

# Official Journal

## of the European Communities

ISSN 0378-6978

L 43

Volume 26

15 February 1983

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC, EURATOM) No 354/83**

**of 1 February 1983**

**concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

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

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

Whereas, in carrying out their task, the institutions of the European Economic Community and the European Atomic Energy Community have accumulated a vast collection of archives; whereas these archives constitute the property of these Communities, each of which has legal personality;

Whereas it is standard practice, both in Member States and in international organizations, to make archives available to the public after a number of years has passed; whereas common rules concerning the opening to the public of the historical archives of the European Communities should be laid down;

Whereas some of the documents and records emanating from institutions of the European Economic Community and the European Atomic Energy Community are held physically in the archives of the Member States; whereas the Member States apply different rules to determine when and on what conditions their archives may be made available to the public; whereas classified documents and records emanating from Community institutions should be prevented from being released to the public through national archives on terms less strict than those provided for in this Regulation;

Whereas the processing and critical analysis of Community archives is not only of value to historical research in general but can at the same time facilitate the activities of bodies involved in Community affairs and thereby contribute to the better attainment of all the Communities' objectives;

Whereas the Treaties have not provided for any specific powers of action regarding the establishment of common rules for this subject;

Whereas certain essential principles alone need to be determined, adoption of the requisite rules for the implementation, at internal level, of such principles being left to each Community institution,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. The institutions of the European Economic Community and of the European Atomic Energy Community (hereinafter referred to as 'the institutions') shall establish historical archives and open them to the public on the terms provided for by this Regulation after the expiry of a period of 30 years starting from the date of the creation of the document or record. For the purposes of this Regulation the Economic and Social Committee and the Court of Auditors shall be treated in the same way as the institutions referred to in Article 4 (1) of the Treaty establishing the European Economic Community and Article 3 (1) of the Treaty establishing the European Atomic Energy Community.

2. For the purposes of this Regulation :

(a) 'Community archives' means all those documents and records of whatever type and in whatever medium which have originated in or been received by one of the institutions or by their representatives or servants in the performance of their duties, which relate to the activities of the European Economic Community and/or the European Atomic Energy Community (hereinafter referred to as 'the European Communities');

<sup>(1)</sup> OJ No C 132, 2. 6. 1981, p. 6.

<sup>(2)</sup> OJ No C 327, 14. 12. 1981, p. 45.

(b) 'historical archives' consist of that part of the Community archives which has been selected, on the terms laid down in Article 7 of this Regulation, for permanent preservation.

3. All documents and records which were freely available before the expiry of the period provided for in paragraph 1 shall remain accessible to the public without restriction.

4. After the expiry of the 30-year period provided for in paragraph 1, access to the historical archives shall be given to any person who applies for it and agrees to abide by internal rules established for the purpose by each institution.

5. The historical archives shall be accessible in copy form. However, the institutions may release the originals of the documents or records if the user shows a special and duly substantiated interest.

#### *Article 2*

This Regulation shall not apply to files of the European Communities' staff or to documents and records containing information on the private or professional life of individual persons.

#### *Article 3*

1. The public shall not have access to :

- (a) documents and records that have been classified in accordance with Article 10 of Council Regulation No 3 of 31 July 1958 implementing Article 24 of the Treaty establishing the European Atomic Energy Community <sup>(1)</sup>, and have not been declassified ;
- (b) contracts submitted to or concluded by the Euratom Supply Agency pursuant to Chapter VI of the Treaty establishing the European Atomic Energy Community ;
- (c) documents and records of cases submitted for judgment to the Court of Justice of the European Communities.

2. The public shall not have access to documents and records which, according to the rules and practice of each institution, are graded confidential or higher, unless they have been declassified in accordance with Article 5.

#### *Article 4*

1. Documents and records which, when brought to the notice of an institution, are covered by the obligation of professional or business secrecy shall not be

released to the public after the 30-year period unless the institution which has notice of the document or record has previously informed the person or undertaking concerned of his intention to release them to the public and that person or undertaking does not object within a period to be laid down in the rules of application referred to in Article 9.

2. Paragraph 1 shall apply also to documents and records drawn up by an institution and comprising information covered by professional or business secrecy.

#### *Article 5*

1. For the sake of compliance with the 30-year rule provided for in Article 1 (1), each institution shall in good time, and not later than the 25th year following the date of the creation of a document or record, examine all documents and records graded confidential or higher in order to decide whether or not to declassify them. Documents and records not declassified at the first such examination shall be re-examined periodically and at least every five years.

