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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 43/82**of 8 January 1982****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 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 7 January 1982;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 January 1982.

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

Done at Brussels, 8 January 1982.

For the Commission

Poul DALSAGER

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 8 January 1982 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	80.86
10.01 B	Durum wheat	126.62 ⁽¹⁾ ⁽²⁾
10.02	Rye	48.32 ⁽⁶⁾
10.03	Barley	72.13
10.04	Oats	59.17
10.05 B	Maize, other than hybrid maize for sowing	96.56 ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	0
10.07 B	Millet	80.16 ⁽⁴⁾
10.07 C	Grain sorghum	88.95 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	126.65
11.01 B	Rye flour	81.15
11.02 A I a)	Durum wheat groats and meal	209.61
11.02 A I b)	Common wheat groats and meal	135.43

⁽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 44/82**of 8 January 1982****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 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 7 January 1982;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 January 1982.

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

Done at Brussels, 8 January 1982.

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 8 January 1982 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 1	1st period 2	2nd period 3	3rd period 4
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	1.86	1.86	1.86
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

CCT heading No	Description	(ECU/tonne)				
		Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
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	3.31	3.31	3.31	3.31
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	2.47	2.47	2.47	2.47
11.07 B	Roasted malt	0	2.88	2.88	2.88	2.88

COMMISSION REGULATION (EEC) No 45/82

of 8 January 1982

amending Regulation (EEC) No 2729/81 in respect of the period to be observed in cases of advance fixing of the refund under an invitation to tender in a non-member country in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European
Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Articles 13 (3) and 17 (4) thereof,

Whereas Article 15 (3) of Commission Regulation (EEC) No 2729/81⁽²⁾ lays down that, notwithstanding the second subparagraph of Article 43 (2) of Commission Regulation (EEC) No 3183/80⁽³⁾, as last amended by Regulation (EEC) No 3392/81⁽⁴⁾, the period to be observed by an applicant for a licence for informing the issuing agency of the results of an invitation to tender issued by a public authority in a non-member country is fixed at 40 days after the time limit for submission of tenders ; whereas experience has shown that, in some cases, certain non-member countries do not make the award within the 40 days so laid down ; whereas, in such circumstances, the applicant is unable to comply with the requirement to communicate as stated above and, accordingly, runs the risk of the licence not being issued and of forfeiting the security ; whereas, accordingly, provision should be made for the Commission, in certain special circumstances, to decide that the period initially laid down should be extended ;

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

Article 15 (3) of Regulation (EEC) No 2729/81 is hereby replaced by the following :

‘3. Notwithstanding the second subparagraph of Article 43 (2) of Regulation (EEC) No 3183/80, the applicant for the licence must comply with a period of 40 days following the time limit for submission of tenders :

- either for informing the issuing agency of the results of the invitation to tender,
- or for providing proof that the time limit for submission of tenders has been deferred,
- or for submitting an application for extension of the said period where he is unable to know the results of the invitation to tender for reasons which are beyond his control.

In the latter case, the Member State in question shall request the Commission to extend the period laid down in the first subparagraph, stating the non-member country and the agency issuing the invitation to tender, the quantity offered, the type of product concerned, the time limit for submission of tenders and the reasons put forward for such extension.

The Commission shall take a decision concerning the extension of the period and concerning the release of the security. It shall inform the Member States accordingly.’

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 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 272, 26. 9. 1981, p. 19.

⁽³⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁴⁾ OJ No L 341, 28. 11. 1981, p. 30.

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

Done at Brussels, 8 January 1982.

For the Commission

Poul DALSAGER

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 December 1981

**authorizing extension or tacit renewal of certain trade agreements concluded
between the Member States and third countries**

(82/1/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Decision 69/494/EEC of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiation of Community agreements⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas extension or tacit renewal beyond the end of the transitional period was last authorized in the case of the Agreements and Protocols listed in the Annex by Council Decision 80/1045/EEC⁽²⁾;

Whereas the Member States concerned have, with a view to avoiding disruption of their commercial relations with the third countries concerned based on agreement, requested authorization to extend or renew the abovementioned Agreements;

Whereas, however, most of the areas covered by these national agreements are henceforth the subject of Community agreements; whereas in this situation there should be authorization for the maintenance of national agreements only for those areas not covered

by Community agreements; whereas, in addition, such authorization should not, therefore, adversely affect the obligation incumbent upon the Member States to avoid and, where appropriate, to eliminate any incompatibility between such agreements and the provisions of Community law;

