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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 299/82
of 9 February 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 3808/81⁽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 central rate,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 8 February 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 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽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 February 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 B I	Common wheat, and meslin	90.49
10.01 B II	Durum wheat	114.58 ⁽¹⁾ ⁽²⁾
10.02	Rye	38.70 ⁽⁶⁾
10.03	Barley	62.99
10.04	Oats	55.19
10.05 B	Maize, other than hybrid maize for sowing	94.89 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	93.52 ⁽⁴⁾
10.07 C	Grain sorghum	78.25 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	141.13
11.01 B	Rye flour	69.34
11.02 A I a)	Durum wheat groats and meal	190.38
11.02 A I b)	Common wheat groats and meal	150.80

⁽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 300/82**of 9 February 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 3808/81⁽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 central rate,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 8 February 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 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽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 February 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 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	19.57
10.02	Rye	0	0	0	3.89
10.03	Barley	0	3.37	3.38	0.97
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1.46	1.46	1.46
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	3.87
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 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	6.00	6.02	1.73	1.73
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	4.48	4.50	1.29	1.29
11.07 B	Roasted malt	0	5.22	5.24	1.50	1.50

COMMISSION REGULATION (EEC) No 301/82**of 9 February 1982****amending Regulation (EEC) No 2729/79 as regards the communication to the Commission of information concerning crude oil or petroleum product imports**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1893/79 of 28 August 1979 introducing registration for crude oil and/or petroleum product imports in the Community⁽¹⁾, as last amended by Regulation (EEC) No 3721/81⁽²⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 2592/79 of 20 November 1979 laying down the rules for carrying out the registration of crude oil imports in the Community provided for in Regulation (EEC) No 1893/79⁽³⁾, as last amended by Regulation (EEC) No 3721/81, and in particular Article 7 thereof,

Whereas Article 4 (2) of Regulation (EEC) No 2592/79 provides that Member States shall communicate to the Commission the information referred to in that Article only at its express request; whereas it is therefore necessary to amend Commission Regulation (EEC) No 2729/79⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2729/79 is hereby amended as follows:

1. The following subparagraph shall be added to Article 1 (1):

'The information provided for in Article 4 (2) of Regulation (EEC) No 2592/79 shall be communicated to the Commission only at its express request.'

2. Article 2 shall be replaced by the following text:

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

3. Table 2 annexed to that Regulation shall be replaced by Table 2 annexed to this Regulation.

Article 2

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

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

Done at Brussels, 9 February 1982.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 220, 30. 8. 1979, p. 1.

⁽²⁾ OJ No L 373, 29. 12. 1981, p. 9.

⁽³⁾ OJ No L 297, 24. 11. 1979, p. 1.

⁽⁴⁾ OJ No L 314, 10. 12. 1979, p. 1.

ANNEX

EXPLANATORY NOTE FOR TABLE 2

Table 2 should be used to transmit base information concerning each type of crude, i.e. quantities, average prices, extreme prices, average length of credit, and volume step (decil) information.

Member State

Enter the Member State which reports.

Reporting scope

The Member States should report the basic data they collect from reporting firms or undertakings in an aggregated form, and the decil information in a non-aggregated form. The aggregation must be done for each reported crude oil.

Period

Enter the month and year of the reporting period.

Reporting time limit

The data should be reported to the Commission at the latest one month from the end of the preceding month.

Designated crude oil and nominal gravity

The list of crude oils for which it is necessary to report aggregated data is the following:

- | | |
|---------------------------------|---------------------------------|
| 1. Arabian Light 34° | 12. Nigeria 34° |
| 2. Arabian Medium 31° | 13. Venezuela Light 34° |
| 3. Arabian Heavy and Khafji 27° | 14. Venezuela Medium 26° |
| 4. Iranian Light 34° | 15. Venezuela Heavy 17° |
| 5. Iranian Heavy 31° | 16. Indonesia 34° |
| 6. Murban and Zakum 39° | 17. Qatar Dukhan and Marine 40° |
| 7. Iraq-Basrah 35° | 18. NW Europe Offshore 38° |
| 8. Iraq-Kirkuk 36° | 19. Mexican Isthmus 34° |
| 9. Kuwait 31° | 20. USSR 33° |
| 10. Libya 40° | 21. Other imported crude oils |
| 11. Algeria 44° | |

Weighted average API gravity

Enter the weighted average gravity to the nearest 0.1° API for each reported crude oil. This average should reflect all fob or cif imports.

Volume

Enter the total volume (in barrels, rounded off to the nearest thousand barrels) for each type of crude oil reported.

Number of companies

Enter the number of companies which have reported receipts of the crude in question.

Average cif and fob prices

Enter the average cif and fob price for each crude oil reported, weighted according to the quantity recorded during the period concerned.

Fob price is the price effectively charged at loading port.

The cif price includes the fob price, the cost of transport, the total of insurance, and certain charges linked to crude oil transport operations (duties or fees on loading, lighterage). To be excluded from cif

prices are custom duties, demurrage, port dues and all charges borne by the reporting State. Fob and cif prices are those which have actually been paid by the undertaking, or those which they expect to have to pay, after deduction of rebates.

Extreme fob price (minimum and maximum)

Enter the minimum and maximum fob price, rounded off to the nearest 25 cents per barrel, paid for the same type of crude oil during the reference period.

Fob price by volume step (decil)

Enter, for each 10 % volume step (decils from 10 to 90 %) of the main types of crude reported, the highest fob price of each step. This information is to be communicated only at the Commission's request.

Average length of credit (days credit)

Enter the average length of credit given relative to imports of the same type of crude registered during the period concerned. Days of free credit means the number of days allowed free to pay for the oil, i.e., without financial charge.

Notes

Enter any other information, remarks or comments considered useful for the good understanding of the data, notably the percentage in relation to the total volume of the imports which are not subject to a continuing supply arrangement, and 'non-affiliate' imports. Indicate, in particular, whether in the view of the Member State the data is confidential by virtue of the number or the distribution of the cargoes.

