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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 2447/84****of 27 August 1984****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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(4)</sup>, 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 2221/84<sup>(5)</sup> 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, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,

- 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 and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 24 August 1984;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2221/84 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 28 August 1984.

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 205, 1. 8. 1984, p. 1.

## ANNEX

to the Commission Regulation of 27 August 1984 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                  | 76,48                                |
| 10.01 B II     | Durum wheat                               | 117,18 <sup>(1)</sup> <sup>(2)</sup> |
| 10.02          | Rye                                       | 84,48 <sup>(6)</sup>                 |
| 10.03          | Barley                                    | 71,25                                |
| 10.04          | Oats                                      | 42,61                                |
| 10.05 B        | Maize, other than hybrid maize for sowing | 34,44 <sup>(2)</sup> <sup>(3)</sup>  |
| 10.07 A        | Buckwheat                                 | 0                                    |
| 10.07 B        | Millet                                    | 0 <sup>(4)</sup>                     |
| 10.07 C        | Grain sorghum                             | 86,26 <sup>(4)</sup>                 |
| 10.07 D I      | Triticale                                 | <sup>(7)</sup>                       |
| 10.07 D II     | Canary seed ; other cereals               | 0 <sup>(5)</sup>                     |
| 11.01 A        | Wheat or meslin flour                     | 120,07                               |
| 11.01 B        | Rye flour                                 | 131,28                               |
| 11.02 A I a)   | Durum wheat groats and meal               | 194,71                               |
| 11.02 A I b)   | Common wheat groats and meal              | 129,67                               |

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

<sup>(2)</sup> 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'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

## COMMISSION REGULATION (EEC) No 2448/84

of 27 August 1984

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 <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73 <sup>(4)</sup>, 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  
2222/84 <sup>(5)</sup> 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, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)  
No 974/71, as last amended by Regulation (EEC)  
No 855/84,

- 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 and the aforesaid coeffi-  
cient;

Whereas these exchange rates being those recorded on  
24 August 1984;

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 28 August  
1984.

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSAER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

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

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 205, 1. 8. 1984, p. 4.

## ANNEX

to the Commission Regulation of 27 August 1984 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<br>8 | 1st period<br>9 | 2nd period<br>10 | 3rd period<br>11 |
| 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            | 9,32            | 9,32             | 26,08            |
| 10.07 A        | Buckwheat                                 | 0            | 0               | 0                | 0                |
| 10.07 B        | Millet                                    | 0            | 0               | 0                | 0                |
| 10.07 C        | Grain sorghum                             | 0            | 0               | 0                | 0                |
| 10.07 D        | Other cereals                             | 0            | 0               | 0                | 0                |
| 11.01 A        | Wheat or meslin flour                     | 0            | 0               | 0                | 0                |

## B. Malt

| (ECU/tonne)    |                                                                                      |              |                 |                  |                  |                  |
|----------------|--------------------------------------------------------------------------------------|--------------|-----------------|------------------|------------------|------------------|
| CCT heading No | Description                                                                          | Current<br>8 | 1st period<br>9 | 2nd period<br>10 | 3rd period<br>11 | 4th period<br>12 |
| 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 2449/84****of 24 August 1984****altering the monetary compensatory amounts applicable in the wine sector**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 974/71  
of 12 May 1971 on certain measures of conjunctural  
policy to be taken in agriculture following the tempo-  
rary widening of the margins of fluctuation for the  
currencies of certain Member States <sup>(1)</sup>, as last amended  
by Regulation (EEC) No 855/84 <sup>(2)</sup>, and in particular  
Article 6 thereof,

Having regard to Council Regulation (EEC) No  
1223/83 of 20 May 1983 on the exchange rates to be  
applied in agriculture <sup>(3)</sup>, as last amended by Regula-  
tion (EEC) No 855/84,

Having regard to Council Regulation (EEC) No 855/84  
of 31 March 1984 on the calculation and the disman-  
tlement of the monetary compensatory amounts,  
applying to certain agricultural products, and in parti-  
cular Article 7 thereof,

Whereas the monetary compensatory amounts intro-  
duced under Regulation (EEC) No 974/71 were fixed  
by Commission Regulation (EEC) No 900/84 <sup>(4)</sup>, as last  
amended by Regulation (EEC) No 2435/84 <sup>(5)</sup>;

Whereas the 1984/85 wine year begins on 1  
September 1984; whereas prices in ECU for wine-  
sector products in the said marketing year have been  
fixed at a level slightly lower than that in the preced-  
ing wine year;

Whereas, under Article 2b of Regulation (EEC) No  
974/71, the central rate used under the common agri-  
cultural policy has been made subject to a corrective  
factor of 1,033651 with effect from the 1984/85  
marketing year; whereas this central rate, which has

led to a new method of calculating monetary compen-  
satory amounts, must be taken into account from 1  
September 1984 in calculating the monetary compen-  
satory amounts applicable to products of the wine  
sector; whereas, from 1 September 1984, account must  
also be taken of the new representative rates fixed by  
Regulation (EEC) No 1223/83 in this sector; whereas  
the result of applying the said provisions is to fix  
compensatory amounts in the wine sector only in  
respect of the Federal Republic of Germany;

Whereas Article 2 (3) (b) of Regulation (EEC) No  
974/71 made it possible for the neutral margin for  
monetary compensatory amounts for the wine sector  
to be widened to a maximum of five points;

Whereas it is apparent from examination of the opera-  
tion of the common organization of the market that in  
the present situation the neutral margin can continue  
to be set at five points without causing any disturbance  
to trade;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purpose of calculating the monetary compen-  
satory amounts applicable in the wine sector, the real  
monetary gaps shall be reduced by a neutral margin of  
five points.

*Article 2*

1. Part 6 of Annex I to Regulation (EEC) No  
900/84 is hereby replaced by the contents of Annex I  
to this Regulation.

2. Annex II to Regulation (EEC) No 900/84 is  
hereby replaced by Annex II to this Regulation.

*Article 3*

This Regulation shall enter into force on 1 September  
1984.

<sup>(1)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(2)</sup> OJ No L 90, 1. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 132, 21. 5. 1983, p. 33.

<sup>(4)</sup> OJ No L 92, 2. 4. 1984, p. 2.

<sup>(5)</sup> OJ No L 229, 27. 8. 1984, p. 1.

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

Done at Brussels, 24 August 1984.

