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Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 3060/82 of 18 November 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 3061/82 of 18 November 1982 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 3062/82 of 18 November 1982 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products	5
* Commission Regulation (EEC) No 3063/82 of 18 November 1982 amending Regulation (EEC) No 1577/81 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods	8
* Commission Regulation (EEC) No 3064/82 of 18 November 1982 on adjustments to the free-at-frontier offer price for hybrid maize for sowing	13
* Commission Regulation (EEC) No 3065/82 of 18 November 1982 amending Regulation (EEC) No 1753/82 as regards the sale of skimmed-milk powder for use in feed for calves	15
* Commission Regulation (EEC) No 3066/82 of 18 November 1982 on the issue of export licences for beef and veal qualifying for special import treatment in a third country	16
* Commission Regulation (EEC) No 3067/82 of 17 November 1982 concerning the stopping of fishing for saithe by vessels flying the flag of a Member State	17
Commission Regulation (EEC) No 3068/82 of 18 November 1982 fixing the amount of the subsidy on oil seeds	18

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 3069/82 of 18 November 1982 fixing the world market price for colza, rape and sunflower seed	20
Commission Regulation (EEC) No 3070/82 of 18 November 1982 altering the export refunds on oil seeds	22
Commission Regulation (EEC) No 3071/82 of 18 November 1982 fixing the export refunds on malt	24
Commission Regulation (EEC) No 3072/82 of 18 November 1982 fixing the corrective amount applicable to the refund on cereals	26

II *Acts whose publication is not obligatory*

Council

82/771/EEC :

- ★ **Council Decision of 4 May 1982 appointing a full member of the Advisory Committee on the Training of Dental Practitioners** 28

82/772/EEC :

- ★ **Council Decision of 25 May 1982 appointing a member and an alternate member of the Advisory Committee on Veterinary Training** 29

82/773/EEC :

- ★ **Council Decision of 8 June 1982 appointing a full member of the Advisory Committee on the Training of Dental Practitioners** 30

Commission

82/774/EEC :

- ★ **Commission Decision of 22 July 1982 on a Belgian Government aid scheme concerning the setting-up of a new factory by a soft drinks manufacturer** 31

82/775/EEC :

- ★ **Commission Decision of 22 July 1982 on a Belgian Government aid scheme concerning the expansion of the production capacity of an undertaking manufacturing mineral water and soft drinks** 34

82/776/EEC :

- ★ **Commission Decision of 22 July 1982 on a Belgian Government aid scheme concerning the expansion of the production capacity of an undertaking manufacturing mineral water, hot spring water and soft drinks** 37

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3060/82**of 18 November 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 1451/82⁽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 2118/82⁽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 17 November 1982;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 44.

ANNEX

to the Commission Regulation of 18 November 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	99.30
10.01 B II	Durum wheat	148.48 ⁽¹⁾ ⁽²⁾
10.02	Rye	102.15 ⁽⁶⁾
10.03	Barley	111.99
10.04	Oats	77.44
10.05 B	Maize, other than hybrid maize for sowing	101.33 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	95.56 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	152.81
11.01 B	Rye flour	157.72
11.02 A I a)	Durum wheat groats and meal	243.38
11.02 A I b)	Common wheat groats and meal	164.15

⁽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 3061/82
of 18 November 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 organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82⁽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 agricul-
tural 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
2119/82⁽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
17 November 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 19
November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 47.

ANNEX

to the Commission Regulation of 18 November 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 11	1st period 12	2nd period 1	3rd period 2
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.82	0.82	0.27
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	3.31
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 11	1st period 12	2nd period 1	3rd period 2	4th period 3
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3062/82**of 18 November 1982****fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

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 1413/82 ⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 3549/81 ⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 3549/81, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁶⁾, as last amended by Regulation (EEC) No 3549/81, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁷⁾, as last amended by Regulation (EEC) No 3550/81 ⁽⁸⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽⁹⁾,

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978 ⁽¹⁰⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender ⁽¹¹⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 15 and 16 November 1982 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 356, 11. 12. 1981, p. 13.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁸⁾ OJ No L 356, 11. 12. 1981, p. 14.

⁽⁹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹⁰⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹¹⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 19 November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CCT heading No	Non-member countries
15.07 A I a)	32.00 ⁽¹⁾
15.07 A I b)	35.00 ⁽¹⁾
15.07 A I c)	33.00 ⁽¹⁾
15.07 A II a)	37.00 ⁽²⁾
15.07 A II b)	56.00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

- (a) Spain and Lebanon: 0.60 ECU/100 kg;
- (b) Turkey: 22.36 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Algeria, Morocco, Tunisia: 24.78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this tariff subheading:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3.86 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3.09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7.25 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5.80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CCT heading No	Non-member countries
07.01 N II	7.70
07.03 A II	7.70
15.17 B I a)	17.50
15.17 B I b)	28.00
23.04 A II	2.64

COMMISSION REGULATION (EEC) No 3063/82**of 18 November 1982****amending Regulation (EEC) No 1577/81 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes ⁽¹⁾, as amended by Regulation (EEC) No 3193/80 ⁽²⁾, and in particular Article 16a thereof,Whereas Commission Regulation (EEC) No 1577/81 ⁽³⁾, as amended by Regulation (EEC) No 3523/81 ⁽⁴⁾, established a system of simplified procedures for the determination of the customs value of certain perishable goods; whereas subsequent experience gained by Member States has demonstrated the need to insert new products in the list of goods set out in Annex I to that Regulation and at the same time to adapt Annex II;

Whereas the provisions of this Regulation are in accordance with the opinion of the Customs Valuation Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EEC) No 1577/81 are replaced by the Annexes to this Regulation.

Article 2

This Regulation shall enter into force on 13 December 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.⁽²⁾ OJ No L 333, 11. 12. 1980, p. 1.⁽³⁾ OJ No L 154, 13. 6. 1981, p. 26.⁽⁴⁾ OJ No L 355, 10. 12. 1981, p. 26.

