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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2565/80**of 7 October 1980****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1870/80⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2035/80⁽⁵⁾ and subsequent amending Regulations ;

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

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

a band of 2.25 %, a rate of exchange based on their effective parity ;

— 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 6 October 1980 ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2035/80 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 8 October 1980.

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

Done at Brussels, 7 October 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 1.

ANNEX

to the Commission Regulation of 7 October 1980 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	77.84
10.01 B	Durum wheat	85.23 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	56.11 ⁽⁶⁾
10.03	Barley	62.38
10.04	Oats	55.25
10.05 B	Maize, other than hybrid maize for sowing	76.94 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	68.12 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	121.37
11.01 B	Rye flour	91.96
11.02 A I a)	Durum wheat groats and meal	145.22
11.02 A I b)	Common wheat groats and meal	130.66

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

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 2566/80**of 7 October 1980****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1870/80 ⁽²⁾, and in particular Article 15(6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2036/80 ⁽⁵⁾ and subsequent amending Regulations;

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

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

a band of 2.25 % a rate of exchange based on their effective parity;

— 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 6 October 1980;

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 8 October 1980.

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

Done at Brussels, 7 October 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 4.

ANNEX

to the Commission Regulation of 7 October 1980 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 10	1st period 11	2nd period 12	3rd period 1
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	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 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 2567/80

of 7 October 1980

re-establishing the levying of customs duties on equipment for parlour, falling within heading No 97.04 and originating in Singapore, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 2789/79 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2789/79 of 10 December 1979 establishing preferential tariffs in respect of certain products originating in developing countries ⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling, expressed in European units of account, which will be equal — with the exception of certain products the value of the ceilings for which is given in Annex A thereto — to the sum arrived at by adding together the value of the products in question imported cif into the Community in 1977 and coming from countries and territories covered by those arrangements, but not including products coming from countries and territories already covered by various preferential tariff arrangements established by the Community, and 5 % of the value of 1977 cif imports coming from other countries and from countries and territories already covered by such arrangements; whereas, however, the ceiling resulting from the sum of this addition may in no case exceed 110 or 115 % of that fixed for 1979;

Whereas, having regard to that ceiling, the amounts for products originating in any one of the countries or territories listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A thereto; whereas, for these products, this reduction will be 25 %;

Whereas Article 2 (2) and (3) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said

countries or territories — with the exception of those listed in Annex C thereto — once the relevant Community amount has been reached;

Whereas, in respect of equipment for parlour, falling within heading No 97.04, the ceiling, calculated as indicated above, should be 9 940 000 European units of account, and therefore the maximum amount is 2 485 000 European units of account; whereas on 29 September 1980 the amounts of imports into the Community of the products in question, originating in Singapore, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 2789/79 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in relation to Singapore,

HAS ADOPTED THIS REGULATION:

Article 1

As from 11 October 1980, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 2789/79, shall be re-established in respect of the following products, imported into the Community and originating in Singapore:

CCT heading No	Description
97.04	Equipment for parlour, table and funfair games, for adults or children (including billiard tables and pintables and table-tennis requisites)

Article 2

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

⁽¹⁾ OJ No L 328, 24. 12. 1979, p. 25.

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

Done at Brussels, 7 October 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission

COMMISSION REGULATION (EEC) No 2568/80

of 7 October 1980

re-establishing the levying of customs duties on watch cases and parts of watch cases, falling within heading No 91.09 and originating in Hong Kong, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 2789/79 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2789/79 of 10 December 1979 establishing preferential tariffs in respect of certain products originating in developing countries ⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling, expressed in European units of account, which will be equal, with the exception of certain products the value of the ceilings for which is given in Annex A thereto, to the sum arrived at by adding together the value of the products in question imported cif into the Community in 1977 and coming from countries and territories covered by those arrangements, but not including products coming from countries and territories already covered by various preferential tariff arrangements established by the Community, and 5 % of the value of 1977 cif imports coming from other countries and from countries and territories already covered by such arrangements; whereas, however, the ceiling resulting from the sum of this addition may in no case exceed 110 or 115 % of that fixed for 1979;

Whereas, having regard to that ceiling, the amounts for products originating in any one of the countries or territories listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A thereto; whereas, for these products, this reduced percentage will be 30 %;