2. As regards documents and records received from a Member State or from another institution, the institutions shall abide by the classification established by the originator. However, in order to ensure the broadest possible access to Community archives, the institutions and the Member States may agree on procedures for the declassification, according to criteria adopted by common agreement, of documents and records.

#### *Article 6*

1. Member States shall refrain from releasing to the public, on terms less strict than those laid down in Articles 1 to 5, documents and records, emanating from institutions and physically held in their public archives, which have been classified and have not been declassified.

2. Paragraph 1 shall also apply to such documents and records of the Member States which reproduce in full or in part the content of the documents referred to in that paragraph.

#### *Article 7*

Each institution shall transfer to the historical archives all documents and records contained in their current archives no later than 15 years after their date of creation. According to the criteria laid down by each institution pursuant to Article 9, there shall be an initial sorting process with the purpose of separating documents and records that are to be preserved from those that have no administrative or historical value.

<sup>(1)</sup> OJ No 17, 6. 10. 1958, p. 406/58.

*Article 8*

1. Each institution may hold its historical archives in whatever place it considers most appropriate.
2. Each institution shall, on request, supply the Member States and the other institutions to the extent that the Member State concerned is not the one in which the institution is situated or the institutions

concerned are not situated in the same Member State, with a complete set of microform copies of its historical archives, in so far as public access to them is available under this Regulation.

*Article 9*

Each institution may adopt, at internal level, detailed rules for the application of this Regulation.

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

Done at Brussels, 1 February 1983.

*For the Council*

*The President*

O. SCHLECHT

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## COMMISSION REGULATION (EEC) No 355/83

of 14 February 1983

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<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 2118/82<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 11 February 1983;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2118/82 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 February 1983.

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

Done at Brussels, 14 February 1983.

*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 223, 31. 7. 1982, p. 44.

## ANNEX

## to the Commission Regulation of 14 February 1983 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	111,79
10.01 B II	Durum wheat	154,10 <sup>(1)</sup> <sup>(5)</sup>
10.02	Rye	114,30 <sup>(6)</sup>
10.03	Barley	117,87
10.04	Oats	104,19
10.05 B	Maize, other than hybrid maize for sowing	101,93 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	45,55 <sup>(4)</sup>
10.07 C	Grain sorghum	97,74 <sup>(4)</sup>
10.07 D	Canary seed ; other cereals	0 <sup>(5)</sup>
11.01 A	Wheat or meslin flour	171,09
11.01 B	Rye flour	175,55
11.02 A I a)	Durum wheat groats and meal	252,33
11.02 A I b)	Common wheat groats and meal	183,01

<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 356/83

of 14 February 1983

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common 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 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<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 2119/82<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 11 February 1983;

Whereas on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 February 1983.

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

Done at Brussels, 14 February 1983.

*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 223, 31. 7. 1982, p. 47.



## ANNEX

to the Commission Regulation of 14 February 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 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	18,72
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	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	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

## B. Malt

(ECU/tonne)

CCT heading No	Description	Current 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	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

**COMMISSION REGULATION (EEC) No 357/83**  
**of 14 February 1983**  
**fixing the import levies on 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 804/68  
of 27 June 1968 on the common organization of the  
market in milk and milk products <sup>(1)</sup>, as last amended  
by Regulation (EEC) No 1183/82 <sup>(2)</sup>, and in particular  
Article 14 (8) thereof,

Whereas the import levies on milk and milk products  
were fixed by Regulation (EEC) No 73/83 <sup>(3)</sup>, as  
amended by Regulation (EEC) No 234/83 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules  
contained in Regulation (EEC) No 73/83 to the prices  
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 14 (2) of Regu-  
lation (EEC) No 804/68 shall be as set out in the  
Annex hereto.

*Article 2*

This Regulation shall enter into force on 16 February  
1983.

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

Done at Brussels, 14 February 1983.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13

<sup>(2)</sup> OJ No L 140, 20. 5. 1982, p. 1.

<sup>(3)</sup> OJ No L 12, 14. 1. 1983, p. 8.

<sup>(4)</sup> OJ No L 27, 29. 1. 1983, p. 34.