*For the Commission*

Étienne DAVIGNON

*Vice-President*

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ANNEX I

PART 6

WINE

Monetary compensatory amounts

| CCT heading No | Description                                                                  |          | Amounts to be charged on imports and granted on exports |                |             |                  |                              | Amounts to be granted on imports and charged on exports |           |           |           |  |
|----------------|------------------------------------------------------------------------------|----------|---------------------------------------------------------|----------------|-------------|------------------|------------------------------|---------------------------------------------------------|-----------|-----------|-----------|--|
|                |                                                                              |          | Germany DM                                              | Netherlands Fl | Denmark Dkr | United Kingdom £ | Belgium/Luxembourg Bfrs/Lfrs | Ireland £ Irl                                           | Italy Lit | France FF | Greece Dr |  |
| ex 22.05 B     | Wine put up in containers of more than three litres                          | % vol/hl | —                                                       |                |             |                  |                              |                                                         |           |           |           |  |
| ex 22.05 C I   | (a) Table wine <sup>(1)</sup> :                                              | hl       | 3,08                                                    |                |             |                  |                              |                                                         |           |           |           |  |
|                | (1) Type R III <sup>(2)</sup>                                                | hl       | 4,39                                                    |                |             |                  |                              |                                                         |           |           |           |  |
|                | (2) Types A II and A III <sup>(2)</sup>                                      | % vol/hl | —                                                       |                |             |                  |                              |                                                         |           |           |           |  |
|                | (3) Other                                                                    |          |                                                         |                |             |                  |                              |                                                         |           |           |           |  |
| ex 22.05 C II  | (b) Red, rosé and white wine from third countries:                           |          |                                                         |                |             |                  |                              |                                                         |           |           |           |  |
|                | (1) Presented in the document V.I or V.A under the name Portugieser          | hl       | 3,08                                                    |                |             |                  |                              |                                                         |           |           |           |  |
|                | (2) Presented in the document V.I or V.A under the name Riesling or Sylvaner | hl       | 4,39                                                    |                |             |                  |                              |                                                         |           |           |           |  |
|                | (3) Other                                                                    | % vol/hl | —                                                       |                |             |                  |                              |                                                         |           |           |           |  |
|                | (a) Table wine <sup>(1)</sup>                                                | % vol/hl | —                                                       |                |             |                  |                              |                                                         |           |           |           |  |
|                | (b) Red, rosé and white wine from third countries                            | % vol/hl | —                                                       |                |             |                  |                              |                                                         |           |           |           |  |

<sup>(1)</sup> As defined under No 11 of Annex II to Regulation (EEC) No 337/79.  
<sup>(2)</sup> As defined in Regulation (EEC) No 340/79.

## ANNEX II

## Monetary coefficients

| Products                            | Member States |             |                |      |         |       |        |        |         |
|-------------------------------------|---------------|-------------|----------------|------|---------|-------|--------|--------|---------|
|                                     | Germany       | Netherlands | United Kingdom | BLEU | Denmark | Italy | France | Greece | Ireland |
| — Beef and veal                     | 0,932         | 0,974       | —              | —    | —       | —     | 1,020  | 1,010  | —       |
| — Milk and milk products            | 0,921         | 0,965       | —              | —    | —       | —     | 1,010  | 1,010  | —       |
| — Pigmeat                           | 0,902         | 0,942       | 0,964          | —    | 0,990   | 1,010 | —      | 1,143  | —       |
| — Sugar                             | 0,932         | 0,974       | —              | —    | —       | —     | 1,020  | 1,010  | —       |
| — Cereals                           | 0,926         | 0,969       | —              | —    | —       | —     | 1,020  | 1,010  | —       |
| — Eggs and poultry and albumins     | 0,932         | 0,974       | —              | —    | —       | —     | 1,020  | 1,010  | —       |
| — Wine                              | 0,972         | —           | —              | —    | —       | —     | —      | —      | —       |
| — Under Regulation (EEC) No 3033/80 | 0,932         | 0,974       | —              | —    | —       | —     | 1,020  | 1,010  | —       |

**COMMISSION REGULATION (EEC) No 2450/84****of 24 August 1984****fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 6 to 12 August 1984**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1063/84 of 16 April 1984 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom during the 1984/85 marketing year <sup>(1)</sup>, and in particular Article 5 thereof,

Whereas, under Article 3 of Regulation (EEC) No 1063/84, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Commission Regulation (EEC) No 1355/84 of 16 May 1984 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom during the 1984/85 marketing year <sup>(2)</sup>, as amended by Regulation (EEC) No 2018/84 <sup>(3)</sup>, the amounts to be charged on departure from the territory of the United Kingdom of the

products listed in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 6 to 12 August 1984 should be fixed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 of Regulation (EEC) No 1063/84, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1355/84 which left the territory of the United Kingdom during the week 6 to 12 August 1984 shall be those set out in the Annex.

*Article 2*

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 6 August 1984.

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

Done at Brussels, 24 August 1984.

*For the Commission*

Étienne DAVIGNON

*Vice-President*

<sup>(1)</sup> OJ No L 105, 18. 4. 1984, p. 1.

<sup>(2)</sup> OJ No L 131, 17. 5. 1984, p. 19.

<sup>(3)</sup> OJ No L 187, 14. 7. 1984, p. 46.

## ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during  
the week 6 to 12 August 1984

(ECU/100 kg net weight)

| CCT<br>heading<br>No                        | Description                                                                                        | Amount   |
|---------------------------------------------|----------------------------------------------------------------------------------------------------|----------|
| 1                                           | 2                                                                                                  | 3        |
| ex 02.01 A II a)<br>and<br>ex 02.01 A II b) | Meat of adult bovine animals, fresh, chilled or frozen :                                           |          |
|                                             | 1. Carcases, half-carcases or 'compensated' quarters                                               | 26,26474 |
|                                             | 2. Separated or unseparated forequarters                                                           | 21,01179 |
|                                             | 3. Separated or unseparated hindquarters                                                           | 31,51769 |
|                                             | 4. Other :                                                                                         |          |
|                                             | aa) Unboned (bone-in)                                                                              | 21,01179 |
|                                             | bb) Boned or boneless                                                                              | 35,98269 |
| ex 02.06 C I a)                             | Meat salted, in brine, dried or smoked, of adult bovine animals :                                  |          |
|                                             | 1. Unboned (bone-in)                                                                               | 21,01179 |
|                                             | 2. Boned or boneless                                                                               | 29,94180 |
| ex 16.02 B III b) 1                         | Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals : |          |
|                                             | aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :                       |          |
|                                             | 11. Containing 80 % or more by weight of beef meat excluding offals and fat                        | 29,94180 |
|                                             | 22. Other                                                                                          | 21,01179 |

**COMMISSION REGULATION (EEC) No 2451/84****of 27 August 1984****fixing the export refunds 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1025/84 <sup>(2)</sup>, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds <sup>(3)</sup>, 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 rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Regulation (EEC) No 1361/76 <sup>(4)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

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, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,
- 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 and the aforesaid coefficient;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed 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,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 1984.

