

Official Journal

of the European Communities

ISSN 0378-6978

L 256

Volume 24

10 September 1981

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2614/81
of 9 September 1981
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 1949/81⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2196/81⁽⁵⁾ and subsequent amending Regulations;

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

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

a band of 2.25 %, a rate of exchange based on their 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 8 September 1981;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2196/81 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 September 1981.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 9 September 1981 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	69.74
10.01 B	Durum wheat	122.78 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	27.39 ⁽⁶⁾
10.03	Barley	70.49
10.04	Oats	30.63
10.05 B	Maize, other than hybrid maize for sowing	78.11 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	40.98 ⁽⁴⁾
10.07 C	Grain sorghum	67.84 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽¹⁾
11.01 A	Wheat or meslin flour	110.86
11.01 B	Rye flour	51.59
11.02 A I a)	Durum wheat groats and meal	203.37
11.02 A I b)	Common wheat groats and meal	119.46

⁽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 2615/81

of 9 September 1981

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 1949/81⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2197/81⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 % a rate of exchange based on their 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 8 September 1981;

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 10 September 1981.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 9 September 1981 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 9	1st period 10	2nd period 11	3rd period 12
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	0.97	0.97	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

CCT heading No	Description	(ECU/tonne)				
		Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2616/81
of 9 September 1981
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by the Act of
Accession of Greece ⁽²⁾, and in particular Article 11 (2)
thereof,

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2526/81 ⁽³⁾,
amended by Regulation (EEC) No 2560/81 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2526/81 to today's

offer prices and quotations known to the Commission
that the levies at present in force should be altered to
the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10
September 1981.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 248, 1. 9. 1981, p. 5.

⁽⁴⁾ OJ No L 250, 3. 9. 1981, p. 5.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 2617/81**of 9 September 1981****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by the Act of
Accession of Greece ⁽²⁾, and in particular Article 13 (6)
thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2527/81 ⁽³⁾, amended by Regulation (EEC) No
2561/81 ⁽⁴⁾; 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 shown in the Annex
hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10
September 1981.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 248, 1. 9. 1981, p. 8.

⁽⁴⁾ OJ No L 250, 3. 9. 1981, p. 7.

ANNEX

to the Commission Regulation of 9 September 1981 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 9	1st period 10	2nd period 11	3rd period 12
ex 10.06	Rice :				
	B. Other				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 2618/81
of 8 September 1981
establishing unit values for the determination of the customs value of certain
perishable goods

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Commission Regulation (EEC) No
1577/81 of 12 June 1981 establishing a system of
simplified procedures for the determination of the
customs value of certain perishable goods⁽¹⁾, and in
particular Article 1 thereof,

Whereas Article 1 of that Regulation provides that the
Commission shall periodically establish unit values for
the products referred to in the classification in the
Annex ;

Whereas the result of applying the rules and criteria
laid down in Regulation (EEC) No 1577/81 to the
elements communicated to the Commission in accor-

dance with Article 1 (2) of that Regulation is that the
unit values set out in the Annex to this Regulation
should be established in regard to the products in
question,

HAS ADOPTED THIS REGULATION :

Article 1

The unit values provided for in Article 1 (1) of Regula-
tion (EEC) No 1577/81 are hereby established as set
out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 11
September 1981.

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

Done at Brussels, 8 September 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
1.1	07.01-13 } 07.01-15 }	07.01 A II	New potatoes	774	147.99	47.22	113.11	12.91	23 487	52.52	10.20
1.2	07.01-31 } 07.01-33 }	07.01 D I	Cabbage lettuce	3 261	626.23	199.27	474.24	54.52	99 122	221.65	42.46
1.3	07.01-45 } 07.01-47 }	07.01 F II	Beans of the species Phaseolus	1 129	215.81	68.87	164.95	18.83	34 251	76.60	14.88
1.4	ex 07.01-54	ex 07.01 G II	Carrots	678	129.70	41.38	99.13	11.31	20 584	46.03	8.94
1.5	ex 07.01-59	ex 07.01 G IV	Radishes	2 382	457.47	145.57	346.44	39.82	72 411	161.91	31.09
1.6	07.01-63	ex 07.01 H	Onions (other than sets)	274	52.18	16.69	40.05	4.57	8 357	18.52	3.73
1.7	07.01-67	ex 07.01 H	Garlic	10 147	1 932.44	618.20	1 483.24	169.58	309 490	685.85	138.48
1.8	07.01-71	07.01 K	Asparagus	17 983	3 424.84	1 095.64	2 628.74	300.55	548 506	1 215.53	245.43
1.9	07.01-73	07.01 L	Artichokes	1 578	303.06	96.43	229.51	26.38	47 970	107.26	20.60
1.10	07.01-75 } 07.01-77 }	07.01 M	Tomatoes	917	176.95	56.48	135.54	15.44	28 179	62.71	12.28
1.11	07.01-81 } 07.01-82 }	07.01 P I	Cucumbers	295	56.89	18.16	43.58	4.96	9 060	20.16	3.95
1.12	07.01-93	07.01 S	Sweet peppers	1 004	191.32	61.20	146.84	16.79	30 641	67.90	13.71
1.13	07.01-94	ex 07.01 T	Aubergines (Solanum melongena L.)	763	145.42	46.52	111.62	12.76	23 290	51.61	10.42
1.14	07.01-96	ex 07.01 T	Vegetable marrows (including courgettes (Cucurbita pepo L. var. medullosa Alef.)	887	169.30	54.06	128.53	14.84	26 842	60.12	11.94
1.15	ex 07.01-99	ex 07.01 T	Celery stalks and leaves	1 327	254.88	81.10	193.02	22.19	40 343	90.21	17.32
2.1	08.01-31	ex 08.01 B	Bananas, fresh	1 584	301.81	96.55	231.65	26.48	48 337	107.11	21.62
2.2	ex 08.01-50	ex 08.01 C	Pineapples, fresh	494	94.24	30.09	71.84	8.23	14 976	33.41	6.45
2.3	ex 08.01-60	ex 08.01 D	Avocados, fresh	2 747	523.22	167.38	401.60	45.91	83 797	185.70	37.49
2.4	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	7 314	1 392.89	445.60	1 069.11	122.23	223 078	494.36	99.81
2.5		08.02 A I	Sweet oranges, fresh :								
2.5.1	08.02-02 } 08.02-06 } 08.02-12 } 08.02-16 }		— Sanguines and semi-sanguines	1 970	377.56	120.01	287.06	32.91	59 229	133.16	26.47
2.5.2	08.02-03 } 08.02-07 } 08.02-13 } 08.02-17 }		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	2 022	385.19	123.22	295.65	33.80	61 690	136.71	27.60
2.5.3	08.02-05 } 08.02-09 } 08.02-15 } 08.02-19 }		— others	1 541	293.65	93.94	225.39	25.77	47 030	104.22	21.04
2.6		ex 08.02 B	Mandarins including tangerines and satsumas, fresh ; clementines, wilkings and other similar citrus hybrids, fresh :								
2.6.1	08.02-29		— Monreales and Satsumas	593	113.60	36.10	86.37	9.90	17 821	40.06	7.96
2.6.2	08.02-31		— Mandarins and Wilkings	1 236	237.41	75.54	179.79	20.66	37 578	84.03	16.13
2.6.3	08.02-32		— Clementines	785	150.79	47.98	114.19	13.12	23 867	53.37	10.25
2.6.4	08.02-34 } 08.02-37 }		— Tangerines and others	1 902	362.28	115.89	278.07	31.79	58 022	128.58	25.96

