rape seed	25.375	25.375	25.375	25.682	25.502	25.502

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

1 ECU = DM	2.33379
1 ECU = Fl	2.57971
1 ECU = Bfr/Lfr	44.9704
1 ECU = FF	6.61387
1 ECU = Dkr	8.23400
1 ECU = £ Irl	0.691011
1 ECU = £	0.553333
1 ECU = Lit	1 326.30
1 ECU = Dr	64.8597



## COMMISSION REGULATION (EEC) No 1572/82

of 18 June 1982

fixing for Great Britain the level of the variable slaughter premium for sheep  
and the amounts to be charged on products leaving that region

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
1837/80 of 27 June 1980 on the common organization  
of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last  
amended by Regulation (EEC) No 1195/82<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No  
2661/80 of 17 October 1980 laying down detailed  
rules for applying the variable slaughter premium for  
sheep<sup>(3)</sup>, as amended by Regulation (EEC) No  
1238/82<sup>(4)</sup>, and in particular Articles 3 (1) and 4 (1)  
thereof,

Whereas the United Kingdom is the only country  
paying the variable slaughter premium; whereas the  
United Kingdom has decided to pay it only in Region  
5 (Great Britain), within the meaning of Article 3 (1) of  
Regulation (EEC) No 1837/80; whereas it is necessary  
therefore for the Commission to fix, for the period 20  
to 23 May 1982, the level of the premium and the  
amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 2661/80  
stipulates that the level of the variable slaughter  
premium is to be fixed each week by the Commission  
for each Member State concerned or, in the case of the  
United Kingdom, for Great Britain;

Whereas Article 4 (1) of Regulation (EEC) No 2661/80  
lays down that the amount to be charged on products  
leaving the Member States concerned or, in the case of  
the United Kingdom, Great Britain shall be fixed  
weekly by the Commission for each Member State  
concerned and in the case of the United Kingdom for  
Great Britain;

Whereas it follows from the application of the rules  
laid down in Article 9 (1) of Regulation (EEC) No  
1837/80 and in Article 4 (1) and (3) of Regulation  
(EEC) No 2661/80 that the variable slaughter premium  
for sheep certified as eligible in the United Kingdom,  
and the amounts to be charged on products leaving  
Great Britain, during the period 20 to 23 May 1982,  
shall be as set out in the Annexes hereto;

Whereas it should be recalled that Commission Regu-  
lation (EEC) No 3191/80 of 9 December 1980<sup>(5)</sup>, as  
last amended by Regulation (EEC) No 1558/82<sup>(6)</sup>,  
fixed transitional measures concerning non-recovery of  
the variable slaughter premium for sheepmeat and  
goatmeat products exported from the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified in Great Britain as  
eligible for the variable slaughter premium during the  
period 20 to 23 May 1982, the level of the premium  
shall be as set out in Annex I hereto.

*Article 2*

Without prejudice to the provisions of Regulation  
(EEC) No 3191/80, for products referred to in Article 1  
(a) of Regulation (EEC) No 1837/80 which left Great  
Britain during the period 20 to 23 May 1982, the  
amounts to be charged shall be as set out in Annex II  
hereto.

*Article 3*

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

It shall apply from 20 to 23 May 1982.

<sup>(1)</sup> OJ No L 183, 16. 7. 1980, p. 1.

<sup>(2)</sup> OJ No L 140, 20. 5. 1982, p. 22.

<sup>(3)</sup> OJ No L 276, 20. 10. 1980, p. 19.

<sup>(4)</sup> OJ No L 143, 20. 5. 1982, p. 10.

<sup>(5)</sup> OJ No L 332, 10. 12. 1980, p. 14.

<sup>(6)</sup> OJ No L 172, 18. 6. 1982, p. 21.

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

Done at Brussels, 18 June 1982.

*For the Commission*  
Poul DALSGER  
*Member of the Commission*

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## ANNEX I

## Level of variable slaughter premium for certified sheep in Great Britain for the period 20 to 23 May 1982

Description	Premium
Certified sheep or sheepmeat	91.662 ECU per 100 kg of estimated or actual dressed carcase weight <sup>(1)</sup>

<sup>(1)</sup> Within the weight limits laid down by Great Britain.