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 13.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 36.

<sup>(4)</sup> OJ No L 154, 15. 6. 1976, p. 11.

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

# ANNEX

to the Commission Regulation of 27 August 1984 fixing the export refunds on rice and broken rice

| CCT heading No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | (ECU/tonne)<br>Amount of refund                                                                     |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| ex 10.06       | <p>Rice :</p> <p>B. I. Paddy rice ; husked rice :</p> <p>    b) Husked rice :</p> <p>        1. Round grain</p> <p>        2. Long grain</p> <p>            for export to :</p> <p>                — Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italia</p> <p>                — Other third countries</p> <p>    II. Semi-milled or wholly milled rice :</p> <p>        a) Semi-milled rice :</p> <p>            1. Round grain</p> <p>            2. Long grain</p> <p>        b) Wholly milled rice :</p> <p>            1. Round grain</p> <p>            2. Long grain</p> <p>                for export to :</p> <p>                    — Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia as well as destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 <sup>(1)</sup></p> <p>                    — Zone I</p> <p>                    — Other third countries</p> <p>    III. Broken rice</p> | <p>—</p> <p>108,00</p> <p>—</p> <p>—</p> <p>—</p> <p>—</p> <p>135,00</p> <p>—</p> <p>—</p> <p>—</p> |

<sup>(1)</sup> OJ No L 317, 12. 12. 1979, p. 1.

**NB:** The zones are those defined in the Annex to Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as amended by Regulation (EEC) No 3634/83 (OJ No L 360, 23. 12. 1983).

## COMMISSION REGULATION (EEC) No 2452/84

of 27 August 1984

fixing the corrective amount applicable to the refund 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 <sup>(1)</sup>, as last amended by Regulation  
(EEC) No 1025/84 <sup>(2)</sup>, and in particular the second  
subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary  
Committee,

Whereas the first subparagraph of Article 17 (4) of  
Regulation (EEC) No 1418/76 provides that the export  
refund applicable to rice and broken rice on the day  
on which application for an export licence is made,  
adjusted for the threshold price which will be in force  
during the month of exportation, must be applied on  
request to exports to be effected during the period of  
validity of the licence;

Whereas Regulation No 474/67/EEC <sup>(3)</sup>, as amended  
by Regulation (EEC) No 1397/68 <sup>(4)</sup>, lays down  
detailed rules for the advance fixing of the export  
refund on rice and broken rice;

Whereas that Regulation provides that the refund  
applicable on the day on which application for an  
export licence is made must, when it is fixed in  
advance, be reduced by an amount no greater than the  
difference between the cif forward delivery price and  
the cif price, where the former exceeds the latter by  
more than 0,30 ECU per tonne; whereas on the other  
hand, the refund must be increased by an amount no  
greater than the difference between the cif price and  
the cif forward delivery price, where the former  
exceeds the latter by more than 0,30 ECU per tonne;

Whereas the cif price is that determined in accordance  
with Article 16 of Regulation (EEC) No 1418/76;  
whereas the cif forward delivery price is that deter-  
mined in accordance with Article 3 (2) of Regulation

(EEC) No 1428/76 <sup>(5)</sup>, based in respect of each month  
for which the export licence is valid, on the cif price  
calculated on the basis of offers for shipment during  
the month of exportation;

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, multiplied by the coefficient  
provided for in Article 2b (2) of Regulation (EEC)  
No 974/71, as last amended by Regulation (EEC)  
No 855/84,
- 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 and the aforesaid coeffi-  
cient;

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,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 17 (4) of  
Regulation (EEC) No 1418/76 which is applicable to  
the export refunds 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 1 September  
1984.

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 13.

<sup>(3)</sup> OJ No 204, 24. 8. 1967, p. 20.

<sup>(4)</sup> OJ No L 222, 10. 9. 1968, p. 6.

<sup>(5)</sup> OJ No L 166, 25. 6. 1976, p. 30.

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

# ANNEX

to the Commission Regulation of 27 August 1984 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

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

## COMMISSION REGULATION (EEC) No 2453/84

of 27 August 1984

fixing the final level of the additional aid for dried fodder set provisionally since  
1 December 1983

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
1117/78 of 22 May 1978 on the common organization  
of the market in dried fodder<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1220/83<sup>(2)</sup>, and in particular  
Article 5 (3) thereof,

Whereas, in Regulations (EEC) No 3379/83 of 30  
November 1983<sup>(3)</sup>, (EEC) No 3733/83 of 30  
December 1983<sup>(4)</sup>, (EEC) No 252/84 of 31 January  
1984<sup>(5)</sup>, (EEC) No 532/84 of 29 February 1984<sup>(6)</sup>,  
(EEC) No 885/84 of 31 March 1984<sup>(7)</sup>, (EEC) No  
1191/84 of 30 April 1984<sup>(8)</sup> and (EEC) No 1514/84 of  
30 May 1984<sup>(9)</sup>, the Commission fixed provisionally  
the amount of aid for dried fodder; whereas this provi-  
sional fixing was made necessary by the absence of the  
Regulation fixing the guide price for dried fodder valid  
for the 1984/85 marketing year and by the absence of  
the Regulation fixing the threshold price for barley for  
the 1984/85 marketing year;

Whereas, by Regulation (EEC) No 874/84 of 31 March  
1984<sup>(10)</sup>, the Council fixed the flat-rate production aid  
and the guide price of dried fodder for the 1984/85  
marketing year;

Whereas, by Regulation (EEC) No 1413/84 of 22 May  
1984<sup>(11)</sup>, the Commission fixed, for the 1984/85  
marketing year, the threshold prices for cereals and for  
certain classes of flour, groats and meal;

Whereas, following these fixings, it has become appa-  
rent that the amounts of aid fixed provisionally should  
be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amount of aid fixed provisionally for dried fodder  
listed in the Annexes to Regulations (EEC) No  
3379/83, (EEC) No 3733/83, (EEC) No 252/84, (EEC)  
No 532/84, (EEC) No 885/84, (EEC) No 1191/84 and  
(EEC) No 1514/84 shall, as from the date of entry into  
force of each of those Regulations, be fixed finally at  
the amounts listed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the day of 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, 27 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 142, 30. 5. 1978, p. 1.

<sup>(2)</sup> OJ No L 132, 21. 5. 1983, p. 29.

<sup>(3)</sup> OJ No L 336, 1. 12. 1983, p. 35.

<sup>(4)</sup> OJ No L 370, 31. 12. 1983, p. 35.

<sup>(5)</sup> OJ No L 30, 1. 2. 1984, p. 27.

<sup>(6)</sup> OJ No L 60, 1. 3. 1984, p. 28.