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
2.7	ex 08.02-50	ex 08.02 C	Lemons, fresh	2 490	474.27	151.72	364.03	41.62	75 958	168.32	33.98
2.8		ex 08.02 D	Grapefruit, fresh :								
2.8.1	ex 08.02-70		— white	1 610	306.71	98.12	235.41	26.91	49 121	108.85	21.97
2.8.2	ex 08.02-70		— pink	2 225	423.80	135.57	325.29	37.19	67 874	150.41	30.37
2.9	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	2 378	452.89	144.88	347.61	39.74	72 532	160.73	32.45
2.10	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	1 042	198.48	63.49	152.34	17.41	31 788	70.44	14.22
2.11	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	1 319	251.32	80.39	192.90	22.05	40 250	89.19	18.01
2.12	08.07-10	08.07 A	Apricots	1 794	346.11	110.47	265.12	30.19	55 117	122.65	24.02
2.13	ex 08.07-32	ex 08.07 B	Peaches	1 322	253.25	80.49	192.55	22.07	39 729	89.32	17.75
2.14	ex 08.07-32	ex 08.07 B	Nectarines	3 032	584.89	186.68	448.02	51.03	93 140	207.27	40.60
2.15	08.07-51 08.07-55	08.07 C	Cherries	3 482	667.04	212.02	507.17	58.15	104 643	235.27	46.77
2.16	08.07-71 08.07-75	08.07 D	Plums	1 804	343.70	109.95	263.80	30.16	55 045	121.98	24.63
2.17	08.08-11 08.08-15	08.08 A	Strawberries	1 839	350.69	112.00	267.34	30.63	55 728	124.32	24.03
2.18	08.09-11	ex 08.09	Water melons	401	76.48	24.46	58.70	6.71	12 249	27.14	5.48
2.19	08.09-19	ex 08.09	Melons (other than water melons)	1 905	362.92	116.10	278.55	31.84	58 123	128.80	26.00
2.20	ex 08.09-90	ex 08.09	Kiwis	8 534	1 625.21	519.92	1 247.43	142.62	260 286	576.81	116.46

COMMISSION REGULATION (EEC) No 2619/81

of 9 September 1981

fixing the export levies on rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1432/76 of 21 June 1976 laying down general rules to be applied in the event of the rice market being disturbed⁽³⁾, and in particular Article 4 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 21 of Regulation (EEC) No 1418/76 provides that measures may be taken when the quotations or prices on the world market for one or more products reach the level of Community prices; whereas that situation is likely to continue and to deteriorate, thereby disturbing or threatening to disturb the Community market;

Whereas Regulation (EEC) No 1432/76 specifies that the quotations or prices on the world market shall be regarded as having reached the level of Community prices when they approach or exceed the threshold price; whereas the continuation and the deterioration of that situation may be regarded as being likely to continue where an imbalance between supply and demand is established and where this imbalance is likely to persist, having regard to foreseeable production and market price trends;

Whereas the high level of prices in international trade could impede importation of rice into the Community or provoke exportation from the Community;

Whereas the situation described above can be said to exist at the present time; whereas to ensure supplies in the Community an export levy should be introduced for certain categories of rice;

Whereas the threshold prices for husked rice, wholly milled rice and broken rice were fixed for the 1981/82 marketing year by Regulation (EEC) No 2121/81⁽⁴⁾;

Whereas Article 3 of Regulation (EEC) No 1432/76 specifies that when the export levy is being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice on the Community market on the one hand, and prices for rice and products processed from it on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium of supplies and trade on rice markets and furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 1418/76 the specific factors set out in Article 3 (2) of Regulation (EEC) No 1432/76 must also be taken into account;

Whereas the export levy may be varied if the world market situation or the specific requirements of certain markets make this necessary;

Whereas, if the levy system is to operate normally, the following should be used to calculate the levies:

- for currencies the exchange rates for which are kept at any given moment within a band of 2.25 %, a conversion rate based on their actual parity,
- for other currencies a conversion rate based on the arithmetic mean of the spot market rates for each of these currencies against the Community currencies referred to in the preceding paragraph over a specified period;

Whereas it follows from applying the rules outlined above to the present situation on the market in rice, and in particular to quotations or prices for these products within the Community and on the world market, that the export levies should be fixed as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export levy referred to in the first indent of Article 2 (1) of Regulation (EEC) No 1432/76 is hereby fixed as shown in the Annex for the products listed therein.

Article 2

This Regulation shall enter into force on 10 September 1981.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 39.

⁽⁴⁾ OJ No L 208, 28. 7. 1981, p. 8.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 9 September 1981 fixing the export levies on rice

CCT heading No	Description	(ECU/tonne) Levies
ex 10.06	Rice : B. Other : I. Paddy rice ; husked rice : a) Paddy rice : 1. Round grain 2. Long grain b) Husked rice : 1. Round grain 2. Long grain II. Semi-milled or wholly milled rice : a) Semi-milled rice : 1. Round grain 2. Long grain b) Wholly milled rice : 1. Round grain 2. Long grain III. Broken rice	— — — — — 11.71 — 12.47 — —

COMMISSION REGULATION (EEC) No 2620/81**of 9 September 1981****amending for the sixth time Regulation (EEC) No 2730/79 and amending Regulation (EEC) No 3183/80 in relation to certain mixtures containing agricultural products**

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 1949/81⁽²⁾, and in particular Articles 12 (2), 15 (5) and 16 (6) thereof, and the corresponding provisions of the other Regulations establishing common organizations of the market in respect of agricultural products,

Whereas the rate of refund is determined by the tariff classification of a product; whereas that classification may, for certain mixtures whose tariff classification is effected pursuant to paragraph 3 (b) of the rules for the interpretation of the nomenclature of the Common Customs Tariff, result in the grant of higher refund than is economically justified;

