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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 2687/84 of 18 September 1984 amending Regulation (EEC) No 2179/83 laying down general rules for distillation operations involving wine and the by-products of wine-making 1**
- Commission Regulation (EEC) No 2688/84 of 24 September 1984 fixing the import levies on cereals and on wheat or rye flour, groats and meal 5
- Commission Regulation (EEC) No 2689/84 of 24 September 1984 fixing the premiums to be added to the import levies on cereals, flour and malt 7
- ★ **Commission Regulation (EEC) No 2690/84 of 21 September 1984 imposing a provisional anti-dumping duty on imports of artificial corundum originating in the People's Republic of China and Czechoslovakia and terminating the proceeding in respect of imports of artificial corundum originating in Spain and Yugoslavia 9**
- ★ **Commission Regulation (EEC) No 2691/84 of 24 September 1984 amending Regulation (EEC) No 2267/84 providing for the grant of private storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hind-quarters and forequarters of beef 13**
- Commission Regulation (EEC) No 2692/84 of 24 September 1984 rectifying Regulation (EEC) No 2604/84 on the sale at a price fixed at a standard rate in advance of boned beef held by the Danish, French and Irish intervention agencies and intended for export 14
- Commission Regulation (EEC) No 2693/84 of 24 September 1984 altering the basic amount of the import levies on syrups and certain other products in the sugar sector 15

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 2694/84 of 24 September 1984 fixing the import levies on white sugar and raw sugar	17
---	----

II *Acts whose publication is not obligatory*

Commission

84/454/ECSC :

★ Commission Decision of 6 September 1984 approving aids from the French Republic to the coal-mining industry during 1983 and approving additional aids from the French Republic to the coal-mining industry during 1982	18
--	----

84/455/ECSC :

★ Commission Decision of 6 September 1984 approving aids from the Federal Republic of Germany to the coal-mining industry during 1983	22
---	----

84/456/ECSC :

★ Commission Decision of 6 September 1984 approving aids from the United Kingdom for the coal-mining industry during the 1983/84 financial year	24
---	----

84/457/ECSC :

★ Commission Decision of 6 September 1984 approving aids from the Kingdom of Belgium to the coal-mining industry during 1983	26
--	----

Corrigenda

★ Corrigendum to Council Regulation (EEC) No 1033/84 of 31 March 1984 fixing for the 1984/85 marketing year the activating price for aid, the guide price and the minimum price for peas, field beans and sweet lupins (OJ No L 107, 19. 4. 1984)	28
---	----

★ Corrigendum to Fifth Commission Directive 84/415/EEC of 18 July 1984 adapting to technical progress Annexes II, III, IV, V and VI to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products (OJ No L 228, 25. 8. 1984)	28
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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2687/84

of 18 September 1984

amending Regulation (EEC) No 2179/83 laying down general rules for distillation operations involving wine and the by-products of wine-making

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1208/84 ⁽²⁾, and in particular Articles 11 (4), 12a (4), 15 (8), 39 (7), 40 (5) and 41 (6) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 2179/83 ⁽³⁾ was applicable for the first time in the 1983/84 marketing year; whereas experience has shown that some difficulties of application need to be overcome;

Whereas certain definitions and certain operations should be clarified;

Whereas Article 15 (2a) of Regulation (EEC) No 337/79 lays down that with effect from the 1984/85 marketing year the support distillation provided for in that Article may be restricted to producers who have delivered wine for preventive distillation as referred to in Article 11 of the said Regulation; whereas it should therefore be laid down that, where use is made of this possibility, approval of the contracts in respect of support distillation shall be subject to production of proof that wine has been delivered for preventive distillation;

Whereas Article 9 of Regulation (EEC) No 2179/83 provides that the distiller may apply for an advance on the amount of the aid on condition that he has lodged, for the benefit of the intervention agency, a security equal to 110 % of the aid; whereas as the level of the

security may in the case of the distillation operation referred to in Article 11 of Regulation (EEC) No 337/79 be insufficient to guarantee the execution of the contracts concluded, the level of this security should be raised;

Whereas the quantity and characteristics of the product derived from the distillation operation on the basis of which the amount of the aid is calculated are not yet known at the time of the application for the advance; whereas the amount of the advance should therefore be calculated on the basis of the wine delivered for distillation; whereas the remainder must be settled when the security is released following submission of distillation proof;

Whereas in accordance with Article 12 (2) of Regulation (EEC) No 2179/83, the buying-in price of wine deliveries shall apply ex distiller's premises; whereas in certain cases, transport is ensured by the distiller on practical grounds; whereas in order not to disturb this practice which is often necessary, it should be specified that in such cases the transport costs will be deducted from the buying-in price;

Whereas in order to be in a position to monitor the products delivered for compulsory distillation as provided for by Regulation (EEC) No 337/79, the intervention agency must know, for each producer, the quantities and characteristics of the products delivered; whereas, however, administration should be streamlined and the information submitted by the distiller in the form of a summary; whereas similarly, in cases where an accompanying document is prescribed by Community rules, only a reference to that document should be required and, in other cases a reference to the document used in accordance with national provisions;

Whereas quarterly reporting of the level of alcohol stocks would be adequate and would ease the administrative burden on Member States;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 115, 1. 5. 1984, p. 77.

⁽³⁾ OJ No L 212, 3. 8. 1983, p. 1.