Whereas the provisions of the instruments to be either prolonged or renewed should not furthermore, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas the Member States concerned have declared that the extension or tacit renewal of these agreements would neither constitute an obstacle to the opening of Community negotiations with the third countries concerned and the transfer of the commercial substance thereof to Community agreements nor, during the period under consideration, hinder the adoption of the measures necessary to complete the standardization of the import arrangements applied by the Member States;

Whereas at the conclusion of the consultations provided for in Article 2 of Decision 69/494/EEC it was established, as the aforesaid declarations by the Member States concerned confirm, that the provisions of the agreements to be prolonged or renewed would not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, in these circumstances, the agreements concerned may be either extended or tacitly renewed for a limited period,

⁽¹⁾ OJ No L 326, 29. 12. 1969, p. 39.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 27.

HAS ADOPTED THIS DECISION :

Article 2

This Decision is addressed to the Member States.

Article 1

The Trade Agreements and Protocols between Member States and third countries listed in the Annex hereto may be extended or tacitly renewed up to the dates indicated for each of them for those areas not covered by agreements between the Community and the third countries concerned and in so far as their provisions are not contrary to existing common policies.

Done at Brussels, 21 December 1981.

For the Council

The President

N. RIDLEY

BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

Medlemsstat	Tredjeland	Aftalens art og datering	Udløb efter forlængelse eller stiltiende videreførelse	
Mitgliedstaat	Drittland	Art und Datum des Abkommens	Ablauf nach Verlängerung oder stillschweigender Verlängerung	
Κράτος μέλος	Τρίτη χώρα	Φύση και ήμερομηνία της συμφωνίας	Ήμερομηνία λήξεως κατόπιν της παρατάσεως ή της σιωπηράς άνανεώσεως	
Member State	Third country	Type and date of Agreement	Prolonged or tacitly renewed until	
État membre	Pays tiers	Nature et date de l'accord	Échéance après prorogation ou tacite reconduction	
Stato membro	Paese terzo	Natura e data dell'accordo	Scadenza dopo la proroga o il tacito rinnovo	
Lid-Staat	Derde land	Aard en datum van het akkoord	Vervaldatum na al dan niet stilzwijgende verlenging	
BENELUX	Autriche/ Oostenrijk	Accord commercial/ Handelsakkoord	29. 6. 1957	31. 3. 1983
	Espagne/ Spanje	Accord commercial/ Handelsakkoord	2. 6. 1960	14. 4. 1983
	Norvège/ Noorwegen	Accord commercial/ Handelsakkoord	28. 5. 1957	30. 4. 1983
	Suède/ Zweden	Accord commercial/ Handelsakkoord	27. 4. 1957	28. 2. 1983
	Suisse/ Zwitserland	Accord commercial/ Handelsakkoord	21. 6. 1957	31. 3. 1983
		et échange de notes/ en briefwisseling	5. 5. 1961	
	Tunisie/ Tunesië	Accord commercial/ Handelsakkoord	1. 8. 1958	31. 3. 1983
	DANMARK	Island	Vareudvekslingsaftale	4. 6. 1948
Norge		Vareudvekslingsoverenskomst og tillægsprotokol hertil	30. 3. 1946 2. 8. 1966	31. 12. 1982
Schweiz		Vareudvekslingsaftale	15. 9. 1951	31. 12. 1982
Sverige		Vareudvekslingsoverenskomst	11. 3. 1948	31. 1. 1983
DEUTSCHLAND	Indonesien	Handelsabkommen vom	22. 4. 1953	31. 3. 1983
	Spanien	Handelsabkommen vom	20. 6. 1960	30. 4. 1983
	Südkorea	Handelsabkommen vom	8. 4. 1965	7. 4. 1983
ΕΛΛΑΔΑ	Αίγυπτος	Έμπορική συμφωνία	1. 1. 1979	1. 1. 1983
	Μαρόκο	Έμπορική συμφωνία	1. 11. 1961	1. 11. 1982
	Τουρκία	Έμπορική συμφωνία	7. 11. 1953	7. 11. 1982
	Ίνδία	Έμπορική συμφωνία	31. 1. 1973	31. 1. 1983
	Ίσραήλ	Έμπορική συμφωνία	30. 1. 1969	30. 1. 1983
	Πορτογαλία	Έμπορική συμφωνία	31. 12. 1949	31. 12. 1982
	Νορβηγία	Έμπορική συμφωνία	1. 1. 1965	1. 1. 1983
	Πακιστάν	Έμπορική συμφωνία	17. 1. 1963	17. 1. 1983