EEC

TABLE 2

**GOVERNMENT REPORTING TO THE COMMISSION ON CRUDE OIL
IMPORTED FROM THIRD COUNTRIES AND FROM MEMBER STATES**

Member State :

Date submitted :

Crude oil type	Cif information				
	Volume	No of companies	Weighted average		
			Cents/bbl	API	Days credit
Arabian Light 34°					
Arabian Medium 31°					
Arabian Heavy and Khafji 27°					
Iranian Light 34°					
Iranian Heavy 31°					
Murban and Zakum 39°					
Iraq-Basrah 35°					
Iraq-Kirkuk 36°					
Kuwait 31°					
Libya 40°					
Algeria 44°					
Nigeria 34°					
Venezuela Light 34°					
Venezuela Medium 26°					
Venezuela Heavy 17°					
Indonesia 34°					
Qatar Dukhan and Marine 40°					
NW Europe Offshore 38°					
Mexican Isthmus 34°					
USSR 33°					
All other					
Total imports					

Notes :

CONFIDENTIAL

Reporting period from :

to :

[illegible]

(i) The information on the prices for each 10 % volume step (from 10 to 90 %) is to be communicated only at the Commission's request.

COMMISSION REGULATION (EEC) No 302/82

of 9 February 1982

fixing for the 1982 marketing year the Community offer price for cucumbers
applicable with regard to Greece

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Greece,

Having regard to Council Regulation (EEC) No 10/81
of 1 January 1981 fixing, in respect of fruit and vege-
tables, the general rules for implementing the 1979
Act of Accession⁽¹⁾, and in particular Article 9 (1)
thereof,

Whereas Article 75 of the Act of Accession introduces
a compensatory mechanism, on import into the
Community of Nine, for fruit and vegetables coming
from Greece for which an institutional price is fixed ;

Whereas, in accordance with Article 75 (2) (a) of the
Act of Accession, a Community offer price is to be
calculated annually on the one hand, on the basis of
the arithmetical average of producer prices of each
Member State of the Community of Nine, increased
by the transport and packaging costs borne by the
products from the areas of production up to the repre-
sentative centres of Community consumption and, on
the other hand, taking into account the trend of
production costs in the fruit and vegetables sector ;
whereas the said producer prices are to correspond to
an average of the price quotations recorded over three
years prior to fixing the Community offer price ;
whereas, however, the annual Community offer price
may not exceed the level of the reference price applied
vis-à-vis third countries, this Community offer price
being reduced by 6 % at the time of the second move
toward price alignment referred to in Article 59 of the
Act ;

Whereas, in order to take account of seasonal price
variations, the marketing year should be split into
several periods and a Community offer price fixed for
each such period ;

Whereas, by virtue of Article 3 of Council Regulation
(EEC) No 10/81, the rates used to calculate production
prices are those recorded for an indigenous product
whose trade characteristics are defined, on the repre-
sentative market or markets within the production
zones where the rates are lowest, for the products or

varieties which represent a substantial proportion of
marketable production throughout the year or during a
part of the year and which correspond to quality Cate-
gory I and to set conditions in respect of packaging ;
whereas the average rate for each representative market
is to be drawn up disregarding rates which may be
considered excessively high or low compared with the
normal fluctuations recorded on the said market ;

Whereas cucumbers produced in the Community of
Nine are grown mainly under glass ; whereas the
Community offer price for the marketing year must
therefore be fixed for a product of that type ; whereas
Greek cucumbers during the same period will have
been grown in the open ; whereas, although such
cucumbers may be classed in Class I, their quality and
price are not comparable with those of products grown
under glass ; whereas the prices for cucumbers not
grown under glass should therefore be adjusted by a
conversion factor ;

Whereas application of the abovementioned criteria
results in fixing the Community offer prices for
cucumbers for the period 11 February to 10 November
1982 at the levels set out hereinafter ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The Community offer price for the 1982 market-
ing year for cucumbers (subheading 07.01 P I of the
Common Customs Tariff), expressed in ECU per 100
kilograms net, is hereby fixed as follows, for packed
products of quality Category I, of all sizes :

— February : (from 11 to 20) :	105.95
(from 21 to 28) :	90.94
— March :	90.94
— April :	76.76
— May :	63.96
— June :	47.45
— July :	35.23
— August :	36.97
— September :	42.00
— October :	66.76
— November (from 1 to 10) :	68.08

⁽¹⁾ OJ No L 1, 1. 1. 1981, p. 17.

2. For the purpose of calculating the Greek offer price, the prices for cucumbers, not produced under glass, shall be multiplied by the following conversion factors :

Article 2

- from 11 February to 30 September : 1·30,
- from 1 October to 10 November : 1·00.

This Regulation shall enter into force on 11 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

(²) OJ No L 118, 30. 4. 1981, p. 1.

2. For the purpose of calculating the entry price, the prices for cucumbers, not produced under glass, imported from third countries shall, after deduction of customs duties, be multiplied by the following conversion factors :

- from 11 February to 30 September : 1.30,
- from 1 October to 10 November : 1.00.

Article 2

This Regulation shall enter into force on 11 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 304/82**of 9 February 1982****fixing the export refunds on fruit and vegetables**

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 Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, sweet fresh oranges, fresh mandarins, fresh lemons and apples of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I hothouse grapes and open ground grapes, shelled almonds and hazelnuts, and unshelled walnuts and hazelnuts may at present be exported in economically significant quantities;

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

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

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 10 (1) (b) of 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 3476/80⁽⁶⁾, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 23 (1) (c) of Regulation (EEC) No 2730/79 may be applied;

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁶⁾ OJ No L 363, 31. 12. 1980, p. 71.

HAS ADOPTED THIS REGULATION :

apply to exports of sweet oranges, mandarins, lemons, table grapes of open ground, walnuts in shell, shelled almonds, hazelnuts, and apples as set out in the Annex hereto.