Whereas Article 26 (4) of Regulation (EEC) No 2179/83 lays down that the aid is to be paid to the maker of fortified wine on condition that he provides a security equal to 110 % of the aid to be received; whereas it is laid down that the maker is to provide a single security when producing fortified wine for different distillation operations governed by Regulation (EEC) No 337/79; whereas this obligation may constitute a disadvantage where operations extend over a long period; whereas this procedure should be made optional;

Whereas payment of the aid to the maker of fortified wine also entails serious difficulties for both the operators and the intervention agencies where the distillation of fortified wine takes place in a Member State other than that in which the contract or declaration was approved; whereas a second system for payment of the aid should be introduced, the two systems offering the same safeguards, however,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2179/83 is hereby amended as follows:

1. Article 2 (1) (a), (b), (c) and (d) is replaced by the following:

‘(a) “producer”:

- for the purposes of Title I: any natural or legal person or group of such persons having produced wine from fresh grapes, grape must or partially fermented grape must, obtained personally or purchased,
- for the purposes of Title II: any natural or legal person or group of such persons having produced wine from fresh grapes, grape must or partially fermented grape must or from new wine still in fermentation, obtained personally or purchased, or any natural or legal person or group of such persons subject to the obligations referred to in Article 39 of Regulation (EEC) No 337/79;

(b) “distiller”: any natural or legal person or group of such persons:

- distilling wine, fortified wine or the by-products of wine-making or of any other form of processing grapes, and
- approved by the competent authorities in the Member State in the territory of which the distillation plant is located;

(c) “maker of fortified wine”; any natural or legal person or group of such persons other than a distiller:

- engaged in processing wine into fortified wine, and
- approved by the competent authorities in the Member State in the territory of which the processing plant is located;

(d) “competent intervention agency”:

- where the reception and approval of contracts or declarations relating to the delivery of wine for distillation and reception and approval of contracts relating to the delivery of wine for fortification are concerned, the intervention agency designated by the Member State on the territory of which the wine is located at the time when the contract or declaration is submitted,
- for the purposes of paying the aid to the maker of fortified wine as provided for in Article 26 (4), the intervention agency designated by the Member State in the territory of which fortification of the wine takes place,
- in all other cases, the intervention agency designated by the Member State in the territory of which distillation takes place.’

2. In Article 2 (2):

- (a) first subparagraph: ‘groups of persons’ is replaced by ‘groups of such persons’;
- (b) the second subparagraph is replaced by the following:
‘Persons or groups deemed to be distillers shall be subject to the same obligations and enjoy the same rights as distillers.’

3. Article 3 (2) is replaced by the following text:

‘2. If wine suitable for production of certain spirituous beverages with a registered designation of origin is delivered to undergo one of the distillation operations specified in Article 1, it may be decided that only a product with an alcoholic strength of at least 92 % by volume may be obtained by the direct distillation of such wine.’

4. In Article 4 (2) the following subparagraph is added:

‘Where the option provided for in Article 15 (2a) of Regulation (EEC) No 337/79 is exercised, submission of proof as referred to in the fourth paragraph of this paragraph shall be required.’

5. In Article 6 (1) ‘and in no circumstances less than 10 hectolitres’ is deleted.

6. The first subparagraph of Article 9 (1) is replaced by the following :

'1. The distiller or, in the case referred to in Article 7 (2), the producer may request that an amount equal to the lesser sum of distillation aid fixed for the distillation operation in question be advanced to him on condition that he has lodged a security for the benefit of the intervention agency. This security shall be equal to 110 % of the said amount in respect of all distillation operations, with the exception of the distillation operation provided for in Article 11 of Regulation (EEC) No 337/79 for which the security shall be equal to 120 % of the said amount.

The amount referred to in the first subparagraph shall be calculated for % volume of alcohol indicated in respect of the wine referred to in the contract or the delivery declaration and per hectolitre of that wine.'

7. Article 12 :

- (a) paragraph 2 is replaced by the following :

'2. The buying-in price referred to in paragraph 1 shall apply to bulk merchandise ex distiller's premises.

However, where the transport costs payable by the producer are borne by the distiller, the amount of these costs shall be deducted from the buying-in price to be paid by the distiller.' ;

- (b) the following paragraph is inserted :

'3. The buying-in prices referred to in Articles 40 (3) and 41 (4) of Regulation (EEC) No 337/79 shall apply to bulk merchandise ex producer's premises.'

8. Article 17 (1) is replaced by the following :

'1. In all cases covered the distiller shall submit an application to the intervention agency before a date to be fixed enclosing, in respect of the quantities for which aid is requested :

- (a) a list of the deliveries made by each producer giving at least :

- the quantity, colour and the alcoholic strength by volume of the wines or in the case of the distillation operation provided for in Article 39 of Regulation (EEC) No 337/79, the quantity and nature of the by-products of wine-making,
- the number of the document provided for in Article 53 (1) of Regulation (EEC) No 337/79 where this document is required for the transport of the products to the distiller's premises or, where it is not

required, the reference to the document used in accordance with national provisions ;

- (b) a declaration, endorsed by the competent authority designated by the Member State of the quantities of products obtained by distillation, broken down into the categories specified in Article 3 (1).

The intervention agency shall pay the distiller the aid fixed for the distillation operation in question within three months of submission of the application and documents referred to in the preceding subparagraph.'

9. Article 20 is replaced by the following :

Article 20

The Member States shall notify the Commission every three months of the stocks and strength of the alcohol held by their intervention agencies following distillation under Article 39, 40 or 41 of Regulation (EEC) No 337/79.'

10. Article 23 (3) (this amendment concerns the German text only).

11. In Article 25 (1) the following subparagraph is added :

'However, wine suitable for producing spirituous beverages of designated origin may not be fortified for distillation if, in accordance with Article 3 (2), it has been decided that only a product with an alcoholic strength of at least 92 % by volume may be obtained by the distillation of such wine.'

12. The second subparagraph of Article 26 (4) is replaced by the following :

'Where the maker fortifies wine for distillation operations governed by various provisions of Regulation (EEC) No 337/79, he may provide a single security. In such case the security shall be equal to 110 % of all the aid to be paid to the maker in respect of the said distillation operations.'

13. The following Article is inserted :

Article 26a

1. Where fortified wine is distilled in a Member State other than that in which the contract or declaration was approved, the aid payable in respect of distillation operations may, by way of derogation from Article 26 (4), be paid to the distiller on condition that he submits an application within two months following the deadline specified for carrying out the distillation operation in question to the intervention agency of the Member State on whose territory the distillation has taken place.