## ANNEX II

## Amount to be charged on products leaving Great Britain during the period 20 to 23 May 1982

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Charge
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight
		43.081
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	91.662
	2. Short forequarters	64.163
	3. Chines and/or best ends	100.828
	4. Legs	119.161
	5. Other :	
aa) Unboned (bone-in)	119.161	
bb) Boned or boneless	166.825	
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	68.747
	2. Short forequarters	48.123
	3. Chines and/or best ends	75.622
	4. Legs	89.371
	5. Other :	
aa) Unboned (bone-in)	89.371	
bb) Boned or boneless	125.120	
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	119.161
	2. Boned or boneless	166.825

**COMMISSION REGULATION (EEC) No 1573/82****of 18 June 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1413/82 <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture <sup>(3)</sup>, as last amended by Regulation (EEC) No 1207/82 <sup>(4)</sup>,

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

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973 <sup>(7)</sup>, as last amended by Regulation (EEC) No 3476/80 <sup>(8)</sup>, 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 <sup>(9)</sup>, as last amended by Regulation (EEC) No 1526/82 <sup>(10)</sup>; whereas the reference period to be used for establishing the monetary gap on the basis of

which the differential amounts are calculated shall run from Wednesday to the following Tuesday; whereas, however, changes in the European monetary system central rates were made with effect from 14 June 1982;

Whereas in these circumstances Monday 14 June 1982 and Tuesday 15 June 1982 should, exceptionally, be used as the reference period, in order for the true economic situation to be reflected as accurately as possible; whereas this means revising the factors used to calculate differential amounts for the United Kingdom;

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 21 June 1982.

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

Done at Brussels, 18 June 1982.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 162, 12. 6. 1982, p. 6.

<sup>(3)</sup> OJ No L 106, 29. 4. 1977, p. 27.

<sup>(4)</sup> OJ No L 140, 20. 5. 1982, p. 51.

<sup>(5)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(6)</sup> OJ No L 116, 28. 4. 1978, p. 6.

<sup>(7)</sup> OJ No L 236, 24. 8. 1973, p. 28.

<sup>(8)</sup> OJ No L 363, 31. 12. 1980, p. 71.

<sup>(9)</sup> OJ No L 287, 8. 10. 1981, p. 5.

<sup>(10)</sup> OJ No L 169, 16. 6. 1982, p. 20.

## 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 :	+ 0.1215 (a) + 0.0938 (b)	— 0.1215 (a) — 0.0938 (b)	+	—
— harvested in Germany			—	—
— harvested in the Netherlands			—	0.0420 (a)
— harvested in the BLEU			—	0.0320 (b)
— harvested in France			—	0.1605 (a)
— harvested in Denmark			—	0.1339 (b)
— harvested in Ireland			—	0.1771 (a)
— harvested in the United Kingdom			—	0.1511 (b)
— harvested in Italy			—	0.1269 (a)
— harvested in Greece			—	0.0993 (b)
			—	0.1290 (a)
			—	0.1015 (b)
			—	0.0178 (a)
			0.0132 (b)	—
			—	0.1873 (a)
			—	0.1192 (b)
			—	0.1215 (a)
			—	0.0938 (b)
2. Colza and rape seed, processed for oil production in the Netherlands or exported from that country :	+ 0.0830 (a) + 0.0638 (b)	— 0.0830 (a) — 0.0638 (b)	+	—
— harvested in Germany			0.0438 (a)	—
— harvested in the Netherlands			0.0330 (b)	—
— harvested in the BLEU			—	—
— harvested in France			—	0.1236 (a)
— harvested in Denmark			—	0.1053 (b)
— harvested in Ireland			—	0.1410 (a)
— harvested in the United Kingdom			—	0.1230 (b)
— harvested in Italy			—	0.0886 (a)
— harvested in Greece			—	0.0695 (b)
			—	0.0908 (a)
			—	0.0718 (b)
			0.0253 (a)	—
			0.0467 (b)	—
			—	0.1516 (a)
			—	0.0802 (b)
			—	0.0830 (a)
			—	0.0638 (b)
3. Colza and rape seed, processed for oil production in the BLEU or exported from the BLEU :	— 0.0464	+ 0.0464	+	—
— harvested in Germany			0.1911 (a)	—
— harvested in the Netherlands			0.1546 (b)	—
— harvested in the BLEU			0.1411 (a)	—
— harvested in France			0.1177 (b)	—
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0198
— harvested in the United Kingdom			0.0400	—
— harvested in Italy			0.0375	—
— harvested in Greece			0.1699	—
			—	0.0320 (a)
			0.0170 (b)	—
			0.0464	—

