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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1282/83**of 25 May 1983****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 24 May 1983;

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 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAER

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 25 May 1983 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	105,39
10.01 B II	Durum wheat	133,19 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	117,47 ⁽⁶⁾
10.03	Barley	117,06
10.04	Oats	105,10
10.05 B	Maize, other than hybrid maize for sowing	81,70 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	50,48
10.07 B	Millet	69,69 ⁽⁴⁾
10.07 C	Grain sorghum	91,63 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	162,92
11.01 B	Rye flour	179,79
11.02 A I a)	Durum wheat groats and meal	220,16
11.02 A I b)	Common wheat groats and meal	173,31

⁽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 1283/83

of 25 May 1983

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
24 May 1983 ;

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 26 May 1983.

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

Done at Brussels, 25 May 1983.

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. 47.

ANNEX

to the Commission Regulation of 25 May 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8
10.01 B I	Common wheat, and meslin	0	0	0	2,51
10.01 B II	Durum wheat	0	0	0	2,74
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	3,71
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	2,20	2,20	2,20
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	3,51

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	4,47	4,47
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	3,34	3,34
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 1284/83
of 25 May 1983
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2371/82 ⁽³⁾, as last
amended by Regulation (EEC) No 1183/83 ⁽⁴⁾;

Whereas, if the levy 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 it follows from applying the detailed rules
contained in Regulation (EEC) No 2371/82 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 the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 255, 1. 9. 1982, p. 5.

⁽⁴⁾ OJ No L 129, 19. 5. 1983, p. 16.

ANNEX

to the Commission Regulation of 25 May 1983 fixing the import levies on rice and broken rice

(ECU/tonne)			
CCT heading No	Description	Third countries ⁽³⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	212,97	102,88
	2. Long grain	172,67	82,73
	b) Husked rice :		
	1. Round grain	266,21	129,50
	2. Long grain	215,84	104,32
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	374,87	175,51
	2. Long grain	421,35	198,79
	b) Wholly milled rice :		
	1. Round grain	399,24	187,27
	2. Long grain	451,69	213,49
	III. Broken rice	73,37	33,68

⁽¹⁾ Subject to the application of the provisions of Article 10 of Regulation (EEC) No 435/80.

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

COMMISSION REGULATION (EEC) No 1285/83

of 25 May 1983

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2372/82 ⁽³⁾, as last amended by Regulation (EEC)
No 1184/83 ⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 255, 1. 9. 1982, p. 8.

⁽⁴⁾ OJ No L 129, 19. 5. 1983, p. 18.

ANNEX

to the Commission Regulation of 25 May 1983 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 5	1st period 6	2nd period 7	3rd period 8
ex 10.06	Rice :				
	B. Other				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 1286/83

of 25 May 1983

fixing the export refunds on white sugar and raw sugar exported in the natural state

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 last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on

sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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 every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 May 1983.

(1) OJ No L 177, 1. 7. 1981, p. 4.

(2) OJ No L 74, 18. 3. 1982, p. 1.

(3) OJ No L 143, 25. 6. 1968, p. 6.

(4) OJ No L 167, 26. 6. 1976, p. 13.

(5) OJ No L 89, 10. 4. 1968, p. 3.

(6) OJ No L 50, 4. 3. 1970, p. 1.

(7) OJ No L 162, 1. 7. 1977, p. 6.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 25 May 1983 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	27,62	
	(b) Other	22,15	
	(II) Flavoured or coloured sugar		0,2762
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	25,41 ⁽¹⁾	
	(b) Other raw sugar	20,38 ⁽¹⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

COMMISSION REGULATION (EEC) No 1287/83

of 24 May 1983

on the classification of goods falling within subheadings 17.04 B and 97.02 A of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 3 thereof,

Whereas in order to ensure uniform application of the nomenclature of the Common Customs Tariff, provision must be made for the tariff classification of plastic dolls with movable limbs, 140 mm tall, with transparent plastic chests filled with about 10 grams of small sweets (chewing-gum), which can be removed through an aperture under the belt-buckle of the doll;

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68⁽²⁾, as last amended by Regulation (EEC) No 604/83⁽³⁾, includes chewing-gum falling within subheading 17.04 B and dolls (dressed or undressed) falling within subheading 97.02 A; whereas, for the classification of these articles, the abovementioned subheadings merit consideration;

Whereas these articles are not to be considered as mixtures, composite goods consisting of different materials or made up of different components, or goods put up in sets, within the meaning of Rule 3 (b) for the interpretation of the nomenclature of the Common Customs Tariff;

Whereas the plastic dolls are to be considered as packings which, not being of a type normally used for the goods contained therein and having an independent

and durable use other than as packings, must be chargeable at the rates of customs duty appropriate to them, in accordance with the first indent of Section II D 1 (c) of the Preliminary Provisions of the Common Customs Tariff; whereas they must therefore be classified under subheading 97.02 A; whereas the sweets, on the other hand, must be classified under subheading 17.04 B;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

Plastic dolls with movable limbs, 140 mm tall, with transparent plastic chests filled with about 10 grams of small sweets (chewing-gum), which can be removed through an aperture under the belt-buckle of the doll, shall be classified in the Common Customs Tariff as follows:

— the dolls under subheading:

97.02 Dolls:

A. Dolls (dressed or undressed);

— the small sweets under subheading:

17.04 Sugar confectionery not containing cocoa:

B. Chewing-gum.

Article 2

This Regulation shall enter into force on the 21st 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, 24 May 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽³⁾ OJ No L 72, 18. 3. 1983, p. 3.