ANNEX I

Classification of goods subject to unit values

Heading	NIMEXE code	CCT heading No	Description	
			Species	Varieties
1.10	07.01-13 } 07.01-15 }	07.01 A II	New potatoes	
1.12	07.01-21 } 07.01-22 }	07.01 B I	Cauliflowers	
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	
1.20	07.01-31 } 07.01-33 }	07.01 D I	Cabbage lettuce	
1.22	ex 07.01-36	ex 07.01 D II	Endives	
1.28	07.01-41 } 07.01-43 }	07.01 F I	Peas	
1.30	07.01-45 } 07.01-47 }	07.01 F II	Beans (of the species <i>Phaseolus</i>)	
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	
1.40	ex 07.01-54	ex 07.01 G II	Carrots	
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	
1.60	07.01-63	ex 07.01 H	Onions (other than sets)	
1.70	07.01-67	ex 07.01 H	Garlic	
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	
1.80		07.01 K	Asparagus	
1.80.1	ex 07.01-71			— green
1.80.2	ex 07.01-71			— other
1.90	07.01-73	07.01 L	Artichokes	
1.100	07.01-75 } 07.01-77 }	07.01 M	Tomatoes	
1.110	07.01-81 } 07.01-82 }	07.01 P I	Cucumbers	
1.112	07.01-85	07.01 Q II	Chantarelles	
1.118	07.01-91	07.01 R	Fennel	
1.120	07.01-93	07.01 S	Sweet peppers	
1.130	07.01-94	ex 07.01 T	Aubergines (<i>Solanum melongena</i> L.)	
1.140	07.01-96	ex 07.01 T	Vegetable marrows (including courgettes) (<i>Cucurbita pepo</i> L. var. <i>medullosa</i> Alef.)	
1.150	ex 07.01-99	ex 07.01 T	Celery stalks and leaves	
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	
2.10	08.01-31	ex 08.01 B	Bananas, fresh	
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	
2.50		08.02 A I	Sweet oranges, fresh	
2.50.1	08.02-02 } 08.02-06 } 08.02-12 } 08.02-16 }			Sanguines and semi-sanguines

Head- ing	NIMEXE code	CCT heading No	Description	
			Species	Varieties
2.50.2	08.02-03 } 08.02-07 } 08.02-13 } 08.02-17 }			Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins
2.50.3	08.02-05 } 08.02-09 } 08.02-15 } 08.02-19 }			others
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh	
2.60.1	08.02-29			Monreales and Satsumas
2.60.2	08.02-31			Mandarins and Wilkings
2.60.3	08.02-32			Clementines
2.60.4	08.02-34 } 08.02-37 }			Tangerines and others
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	
2.80		ex 08.02 D	Grapefruit, fresh	
2.80.1	ex 08.02-70			— white
2.80.2	ex 08.02-70			— pink
2.90	08.04-11 } 08.04-19 } 08.04-23 }	08.04 A I	Table grapes	
2.95	08.05-50	08.05 C	Chestnuts	
2.100	08.06-13 } 08.06-15 } 08.06-17 }	08.06 A II	Apples	
2.110	08.06-33 } 08.06-35 } 08.06-37 } 08.06-38 }	08.06 B II	Pears	
2.115	08.06-50	08.06 C	Quinces	
2.120	08.07-10	08.07 A	Apricots	
2.130	ex 08.07-32	ex 08.07 B	Peaches	
2.140	ex 08.07-32	ex 08.07 B	Nectarines	
2.150	08.07-51 } 08.07-55 }	08.07 C	Cherries	
2.160	08.07-71 } 08.07-75 }	08.07 D	Plums	
2.170	08.08-11 08.08-15	08.08 A	Strawberries	
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	
2.180	08.09-11	ex 08.09	Water melons	
2.190	08.09-19	ex 08.09	Melons (other than water melons)	
2.195	ex 08.09-90	ex 08.09	Pomegranates	
2.200	ex 08.09-90	ex 08.09	Kiwis	
2.205	ex 08.09-90	ex 08.09	Medlars	

ANNEX II

Marketing centres for the purpose of calculating unit prices by classification heading
(NIMEXE code)

Heading	NIMEXE code	Germany				Den- mark	France				Ireland		Italy			Nether- lands	UK	BLEU	
		Cologne	Frankfurt	Hamburg	Munich	Copenhagen	Le Havre	Marseilles	Perpignan	Rungis	Cork	Dublin	Civitavecchia	Genoa	Milan	Rotterdam	London	Antwerp	Brussels
1.10	07.01-13 } 07.01-15 }				x			x	x							x	x		
1.12	07.01-21 } 07.01-22 }		x		x				x								x		
1.14	07.01-23				x														
1.16	ex 07.01-27		x		x					x					x	x	x		x
1.20	07.01-31 } 07.01-33 }		x		x											x			
1.22	ex 07.01-36	x	x												x	x			x
1.28	07.01-41 } 07.01-43 }	x	x						x								x		x
1.30	07.01-45 } 07.01-47 }	x	x		x			x	x	x						x			
1.32	ex 07.01-49	x	x						x										x
1.40	ex 07.01-54	x	x					x		x							x		
1.50	ex 07.01-59		x					x								x	x		
1.60	07.01-63	x	x		x			x	x			x				x	x		
1.70	07.01-67		x				x			x									x
1.74	ex 07.01-68				x														x
1.80.1	07.01-71 (Green asparagus)																x		
1.80.2	ex 07.01-71 (Other asparagus)		x		x														x
1.90	07.01-73		x						x								x		x
1.100	07.01-75 } 07.01-77 }	x	x	x	x			x	x	x		x				x	x		x
1.110	07.01-81 } 07.01-82 }				x				x							x	x		
1.112	07.01-85				x														
1.118	07.01-91		x						x										x
1.120	07.01-93		x		x			x	x							x	x		x
1.130	07.01-94		x		x			x	x	x						x			
1.140	07.01-96		x						x	x									
1.150	ex 07.01-99							x	x							x	x		x
1.160	ex 07.06-90							x											x
2.10	08.01-31										x		x	x		x		x	
2.20	ex 08.01-50		x													x		x	
2.30	ex 08.01-60		x					x		x						x	x		
2.40	ex 08.01-99		x							x						x	x		
2.50.1	08.02-02 } 08.02-06 } 08.02-12 } 08.02-16 }	x		x		x	x	x	x	x		x				x	x	x	x

[illegible]

COMMISSION REGULATION (EEC) No 3064/82**of 18 November 1982****on adjustments to the free-at-frontier offer price for hybrid maize for sowing**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2358/71 of 26 October 1971 on the common organi-
zation of the market in seeds ⁽¹⁾, as last amended by
Regulation (EEC) No 3808/81 ⁽²⁾, and in particular
Article 6 (5) thereof,

Whereas pursuant to Article 3 of Council Regulation
(EEC) No 1578/72 of 20 July 1972 ⁽³⁾ if, on importa-
tion into the Community hybrid maize for sowing is
at a stage of marketing or preparation other than that
used in fixing the reference price, particularly in the
case of seeds produced under growing contracts with
third countries, the free-at-frontier offer price for the
product is to be adjusted as necessary;

Whereas in the light of normal commercial practice
certain quantities may be imported at a stage of
marketing or preparation other than that used in
fixing the reference price; whereas provision should

therefore be made for appropriate adjustments to the
free-at-frontier offer price;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Management
Committee for Seeds,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of fixing the free-at-frontier offer
price for hybrid maize for sowing, the adjustments
referred to in Article 3 of Regulation (EEC) No
1578/72 shall be made in accordance with the Annex
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, 18 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 168, 26. 7. 1972, p. 1.