Whereas Article 2 (2) and (3) of that Regulation provides that customs duties may be re-established at any time in respect of imports of the products in ques-

tion originating in any of the said countries or territories, with the exception of those listed in Annex C thereto, once the relevant Community amount has been reached;

Whereas, in respect of watch cases and parts of watch cases, the ceiling, calculated as indicated above, should be 3 015 000 European units of account, and therefore the maximum amount is 904 000 European units of account; whereas on 12 September 1980, the amounts of imports into the Community of the products in question, originating in Hong Kong, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 2789/79 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to Hong Kong,

HAS ADOPTED THIS REGULATION:

Article 1

As from 11 October 1980, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 2789/79, shall be re-established in respect of the following products, imported into the Community and originating in Hong Kong:

CCT heading No	Description
91.09	Watch cases and parts of watch cases

Article 2

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

⁽¹⁾ OJ No L 328, 24. 12. 1979, p. 25.

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

Done at Brussels, 7 October 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission

COMMISSION REGULATION (EEC) No 2569/80**of 7 October 1980****fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt is to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 113/80 ⁽²⁾;

Having regard to Council Regulation (EEC) No 1250/77 of 17 May 1977 on imports of rice from the Arab Republic of Egypt ⁽³⁾, and in particular Article 1 thereof,

Whereas Regulation (EEC) No 1250/77 provides that the levy calculated in accordance with Article 11 of Regulation (EEC) No 1418/76 is to be reduced by an amount to be fixed by the Commission each quarter; whereas this amount must be equal to 25 % of the average of the levies applied during a reference period;

Whereas, under Commission Regulation (EEC) No 2942/73 of 30 October 1973 laying down detailed

rules for the application of Regulation (EEC) No 2412/73 ⁽⁴⁾, the reference period is to be the quarter preceding the month in which the amount is fixed;

Whereas the levies to be taken into consideration are therefore those applicable during the months of July, August and September 1980,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC) No 1250/77 by which the levy on imports of rice originating in and coming from the Arab Republic of Egypt is to be reduced shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1980.

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

Done at Brussels, 7 October 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 16, 22. 1. 1980, p. 1.

⁽³⁾ OJ No L 146, 14. 6. 1977, p. 9.

⁽⁴⁾ OJ No L 302, 31. 10. 1973, p. 1.

ANNEX

to the Commission Regulation of 7 October 1980 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt is to be reduced

(ECU/tonne)

CCT heading No	Description	Amounts to be deducted
ex 10.06	Rice :	
	B. Other :	
	I. Paddy rice ; husked rice :	
	a) Paddy rice :	
	1. Round grain	17.85
	2. Long grain	26.83
	b) Husked rice :	
	1. Round grain	22.31
	2. Long grain	33.53
	II. Semi-milled or wholly milled rice :	
	a) Semi-milled rice :	
	1. Round grain	40.94
	2. Long grain	62.60
	b) Wholly milled rice :	
	1. Round grain	43.60
	2. Long grain	67.11
	III. Broken rice	6.08

COMMISSION REGULATION (EEC) No 2570/80**of 7 October 1980****fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Egypt must be reduced**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1030/77 of 17 May 1977 concluding the Interim
Agreement between the European Economic Commu-
nity and the Arab Republic of Egypt⁽¹⁾, and in parti-
cular the second subparagraph of paragraph 3 of the
exchange of letters relating to Article 13 of the Agree-
ment;

Whereas the exchange of letters covered by Regula-
tion (EEC) No 1030/77 provides that the variable
component of the levy calculated in accordance with
Article 2 of Council Regulation (EEC) No 2744/75 of
29 October 1975 on the import and export system for
products processed from cereals and rice⁽²⁾, as last
amended by Regulation (EEC) No 2245/78⁽³⁾, is to be
reduced by an amount fixed by the Commission each
quarter; whereas this amount must be equal to 60 %
of the average of the levies in force during the three

months preceding the month during which the
amount is fixed;

Whereas the variable components applicable during
July, August and September 1980 to the products
falling within subheading 23.02 A of the Common
Customs Tariff are to be taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts referred to in the second subparagraph
of paragraph 3 of the exchange of letters covered by
Regulation (EEC) No 1030/77 to be deducted from
the variable component applicable to bran and sharps
originating in Egypt shall be as shown in the Annex
hereto.