	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)	
4. Colza and rape seed, processed for oil production in Denmark or exported from that country :	— 0-0061	+ 0-0061	+	—
— harvested in Germany			0-1453 (a)	—
— harvested in the Netherlands			0-1102 (b)	—
— harvested in the BLEU			0-0972 (a)	—
— harvested in France			0-0747 (b)	—
— harvested in Denmark			—	0-0385
— harvested in Ireland			—	—
— harvested in the United Kingdom			0-0024	—
— harvested in Italy			0-1249	—
— harvested in Greece			—	0-0692 (a)
			—	0-0222 (b)
			0-0061	—
5. Colza and rape seed, processed for oil production in France or exported from that country :	— 0-0675	+ 0-0675	+	—
— harvested in Germany			0-2152 (a)	—
— harvested in the Netherlands			0-1779 (b)	—
— harvested in the BLEU			0-1641 (a)	—
— harvested in France			0-1403 (b)	—
— harvested in Denmark			0-0202	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0-0610	—
— harvested in Italy			0-0584	—
— harvested in Greece			0-1935	—
			—	0-0124 (a)
			0-0375 (b)	—
			0-0675	—
6. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	+ 0-1056	— 0-1056	+	—
— harvested in Germany			0-0181 (a)	—
— harvested in the Netherlands			—	0-0131 (b)
— harvested in the BLEU			—	0-0246 (a)
— harvested in France			—	0-0446 (b)
— harvested in Denmark			—	0-1452
— harvested in Ireland			—	0-1621
— harvested in the United Kingdom			—	0-1110
— harvested in Italy			—	0-1132
— harvested in Greece			—	—
			—	0-1726 (a)
			—	0-1307 (b)
			—	0-1056
7. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0-0086	+ 0-0086	+	—
— harvested in Germany			0-1481 (a)	—
— harvested in the Netherlands			0-1129 (b)	—
— harvested in the BLEU			0-0998 (a)	—
— harvested in France			0-0773 (b)	—
— harvested in Denmark			—	0-0361
— harvested in Ireland			—	—
— harvested in the United Kingdom			—	—
— harvested in Italy			0-1276	—
— harvested in Greece			—	0-0669 (a)
			—	0-0198 (b)
			0-0086	—

	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)	
8. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0-0809 (a) — 0-0289 (b)	+ 0-0809 (a) + 0-0289 (b)	+	—
— harvested in Germany			0-2304 (a) 0-1354 (b)	— —
— harvested in the Netherlands			0-1788 (a) 0-0991 (b)	— —
— harvested in the BLEU			0-0330 (a) —	— 0-0167 (b)
— harvested in France			0-0126 (a) —	— 0-0361 (b)
— harvested in Denmark			0-0743 (a) 0-0227 (b)	— —
— harvested in Ireland			0-0716 (a) 0-0202 (b)	— —
— harvested in the United Kingdom			0-2085 (a) 0-1504 (b)	— —
— harvested in Italy			—	—
— harvested in Greece			0-0809 (a) 0-0289 (b)	— —
9. Colza and rape seed, processed for oil production in Greece or exported from that country :	nil	nil	+	—
— harvested in Germany			0-1383 (a) 0-1035 (b)	— —
— harvested in the Netherlands			0-0905 (a) 0-0682 (b)	— —
— harvested in the BLEU			—	0-0443
— harvested in France			—	0-0632
— harvested in Denmark			—	0-0061
— harvested in Ireland			—	0-0085
— harvested in the United Kingdom			0-1180	—
— harvested in Italy			—	0-0749 (a)
— harvested in Greece			—	0-0281 (b)

(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 1574/82**  
**of 18 June 1982**  
**prolonging for the second time the temporary suspension of the advance fixing**  
**of the import levy for millet**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1451/82<sup>(2)</sup>, and in particular the first subparagraph of Article 15 (7) thereof,

Whereas Article 15 (7) of Regulation (EEC) No 2727/75 provides that the provisions concerning advance fixing of the levy may be suspended if the market situation shows that the application of such provisions will or is likely to cause difficulties;

Whereas there is a danger, having regard to the situation on the world cereals market, that, if existing arrangements are adhered to, levies could be fixed in advance in the short term for quantities considerably greater than the quantities which might be expected under more normal conditions;

Whereas Commission Regulation (EEC) No 1282/82 of 26 May 1982<sup>(3)</sup>, as amended by Regulation (EEC)

No 1347/82<sup>(4)</sup>, temporarily suspended advance fixing of the import levy for millet; whereas the reasons which led to that suspension still exist; whereas it is important, therefore, to continue that measure for a limited period, which will make it possible to monitor the situation;

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*

Suspension of advance fixing of the import levy on millet (Common Customs Tariff subheading 10.07 B) shall be continued until 25 June 1982.

*Article 2*

This Regulation shall enter into force on 19 June 1982.

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

Done at Brussels, 18 June 1982.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 164, 14. 6. 1982, p. 1.

<sup>(3)</sup> OJ No L 148, 27. 5. 1982, p. 36.

<sup>(4)</sup> OJ No L 150, 29. 5. 1982, p. 104.



**COMMISSION REGULATION (EEC) No 1575/82**  
**of 18 June 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 606/82<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1524/82<sup>(4)</sup>;

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 19 June 1982.