2. The application referred to in paragraph 1 shall be accompanied by the following:

- a document endorsed by the competent authorities of the Member State in the territory of which the fortified wine was made, transferring entitlement to the aid from the maker of the fortified wine to the distiller and showing the quantities of fortified wine concerned and the amount of the corresponding aid,
- a copy of the contract or declaration referred to in Article 26 (1), approved by the relevant intervention agency,
- a copy of the analysis report referred to in Article 25,
- proof of payment of the minimum purchase price of the wine to the producer,
- the document required under Article 53 of Regulation (EEC) No 337/79 for the transport of fortified wine to the distillery, showing the increase in actual alcoholic strength by

volume, expressed in % vol, by indicating the strength before and after addition of the distillate to the wine,

- proof of distillation of the fortified wine concerned.

3. In cases covered by paragraph 1 the maker of fortified wine shall not be required to lodge the security provided for in Article 26 (4).

4. The aid shall be paid by the intervention agency not later than three months after the application and the documents referred to in paragraph 2 have been submitted.

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 from 1 September 1984 with the exception of Article 1 (6) which shall apply from the day of its entry into force.

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

Done at Brussels, 18 September 1984.

For the Council

The President

A. DEASY

COMMISSION REGULATION (EEC) No 2688/84

of 24 September 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 organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular
Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy⁽³⁾, as last amended by Regulation (EEC)
No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 2221/84⁽⁵⁾ and subsequent amending
Regulations ;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, 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
21 September 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 25
September 1984.

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

Done at Brussels, 24 September 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 1.

ANNEX

to the Commission Regulation of 24 September 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	53,68
10.01 B II	Durum wheat	96,66 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	68,04 ⁽⁶⁾
10.03	Barley	59,69
10.04	Oats	29,88
10.05 B	Maize, other than hybrid maize for sowing	29,89 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	75,11 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	88,43
11.01 B	Rye flour	108,54
11.02 A I a)	Durum wheat groats and meal	162,99
11.02 A I b)	Common wheat groats and meal	95,19

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

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ 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 2689/84

of 24 September 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 ⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84 ⁽²⁾, and in particular
Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2222/84 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, 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
21 September 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 25
September 1984.

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

Done at Brussels, 24 September 1984.

For the Commission.

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

ANNEX

to the Commission Regulation of 24 September 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 9	1st period 10	2nd period 11	3rd period 12
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	9,55	9,55	4,44
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	15,01	15,01	17,47
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2690/84

of 21 September 1984

imposing a provisional anti-dumping duty on imports of artificial corundum originating in the People's Republic of China and Czechoslovakia and terminating the proceeding in respect of imports of artificial corundum originating in Spain and Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9 and 11 thereof,

After consultations within the Advisory Committee as provided for under the abovementioned Regulation,

Whereas :

A. Procedure

- (1) In June 1983, the Commission received a complaint lodged by the European Council of Chemical Manufacturers Federations (CEFIC) on behalf of producers representing all Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports of artificial corundum, into the Community, falling within Common Customs Tariff subheading 28.20 B, corresponding to NIMEXE code 28.20-30, originating in the People's Republic of China, Czechoslovakia, Spain and Yugoslavia and commenced an investigation.
- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing. The majority of the known exporters, all known importers and all producers made their views known in writing.
- (3) The Commission sought and verified all information it deemed to be necessary for the purpose of

a determination regarding dumping and injury and carried out investigations at the premises of the following :

(a) *EEC producers*

- SOFREM SA, Paris, France,
- Samim Abrasivi SpA, Milan, Italy,
- Dynamit Nobel AG, Troisdorf, Federal Republic of Germany,
- Lonza-Werke GmbH, Waldshut — Tiengen, Federal Republic of Germany,
- Herman C. Starck Berlin GmbH, Düsseldorf, Federal Republic of Germany,
- Universal Abrasives Ltd, Stafford, United Kingdom ;

(b) *Exporter*

Tovarna Dusika Ruse n.sol.o., Ruse, Yugoslavia ;

(c) *Importers*

- Continentale Erzgesellschaft mbH, Düsseldorf, Federal Republic of Germany,
- Alfred Hempel GmbH & Co., Düsseldorf, Federal Republic of Germany,
- Kerimpex Handelsgesellschaft mbH, Selb/Bayern, Federal Republic of Germany,
- Mineralienwerke GmbH, Duisburg, Federal Republic of Germany,
- Smyris Srl, Milan, Italy,
- Veneta Mineraria, Milan, Italy.

The Commission requested and received detailed written submissions from the majority of exporters, all known importers and all complainant Community producers and verified the information therein to the extent considered necessary.

Two of the three Spanish producers named in the complaint stated that their exports to the Community were insignificant during the reference period, and did not furnish any details concerning their domestic sales or their exports. They did, however, provide information about the cessation of activities, at the end of 1982, of the remaining Spanish producer named, which had apparently been responsible for the major part of exports to the Community.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 261, 30. 9. 1983, p. 2.

The Commission did not receive any information concerning the Chinese exports to the Community from the Chinese exporter named in the complaint.

In the case of the People's Republic of China and Spain, therefore, the investigation was based on information given by the importers in Italy and the Federal Republic of Germany as regards export prices and quantities.

- (4) The investigation of dumping covered the period October 1982 to September 1983.