COMMISSION REGULATION (EEC) No 1288/83

of 25 May 1983

fixing for the 1983/84 marketing year the amount of the levy in connection with the offsetting of storage costs for 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 last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 8 (5) thereof,

Whereas Article 8 (1) of Regulation (EEC) No 1785/81 provides that the storage costs for sugar and syrups shall be reimbursed at a flat rate by the Member States ;

Whereas Article 6 of Council Regulation (EEC) No 1358/77⁽³⁾, as last amended by Regulation (EEC) No 3042/78⁽⁴⁾, provides that the amount of the levy for Community sugar shall be calculated by dividing the total estimated reimbursement by the estimated quantity of sugar which will be marketed during the sugar marketing year in question ; whereas the total estimated reimbursement is to be increased or decreased, as the case may be, by the amounts carried forward from previous marketing years ;

Whereas Article 8 (4) of Regulation (EEC) No 1785/81 provides that the monthly reimbursement amount shall be fixed by the Council simultaneously with the derived intervention prices ; whereas the amount of reimbursement provided for 1983/84, namely 0,57 ECU per 100 kilograms of white sugar, should be used for the purpose of calculating the amounts of the levy ;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1358/77, the quantity in store to be taken into account for the reimbursement of any one month's storage costs is equal to the arithmetic mean of the quantities held in store in the beginning and at the end of the month in question ; whereas, for the

1983/84 marketing year, the quantities of Community sugar in store each month may be estimated by reference to estimated stocks at the beginning of the marketing year, estimated monthly production and the quantities likely to be marketed for domestic consumption or exported during the same month ; whereas total average monthly stocks during the 1983/84 marketing year can be estimated at approximately 75,9 million tonnes of sugar expressed as white sugar ; whereas the total reimbursement for Community sugar can thus be estimated at approximately 433 million ECU for the 1983/84 marketing year ; whereas the balance of previous sugar marketing years can be estimated at a negative amount of 56,2 million ECU ; whereas the detailed rules for the application of the system of offsetting storage costs for sugar provide that the levy is to be fixed per 100 kilograms of white sugar ; whereas the quantity of Community sugar which will be marketed during the 1983/84 marketing year for home consumption or for export may be estimated at approximately 11,5 million tonnes of sugar expressed as white sugar ; whereas the amount of the levy for Community sugar should therefore be 4,25 ECU per 100 kilograms of white sugar ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the 1983/84 marketing year, the amount of the levy referred to under point (a) of the third subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81 is hereby fixed at 4,25 ECU per 100 kilograms of white sugar.

Article 2

This Regulation shall enter into force on 1 July 1983.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 156, 25. 6. 1977, p. 4.

⁽⁴⁾ OJ No L 361, 23. 12. 1978, p. 8.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 1289/83

of 25 May 1983

**fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving that region**

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 1195/82⁽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⁾, as amended by Regulation (EEC) No
1238/82⁽⁴⁾, and in particular Articles 3 (1) and 4 (1)
thereof,

Whereas the United Kingdom is the only country
paying the variable slaughter premium; whereas the
United Kingdom has decided to pay it only in Region
5 (Great Britain), within the meaning of Article 3 (1) of
Regulation (EEC) No 1837/80; whereas it is necessary
therefore for the Commission to fix, for the period 2
to 8 May 1983, the level of the premium and the
amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 2661/80
stipulates that the level of the variable slaughter
premium is to be fixed each week by the Commission
for each Member State concerned or, in the case of the
United Kingdom, for Great Britain;

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 or, in the case of
the United Kingdom, Great Britain shall be fixed
weekly by the Commission for each Member State
concerned and in the case of the United Kingdom for
Great Britain;

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
Great Britain during the period 2 to 8 May 1983, shall
be as set out in the Annexes hereto;

Whereas it should be recalled that Commission Regu-
lation (EEC) No 3191/80 of 9 December 1980⁽⁵⁾, as
last amended by Regulation (EEC) No 1558/82⁽⁶⁾,
fixed transitional measures concerning non-recovery of
the variable slaughter premium for sheepmeat and
goatmeat products exported from the Community,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified in Great Britain as
eligible for the variable slaughter premium during the
period 2 to 8 May 1983, the level of the premium shall
be as set out in Annex I hereto.

Article 2

Without prejudice to the provisions of Regulation
(EEC) No 3191/80, for products referred to in Article 1
(a) of Regulation (EEC) No 1837/80 which left Great
Britain during the period 2 to 8 May 1983, 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 2 May 1983.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 22.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 19.