## ANNEX

## to the Commission Regulation of 14 February 1983 fixing the import levies on milk and milk products

*(ECU/100 kg net weight, unless otherwise indicated)*

CCT heading No	Code	Import levy
04.01 A I a)	0110	22,79
04.01 A I b)	0120	20,38
04.01 A II a) 1	0130	20,38
04.01 A II a) 2	0140	25,41
04.01 A II b) 1	0150	19,17
04.01 A II b) 2	0160	24,20
04.01 B I	0200	54,95
04.01 B II	0300	116,25
04.01 B III	0400	179,66
04.02 A I	0500	15,63
04.02 A II a) 1	0620	84,86
04.02 A II a) 2	0720	136,65
04.02 A II a) 3	0820	139,07
04.02 A II a) 4	0920	156,80
04.02 A II b) 1	1020	77,61
04.02 A II b) 2	1120	129,40
04.02 A II b) 3	1220	131,82
04.02 A II b) 4	1320	149,55
04.02 A III a) 1	1420	26,11
04.02 A III a) 2	1520	35,25
04.02 A III b) 1	1620	116,25
04.02 A III b) 2	1720	179,66
04.02 B I a)	1820	36,27
04.02 B I b) 1 aa)	2220	per kg 0,7761 (*)
04.02 B I b) 1 bb)	2320	per kg 1,2940 (*)
04.02 B I b) 1 cc)	2420	per kg 1,4955 (*)
04.02 B I b) 2 aa)	2520	per kg 0,7761 (*)
04.02 B I b) 2 bb)	2620	per kg 1,2940 (*)
04.02 B I b) 2 cc)	2720	per kg 1,4955 (*)
04.02 B II a)	2820	46,11
04.02 B II b) 1	2910	per kg 1,1625 (*)
04.02 B II b) 2	3010	per kg 1,7966 (*)
04.03 A	3110	211,36
04.03 B	3210	257,86
04.04 A	3300	175,91 (*)
04.04 B	3900	194,76 (?)
04.04 C	4000	136,17 (*)
04.04 D I a)	4410	138,61 (*)
04.04 D I b)	4510	149,78 (*)
04.04 D II	4610	246,50
04.04 E I a)	4710	194,76
04.04 E I b) 1	4800	185,71 (10)

*(ECU/100 kg net weight, unless otherwise indicated)*

CCT heading No	Code	Import levy
04.04 E I b) 2	5000	144,94 <sup>(1)</sup>
04.04 E I c) 1	5210	108,71
04.04 E I c) 2	5250	241,66
04.04 E II a)	5310	194,76
04.04 E II b)	5410	241,66
17.02 A II	5500	40,14 <sup>(2)</sup>
21.07 F I	5600	40,14
23.07 B I a) 3	5700	60,63
23.07 B I a) 4	5800	78,48
23.07 B I b) 3	5900	74,14
23.07 B I c) 3	6000	62,60
23.07 B II	6100	78,48

- (<sup>1</sup>) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria.
- (<sup>2</sup>) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (<sup>3</sup>) In calculating the fat content the weight of any added sugar shall be disregarded.
- (<sup>4</sup>) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
  - (b) 7,25 ECU ; and
  - (c) 20,43 ECU.
- (<sup>5</sup>) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ; and
  - (b) 20,43 ECU.
- (<sup>6</sup>) The levy is limited to :
- 18,13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
  - 9,07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (<sup>7</sup>) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (<sup>8</sup>) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (<sup>9</sup>) The levy is limited to 36,27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (<sup>10</sup>) The levy is limited to 12,09 ECU per 100 kg net weight :
- for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
  - for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (<sup>11</sup>) The levy is limited to :
- 77,70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
  - 50 ECU for products listed under (o) and (p) of that Annex imported from Austria,
  - 101,88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
  - 65,61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania or Turkey and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Cyprus,
  - to 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria,
  - to 18,13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland,
  - 12,09 ECU for products listed under (f) of that Annex imported from Australia and New Zealand.
- (<sup>12</sup>) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (<sup>13</sup>) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and sub-headings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
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**COMMISSION REGULATION (EEC) No 358/83**  
of 14 February 1983

**amending Regulation (EEC) No 3506/82 increasing to 450 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened**

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 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies<sup>(3)</sup>,

Whereas Commission Regulation (EEC) No 3506/82<sup>(4)</sup>, as amended by Regulation (EEC) No 99/83<sup>(5)</sup>, opened a standing invitation to tender for the export of 300 000 tonnes of bread-making wheat held by the French intervention agency; whereas, in a communication of 3 February 1983, the French Republic informed the Commission of the intention of its intervention agency to increase by 150 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 450 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of exit places and of

regions and quantities in store; whereas Annex I to Regulation (EEC) No 3506/82 must therefore be amended;

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*

Article 2 of Regulation (EEC) No 3506/82 is replaced by the following:

*Article 2*

1. The invitation to tender shall relate to a maximum quantity of 450 000 tonnes of bread-making wheat to be exported to all third countries with the exception of countries in Zone IV within the meaning of Regulation (EEC) No 1124/77.