<sup>(7)</sup> OJ No L 91, 1. 4. 1984, p. 19.

<sup>(8)</sup> OJ No L 115, 1. 5. 1984, p. 36.

<sup>(9)</sup> OJ No L 145, 31. 5. 1984, p. 44.

<sup>(10)</sup> OJ No L 90, 1. 4. 1984, p. 44.

<sup>(11)</sup> OJ No L 136, 23. 5. 1984, p. 5.

## ANNEX

to the Commission Regulation of 27 August 1984 fixing the final level of the rate of the additional aid for dried fodder set provisionally since 1 December 1983

## I. Additional aid applicable from 1 December 1983 to dried fodder

(ECU/tonne)

| CCT heading No | Dehydrated fodder ex 12.10 B<br>Protein concentrates ex 23.06 B | Fodder otherwise dried<br>ex 12.10 B |
|----------------|-----------------------------------------------------------------|--------------------------------------|
| Additional aid | 0                                                               | 0                                    |

Additional aid in case of advance fixing for the month of :

(ECU/tonne)

|                    |   |   |
|--------------------|---|---|
| January 1984       | 0 | 0 |
| February 1984      | 0 | 0 |
| March 1984         | 0 | 0 |
| April 1984         | 0 | 0 |
| May 1984           | 0 | 0 |
| June 1984          | 0 | 0 |
| July 1984 (1)      | 0 | 0 |
| August 1984 (1)    | 0 | 0 |
| September 1984 (1) | 0 | 0 |
| October 1984 (1)   | 0 | 0 |

(1) In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

## II. Additional aid applicable from 1 January 1984 to dried fodder

(ECU/tonne)

| CCT heading No | Dehydrated fodder ex 12.10 B<br>Protein concentrates ex 23.06 B | Fodder otherwise dried<br>ex 12.10 B |
|----------------|-----------------------------------------------------------------|--------------------------------------|
| Additional aid | 0                                                               | 0                                    |

Additional aid in case of advance fixing for the month of :

(ECU/tonne)

|                    |   |   |
|--------------------|---|---|
| February 1984      | 0 | 0 |
| March 1984         | 0 | 0 |
| April 1984         | 0 | 0 |
| May 1984           | 0 | 0 |
| June 1984          | 0 | 0 |
| July 1984 (1)      | 0 | 0 |
| August 1984 (1)    | 0 | 0 |
| September 1984 (1) | 0 | 0 |
| October 1984 (1)   | 0 | 0 |

(1) In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

## III. Additional aid applicable from 1 February 1984 to dried fodder

| <i>(ECU/tonne)</i> |                                                                 |                                      |
|--------------------|-----------------------------------------------------------------|--------------------------------------|
| CCT heading No     | Dehydrated fodder ex 12.10 B<br>Protein concentrates ex 23.06 B | Fodder otherwise dried<br>ex 12.10 B |
| Additional aid     | 0                                                               | 0                                    |

Additional aid in case of advance fixing for the month of :

| <i>(ECU/tonne)</i>          |   |   |
|-----------------------------|---|---|
| March 1984                  | 0 | 0 |
| April 1984                  | 0 | 0 |
| May 1984                    | 0 | 0 |
| June 1984                   | 0 | 0 |
| July 1984                   | 0 | 0 |
| August 1984                 | 0 | 0 |
| September 1984              | 0 | 0 |
| October 1984 <sup>(1)</sup> | 0 | 0 |

<sup>(1)</sup> In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

## IV. Additional aid applicable from 1 March 1984 to dried fodder

| <i>(ECU/tonne)</i> |                                                                 |                                      |
|--------------------|-----------------------------------------------------------------|--------------------------------------|
| CCT heading No     | Dehydrated fodder ex 12.10 B<br>Protein concentrates ex 23.06 B | Fodder otherwise dried<br>ex 12.10 B |
| Additional aid     | 0                                                               | 0                                    |

Additional aid in case of advance fixing for the month of :

| <i>(ECU/tonne)</i>            |   |   |
|-------------------------------|---|---|
| April 1984                    | 0 | 0 |
| May 1984 <sup>(1)</sup>       | 0 | 0 |
| June 1984 <sup>(1)</sup>      | 0 | 0 |
| July 1984 <sup>(1)</sup>      | 0 | 0 |
| August 1984 <sup>(1)</sup>    | 0 | 0 |
| September 1984 <sup>(1)</sup> | 0 | 0 |
| October 1984 <sup>(1)</sup>   | 0 | 0 |
| November 1984 <sup>(1)</sup>  | 0 | 0 |
| December 1984 <sup>(1)</sup>  | 0 | 0 |
| January 1985 <sup>(1)</sup>   | 0 | 0 |
| February 1985 <sup>(1)</sup>  | 0 | 0 |
| March 1985 <sup>(1)</sup>     | 0 | 0 |

<sup>(1)</sup> In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

## V. Additional aid applicable from 1 April 1984 to dried fodder

| <i>(ECU/tonne)</i> |                                                                 |                                      |
|--------------------|-----------------------------------------------------------------|--------------------------------------|
| CCT heading No     | Dehydrated fodder ex 12.10 B<br>Protein concentrates ex 23.06 B | Fodder otherwise dried<br>ex 12.10 B |
| Additional aid     | 1,856                                                           | 0,928                                |

Additional aid in case of advance fixing for the month of :

| <i>(ECU/tonne)</i>           |       |       |
|------------------------------|-------|-------|
| May 1984                     | 2,858 | 1,429 |
| June 1984                    | 1,595 | 0,798 |
| July 1984                    | 5,990 | 2,995 |
| August 1984                  | 0     | 0     |
| September 1984               | 0     | 0     |
| October 1984                 | 3,838 | 1,919 |
| November 1984                | 4,840 | 2,420 |
| December 1984                | 5,843 | 2,922 |
| January 1985 <sup>(1)</sup>  | 0     | 0     |
| February 1985 <sup>(1)</sup> | 0     | 0     |
| March 1985 <sup>(1)</sup>    | 0     | 0     |

<sup>(1)</sup> In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

## VI. Additional aid applicable from 1 May 1984 to dried fodder

| <i>(ECU/tonne)</i> |                                                                 |                                      |
|--------------------|-----------------------------------------------------------------|--------------------------------------|
| CCT heading No     | Dehydrated fodder ex 12.10 B<br>Protein concentrates ex 23.06 B | Fodder otherwise dried<br>ex 12.10 B |
| Additional aid     | 10,240                                                          | 5,120                                |