Whereas it is therefore necessary to adopt special provisions for determining the refund applicable to mixtures;

Whereas Article 2 of Council Regulation (EEC) No 3324/80⁽³⁾ on the determination of import duties on mixtures and sets containing agricultural products establishes special rules for certain mixtures;

Whereas Article 30 (3) of Commission Regulation (EEC) No 1371/81 of 19 May 1981 laying down detailed rules for the administrative application of monetary compensatory amounts⁽⁴⁾, also establishes special rules for mixtures;

Whereas rules should be established based on a standard economic approach for fixing refunds applicable to certain mixtures; whereas Commission Regulation (EEC) No 2730/79 of 29 November 1979 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EEC) No 1663/81⁽⁶⁾, should accordingly be amended;

Whereas licences and certificates fixing in advance the refunds and levies to be used are governed by the tariff classification of the product; whereas, in the case of certain mixtures, the rates of refund or levy do not depend on the tariff classification of the product but on special rules laid down for that purpose; whereas, therefore, where the component on which the refund or import levy applicable to the mixture is calculated does not correspond to the tariff classification of the mixture, it should be laid down that such imported or exported mixture shall not qualify for the rate fixed in advance; whereas Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products⁽⁷⁾, should accordingly be amended;

Whereas Commission Regulation (EEC) No 1361/76⁽⁸⁾ established specific rules for calculating export refunds on rice and mixtures of rice; whereas these rules should continue to apply;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 13a is hereby inserted into Regulation (EEC) No 2730/79:

Article 13a

1. The rate of refund applicable to mixtures falling within Chapters 2, 10 or 11 of the Common Customs Tariff shall be:

(a) for mixtures in which one constituent accounts for at least 90 % by weight, the rate for that constituent;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 349, 23. 12. 1980, p. 8.

⁽⁴⁾ OJ No L 138, 21. 5. 1981, p. 1.

⁽⁵⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁶⁾ OJ No L 166, 24. 6. 1981, p. 9.

⁽⁷⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁸⁾ OJ No L 154, 15. 6. 1976, p. 11.

(b) for other mixtures, the rate for the constituent for which the lowest refund rate applies. In cases where one or more of the constituents of these mixtures is not eligible for a refund, no refund shall be paid in respect of these mixtures.

2. The provisions of paragraph 1 shall not apply to mixtures for which special rules of calculation are laid down.'

Article 2

The following Article 11a is hereby inserted into Regulation (EEC) No 3183/80 :

'Article 11a

Where a licence or a certificate fixing in advance the refund or the import levy is used to import or export a mixture, the mixture shall not be eligible, on import or export, for the rate so fixed in advance where the tariff classification of the constituent on which the refund or import levy applicable to the mixture is calculated does not correspond to that of the mixture.'

Article 3

This Regulation shall enter into force on 1 October 1981.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2621/81

of 9 September 1981

introducing a countervailing charge on cucumbers originating in Romania

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1116/81⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Article 25 (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a third country remains at least 0.6
ECU below the reference price for two consecutive
market days, a countervailing charge must be intro-
duced in respect of the exporting country concerned,
save in exceptional circumstances; whereas this charge
is equal to the difference between the reference price
and the arithmetic mean of the last two entry prices
available for that exporting country;

Whereas Commission Regulation (EEC) No 430/81 of
19 February 1981 fixing the reference price for
cucumbers for the 1981 marketing year⁽³⁾ fixed the
reference price for products of Class I for the month
of September 1981 at 40.26 ECU per 100 kilograms
net;

Whereas the entry price for a given exporting country
is equal to the lowest representative prices recorded for
at least 30 % of the quantities from the exporting
country concerned which are marketed on all repre-
sentative markets for which prices are available less the
duties and the charges indicated in Article 24 (3) of
Regulation (EEC) No 1035/72; whereas the meaning
of representative price is defined in Article 24 (2) of
Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regula-
tion (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-
tion (EEC) No 668/78⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets; whereas it is necessary to multiply the prices
with the coefficient fixed in the first subparagraph of
Article 1 (2) of Regulation (EEC) No 430/81;

Whereas, for Romanian cucumbers, the entry price
calculated in this way has remained at least 0.6 ECU
below the reference price for two consecutive market
days; whereas a countervailing charge should therefore
be introduced for these cucumbers;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2.25 %, a rate of exchange based on
their 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 9.96 ECU per 100 kilo-
grams net is applied to cucumbers (subheading 07.01
P I of the Common Customs Tariff) originating in
Romania.

Article 2

This Regulation shall enter into force on 11
September 1981.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 47, 20. 2. 1981, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 90, 5. 4. 1978, p. 5.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2622/81
of 9 September 1981
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1808/81⁽²⁾,
as last amended by Regulation (EEC) No 2613/81⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1808/81 to the

information known to the Commission that the levies
at present in force should be altered to the amounts
set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies referred to in Article 16 (1) of Regu-
lation (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 10
September 1981.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 181, 2. 7. 1981, p. 24.
⁽³⁾ OJ No L 254, 9. 9. 1981, p. 14.

ANNEX

**to the Commission Regulation of 9 September 1981 fixing the import levies on white sugar
and raw sugar**

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	31.81
	B. Raw sugar	22.50 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 2623/81

of 9 September 1981

altering the import levies on products processed from cereals and rice

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 1949/81⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by the Act of Accession of Greece⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2499/81⁽⁷⁾, as last amended by Regulation (EEC) No 2568/81⁽⁸⁾;

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 8 September 1981;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3.02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽⁹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75⁽¹⁰⁾, as last amended by Regulation (EEC) No 1783/81⁽¹¹⁾, as fixed in the Annex to amended Regulation (EEC) No 2499/81, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 September 1981.

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

Done at Brussels, 9 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 245, 28. 8. 1981, p. 14.

⁽⁸⁾ OJ No L 250, 3. 9. 1981, p. 18.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 176, 1. 7. 1981, p. 10.