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.

Article 2

2. The provisions of Articles 10 (1) (b) and 23 (1) (c) of Commission Regulation (EEC) No 2730/79 shall

This Regulation shall enter into force on 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 9 February 1982 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)		
CCT heading No	Description	Refund
ex 07.01 M	Tomatoes ('Extra' Class, Class I and Class II)	4.50
ex 08.02 A I	Sweet fresh oranges : — Of varieties Biondo comune and Sanguigno comune ('Extra' Class, Class I and Class II) — Of other varieties ('Extra' Class, Class I and Class II)	5.32 9.67
ex 08.02 B	Fresh mandarins ('Extra' Class, Class I and Class II)	7.25
ex 08.02 C	Fresh lemons ('Extra' Class, Class I and Class II) For export to : — Countries or States with a planned economy in central or eastern Europe — Other destinations	6.04 ⁽¹⁾ 4.23
ex 08.04 A I	Table grapes : — Fresh, open ground ('Extra' Class and Class I) — Fresh, hothouse ('Extra' Class and Class I)	7.00 19.34
ex 08.05 A II	Shelled almonds, other than bitter almonds	20.00 ⁽²⁾
ex 08.05 B	Unshelled walnuts	14.00
ex 08.05 G	Unshelled hazelnuts (31 August 1982 at the latest)	15.00
ex 08.05 G	Shelled hazelnuts	30.00 ⁽³⁾
ex 08.06 A II	Apples ('Extra' Class, Class I and Class II) other than cider apples For export to : — Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Jibuti, the countries of the Arabian peninsula ⁽²⁾ , Iran and Iraq — Countries and territories of Africa other than those mentioned above and South Africa, Syria, Jordan, countries with a planned economy in central and eastern Europe, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Iceland, Finland, Norway, Sweden, Austria and the Faroe Islands	12.00 3.63

⁽¹⁾ For exports to Poland for which the customs export formalities have been completed on 31 March 1982 at the latest, the export refund has been fixed at 12.04 ECU/100 kg net.

⁽²⁾ For the purpose of this Regulation the 'countries of the Arabian peninsula' are considered to be the following, including the territories attached thereto : Saudi Arabia, Bahrain, Qatar, Kuwait, the Sultanate of Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qawain, Fujairah, Ras Al Khaimah), Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen).

⁽³⁾ For exports for which customs export formalities have been completed, or which have been placed under the system provided for in Article 5 of Regulation (EEC) No 565/80, on or after 1 September 1982, the amount is fixed at 9.67 ECU/100 kg net for shelled almonds and at 14.51 ECU/100 kg net for shelled hazelnuts.

COMMISSION REGULATION (EEC) No 305/82**of 9 February 1982****fixing for the United Kingdom the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving that Member State**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 899/81⁽²⁾,

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

Whereas Article 3 (1) of Regulation (EEC) No 2661/80 lays down that the level of the variable slaughter premium for each Member State concerned shall be fixed weekly by the Commission ;

Whereas Article 4 (1) of Regulation (EEC) No 2661/80 lays down that the amount to be charged on products leaving the Member States concerned shall be fixed weekly by the Commission ;

Whereas, since the United Kingdom is paying the variable slaughter premium, it is necessary for the Commission to fix the level of the premium and the amount to be charged on products leaving that Member State for the week commencing 18 January 1982 ;

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No 1837/80 and in Article 4 (1) and (3) of Regulation

(EEC) No 2661/80 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving that Member State, during the week commencing 18 January 1982, shall be as set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION :

Article 1

For sheep or sheepmeat certified in the United Kingdom as eligible for the variable slaughter premium during the week commencing 18 January 1982, the level of the premium shall be as set out in Annex I hereto.

Article 2

For products referred to in Article 1 (a) of Regulation (EEC) No 1837/80 which left the territory of the United Kingdom during the week commencing 18 January 1982, the amounts to be charged shall be as set out in Annex II hereto.

Article 3

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

It shall apply with effect from 18 January 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 4. 4. 1981, p. 26.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 19.

*ANNEX I***Level of variable slaughter premium for certified sheep in the United Kingdom for the week commencing 18 January 1982**

Description	Premium
Certified sheep or sheepmeat	0 ECU per 100 kg of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by the United Kingdom.

ANNEX II

Amount to be charged for products which left the territory of the United Kingdom during
the week commencing 18 January 1982

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	0
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	0
	2. Short forequarters	0
	3. Chines and/or best ends	0
	4. Legs	0
	5. Other :	
	(aa) Unboned (bone-in)	0
	(bb) Boned or boneless	0
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	0
	2. Short forequarters	0
	3. Chines and/or best ends	0
	4. Legs	0
	5. Other :	
	(aa) Unboned (bone-in)	0
	(bb) Boned or boneless	0
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	0
	2. Boned or boneless	0

COMMISSION REGULATION (EEC) No 306/82
of 9 February 1982
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as amended by Regulation (EEC) No 192/82⁽²⁾, 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⁽³⁾, as last amended by Regulation (EEC) No 295/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1808/81 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.

⁽³⁾ OJ No L 181, 2. 7. 1981, p. 24.

⁽⁴⁾ OJ No L 34, 9. 2. 1982, p. 10.

ANNEX

to the Commission Regulation of 9 February 1982 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	25.44 19.15 ⁽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 307/82
of 9 February 1982
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3454/80 ⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 3701/81 ⁽³⁾, as last amended by Regulation (EEC) No 227/82 ⁽⁴⁾;

Whereas in the absence of the indicative price for the 1982/83 marketing year for colza and rape seed in case of pre-fixation for the month of July 1982, the amount of subsidy on these products has been obtainable only on the basis of the indicative price for the month of July 1981. This amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1982/83 marketing year is known ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3701/81 to the

information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

1. The amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

2. The amount of the subsidy for the month of July 1982 will, however, for colza and rape seed, be confirmed or replaced as from 10 February 1982 to take into account the indicative price which is fixed for these products for the 1982/83 marketing year.