Article 2

This Regulation shall enter into force on 1 November
1980.

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

Done at Brussels, 7 October 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 126, 23. 5. 1977, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽³⁾ OJ No L 273, 29. 9. 1978, p. 1.

ANNEX

CCT heading No	ECU/tonne
23.02 A I a)	14.86
23.02 A I b)	47.56
23.02 A II a)	11.89
23.02 A II b)	47.56

COMMISSION REGULATION (EEC) No 2571/80**of 7 October 1980****fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1512/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia⁽¹⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1518/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria⁽²⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1525/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco⁽³⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Whereas the Agreement in the form of an exchange of letters annexed to Regulations (EEC) No 1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 provides that the variable component of the levy calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 2245/78⁽⁵⁾, is to be reduced by an amount fixed by the Commission each quarter; whereas this amount must be equal to 60 % of the average of the variable components of the levies in force during the three months preceding the month during which the amount is fixed;

Whereas the variable components applicable to the products falling within subheading 23.02 A II of the Common Customs Tariff during July, August and September 1980 have been taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in the second subparagraph of paragraph 3 of the exchange of letters forming the Agreement annexed to Regulations (EEC) No 1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 to be deducted from the variable component applicable to bran and sharps originating in Tunisia, Algeria and Morocco respectively, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1980.

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

Done at Brussels, 7 October 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 169, 28. 6. 1976, p. 19.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 37.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 53.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 273, 29. 9. 1978, p. 1.

ANNEX

CCT heading No	ECU/tonne
23.02 A II a)	11.89
23.02 A II b)	47.56

COMMISSION REGULATION (EEC) No 2572/80
of 7 October 1980
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as amended by Regulation (EEC) No 369/76⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1980.

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

Done at Brussels, 7 October 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

ANNEX

to the Commission Regulation of 7 October 1980 fixing the export refunds on poultrymeat

CCT heading No	Description	Refund
		ECU/100 units
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls: For all exports except to the United States of America: A. Of a weight not exceeding 185 g, known as 'chicks': I. Turkeys and geese II. Other	3-50 1-70
		ECU/100 kg
02.02	Dead poultry (that is to say fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen: For all exports except to the United States of America: A. Whole poultry: I. Fowls: a) Plucked and gutted, with heads and feet, known as '83 % chickens' b) Plucked and drawn, without heads and feet but with hearts, livers and gizzards, known as '70 % chickens' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens' II. Ducks: a) Plucked, bled, not drawn or gutted with heads and feet, known as 85 % ducks b) Plucked and drawn without heads and feet, with hearts, livers and gizzards known as 70 % ducks c) Plucked and drawn without heads and feet, without hearts, livers and gizzards, known as 63 % ducks IV. Turkeys B. Poultry cuts (excluding offals): II. Unboned (bone-in): a) Halves or quarters: 1. Of fowls 2. Of ducks 4. Of turkeys b) Whole wings, with or without tips d) Breasts and cuts of breasts: 2. Of turkeys 3. Of other poultry e) Legs and cuts of legs: 2. Of turkeys aa) Drumsticks and cuts of drumsticks bb) Other 3. Of other poultry	18-00 18-00 18-00 22-00 22-00 22-00 15-00 20-00 26-00 16-00 15-00 24-00 28-00 13-00 23-00 26-00

II

(Acts whose publication is not obligatory)

COMMISSION**COMMISSION DECISION**

of 11 September 1980

fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EEC) No 1428/80

(80/924/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1870/80⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the export refund on barley was issued under Commission Regulation (EEC) No 1428/80⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on barley to be exported pursuant to the invitation to tender for the export of barley issued in Regulation (EEC) No 1428/80 is hereby fixed on the basis of the tenders submitted by 11 September 1980 at 44.50 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 143, 7. 6. 1980, p. 7.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION

of 11 September 1980

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 1429/80

(80/925/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1870/80⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the export refund on common wheat was issued under Commission Regulation (EEC) No 1429/80⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 1429/80 is hereby fixed on the basis of the tenders submitted by 11 September 1980 at 50.00 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 1980.