⁽⁴⁾ OJ No L 143, 20. 5. 1982, p. 10.

⁽⁵⁾ OJ No L 332, 10. 12. 1980, p. 14.

⁽⁶⁾ OJ No L 172, 18. 6. 1982, p. 21.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Level of variable slaughter premium for certified sheep in Great Britain for the week commencing 2 May 1983

Description	Premium
Certified sheep or sheepmeat	14,516 ECU per 100 kilograms of estimated or actual dressed carcase weight (¹)

(¹) Within the weight limits laid down by Great Britain.

ANNEX II

Amount to be charged for products leaving Great Britain during the week commencing 2 May 1983

(ECU/100 kg)		
CCT heading No	Description	Charge
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight
		6,823
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	14,516
	2. Short forequarters	10,161
	3. Chines and/or best ends	15,968
	4. Legs	18,871
	5. Other :	
	aa) Unboned (bone-in)	18,871
02.01 A IV b)	bb) Boned or boneless	26,419
	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	10,887
	2. Short forequarters	7,621
	3. Chines and/or best ends	11,976
	4. Legs	14,153
	5. Other :	
02.06 C II a)	aa) Unboned (bone-in)	14,153
	bb) Boned or boneless	19,814
	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	18,871
	2. Boned or boneless	26,419

COMMISSION REGULATION (EEC) No 1290/83**of 25 May 1983****amending Regulation (EEC) No 1196/83 introducing a countervailing charge on tomatoes originating in Spain**

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 1738/82 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Regulation (EEC) No 1196/83 ⁽³⁾ introduced a countervailing charge on tomatoes originating in Spain ;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that

Regulation is amended ; whereas, if these conditions are taken into consideration, the countervailing charge on the import of tomatoes originating in Spain must be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The amount '17,47 ECU' appearing in Article 1 of Regulation (EEC) No 1196/83 is replaced by the amount '26,72 ECU'.

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No L 129, 19. 5. 1983, p. 45.

COMMISSION REGULATION (EEC) No 1291/83**of 25 May 1983****abolishing the countervailing charge on courgettes originating in Spain**

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 1738/82⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1197/83 of 18 May 1983⁽³⁾ introduced a countervailing charge on courgettes originating in Spain ;

Whereas the present trend of prices for Spanish products on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3011/81⁽⁵⁾, recorded or calcu-

lated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days ; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain can be abolished,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 1197/83 is hereby repealed.

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 7.

⁽³⁾ OJ No L 129, 19. 5. 1983, p. 47.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 301, 22. 10. 1981, p. 18.

COMMISSION REGULATION (EEC) No 1292/83
of 25 May 1983
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
last amended by Regulation (EEC) No 606/82⁽²⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1716/82⁽³⁾,
as last amended by Regulation (EEC) No 1279/83⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1716/82 to the
information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 189, 1. 7. 1982, p. 42.

⁽⁴⁾ OJ No L 136, 25. 5. 1983, p. 9.

ANNEX

to the Commission Regulation of 25 May 1983 fixing the import levies on white sugar and
raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	30,85
	B. Raw sugar	27,14 ⁽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 1293/83
of 25 May 1983

fixing the maximum export refund for the 43rd partial invitation to tender for white sugar issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2014/82

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 last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2014/82 of 20 July 1982 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2014/82, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 43rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 43rd partial invitation to tender for white sugar issued under Regulation (EEC) No 2014/82 is hereby fixed at 27,447 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 216, 24. 7. 1982, p. 15.

COMMISSION REGULATION (EEC) No 1294/83
of 25 May 1983

fixing the maximum export refund for raw sugar for the fourth partial invitation to tender issued within the framework of the supplementary standing invitation to tender provided for in Regulation (EEC) No 2015/82

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 last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2015/82 of 20 July 1982 on a supplementary standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar ;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2015/82, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question ;

Whereas, following an examination of the tenders submitted in response to the fourth partial invitation to tender, the provisions set out in Article 1 should be adopted ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The maximum export refund for the fourth partial invitation to tender for raw sugar issued under Regulation (EEC) No 2015/82 is hereby fixed at 23,651 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 216, 24. 7. 1982, p. 20.

COMMISSION REGULATION (EEC) No 1295/83
of 25 May 1983

fixing the maximum export refund for the fourth partial invitation to tender for white sugar issued within the framework of the supplementary standing invitation to tender provided for in Regulation (EEC) No 2016/82

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 last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2016/82 of 20 July 1982 on a supplementary standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2016/82 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the fourth partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the fourth partial invitation to tender for white sugar issued under Regulation (EEC) No 2016/82 is hereby fixed at 25,708 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 26 May 1983.