B. Normal value

- (5) In order to establish whether the imports from the People's Republic of China and Czechoslovakia were dumped, the Commission had to take account of the fact that these countries do not have market economies and the Commission therefore had to base its determinations on the normal value in a market-economy country.
- (6) The complaint alleged dumping on the basis of a comparison of export prices of the Chinese and Czech producers with the Spanish current domestic ex-works price; as to Yugoslavia, the comparison was based on the domestic ex-works price and the export price to the Community.
- (7) As the Spanish producers did not supply detailed information, it was decided to establish normal value on the basis of domestic prices on the Yugoslav market, which offers close comparability in terms of the basic technical characteristics of the products supplied with those of the other allegedly dumped imports. None of the exporters or importers objected to this choice but producers suggested, at a relatively late stage of the investigation, that Austrian domestic prices should be taken into consideration. This would, however, have resulted in the need to make considerable adjustments for quality. The Commission, at least at the present stage of the proceeding, decided to maintain its preference for Yugoslav domestic prices.
- (8) As Spanish producers did not supply any information on their domestic prices, the Commission services used Yugoslav domestic prices as the best information available. These data were considered to be more reliable than the information given in the complaint.
- (9) The producer of artificial corundum in Yugoslavia, classified as a market economy, was found

to operate normal profitability criteria, although margins on exports were much higher in general than those on domestic sales. Of the three basic grades of corundum taken into consideration for the purposes of the procedure, only the white variety was found to be sold at a loss on the domestic Yugoslav market. In this case normal value was constructed by adding a standard domestic market profit margin to the full costs of the product. Domestic prices were taken as the basis of normal value for the other two grades of artificial corundum.

C. Export prices

- (10) In one case, where the importer in the Community was not independent of the exporter, the export price was reconstructed on the basis of the first sales within the Community to independent purchasers, making due allowance for verified operating expenses and for a 5 % profit margin, considered to be reasonable in the light of independent importers' profit experience.
- (11) In all other cases, the starting point for calculations was the exporter's invoiced price to an independent importer within the Community, appropriate allowances being taken into account to permit a proper comparison of these export prices with normal values for the purposes of establishing dumping margins.

D. Comparison

- (12) Normal values were compared with export prices at the ex-works level, adjustments being made for transport, credit terms, ancillary costs and agents' commission, where applicable. Also, where applicable, allowances were made for any transformation of the product, after its importation into the Community, required to bring it up to a comparable condition with other imported products from the point of view of specification or quality.
- (13) The calculations were made on a monthly basis. The results obtained were then weighted by the tonnages imported during the reference period in order to obtain a weighted average margin.

E. Margins

- (14) The above examination of the facts shows the existence of dumping by the Chinese and Czech exporters, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

- (15) These margins vary according to the importing Member State and the variety of artificial corundum concerned. The weighted average margins are :

	<i>Brown corundum</i>	<i>White corundum</i>
— for the People's Republic of China	8,3 %	6,2 %
— for Czechoslovakia	7,9 %	8,9 %

For imports originating in Spain and Yugoslavia no dumping was found. Consequently, the proceeding in respect of these imports should be terminated.

F. Injury

- (16) With regard to the injury caused by the dumped imports, the evidence available to the Commission shows that imports into the Community from Czechoslovakia and the People's Republic of China of artificial corundum increased from 3 955 tonnes in 1980 to 6 296 tonnes in 1983, i.e. an increase of 59,2 %, with a consequent increase in the market share held by these exporting countries from 2,1 to 3,9 %. The market share of Community producers decreased from 76,2 to 71,6 % for the same period and the Community industry's total production fell from 193 081 tonnes in 1979 to 109 275 tonnes in the first nine months of 1983, i.e. a decrease of approximately 24,5 %, after adjusting the 1983 tonnage on a yearly basis, with a fall in the average utilization of Community production capacity from 90,6 to 70,4 %. At the same time, consumption in the Community of artificial corundum decreased by 18,7 % between 1980 and 1983.
- (17) The weighted average resale ex-works prices of imports from Czechoslovakia and the People's Republic of China undercut the prices of the Community producers during 1983 by margins varying from 9,5 to 30 %. The resale prices of these imports were in most cases lower than the variable production costs of the Community industry and in all cases lower than the total production costs.
- (18) The consequent impact on this Community industry has apparently been a 17,1 % reduction in employment between 1980 and 1983. The dumped imports caused Community producers to sell at prices which did not permit them to earn reasonable profits or even to cover more than 73 % of their costs in 1983.

G. Community interest

- (19) The Community association of manufacturers of refractory equipment has argued that the intro-

duction of protective measures would not be in the Community interest because it would affect their competitive position and cause problems for employment in their industry, which employs a greater number of workers than the artificial corundum manufacturers' industry.

- (20) However, in view of the difficulties facing the Community corundum industry, the Commission has come to the conclusion that it is in the Community's interests that action be taken and a provisional duty be imposed in order to prevent injury being caused during the remaining investigation period.

H. Rate of duty

- (21) Having compared the Community producers' weighted average prices and costs, taking account of their profit situation, the Commission has concluded that provisional anti-dumping duties should be imposed in the amount of the dumping margins found.
- (22) A period should be fixed within which the parties concerned may make their views known in writing and request a hearing,

HAS ADOPTED THIS REGULATION :

Article 1

1. Provisional anti-dumping duties are hereby imposed on imports of artificial corundum falling within subheading 28.20 B of the Common Customs Tariff, corresponding to NIMEXE code 28.20-30, originating in the People's Republic of China and Czechoslovakia.

2. The rates of the duty shall be for :

	<i>Brown corundum</i>	<i>White corundum</i>
— from the People's Republic of China	8,3 %	6,2 %
— from Czechoslovakia	7,9 %	8,9 %

of the free-at-Community-frontier net price before duty.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1, originating in the People's Republic of China and Czechoslovakia, shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

The anti-dumping proceeding concerning imports of artificial corundum originating in Spain and Yugoslavia is hereby terminated.

Article 3

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views and apply to be heard orally

by the Commission within one month of the entry into force of this Regulation.

Article 4

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 21 September 1984.