FRANCE	Afrique du Sud ⁽¹⁾	Échanges de lettres	18. 4. 1964	31. 12. 1982
	Corée du Sud	Échange de lettres	12. 3. 1963	31. 3. 1983
	Inde ⁽¹⁾	Accord commercial et échange de lettres	19. 10. 1959	31. 12. 1982
	Irak	Accord commercial	25. 9. 1967	25. 3. 1983
	Liban	Accord commercial	25. 3. 1955	10. 4. 1983
IRELAND	Austria	Trade Agreement concluded by exchange of notes	6. 10. 1950	31. 12. 1982
	Finland	Trade Agreement	1. 6. 1951	31. 12. 1982
	Iceland	Trade Agreement	2. 12. 1950	31. 12. 1982
	Sweden	Trade Agreement	25. 6. 1949	31. 12. 1982
ITALIA	Corea del Sud	Accordo commerciale	9. 3. 1965	8. 3. 1983
	El Salvador	Accordo commerciale	30. 3. 1953	31. 3. 1983
		Protocollo addizionale	21. 12. 1955	
	Indonesia	Accordo commerciale	23. 3. 1951	31. 3. 1983
	Iran	Scambio di note	{ 29. 1. 1958 23. 3. 1961	9. 2. 1983
	Israele	Accordo commerciale	5. 3. 1954	
		Scambio di lettere	5. 1. 1956	31. 12. 1982
		Processi verbali	{ 21. 10. 1956 11. 2. 1964	
	Iugoslavia	Accordo commerciale	1. 7. 1967	
		Protocollo e scambio di note successivo	30. 4. 1969	31. 12. 1982
	Norvegia	Accordo commerciale	20. 5. 1953	
		Protocollo	31. 8. 1959	31. 12. 1982
		Scambio di note	10. 5. 1962	
	Repubblica dominicana	Accordo commerciale	18. 2. 1954	11. 3. 1983
NEDERLAND	Finland	Handelsakkoord	8. 12. 1956	31. 3. 1983

⁽¹⁾ Prorogation par échange de notes

COUNCIL DIRECTIVE**of 21 December 1981****amending Directive 72/464/EEC on taxes other than turnover taxes which affect the consumption of manufactured tobacco**

(82/2/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 99 and 100 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, under Directive 72/464/EEC ⁽⁴⁾, as last amended by Directive 81/463/EEC ⁽⁵⁾, the transition from one stage of harmonization to the next shall be decided on by the Council on a proposal from the Commission;

Whereas the second stage of harmonization, introduced by Directive 72/805/EEC ⁽⁶⁾, expires on 31 December 1981;

Whereas the special criteria applicable during the third stage are dealt with in a proposal for a Directive presented by the Commission ⁽⁷⁾;

Whereas the opinion of the Economic and Social Committee was delivered on 25 February 1981 ⁽⁸⁾ and the opinion of the European Parliament will be delivered only following examination of a detailed study on the effects of proceeding with harmonization; whereas the study will not be available until March 1982;

Whereas, in these circumstances, a sufficiently long extension of the second stage is necessary to enable the European Parliament to deliver its opinion and the Council to decide on the rules for the application of a third stage of harmonization,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 10a (1) of Directive 72/464/EEC, '31 December 1981' shall be replaced by '31 December 1982'.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Council

The President

N. RIDLEY

⁽¹⁾ OJ No C 285, 7. 11. 1981, p. 8.

⁽²⁾ Opinion delivered on 18 December 1981 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 25 and 26 November 1981 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 303, 31. 12. 1972, p. 1.

⁽⁵⁾ OJ No L 183, 4. 7. 1981, p. 32.

⁽⁶⁾ OJ No L 338, 20. 12. 1977, p. 22.

⁽⁷⁾ OJ No C 264, 11. 10. 1980, p. 6.

⁽⁸⁾ OJ No C 138, 9. 6. 1981, p. 47.