Article 2

This Regulation shall enter into force on 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 369, 24. 12. 1981, p. 36.

⁽⁴⁾ OJ No L 22, 30. 1. 1982, p. 46.

ANNEX

to the Commission Regulation of 9 February 1982 fixing the amount of the subsidy
on oil seeds

(ECU/100 kg)

CCT heading No	Description	Subsidy
ex 12.01	Colza and rape seed	21·571
ex 12.01	Sunflower seed	21·443

(ECU/100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		February 1982	March 1982	April 1982	May 1982	June 1982	July 1982
ex 12.01	Colza and rape seed	20·664	20·713	20·574	20·141	20·374	16·757 ⁽¹⁾
ex 12.01	Sunflower seed	21·443	21·917	21·717	19·214	19·023	—

⁽¹⁾ Subject to confirmation.

COMMISSION REGULATION (EEC) No 308/82
of 9 February 1982
fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3454/80 ⁽²⁾,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

oil seeds ⁽⁷⁾, as last amended by Regulation (EEC) No 307/82 ⁽⁸⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 363, 31. 12. 1980, p. 71.

⁽⁷⁾ OJ No L 369, 24. 12. 1981, p. 36.

⁽⁸⁾ See page 21 of this Official Journal.

ANNEX

to the Commission Regulation of 9 February 1982 fixing the world market price for colza and rape seed

(ECU/100 kg) (1)

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	23.701

(ECU/100 kg) (1)

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		February 1982	March 1982	April 1982	May 1982	June 1982	July 1982
ex 12.01	Colza and rape seed	24.608	25.011	25.602	26.035	25.803	25.803

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

1 ECU = DM	2.40989
1 ECU = Fl	2.66382
1 ECU = Bfr/Lfr	40.7572
1 ECU = FF	6.17443
1 ECU = Dkr	7.91117
1 ECU = £ Irl	0.684452
1 ECU = £	0.553823
1 ECU = Lit	1 300.00

COMMISSION REGULATION (EEC) No 309/82

of 9 February 1982

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 3808/81⁽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 165/82⁽⁷⁾;

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

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

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 8 February 1982;

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⁽⁸⁾, 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⁽⁹⁾, as last amended by Regulation (EEC) No 1783/81⁽¹⁰⁾, as fixed in the Annex to Regulation (EEC) No 165/82, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽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 19, 27. 1. 1982, p. 13.

⁽⁸⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 176, 1. 7. 1981, p. 10.

ANNEX

to the Commission Regulation of 9 February 1982 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
11.02 B II a) ⁽²⁾	121·82	118·80
11.02 C I ⁽²⁾	145·93	142·91
11.02 D I ⁽²⁾	94·13	91·11
11.02 E II a) ⁽²⁾	166·82	160·78
11.02 F I ⁽²⁾	166·82	160·78
11.02 G I	73·03	66·99
11.07 A I a)	169·87	158·99
11.07 A I b)	129·68	118·80
11.08 A III	162·78	142·23
11.09	439·94	258·60

⁽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.

COMMISSION REGULATION (EEC) No 310/82**of 9 February 1982****altering the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the markets for eggs ⁽¹⁾, as last amended by Regulation (EEC) No 3643/81 ⁽²⁾, and in particular Article 9 (2) thereof,

Whereas the rates of the refunds applicable from 1 February 1982 to the products listed in the Annex exported in the form of goods not covered by Annex II to the Treaty were fixed by Regulation (EEC) No 221/82 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 221/82 to the infor-

mation at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The rates of refund fixed by Regulation (EEC) No 221/82 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 10 February 1982.

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

Done at Brussels, 9 February 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 364, 19. 12. 1981, p. 1.

⁽³⁾ OJ No L 22, 30. 1. 1982, p. 35.

ANNEX

to the Commission Regulation of 9 February 1982 altering the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

[illegible]

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 December 1981

on the preferential tariff charged to glasshouse growers for natural gas in the Netherlands

(Only the Dutch text is authentic)

(82/73/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾ and Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage⁽²⁾,

After having given notice, pursuant to the provisions of the first subparagraph of Article 93 (2), to those concerned to submit their observations, and having regard to those observations,

I

Whereas in the northern countries of the European Community large quantities of vegetables and flowers are produced in heated glasshouses; whereas the Netherlands, which alone produces 31 % of the tomatoes, 36 % of the lettuces, 65 % of the gherkins and about 30 % of the flowers grown in heated glasshouses in the Community, exports most of its glasshouse production;

Whereas heating costs are an important component of the cost of producing vegetables and flowers in heated glasshouses; whereas these costs vary considerably from one Member State to another, according to the fuel used in the horticultural sector and to the methods used for pricing oil products;

Whereas the fuel prices, exclusive of tax and expressed in EUA⁽³⁾ per 1 000 m³⁽⁴⁾ of gas equivalent, paid by growers in November 1981 were as follows:

Horticulture⁽⁵⁾

	Gas	Heavy fuel oil	Light fuel oil
Netherlands	117.9	152.0	
United Kingdom		157.1	
Italy		141.8	231.4
Belgium		141.4	247.4
Denmark		154.0	254.3
Ireland			266.8
Germany			238.3
France			241.3

Whereas in the Netherlands there is another specific cause of distortion, namely the special rates charged for natural gas used in horticulture;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽³⁾ Exchange rate at 17 November 1981 (OJ No C 299, 18. 11. 1981, p. 1).

⁽⁴⁾ Equivalent rates:

— 1 000 litres light fuel oil = 1 144 m³ natural gas,

— 1 000 kg heavy fuel oil = 1 283 m³ natural gas.

⁽⁵⁾ Average consumption 250 000 m³ per annum.