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

Done at Brussels, 25 May 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 216, 24. 7. 1982, p. 25.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION
of 16 May 1983
amending Decision 82/836/EEC on the 1982 cereals food-aid programme
(83/244/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in accordance with Decisions 81/407/EEC ⁽¹⁾
and 82/77/EEC ⁽²⁾, the Community has deposited a
declaration of provisional application of the Food Aid
Convention 1980 and of the 1981 Protocol for the first
extension of the Convention to 30 June 1983;

Whereas certain developing countries and specialized
agencies have requested food aid in the form of cereals
from the Community; whereas their situation and that
of the Community warrant a total allocation of one
million tonnes of Community aid;

Whereas, by Decision 82/270/EEC ⁽³⁾, the Council
adopted a programme of cereals aid amounting to
927 663 tonnes; whereas, by its Decision 82/836/
EEC ⁽⁴⁾, that quantity was increased to one million
tonnes;

Whereas Decision 82/836/EEC contains a clerical
error regarding the terms governing the delivery of the
food aid to Mozambique,

HAS DECIDED AS FOLLOWS:

Sole Article

The entry for Mozambique in the Annex to Decision 82/836/EEC is hereby amended as follows:

'Mozambique	25 000	15 000	40 000	cif'
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Done at Brussels, 16 May 1983.

For the Council
The President
I. KIECHLE

⁽¹⁾ OJ No L 155, 13. 6. 1981, p. 24.
⁽²⁾ OJ No L 43, 15. 2. 1982, p. 26.

⁽³⁾ OJ No L 120, 1. 5. 1982, p. 27.
⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 21.

COMMISSION

COMMISSION DECISION

of 12 January 1983

on an aid scheme in favour of the textile and clothing industry in France

(Only the French text is authentic)

(83/245/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

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

After giving notice, in accordance with that Article, to
the parties concerned to submit their comments, and
having regard to these comments,

Whereas :

I

On 19 February 1982 the French Government notified
to the Commission a draft Order introducing an aid
scheme for the textile and clothing industry, under
which the French State would take over part of the
burden of social security contributions paid by
employers in the industry. The rules for implementing
this scheme, promised by the French Government,
were in fact notified on 16 April 1982.

However, by Order No 204 of 1 March 1982 the
abovementioned aid scheme entered into force, and
the implementing rules were introduced on 16 April
1982 by Decree No 82340, which was published in
the *Journal Officiel de la République française* on 17
April 1982. By this action the French Government
failed to fulfil its obligations under Article 93 (3).

The aid scheme provides for the State to take over
responsibility for part of the social security contribu-
tions, payable by employers in the textile and clothing
industry, corresponding to 10 % of the total amount
of remuneration, subject to the ceiling, used as the

basis for calculating the said contributions, where the
firms in question undertake to maintain the level of
employment and to attain a certain minimum level of
investment. This relief is increased to 12 % where the
firm in question also undertakes to create new jobs.

Firms whose difficulties are liable to affect the
economic and social balance of a region may obtain
relief of 8 % without being required to meet the same
conditions relating to employment and investment,
provided that they present a modernization and adap-
tation plan which protects jobs and is approved by the
competent administrative authority.

This relief from social security contributions is subject
to the requirement that a 12-month contract, renew-
able for a further 12 months, be concluded between
the State and the employer concerned.

Following an initial scrutiny, the Commission con-
sidered that the scheme was not compatible with the
common market and accordingly decided to initiate
the procedure provided for in the first subparagraph of
Article 93 (2) of the EEC Treaty. By letter dated 14
May 1982 it therefore gave notice to the French
Government to submit its comments.

II

Following the Commission's initiation of the Article
93 (2) procedure, the French Government submitted
its comments by letter dated 16 July 1982.

In that letter the French Government stressed the
difficulties which the textile and clothing industry in
France was facing in terms of job losses, output and
import penetration, and the likelihood that such diffi-

culties would increase when Spain and Portugal joined the Community. It claims that the introduction of new aids is justified by the high level of social security contributions paid by employers in France in comparison with the other Community Member States. It lays particular emphasis on the fact that the scheme in question is a special measure designed to stimulate investment and maintain employment. It does not share the Commission's view that it is an operating aid.

Within the context of the same procedure, five Member States submitted their comments, pointing out that the French aids could be cumulated with existing aids and took account neither of the need for genuine restructuring nor of the Community interest, and were, by their intensity and form, liable to transfer difficulties to other Member States without even promoting structural reform of the French industry.

Also within the context of the Article 93 procedure, three industry federations expressed the view that the French measures, which aimed to increase investment and employment across the board, would inevitably lead to an artificial increase in production capacity, adversely affecting firms in other Member States whose difficulties were at least as great as those of the textile and clothing industry in France.

III

A scheme by which the State takes over responsibility for social security contributions payable by firms, when it concerns particular economic sectors only, is equivalent to an industry aid, since it reduces the costs which such firms would normally have to bear. It is well known that such aids to the textile and clothing industry, which is in a difficult situation throughout the Community and in which competition between Member States is very keen, are liable to affect trade between Member States and distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty by favouring French undertakings or their production.