2. The regions in which the 450 000 tonnes of bread-making wheat are stored are listed in Annex I.'

*Article 2*

Annex I to Regulation (EEC) No 3506/82 is replaced by the Annex hereto.

*Article 3*

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

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

Done at Brussels, 14 February 1983.

*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 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 368, 28. 12. 1982, p. 14.

<sup>(5)</sup> OJ No L 14, 18. 1. 1983, p. 15.

## ANNEX

<i>(tonnes)</i>	
Place of storage	Quantity
Region Dijon	58 900
Region Nantes	16 290
Region Châlons	120 000
Region Orléans	129 915
Region Amiens	64 950
Region Paris	60 235

## COMMISSION DECISION No 359/83/ECSC

of 8 February 1983

## concerning the opening to the public of the historical archives of the European Coal and Steel Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having regard to the opinion of the Consultative Committee,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the assent given unanimously by the Council,

Whereas, in carrying out its tasks, the European Coal and Steel Community has accumulated a vast collection of archives emanating from its institutions; whereas these archives constitute the property of the Community, which has legal personality;

Whereas some of the documents and records produced by the Community are held physically in the archives of the Member States; whereas the Member States apply different rules to determine when and on what conditions their archives may be made available to the public;

Whereas it is standard practice both in Member States and in international organizations to make archives available to the public after a number of years;

Whereas the processing and critical analysis of Community documents and records would not only be of value to historical research in general but would also provide guidance and assistance for the parties concerned in Community affairs and thereby contribute to the attainment of the Community's objectives; whereas, if the Community's objectives are to be attained, there should be common rules governing the opening of the Community's historical archives to the public;

Whereas classified documents and records emanating from Community institutions should be prevented from being released to the public through national archives on terms less strict than those provided for in this Decision;

Whereas the general principles alone need to be determined, adoption of the requisite implementing rules, at internal level, being left to each institution,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The institutions of the European Coal and Steel Community shall establish historical archives and open them to the public on the terms laid down by this Decision after the expiry of a period of 30 years starting from the date of the creation of the document or record. For the purposes of this Decision, the Consultative Committee and the Court of Auditors shall be treated in the same way as the institutions referred to in Article 7 of the Treaty.

2. For the purposes of this Decision:

- (a) 'Community archives' means all those documents and records of whatever type and in whatever medium which have originated in or been received by one of the institutions or by their representatives or servants in the performance of their duties, which relate to the activities of the European Coal and Steel Community;
- (b) the 'historical archives' consist of that part of the Community archives which has been selected, on the terms laid down in Article 7 of this Decision, for permanent preservation.

3. All documents and records which were freely accessible before the expiry of the period provided for in paragraph 1 shall remain accessible to the public without restriction.

4. After expiry of the period provided for in paragraph 1, access to the historical archives shall be given to any person who applies for it and agrees to abide by internal rules established for the purpose by each institution.

5. The historical archives shall be accessible in copy form. However, the institutions may release the originals of the documents or records if the user shows a special and duly substantiated interest.

*Article 2*

This Decision does not apply to files concerning the Community's staff or to documents and records containing information on the private or professional life of individual persons.

<sup>(1)</sup> OJ No C 327, 14. 12. 1981, p. 45.



*Article 3*

1. The public shall not have access to documents and records of cases submitted for judgment to the Court of Justice of the European Communities.
2. The public shall not have access to documents and records which, according to the rules and practice of each institution, are graded confidential or higher, unless they have been declassified in accordance with Article 5.

*Article 4*

1. Documents and records which, when brought to the notice of an institution, are covered by the obligation of professional or business secrecy shall not be released to the public after the 30-year period unless the institution which has notice of the document or record has previously informed the person or undertaking concerned of his intention to release them to the public and that person or undertaking does not object within a period to be laid down in the rules of application referred to in Article 9.
2. Paragraph 1 shall apply also to documents and records drawn up by an institution and comprising information covered by professional or business secrecy.

*Article 5*

1. For the sake of compliance with the 30-year rule provided for in Article 1 (1), each institution shall in good time, and no later than the 25th year following the date of the creation of a document or record, examine all documents and records graded confidential or higher and decide whether or not to declassify them. Documents and records not declassified at the first such examination shall be re-examined periodically, and at least every five years.
2. As regards documents and records received from a Member State or from another institution, the institutions shall abide by the classification established by the originator. However, in order to ensure the broadest possible access to Community archives, the institutions and the Member States may lay down

procedures whereby documents and records may be declassified according to criteria adopted by common agreement.