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

Done at Brussels, 18 June 1982.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 74, 18. 3. 1982, p. 1.

<sup>(3)</sup> OJ No L 181, 2. 7. 1981, p. 24.

<sup>(4)</sup> OJ No L 169, 16. 6. 1982, p. 17.

**ANNEX**

**to the Commission Regulation of 18 June 1982 fixing the import levies on white sugar and raw sugar**

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	34.09
	B. Raw sugar	32.50 <sup>(1)</sup>

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

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## SECOND COUNCIL DIRECTIVE

of 10 June 1982

on summertime arrangements

(82/399/EEC)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community, and in particular Article 100  
thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parli-  
ament<sup>(1)</sup>,

Having regard to the opinion of the Economic and  
Social Committee<sup>(2)</sup>,

Whereas Council Directive 80/737/EEC of 22 July  
1980 on summertime arrangements<sup>(3)</sup> introduced a  
common date and time for the beginning of the  
summertime period in the Community for the years  
1981 and 1982;

Whereas Article 4 of that Directive states that the  
Council, acting on a proposal from the Commission  
and as soon as possible, will adopt more compre-  
hensive measures for the harmonization of summertime;

Whereas such measures are highly desirable, in parti-  
cular in the interests of facilitating and reducing the  
costs of transport and telecommunications between  
Member States;

Whereas a common date and time for the beginning  
of the summertime period in the Community should  
now be fixed for the years 1983, 1984 and 1985;

Whereas, as an experiment during those three years,  
two different dates for the end of the summertime  
period should be fixed for the Member States  
belonging to the zero time zone and the other  
Member States;

Whereas, for geographical reasons, common summer-  
time arrangements should apply neither to Greenland  
nor to the overseas territories of the Member States,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

For the purposes of this Directive the expression  
'summertime period' means the period of the year  
during which the time is advanced by 60 minutes in  
relation to the time for the rest of the year.

*Article 2*

Member States shall take the measures necessary to  
ensure that in each Member State the summertime  
period for 1983, 1984 and 1985 begins at 1 a.m.  
Greenwich Mean Time on the last Sunday in March.

*Article 3*

Member States other than those in the zero (Green-  
wich) time zone shall take the measures necessary to  
ensure that the summertime period ends at 1 a.m.  
Greenwich Mean Time:

- in 1983: on 25 September,
- in 1984: on 30 September,
- in 1985: on 29 September.

<sup>(1)</sup> OJ No C 125, 17. 5. 1982, p. 23.

<sup>(2)</sup> OJ No C 310, 30. 11. 1981, p. 13.

<sup>(3)</sup> OJ No L 205, 7. 8. 1980, p. 17.

*Article 4*

Member States belonging to the zero (Greenwich) time zone, namely Ireland and the United Kingdom, shall take the measures necessary to ensure that the summertime period ends at 1 a.m. Greenwich Mean Time:

- in 1983: on 23 October,
- in 1984: on 28 October,
- in 1985: on 27 October.

*Article 5*

The Council, acting on a proposal from the Commission, shall adopt by 1 January 1985 the arrangements to apply from 1986 onwards.

*Article 6*

This Directive shall apply neither to Greenland nor to the overseas territories of the Member States.

*Article 7*

This Directive is addressed to the Member States.

Done at Luxembourg, 10 June 1982.

*For the Council*

*The President*

H. de CROO

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## COUNCIL DIRECTIVE

of 14 June 1982

**amending Directive 77/391/EEC and introducing a supplementary Community measure for the eradication of brucellosis, tuberculosis and leucosis in cattle**

(82/400/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas Council Directive 77/391/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle<sup>(4)</sup>, as last amended by Directive 81/476/EEC<sup>(5)</sup>, restricted the duration of the measures to three years;

Whereas, in view of the results obtained and of the satisfactory progress of the programmes presented by the Member States, a supplementary two-year measure should be arranged and its financing provided for, in order to achieve the objectives set;

Whereas Article 29 (3) of Council Directive 78/52/EEC of 13 December 1977 establishing the Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leucosis in cattle<sup>(6)</sup> provided that the three-year period originally agreed should begin on the date fixed by the Commission in its decision approving the national eradication plans; whereas, accordingly, the original plans of the Member States, except those for Italy and Greece, expire, for each Member State, on differing dates in 1981; whereas, in order to leave time for technical and financial adaptation in connection with the new measure, the duration of the original plans coming to completion in 1981 should be extended to 31 December 1981 inclusive;

Whereas, in order to enable any alterations to the original plans necessitated by the epizootiological development of the diseases concerned to be made with a view to successful completion of the measures undertaken, the Member States must prepare new

plans; whereas the duration of execution of the new plans must be calculated so that in each case the entire scheme, that is the original plan and the new plan, covers a total period of five years,

HAS ADOPTED THIS DIRECTIVE:

### *Article 1*

The following paragraph is hereby added to Article 6 of Directive 77/391/EEC:

'3. However, for the Member States whose three-year plans expire in the course of 1981, the three-year period shall be extended to 31 December 1981.'