Whereas, after noting that the use of heavy fuel oil in horticulture produced a high degree of atmospheric pollution, the Netherlands Government concluded that there was a need to convert to another form of energy and, to this end, encouraged the conversion of the sector to natural gas; whereas two measures were taken in order to make conversion more attractive, namely the granting of government aid to facilitate the necessary investments and the conclusion of an agreement between growers and the gas supply company to ensure some stability in the price of natural gas; whereas the outcome of this is that a special tariff is applied for horticulture;

Whereas at present 95 % of the energy consumed in horticulture is obtained from natural gas;

Whereas to appreciate this unique situation the following factors should be taken into account:

1. natural gas in the Netherlands is produced by the Nederlandse Aardgasmaatschappij (NAM);
2. the gas is transported, imported and sold to the main customers connected to the transport network by the NV Nederlandse Gasunie, Groningen, hereinafter referred to as 'Gasunie';
3. natural gas is distributed to small customers by local distributing companies belonging to the Vereniging van Exploitanten van gasbedrijven, hereinafter referred to as 'Vegin';

Whereas direct sales by Gasunie represent about 45 % of the total volume of gas distributed; whereas Gasunie serves 136 distributing companies, 29 electric power stations and 389 large industrial undertakings together with the horticulture sector represented as a whole by the 'Landbouwschap';

Whereas Gasunie concludes standard individual contracts with the main purchasers, whatever the category of consumer concerned; whereas supplies of gas to the main purchasers involve more than 170 000 m³ per year, supplied either directly or indirectly; whereas, to permit regular adjustments or tariffs which differ according to the type of consumer, Gasunie negotiates in principle tariff agreements independent of the standard contracts, in the light of the particular situation of the economic branch concerned;

Whereas Gasunie has concluded contracts with Vegin providing that the same tariffs be applied to purchases between 30 000 m³ and 170 000 m³ as to purchases of more than 170 000 m³ per year; whereas this provision has been applied to horticulture; whereas, consequently, horticulturalists pay a reduced tariff beyond a level of consumption of 30 000 m³; whereas industri-

alists pay the reduced tariff only above a purchased volume of 170 000 m³ per year;

Whereas at 1 December 1981 the gas tariffs negotiated in accordance with the above methods were 39.930 cents per m³ for the whole of 1981 for small industrial consumers consuming not more than 170 000 m³ per year; whereas under the contract concluded between Vegin and Gasunie this price is linked to the fuel oil price for the preceding 15-month period; whereas the price is adjusted once a year; whereas from 1 January 1982 the price agreement will be amended; whereas the tariff will very probably lie between 46 and 50 cents per m³;

Whereas the Vegin-Gasunie contract stipulates that the adjustment of the various contracts will be renegotiated once during the five-year period; whereas the outcome of these negotiations must be submitted by Vegin to its members; whereas Gasunie must submit the agreement on prices for the approval of the Minister of Economic Affairs;

Whereas, as regards tariffs for major industrial consumers, a distinction must be drawn between new contracts and old contracts; whereas, under new industrial contracts, the tariffs were fixed as follows at 1 July 1981:

- 170 000 to one million m³: 42.5 cents per m³,
- one million to 10 million m³: 41.5 cents per m³,
- 10 million to 50 million m³: 41.1 cents per m³,
- above 50 million m³: 39.7 cents per m³;

Whereas these tariffs were adjusted at 1 October 1981; whereas the tariff for supplies between 170 000 and one million m³ was increased from 42.5 to 43.5 cents per m³;

Whereas the tariffs charged to major consumers are adjusted at three-monthly intervals on the basis of a 'parity' price for heavy fuel oil; whereas this price is calculated on the basis of the maximum charged for heavy fuel oil delivered free to the consumer, exclusive of tax, in accordance with the Order of the Minister of Economic Affairs on prices of oil products; whereas the calculation is based on the calorific equivalence: 1 000 kg heavy fuel oil (3 500 sec Redwood I) for 1 283 m³ of natural gas; whereas the market price for heavy fuel oil may be lower than this legal maximum price;

Whereas the maximum price used for the calculation is the price fixed for heavy fuel oil with a sulphur content of 2 %; whereas this price is Fl 33 per tonne higher than the price of heavy fuel oil with a 3.5 % sulphur content which is widely used; whereas the result is that the 'parity' price calculated for gas is at least 2.5 cents higher than if fuel oil with a high sulphur content had been taken as a basis;

Whereas under the old contracts the industrial tariff was fixed at 1 April 1981 as follows :

- 31·025 cents per m³ for deliveries up to one million m³,
- 30·755 cents per m³ for deliveries between one and about 8·8 million m³,
- 30·495 cents per m³ for deliveries in excess of 8·8 million m³;

Whereas under the old contracts the price is tied to the price of heavy fuel oil ; whereas the 'parity' price to be determined may not exceed in any one year the average price of the two preceding years plus 25 % ; whereas, since the Netherlands authorities have supplied no specific information, no data are available on the number of contracts still in force, the volumes of gas concerned and the overall duration of the contracts ; whereas, in any case, this tariff situation is valid only until the end of the duration of the contracts ; whereas in 1982 all the old contracts will have expired ;

Whereas, in the horticulture sector, the last agreement between Gasunie and Landbouwschap, on 1 May 1981, fixed the tariff at 27·9 cents per m³ at 1 July 1981 ; whereas this agreement provides for an increase of 2·5 % per m³ as from 28 December 1981, which brings the tariff to 30·4 cents per m³ ; whereas this tariff applies to purchases in excess of 30 000 m³, whereas for deliveries up to 30 000 m³ the price paid is the price applying to small industrial consumers, i.e. 39·930 cents per m³ ;

Whereas, in accordance with the agreement in force, the disparity between the horticultural tariff and the industrial tariff will be reduced in five six-month stages starting in April 1982 ; whereas from 1 October 1982 onwards the tariff will also be index-linked to the 'parity' price for fuel oil used as a basis for reviewing the industrial tariff applied to major consumers ;