For the Commission

Wilhelm HAFFERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 2691/84**of 24 September 1984****amending Regulation (EEC) No 2267/84 providing for the grant of private storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hindquarters and forequarters of beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Articles 6 (5) (b) and 8 (2) thereof,

Whereas the definitions of 'carcase' and 'half-carcase' are laid down in Article 2 (1) of Council Regulation (EEC) No 1208/81 of 28 April 1981 determining the Community scale for the classification of carcasses of adult bovine animals ⁽²⁾; whereas, however, in the light of the practice in certain Member States, presentations which still include the mammary fat should be authorized for the purposes of applying Commission Regulation (EEC) No 2267/84 ⁽³⁾;

Whereas in order to facilitate the concurrent application of the arrangements for private storage aid and the advance payment of refunds provided for in Article 6 of Regulation (EEC) No 2267/84, provision should be made for allowing a payment declaration as referred to in Article 2 of Commission Regulation (EEC) No 798/80 of 31 March 1980 laying down general rules on the advance payment of export refunds and positive monetary compensatory amounts in respect of agricultural products ⁽⁴⁾, as last amended by Regulation (EEC) No 1663/81 ⁽⁵⁾, to be drawn up separately in respect of each of several lots covered by a storage contract;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2267/84 is hereby amended as follows:

1. The following paragraph 3 is added to Article 2:

'3. For the purposes of this Article, carcasses and half-carcasses shall be presented in accordance with Article 2 (1) of Council Regulation (EEC) No 1208/81 ⁽¹⁾. Carcasses and half-carcasses may, however, be presented with the mammary fat.

⁽¹⁾ OJ No L 123, 7. 5. 1981, p. 3.'

2. The following paragraph 3 is added to Article 6:

'3. For the purposes of paragraph 1, where a private storage contract is concluded for a quantity which consists of several lots which are placed in storage on different dates, each of the said lots may be the subject of a separate payment declaration. A payment declaration, as referred to in Article 2 of Regulation (EEC) No 798/80, shall be submitted for each lot on the day of its entry into storage.

"Lot" shall be taken to mean a quantity which is placed in storage on a given day.'

Article 2

This Regulation shall enter into force on 25 September 1984.

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

Done at Brussels, 24 September 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 123, 7. 5. 1981, p. 3.

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 31.

⁽⁴⁾ OJ No L 87, 1. 4. 1980, p. 42.

⁽⁵⁾ OJ No L 166, 24. 6. 1981, p. 9.

COMMISSION REGULATION (EEC) No 2692/84
of 24 September 1984

rectifying Regulation (EEC) No 2604/84 on the sale at a price fixed at a standard rate in advance of boned beef held by the Danish, French and Irish intervention agencies and intended for export

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2604/84 of 13 September 1984⁽²⁾ laid down the conditions for the sale at a price fixed at a standard rate in advance of boned beef held by the Danish, French and Irish intervention agencies and intended for export;

Whereas, as a result of verification, it has emerged that the quantities and dates do not correspond to the measures submitted for the opinion of the manage-

ment committee; whereas the Regulation in question should therefore be rectified,

HAS ADOPTED THIS REGULATION:

Article 1

Points (b) and (c) of Article 1 (1) of Regulation (EEC) No 2604/84 are hereby replaced by the following:

- (b) 800 tonnes of boned beef held by the Danish intervention agency and put into store before 1 February 1984;
- (c) 1 270 tonnes of boned beef and veal held by the Irish intervention agency and put into store before 1 August 1983.

Article 2

This Regulation shall enter into force on 25 September 1984.

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

Done at Brussels, 24 September 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 244, 14. 9. 1984, p. 18.

COMMISSION REGULATION (EEC) No 2693/84**of 24 September 1984****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Regulation (EEC) No 2506/84⁽³⁾, as last amended by Regulation (EEC) No 2658/84⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2506/84 to the information known to the Commission that the basic

amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 2506/84, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 September 1984.

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

Done at Brussels, 24 September 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 234, 1. 9. 1984, p. 11.

⁽⁴⁾ OJ No L 252, 20. 9. 1984, p. 41.

ANNEX

to the Commission Regulation of 24 September 1984 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,4457	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	55,05
	ex II. Other	0,4457	—
	E. Artificial honey, whether or not mixed with natural honey	0,4457	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4457	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	55,05
	IV. Other	0,4457	—

COMMISSION REGULATION (EEC) No 2694/84
of 24 September 1984
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, as
last amended by Regulation (EEC) No 606/82⁽²⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1854/84⁽³⁾,
as last amended by Regulation (EEC) No 2671/84⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1854/84 to the
information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 25
September 1984.

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

Done at Brussels, 24 September 1984.

For the Commission

Poul DALSAGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 253, 21. 9. 1984, p. 17.

ANNEX

to the Commission Regulation of 24 September 1984 fixing the import levies on white
sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	44,57
	B. Raw sugar	42,59 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable
is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 September 1984

approving aids from the French Republic to the coal-mining industry during 1983 and approving additional aids from the French Republic to the coal-mining industry during 1982

(Only the French text is authentic)

(84/454/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Commission Decision No 528/76/ECSC of 25 February 1976 regarding the Community system of measures taken by the Member States to assist the coal-mining industry⁽¹⁾,

Having consulted the Council,

I

Whereas the Government of the French Republic has informed the Commission, pursuant to Article 2 of the above Decision, of the financial measures which it intends to implement directly or indirectly for the benefit of the coal industry during 1983; whereas of these measures the following may be approved pursuant to that Decision;

Whereas the Government of the French Republic intends to grant to Charbonnages de France for 1983 aid amounting to FF 3 216 000 000 to permit the economic restructuring of the coalfields to proceed in an appropriate manner;

Whereas the Government of the French Republic also proposes to grant to the central administration of Charbonnages de France in 1983 aid amounting to FF 495 000 000 to cover the charges incurred in borrowing and transferred from the pits to the central admini-

nistration of Charbonnages de France under the French Government's financial improvement scheme. Whereas this aid is paid not to the coalfields but only to the central administration of Charbonnages de France;