### *Article 2*

1. A Community measure is hereby established with a view to completing the eradication of brucellosis, tuberculosis and leucosis in cattle.
2. The duration of the supplementary measure shall be fixed so that the total duration of the measure introduced by Directive 77/391/EEC together with the supplementary measure shall be five years.
3. The Community shall make a financial contribution to the implementation of the supplementary measure.

### *Article 3*

1. Member States shall prepare new accelerated eradication plans in accordance with Articles 2, 3 and 4 of Directive 77/391/EEC and with the criteria established by Directive 78/52/EEC so as to ensure continuity with the measures put in hand under their original plans, taking account of results achieved and of any necessary adjustments.
2. The new plans shall be communicated to the Commission at the latest two months after notification of this Directive in the case of Belgium, Denmark, Germany, France, Ireland and the United Kingdom, and before 1 January 1983 in the case of Italy and Greece.

<sup>(1)</sup> OJ No C 289, 11. 11. 1981, p. 4.

<sup>(2)</sup> OJ No C 40, 15. 2. 1982, p. 26.

<sup>(3)</sup> OJ No C 112, 3. 5. 1982, p. 8.

<sup>(4)</sup> OJ No L 145, 13. 6. 1977, p. 44.

<sup>(5)</sup> OJ No L 186, 8. 7. 1981, p. 20.

<sup>(6)</sup> OJ No L 15, 19. 1. 1978, p. 34.

*Article 4*

1. The Commission shall examine the new plans communicated to it in accordance with Article 3 (2) for the purpose of determining whether, on the basis of the conformity of those plans with Directive 77/391/EEC, Directive 78/52/EEC and this Directive, and having due regard to the objectives of those Directives, the conditions for financial participation by the Community are met.

2. Within two months of receipt of the plans, the Commission shall submit a draft Decision to the Standing Veterinary Committee (hereinafter called 'the Committee'). The Committee shall deliver its opinion in accordance with the procedure set out in Article 8.

3. On the dates fixed by the Commission in its Decision of approval, Member States shall bring into force the laws, regulations or administrative provisions required to implement the new accelerated eradication plans referred to in Article 3 and approved in accordance with paragraph 2.

*Article 5*

1. Expenditure incurred by the Member States in connection with measures adopted pursuant to the plans referred to in Article 3 shall qualify for Community aid within the limits indicated in paragraph 3 and in Article 2.

2. The Community shall pay the Member States 72.5 ECU for each cow slaughtered and 36.25 ECU for each other bovine animal slaughtered pursuant to the measures referred to in Chapter I of Directive 77/391/EEC.

3. The aid chargeable to the Community budget under the Chapter on expenditure in the agricultural sector is estimated at 35 million ECU for the duration of the measures referred to in paragraph 1.

4. The measures adopted by the Member States shall qualify for financial assistance from the Community only if the provisions concerning them have been approved as provided in Article 4.

*Article 6*

1. The provisions of Article 7 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 relating to the financing of the common agricultural policy<sup>(1)</sup> shall apply to Commission Decisions concerning the Community financing of the present measure.

2. Applications for payment shall relate to slaughterings carried out by Member States in the course of the year and shall be submitted before 1 July of the following year.

3. Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure set out in Article 13 of Regulation (EEC) No 729/70.

*Article 7*

1. Veterinary control of the application of the plans shall be carried out in accordance with Article 10 of Directive 77/391/EEC.

2. When all the eradication plans have been executed, the Commission shall submit a general report to the Council on the results obtained, with a proposal for further harmonization of national preventive measures, should this be necessary.

*Article 8*

1. Where reference is made to the procedure defined in this Article, the Committee shall be consulted without delay by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit set by the chairman according to the urgency of the matter. An opinion shall be delivered by a majority of 45 votes.

4. The Commission shall adopt the measures and shall apply them immediately, where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit a proposal to the Council on the measures to be adopted. The Council shall adopt the measures by a qualified majority.

If the Council has not adopted any measures within three months of the date on which the proposal was referred to it, the Commission shall adopt the proposed measures and apply them immediately, save where the Council has decided against these measures by a simple majority.

*Article 9*

This Directive is addressed to the Member States.

Done at Luxembourg, 14 June 1982.

*For the Council*

*The President*

P. de KEERSMAEKER

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 13.