Additional aid in case of advance fixing for the month of :

| <i>(ECU/tonne)</i>           |        |       |
|------------------------------|--------|-------|
| June 1984                    | 9,227  | 4,614 |
| July 1984                    | 14,908 | 7,454 |
| August 1984                  | 4,093  | 2,047 |
| September 1984               | 2,206  | 1,103 |
| October 1984                 | 9,244  | 4,622 |
| November 1984                | 9,339  | 4,670 |
| December 1984                | 10,342 | 5,171 |
| January 1985 <sup>(1)</sup>  | 0      | 0     |
| February 1985 <sup>(1)</sup> | 0      | 0     |
| March 1985 <sup>(1)</sup>    | 0      | 0     |

<sup>(1)</sup> In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

## VII. Additional aid applicable from 1 June 1984 to dried fodder

| <i>(ECU/tonne)</i> |                                                                 |                                      |
|--------------------|-----------------------------------------------------------------|--------------------------------------|
| CCT heading No     | Dehydrated fodder ex 12.10 B<br>Protein concentrates ex 23.06 B | Fodder otherwise dried<br>ex 12.10 B |
| Additional aid     | 16,021                                                          | 8,011                                |

Additional aid in case of advance fixing for the month of :

| <i>(ECU/tonne)</i> |        |        |
|--------------------|--------|--------|
| July 1984          | 22,392 | 11,196 |
| August 1984        | 11,628 | 5,814  |
| September 1984     | 9,490  | 4,745  |
| October 1984       | 13,850 | 6,925  |
| November 1984      | 15,150 | 7,575  |
| December 1984      | 16,842 | 8,421  |
| January 1985       | 8,039  | 4,020  |
| February 1985      | 9,041  | 4,521  |
| March 1985         | 10,043 | 5,022  |

**COMMISSION REGULATION (EEC) No 2454/84****of 27 August 1984****repealing Regulation (EEC) No 2303/84 applying the duty in the Common Customs Tariff to imports of lemons 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 2047/70 <sup>(1)</sup> of 13 October 1970 on imports of citrus fruit originating in Spain, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2303/84 of 7 August 1984 <sup>(2)</sup> applied the duty in the Common Customs Tariff to imports of lemons originating in Spain;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 2047/70, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the conversion factors and following deduction of transport costs and import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices for Spanish products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 2047/70 are fulfilled; whereas Regulation (EEC) No 2303/84 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Commission Regulation (EEC) No 2303/84 of 7 August 1984 applying the duty in the Common Customs Tariff to lemons imported from Spain is hereby repealed.

*Article 2*

This Regulation shall enter into force on 28 August 1984.

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 228, 15. 10. 1970, p. 2.

<sup>(2)</sup> OJ No L 211, 8. 8. 1984, p. 14.

## COMMISSION REGULATION (EEC) No 2455/84

of 27 August 1984

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1018/84<sup>(2)</sup>, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 174/84<sup>(4)</sup>, and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(5)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(6)</sup>, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2171/84<sup>(7)</sup>, as last amended by Regulation (EEC) No 2431/84<sup>(8)</sup>;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984<sup>(9)</sup> amended Regulation (EEC) No 2744/75<sup>(10)</sup> as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 24 August 1984;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74<sup>(11)</sup> the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 2171/84, are hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 August 1984.

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 21, 26. 1. 1984, p. 1.

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

<sup>(6)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(7)</sup> OJ No L 197, 27. 7. 1984, p. 38.

<sup>(8)</sup> OJ No L 227, 24. 8. 1984, p. 23.

<sup>(9)</sup> OJ No L 107, 19. 4. 1984, p. 15.

<sup>(10)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(11)</sup> OJ No L 168, 25. 6. 1974, p. 7.

## ANNEX

to the Commission Regulation of 27 August 1984 altering the import levies on products processed from cereals and rice

(ECU/tonne)

| CCT heading No                 | Import levies                              |            |
|--------------------------------|--------------------------------------------|------------|
|                                | Third countries<br>(other than ACP or OCT) | ACP or OCT |
| 11.01 G <sup>(2)</sup>         | 90,95                                      | 87,93      |
| 11.02 A VII <sup>(2)</sup>     | 90,95                                      | 87,93      |
| 11.02 B II d) <sup>(2)</sup>   | 140,96                                     | 137,94     |
| 11.02 C VI <sup>(2)</sup>      | 140,96                                     | 137,94     |
| 11.02 D VI <sup>(2)</sup>      | 90,95                                      | 87,93      |
| 11.02 E II d) 2 <sup>(2)</sup> | 161,22                                     | 155,18     |
| 11.02 F VII <sup>(2)</sup>     | 90,95                                      | 87,93      |

<sup>(2)</sup> For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

**COMMISSION REGULATION (EEC) No 2456/84****of 27 August 1984****altering 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 <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84 <sup>(2)</sup>, and in particular the  
fourth sentence of the second subparagraph of Article  
16 (4) thereof,

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 <sup>(3)</sup>,

Whereas the corrective amount applicable to the  
refund on cereals was fixed by Regulation (EEC) No  
2432/84 <sup>(4)</sup>;

Whereas, the basis of today's cif prices and cif forward  
delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present  
applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 16 (4) of  
Regulation (EEC) No 2727/75, fixed in the Annex to  
Regulation (EEC) No 2432/84 which is applicable to  
the export refunds fixed in advance in respect of  
cereals, is hereby altered to the amounts set out in the  
Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 August  
1984.

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

Done at Brussels, 27 August 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 227, 24. 8. 1984, p. 25.

## ANNEX

to the Commission Regulation of 27 August 1984 altering the corrective amount applicable to the refund on cereals

| CCT heading No | Description                              | (ECU/tonne) |            |            |            |            |            |            |
|----------------|------------------------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                |                                          | Current     | 1st period | 2nd period | 3rd period | 4th period | 5th period | 6th period |
|                |                                          | 8           | 9          | 10         | 11         | 12         | 1          | 2          |
| 10.01 B I      | Common wheat, and meslin :               |             |            |            |            |            |            |            |
|                | Other, for exports to :                  |             |            |            |            |            |            |            |
|                | — China                                  | 0           | + 3,40     | + 0,80     | — 1,80     | — 4,30     | — 6,90     | — 9,50     |
|                | — other third countries                  | 0           | — 2,60     | — 5,20     | — 7,80     | — 10,30    | — 12,90    | — 15,50    |
| 10.01 B II     | Durum wheat                              | 0           | 0          | 0          | —          | —          | —          | —          |
| 10.02          | Rye                                      | 0           | 0          | 0          | —          | —          | —          | —          |
| 10.03          | Barley                                   | 0           | 0          | 0          | — 2,00     | — 5,00     | —          | —          |
| 10.04          | Oats :                                   | 0           | 0          | 0          | —          | —          | —          | —          |
|                | for exports to :                         |             |            |            |            |            |            |            |
|                | — Algeria, Tunisia and Libya             | 0           | 0          | 0          | —          | —          | —          | —          |
|                | — other third countries                  | 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), as amended by Regulation (EEC) No 3634/83 (OJ No L 360, 23. 12. 1983).