Article 92 (1) of the EEC Treaty lays down the principle that aids meeting the criteria it describes are incompatible with the common market. The exemptions from this incompatibility allowed for by Article 92 (3), which are the only ones which could apply to

this case, specify objectives which are in the interest of the Community and not merely of particular sectors of the national economy. These exemptions must be interpreted strictly when any regional or industry aid scheme or any individual case of application of a general aid scheme is scrutinized and, in particular, they may be granted only if the Commission is able to establish that, without the aids, the free play of market forces alone would not be sufficient to ensure that recipient firms contributed to the realization of one of the objectives specified in these provisions.

To allow these exemptions for aids which do not offer a compensating benefit of this kind would be tantamount to giving an undue advantage to certain Member States, thus allowing trading conditions between Member States to be affected and distorting competition, without any justification on grounds of the Community interest.

In applying the above principles to the scrutiny of aid schemes, the Commission must satisfy itself that the recipient firms are providing a compensating benefit justifying the grant of aid, in the sense that the aid is necessary to promote the realization of one of the objectives set out in Article 92 (3) of the EEC Treaty. Where this cannot be demonstrated, it is clear that the aid does not contribute to attaining the objectives of the exemptions, but serves to improve the financial situation of the firms in question.

In this case the aid scheme does not demonstrate the existence of such compensating benefit on the part of the recipient firms.

The French Government has not been able to give, nor the Commission to detect, any justification for finding that the aid in question qualifies for one of the exemptions provided for in Article 92 (3) of the EEC Treaty.

With regard to the exemptions provided for in Article 92 (3) (a) and (c) of the EEC Treaty relating to aids intended to promote or facilitate the development of certain areas, it must be observed that the standard of living in France is not abnormally low nor is there serious under-employment within the meaning of the exemption specified in point (a); and because of its scope, namely all the firms in a given economic sector, irrespective of where they are located, the aid scheme is not intended for the development of certain areas as provided for in the exemption under point (c).

As regards the exemptions provided for in Article 92 (3) (b) of the EEC Treaty, it is evident that the scheme in question is not intended to promote the execution of an important project of common European interest, or to remedy a serious disturbance in the French economy; moreover, nothing in the socio-economic data available on France provides grounds for concluding that there exists a serious disturbance in its economy, such as is referred to in Article 92 (3) (b).

Furthermore, a scheme under which the State takes over responsibility for social security contributions payable by firms in a particular sector of industry is equivalent to a purely protective operating aid to the firms concerned. As a general rule the Commission has always been opposed to operating aids, since they do not normally of themselves fulfil the conditions to qualify for exemption under Article 92 (3) (c), in that they are not likely to facilitate the 'development' of the economic activity in question, as stipulated in that provision. The fact that the aid is equivalent to an operating aid is clearly evident since the reduction in social security contributions applies to all employees and not merely to those in newly-created jobs.

These aid measures could cease to be regarded as equivalent to an operating aid and qualify for a derogation from the principle that aids are incompatible with the common market only if, given the rules and criteria adopted for granting the aid, the Commission were able to detect some consideration moving from the recipient firms, in other words if the relief from social security contributions granted by the State were linked to some special effort to be made by the firm, which accorded with the Community interest.

In the Community approaches to aids to the textile and clothing industry, worked out in consultation with the Member States in 1971 and 1977, the Commission has specified the objectives to be pursued in the Community interest. These guidelines are aimed primarily at ensuring a selective rationalization of firms in the industry, a standstill in production capacity in branches of the industry already in structural surplus, the encouragement of conversion both outside and inside the industry, and a progressive reduction in aids. They exclude any assistance of a purely protective nature which would merely transfer one Member State's difficulties to another.

The French aid scheme to the textile and clothing industry, under which the State takes over responsibility for social security contributions payable by firms,

applies to all firms in the industry which implement a modernization and adaptation programme. The aid is granted, on the basis of contracts between the employers and the State, on the sole condition that the firm undertakes to maintain or increase its level of employment and investment. No further consideration is required of the firms, either in terms of restructuring or in terms of capacity cuts in branches of the industry which are already in surplus at Community level or in which the French industry is particularly strong. The scheme does not allow for any selectivity either in the nature of the investment, which may therefore simply involve replacing existing machinery and plant, or in the choice of recipients by reference to their long-term financial viability. There is no direct relationship between the number of jobs maintained or created and the amount of the aid, since it concerns the total workforce irrespective of the number of jobs maintained or created. Finally, there is no provision for the aid to be progressively reduced during the period for which it is granted and for which it can, moreover, be cumulated with existing industry and general aids. It is therefore evident that the aid scheme in question does not conform to the objectives defined in the Community approaches to aids to the textile and clothing industry and that the conditions imposed on the firms in return for the aid are insufficient.

Consequently, the aids in question, in view of their form and the absence of any valid compensatory justification in the Community interest, and in an industry in which, moreover, competition within the Community is very keen, are liable to affect trade to an extent contrary to the common interest. Accordingly, there is no factor which could justify the Commission in exempting the aid scheme from the rule that aids are incompatible with the common market, by exempting it under Article 92 (3) (c) of the EEC Treaty.