ANNEX

HYBRID MAIZE

Import following a multiplication contract : Costs not covered by the free-at-frontier price

(ECU/100 kg)

	I	II	III
I. Ready for sale			
(a) Establishment and inspection costs	1·61	1·61	1·61
(b) Financial costs	0·75	1·00	2·00
Total	2·36	2·61	3·61
II. Semi-treated products			
(a) Establishment and inspection costs	1·61	1·61	1·61
(b) Financial costs	0·75	1·00	2·00
(c) Calibration and sacking	5·97	5·97	6·92
(d) Calibration waste	2·70	4·60	11·80
(e) Dressing	1·00	1·00	1·00
(f) Sack, delivery	1·61	1·61	1·86
Total	13·64	15·79	25·19

COMMISSION REGULATION (EEC) No 3065/82
of 18 November 1982
amending Regulation (EEC) No 1753/82 as regards the sale of skimmed-milk
powder for use in feed for calves

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products⁽¹⁾, as last amended
by Regulation (EEC) No 1183/82⁽²⁾, and in particular
Article 7 (5) thereof,

Whereas Article 3 of Commission Regulation (EEC)
No 1753/82⁽³⁾ repealed Regulations (EEC) No
2307/79⁽⁴⁾ and (EEC) No 356/80⁽⁵⁾; whereas, as a
result, certain provisions of Commission Regulation
(EEC) No 1725/79⁽⁶⁾, as last amended by Regulation
(EEC) No 232/82⁽⁷⁾, and in particular that relating to a
maximum copper content are applicable with effect
from 6 July 1982; whereas the requirement that a
lower maximum copper content be observed with
effect from that date poses a problem for certain
producers who have produced and stored pre-mixes
conforming to the old rules; whereas to avoid substan-
tial losses for these producers provision should be
made for a transitional period for using up stocks;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be added to Article 3 of
Regulation (EEC) No 1753/82;

'However, on application by the party concerned,
the provisions of Article 1 (1) (a) and (2) (b) of
Regulation (EEC) No 356/80 shall remain
applicable until 30 November 1982, provided that
he proves to the satisfaction of the competent
authority that on the date of entry into force of this
Regulation he held stocks of products manufac-
tured in accordance with the rules applying prior
to that date.

The application referred to in the preceding para-
graph must be submitted by 30 November 1982 at
the latest.'

Article 2

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

It shall apply with effect from 6 July 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 193, 3. 7. 1982, p. 6.

⁽⁴⁾ OJ No L 264, 20. 10. 1979, p. 20.

⁽⁵⁾ OJ No L 38, 15. 2. 1980, p. 20.

⁽⁶⁾ OJ No L 199, 7. 8. 1979, p. 1.

⁽⁷⁾ OJ No L 22, 30. 1. 1982, p. 53.

COMMISSION REGULATION (EEC) No 3066/82**of 18 November 1982****on the issue of export licences for beef and veal qualifying for special import treatment in a third country**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2931/79 of 20 December 1979 on the granting of assistance for the exportation of agricultural products which may benefit from a special import treatment in a third country⁽¹⁾, and in particular Article 1 (2) thereof,

Whereas Commission Regulation (EEC) No 2973/79⁽²⁾ lays down detailed rules for the application of the system of assistance for the export of beef and veal products which may qualify for special import treatment in a third country;

Whereas the quantities for which licences have been issued so far for 1982 are less than the annual quantities that may benefit from the abovementioned special import treatment; whereas the submission of more applications for 1982 should be permitted by derogating from certain provisions of Commission Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EEC) No 1617/82⁽⁴⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding paragraphs (1) (c), (4) (d) and (5) (c) of Article 15 of Regulation (EEC) No 2377/80,

1. applications for export licences for beef and veal to be exported under Regulation (EEC) No 2973/79 may be lodged before 24 November 1982;
2. Member States shall notify the Commission not later than 26 November 1982 of the list of applicants and the quantities of products for which applications have been lodged;
3. subject to a Commission decision accepting the applications, licences shall be issued on 1 December 1982.

Article 2

The Commission shall decide to what extent applications can be accepted in accordance with Article 15 (6) (c) of Regulation (EEC) No 2377/80.

Article 3

This Regulation shall enter into force on 19 November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 334, 28. 12. 1979, p. 8.

⁽²⁾ OJ No L 336, 29. 12. 1979, p. 44.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 180, 24. 6. 1982, p. 24.

COMMISSION REGULATION (EEC) No 3067/82
of 17 November 1982
concerning the stopping of fishing for saithe by vessels flying the flag of a
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 2701/82 of 4 October 1982 concerning the conclusion of an agreement in the form of an exchange of letters establishing for 1982 a fishing agreement between the European Economic Community and the Kingdom of Norway⁽¹⁾, and notably Article 2 of the agreement,

Whereas, in order to respect the aforesaid agreement and notably the provisions relative to the quantitative limitations of catches of certain joint stocks, it is necessary that the Commission fixes the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the part of the TAC available to the Community;

Whereas the catches of saithe by vessels flying the flag of a Member State in Community waters of ICES Divi-

sions IIa (EEC zone), IIIa, IIIb, c, d (EEC zone) and IV reached the limit fixed in the aforesaid agreement by 17 November 1982 and that it is necessary as from that date to stop the fishery on this species from this date and to set it by means of a Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

Fishing for saithe in ICES Divisions IIa (EEC zone), IIIa, IIIb, c, d (EEC zone) and IV by vessels flying the flag of a Member State is forbidden as from 21 November 1982.

Article 2

This Regulation shall enter into force on 21 November 1982.

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

Done at Strasbourg, 17 November 1982.

For the Commission

Giorgios CONTOGEOORGIS

Member of the Commission

⁽¹⁾ OJ No L 286, 9. 10. 1982, p. 4.