COUNCIL DIRECTIVE
of 21 December 1981
amending Directive 75/130/EEC on the establishment of common rules for
certain types of combined road/rail carriage of goods between Member States

(82/3/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 75
thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European
Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and
Social Committee ⁽²⁾,

Whereas Directive 75/130/EEC ⁽³⁾, as amended by
Directive 79/5/EEC ⁽⁴⁾, applies on an experimental
basis until 31 December 1981 to combined transport
in the case of containers of 20 feet and more and swap
bodies which have no supports;

Whereas the inaugural effect of Directive 75/130/EEC,
as far as this transport is concerned, during the period
which has elapsed must be considered to have been
positive; whereas that Directive should therefore be
applied on a permanent basis with regard to this trans-
port,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 8 of Directive 75/130/EEC is hereby deleted.

Article 2

Member States shall take the measures necessary to
comply with this Directive. They shall forthwith
inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Council

The President

N. RIDLEY

⁽¹⁾ Opinion delivered on 18 December 1981 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 25 November 1981 (not yet published in the Official Journal).

⁽³⁾ OJ No L 48, 22. 2. 1975, p. 31.

⁽⁴⁾ OJ No L 5, 9. 1. 1979, p. 33.

COMMISSION

COMMISSION DECISION

of 4 December 1981

on proposed assistance by the Belgian Government for investments by an Antwerp chemical firm for the production of polyether-polyol

(Only the Dutch and French texts are authentic)

(82/4/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 to the parties concerned to submit their comments as provided for in Article 93,

Whereas :

I

The Belgian law of 17 July 1959, implemented by the Royal Order of 17 August 1959⁽¹⁾, introduced general measures to aid the Belgian economy and in particular interest rate rebates on loans contracted to pay for investments, State guarantees covering loans contracted by undertakings with banks where certain interest rebates are given, and exemption for five years from tax on income from immovable property.

When examining the Belgian law, pursuant to the procedure defined in Article 93 (1) and (2) of the EEC Treaty, the Commission pointed out that, since it contained no industrial or regional objectives and permitted aid to be given for investment by any firm in any area or industry, it constituted a general aid system which, as such, could not qualify for exemption under Article 92 (3) (a) or (c). In the absence of such specific references, the Commission could not assess the scheme's effects on trade between Member States or on competition and was, therefore, unable to form

an opinion as to its compatibility with the common market.

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

Commission Decision 75/397/EEC⁽²⁾, required the Government of the Kingdom of Belgium to notify the Commission in advance and in sufficient time of significant cases of application of the Belgian Law of 17 July 1959, introducing measures to promote economic expansion and the creation of new industries so as to enable the Commission to decide on the compatibility of the proposed aids with the common market.

II

By telex dated 18 January 1979 the Belgian Government informed the Commission of its intention to grant assistance under the Law of 17 July 1959 for investment by a chemical firm located in Antwerp.

The assistance proposed by the Belgian Government is for the establishment of a plant for the manufacture of polyether-polyol with an annual production capacity of 50 000 tonnes. The investment would create 45 new jobs.

⁽¹⁾ Moniteur Belge of 29. 8. 1959.

⁽²⁾ OJ No L 177, 8. 7. 1975, p. 13.

The firm concerned has 3 000 employees; in 1977 sales totalled Bfrs 21 000 million, of which 78 % were exports to other Member States. The major part of the new output would be exported to other Member States.

The assistance would take the form of a five-year 3 % interest relief grant on a loan representing two-thirds of the investment (Bfrs 519 million), equivalent, according to the Belgian authorities, to a subsidy of 8 % of the investment.

III

The Belgian Government considers that the investment is a normal development of the firm's plant in Antwerp, and in its view the assistance is mainly intended to offset certain costs which are higher in Belgium than in the country in which the group is primarily based.

The Belgian Government also takes the view that the extent to which trade may be affected by an increase in capacity is reduced by the fact that the new output will largely be accounted for by transfers within the group.

IV

In the course of consultations with interested parties, the Government of one Member State pointed out that the assistance proposed by the Belgian Government did not seem to be justifiable on grounds arising from the market in polyether-polyol. The Government of another Member State supported the Commission's position of principle regarding assistance of this type, but did not oppose this particular scheme.

V

The aid proposed by the Belgian Government is therefore likely to affect trade between Member States and distort or threaten to distort competition by favouring the undertaking in question or the production of its goods within the meaning of Article 92 (1) of the EEC Treaty.