ANNEX

to the Commission Regulation of 9 September 1981 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A	12.96 ⁽¹⁾	11.15 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	135.62	129.58
11.01 E I ⁽²⁾	145.23	139.19
11.01 E II ⁽²⁾	81.90	78.88
11.01 F ⁽²⁾	25.43	22.41
11.02 A III ⁽²⁾	135.62	129.58
11.02 A V a) 1 ⁽²⁾	114.22	108.18
11.02 A V a) 2 ⁽²⁾	145.23	139.19
11.02 A V b) ⁽²⁾	81.90	78.88
11.02 A VI ⁽²⁾	25.43	22.41
11.02 B I a) 1 ⁽²⁾	118.20	115.18
11.02 B I b) 1 ⁽²⁾	118.20	115.18
11.02 B II c) ⁽²⁾	126.75	123.73
11.02 C III ⁽²⁾	186.02	179.98
11.02 C V ⁽²⁾	126.75	123.73
11.02 D III ⁽²⁾	76.45	73.43
11.02 D V ⁽²⁾	81.90	78.88
11.02 E I a) 1 ⁽²⁾	76.45	73.43
11.02 E I b) 1 ⁽²⁾	150.02	143.98
11.02 E II c) ⁽²⁾	145.23	139.19
11.02 E II d) 1 ⁽²⁾	44.09	38.05
11.02 F III ⁽²⁾	135.62	129.58
11.02 F V ⁽²⁾	145.23	139.19
11.02 F VI ⁽²⁾	25.43	22.41
11.02 G II	64.04	58.00
11.04 C I	15.98	9.33 ⁽²⁾
11.04 C II a)	117.31	93.13 ⁽²⁾
11.04 C II b)	145.05	120.87 ⁽²⁾
11.07 A II a)	139.02 ⁽⁴⁾	128.14
11.07 A II b)	106.63	95.75
11.07 B	122.46 ⁽⁴⁾	111.58
11.08 A I	117.31	96.76
11.08 A II	30.83	0.00
11.08 A IV	117.31	96.76
11.08 A V	117.31	48.38 ⁽²⁾
17.02 B II a) ⁽³⁾	222.93	126.21
17.02 B II b) ⁽³⁾	163.25	96.76
17.02 F II a)	228.94	132.22
17.02 F II b)	158.44	91.95
21.07 F II	163.25	96.76
23.02 A I a)	21.77	21.77
23.02 A I b)	69.67	69.67
23.02 A II a)	17.42	17.42
23.02 A II b)	69.67	69.67
23.03 A I	301.54	120.20

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- (¹) This levy is limited to 6 % of the value for customs purposes.
- (²) For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications :
- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
 - an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1.6 % for rice, 2.5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.
- Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.
- (³) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.
- (⁴) In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5.44 ECU/tonne for products originating in Turkey.
- (⁵) In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories :
- arrowroot falling within subheading 07.06 A,
 - flours and meal of arrowroot falling within subheading 11.04 C,
 - arrowroot starch falling within subheading 11.08 A V.
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 July 1981

on a proposal by the Netherlands Government to grant aid for increasing the production capacity by an undertaking in the chemical industry (polyethylene)

(Only the Dutch text is authentic)

(81/716/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice in accordance with the above Article to interested parties to submit their comments and having regard to these comments,

I

Whereas Article 6 of the Netherlands Law of 29 June 1978 (*Wet Investeringsrekening — WIR*)⁽¹⁾ on the promotion and guidance of investment introduced an 'additional premium for major schemes' for the benefit of projects where investment exceeds Fl 30 million. The amount of the premium depends on the number of jobs created and may account for up to 4 % of the investment in question.

When examining the Netherlands Law at the draft stage, in the course of the procedure under Article 93 (3) of the EEC Treaty, the Commission pointed out that since the 'additional premium for major schemes' involved no sectoral or regional objectives it therefore constituted a general aid system, and that since the arrangements applied to all investment, without distinction by reference to given undertakings, regions

or sectors, they could not qualify for the derogations under Article 92 (3) (a) or (c). In the absence of such specification, the Commission could not assess the system's effects on trade between Member States and on competition and therefore assess its compatibility with the common market.

In respect of such general aid systems it is now the well-established policy of the Commission to accept them subject to one of two conditions, namely that the Member State concerned notifies to the Commission either a plan for regional or sectoral application or alternatively, where this is felt not to be possible, significant individual cases of application.

In line with this approach, and in accordance with Article 93 (3) of the EEC Treaty, the Commission requested prior notification in good time of individual cases of application of the 'additional premium for major schemes', account being taken of the amount of investment concerned.

During discussions with the Netherlands authorities the Commission stated that it would assess each case on its own merits in the light of the rules contained in Article 92 *et seq.* or rules developed during administration of those provisions. The Netherlands Government could not infer that, by requesting regular prior notification, the Commission had taken a favourable view of the additional premium system.

⁽¹⁾ Staatsblad 1978, No 368.

The Netherlands Government complied with the Commission's request by including the prior notification procedure in Articles 6 (7) and 7 (3) of Chapter V of the Netherlands Law of 29 June 1978.

II

By letter of 12 December 1978 the Netherlands Government, as required by the procedure, informed the Commission of its intention to grant the 'additional premium for major schemes' for a proposed investment in the south of Limburg, at Geleen and in the neighbouring boroughs. The recipient firm is part of a chemical group whose capital is held by the Netherlands and whose head office is at Heerlen.

The proposed aid would enable the recipient firm to carry on a Fl 1.1 billion investment programme begun in 1975 with a petrochemical cracking plant. The main elements of the present programme relate to the development of facilities downstream of this cracking plant, including more particularly, production units for PVC, butadiene and low and high density polyethylene. This programme comprises a total of 21 projects.

The recipient firm is pursuing the normal development of its facilities at Geleen, which in fact flows from the decision taken in 1975 to establish a petrochemical cracking tower there.

The Netherlands scheme will have the effect of increasing the production of certain intermediate plastic products, including high and low density polyethylene. The production capacity for the low density type will be increased from 275 000 to 375 000 tonnes per year and that for the high density type from 50 000 to 120 000 tonnes per year.

The firm intends to achieve 54 % of its turnover for the low density type through sales in other Member States; the corresponding figure for the high density type is 44 %.

The 'additional premium for major schemes' granted in this case would amount to Fl 25 million, representing 2.27 % of the amount of the investment.

This investment is located in a regional development area and will receive, additionally, a grant of Fl 16.1 million under the Netherlands regional aid system (Investeringspremieregeling, IPR), because of the contribution it is expected to make towards the estab-

lishment of a better socio-economic balance in the region concerned. This grant does not take account as yet of the whole of the planned investment.

III

Investigation of the polyethylene market in the Community shows a surplus production capacity of the order of 25 %. The additional capacities which would be created would be likely to worsen this over-capacity.

The production capacity of the recipient firm represents about 10 and 8 % respectively of the Community market for low and high density polyethylene.

IV

The Netherlands Government replied on 5 March 1979, 16 March 1979 and 12 November 1979 to the Commission's notice under Article 93 of the EEC Treaty. It emphasized that the proposed aid concerned a scheme which would have a considerable catalyzing effect in a region which has the highest unemployment rate in the Netherlands.

The Netherlands Government observed that although there is at present an over-capacity for certain categories of polyethylene, the recipient firm has concentrated on the development of quality products intended for specific markets.

The recipient firm confirms these assessments and stresses in addition that the implementation of the investment would create 2 639 jobs. Moreover, it considers that the new cracking plant, which can work completely on gas-oil, represents an advantage in terms of ease of supply.