COMMISSION REGULATION (EEC) No 3068/82
of 18 November 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 1413/82 ⁽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 2120/82 ⁽³⁾, as last amended by
Regulation (EEC) No 2986/82 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2120/82 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

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.

Article 2

This Regulation shall enter into force on 19
November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 223, 31. 7. 1982, p. 50.

⁽⁴⁾ OJ No L 314, 10. 11. 1982, p. 20.

ANNEX

to the Commission Regulation of 18 November 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	23·469
ex 12.01	Sunflower seed	28·571

(ECU / 100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		November 1982	December 1982	January 1983	February 1983	March 1983	April 1983
ex 12.01	Colza and rape seed	23·469	23·962	24·116	24·087	24·360	24·195
ex 12.01	Sunflower seed	28·571	29·564	30·450	30·753	30·533	—

COMMISSION REGULATION (EEC) No 3069/82**of 18 November 1982****fixing the world market price for colza, rape and sunflower 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 1413/82⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽³⁾, as last amended by Regulation (EEC) No 1986/82⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza, rape and sunflower seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 2136/82⁽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, rape and sunflower seed ;

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 2120/82 of 30 July

1982 fixing the amount of the subsidy on oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 3068/82⁽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, rape and sunflower 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 19 November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSAER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 215, 23. 7. 1982, p. 10.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 223, 31. 7. 1982, p. 88.

⁽⁷⁾ OJ No L 223, 31. 7. 1982, p. 50.

⁽⁸⁾ See page 18 of this Official Journal.

ANNEX

to the Commission Regulation of 18 November 1982 fixing the world market price for
colza, rape and sunflower seed

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	24·400
ex 12.01	Sunflower seed	27·035

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		November 1982	December 1982	January 1983	February 1983	March 1983	April 1983
ex 12.01	Colza and rape seed	24·400	24·400	24·739	25·261	25·481	26·139
ex 12.01	Sunflower seed	27·035	26·625	26·322	26·602	26·822	—

⁽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	2·33379
1 ECU = Fl	2·57971
1 ECU = Bfr/Lfr	44·9704
1 ECU = FF	6·61387
1 ECU = Dkr	8·23400
1 ECU = £ Irl	0·691011
1 ECU = £	0·546224
1 ECU = Lit	1 337·69
1 ECU = Dr	66·5070

COMMISSION REGULATION (EEC) No 3070/82
of 18 November 1982
altering the export refunds 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 1413/82⁽²⁾,

Having regard to Council Regulation No 142/67/EEC
of 21 June 1967 on export refunds on colza, rape and
sunflower seeds⁽³⁾, as last amended by Regulation
(EEC) No 2429/72⁽⁴⁾, and in particular the second
sentence of Article 2 (3) thereof,

Whereas the export refunds on oil seeds were fixed by
Regulation (EEC) No 2901/82⁽⁵⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2901/82 to the
information at present known to the Commission that
the export refunds at present in force should be altered
to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products referred to in Article 21
of Regulation No 136/66/EEC, as fixed in the Annex
to Regulation (EEC) No 2901/82 are hereby altered to
the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19
November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 6.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 304, 30. 10. 1982, p. 24.

ANNEX

to the Commission Regulation of 18 November 1982 altering the export refunds on oil seeds

<i>(ECU / 100 kg)</i>		
CCT heading No	Description	Refund
ex 12.01	Colza and rape seed, other than for sowing	21.50
ex 12.01	Sunflower seed, other than for sowing	—

COMMISSION REGULATION (EEC) No 3071/82
of 18 November 1982
fixing the export refunds on 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 organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82 ⁽²⁾,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of those Regulations and prices for those
products within the Community may be covered by an
export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules
for granting export refunds on cereals and criteria for
fixing the amount of such refunds ⁽³⁾, provides that
when refunds are being fixed account must be taken of
the existing situation and the future trend with regard
to prices and availabilities of cereals on the Commu-
nity market on the one hand and prices for cereals and
cereal products on the world market on the other;
whereas the same Article provides that it is also impor-
tant to ensure equilibrium and the natural develop-
ment of prices and trade on cereal markets and,
furthermore, to take into account the economic aspect
of the proposed exports, and the need to avoid distur-
bances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice ⁽⁴⁾, as
last amended by Regulation (EEC) No 1459/82 ⁽⁵⁾,
defines the specific criteria to be taken into account

when the refund on these products is being calcu-
lated;

Whereas it follows from applying these detailed rules
to the present situation on the market in products
processed from cereals and rice that the export refund
should be fixed at an amount which will cover the
difference between Community prices and world
market prices;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary
to vary the refund for certain products according to
destination;

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 the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of
Regulation (EEC) No 2727/75 subject to Regulation
(EEC) No 2744/75 shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 19
November 1982.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 164, 14. 6. 1982, p. 22.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 18 November 1982 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	81.80
11.07 A II b)	107.60
11.07 B	125.40

COMMISSION REGULATION (EEC) No 3072/82
of 18 November 1982
fixing the corrective amount applicable to the refund on cereals

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 organi-
zation of the market in cereals⁽¹⁾, as last amended by
Council Regulation (EEC) No 1451/82⁽²⁾,

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

Having regard to the opinion of the Monetary
Committee,

Whereas Article 16 (4) of Regulation (EEC) No
2727/75 provides that the export refund applicable to
cereals on the day on which application for an export
licence is made, adjusted for the threshold price in
force during the month of exportation, must be
applied on request to exports to be effected during the
period of validity of the export licence; whereas, in
this case, a corrective amount must be applied to the
refund;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice⁽⁴⁾, as
last amended by Regulation (EEC) No 1459/82⁽⁵⁾,
made possible the fixing of a corrective amount for
certain products listed in Article 1 (c) of Regulation
(EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down
detailed rules for the advance fixing of export refunds
for cereals and certain products processed from
cereals;

Whereas, pursuant to that Regulation, when the
corrective amount is being fixed, account must be
taken of the existing situation and the future trend

with regard to prices and availabilities of cereals on the
Community market on the one hand and possibilities
and conditions for the sale of cereals and cereal
products on the world market on the other; whereas
the same Regulation provides that it is also important
to ensure equilibrium and the natural development of
prices and trade on cereal markets and, furthermore, to
take into account the economic aspect of exports and
the need to avoid disturbances on the Community
market;

Whereas for the products listed in Article 1 (c) of
Regulation (EEC) No 2727/75 account should be
taken of the specific criteria laid down in Article 2 (2)
of Regulation (EEC) No 1281/75;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary
to vary the corrective amount according to desti-
nation;

Whereas the corrective amount must be fixed at the
same time as the refund and according to the same
procedure;

Whereas it may be altered in the period between
fixings;

Whereas, if the system of corrective amounts is to
operate normally, corrective amounts should be calcu-
lated 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 preceding indent;

Whereas it follows from applying the provisions set
out above that the corrective amount must be as set
out in the Annex hereto;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 164, 14. 6. 1982, p. 22.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION :

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

Article 2

This Regulation shall enter into force on 19 November 1982.