For the Commission

FILIN GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 143, 7. 6. 1980, p. 9.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION**of 11 September 1980****fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EEC) No 1430/80****(80/926/EEC)**

**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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1870/80⁽²⁾,**

**Having regard to Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general
rules for granting export refunds on cereals and
criteria for fixing the amount of such refunds⁽³⁾, and
in particular Article 5 thereof,**

**Whereas an invitation to tender for the export refund
on barley was issued under Commission Regulation
(EEC) No 1430/80⁽⁴⁾;**

**Whereas, pursuant to Article 5 of Commission Regula-
tion (EEC) No 279/75⁽⁵⁾, as amended by Regulation
(EEC) No 2944/78⁽⁶⁾, the Commission, acting under
the procedure laid down in Article 26 of Regulation
(EEC) No 2727/75, may decide to fix a maximum
export refund; whereas in fixing this maximum the
criteria provided for in Articles 2 and 3 of Regulation
(EEC) No 2746/75 must be taken into account;
whereas a contract is awarded to any tenderer whose
tender is equal to or less than the maximum export
refund;**

**Whereas the application of the abovementioned
criteria to the current market situation for the cereal
in question results in the maximum export refund
being fixed at the amount specified in Article 1;**

**Whereas the measures provided for in this Decision
are in accordance with the opinion of the Manage-
ment Committee for Cereals,**

HAS ADOPTED THIS DECISION:

Article 1

**The maximum export refund on barley to be exported
pursuant to the invitation to tender for the export of
barley issued in Regulation (EEC) No 1430/80 is
hereby fixed on the basis of the tenders submitted by
11 September 1980 at 44.50 ECU per tonne.**

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 143, 7. 6. 1980, p. 11.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION**of 11 September 1980****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 1431/80****(80/927/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1870/80⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the export refund on common wheat was issued under Commission Regulation (EEC) No 1431/80⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 1431/80 is hereby fixed on the basis of the tenders submitted by 11 September 1980 at 50.00 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 143, 7. 6. 1980, p. 13.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION**of 11 September 1980****to take no action on the tenders submitted by 11 September 1980 in response to the invitation to tender for the export of rye issued in Regulation (EEC) No 2225/80****(80/928/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1870/80⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the export refund on rye was issued under Commission Regulation (EEC) No 2225/80⁽⁴⁾;

Whereas Article 5 of Commission Regulation (EEC) No 279/75 of 4 February 1975⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75 a maximum refund should not be fixed;

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

HAS ADOPTED THIS DECISION:

Article 1

No action shall be taken on the tenders submitted by 11 September 1980 in response to the invitation to tender for the export refund on rye issued in Regulation (EEC) No 2225/80.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 222, 23. 8. 1980, p. 6.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION

of 12 September 1980

authorizing the Italian Republic not to apply Community treatment to jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers, falling within subheading ex 60.05 A of the Common Customs Tariff (category 5), originating in South Korea and in free circulation in the other Member States

(Only the Italian text is authentic)

(80/929/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 9 September 1980 by the Italian Government to the Commission of the European Communities, for authorization not to apply Community treatment to jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers, falling within subheading ex 60.05 A of the Common Customs Tariff (category 5), originating in South Korea and in free circulation in the other Member States,

Whereas the importation into the Community of the products in question originating in South Korea is covered by an Agreement negotiated between the Community and that country;

Whereas under that Agreement South Korea has undertaken to take all necessary steps to limit its exports of the products in question to the Community up to the amount of certain ceilings allocated among the Member States;

Whereas it was not possible on that occasion to allocate these ceilings on the basis of the needs of the individual markets; whereas there are therefore disparities existing between the import conditions in the various Member States; whereas uniformity can only be achieved progressively;

Whereas it appears from the application submitted that there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and a progressive decline in its market share;

Whereas these economic difficulties are caused largely by unequal conditions of competition, which allow exports to be made at prices appreciably lower than those of the Community products in question;

Whereas further indirect imports, in addition to those already made or proposed, would be likely to aggravate these difficulties;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down in Commission Decision 80/47/EEC of 20 December 1979 ⁽¹⁾, and in particular Article 3 thereof;

Whereas, however, the application for a licence which gave rise to the application in question does not need to be covered by such an authorization in view of the small amount involved,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic is authorized not to apply Community treatment to the products indicated below, where they originate in South Korea and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after the date of the adoption of this Decision:

CCT heading No	Description
ex 60.05 A (NIMEXE codes 60.05-01, 27, 28, 29, 30, 33, 36, 37, 38) (category 5)	Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers, knitted or crocheted, not elastic or rubberized of wool, of cotton or of man-made textile fibres

⁽¹⁾ OJ No L 16, 22. 1. 1980, p. 14.