In the course of consultations with interested parties, the Government of a Member State argued that the increase in polyethylene capacity is liable to affect trading conditions to an extent contrary to the common interest and can only be justified if the scheme leads to the creation of a sufficient number of jobs.

The Governments of two other Member States share the Commission's view that investments in the field of polyethylene are inopportune, since they would aggravate the over-capacity which already exists. The Government of a fourth Member State also opposes the proposed aid.

V

The aid proposed by the Netherlands Government 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 by favouring the undertaking in question or the production of its goods.

Article 92 (1) of the EEC Treaty provides that, in principle, any aid fulfilling the criteria which it sets out is incompatible with the common market. The derogations from this principle set out in Article 92 (3) of the EEC Treaty specify objectives pursued in the Community interest and not in that of the individual recipient of the aid. These derogations must be strictly interpreted in the examination both of any regional or sectoral aid scheme and of any individual case of application of general aid systems. In particular, they may be applied only where the Commission establishes that, in the absence of the aid, the free play of market forces would not of itself induce the recipient undertakings to act in such a manner as to contribute to the attainment of one of the objectives specified by those derogations.

To derogate in this way in favour of aids offering no compensatory benefit would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any justification in terms of the interest of the Community, while at the same time granting undue advantages to certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the recipient undertaking a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the Treaty. Where this cannot be demonstrated, and especially where the proposed investment nevertheless takes place, it is clear that the aid does not contribute to the attainment of the objectives of the derogations but serves to increase the financial power of the undertaking in question.

In the case in question there does not appear to be such a compensatory justification on the part of the recipient of the aid.

The Netherlands Government has not been able to give, nor has the Commission found, any grounds to

establish that the proposed aid meets the conditions justifying one of the derogations for which provision is made in Article 92 (3) of the EEC Treaty.

As regards the derogations of Article 92 (3) (a) and (c) of the EEC Treaty concerning aid to promote or to facilitate the development of certain areas, it cannot be considered that the standard of living in south Limburg is 'abnormally low' or that it suffers from 'serious under-employment' within the meaning of subparagraph (a). As regards the derogation of subparagraph (c), the Netherlands Government has already taken account of the contribution which the investments are likely to make towards improving the socio-economic balance of the area by granting assistance under the Netherlands regional aid scheme, the 'Investeringspremierregeling' (IPR). The Netherlands Government, in its comments submitted to the Commission, itself emphasized that the 'additional premium for major schemes' was not granted on account of regional considerations.

In respect of the derogations envisaged in Article 92 (3) (b) of the EEC Treaty, investment of this type is brought about in a general way by normal market forces. Moreover, there is nothing peculiar to the investment in question to qualify it as a project of common European interest or as one designed to remedy a serious disturbance in the economy of a Member State, the promotion of which merits a derogation under Article 92 (3) (b) of the EEC Treaty from the principle of the incompatibility of aids laid down by Article 92 (1). In stating its views on the WIR, the Commission recalled that the Netherlands are part of the Community's central regions. These regions are not suffering from the most serious economic and social problems in the Community but they are the regions where there is a real risk of an upward spiral of aids, and where any aid is likely, more than elsewhere, to affect trade between Member States. Furthermore, the information available on the socio-economic situation in that country does not point to the conclusion that it is suffering from a serious disturbance in its economy within the meaning of the Treaty. In individual cases of application the 'additional premium for major projects' is not granted for the purpose of dealing with such a situation. To take any other view would enable the Netherlands, in the present climate of slow growth and high unemployment throughout the Community, to divert to their advantage investment which might be made in other, less well-placed, Member States. Recent social and economic trends in the Community justify maintaining this approach as regards both the scheme itself and possible cases of application.

Finally, as regards the derogations provided for in Article 92 (3) (c) in favour of 'aid to facilitate the development of certain economic activities', examination of the development of the sectors concerned by the two projects for the production of the low and high density polyethylene industry, particularly with regard to forecast demand for the products concerned, shows that the play of market forces should be capable itself, without State intervention, of ensuring a normal development of this activity. In the present case, the object is, essentially, to increase the production capacity of the Netherlands firm to enable it to profit from investments already made. In addition, the fact that a substantial part of the production resulting from the firm's capacity, including the proposed increase, is intended to be exported to other Member States, and this in the context of an existing surplus capacity, does not justify the conclusion that the conditions of trade would not be altered, by such an aid, to an extent contrary to the common interest.

In view of the foregoing, the abovementioned aid proposed by the Netherlands Government does not fulfil the conditions necessary for it to benefit from any of the derogation referred to in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of the Netherlands shall refrain from implementing its proposal, notified to the Commission by letter dated 12 December 1978 from its Minister for Foreign Affairs, to grant the 'additional premium for major schemes' in favour of investment made at Geleen and the neighbouring boroughs by a Netherlands undertaking in the chemical field.

Article 2

The Kingdom of the Netherlands shall inform the Commission within two months of the date of notification of this Decision of the measures which it has taken to comply with it.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 23 July 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 23 July 1981

on a proposal by the Netherlands Government to grant aid for investment in the petrochemical industry

(Only the Dutch text is authentic)

(81/717/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice in accordance with the above Article to interested parties to submit their comments and having regard to these comments,

I

Whereas Article 6 of the Netherlands Law of 29 June 1978 (*Wet Investeringsrekening — WIR*)⁽¹⁾ on the promotion and guidance of investment introduced an 'additional premium for major schemes' for the benefit of projects where investment exceeds Fl 30 million. The amount of the premium depends on the number of jobs created and may account for up to 4 % of the investment in question.

When examining the Netherlands Law at the draft stage, in the course of the procedure under Article 93 (3) of the EEC Treaty, the Commission pointed out that since the 'additional premium for major schemes' involved no sectoral or regional objectives it therefore constituted a general aid system, and that since the arrangements applied to all investment, without distinction by reference to given undertakings, regions or sectors, they could not qualify for the derogations under Article 92 (3) (a) or (c). In the absence of such specification, the Commission could not assess the system's effects on trade between Member States and on competition and therefore assess its compatibility with the common market.

In respect of such general aid systems it is now the well-established policy of the Commission to accept them subject to one of two conditions, namely, that the Member State concerned notifies to the Commis-

sion either a plan for regional or sectoral application or alternatively, where this is felt not to be possible, significant individual cases of application.

In line with this approach, and in accordance with Article 93 (3) of the EEC Treaty, the Commission requested prior notification in good time of individual cases of application of the 'additional premium for major schemes', account being taken of the amount of investment concerned.