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

Done at Brussels, 18 November 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 18 November 1982 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

CCT heading No	Description	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
10.01 B I	Common wheat, and meslin	0	— 2·00	— 3·00	— 5·00	— 7·00	— 10·00	— 10·00
10.01 B II	Durum wheat	0	0	0	—	—	—	—
10.02	Rye	0	0	0	—	—	—	—
10.03	Barley	0	0	0	0	0	—	—
10.04	Oats	0	0	0	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 4 May 1982

appointing a full member of the Advisory Committee on the Training of Dental Practitioners

(82/771/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Decision 78/688/EEC of 25 July 1978 setting up an Advisory Committee on the Training of Dental Practitioners⁽¹⁾, and in particular Articles 3 and 4 thereof,

Whereas by its Decision 80/376/EEC⁽²⁾ the Council appointed Mr Werner Eggers as a full member in the category of experts from the practising profession for the period ending on 25 March 1983 ;

Whereas on 2 April 1982 the Government of the Federal Republic of Germany nominated Dr med. dent. Horst Sebastian as a replacement for Mr Werner Eggers, full member of the abovementioned Committee,

HAS DECIDED AS FOLLOWS :

Sole Article

Dr med. dent. Horst Sebastian is hereby appointed full member of the Advisory Committee on the Training of Dental Practitioners in place of Mr Werner Eggers in the category of experts from the practising profession for the remainder of the latter's term of office, which runs until 25 March 1983.

Done at Brussels, 4 May 1982.

For the Council

The President

M. EYSKENS

⁽¹⁾ OJ No L 233, 24. 8. 1978, p. 15.

⁽²⁾ OJ No L 93, 10. 4. 1980, p. 22.

COUNCIL DECISION**of 25 May 1982****appointing a member and an alternate member of the Advisory Committee on
Veterinary Training****(82/772/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Decision 78/1028/EEC of 18 December 1978 setting up an Advisory Committee on Veterinary Training ⁽¹⁾, and in particular Articles 3 and 4 thereof,

Whereas by its Decision 80/238/EEC ⁽²⁾ the Council appointed Mr H. C. Adler as a member and Mr P. Willeberg as an alternate member in the category of experts from institutions entrusted with the teaching of veterinary sciences for the period ending 17 February 1983;

Whereas on 4 May 1982 the Danish Government nominated Mr P. Willeberg to replace Mr H. C. Adler;

Whereas a seat as an alternate member will fall vacant following the appointment of Mr P. Willeberg;

Whereas on 4 May 1982 the Danish Government nominated Mr M. Hesselholt as a new alternate member,

HAS DECIDED AS FOLLOWS:

Article 1

Mr P. Willeberg is hereby appointed member of the Advisory Committee on Veterinary Training in place of Mr H. C. Adler for the remainder of the latter's term of office, which runs until 17 February 1983.

Article 2

Mr M. Hesselholt is hereby appointed an alternate member of the Advisory Committee on Veterinary Training in place of Mr P. Willeberg for the remainder of the latter's term of office, which runs until 17 February 1983.

Done at Brussels, 25 May 1982.

*For the Council**The President*

L. TINDEMANS

⁽¹⁾ OJ No L 362, 23. 12. 1978, p. 10.

⁽²⁾ OJ No L 52, 26. 2. 1980, p. 11.

COUNCIL DECISION**of 8 June 1982****appointing a full member of the Advisory Committee on the Training of Dental Practitioners**

(82/773/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Decision 78/688/EEC of 25 July 1978 setting up an Advisory Committee on the Training of Dental Practitioners ⁽¹⁾, and in particular Articles 3 and 4 thereof,

Whereas by its Decision 80/376/EEC ⁽²⁾ the Council appointed Mr G. L. Daley as a full member in the category of experts from the practising profession for the period ending on 25 March 1983;

Whereas on 21 April 1982 the United Kingdom Government nominated Mr K. R. Ray as a replacement for Mr G. L. Daley, full member of the abovementioned Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr K. R. Ray is hereby appointed full member of the Advisory Committee on the Training of Dental Practitioners in place of Mr G. L. Daley in the category of experts from the practising profession for the remainder of the latter's term of office, which runs until 25 March 1983.

Done at Luxembourg, 8 June 1982.

*For the Council**The President*

M. EYSKENS

⁽¹⁾ OJ No L 233, 24. 8. 1978, p. 15.

⁽²⁾ OJ No L 93, 10. 4. 1980, p. 22.

COMMISSION

COMMISSION DECISION

of 22 July 1982

**on a Belgian Government aid scheme concerning the setting-up of a new factory
by a soft drinks manufacturer**

(Only the Dutch and French texts are authentic)

(82/774/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments as provided for in the said Article 93, and having regard to those comments,

I

Whereas :

The Belgian Law of 17 July 1959, implemented by the Royal Decree of 17 August 1959 ⁽¹⁾, introduced aid to the Belgian economy designed in particular to facilitate investment by the recipients of such aid; the aid in question consists of certain interest rebates, State guarantees and exemption for up to five years from the tax on real property.

Examining the Belgian Law pursuant to the procedure laid down in Article 93 (1) and (2) of the EEC Treaty, the Commission found that it constitutes a general aid scheme having no sectoral or regional objectives; the aid for which it provides is applicable to investments by any undertaking in any area or industry; therefore, the aids could not qualify for exemption under Article 92 (3) (a) and (c) of the EEC Treaty; in the absence of such specific sectoral or regional references, the Commission could not assess the effects of the general aids 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 Belgian Government to notify the Commission in advance and in sufficient time of significant cases of application of the Belgian Law of 17 July 1959 so as to enable the Commission to decide on the compatibility of the proposed aids with the common market.

II

By letter dated 13 April 1981, the Belgian Government informed the Commission of its intention to grant aid under the abovementioned Law for investment by a soft drinks manufacturer.

It was the intention of the recipient undertaking, a company whose head office is in the State of Delaware in the United States of America and which manufactures and distributes soft drinks in many countries, to set up a new factory in the province of Brabant with a view to manufacturing, bottling and distributing its products.