Whereas the abovementioned aids meet the criteria laid down in the Decision for the admissibility of such State assistance;

Whereas the aid of FF 3 711 000 000 proposed by the Government of the French Republic for 1983 to cover losses (of which FF 3 216 000 000, is to cover the coalfields' losses on mining and FF 495 000 000 to cover the losses sustained by the central administration of Charbonnages de France) will not be higher than the likely operating losses of Charbonnages de France;

Whereas the following points are relevant in connection with aid to the individual coalfields:

1. In 1983, aid to the Nord-Pas-de-Calais and Centre-Midi coalfields will be calculated in such a way that, as a result of the closure of further pits, there will be a reduction in production, which will mean that some 700 fewer persons will be employed in the coal industry. The aids will prevent severe economic and social disruption in areas where there are not yet adequate opportunities for re-employment. The aids to these coalfields therefore comply with the provisions of the first subparagraph of Article 12 (1) and Article 12 (2) of the Decision;

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

2. The output planning of the Charbonnages de France in the Lorraine coalfields aims at long-term stabilization, since the coking coal produced in this coalfield is important for supplying the steel industry. The aid granted for this purpose complies with the second subparagraph of Article 12 (1) and Article 12 (3) of the Decision ;

- industrial consumers of coal did not directly receive aid in 1983 through the prices of French coking coal and steam coal,
- the closure of five marginal pits in the Nord-Pas-de-Calais and Centre-Midi coalfield resulted in rationalization and concentration of production on pits where productivity is highest ;

II

Whereas, under Article 3 (2) of the Decision, an examination of the compatibility of the proposed aids with the proper functioning of the common market must also extend to all other financial measures to support current production in 1983 ;

Whereas it may accordingly be concluded that the aids proposed in 1983 for current production by the French coal industry are compatible with the proper functioning of the common market ;

Whereas this applies even when account is taken of aids to coal-mines under Decision 73/287/ECSC ;

III

Whereas the sum of all these aids to support current production by the French coal industry is 565 700 000 ECU, or 33,26 ECU per tonne, for 1983 ; whereas this is higher than corresponding German, Belgian and United Kingdom aids ;

Whereas on 7 April 1983 the Commission of the European Communities adopted Decision 83/160/ECSC⁽¹⁾ ; whereas that Decision authorized the aids which the Government of the French Republic proposed to grant to the coal industry for 1982 provided they had been dealt with and examined by the Commission in the 'Memorandum on the financial aids granted by the Member States to the coal industry in 1982'⁽²⁾ ;

Whereas the following points must be made about the compatibility of the proposed aid with the proper functioning of the common market :

- there were no supply difficulties on the French coal market in 1983,
- French coal exports to the other Community countries fell in 1983 compared with 1982,
- hardly any price alignment agreements were entered into for French coal in 1983,

Whereas, as was stated in that memorandum, the Government of the French Republic proposed to grant FF 3 377 200 000 of aid under Decision No 528/76/ECSC to Charbonnages de France ;

Whereas, in addition the Government of the French Republic in a written application dated 8 September 1983 requested permission to alter or to increase the aids originally proposed as follows :

(million FF)

	Original amount	Additional amount	Total
Cover for the losses by the central administration of Charbonnages de France	441,0	+ 56,0	497,0
Cover for coalfields' operating losses	2 936,2	+ 197,5	3 133,7
<i>Total</i>	3 377,2	+ 233,5	3 630,7
Coking coal aid	+ 10,0	—	+ 10,0
TOTAL	3 387,2	+ 233,5	3 640,7

⁽¹⁾ OJ No L 100, 19. 4. 1983, p. 14.

⁽²⁾ Doc. COM(82) 817 final, 10. 12. 1982, p. A/12.

Whereas Charbonnages de France must be viewed as a single undertaking for the purpose of assessing aid to its central administration, i.e. aids to the central administration and to the coalfields are classed together. According to the final balance sheet for 1982, total aid FF 3 630 700 000 is FF 85 200 000 less than Charbonnages de France's total losses ;

Whereas aid to cover coalfields' losses can be broken as follows by coalfield :

(FF million)				
	Nord-Pas-de-Calais	Lorraine	Centre-Midi	Total
Original amounts	1 156,9	1 076,2	703,1	2 936,2
Additional amounts	+ 200,3	— 1,1	— 1,7	+ 197,5
<i>Total</i>	1 357,2	1 075,1	701,4	3 133,7
Aid to cover interest paid by the central administration of Charbonnages de France				497,0
TOTAL AID TO COVER OPERATING LOSSES				3 630,7

Per tonne of production in FF : 214,90

Whereas the overall amount of aid to current production in the French coal industry in 1982 is thus increased by FF 253 500 000 ;

Whereas it may therefore be concluded that the additional aids proposed in 1982 for current production in the French coal industry are compatible with the proper functioning of the common market ;

V

Whereas the increase in French aid to cover coalfields' operating losses concerns the Nord-Pas-de-Calais coalfield only ; whereas, it was necessary because the losses in this coalfield rose more steeply during 1982 than had originally been assumed. According to the information available to the Commission in the 1982 report of the Charbonnages de France on the actual costs and earnings positions, the loss per tonne in the Nord-Pas-de-Calais coalfield rose considerably more than had been estimated. The increase in the aids almost completely covers the pit operating losses increased in 1982 ; this measure is compatible with the provisions of Article 12 (1) (1) of the Decision ;

Whereas, pursuant to Article 14 (1) of the Decision, the Commission must satisfy itself that the approved aids are used exclusively for the purposes set out in Articles 7 to 12 of that Decision ; whereas, consequently, the Commission is to be notified in particular of the amount of the aid and the manner in which it is apportioned,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is hereby authorized to grant to the coal industry the following aids for 1983 :

- (a) an amount not exceeding FF 3 216 000 000 to cover losses on mining ;
- (b) an amount not exceeding FF 495 000 000 to cover the financial losses sustained by the central administration of Charbonnages de France.