During discussions with the Netherlands authorities the Commission stated that it would assess each case on its own merits in the light of the rules contained in Article 92 *et seq.* or rules developed during administration of those provisions. The Netherlands Government could not infer that, by requesting regular prior notification, the Commission had taken a favourable view of the additional premium system.

The Netherlands Government complied with the Commission's request by including the prior notification procedure in Articles 6 (7) and 7 (3) of Chapter V of the Netherlands Law of 29 June 1978.

II

By letter dated 20 November 1979 the Netherlands Government informed the Commission, as required by the procedure, of its intention to grant the 'additional premium for major schemes' to a Netherlands petrochemical firm.

The scheme of assistance is designed to help the firm to renew its research laboratories in the Amsterdam area and would not create any new jobs.

Total investment is estimated at Fl 39.5 million and the scheme would qualify for a Fl 1.1 million grant under the WIR scheme (additional premium for major schemes); on account of its location in Amsterdam the scheme does not qualify for regional aid.

⁽¹⁾ Staatsblad 1978, No 368.

The firm concerned is already established in Amsterdam and regards this investment as a profitable undertaking allowing it to maintain its position on an expanding market.

III

The Netherlands Government replied on 6 March 1980 to the Commission's notice under Article 93 of the EEC Treaty, emphasizing that the WIR scheme operated automatically, did not permit aid to be granted selectively in accordance with the desirability of the investments concerned and that the planned investment was designed mainly to promote research in the petrochemicals sector, where the firm has good prospects.

IV

The aid proposed by the Netherlands Government 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 by favouring the undertaking in question or the production of its goods.

Article 92 (1) of the EEC Treaty provides that, in principle, any aid fulfilling the criteria which it sets out is incompatible with the common market. The derogations from this principle set out in Article 92 (3) of the EEC Treaty specify objectives pursued in the Community interest and not in that of the individual recipient of the aid. These derogations must be strictly interpreted in the examination both of any regional or sectoral aid scheme and of any individual case of application of general aid systems. In particular, they may be applied only where the Commission establishes that, in the absence of the aid, the free play of market forces would not of itself induce the recipient undertakings to act in such a manner as to contribute to the attainment of one of the objectives specified by those derogations.

To derogate in this way in favour of aids offering no compensatory benefit would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any justification in terms of the interest of the Community, while at the same time granting undue advantages to certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the recipient undertaking a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the Treaty. Where this cannot be demonstrated, and especially where the proposed investment nevertheless takes place, it is clear that the aid does not contribute to the attainment of the objectives of the derogations

but serves to increase the financial power of the undertaking in question.

In the case in question there does not appear to be such a compensatory justification on the part of the recipient of the aid.

The Netherlands Government has not been able to give, nor has the Commission found, any grounds to establish that the proposed aid meets the conditions justifying one of the derogations for which provision is made in Article 92 (3) of the EEC Treaty.

As regards the derogations of Article 92 (3) (a) and (c) of the EEC Treaty concerning aid to promote or to facilitate the development of certain areas, it cannot be considered that the standard of living in the Amsterdam area is 'abnormally low' or that it suffers from 'serious under-employment' within the meaning of subparagraph (a). As regards the derogation of subparagraph (c), the Netherlands Government has not included that area amongst those requiring special regional development aid. The Netherlands Government, in its comments submitted to the Commission, itself emphasized that the 'additional premium for major schemes' was not granted on account of regional considerations.

In respect of the derogations envisaged in Article 92 (3) (b) of the EEC Treaty, investment of this type is brought about in a general way by normal market forces. Moreover, there is nothing peculiar to the investment in question to qualify it as a project of common European interest or as one designed to remedy a serious disturbance in the economy of a Member State, the promotion of which merits a derogation under Article 92 (3) (b) of the EEC Treaty from the principle of the incompatibility of aids laid down by Article 92 (1). In stating its views on the WIR, the Commission recalled that the Netherlands are part of the Community's central regions. These regions are not suffering from the most serious economic and social problems in the Community but they are the regions where there is a real risk of an upward spiral of aids, and where any aid is likely, more than elsewhere, to affect trade between Member States. Furthermore, the information available on the socio-economic situation in that country does not point to the conclusion that it is suffering from a serious disturbance in its economy within the meaning of the Treaty. In individual cases of application the 'additional premium for major projects' is not granted for the purpose of dealing with such a situation.

To take any other view would enable the Netherlands, in the present climate of slow growth and high unemployment throughout the Community, to divert to their advantage investment which might be made in other, less well-placed Member States. Recent social and economic trends in the Community justify maintaining this approach as regards both the scheme itself and possible cases of application.

Finally, as regards the derogations provided for in Article 92 (3) (c) of the EEC Treaty in favour of 'aid to facilitate the development of certain economic activities', trends in the petrochemicals industry have demonstrated that the play of market forces should be capable itself, without state intervention, of ensuring that the relevant research develops normally. In addition, the development prospects as regards the petrochemicals industry give reason to believe that the proposed assistance would alter trading conditions to an extent contrary to the common interest.

In view of the foregoing, the abovementioned aid proposed by the Netherlands Government does not fulfil the conditions necessary for it to benefit from any of the derogations referred to in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of the Netherlands shall refrain from implementing its proposal, notified to the Commis-

sion by letter dated 20 November 1979 from its Minister for Foreign Affairs, to grant the 'additional premium for major schemes' in favour of investment made at Amsterdam by a Netherlands undertaking in the petrochemicals industry.

Article 2

The Kingdom of the Netherlands shall inform the Commission within two months of the date of notification of this Decision of the measures which it has taken to comply with it.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 23 July 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 23 July 1981

on a proposal by the Netherlands Government to grant aid for investment in
the foodstuffs packaging industry

(Only the Dutch text is authentic)

(81/718/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

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

Having given notice in accordance with the above Article to interested parties to submit their comments and having regard to these comments,

I

Whereas Article 6 of the Netherlands Law of 29 June 1978 (Wet Investeringsrekening — WIR)⁽¹⁾ on the promotion and guidance of investment introduced an 'additional premium for major schemes' for the benefit of projects where investment exceeds Fl 30 million. The amount of the premium depends on the number of jobs created and may account for up to 4 % of the investment in question.

When examining the Netherlands Law at the draft stage, in the course of the procedure under Article 93 (3) of the EEC Treaty, the Commission pointed out that since the 'additional premium for major schemes' involved no sectoral or regional objectives it therefore constituted a general aid system, and that since the arrangements applied to all investment, without distinction by reference to given undertakings, regions or sectors, they could not qualify for the derogations under Article 92 (3) (a) or (c). In the absence of such specification, the Commission could not assess the system's effects on trade between Member States and on competition and therefore assess its compatibility with the common market.