# COMMISSION

## COMMISSION DECISION

of 5 May 1982

concerning aid granted in Sicily in the wine and fruit and vegetables sectors

(Only the Italian text is authentic)

(82/401/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 443/80 <sup>(2)</sup>, and in particular Article 59 thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EEC) No 1116/81 <sup>(4)</sup>, and in particular Article 31 thereof,

After giving notice to the parties concerned pursuant to the first subparagraph of Article 93 (2) of the Treaty to submit their comments, and in the light of those comments,

### I

Whereas, by letter of 7 March 1981, pursuant to Article 93 (3) of the Treaty, the Italian Government has notified to the Commission the draft Sicilian Regional Law on 'Measures to be taken in the wine, citrus fruit, fruit and vegetables and olive sectors' put forward by members of the Sicilian Regional Council;

Whereas, on 8 April 1981, the Italian Government then communicated the final text of the draft Law approved by the Regional Assembly; whereas, on 29

May 1981, the Italian Government communicated to the Commission information which the latter had requested;

Whereas the said draft had by then already become Regional Law No 16/81 of 2 March 1981;

Whereas Article 1 of Law No 16/81 provides for the grant of a subsidy of Lit 1 000 per quintal of grapes delivered to cooperatives in the 1980 wine year;

Whereas Article 13 of Law No 16/81 provides for the allocation of Lit 3 000 million to the Regional Wine and Wine-growing Board to encourage the collection of grapes at wine cooperatives during the 1981 wine year;

Whereas Article 2 of Law No 16/81 provides, with a view to attaining the objectives referred to in Article 25 of Regional Law No 36/76, for an increase of Lit 5 000 million in the 1981 operating fund of the IRCAC (Regional Board for Credit to Cooperatives); whereas the measures provided for in the said Article 25 consist *inter alia* in the grant of medium-term loans at low rates of interest to second-tier and third-tier syndicates of cooperative wineries in respect of distillation of wine, processing of by-products of wine-making, vinification and bottling of table wines and quality wines *psr* and in the grant of operating loans;

Whereas Article 7 of Law No 16/81 provides, in particular under Article 19 of Regional Law No 14/69, for the grant of subsidies of up to 90 % of expenditure on preserving, processing, distributing and selling citrus fruit and fruit and vegetables in respect of the 1980/81 marketing year to groups of producers and cooperatives and associations thereof;

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 57, 29. 2. 1980, p. 1.

<sup>(3)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(4)</sup> OJ No L 118, 30. 4. 1981, p. 1.

Whereas, pursuant to Article 59 of Regulation (EEC) No 337/79 and Article 31 of Regulation (EEC) No 1035/72, such aid falls within the scope of Articles 92 to 94 of the Treaty;

Whereas, in the light of its assessment of Law No 16/81, the Commission has noted that the subsidy of Lit 1 000 per quintal referred to in Article 1 and the aid for grape collection provided for in Article 13 infringed the common organization of the market in wine; whereas, accordingly, they could not be justified under Article 92 (3) of the Treaty and therefore had to be regarded as incompatible;

Whereas the Commission has also noted that the measures under Article 2 of Law No 16/81 providing for further financing for Article 25 of Law No 36/76 through the grant of medium-term loans at low rates of interest to second-tier and third-tier syndicates of cooperative wineries in respect of wine distillation, processing of by-products of wine-making and the vinification and bottling of table wines and quality wines *psr* infringed the rules of the common organization of the market in wine; whereas the remaining aid for syndicates, with the exception of aid in the form of operating loans, amounted to operating subsidies which did not lead to lasting improvement and could not, therefore, meet the requirements for an exemption under Article 92 (3) of the Treaty;

Whereas the Commission has notified the Italian Government that, in its opinion, Article 7 of Law No 16/81, if applied in conjunction with Community aid, in particular aid to associations of fruit and vegetable producers, would infringe the provisions of Regulation (EEC) No 1035/72; whereas the said Article, if it did not infringe the provisions of the common organization of the market in fruit and vegetables, constituted an operating subsidy for cooperatives and syndicates thereof which did not contribute to structural improvement in the sector concerned; whereas the aid in question could not therefore qualify for the exemptions provided for in Article 92 (3) of the Treaty;

Whereas, accordingly, the Commission has initiated the procedure pursuant to Article 93 (2) of the Treaty in respect of the said measures with the exception of the operating loans and has given notice to the Italian Government to put forward its comments;

Whereas the Commission has given notice to the other Member States and those concerned, other than the Member States, to put forward their comments;

## II

Whereas the Italian Government has stated in its replies to the notice given by the Commission:

- that the subsidy of Lit 1 000 per quintal referred to in Law No 16/81 was applicable in 1980 only and that in future the Region would move towards structural measures intended to prevent surplus production,
- that the aid laid down in Article 13 was intended for the operation of the Regional Board for Credit to Cooperatives and was not used for encouraging collection of grapes at wine-making cooperatives,
- that the measures laid down in Article 2 stemmed from the need to launch cooperatives and that such measures did not directly concern wine-distillation operations, which remain subject to Community rules,
- that the measure referred to in Article 7 is intended to wipe out debts arising from investment by newly-created associations of producers with a view to achieving structural improvements in production;

Whereas the representatives of France's wine-growers and producers have put forward their comments; whereas they have unanimously stated that they are in agreement with the Commission's position;

## III

Whereas the subsidy of Lit 1 000 per quintal of grapes delivered to cooperatives under Article 1 of Law No 16/81, the subsidy for collection of grapes at cooperatives under Article 13 of the said Law and the medium-term loans at low rates of interest for distillation of wines, processing of wine by-products and vinification and bottling of table wines and quality wines *psr* under Article 2 of the said Law have a direct impact on the price of wine and by-products of wine-making since they reduce the cost of the basic products and the cost of processing and packing;

Whereas such measures are in addition to the system of subsidies under the common organization of the market in wine and therefore infringe the rules concerned;

Whereas, under Article 24 (1) of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products, 'aids, the amount of which is fixed on the basis of the price or quantity of products listed in that Regulation, shall be prohibited'; whereas the Commission feels that the said Article 24 (1) merely confirms one of the restrictions on the power of Member States to intervene directly in the functioning of a common market organization involving a common price system, which

henceforth falls exclusively within the Community's competence; whereas that principle follows from consistent decisions of the Court of Justice, in particular the judgment on 23 January 1975 in Case 51/74<sup>(1)</sup>; whereas that judgment underlines the general principle that, once the Community has legislated for establishment of a common organization of the market in a given sector, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it, and must comply not only with the express provisions of the legislation but also with its aims and objects<sup>(2)</sup>;

Whereas the subsidy paid to the members of the cooperative wineries referred to in Article 1 of Law No 16/81 was applied in respect of a major share of Sicily's production of grapes: 10 million out of a total of 14 million quintals in 1980; whereas the said aid is equivalent to about 5 to 8% of the value of grapes delivered to cooperatives and about 4 to 7% of the cost of wine produced by the latter;

Whereas that measure and the aid for grape collection under Article 13 of Law No 16/81 constituted artificial incentive to increasing, or at any rate maintaining at their present level, the production of grapes intended for wine-making and, as a result thereof, the quantity of wine produced in Sicily; whereas, moreover, such aid may well have induced members of cooperatives to deliver their products at prices below those which would have applied in the absence of such intervention by the public authorities enabling the cooperatives to supply wine on more competitive terms than those which would have been necessary without such intervention; whereas, if that was indeed the case, the measure in question is likely to affect trade within the Community and distort competition since it gives Sicilian wine cooperatives an advantage over producers in other Member States who wish to export to Italy but who do not receive similar aid;

Whereas the medium-term loans under Article 2 of Law No 16/81 also constitute an artificial incentive to increasing, or at any rate maintaining at their present level, the quantities of table wines and quality wines *psr* and distilled wines and by-products of wine-making produced in Sicily; whereas, accordingly, persons receiving such aids will be in a position to offer their products on more favourable terms than those which would have applied had there been no intervention by the Region;

Whereas the latter measure, which is in addition to all the other measures under Law No 16/81 and other regional laws in the wine sector, is likely to affect trade within the Community and distort competition in that it gives Sicilian wine-growers an advantage over wine-growers in other Member States who wish to export to Italy but do not receive any aid;

Whereas the above also applies as regards the aid granted under Article 7 to associations of producers, cooperatives and syndicates thereof engaged in the marketing of fruit and vegetables;

Whereas the grounds put forward by the Italian Government were not regarded as acceptable by the Commission, since the aid referred to in Article 1 of Law No 16/81 is incompatible with the common rules for the organization of the market in wine even though it was granted for one year only, in 1980; whereas, with regard to Article 13, there are no grounds for believing that the amounts earmarked as subsidies to cooperative wineries under the said Law were used for purposes other than those originally intended; whereas there are no grounds for believing that the aid under Article 2 will not be used, in accordance with the Law, for distillation of wine, processing of by-products of wine-making and for operation of second-tier and third-tier associations; whereas, in regard to Article 7, no regional provision has been put forward to suggest that the amount earmarked under that Article may have been used or indeed has been used to facilitate investment by newly-formed cooperatives;

Whereas, in the light of the above, the said measures do not meet the requirements laid down in Article 92 (1) of the Treaty;

Whereas Article 92 (1) of the Treaty lays down that aid meeting the requirements set out therein is, as a matter of principle, incompatible with the common market; whereas the provisions contained in paragraph 3 of that Article must be interpreted strictly when considering any national or regional measure; whereas, for an exemption to be granted, it is necessary that the Commission be in a position to establish that the aid is required for the purposes of achieving one of the objectives laid down in the said provisions.