Whereas the contract concluded between Landbouwschap and Gasunie concerns purchases of about 3·5 thousand million m³ of natural gas per year ; whereas there are 14 000 glasshouse growers and consequently the average consumption of gas per grower is about 250 000 m³ per year ; whereas the average cost for deliveries of natural gas for a level of consumption up to 250 000 m³ per year, taking into account the varying tariff per block of consumption, is at present :

- for horticulture : 31·5 cents per m³,
- for industry : 41·1 cents per m³;

Whereas the resulting advantage for a horticultural enterprise is 9·6 cents per m³, i.e. 23 % of the value of

the industrial tariff, with a gain of Fl 24 000 per year per holding ;

Whereas this advantage may increase even more as a result of the new tariff to be fixed at 1 January 1982 for small consumers, which is expected to be between 46 and 50 cents per m³ ;

Whereas a rebate of 0·75 cents per m³ consumed is granted for gas supplied to the provinces of Groningen, Frise and Drenthe and in the province of Overijssel, which is not taken into account in the above tariffs ; whereas this is a tariff rebate of a commercial nature, applied by the gas supply company and granted to consumers operating in the immediate vicinity of the Groningen gasfield ;

Whereas Gasunie is a private-law company, 40 % of the capital of which is held by the Staatsmijnen (wholly owned by the Netherlands Government but operating solely on the basis of market forces), 10 % by the Netherlands Government, 25 % by Bataafsche Petroleummaatschappij (Royal Dutch Shell) and 25 % by Esso Nederland NV (Standard Oil Company, New Jersey) ; whereas the standard contracts and price agreements concluded by this undertaking are therefore contracts under private law ; whereas the advantage derived by the State from the operations of Gasunie are twofold : the tax on gross profits and the share in net profits after tax ; whereas, since the tax is 45 %, the revenue accruing to the State from the operations of Gasunie may consequently be evaluated at about 72·5 % of the total profit ;

Whereas Gasunie may be administered by a Supervisory Board of eight or 12 members, one or two of whom are appointed by the Minister for Economic Affairs, the others being elected by the annual general meeting of shareholders ; whereas the Director is chosen by the general meeting from a double list proposed by the Board and approved by the Minister of Economic Affairs ; whereas the Board at present comprises eight members, of whom one is appointed by the State, three represent the Staatsmijnen and two represent the two oil companies ; whereas prices cannot be fixed without the approval of the board by a three-quarters majority of the votes cast, which means that Shell and Esso can veto decisions not in their interests ;

Whereas, however, the Minister of Economic Affairs has since 1963, by agreement with Gasunie, reserved the right to approve selling prices and terms of delivery for supplies to public distributors in the Netherlands ; whereas for all other supplies his approval is confined to prices ; whereas the Minister has also reserved the right to approve investments in pipelines and other forms of gas conveyance and storage, and the gas-supply programme ; whereas the Netherlands

Government has stated that the terms and tariffs of Gasunie must be approved by the Minister of Economic Affairs and Gasunie has undertaken not to conclude any agreement for the supply of gas which does not comply with the price last approved by the Minister for the category of purchasers concerned at the time the agreement was concluded; whereas, in this respect, the Minister's right forms part of the system of controls normally applied to prices;

Whereas the Minister of Economic Affairs also has certain powers with regard to gas prices; whereas, under Article 2 of the Law of 19 December 1974⁽¹⁾ governing prices and tariffs applicable to natural gas supplies (Law on natural gas prices), the Minister of Economic Affairs may, if natural gas is supplied at a price which he considers to be below the value of gas, prohibit the delivery of natural gas inside or outside the Netherlands at a price below the price he has fixed; whereas, under Article 2 (3) of the same Law, the Minister of Economic Affairs may fix different prices for different categories of gas; whereas, moreover, according to the information obtained from the Netherlands Government, this law, which is still in force, has not yet been applied;

Whereas the Netherlands:

(a) supplies at present

- 65 % of Community production of gherkins and cucumbers in heated glasshouses,
- 36 % of lettuces, and
- 31 % of tomatoes;

(b) exports:

- 81 % of the tomatoes it produces,
- 76 % of the gherkins and cucumbers it produces, and
- 80 % of the cut flowers it produces;

Whereas the Federal Republic of Germany alone absorbs:

- 78 % of tomato exports,
- 88 % of gherkin and cucumber exports,
- 85 % of exports of flowers and flowers in bud from the Netherlands;

Whereas exports of flowers and flowers in bud have been generating increasing pressure on the German market since 1975; whereas exports of these products to the United Kingdom, Denmark, Belgium and

France have increased substantially since 1974; whereas growers operating heated glasshouses in these countries are likely to be forced off the market;

II

Whereas, after making a study of distortions of competition in glasshouse horticulture⁽²⁾, the Commission concluded that the existence of a preferential tariff for natural gas used in horticulture in the Netherlands gave this sector a permanent advantage which affected trade between Member States and distorted competition; whereas it therefore decided to consider this tariff in the light of Article 92 of the Treaty, applying the procedure provided for in Article 93 (1) of the Treaty; whereas, after considering the matter in this light, the Commission found that the specific advantage conferred through Gasunie in the form of preferential tariffs constituted aid incompatible with the common market within the meaning of Article 92 of the Treaty, and therefore initiated on 7 November 1980 the procedure laid down in Article 93 (2) of the Treaty;

Whereas the Netherlands Government, in its answer to the Commission on 24 December 1980, stated that the special horticultural tariff for natural gas resulted from a contract freely negotiated between Gasunie and Landbouwschap and could not be considered as a State aid; whereas negotiations were under way to increase the special horticultural tariff;

Whereas at the end of May 1981 the Netherlands Government informed the Commission that under the new agreement between Gasunie and Landbouwschap the horticultural tariff would be increased by 5.5 cents before 28 December 1981; whereas the remaining disparity between the horticultural tariff and the industrial tariff would be gradually eliminated between 1 April 1982 and 1 April 1984; whereas on 25 June 1981⁽³⁾ the Commission informed the Netherlands Government that it could not terminate the procedure initiated under Article 93 (2) unless the deadline for aligning the horticultural tariff on the industrial tariff was brought forward significantly; whereas the Commission confirmed its position in a letter on 29 October 1981 in which it also asked the Netherlands Government to give assurance that the disparity between the two tariffs would become no greater than it was already;

⁽¹⁾ *Staatsblad* No 765.