A national measure may, in principle at least, compensate for certain differences between the costs of firms in different Member States, but such a measure remains an aid measure, as was stated very clearly by the Court of Justice in its judgments of 10 December 1969 ⁽¹⁾ and 2 July 1974 ⁽²⁾, which concerned cases in which the French and Italian Governments put forward, as justification for certain forms of assistance, differences obtaining in the Member States between interest rates and the level of certain wage costs.

The terms of the Treaty provide that aids fulfilling the criteria set out in Article 92 (1) of the Treaty shall be incompatible with the common market. The exemptions from this incompatibility set out in Article 92 (3) of the EEC Treaty specify objectives to be pursued in the Community interest and not that of the individual beneficiary. These exemptions must be strictly construed in the examination both of regional or sectoral aid schemes and of individual cases of application of general aid systems. In particular they may be granted only when the Commission can establish that this will contribute to the attainment of the objectives specified in the derogations, which the recipient firms would not attain by their own actions under normal market conditions alone.

To grant an exemption where there is no compensatory justification would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any benefit in terms of the interest of the Community, while at the same time accepting that undue advantages accrue to some 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 particular beneficiary 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). Where such evidence cannot be provided and especially where the aided investment would take place unmodified, it is clear that the aid does not contribute to the attainment of the objectives specified in the exemptions 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 undertaking benefiting from the aid.

The Belgian Government has not been able to provide, nor has the Commission found, any evidence which establishes that the proposed aid meets the conditions justifying one of the exemptions provided for in Article 92 (3) of the EEC Treaty.

Furthermore, notwithstanding the fact that Belgium is experiencing a high rate of unemployment, with the result that the Commission has granted an exemption to a scheme of aids to employment on the grounds that a serious disturbance exists in the Belgian economy, it does not follow that every other aid of whatever nature proposed by the Belgian Government may automatically benefit from one of the exemptions specified in Article 92 (3), since each aid notified must be considered on its own merits in the light of the specific criteria laid down.

⁽¹⁾ Joined cases 6/69 and 11/69 [1969] ECR 523.

⁽²⁾ Case 173/73 [1974] ECR 709.

As far as the exemptions set out in Article 92 (3) (a) and (c) are concerned in respect of aids designed to promote or facilitate the development of certain areas, it is the case that the Antwerp area continues to enjoy a better socio-economic situation than that of other regions in Belgium ; to the extent to which the general problem of unemployment also exists in Antwerp, it is already provided for under the general scheme to promote employment and there is, therefore, no reason to grant a further exemption in respect of this aid on the grounds that it will promote or facilitate the development of that area, a purpose moreover for which this aid was not intended.

As regards the exemptions provided for in Article 92 (3) (b), this investment would be brought about in any event by normal market forces. 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 which merits exemption under Article 92 (3) (b) from the provision laid down in Article 92 (1) on the incompatibility of aids.

Finally, as regards the exemption under Article 92 (3) (c) for 'aid to facilitate the development of certain economic activities', an examination of the situation on the polyether-polyol market indicates that market forces should be sufficient in themselves, without public assistance, to ensure the normal development of that activity. Furthermore, the bulk of the output will be exported to other Member States and consequently there is a risk that granting the assistance will adversely affect trade to an extent contrary to the common interest.

The industry is one in which production capacity is being utilized to a proper extent ; any assistance creating further capacity is likely to have an adverse effect on existing capacity, reducing the profitability of firms in the industry, including those in other Member States.

The firm in question regards the investment as a normal extension of the Antwerp plant, forming part of the overall strategy of the group to which it belongs.

In view of the above, the aid proposal by the Belgian Government does not meet the conditions necessary to benefit from any of the exemptions set out in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of Belgium shall refrain from implementing its proposed scheme, notified to the Commission by telex dated 18 January 1979, to grant the aids provided for by the Law of 17 July 1959 'to encourage economic expansion and the creation of new industries' for certain investments by a chemical firm located in Antwerp.