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 27 June 1984

**concerning the French Government's intention to accord special exchange risk cover to French exporters in respect of a tender for the construction of a power station in Greece**

*(Only the French text is authentic)*

(84/416/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Whereas :

## I

The Greek Public Power Corporation (PPC) issued a tender for the construction of tranche IV (supply and installation of one steam-generating unit and one steam-turbine generator unit for a steam electric station) of the Megalopolis power station. The submission of the bids took place on 14 February 1984. As far as the Commission is aware, undertakings from at least three Member States — France, the Federal Republic of Germany and the United Kingdom — have bid for this contract.

The tender calls for bids to be made in Greek drachmas with a price-revision formula provided for in the tender, the descriptions of which differ slightly. It

appears that prices are to be calculated at the time of submission of contract. At the time of delivery, which is to be approximately four years later, the price will be adjusted in accordance with the price-revision clause, the basis of which appears to be the inflation rate of Greek drachmas. The new price then arrived at will be converted at the exchange rate valid at that date into the currency of the seller. The debt will then be the subject of a buyer credit.

Therefore, although the Greek inflation rate will be covered by the price-revision formula, the following risks remain for the seller :

- the inflation rate of the currency in which his offer is calculated, and
- the devaluation rate of the Greek drachma against the currency of the seller.

In January 1984, Hermes Kredit Versicherungs-AG, acting as agent for the German Government in export credit-insurance matters, was approached by a German bidder for the Magalopolis contract, requesting to be covered for the remaining exchange risk as, according to his information, his French competitors would receive such cover from the French Government. This was discussed in the Policy Coordination Group for Credit Insurance, Credit Guarantees and Financial Credits of the Council on 7 February 1984. The

French delegation did not reply clearly. The Commission immediately sent a telex to the French Government requesting full information. In the absence of a reply, a further telex was sent on 17 February 1984.

On 29 February 1984, the Commission received a reply from the French Government confirming its intention to cover their exporters against the exchange risk. On the same day, another discussion was held on the subject in the Council Group. The Greek delegation stated that the buyer would cover the exchange risk and that a written statement explaining the revision formula would be submitted by them. The French delegation declared that if the revision formula was sufficient, it would withdraw its offer to the French bidder.

The written statement by the Greek authorities was submitted on 1 March 1984. As it could not be ascertained whether or not the French Government would declare itself satisfied and therefore continue their offer to the French bidders to cover the remaining risk, the Commission decided to open the procedure pursuant to Article 93 (2) of the EEC Treaty on 8 March 1984 against the French Government's intention to cover French exporters against the remaining devaluation risk in respect of the contract for Megalopolis IV.

## II

In the comments which it submitted to the Commission in the framework of the procedure, the French Government argued that from the statement made by the Greek delegation at the meeting of the Council Group, it appeared that the price-revision mechanism established by the PPC did not cover the totality of the exchange risk as it referred exclusively to currency fluctuations of the Greek drachma and not to the currency in which the price of the materials used was expressed, nor to the evolution of the cost of labour.

The French Government further argued that it had not yet decided the practical terms of the special exchange-rate guarantee with which it intended to cover French exporters against the risks involved should they win the contract in question, and that it was therefore not able to communicate to the Commission the details of the scheme.

In the comments which they submitted to the Commission within the framework of the procedure, several other Governments of Member States expressed the opinion that the proposed French aid scheme for their exporters constituted an export aid which is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and asked the Commission to take a decision to that effect.

## III

A State aid which is granted to undertakings of one Member State to reduce a currency devaluation risk incurred by all competitors from different Member States bidding to obtain a contract for the sale of goods to be exported to another Member State constitutes an export aid.

With regard to export aids applied in intra-Community trade, the Commission has always held the view that they are incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty and do not fall within the scope of the exceptions laid down in Article 92 (3). This position found support by the Court of Justice in its judgment in joined cases 6 and 11/69 (1) (French preferential rediscount rate) and was reaffirmed on a number of occasions by the Commission.

In the present case, undertaking from at least three Member States are competing to win this contract. The conditions specified in the tender are applicable to all of them, i.e. prices have to be quoted in Greek drachmas and will be revised according to the specified formula after construction and delivery have taken place.

To meet the financial risk arising out of the special conditions laid down in the tender, the competing undertakings must make some provision in their offer to cover themselves against eventual exchange losses, i.e. they will have to increase their prices. If the Government of one Member State intervenes to take over this risk or part of it, the undertakings which receive this form of State aid benefit from an artificial competitive advantage which distorts competition and affects trade between Member States and is incompatible with the common market within the meaning of Article 92 of the EEC Treaty irrespective of the rules governing the proposed aid. Derogations from the general principle of incompatibility are reserved to aids contributing to the attainment of one of the objectives to be pursued in the Community interest specified in the exceptions set out in Article 92 (3). This is not the case with regard to the aid which the French Government intends to grant French undertakings bidding for the Megalopolis contract. Such aid would, in fact, constitute an operating aid granted without any compensatory justification on the part of the beneficiaries and give the undertakings of one Member State a decisive advantage over their competitors from other Member States. Such practice violates the basic principles laid down in the EEC Treaty.

(1) 1969 ECR, p. 523.

The question whether the PPC's price-revision clause covers all or part of the devaluation risks is irrelevant in examining this case,

HAS ADOPTED THIS DECISION:

*Article 1*

The French Government shall not offer French exporters exchange-rate cover in respect of the tender for the construction of a power station in Greece (Megapolis IV) as this constitutes an aid which is incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty and does not fall within the scope of any of the exceptions laid down in Article 92 (3) of the EEC Treaty, irrespective of the rules governing the proposed aid.

*Article 2*

The French Government shall confirm to the Commission within four weeks of the date of this Decision that it will not provide exchange-risk cover for the contract referred to in Article 1.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 27 June 1984.

*For the Commission*

Frans ANDRIESSEN

*Member of the Commission*

## COMMISSION DECISION

of 27 June 1984

on a proposed aid by the Netherlands Government in respect of certain investments to be carried out by an oil company at its refinery in Borsele

(Only the Dutch text is authentic)

(84/417/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments,

Whereas :

## I

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

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

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

In line with this approach, and in accordance with Article 93 (3) of the EEC Treaty, the Commission requested prior notification in good time of individual

cases of application of the 'additional premium for major schemes', account being taken of the amount of investment concerned.