The arguments put forward by the French Government in submitting its comments are not such as could change this position. While it is true that the situation of the textile and clothing industry in France has deteriorated in recent years, this is common to all the textile and clothing industries in the Community, and the difficulties encountered by firms in other Member States are at least equal to if not greater than those encountered by French firms. This is true both of the deficit on intra-Community trade and the rate of penetration of imports relative to consumption, as well as of job losses in the industry. Although the social security contributions payable by employers in France are high, French wages in the textile and clothing industry are among the lowest in the

Community, with the result that with regard to total wage costs French firms are currently at an advantage over most firms in the other Member States. In any event, although the general conditions in which firms operate vary from one Community country to another, a Member State cannot isolate a particular factor in these general conditions and provide aid to offset the additional costs thereby resulting for its firms in comparison with their competitors in other Member States.

In view of the foregoing, the French aid scheme for the textile and clothing industry, introduced by Order No 204 of 1 March 1982 and Decree No 82340 of 16 April 1982, is incompatible with the common market under Article 92 of the EEC Treaty and must accordingly be abolished. The French Government must not therefore conclude any contract as provided for in the abovementioned provisions and must terminate any contracts already concluded with firms in breach of Article 93 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic shall, within one month of notification of this Decision, abolish the aid scheme in

favour of the textile and clothing industry under which the State takes over responsibility for part of the social security contributions payable by employers in the industry, introduced by Order No 204 of 1 March 1982, the implementing rules for which were laid down by Decree No 82340 of 16 April 1982.

Furthermore, the French Republic shall cease to grant aid under the scheme in question from the date of notification of this Decision.

Article 2

The French Republic shall notify the Commission of the provisions which it has adopted to comply with this Decision no later than the expiry of the period fixed in the first paragraph of Article 1.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 12 January 1983.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION**of 9 March 1983****concerning aid for fuel granted by the Italian Government to Sicilian fishermen****(Only the Italian text is authentic)****(83/246/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 100/76 of 19 January 1976 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 3443/80⁽²⁾, and in particular Article 26 thereof, and to Council Regulation (EEC) No 3796/81⁽³⁾, which replaced Regulation (EEC) No 100/76 with effect from 1 June 1982, and in particular Article 28 thereof,

Having given notice, in accordance with the first subparagraph of Article 93 (2), to the parties concerned to submit their comments, and having regard to these comments,

I

Whereas the Region of Sicily has been granting aid for fuel in the fishing sector since 1973; whereas this aid was not notified to the Commission until December 1977 when it was extended for 1978; whereas, following the exceptional increase in the cost of energy products in late 1973 and early 1974, the Commission had authorized Member States to grant aids of this type in 1974 and 1975;

Whereas the Commission authorized the granting of the Sicilian aid in 1978; whereas this decision was based on the fact that the market situation for fishery products in Sicily was such that this aid did not seem liable to affect trade between the Member States;

Whereas, at the beginning of 1979, the Italian authorities notified the Commission of two Sicilian draft laws, one extending the aid for fuel for 1979, the other providing for the introduction of structural measures for the rationalization of fishing in Sicily; whereas, in

June 1979, on the basis of the latter draft law, the Commission authorized the extension of the aid for fuel for 1979, with the request that it be discontinued in the near future;

Whereas, in January 1980, the Commission authorized the extension of the aid for fuel envisaged by the Sicilian authorities until 30 June 1980; whereas, however, the Commission added that, in view of the introduction of the structural measures at the beginning of 1980 and developments with regard to competition, extension of the aid beyond 30 June was inappropriate;

Whereas, in accordance with Article 93 (3) of the EEC Treaty, the Italian Government notified the Commission by letters dated 26 August 1980 and 10 December 1980 from its Permanent Representation to the European Communities of Sicily's intention to extend the aid for fuel in the fishing sector in force until 30 June 1980 for the second half of 1980;

Whereas the aid amounted to Lit 100 for each kilogram of fuel used and the sum set aside for the purpose was Lit 5 000 million;

Whereas, in accordance with Article 93 (3) of the EEC Treaty, the Italian Government notified the Commission by letter dated 6 April 1981 from its Permanent Representation to the European Communities of its intention to extend this aid for fuel for 1981;

Whereas the basic terms for granting the aid had not been changed but the rate had risen to Lit 150 per kilogram of fuel used and the sum set aside for this aid for 1981 was Lit 14 000 million;

Whereas, in accordance with Article 93 (3) of the EEC Treaty, by letter dated 21 January 1982 from its Permanent Representation to the European Communities, the Italian Government notified the intention of the Sicilian authorities to extend and increase in 1982 the regional aid for fuel granted in the fishing sector in 1981;

Whereas the rate of aid was to rise from Lit 150 to Lit 250 per kilogram of fuel used and the sum of Lit 25 000 million was to be set aside for the purpose;