Before setting up this new plant, the undertaking in question distributed part of its products through a Belgian undertaking firmly established in this sector.

The aid contemplated would take the form of a five-year 3 % interest rebate on an amount of Bfrs 428 million and exemption for three years from the tax on real property, and would amount to about 4.6 % net grant equivalent of the total investment.

⁽¹⁾ Moniteur belge, 29 August 1959.

⁽²⁾ OJ No L 177, 8. 7. 1975, p. 13.

The investment would create 184 jobs.

Competition is very strong in this sector both between manufacturers of aerated soft drinks and between distributors and retailers of such products. The European market is dominated by three multinationals with a worldwide reputation; with their aerated beverages they account for a large part of the soft drinks market.

In the soft drinks sector in general, there is a very powerful local competitor on the Belgian market.

At the European level, there is a potential market both for the range of products already marketed and for similar new products.

There is a healthy trade in soft drinks between the various European countries. In Belgium, in particular, the quantity of soft drinks coming from Member States increased by 41.35 % between 1974 and 1980 and, during the same period the quantity exported to Member States increased by 296 %.

Both production and consumption in this sector have increased sharply in the past 10 years, in Belgium by 34.83 % and 24.19 % respectively.

III

The undertaking which is to receive the aid in question ranks second on the world market in soft drinks. Its turnover more than doubled between 1975 and 1979 and during the same period its net profits almost tripled. In Belgium the undertaking manufactures three varieties of soft drink: an aerated beverage containing cola extracts, an aerated beverage with various flavours and a lemonade. The new factory is to supply the whole Belgian market. The decision to set up this unit was taken in order to satisfy constantly increasing demand.

Since the factory was built the undertaking's sales network has expanded rapidly and sales have increased sevenfold. Moreover, the number of distributors marketing the aerated beverage containing cola extracts produced by the undertaking has doubled.

Before it opened its new plant in Belgium, the undertaking held less than 5 % of the Belgian market in beverages containing cola extracts. A few months after its factory started production, however, it claimed that it already held 15 % of the market and hoped that this figure would shortly reach between 25 and 30 %.

After analyzing these facts and taking into account the additional information supplied by the Belgian authorities, the Commission decided on 22 July 1981 to initiate the procedure provided for in Article 93 (2) of the EEC Treaty in respect of this aid scheme on the

ground, in particular, that it had not been established that the recipient undertaking would not have carried out the investment without the proposed aid.

In the course of the procedure provided for in the first subparagraph of Article 93 (2) of the EEC Treaty, a Member State and a trade organization have stated that they share the view expressed by the Commission.

IV

The aid which the Belgian Government intends to grant to an undertaking manufacturing soft drinks is likely to affect trade between Member States and distort or threaten to distort competition by favouring the undertaking in question within the meaning of Article 92 (1) of the EEC Treaty.

Article 92 (1) of the Treaty provides that aid answering the criteria it contains is in principle incompatible with the common market; the derogations provided for 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 derogations must be strictly construed in the examination of any aid scheme and, in particular, they may be granted only when the Commission can establish that this will contribute to the attainment of the aims 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 no such aim can be served would be tantamount to allowing trade between Member States to be affected and competition to be distorted, or to be subject to the threat of being distorted, without any justification in terms of the interest of the Community, and to permit this would involve granting undue advantages to certain undertakings and certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the beneficiary undertaking a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the EEC Treaty; if this were not the case, the aid would in essence serve to increase the financial power of the undertaking in question.

In the case in question there does not appear to be any such compensatory justification.

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 derogations provided for in Article 92 (3) of the EEC Treaty.

As regards the derogations set out in Article 92 (3) (a) and (c) of the EEC Treaty in respect of aid designed to promote or facilitate the development of certain regions, the area in which the investment in question is to be carried out is not included among the regions where the socio-economic situation justifies the grant of regional aid in Belgium; therefore, it cannot be argued in favour of the aid in question that it will promote or facilitate the development of that area, nor is that the primary purpose of this aid.

As regards the derogations provided for in Article 92 (3) (b), the investment in question is clearly not a project of common European interest nor one designed to remedy a serious disturbance in the Belgian economy.

As regards the derogation under Article 92 (3) (c) for aid to facilitate the development of certain economic activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest, the aid in question does not appear to be essential for the development of the industry or the undertaking in question, whilst it is likely to affect adversely trading conditions to an extent contrary to the common interest.

Given the foreseeable profitability of the investment in question, it is in the undertaking's own interest to bring about the proposed expansion of capacity, if only to keep up with likely demand.

The financial situation of the undertaking in question is not fundamentally different from that of other undertakings in the same industry, which do not enjoy similar aid.

In view of the above, the aid proposal of the Belgian Government does not meet the conditions necessary

for any of the derogations set out in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of Belgium shall not put into effect its proposal, notified to the Commission on 13 April 1981, to grant certain of the aids provided for under the Law of 17 July 1959 on economic expansion and the creation of new industries to an undertaking manufacturing soft drinks, located in the province of Brabant.

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 with it.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 22 July 1982.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 22 July 1982

on a Belgian Government aid scheme concerning the expansion of the production capacity of an undertaking manufacturing mineral water and soft drinks

(Only the Dutch and French texts are authentic)

(82/775/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments as provided for in the said Article 93, and having regard to those comments,

I

Whereas :

The Belgian Law of 17 July 1959, implemented by the Royal Decree of 17 August 1959⁽¹⁾, introduced aid to the Belgian economy designed in particular to facilitate investment by the recipients of such aid; the aid in question consists of certain interest rebates, State guarantees and exemption for up to five years from the tax on real property.

Examining the Belgian Law pursuant to the procedure laid down in Article 93 (1) and (2) of the EEC Treaty, the Commission found that it constitutes a general aid scheme having no sectoral or regional objectives; the aid for which it provides is applicable to investments by any undertaking in any area or industry; therefore, the aid could not qualify for exemption under Article 92 (3) (a) and (c) of the EEC Treaty; in the absence of such specific sectoral or regional references, the Commission could not assess the effects of the general aids 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 Belgian Government to notify the Commission in

advance and in sufficient time of significant cases of application of the Belgian Law of 17 July 1959 so as to enable the Commission to decide on the compatibility of the proposed aids with the common market.

II

By letters dated 13 April and 30 June 1981, the Belgian Government informed the Commission of its intention to grant aid under the abovementioned Law for investment by an undertaking producing mineral water and soft drinks.