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

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

## II

In accordance with this procedure, the Netherlands Government informed the Commission, by telex dated 24 August 1983, of its intention to apply the aid provided for under the abovementioned 'WIR-GPT' aid scheme in favour of investments to be carried out at a refinery in Borsele.

The investment plan foresees the installation of a 'hydrocracker' which can produce a greater proportion of light products to heavy fractions than is possible by the production method hitherto used. The 'hydrocracker' method is rarely used in Europe.

The investment costs are estimated at Fl 1 000 million. The GPT premium proposed is Fl 2 200 000. Realization of the project would result in the creation of approximately 80 jobs.

## III

In a series of communications to the Council in recent years, the Commission has drawn attention to the difficulties facing the oil refining industry in the Community as a result of the oil crisis. Briefly described, the difficulties are as follows: the total demand for refined products both of heavy products (heavy fuel oil, etc.) and of light fractions (petrol, etc.)

(<sup>1</sup>) Staatsblad 1978, No 368.

has declined, but the demand for heavy products has declined more than that for light fractions. At the same time as reducing capacity, the industry has consequently had to invest in plants to raise the relative yield of lighter products. However, the price differential between light distillates and residual fuel oil has, in recent years, generally provided sufficient incentive to companies to carry out the necessary investments.

During recent years, several aid proposals have been notified to the Commission for the same and related purposes. On the grounds that these aids were incompatible with the common market, particularly in view of the situation in the refinery sector, these proposals were subject to negative decisions<sup>(1)</sup>.

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

On 6 October 1983, the Commission initiated the procedure under Article 93 (2) of the EEC Treaty in respect of the Netherlands proposal.

#### IV

In their reply to the observations of the Commission when opening the Article 93 (2) procedure, the Netherlands authorities did not challenge the Commission's analysis that, in view of the situation in the refinery sector, the Commission's decisions in similar cases in the past, and the financial capacity of the company concerned, meant that there was no counterpart in Community terms of the proposed aid which would allow the Commission to make a finding of compatibility under Article 92 (3) of the EEC Treaty.

However, the Netherlands authorities pointed out that as a result of the construction of the hydrocracker, other investments would be undertaken at the refinery in question in its existing installations which would lead to improved standards of environmental control, particularly in the field of water pollution caused by the existing refinery installations. The cost of this investment was estimated at Fl 5 million. The Netherlands authorities proposed, therefore, the grant of a

GPT premium of Fl 750 000 towards these investment costs, justifying the intensity of the aid, 15 %, as being the level normally permitted for aids for environmental purposes in line with the Community framework on such aids.

The Commission considers that this proposal does not meet the basic legal and economic conditions attaching it to GPT grants, i.e. the size of the aided investment falls below the Fl 30 million threshold, it is not associated with job creation, and the intensity of aid 15 % as against 4 % under the GPT system, means that the proposal cannot be considered to be in line with the Commission decision of 21 April 1978 on the GPT/WIR. The Netherlands Government has not produced any evidence that these environmental investments are necessary as a result of the imposition of new norms in the Netherlands which imposes new obligations upon undertakings which would be required if they were to benefit from the policy in the framework of aids for the environment. The project appears to be motivated by a desire to pass at least some GPT grant to the undertaking in question. Its effect is to strengthen the financial position of the undertaking without providing any discernible Community counterpart.

Furthermore, the Commission cannot accept that because it has raised initial objections to an aid proposal, a radically new and different proposal with different objectives and legally and economically incompatible with the basis of the original proposal should be considered without the original proposal having been formally withdrawn or the subject of a negative decision by the Commission. Had the original proposal been withdrawn or subject to a negative decision, an aid proposal based legally and economically on environmental considerations could then have been considered on those bases.

In the framework of the procedure, the Commission has received comments from the Belgian, Danish and French Governments, all expressing the view that the initially proposed aid should not be granted.

#### V

The terms of the Treaty provide that aid fulfilling the criteria set out in Article 92 (1) of the Treaty shall be incompatible with the common market. The exemptions from this incompatibility set out in Article 92 (3) of the EEC Treaty specify objectives to be pursued in the Community interest and not that of the individual beneficiary. These exemptions must be strictly

<sup>(1)</sup> OJ No L 343, 18. 12. 1980, p. 38; OJ No L 361, 16. 12. 1981, p. 24; OJ No L 350, 10. 12. 1982, p. 36.

construed in the examination both of regional or sectoral aid schemes and of individual cases of application of general aid systems. In particular, they may be granted only when the Commission can establish that this will contribute to the attainment of the objectives specified in the exemptions, which the recipient firms would not attain by their own actions under normal market conditions alone.

To grant an exemption where there is no compensatory justification would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any benefit in terms of the interest of the Community, which at the same time accepting that undue advantages accrue to some Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the particular beneficiary a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3). Where such evidence cannot be provided and especially where the aided investment would take place in the absence of aid, it is clear that the aid does not contribute to the attainment, of the objectives specified in the exemptions but serves to increase the financial power of the undertaking in question.

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

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

As regards the exemptions set out in Article 92 (3) (a) and (c) in respect of aids designed to promote or facilitate the development of certain areas, it is the case that the area in which Borsele is situated continues to enjoy a better socioeconomic situation than that of other regions in the Netherlands; so, therefore, there is no reason to grant the aid in question on the grounds that it will promote or facilitate the development of that area, a purpose, moreover, for which this aid was not intended.

As regards the exemptions provided for in Article 92 (3) (b), since the market for the production of light distillates does not show the over-capacity characteristics of the rest of the refining sector, this investment

would be brought about in any event by normal market forces. There is nothing peculiar to the investment in question to qualify it as a project of common European interest or as one designed to remedy as a serious disturbance in the economy of a Member State, which merits exemption under Article 92 (3) (b) from the provision laid down in Article 92 (1) on the incompatibility of aids. Finally, as regards the exemption specified in Article 92 (3) (c) of the EEC Treaty in favour of 'aid to facilitate the development of certain economic activities', examination of the refinery investment it is proposed to aid shows that the investment can be carried out by the firm using its own resources. In the light of this fact and the general state of the refining industry for light products, it is clear that the aid is not necessary to promote the development of the economic activity in question.

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Netherlands shall not put into effect its proposal, notified to the Commission on 24 August 1983, to grant aid in respect of certain investments to be carried out in a refinery in Borsele under the GPT regulations of the 'WIR' system.

*Article 2*

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

*Article 3*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 27 June 1984.

*For the Commission*

Frans ANDRIESEN

*Member of the Commission*

## COMMISSION DECISION

of 27 June 1984

on a proposed aid by the Netherlands Government in respect of certain investments to be carried out by an oil company at its refinery in the area of Rotterdam-Europoort

(Only the Dutch text is authentic)

(84/418/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments,

Whereas :

## I

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

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

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

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

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

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

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

## II

In accordance with this procedure the Netherlands Government informed the Commission, by telex dated 24 August 1983, of its intention to apply the aid provided for under the abovementioned aid scheme in favour of investments to be carried out at a refinery in the area of Rotterdam-Europoort.