The French Republic is authorized to grant to the coal industry the following additional aids for 1982 :

- (a) an amount not exceeding FF 56 000 000 to cover the financial losses sustained by the central administration of Charbonnages de France ;
- (b) an amount not exceeding FF 197 500 000 to cover losses on mining.

IV

Whereas the following remarks must be made in respect of the compatibility of the total amount of French aids to support current production with the proper functioning of the common market :

- there has been no decline in trade in coal between France and the other Community countries,
- industrial users of coking coal and steam coal did not receive indirect aids as a result of artificially low prices of French coal ;

The aids referred to in (a) and (b) above shall not exceed actual losses.

Article 2

The Government of the French Republic shall notify the Commission by 30 June 1984 of details of the aids granted pursuant to this Decision and in particular of the amounts paid and the manner in which they are apportioned.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 6 September 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION DECISION

of 6 September 1984

approving aids from the Federal Republic of Germany to the coal-mining industry during 1983

(Only the German text is authentic)

(84/455/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Commission Decision No 528/76/ECSC of 25 February 1976 regarding the Community system of measures taken by the Member States to assist the coal-mining industry⁽¹⁾,

Having consulted the Council,

I

Whereas the Government of the Federal Republic of Germany has informed the Commission, pursuant to Article 2 of the Decision, of the financial measures which it intends to implement directly or indirectly for the benefits of the coal industry in 1983; whereas of these measures the following may be approved pursuant to that Decision:

	(DM million)
— Investment aids to individual projects under an investment programme:	261,0
— Aid for development and innovation (testing and trial of new equipment) in the coal-mining industry:	50,0
— Premiums to shift-paid workers and piece workers for each shift worked underground:	212,0
— Aid for the entertainment of long-term security stocks:	144,5

Whereas these aids meet the criteria laid down in the Decision for the admissibility of such State assistance;

Whereas the investment of DM 261 000 000 — including a special aid of DM 109 000 000 awarded to the

Eschweiler Bergwerksverein — is proposed for investment projects for mines, coking plants, briquette works and pit-head power stations; whereas the percentage to all investment covered by investment aid is just under 30 %;

Whereas in relation to the Community's new policy for coal, this 1983 investment aid, which fell by nearly 50 % *vis-à-vis* 1982, is to be regarded as beneficial since it will promote the long-term stabilization of production in the German coalfields. The aid complies with the provisions of Article 7 (1) of the Decision;

Whereas, pursuant to Article 7 (5) of the Decision, the Federal Government must notify the Commission at least once a year, in respect of each project in the programme which it has decided to carry out, of the aims pursued, the sums invested and the amounts of the aid;

Whereas the sum of DM 50 000 000 to promote innovation is intended to ensure that research results are applied to production as quickly as possible; whereas the aid is lower than the costs borne by the undertakings and is granted in respect of individual projects which, when completed, are likely to prove their economic worth to coal-mining in the medium term; whereas the purpose and amount of this aid show that it is compatible with the third subparagraph of Article 7 (3) of the Decision;

Whereas the aid of DM 212 000 000 towards the payment of the coal-winning premium helps the coal industry to secure a stable, skilled workforce, which is imperative if its productivity is to increase; whereas the undertakings moreover incur expenditure on the necessary recruitment, training, retraining and retention of workers which is several times the amount of aid in the form of this premium;

Whereas the purpose and amount of the coal-winning premium show that this measure is compatible with Article 8 of the Decision;

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

Whereas the aid of DM 144 500 000 for the entertainment of long-term security stocks is a measure by the Federal Government to increase the long-term security of energy supply; whereas to this end, the emergency association of German mining industries has purchased 10 000 000 tonnes of coal and coke; whereas the aid proposed by the Federal Government for this purpose covers only part of the actual current cost of maintaining these stocks;

Whereas the purpose and amount of the aid show that this measure is compatible with Article 10 of the Decision;

II

Whereas, in accordance with Article 3 (2) of the Decision, an examination of the compatibility of the above-mentioned aids with the proper functioning of the common market must also extend to all other financial measures to support current production in 1983;

Whereas on this basis the total cost of the proposed amounts to 953 700 000 ECU i.e. 10,72 ECU per tonne produced; whereas, compared with other Member States, current production in the Federal Republic of Germany is more heavily subsidized (per tonne) than in the United Kingdom and substantially less than in France and Belgium;

Whereas the following remarks can be made on the compatibility of these aids for current production with the proper functioning of the common market:

- owing to the stocks of coal and coke on hand there were no supply difficulties in 1983,
- the level of exports of German coal to the other Member States rose slightly in 1983 compared with 1982,
- price alignment agreements were hardly entered into in 1983,
- industrial consumers of coal did not receive indirect aid in 1983 as a result of the prices of German coking coal and steam coal,
- rationalization of production in 1983 was achieved by investment and the closure of one pit;

Whereas it may therefore be concluded that the German aids for current production in the coal industry in 1983 are compatible with the proper functioning of the common market;

Whereas this applies even when account is taken of aids to the coal-mines under Decision 73/287/ECSC;

III

Whereas, pursuant to Article 14 (1) of the Decision, the Commission must ensure that the aids authorized are used for the purposes set out in Articles 7 to 12 thereof; whereas the Commission must be informed, in particular, of the amount of the aids of the manner in which they were apportioned,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is hereby authorized in respect of the 1983 calendar year to grant the following aids to the coal-mining industry:

1. Grant of investment aid not exceeding DM 261 000 000 to undertakings in the coal industry in order to increase investment;
2. Promotion of development and innovation not exceeding DM 50 000 000;
3. Payment of premiums to shift-paid workers and piece workers for each shift worked underground, not exceeding DM 212 000 000;
4. Aid not exceeding DM 144 500 000 for the entertainment of long-term security stocks.