Whereas allowing exemptions in the case of aid which does not meet those conditions would be tantamount to allowing an adverse effect on trade between Member States, a distortion of competition which would not be justified from the Community's point of view and, by the same token, an unjustified advantage for certain Member States;

<sup>(1)</sup> Case 51/74: (1975) ECR, p. 79.

<sup>(2)</sup> Case 10/79: Opinion of the Advocate-General, (1979) ECR, p. 3320.



Whereas there is no evidence of a counter-concession in the case in question with regard to the aid under Article 1, as regards the subsidy of Lit 1 000 per quintal, Article 13, Article 2 and Article 7 of Law No 16/81 ;

Whereas the Italian Government has been unable to provide, or the Commission find, any reasons for finding that the aid in question does meet the conditions for an exemption under Article 92 (2) and (3) of the Treaty ;

Whereas the measures in question are not intended to promote the economic development of areas within the meaning of Article 92 (3) (a) and (c) of the Treaty, since they do not in any way constitute measures for encouraging the development of the island or the products concerned but amount to operating aid with no structural impact ; whereas there will be no lasting change in the situation of Sicily and of the products concerned after the aid has ceased ;

Whereas such aid does not constitute an important project of common European interest or a measure to remedy a serious disturbance in Italy's economy and, accordingly, Article 92 (3) (b) of the Treaty is not applicable ;

Whereas, moreover, such aid constitutes operating aid for the farmers concerned ; whereas the Commission has always opposed such aid since it does not meet the requirements for an exemption under Article 92 (3) (c) of the Treaty in that, because of its very poor effectiveness, it is unlikely to facilitate development as laid down in the said provision ;

Whereas, in the light of the situation on the markets in wine, and in fruit and vegetables, even a small amount of aid will result in a change in the conditions of trade and will run counter to the common interest ;

Whereas, accordingly, the Commission has no grounds for regarding the aids in question as other than incompatible and for allowing the exemption under Article 92 (3) (c) of the Treaty to apply to them ;

Whereas, in the light of the above, the aid under Article 1 of Law No 16/81, with regard to the subsidy of Lit 1 000 per quintal of grapes delivered, Article 2, Article 7 and Article 13 (with the exception of the

operating loan) does not meet the requirements for exemption under Article 92 (3) of the Treaty ;

Whereas, moreover, even if it had been possible to consider an exemption under Article 92 (3), such an exemption would not have been possible in the light of the infringement of the common organization of the markets in wine, and in fruit and vegetables, constituted by Article 1 of Law No 16/81, with regard to the subsidy of Lit 1 000 per quintal, Article 13, Article 2, with regard to the aid for distillation of wine, processing of by-products of wine-making and bottling of table wines and quality wines psr, and Article 7 in the event of such a measure being cumulated with Community aid,

HAS ADOPTED THIS DECISION :

#### *Article 1*

The subsidy to members of wine cooperatives, of Lit 1 000 per quintal of grapes delivered to the cooperatives under Article 1 of Sicilian Regional Law No 16/81 of 2 March 1981 is incompatible with the rules on the common organization of the market in wine and with the provisions of Article 92 of the Treaty and must therefore no longer be granted ; Article 1 of Law No 16/81 must be amended so that the subsidy is abolished.

The aid to second-tier and third-tier associations under Article 2 of Sicilian Regional Law No 16/81 and Article 25 of Sicilian Regional Law No 36/76 with the exception of operating loans, and the aid for collection of grapes under Article 13 of Law No 16/81 are also incompatible with the rules on the common organization of the market in wine and with the provisions of Article 92 of the Treaty and must therefore no longer be granted (with the exception of operating loans to second-tier and third-tier associations) ; Article 2 and Article 13 of Law No 16/81 must be amended so that the aid is abolished.

The aid to associations of producers and cooperatives under Article 7 of Sicilian Regional Law No 16/81 is incompatible with the rules on the common organization of the market in fruit and vegetables and with the provisions of Article 92 of the Treaty and must therefore no longer be granted ; Article 7 of Law No 16/81 must be amended so that the aid is abolished.

*Article 2*

Done at Brussels, 5 May 1982.

The Italian Republic shall adopt the necessary measures to comply with this Decision within a period of one month from notification of this Decision and shall inform the Commission thereof without delay.

*Article 3*

This Decision is addressed to the Italian Republic.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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