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 13.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

Whereas, following initial scrutiny, the Commission took the view that the aid in question constituted operating aid granted with no actual reciprocal commitment on the part of the beneficiaries, that it has a substantial direct impact on competition and trade between the Member States and that it was therefore incompatible with the common market within the meaning of Article 92 of the Treaty; whereas it accordingly decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the above aid and, to this effect, on 9 February 1981, 12 June 1981 and 22 March 1982, sent the Italian Government letters giving it notice to submit its comments;

II

Whereas, in its replies to the Commission dated 6 April 1981, 21 January 1982 and 2 April 1982, the Italian Government justified the extension of the aid beyond 30 June 1980 on the grounds of the crisis in the sector, due primarily to the absence of fishery agreements with the coastal countries, which had resulted in a sharp fall in resources, the rise in production costs, the continuing search for new fishing banks, which means longer outward and return journeys, and the introduction, inevitably slow, of the structural measures approved in 1980; whereas it stressed that the measure is exceptional despite its extension which is in fact restricted to periods of six months or one year at most; whereas it emphasized that Italy's increasing trade deficit in fishery products demonstrates the worsening problems facing Italian fishing and showed that Italian fishermen could not be competing with fishermen elsewhere in the Community; whereas, in its reply dated 2 April 1982, it stated that the rate of aid for 1982 would after all not be altered and would remain at Lit 150 per kilogram of fuel used; whereas, lastly, it considered that the Commission's reasons for approving the Sicilian aid for fuel up to the end of the first half of 1980 remain totally valid;

Whereas several Member States and several other parties concerned have submitted their comments to the Commission; whereas certain Member States and sectoral organizations share the Commission's view; whereas other Member States feel that the absence of a common fisheries policy may lead Member States to introduce aids to prevent the current situation from deteriorating; whereas several sectoral organizations would like to see fisheries aids harmonized within the Community;

III

Whereas the subsidy of Lit 100 per kilogram of fuel used for the second half of 1980 and the subsidy of Lit 150 per kilogram of fuel used for 1981 and 1982 have had a direct impact on the production costs of benefi-

ciaries and have given them a definite advantage over the other Community fishermen;

Whereas the fact that this aid has been granted since 1973 means that it is no longer exceptional; whereas the Commission made it clear to the Italian Government that extension of the aid for fuel beyond 30 June 1980 was inappropriate;

Whereas the specific factors involved in the crisis in the Sicilian fishery sector are such that it can be resolved more satisfactorily by structural measures, notably those provided for by the Law introducing measures for the rationalization of fishing in Sicily, approved by the Commission;

Whereas the increase in Italian imports of fishery products does not negate the impact of the aid on intra-Community trade and competition; whereas, on the contrary, the sharp rise in Sicilian exports to the other Member States demonstrates that the impact of the aid on competition is growing;

Whereas the aid in question represented 40 % of the price of fuel in July 1980, 52 % in July 1981 and 40 % in July 1982;

Whereas intra-Community trade in fishery products for human consumption is substantial and accounts for approximately 30 % of total landings for human consumption in the Community as a whole; whereas, the Italian market received approximately 60 % of its requirements from the landings made by its own fishermen, approximately 30 % from imports from non-member countries and approximately 10 % from imports from the other Member States, and Italy exports 20 % of its production, half of which goes to the other Member States;

Whereas, moreover, for a number of years all Community fishermen have been faced with a very sharp increase in the cost of fuel; whereas competition on the Community market in fishery products is very keen;

IV

Whereas it follows from the above that the aid introduced by the Italian Government is liable to affect trade between the Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty;

Whereas Article 92 (1) of the EEC Treaty lays down the principle that aids fulfilling the criteria laid down therein is incompatible with the common market; whereas exceptions to this principle, which are the only exceptions relevant to the case in point, are set out in paragraph 3 of the said Article and refer to objectives pursued in the Community's interest and not only in the interest of individual sectors of the national economy; whereas these exceptions are to be strictly interpreted when any aid programme of a

regional or sectoral nature or any individual case of application of general aid schemes is scrutinized; whereas exceptions may be allowed only in cases where the Commission can establish that the aid is necessary for achievement of one of the objectives set out in these provisions;

Whereas to allow such exceptions in respect of aids which do not offer such compensation benefits would amount to allowing trade between Member States to be affected and competition to be distorted without justification on grounds of Community interest and would result in unfair advantages for certain Member States;

Whereas it has not been possible to establish the existence of such compensating benefits in the case in point; whereas the Italian Government was unable to provide any evidence, and the Commission could find none, showing that the aids in question fulfilled the conditions required for allowing one of the exceptions provided for in Article 92 (3) of the EEC Treaty;

Whereas the aid in question is clearly not designed to promote or facilitate the development of certain areas; whereas, Article 92 (3) (a) and, on regional criteria (c), is accordingly inapplicable;

Whereas such aids constitute neither an important project of common European interest nor measures capable of remedying a serious disturbance in the Italian economy; whereas Article 92 (3) (b) of the Treaty is accordingly inapplicable;