The investment plan foresees the installation of a 'catalytic cracker'. This installation is designed to transform heavy oil into lighter products. The new installation will not increase the refinery's overall capacity but partially change the output from heavy products to lighter ones.

The total investment costs are estimated at Fl 1 010 million. The GPT premium proposed is Fl 3 780 000. Realization of the project would result in the creation of approximately 137 jobs.

<sup>(1)</sup> Staatsblad 1978, No 368.

## III

In a series of communications to the Council in recent years, the Commission has drawn attention to the difficulties facing the oil refining industry in the Community as a result of the oil crisis. Briefly described, the difficulties are as follows: the total demand for refined products both of heavy products (heavy fuel oil, etc.) and of light fractions (petrol, etc.) has declined, but the demand for heavy products has declined more than that for light fractions. At the same time as reducing capacity, the industry has consequently had to invest in plants to raise the relative yield of lighter products. However, the price differential between light distillates and residual fuel oil has, in recent years, generally provided sufficient incentive to companies to carry out the necessary investments.

During recent years, several aid proposals have been notified to the Commission for the same and related purposes. On the grounds that these aids were incompatible with the common market, particularly in view of the situation in the refinery sector, these proposals were subject to negative decisions<sup>(1)</sup>.

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

On 6 October 1983, the Commission initiated the procedure under Article 93(2) of the EEC Treaty in respect of the Netherlands' proposal.

## IV

In their reply to the observations of the Commission when opening the Article 93(2) procedure, the Netherlands authorities did not challenge the Commission's analysis that, in view of the situation in the refinery sector, the Commission's decisions in similar cases in the past, and the financial capacity of the company concerned, meant that there was no counterpart in Community terms of the proposed aid which would allow the Commission to make a finding of compatibility under Article 92(3) of the EEC Treaty.

However, the Netherlands authorities pointed out that as a result of the construction of the catalytic cracker, other investments would be undertaken at the refinery in question in its existing installations which would

lead to improved standards of environmental control, particularly in the field of water pollution caused by the existing refinery installations. The cost of this investment was estimated at Fl 11 300 000. The Netherlands authorities proposed, therefore, the grant of a GPT premium of Fl 1 700 000 towards these investment costs, justifying the intensity of the aid, 15 %, as being the level normally permitted for aids for environmental purposes in line with the Community framework on such aids.

The Commission considers that this proposal does not meet the basic legal and economic conditions attaching to GPT grants, i.e. the size of the aided investment falls below the Fl 30 million threshold, it is not associated with job creation, and the intensity of aid, 15 % as against 4 % under the GPT system, means that the proposal cannot be considered to be in line with the Commission decision of 21 April 1978 on the GPT/WIR. The Netherlands Government has not produced any evidence that these environmental investments are necessary as a result of the imposition of new norms in the Netherlands which imposes new obligations upon undertakings which would be required if they were to benefit from the policy in the framework of aids for the environment. The project appears to be motivated by a desire to pass at least some GPT grant to the undertaking in question. Its effect is to strengthen the financial position of the undertaking without providing any discernible Community counterpart.

Furthermore, the Commission cannot accept that because it has raised initial objections to an aid proposal, a radically new and different proposal with different objectives and legally and economically incompatible with the basis of the original proposal should be considered without the original proposal having been formally withdrawn or the subject of a negative decision by the Commission. Had the original proposal been withdrawn or subject to a negative decision, an aid proposal based legally and economically on environmental considerations could then have been considered on those bases.

In the framework of the procedure, the Commission has received comments from the Belgian, Danish and French Governments, all expressing the view that the initially proposed aid should not be granted.

## V

The terms of the Treaty provide that aid fulfilling the criteria set out in Article 92(1) of the Treaty shall be incompatible with the common market. The exemptions from this incompatibility set out in Article 92(3) of the EEC Treaty specify objectives to be pursued in the Community interest and not that of the individual beneficiary. These exemptions must be strictly

<sup>(1)</sup> OJ No L 343, 18. 12. 1980, p. 38; OJ No L 361, 16. 12. 1981, p. 24; OJ No L 350, 10. 12. 1982, p. 36.

construed in the examination both of regional or sectoral aid schemes and of individual cases of application of general aid systems. In particular, they may be granted only when the Commission can establish that this will contribute to the attainment of the objectives specified in the exemptions, which the recipient firms would not attain by their own actions under normal market conditions alone.

To grant an exemption where there is no compensatory justification would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any benefit in terms of the interest of the Community, which at the same time accepting that undue advantages accrue to some Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the particular beneficiary a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3). Where such evidence cannot be provided and especially where the aided investment would take place in the absence of aid, it is clear that the aid does not contribute to the attainment of the objectives specified in the exemptions but serves to increase the financial power of the undertaking in question.

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

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

As regards the exemptions set out in Article 92 (3) (a) and (c) in respect of aids designed to promote or facilitate the development of certain areas, it is the case that the Rotterdam-Europoort area continues to enjoy a better socioeconomic situation than that of other regions in the Netherlands; so, therefore, there is no reason to grant the aid in question on the grounds that it will promote or facilitate the development of that area, a purpose, moreover, for which this aid was not intended.

As regards the exemptions provided for in Article 92 (3) (b), since the market for the production of light distillates does not show the over-capacity characteristics of the rest of the refining sector, this investment

would be brought about in any event by normal market forces. There is nothing peculiar to the investment in question to qualify it as a project of common European interest or as one designed to remedy as a serious disturbance in the economy of a Member State, which merits exemption under Article 92 (3) (b) from the provision laid down in Article 92 (1) on the incompatibility of aids. Finally, as regards the exemption specified in Article 92 (3) (c) of the EEC Treaty in favour of 'aid to facilitate the development of certain economic activities', examination of the refinery investment it is proposed to aid shows that the investment can be carried out by the firm using its own resources. In the light of this fact and the general state of the refining industry for light products, it is clear that the aid is not necessary to promote the development of the economic activity in question.

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Netherlands shall not put into effect its proposal, notified to the Commission on 24 August 1983, to grant aid in respect of certain investments to be carried out in a refinery in the Rotterdam-Europoort area under the GPT regulations of the 'WIR' system.

*Article 2*

The Netherlands shall inform the Commission within two months of the date of notification of this Decision of the measure it has taken to comply therewith.

*Article 3*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 27 June 1984.

*For the Commission*

Frans ANDRIESSEN

*Member of the Commission*

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