⁽²⁾ COM(80) 306 final.

⁽³⁾ SG(81) D/8684.

Whereas the Netherlands Government has not given any specific reply to these two points ;

Whereas several Member States, and other persons concerned, have made their comments known to the Commission ; whereas all except the Landbouwschap feel that the preferential tariff for natural gas for horticulture in the Netherlands constitutes an aid within the meaning of Article 92 (1) of the Treaty which is incompatible with the common market since it affects trade between Member States and distorts competition by favouring specific undertakings ; whereas serious concern has also been expressed with regard to the harmful effects which this measure might have on horticulture in other Member States ; whereas, at the Council meetings in July, September and October 1981, several Member States reiterated their concern and described the increasing pressure to which they were being subjected by their own growers because of the competition, seen as unfair, from Netherlands growers ;

III

Whereas, in accordance with Article 31 of Council Regulation (EEC) No 1035/72 and with Article 11 of Council Regulation (EEC) No 234/68, Articles 92 to 94 of the Treaty are applicable to the horticultural sector ;

Whereas, in accordance with Article 92 (1) of the Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, in so far as it affects trade between Member States, incompatible with the common market ;

Whereas the price at which natural gas is supplied to Netherlands growers may be described as a preferential tariff ;

Whereas, in the Commission's view, a preferential tariff is caught by the prohibition in Article 92 (1) of the Treaty, when the following three factors obtain :

1. when the tariff favours certain undertakings or the production of certain goods competing with undertakings of other Member States whose products are traded within the Community ;
2. when the tariff has been imposed by a public authority ;
3. when the tariff results in compensation from the State being paid to the distribution company or to the State receiving less revenue ;

Whereas the existence of the preferential tariff for natural gas for Dutch horticulture provides a permanent advantage for that sector in three ways :

- the price fixed : the price to growers is fixed at a lower level than the price charged to industrial consumers under old or new contracts,
- supply conditions : the reduced tariff applies from 30 000 m³ for growers, whereas for industrial consumers it only applies from 170 000 m³,
- the review clause in contracts : for new industrial contracts the index-linking with the fuel-oil price operates each quarter and for small-scale consumers once a year, over an average of fuel-oil prices for 15 months, whereas for growers the review procedure is that described above ;

Whereas the argument that the contract signed between Landbouwschap and Gasunie covers a quantity of about 3 500 million m³ per year cannot be accepted if one compares the horticultural tariff with that for individual industrial consumers who consume at least 250 000 m³ per year, since it is in fact the individual grower who concludes the supply contract ; whereas, moreover, the argument that the centralization of horticultural production lowers costs in specific areas close to the gas field, thus reducing distribution costs, cannot be accepted since there is an additional rebate in the gas price of 0.75 cents in those areas ;

Whereas there is no specific tariff for gas used as a fuel or for any other forms of energy used in horticulture in any other Member State for the horticultural sector or for any other industrial category ;

Whereas the final assessment depends on whether this is an aid granted through State resources ; whereas, therefore, the nature of the State's intervention must be determined ;

Whereas the State holds, partly through the Staatsmijnen, a public-sector commercial undertaking, 50 % of the capital of Gasunie ; whereas, however, it does not have the controlling interest nor does it control a decisive majority of votes on pricing decisions ; whereas, nevertheless, as regards the horticultural tariff, Gasunie takes into consideration the economic guidelines suggested to it by the Netherlands Government ;

Whereas this conclusion is based on an examination of the tariffs applied by this undertaking for natural gas ; whereas under a normal economic approach, there is no reason why such favourable tariffs should be given to growers ; whereas there is obviously nothing to stop a private or public undertaking from varying its tariffs depending on the use of the goods which it is selling ; whereas, nevertheless, such variations must have sound and comprehensible economic

reasons; whereas, when such variations occur in the pricing of gas, they can only be justified by the need, in a free market economy, to ensure the competitiveness of gas on the various user markets and the Netherlands authorities have not so far been able to prove this; whereas, in any case, such variations must respect the principle whereby prices should not be maintained at an artificially low level which does not enable the market to receive reliable information; whereas, at present, these tariffs represent a reduction in the Gasunie's profit, which in its own interest as a commercial undertaking is justified by the fact that the Netherlands Government, which holds 50 % of the capital, may under certain circumstances influence Gasunie's commercial decisions and in this specific case may deliberately forgo certain revenue in order to provide a financial advantage for growers; whereas to that extent, and failing any economic justification on market grounds, the advantage in question comes indirectly from State resources;

Whereas a second factor which must be taken into consideration is that the tariffs are applicable only after approval by the Minister of Economic Affairs; whereas, even if this approval falls within the Minister's general scope of responsibilities, nevertheless, it does mean that the Government has the power to influence price levels; whereas it appears from the information provided by the Netherlands Government that Gasunie has formally agreed not to conclude gas-supply agreements which do not conform to the level of prices approved in the last instance by the Minister for the relevant group of users at such time as the agreements are concluded;

Whereas it must be inferred that it is the Government which does, in fact, have a dominant influence, even if only in the form of a veto, when determining the advantage which growers receive;