The investments eligible for the abovementioned aid amount to Bfrs 806 million; such investments essentially consist of the expansion of production capacity and of storage and dispatching facilities, which will enable the recipient undertaking to increase its turnover appreciably in the future; this increase will enable the undertaking to create 10 new jobs.

The aid would take the form of an interest rebate and tax relief and would amount to approximately 7.5 % net grant equivalent of the total investment.

The manufacturer in question markets its products both in Belgium and in other Member States.

III

The mineral water and soft drinks industry in the European Community has, in the last 10 years, enjoyed a constant increase in the quantities produced; consumption of such beverages has risen steadily, albeit subject to seasonal variations; the prospects for the future in the two industries are good, although there is some excess production capacity in the soft drinks industry.

The trend in the production and sale of these products in Belgium during the same reference period has been similar to that in the rest of the Community; in particular, there has been a 53 % increase in the Belgian production of mineral water in the last five years; exports to other Member States more than doubled during the same period and, in particular, imports of mineral water from other Member States fell.

⁽¹⁾ Moniteur belge, 29 August 1959.

⁽²⁾ OJ No L 177, 8. 7. 1975, p. 13.

The undertaking which is to receive the aid provided for under the Belgium Law of 17 July 1959 produces approximately 50 % of all mineral water in Belgium and accounts for a substantial share of production of soft drinks; approximately 40 % of its turnover is achieved by exporting to the other Member States; it has managed to increase its total turnover by approximately 75 % in the last five years, and to increase its production capacity by over 50 % during the same period; it appears from information published in the press that the undertaking concerned intends to seek new markets in other Member States, in particular following the planned expansion of production capacity.

After analyzing the above facts and taking into account the additional information provided by the Belgian authorities, the Commission decided on 22 July 1981 to initiate the procedure provided for in Article 93 (2) of the EEC Treaty in respect of the proposed aid, since it considered, in particular, that it had not been established that the recipient undertaking would not have carried out the investment in question without the proposed aid; in the course of this procedure, the Belgian authorities pointed out *inter alia* that the investment project concerned constituted the second of two stages in a long-term general investment programme, that the Commission had not objected to aid granted by the Belgian Government for the first stage in 1979, and that the undertaking provided one of the major sources of industrial redeployment in the region where it had its headquarters, by contributing to the exploitation of the natural resources of that region.

In the course of the procedure provided for in the first subparagraph of Article 93 (2) of the EEC Treaty, one Member State and one trade organization have stated that they share the view expressed by the Commission.

IV

The aid which the Belgian Government intends to grant to an undertaking manufacturing mineral water and soft drinks is likely to affect trade between Member States and distorts or threatens to distort competition, by favouring the undertaking in question within the meaning of Article 92 (1) of the EEC Treaty.

Article 92 (1) of the Treaty provides that aid answering the criteria it contains is in principle incompatible with the common market; the derogations provided for 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 derogations must be strictly construed in the examination of any

aid scheme and, in particular, they may be granted only when the Commission can establish that this will contribute to the attainment of the aims 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 no such aims can be served would be tantamount to allowing trade between Member States to be affected and competition to be distorted, or to be subject to the threat of being distorted, without any justification in terms of the interest of the Community, and to permit this would involve granting undue advantages to certain undertakings and certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the beneficiary undertaking a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the EEC Treaty; if this were not the case, the aid would in essence serve to increase the financial power of the undertaking in question.

In the case in question there does not appear to be any such compensatory justification.

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 derogations provided for in Article 92 (3) of the EEC Treaty.

As regards the derogations set out in Article 92 (3) (a) and (c) of the EEC Treaty in respect of aid designed to promote or facilitate the development of certain regions, the area in which the investment in question is to be carried out is not included among the regions where the socio-economic situation justifies the grant of regional aid in Belgium; therefore, it cannot be argued in favour of the aid in question that it will promote or facilitate the development of that area, nor is that the primary purpose of this aid.

As regards the derogations provided for in Article 92 (3) (b), the investment in question is clearly not a project of common European interest nor one designed to remedy a serious disturbance in the Belgian economy.

As regards the derogation under Article 92 (3) (c) for aid to facilitate the development of certain economic activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest, the aid in question does not appear to be essential for the development of the industry or

the undertaking in question, whilst it is likely to affect adversely trading conditions to an extent contrary to the common interest.

Given the foreseeable profitability of the investment in question, it is in the undertaking's own interest to bring about the proposed expansion of capacity, if only to keep up with likely demand.

The financial situation of the undertaking in question is not fundamentally different from that of other undertakings in the same industry, which do not enjoy similar aid.

Whilst the Commission did not object to the aid granted to the same undertaking in 1979 when it undertook another increase in its production capacity, this does not imply that the Commission is bound automatically to authorize a new aid to the same undertaking; in the meantime the Commission has informed Member States that it would apply the derogations from the ban on aids of Article 92 (1) more rigorously in the future; the Commission, notably in the decision it took on an aid that the Netherlands Government proposed to give towards an investment designed to increase the capacity of a cigarette producer⁽¹⁾, had made known the attitude it would take with respect to such aids; this decision has been confirmed by the Court of Justice in its judgment of 17 September 1980⁽²⁾; since then the Commission has constantly adopted a similar attitude; this attitude is primarily based on the economic situation prevailing at the moment in the Community.

In view of the above, the aid proposal of the Belgian Government does not meet the conditions necessary for any of the derogations set out in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium shall not put into effect its proposal, notified to the Commission on 13 April 1981, to grant certain of the aids provided for under the law of 17 July 1959 on economic expansion and the creation of new industries to an undertaking manufacturing mineral water and soft drinks located in the province of Liège.

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 with it.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 22 July 1982.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 217, 25. 8. 1979, p. 17.

⁽²⁾ Case 730/79 'Reports of cases before the Court, 1980-7, page 2671'.