*Article 6*

1. Member States shall refrain from releasing to the public, on terms less strict than those laid down in Articles 1 to 5, documents and records, emanating from institutions and physically held in their public archives, which have been classified and have not been declassified.
2. Paragraph 1 shall also apply to such documents and records of the Member States which reproduce in full or in part the content of the documents referred to in that paragraph.

*Article 7*

Each institution shall transfer to the historical archives all documents and records contained in their current archives no later than 15 years after their date of creation. According to the criteria laid down by each institution pursuant to Article 9, there shall be an initial sorting process with the purpose of separating documents and records that are to be preserved from those that have no administrative or historical value.

*Article 8*

1. Each institution may deposit its historical archives in whatever place it considers most appropriate.
2. Each institution shall, on request, supply the Member States and the other institutions, to the extent that the Member State concerned is not the one in which the institution is situated or that the institutions concerned are not situated in the same Member State, with a complete set of microform copies of its historical archives, in so far as public access to them is available under this Decision.

*Article 9*

Each institution may adopt detailed rules for the internal implementation of this Decision.

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

Done at Strasbourg, 8 February 1983.

*For the Commission*

*The President*

Gaston THORN

**COMMISSION REGULATION (EEC) No 360/83****of 14 February 1983****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 278/83<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 278/83 to the infor-

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

HAS ADOPTED THIS REGULATION :

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 278/83 are hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 February 1983.

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

Done at Brussels, 14 February 1983.

*For the Commission*

Poul DALSA GER

*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 32, 3. 2. 1983, p. 13.

## ANNEX

to the Commission Regulation of 14 February 1983 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	34,63	
	(b) Other	35,01	
	(II) Flavoured or coloured sugar		0,3463
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	31,86 <sup>(1)</sup>	
	(b) Other raw sugar	32,21 <sup>(1)</sup>	

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

**COMMISSION REGULATION (EEC) No 361/83**  
**of 14 February 1983**  
**fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<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 1716/82<sup>(3)</sup>, as last amended by Regulation (EEC) No 322/83<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1716/82 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 15 February 1983.

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

Done at Brussels, 14 February 1983.

*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 189, 1. 7. 1982, p. 42.  
<sup>(4)</sup> OJ No L 37, 9. 2. 1983, p. 12.

ANNEX

**to the Commission Regulation of 14 February 1983 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	40,66 36,44 <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)*

## COMMISSION

## COMMISSION DECISION

of 14 February 1983

concerning a request for the immediate imposition of a provisional anti-dumping duty on imports of nickel originating in the Soviet Union

*(Only the French text is authentic)*

(83/64/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as amended by Regulation (EEC) No 1580/82<sup>(2)</sup>, and in particular Article 11 thereof,

After consultation within the Advisory Committee provided for by the said Regulation,

Whereas, by telex of 7 February 1983, the French Government, in accordance with Article 11 (3) of Regulation (EEC) No 3017/79, requested immediate intervention by the Commission in the form of the imposition of a provisional anti-dumping duty on imports of unwrought nickel, not alloyed, in the form of cathodes produced by electrolysis either uncut or cut into squares, originating in the Soviet Union;

Whereas an anti-dumping proceeding concerning this product had been opened on 5 February 1983<sup>(3)</sup>;

Whereas the decision to open the proceeding was based on the sole allegations of dumping and injury

made in the complaint lodged by the Community producers;

Whereas, even if the allegations mentioned in the complaint appeared adequate to allow the Commission to open the investigation in accordance with Article 7 (1) of Regulation (EEC) No 3017/79, they do not, in the absence of even a preliminary examination of the facts, justify the imposition of a provisional duty in accordance with Article 11 of the said Regulation;

Whereas, at this stage of the proceeding and without precluding the imposition of such duty at a later date, it is not therefore possible to meet the request of the French Government,

HAS ADOPTED THIS DECISION:

*Sole Article*

The request of the French Government is refused.

This Decision is addressed to the French Government.

Done at Brussels, 14 February 1983.

*For the Commission*

Wilhelm HAFERKAMP

*Vice-President*

<sup>(1)</sup> OJ No L 339, 31. 12. 1979, p. 1.

<sup>(2)</sup> OJ No L 178, 22. 6. 1982, p. 9.

<sup>(3)</sup> OJ No C 31, 5. 2. 1983, p. 3.

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