Whereas, in this context, a third relevant factor is that to make the increase in tariffs which occurred in April 1980 and May 1981 more acceptable to undertakings, the authorities decided to reinvest in that sector the major share of the additional revenue obtained from the increase in tariffs, which indicates that some of the Gasunie revenue does in fact constitute Netherlands Government resources; whereas the Netherlands Government set up an aid programme of Fl 270 million in 1981 and Fl 30 million in 1980 to allow for the installation of energy-saving equipment;

Whereas, in view of the foregoing, it is reasonable to conclude that, for its own reasons, the Netherlands

Government provides, through Gasunie, beneficial tariffs for Dutch horticulture and thus gives that production sector financial advantages which constitute an aid within the meaning of Article 92(1) of the Treaty;

IV

Whereas Article 92(1) provides for the incompatibility in principle with the common market of aid fulfilling the criteria which it describes; whereas the derogations from this provided for in paragraph 3 of that Article specify objectives pursued in the interest of the Community and not only in that of specific sectors of a national economy; whereas these derogations must be interpreted strictly when examining any aid programme for a specific region or sector or any individual case where general aid measures are applied; whereas they cannot be granted except in cases where the Commission is able to establish that the aid is necessary to achieve one of the objectives covered by these provisions;

Whereas allowing such derogations to aid measures which do not offer such an offsetting benefit would amount to allowing trade between the Member States to be affected and competition to be distorted without justification from the point of view of Community interest and would bring about undue advantage for certain Member States; whereas, in this specific case, the aid measures do not offer such offsetting benefits;

Whereas the Netherlands Government was unable to provide any justification nor could the Commission find any, indicating that the aid in question fulfilled the conditions required for application of one of the derogations provided for in Article 92(3) of the Treaty;

Whereas this is obviously not a measure intended to promote the execution of an important project of common European interest within the meaning of Article 92(3)(b), since this pricing system runs counter to the objectives of the common energy policy which aims at energy-saving and a rational use of energy; whereas, moreover, in its communication to the Council of 1 October 1981 on the development of a new energy strategy for the Community, the Commission emphasized the need to achieve these objectives in agriculture, which entails the abolition of direct or indirect aid for energy use; whereas this is also not a measure to remedy a serious disturbance in the economy of the Member State concerned within the meaning of that provision;

Whereas, as regards the derogations provided for in Article 92 (3) (a) and (c) with regard to aid to promote or to facilitate the economic development of areas or of certain economic activities as referred to under (c) referred to above, it must be noted that the aid is granted only in terms of the quantities of gas purchased without reference to the adjustment or improvement of firms' structures or of energy-saving or development in the regional context; whereas, consequently, the tariff aid must be considered as an aid towards the running costs of the undertakings concerned, a type of aid to which the Commission has in principle always been opposed, since such aids are not linked to conditions qualifying them for one of the derogations provided for in paragraph 3 (a) and (c) of Article 92;

Whereas, in view of the above, the aid measure in question does not fulfil the conditions required for eligibility for one of the derogations under Article 92 (3) of the Treaty and consequently must be discontinued by 1 October 1982; whereas this entails the alignment of the horticultural tariff on the industrial tariff as regards prices, supply conditions and review clauses,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of the Netherlands shall take the necessary measures to ensure that:

1. the aid consisting in a preferential tariff for horticulture shall be abolished by 1 October 1982 by alignment of the horticultural tariff on the industrial tariff;
2. in the meantime, the difference between the prices for horticulture and the prices applicable to industry shall not increase in relation to the situation existing on 1 December 1981.

Article 2

The Kingdom of the Netherlands shall inform the Commission before 15 January 1982 of the action it has taken to comply with this Decision.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 15 December 1981.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION RECOMMENDATION**of 3 February 1982****on the storage and reprocessing of irradiated nuclear fuels**

(82/74/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 124 thereof,

Having regard to the Council resolution of 18 February 1980 on the reprocessing of irradiated nuclear fuels ⁽¹⁾,

Having regard to the report of July 1981 of the *ad hoc* Advisory Committee on the Reprocessing of Irradiated Nuclear Fuels, as set up by Council Decision 80/237/Euratom ⁽²⁾,

Whereas reprocessing is increasingly coming to be seen as an essential element in medium and long-term nuclear policies, in that it makes it possible to achieve a reduction in natural uranium and enrichment requirements as a result of the recycling of uranium and plutonium in thermal and fast reactors, with the prospect of reduced dependence on outside supplies of uranium through fast-breeder technology ;

Whereas, accordingly, steps should be taken to create the best possible conditions, from the point of view both of promoters and of users, for its industrial development in compliance with public-safety and environmental-protection objectives and the aim of ensuring that nuclear materials are not diverted to applications other than those stipulated by their users,

Hereby recommends that the Governments of the Member States, the competent national authorities and the promoters and users each take the measures necessary to :

- make decisions and implement them without delay so as to ensure that programmes for the construction of the capacity necessary for the interim

storage of irradiated fuels are completed by the appropriate time ;

- explore all possibilities conducive to the setting-up of reprocessing undertakings capable of bringing together the interests expressed by a number of Member States and of such a kind as to :
 - facilitate the creation of an economically viable capacity,
 - ensure that partner undertakings have access to reprocessing services on financial terms fixed by common accord,
 - comply with International Nuclear Fuel Cycle Evaluation conclusions according to which it is considered desirable that, as far as possible, reprocessing be developed in the context of multinational corporations, thus providing possible additional advantages as regards the application of safeguards,
 - encourage the creation of a genuine market in this sector,
 - facilitate some degree of work-sharing among the reprocessing plants in such a way, for instance, that small and medium-sized plants possessing sufficient flexibility would be used, as a matter of priority, for reprocessing fuels from experimental and research reactors ;
- encourage industrial cooperation within the Community by adopting as open an attitude as possible to the question of technology transfers and exchanges of experience, notably in the field of plant safety.

Done at Brussels, 3 February 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No C 51, 29. 2. 1980, p. 4.

⁽²⁾ OJ No L 52, 26. 2. 1980, p. 9.