In respect of such general aid systems it is now the well-established policy of the Commission to accept them subject to one of two conditions, namely, that the Member State concerned notifies to the Commission either a plan for regional or sectoral application

or alternatively, where this is felt not to be possible, significant individual cases of application.

In line with this approach, and in accordance with Article 93 (3) of the EEC Treaty, the Commission requested prior notification in good time of individual cases of application of the 'additional premium for major schemes', account being taken of the amount of investment concerned.

During discussions with the Netherlands authorities the Commission stated that it would assess each case on its own merits in the light of the rules contained in Article 92 *et seq.* or rules developed during administration of those provisions. The Netherlands Government could not infer that, by requesting regular prior notification, the Commission had taken a favourable view of the additional premium system.

The Netherlands Government complied with the Commission's request by including the prior notification procedure in Article 6 (7) and 7 (3) of Chapter V of the Netherlands Law of 29 June 1978.

II

By letter dated 16 August 1979 the Netherlands Government informed the Commission, as required by the procedure, of its intention to grant the 'additional premium for major schemes' to a firm operating in the packaging industry.

The assistance granted to the firm would help to double its production capacity for foodstuff packaging at Moerdijk and create 118 new jobs.

Total investment has been estimated at Fl 39.2 million and the scheme would qualify for a Fl 0.5 million grant from the WIR scheme (additional premium for major schemes). On account of its location at Moerdijk the scheme would not qualify for regional aid.

(1) Staatsblad 1978, No 368.

The Netherlands market would in no way be sufficient to absorb estimated output on completion of the scheme. Part at least of the surplus capacity would flow on to the markets of other Member States.

The recipient firm, which is already established at Moerdijk, regards this investment as a profitable undertaking enabling it to meet increased demand.

III

The Netherlands Government replied on 14 December 1980 to the Commission's notice under Article 93 of the EEC Treaty, claiming that the WIR scheme operates automatically and does not permit aid to be granted selectively in accordance with the desirability of the proposed investments. Its forecasts indicated that the additional capacity would be used to meet existing demand in non-member countries. The proposed investment would have a knock-on effect at regional level.

IV

Article 92 (1) of the EEC Treaty provides that, in principle, aid fulfilling the criteria which it sets out is incompatible with the common market. The derogations from this principle set out in Article 92 (3) of the EEC Treaty specify objectives pursued in the Community interest and not in that of the individual recipient of the aid. These derogations must be strictly interpreted in the examination both of any regional or sectoral aid scheme and of any individual case of application of general aid systems. In particular, they may be applied only where the Commission establish that, in the absence of the aid, the free play of market forces would not of itself induce the recipient undertakings to act in such a manner as to contribute to the attainment of one of the objectives specified by those derogations.

To derogate in this way in favour of aids offering no compensatory benefit would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any justification in terms of the interest of the Community, while at the same time granting undue advantages to certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the recipient undertaking a specific compensatory justification in that the

grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the Treaty. Where this cannot be demonstrated, and especially where the proposed investment nevertheless takes place, it is clear that the aid does not contribute to the attainment of the objectives of the derogations but serves to increase the financial power of the undertaking in question.

In the case in question there does not appear to be such a compensatory justification on the part of the recipient of the aid.

The Netherlands Government has not been able to give, nor has the Commission found, any grounds to establish that the proposed aid meets the conditions justifying one of the derogations for which provision is made in Article 92 (3) of the EEC Treaty.

As regards the derogations of Article 92 (3) (a) and (c) of the EEC Treaty concerning aid to promote or to facilitate the development of certain areas, it cannot be considered that the standard of living in the Moerdijk region is 'abnormally low' or that it suffers from 'serious under-employment' within the meaning of subparagraph (a). As regards the derogation of subparagraph (c), the Netherlands Government has not included that area amongst those requiring special regional development aid. The Netherlands Government, in its comments submitted to the Commission, itself emphasized that the 'additional premium for major schemes' was not granted on account of regional considerations.

In respect of the derogations envisaged in Article 92 (3) (b) of the EEC Treaty, investment of this type is brought about in a general way by normal market forces. Moreover, there is nothing peculiar to the investment in question to qualify it as a project of common European interest or as one designed to remedy a serious disturbance in the economy of a Member State, the promotion of which merits a derogation under Article 92 (3) (b) of the EEC Treaty from the principle of the incompatibility of aids laid down by Article 92 (1). In stating its views on the WIR, the Commission recalled that the Netherlands are part of the Community's central regions. These regions are not suffering from the most serious economic and social problems in the Community but they are the regions where there is a real risk of an upward spiral of aids, and where any aid is likely, more than elsewhere, to affect trade between Member States. Furthermore, the information available on the socio-economic situation in that country does not point to

the conclusion that it is suffering from a serious disturbance in its economy within the meaning of the Treaty. In individual cases of application the 'additional premium for major projects' is not granted for the purpose of dealing with such a situation.

To take any other view would enable the Netherlands, in the present climate of slow growth and high unemployment throughout the Community, to divert to their advantage investment which might be made in other, less well-placed, Member States. Recent social and economic trends in the Community justify maintaining this approach as regards both the scheme itself and possible cases of application.

Finally, as regards the derogations provided for in Article 92 (3) (c), in favour of 'aid to facilitate the development of certain economic activities', scrutiny of the development of the foodstuffs packaging industry shows that the play of market forces should be capable itself, without State intervention, of ensuring that this activity develops normally. In this case, the main object is to increase the market share of one of the biggest Community manufacturers of foodstuffs packaging. Moreover, the increased output will probably lead to a 20 % expansion of exports to other Member States. The aid in question would therefore inevitably alter trading conditions to an extent contrary to the common interest.

In view of the foregoing, the abovementioned aid proposed by the Netherlands Government does not fulfil the conditions necessary for it to benefit from any of the derogations referred to in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of the Netherlands shall refrain from implementing its proposal, notified to the Commission by letter dated 16 August 1979 from its Minister for Foreign Affairs, to grant the 'additional premium for major schemes' in favour of investment made at Moerdijk by a Netherlands undertaking in the foodstuffs packaging industry.