Article 2

Done at Brussels, 12 September 1980.

This Decision shall apply until new opportunities arise in Italy for the importation of these products from South Korea or until 31 December 1980, whichever is the earlier.

Article 3

This Decision is addressed to the Italian Republic.

For the Commission

Wilhelm HAFFERKAMP

Vice-President

COMMISSION DECISION

of 12 September 1980

fixing the minimum selling prices for butter for the 36th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 262/79

(80/930/EEC)

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⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, and in particular Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream⁽³⁾, as last amended by Regulation (EEC) No 1272/79⁽⁴⁾, and in particular Article 7a thereof,

Whereas, pursuant to Commission Regulation (EEC) No 262/79 of 12 February 1979 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁵⁾, as last amended by Regulation (EEC) No 925/80⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

Whereas Article 16 of that Regulation provides that, in the light of the tenders received, a minimum

selling price must be fixed which may vary according to the use to which the butter is to be put and according to the fat content of the butter; whereas, alternatively, a decision may be taken not to proceed with the invitation to tender; whereas the amounts of the processing security must be fixed in the light of the difference between the minimum selling prices and the market prices of the butter;

Whereas, in the light of the tenders received in response to the 36th individual invitation to tender, the minimum selling prices should be fixed at the level specified below and the processing securities determined accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

For the 36th individual invitation to tender under Regulation (EEC) No 262/79, in respect of which the time limit for the submission of tenders was 9 September 1980, the minimum selling prices and processing securities shall be fixed as follows:

Use to which the butter is to be put (Article 4 (1), (2) and (3) of Regulation (EEC) No 262/79)	Fat content of the butter	Minimum selling price in ECU per 100 kg butter	Processing security in ECU per 100 kg butter
Formula A and/or C	82 % or more	122-00	193-00
	Less than 82 %	119-02	188-29
Formula B	82 % or more	177-00	138-00
	Less than 82 %	172-68	134-62

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 161, 29. 6. 1979, p. 13.

⁽⁵⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽⁶⁾ OJ No L 99, 17. 4. 1980, p. 13.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 September 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION DECISION

of 12 September 1980

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2188/80, the maximum amounts for the costs of delivery of skimmed-milk powder as food aid

(80/931/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

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⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, and in particular Article 7(5) thereof,

The maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 2188/80 shall be fixed in ECU as follows:

Whereas, pursuant to Commission Regulation (EEC) No 2188/80 of 8 August 1980 on the delivery of various consignments of skimmed-milk powder as food aid⁽³⁾, the intervention agencies of the Member States have invited tenders for the costs of delivery as food aid of 45 509 tonnes of skimmed-milk powder for certain third countries and beneficiary organizations;

— Lot A	: 658 738 (B)
— Lot B	: 658 791 (D)
— Lot C	: 624 509 (B)
— Lot D	: 707 711 (D)
— Lot E	: 598 103 (D)
— Lot F	: 763 019 (B)
— Lot G	: 652 502 (D)
— Lot H	: 563 821 (D)
— Lot I	: 577 557 (D)
— Lot K	: 686 070 (D)
— Lot L	: 638 261 (D)
— Lot M	: 631 577 (D)
— Lot N	: 636 320 (D)
— Lot O	: 702 261 (D)
— Lot P	: 702 022 (D)
— Lot Q	: 438 654 (UK)
— Lot R	: 661 486 (D)
— Lot S	: 609 014 (D)
— Lot T	: 650 226 (D)
— Lot U	: 629 607 (D)
— Lot V	: 561 912 (D)
— Lot W	: 397 042 (D)
— Lot X	: 661 881 (D)
— Lot Y	: 817 505 (B)
— Lot Z	: 149 584 (B)
— Lot AA	: 692 968 (D)
— Lot AB	: 773 558 (D) ⁽⁶⁾
— Lot AC	: 366 474 (D)
— Lot AD	: 738 029 (D) ⁽⁶⁾
— Lot AE	: 659 815 (D) ⁽⁶⁾
— Lot AF	: 1 127 031 (D)
— Lot AH	: 3 325
— Lot AI	: 12 858
— Lot AK 1	: 8 209
— Lot AK 2	: 8 061
— Lot AM	: 662 600 (D) ⁽⁶⁾
— Lot AO	: 656 994 (D) ⁽⁶⁾
	: 683 096 (B) ⁽⁶⁾
— Lot AP	: 668 620 (D) ⁽⁶⁾
— Lot AQ	: 274 257 (UK)
— Lot AR	: 337 865 (B)