Article 2

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

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 4 December 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION**of 7 December 1981****approving a programme relating to processing and marketing of poultry and poultrymeat in the Netherlands, pursuant to Council Regulation (EEC) No 355/77****(Only the Dutch text is authentic)****(82/5/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural products are processed and marketed⁽¹⁾, and in particular Article 5 thereof,

Whereas, on 26 January 1981, the Dutch Government forwarded the programme relating to processing and marketing of poultry and poultrymeat and on 17 August 1981 provided additional details;

Whereas this programme relates to the modernization and rationalization and concentration of facilities for poultry slaughtering, poultrymeat processing and improving the value of by-products with the aim of reducing slaughtering costs and thus stabilizing producers' incomes; whereas it is therefore a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas the programme contains the details referred to in Article 3 of Regulation (EEC) No 355/77, showing that the objectives laid down in Article 1 of the said Regulation can be achieved in respect of the sector in question; whereas the schedule for imple-

mentation of the programme does not exceed the time limit laid down in Article 3 (1) (g) of this Regulation;

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

HAS ADOPTED THIS DECISION:

Article 1

The programme relating to processing and marketing of poultry and poultrymeat pursuant to Regulation (EEC) No 355/77 communicated by the Dutch Government on 26 January 1981 and supplemented on 17 August 1981 is hereby approved.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 7 December 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

COMMISSION DECISION**of 8 December 1981****on the implementation of the reform of agricultural structures in the United Kingdom pursuant to Title II of Council Directive 75/268/EEC****(Only the English text is authentic)**

(82/6/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms⁽¹⁾, as last amended by Directive 81/528/EEC⁽²⁾, and in particular Article 18 (3) thereof,

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas⁽³⁾, as last amended by Directive 80/666/EEC⁽⁴⁾, and in particular Article 13 thereof,

Whereas, on 9 July 1981, the Government of the United Kingdom notified, pursuant to Article 17 (4) of Directive 72/159/EEC and Article 13 of Directive 75/268/EEC, the regulation concerning the Scottish Islands special grant 1981;

Whereas under Article 18 (3) of Directive 72/159/EEC the Commission has to decide whether, having regard to the regulation notified, the existing provisions in the United Kingdom for the implementation of Directive 75/268/EEC continue to satisfy the conditions for financial contribution by the Community to common measure within the meaning of Article 13 of Directive 75/268/EEC;

Whereas the abovementioned provisions satisfy the conditions and objectives of Directive 75/268/EEC;

Whereas the EAGGF Committee has been consulted on the financial aspects;

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

HAS ADOPTED THIS DECISION:

Article 1

The provisions existing in the United Kingdom for the implementation of the reform of agricultural structures pursuant to Directive 75/268/EEC continue, having regard to the regulation concerning the Scottish Islands special grant 1981, notified on 9 July 1981, to satisfy the conditions for financial contribution by the Community to common measure within the meaning of Article 13 of Directive 75/268/EEC.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 8 December 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 197, 20. 7. 1981, p. 41.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽⁴⁾ OJ No L 180, 17. 7. 1980, p. 34.

COMMISSION DECISION**of 9 December 1981****on the implementation of the reform of agricultural structures in Ireland
pursuant to Council Directive 72/159/EEC****(Only the English text is authentic)****(82/7/EEC)**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 72/159/EEC of 17
April 1972 on the modernization of farms⁽¹⁾, as last
amended by Directive 81/528/EEC⁽²⁾, and in parti-
cular Article 18 (3) thereof,

Having regard to Council Decision 81/598/EEC of 27
July 1981 on the level of the interest rate subsidy
provided for by Directive 72/159/EEC on the moder-
nization of farms, to be applied in Ireland⁽³⁾, and in
particular Article 4 (1) thereof,

Whereas on 7 October 1981 the Irish Government
forwarded, pursuant to Article 17 (4) of Directive
72/159/EEC, the scheme to provide an interest rate
subsidy for certain categories of farmers;

Whereas Article 18 (3) of Directive 72/159/EEC
requires the Commission to determine whether,
having regard to the abovementioned submission, the
existing provisions in Ireland for the implementation
of the said Directive continue to satisfy the conditions
for financial contribution by the Community to
common measures within the meaning of Article 15
thereof;

Whereas the abovementioned scheme to provide an
interest rate subsidy for certain categories of farmers

meets the requirements of Directive 72/159/EEC and
Decision 81/598/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the scheme to provide an interest
rate subsidy for certain categories of farmers, forwarded
on 7 October 1981, the existing provisions for the
implementation of Directive 72/159/EEC in Ireland
continue to satisfy the conditions for financial contri-
bution by the Community to common measures
within the meaning of Article 15 of Directive
72/159/EEC.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 9 December 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 197, 20. 7. 1981, p. 41.

⁽³⁾ OJ No L 220, 6. 8. 1981, p. 27.

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