Whereas aid for the purchase of fuel, intended as it is to reduce the cost of certain inputs, constitutes an operating aid with no lasting impact on the economic situation of the beneficiaries; whereas, in general, the Commission has always been opposed to such aid, since, as a rule, such aid does not in itself fulfil the conditions for eligibility for the exception provided for in Article 92 (3) (c) of the EEC Treaty, since it is not likely to facilitate the development of certain activities within the meaning of that provision;

Whereas, in its communication to the Council of 25 May 1978 on sectoral aid policy, the Commission made it clear that temporary aid to mitigate the social consequences of a crisis must be linked with restructuring objectives for the sector in question and be subject to action by beneficiaries to facilitate conversion; whereas this does not apply in the case of the aid in question;

Whereas it follows from the above that the aid in question does not fulfil the conditions required for eligibility for one of the exceptions under Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The aid for fuel for Sicilian fishermen as provided for by the Italian Government for the second half of 1980, for 1981 and for 1982 is incompatible with the common market under Article 92 of the EEC Treaty. Such aid must accordingly be discontinued.

Article 2

The Italian Republic shall inform the Commission, within one month from the date of notification of this Decision, of the measures taken to comply therewith.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 9 March 1983.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission

COMMISSION DECISION

of 11 May 1983

setting up a Committee on Community Policy regarding Forestry and Forestry-based Industries

(83/247/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas the constant improvement of living and working conditions and the harmonious development of economic activities within the Member States are objectives of the European Economic Community;

Whereas the economic activities based on the production and industrial processing of wood can contribute towards the attainment of these objectives, having regard to the development potential of these activities and taking into account their present difficulties;

Whereas these difficulties should be examined and resolved not separately but in the light of their inter-relationships;

Whereas, to this end, and on the basis of the work already carried out by the Commission departments and in particular the communication to the Council embodying a Community action programme relating to forestry and forest-based industries, close and continuous contacts with the economic sectors concerned can help to achieve these goals;

Whereas the most appropriate way of organizing such contacts is to set up, under the auspices of the Commission, an Advisory Committee on Community Policy regarding Forestry and Forest-based Industries on which these sectors will be represented; whereas, moreover, provision should be made for the presence on the Committee of qualified persons who can bring to the Committee their technical expertise in and knowledge of the wood economy at Community level,

HAS DECIDED AS FOLLOWS:

Article 1

An Advisory Committee on Community Policy regarding Forestry and Forest-based Industries, hereinafter referred to as 'the Committee', is hereby set up under the auspices of the Commission. The Committee shall consist of representatives of the European organizations of producers and industrial processors of and dealers in wood and wood-derived products, and qualified persons whose knowledge of the wood economy at Community level is widely recognized.

Article 2

The Committee shall, at the request of the Commission, or on its own initiative, assist the Commission in

connection with all matters concerning Community policy relating to forestry and forest-based industries, and in particular matters concerning the demand for wood products in the Community and the supply of wood in order to satisfy that demand.

Article 3

The Committee shall comprise 27 members:

- eight members representing forest owners and forest activities,
- eight members representing the wood-processing industries,
- four members representing dealers in wood and wood-derived products,
- seven particularly qualified persons.

Article 4

Committee members shall be appointed by the Commission after consultation with the sectors of industry concerned.

Article 5

The term of office of Committee members shall be three years, and shall be renewable. On expiry of the three-year period, Committee members shall remain in office until they have been replaced or until their term of office has been renewed.

A member's term of office shall be terminated before expiry of the three-year period in the event of his resignation or death.

He shall be replaced for the remainder of his term of office in accordance with the provisions of Article 4.

Members shall not be remunerated for their services.

Article 6

The list of members shall be published by the Commission for information in the *Official Journal of the European Communities*.

Article 7

The Committee shall be chaired by a Commission representative.

Article 8

The chairman may invite any person with special knowledge of an item on the agenda to participate, as

an expert, in the work of the Committee and of the working parties referred to in Article 9.

Experts shall participate only in the discussion of the item for which their attendance is requested.

Article 9

The Committee may set up working parties.

Article 10

1. The Committee and the working parties shall be convened by the chairman and shall meet at the headquarters of the Commission.

2. Representatives of the Commission departments concerned shall take part in meetings of the Committee and of the working parties.

3. Secretarial services for the Committee shall be provided by the Commission.

Article 11

The discussions of the Committee shall not be followed by a vote.

The Commission may, when seeking the opinion of the Committee, set a time limit within which the opinion must be given.

Article 12

Without prejudice to Article 214 of the Treaty, Committee members are required not to disclose information which has come to their knowledge through the work of the Committee or of its working parties, where the chairman informs them that an opinion or a question raised touches upon confidential matters.

In this event, only Committee members and Commission representatives shall be present at the meetings in question.

Article 13

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

Done at Brussels, 11 May 1983.

For the Commission

Étienne DAVIGNON

Vice-President