Whereas, in pursuance of Article 14(2) of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, as last amended by Regulation (EEC) No 1488/79⁽⁵⁾, the tender introduced for lots AB, AD, AE, AM, AO, AP, BT, BU, BW, BY, CB, CD, CE and CF may be a part quantity of 500 tonnes or a multiple of 500 tonnes of the whole of the lot concerned;

Whereas, Article 16 of the aforementioned Regulation lays down that, on the basis of tenders received, a maximum amount shall be fixed for each lot put up for tender or it shall be decided not to proceed with the tender;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No L 216, 18. 8. 1980, p. 23.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁵⁾ OJ No L 181, 18. 7. 1979, p. 20.

⁽⁶⁾ For a part quantity of 500 tonnes.

— Lot AS : 663 053 (B)
— Lot AW : 722 204 (IRL)
— Lot AX : 144 624 (B)
— Lot AY : 419 494 (IRL)
— Lot BS : 75 605
— Lot BT : 1 879 113 (IRL)
— Lot BU : 656 823 (B) ⁽¹⁾
650 741 (D) ⁽¹⁾
— Lot BV : 650 921 (D)
— Lot BW : 1 879 113 (IRL)
— Lot BX : 629 940 (NL)
— Lot BY : 665 978 (D) ⁽¹⁾
— Lot BZ : 661 920 (UK)
— Lot CA : 654 694 (D)
— Lot CB : 666 877 (D) ⁽¹⁾
— Lot CC 1 : 203 060
— Lot CC 2 : 201 002
— Lot CC 3 : 201 972
— Lot CD : 705 071 (L) ⁽¹⁾
715 139 (B) ⁽¹⁾

— Lot CE : 719 681 (L) ⁽¹⁾
724 346 (B) ⁽¹⁾
— Lot CF : 744 726 (L) ⁽¹⁾
748 901 (B) ⁽¹⁾
— Lot CI : 1 103 200 (UK)

With regard to lot AN, the tender shall not be proceeded with.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 September 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ For a part quantity of 500 tonnes.

COMMISSION DECISION

of 15 September 1980

concerning the partial taking-over by the State of employers' contributions to sickness insurance schemes in Italy

(Only the Italian text is authentic)

(80/932/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,

After giving the parties concerned formal notice to submit their comments,

Whereas :

I

By Decree No 353 of 6 July 1978⁽¹⁾, which later became Law No 502 of 5 August 1978⁽²⁾, the Italian Government introduced a scheme under which the State took over part of the burden of employers' sickness insurance contributions for manufacturing undertakings and for certain undertakings in the services sector. Although originally intended to run for a temporary six-month period ending on 31 December 1978, the scheme was extended by Decree No 20 of 30 January 1979⁽³⁾, which became Law No 92 of 31 March 1979⁽⁴⁾, until 30 June 1979 and subsequently by Law No 375 of 13 August 1979⁽⁵⁾ until 31 December 1979, and was made permanent by Decree No 663 of 30 December 1979⁽⁶⁾.

The scheme covers undertakings in the manufacturing and extractive industries and certain branches of the services sector (mainly tourism and commercial undertakings where exports account for over 40 % of their sales).

The operation of the scheme results in a reduction in such undertakings' sickness insurance contributions. Before the scheme was made permanent, the reduction was fixed at a standard Lit 24 500 per month for each male employee. For female employees, however, employers were exempt from payments to sickness insurance schemes in respect of the first Lit 400 000 of wages and salaries per person per month, which amounted to a potential reduction of Lit 64 000, since employers' sickness insurance contributions are set at 16 % of wages and salaries.

⁽¹⁾ *Gazzetta Ufficiale* No 192, 11. 7. 1978.

⁽²⁾ *Gazzetta Ufficiale* No 246, 2. 9. 1978.