Article 2

The Kingdom of the Netherlands shall inform the Commission within two months of the date of notification of this Decision of the measures which it has taken to comply with it.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 23 July 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION**of 18 August 1981****authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to men's and boys' shirts, woven, originating in Bulgaria****(Only the Dutch and French texts are authentic)****(81/719/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 Commission Decision 80/47/EEC of 20 December 1979 on surveillance and protective measures which Member States may be authorized to take in respect of imports of certain products originating in third countries and put into free circulation in another Member State⁽¹⁾, and in particular Article 3 thereof,

Whereas on 7 August 1981 a request was made under the first paragraph of Article 115 of the Treaty by the Benelux Governments to the Commission of the European Communities for authorization not to apply Community treatment to men's and boys' shirts, woven, falling within subheading 61.03 A of the Common Customs Tariff (category 8), originating in Bulgaria and in free circulation in the other Member States;

Whereas the importation into the Community of the products in question originating in Bulgaria is covered by an Agreement negotiated between the Community and that country; whereas, under that Agreement, Bulgaria has undertaken to take all necessary steps to limit its exports of the products in question to the Community within certain ceilings;

Whereas, in order to implement that Agreement and take account of its characteristics, the Council adopted Regulation (EEC) No 3059/78⁽²⁾ introducing specific common rules for imports of certain textile products;

Whereas the differences in market conditions within the Community and the particular sensitivity of this branch of Community industry have been taken into account in allocating the abovementioned Community ceilings between the Member States;

Whereas, for this reason, disparities still exist between the conditions governing the importation of the products in question into the different Member States; whereas uniformity can only be brought about gradually;

Whereas these disparities in the commercial policy measures applied by the Member States have resulted in deflections of trade, in that since 1 January 1981 the Benelux countries have admitted 55 420 pieces of the products in question, originating in the said third country, in free circulation;

Whereas, with regard to the situation of the industry concerned, the information received by the Commission indicates that total imports of the products in question originating in third countries amounted to 23 814 000 pieces in 1980 and to 6 957 000 pieces in the first three months of 1981;

Whereas the prices of the products in question originating in Bulgaria are considerably below the prices of like products manufactured in the Benelux countries;

Whereas output of like products in the Benelux countries has fallen about 50 % in the years from 1977 to 1980 and the domestic industry's share was only 16.5 % in 1979;

Whereas further indirect imports, in addition to those already admitted or planned, would be likely to aggravate these difficulties and jeopardize the aims of the abovementioned commercial policy measures;

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 Decision 80/47/EEC, and in particular Article 3 thereof,

⁽¹⁾ OJ No L 16, 22. 1. 1980, p. 14.

⁽²⁾ OJ No L 365, 27. 12. 1978, p. 1.

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are authorized not to apply Community treatment to the products indicated below, originating in Bulgaria and in free circulation in the other Member States, in respect of which applications for import licences were lodged after the date of adoption of this Decision :

CCT heading No	Description
61.03 A (NIMEXE codes 61.03-11, 15, 19) (category 8)	Men's and boys' shirts, woven, of wool, of cotton or of man-made textile fibres

Article 2

This Decision shall apply until new opportunities arise in the Benelux countries for the importation of the products in question originating in Bulgaria or until 31 December 1981, whichever is the earlier.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 18 August 1981.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION DECISION

of 21 August 1981

establishing that the apparatus described as 'Spectra Physics — high performance liquid chromatograph, model SP 8000 (AMP)' may not be imported free of Common Customs Tariff duties

(81/720/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, by letter dated 17 February 1981, Belgium has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Spectra Physics — high performance liquid chromatograph, model SP 8000 (AMP)', to be used for fundamental research on plant-growth regulators and cyclic AMP in higher plant life, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 23 June 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

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

Whereas its objective technical characteristics, such as the separation power in the detection of the peaks of the substances and the use to which it is put, make it specially suited to scientific research; whereas, more-

over, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'LC-XP' manufactured by Pye Unicam Ltd, York Street, Cambridge, UK-CB1 2PX, to the apparatus 'LC 750' manufactured by Applied Chromatography Systems Ltd, Concorde House, Concorde Street, Luton, UK-Bedfordshire, to the apparatus 'System 9200 HPLC' manufactured by Kipp & Zonen, Mercuriusweg 1, NL-Delft, and to the apparatus 'HP 1084 B' manufactured by Hewlett Packard GmbH, Postfach 1280, D-Waldbronn,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Spectra Physics — high performance liquid chromatograph, model SP 8 000 (AMP)', which is the subject of an application by Belgium of 17 February 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 August 1981.

For the Commission

Edgard PISANI

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 August 1981

establishing that the apparatus described as 'Spectra Physics — high performance liquid chromatograph, model SP 8000' may not be imported free of Common Customs Tariff duties

(81/721/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, by letter dated 16 February 1981, Belgium has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Spectra Physics — high performance liquid chromatograph, model SP 8000', to be used for the analysis of cosmetic products, of pesticides and of fungicides, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 23 June 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

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

Whereas its objective technical characteristics such as the separation power in the detection of the peaks of

the substances and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'LC-XP' manufactured by Pye Unicam Ltd, York Street, UK-Cambridge CB1 2PX, and to the apparatus 'LC 750' manufactured by Applied Chromatography Systems Ltd, Concorde House, Concorde Street, Luton, UK-Bedfordshire,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Spectra Physics — high performance liquid chromatograph, model SP 8000', which is the subject of an application by Belgium of 16 February 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 August 1981.

For the Commission

Edgard PISANI

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 August 1981

establishing that the apparatus described as 'Akashi — scanning electron microscope, model ISI 100 A' may not be imported free of Common Customs Tariff duties

(81/722/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, by letter dated 19 February 1981, the United Kingdom has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Akashi — scanning electron microscope, model ISI 100 A', to be used for research of the surface forms of specimens and in particular of the strength and fatigue resistance of textile fibres and of textile fabrics by observation of the forms of failure, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 23 June 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is an electron microscope;

Whereas its objective technical characteristics such as the very high resolution and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'SEM 501 B' manufactured by Philips Nederland BV, Boschdijk 525, NL-Eindhoven,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Akashi — scanning electron microscope, model ISI 100 A', which is the subject of an application by the United Kingdom of 19 February 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 August 1981.

For the Commission

Edgard PISANI

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 August 1981

establishing that the apparatus described as 'Dionex — ion chromatograph, model 16' may not be imported free of Common Customs Tariff duties

(81/723/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, by letter dated 25 February 1981, the United Kingdom has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Dionex — ion chromatograph, model 16', to be used for research on acid precipitation effects on soil and vegetation, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 23 June 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is an ion chromatograph;

Whereas its objective technical characteristics such as the electro-chemical output and the use to which it is

put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'LC 750' manufactured by Applied Chromatography Systems Ltd, Concorde House, Concorde Street, UK-Luton, Bedfordshire LU2 0JE,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Dionex — ion chromatograph, model 16', which is the subject of an application by the United Kingdom of 25 February 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 August 1981.

For the Commission

Edgard PISANI

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2600/81 of 2 September 1981 on the delivery of various consignments of skimmed-milk powder as food aid

(Official Journal of the European Communities No L 255 of 9 September 1981)

Page 18, Lot P, point 13 in the Annex :

for : '7 September 1981',

read : '21 September 1981'.