COMMISSION DECISION**of 22 July 1982****on a Belgian Government aid scheme concerning the expansion of the production capacity of an undertaking manufacturing mineral water, hot spring water and soft drinks****(Only the Dutch and French texts are authentic)****(82/776/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments as provided for in the said Article 93, and having regard to those comments,

I

Whereas :

The Belgian Law of 17 July 1959, implemented by the Royal Decree of 17 August 1959⁽¹⁾, introduced aid to the Belgian economy designed in particular to facilitate investment by the recipients of such aid ; the aid in question consists of certain interest rebates, State guarantees and exemption for up to five years from the tax on real property ;

Examining the Belgian Law pursuant to the procedure laid down in Article 93 (1) and (2) of the EEC Treaty, the Commission found that it constitutes a general aid scheme having no sectoral or regional objectives ; the aid for which it provides is applicable to investments by any undertaking in any area or industry ; therefore, the aids could not qualify for exemption under Article 92 (3) (a) and (c) of the EEC Treaty ; in the absence of such specific sectoral or regional references, the Commission could not assess the effects of the general aids 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 Belgian Government to notify the Commission in advance and in sufficient time of significant cases of application of the Belgian Law of 17 July 1959 so as to enable the Commission to decide on the compatibility of the proposed aids with the common market.

II

By letter dated 16 July 1981, the Belgian Government informed the Commission of its intention to grant assistance under the abovementioned Law for investment by an undertaking producing mineral water, hot spring water and soft drinks.

The investments eligible for the abovementioned aid amount to Bfrs 241 million ; such investments essentially consist of the expansion of production capacity and of storage and dispatching facilities, which will enable the recipient undertaking to increase its turnover appreciably in the future.

The aid would take the form of an interest rebate and tax relief which would amount to approximately 7 % net grant equivalent of the total investment.

The manufacturer in question markets his products both in Belgium and in other Member States.

III

The mineral water, hot spring and soft drinks industry in the European Community has, in the last 10 years, enjoyed a constant increase in the quantities produced ; consumption of such beverages has risen steadily, albeit subject to seasonal variations ; the prospects for the future in the two industries are good, although there is some excess production capacity in the soft drinks industry.

The trend in the production and sale of these products in Belgium during the same reference period has been

⁽¹⁾ Moniteur belge, 29 August 1959.

⁽²⁾ OJ No L 177, 8. 7. 1975, p. 13.

similar to that in the rest of the Community ; in particular, there has been a 53 % increase in the Belgian production of mineral water in the last five years ; exports to other Member States more than doubled during the same period and, in particular, imports of mineral water from other Member States fell.

The undertaking which is to receive the aids provided for under the Belgian Law of 17 July 1959 produces approximately 16 % of all mineral water in Belgium and accounts for a substantial share of the production of soft drinks ; approximately 88 % of its turnover is achieved on the Belgian market, where competition is very vigorous ; it has managed to increase its total turnover by approximately 60 % in the last five years.

After analyzing the above facts and taking into account the additional information provided by the Belgian authorities, the Commission decided on 22 July 1981 to initiate the procedure provided for in Article 93 (2) of the EEC Treaty in respect of the proposed aid, since it considered, in particular, that it has not been established that the recipient undertaking would not have carried out the investment in question without the proposed aid.

In the course of the procedure provided for in the first paragraph of Article 93 (2) of the EEC Treaty, one Member State and one trade organization have stated that they share the view expressed by the Commission.

IV

The aid which the Belgian Government intends to grant to an undertaking manufacturing mineral water, hot spring water and soft drinks is likely to affect trade between Member States and distorts or threatens to distort competition, within the meaning of Article 92 (1) of the EEC Treaty, by favouring the undertaking in question.

Article 92 (1) of the Treaty provides that aid answering the criteria it contains is incompatible with the common market ; the derogations provided for 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 derogations must be strictly construed in the examination of any aid scheme and, in particular, they may be granted only when the Commission can establish that this will contribute to the attainment of the aims specified in the derogations, which the recipients firms would not attain by their own actions under normal market conditions alone.

To grant an exemption where no such aims can be served would be tantamount to allowing trade between Member States to be affected and competition to be distorted, or to be subject to the threat of being distorted, without any justification in terms of the interest of the Community, and to permit this would involve granting undue advantages to certain undertakings and certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the beneficiary undertaking a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the EEC Treaty ; if this were not the case, the aid would in essence serve to increase the financial power of the undertaking in question.

In the case in question there does not appear to be any such compensatory justification.

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 derogations provided for in Article 92 (3) of the EEC Treaty.

As regards the derogations set out in Article 92 (3) (a) and (c) of the EEC Treaty in respect of aid designed to promote or facilitate the development of certain regions, the area in which the investment in question is to be carried out is not included among the regions where the socio-economic situation justifies the grant of regional aid in Belgium ; therefore, it cannot be argued in favour of the aid in question that it will promote or facilitate the development of that area, nor is that the primary purpose of this aid.

As regards the derogations provided for in Article 92 (3) (b), the investment in question is clearly not a project of common European interest nor one designed to remedy a serious disturbance in the Belgian economy.

As regards the derogation under Article 92 (3) (c) for aid to facilitate the development of certain economic activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest, the aid in question does not appear to be essential for the development of the industry or the undertaking in question, whilst it is likely to affect adversely trading conditions to an extent contrary to the common interest.

Given the foreseeable profitability of the investment in question, it is in the undertaking's own interest to bring about the proposed expansion of capacity, if only to keep up with likely demand.

The financial situation of the undertaking in question is not fundamentally different from that of other undertakings in the same industry, which do not enjoy similar aid.

In view of the above, the aid proposal of the Belgian Government does not meet the conditions necessary for any of the derogations set out in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of Belgium shall not put into effect its proposal, notified to the Commission by letter dated 16 July 1981, to grant certain of the aids provided for under the Law of 17 July 1959 on economic expansion and the creation of new industries to an under-

taking producing mineral water, hot spring thermal water and soft drinks located in the province of Liège.

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 with it.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 22 July 1982.

For the Commission

Frans ANDRIESEN

Member of the Commission

HIGHER EDUCATION IN THE EUROPEAN COMMUNITY

A HANDBOOK FOR STUDENTS

1981 Edition

This handbook for students has been prepared, for the assistance of students and their advisers to bring together in all Community languages the basic information needed by those considering a period of higher education in another Member State.

The Handbook contains an entry for each of the Member States of the Community. Each entry consists of two main sections, a descriptive text and an appendix. The text gives general information on the structure of the higher education system, its institutions and the types of qualifications obtainable, on admission conditions and application procedures, and on fees, language requirements and grants, as well as an indication of important social elements such as social security counselling, accommodation, etc. The appendix to each country entry contains a list of addresses of organizations and institutions from which further information and/or application forms may be obtained, a bibliography of national information material, in most cases a table of subjects taught at each institution, and a glossary per national entry for the explanation of terms that have not been translated.

In addition to the national entries, the Handbook contains separate entries for the College of Europe at Bruges and the European University Institute at Florence.

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