⁽³⁾ *Gazzetta Ufficiale* No 30, 31. 1. 1979.

⁽⁴⁾ *Gazzetta Ufficiale* No 91, 1. 4. 1979.

⁽⁵⁾ *Gazzetta Ufficiale* No 225, 17. 8. 1979.

⁽⁶⁾ *Gazzetta Ufficiale* No 355, 31. 12. 1979.

When the scheme was made permanent, the level of employers' sickness insurance contributions was reduced by four percentage points for male employees and by 10 percentage points for female employees.

II

In the comments which it submitted to the Commission under the procedure of Article 93 (2) of the EEC Treaty, which was initiated on 21 December 1979, the Italian Government argued that the present system of partial taking-over by the State of sickness insurance costs was only the first stage in a radical reorganization of the social security system in Italy which would eventually exempt all undertakings from these costs. Because of budgetary constraints this operation would have to be implemented gradually, it had not initially been possible to extend the present system to the whole economy, and that system had had to be confined to industrial undertakings and certain undertakings in the services sector.

The Italian authorities further argued that the differential between the rates of reduction in respect of male and female employees was justified by more absenteeism on the part of women than of men in Italy and by the very advanced social security legislation in Italy, the aim of which was to afford protection for female labour. This measure was ultimately intended to lower the level of social security costs in Italy, which were higher than in any other Community country, but budget resources did not at the moment allow the rate of reduction for male labour to be aligned with the rate for women.

Whereas the decision of the Italian Government to lower by an additional 2 % the employers' contribution for male employees to the sickness insurance scheme, as communicated to the Commission by letter from its Permanent Representation dated 24 July 1980, reduces but does not eliminate the difference between male and female workers.

Other Member States and other interested parties have submitted numerous comments under the procedure of Article 93 (2) of the EEC Treaty and have expressed their industries' concern regarding this measure.

III

By excluding certain branches of economic activity from its scope of application, the present scheme as described above may well lose its general nature, the only thing which prevents it from being regarded as an aid within the meaning of Article 92 (1) of the EEC Treaty. However, considering that it forms part of a general reform aimed at eventually extending the system to all branches of the Italian economy, the Commission recognizes that implementation by stages may be necessary and that the present scheme is already sufficiently general in nature since it is being applied to the whole of industry.

On the other hand, as regards the bigger reduction in employers' sickness insurance costs for female employees, the present system is such as to favour the production of certain Italian goods in which the use of female labour is particularly important, for example, in the textile, clothing, footwear and leather industries, and therefore amounts to a State aid within the meaning of Article 92 (1) of the EEC Treaty.

Women represent 70 % of the labour force in these four industries as against only 25 % in Italian industry as a whole, and the extra reduction in employers' sickness insurance costs for female employees therefore substantially and directly affects the production costs of firms in those industries and thus their competitiveness *vis-à-vis* competitors in the other Member States. Such an objective was clearly formulated by the Italian authorities, since the deliberations of the Interministerial Committee for Coordination of Industrial Policy (CIPI) on 21 December 1978 on a programme of support for the fashion industry ⁽¹⁾ recommended 'making unit production costs competitive through harmonization of the labour-cost structure with that of the other European countries, taking account first and foremost of the need to make the present system of taking-over by the State of social security costs for female labour permanent'.

Although the general conditions under which undertakings are operating may well vary from one Community country to another, this does not entitle a Member State to single out any specific factor and offset by aid the additional costs borne by its undertak-

ings as compared with their competitors in other Member States.

The textile, clothing, footwear and leather industries, which are the particular beneficiaries of the aid in question, are known to be industries which are experiencing difficulties throughout the Community and in which there is very keen competition between Member States.

IV

In view of the above factors, this type of aid is therefore liable to affect trade between Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty.

The provisions of the EEC Treaty stipulate that aid falling within the criteria set out in Article 92 (1) is incompatible with the common market. The derogations provided for in Article 92 (3), the only derogations relevant to the case in point, specify objectives which must be pursued in the interest of the Community and not only in that of particular branches of a national economy. The derogations must be interpreted strictly in examining both regional or sectoral aid schemes and specific cases to which general aid systems are applied. In particular, the derogations may be allowed only in cases where the Commission is able to establish that the aid is necessary in order to achieve one of the objectives specified in the abovementioned Article.

If these derogations were allowed in respect of aid which did not have this compensatory justification, this would mean allowing trade between Member States to be affected and competition to be distorted without any justification in terms of the Community interest and would also allow undue advantages for certain Member States.

The aid system under examination does not have such a compensatory justification.

The Italian Government has not been able to furnish, nor the Commission to detect, any evidence that the aid envisaged fulfils the conditions which would justify the application of one of the derogations provided for in Article 92 (3) of the EEC Treaty.

The scheme is clearly not a measure to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment, nor a measure to promote the execution of a project of common European interest, nor indeed a measure to remedy a serious disturbance in the economy of the Member State concerned. Consequently, neither Article 92 (3) (a) or (b) of the EEC Treaty is applicable.

⁽¹⁾ *Gazzetta Ufficiale* No 55, 24. 2. 1979.

The larger production for female labour constitutes a strictly conservatory operating aid for the undertakings concerned. As a general rule, the Commission has always opposed such aid, since it usually does not fulfil the conditions which would allow it to qualify for the derogation provided for in Article 92 (3) (c) of the EEC Treaty, in that it is not such as to facilitate 'development' within the meaning of that provision.

Moreover, given the adjustment difficulties which the textile, clothing, footwear and leather industries are experiencing throughout the Community and the intensity of competition within the Community in these industries, the aid is such as to adversely affect trading conditions to an extent contrary to the common interest.

In the textile industry in particular, the aid is contrary to the principles of the Community's approach on aid to the textile industry, which the Commission notified to the Member States in 1971 and 1977.

Lastly, in the services sector the aid is granted to 'commercial exporting undertakings', and from that point of view it is an export aid, a category to be regarded as incompatible with the common market when it benefits intra-Community sales.

Consequently, there is nothing to justify the Commission exempting the measure in question from the principle of the incompatibility of aids by letting it qualify for the derogation provided for in Article 92 (3) (c) of the EEC Treaty.

Although the insufficiency of budgetary resources cited by the Italian Government in its comments may be a reason for accepting that the present scheme is not yet being applied to all branches of the Italian economy, it cannot justify the distinction drawn between male and female employees as regards the

rate of reduction of employers' sickness insurance contributions, since it is such as to adversely affect trading conditions to an extent contrary to the common interest.

This conclusion cannot be invalidated by the argument that in Italy there is more absenteeism among female than male employees, since the position is similar in other Member States,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic shall within six months remove the difference provided for in Article 22 of Decree No 663 of 30 December 1979 in the rate of reduction of employers' sickness insurance contributions as between male and female employees.

Article 2

The Italian Republic shall communicate to the Commission the laws, regulations and administrative provisions adopted to comply with this Decision not later than the end of the period laid down in Article 1.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 15 September 1980.

For the Commission

Raymond VOUEL

Member of the Commission

COMMISSION DECISION

of 15 September 1980

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2187/80, the maximum amounts for the delivery of butteroil as food aid

(80/933/EEC)

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⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2187/80 of 8 August 1980 on the delivery of various consignments of butteroil as food aid⁽³⁾, the intervention agencies of the Member States have invited tenders for the manufacture and delivery of 7 625 tonnes of butteroil, destined for certain third countries and beneficiary organizations;

Whereas Article 16 of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, as last amended by Regulation (EEC) No 1488/79⁽⁵⁾, provides that in the light of the tenders received a maximum amount for each lot put out to tender is to be fixed or the tendering procedure is to be cancelled;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purpose of awarding a contract pursuant to Regulation (EEC) No 2187/80 shall be fixed in ECU as follows:

— lot A	: 1 388 318
— lot B	: 1 012 783
— lot C	: 2 074 595
— lot D	: 2 174 415
— lot E	: 1 956 285
— lot F	: 808 387
— lot G	: 1 890 877
— lot H	: 378 176
— lot M	: 2 378 296
— lot Z	: 2 036 855
— lot AA	: 2 650 939
— lot AB	: 1 131 653
— lot AC 1	: 1 884 290
— lot AC 2	: 1 888 881
— lot AC 3	: 1 886 456
— lot AC 4	: 1 886 456
— lot AC 5	: 1 888 881

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 September 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No L 216, 18. 8. 1980, p. 1.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁵⁾ OJ No L 181, 18. 7. 1979, p. 20.