Article 2

The Government of the Federal Republic of Germany shall notify the Commission by 30 June 1984 of details of the aids granted pursuant to this Decision, and in particular of the amounts paid and the manner in which they are apportioned.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 6 September 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION DECISION

of 6 September 1984

approving aids from the United Kingdom for the coal-mining industry during
the 1983/84 financial year

(Only the English text is authentic)

(84/456/ECSC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to Commission Decision No 528/76/
ECSC of 25 February 1976 regarding the Community
system of measures taken by the Member States to
assist the coal-mining industry⁽¹⁾,

Having consulted the Council,

I

Whereas the United Kingdom Government has
informed the Commission, pursuant to Article 2 of the
above Decision, of the financial measures which it
intends to implement directly or indirectly for the
benefit of the coal industry during the 1983/84 finan-
cial year⁽²⁾; whereas the following of these measures
may be approved pursuant to the Decision:

(£ million)

- | | |
|--|-------|
| — aid for the recruitment and reten-
tion of skilled workers: | 16,9 |
| — aid to cover losses on mining: | 415,0 |

Whereas these aids meet the criteria laid down in the
Decision for the admissibility of such State assistance;

Whereas the aid for attracting and keeping skilled
workers is intended to offset in part the National Coal
Board's costs arising from rationalization and the
transfer of production to their best pits. This results in
outgoings on removals, transport, etc.;

Whereas the United Kingdom Government is to
contribute £ 16 900 000 towards such costs borne by
the NCB in 1983/84;

Whereas the purpose and form of the aid show that it
meets the criteria set out in Article 8 of the Decision;

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

⁽²⁾ The 1983/84 financial year runs from the beginning of
April 1983 to the end of March 1984.

Whereas the aid given to cover losses on mining (£
415 000 000) will almost completely cover the losses
sustained by NCB pits in 1983/84. The aid is given to
avoid serious economic and social problems in those
coalfields where there are not yet adequate
re-employment opportunities and to maintain existing
production capacities so as to safeguard energy
supplies. The aid is therefore compatible with Article
12 of the Decision;

II

Whereas, under Article 3 (2) of the Decision, an
examination of the compatibility of the abovementioned
aids with the proper functioning of the
common market must also extend to all other finan-
cial measures to support current production in the
1983/84 financial year;

Whereas aids for current production in the United
Kingdom will amount to 719 900 000 ECU or 5,88
ECU per tonne for the 1983/84 financial year;
whereas the British coal industry therefore receives the
lowest subsidy of all coal-producing Member States;

Whereas an examination of the compatibility of these
aids with the proper functioning of the common
market requires no detailed information or investiga-
tion:

- there were no supply difficulties on the British
market in 1983/84,
- British coal exports to other Community countries
fell slightly in 1983/84 compared with 1982/83,
- the closure of 10 unprofitable pits resulted in
rationalization and concentration of production on
pits where productivity is highest,
- industrial consumers of coal did not receive in-
direct aids in 1983/84 as a result of the prices of
British coking coal and steam coal;

Whereas it can therefore be stated that the aids for the
British coal industry for current production in the
1983/84 financial year are compatible with the proper
functioning of the common market;

Whereas this also applies when account is taken of aids to the coal industry pursuant to Decision 73/287/ECSC ;

III

Whereas, pursuant to Article 14 (1) of the Decision, the Commission must ascertain that aids authorized are used exclusively for the purposes set out in Articles 7 to 12 thereof ; whereas the Commission must be informed in particular of the amount of these aids and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION :

Article 1

The United Kingdom is hereby authorized in respect of the 1983/84 financial year to grant aids totalling £ 431 900 000 to the British coal-mining industry.

The said aids are made up as follows :

1. Grant to cover the costs incurred by the National Coal Board in respect of relocation of personnel under the production rationalization programme, not exceeding £ 16 900 000.

2. Aid to cover losses on mining not exceeding £ 415 000 000.

Article 2

The United Kingdom shall notify the Commission by 30 June 1984 of details of the aids granted pursuant to this Decision, and in particular of the amounts paid and the manner in which they are apportioned.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 6 September 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION DECISION

of 6 September 1984

approving aids from the Kingdom of Belgium to the coal-mining industry
during 1983

(Only the Dutch and French texts are authentic)

(84/457/ECSC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to Commission Decision No 528/76/ECSC of 25 February 1976 regarding the Community system of measures taken by the Member States to assist the coal-mining industry⁽¹⁾,

Having consulted the Council,

I

Whereas the Government of the Kingdom of Belgium has informed the Commission, pursuant to Article 2 of the above Decision, of the financial measures which it intends to take during 1983 in order to give direct or indirect support to the coal-mining industry; whereas, of these measures, the following aids qualify for approval pursuant to that Decision:

(Bfrs million)

— Investment aid:	566,7
— Recruitment of skilled workers:	12,0
— Aid for stocks:	146,3
— Aid to cover losses:	4 518,4

Whereas these aids meet the criteria laid down in the Decision for the admissibility of such State assistance;

Whereas, of the investment aid, almost all of the Bfrs 566 700 000 will go to the Campine coalfield, so that the coalfield can maintain the production of coking coal, which is important for the Belgian steel industry;

Whereas the Belgian investment aid is therefore compatible with the provisions of Article 7 (2) of the Decision;

Whereas the aid (Bfrs 12 000 000) for recruiting and training skilled workers has proved necessary in order to attract suitably qualified labour into Belgian coal-mining, capable of operating modern plant and machinery properly;

Whereas the aid therefore complies with Article 8 of the Decision;

Whereas the Bfrs 146 300 000 aid to cover the costs of stocks of coal and coke is based on total producers' stocks amounting to more than 1 100 000 tonnes; whereas, with monthly production of around 500 000 tonnes, stocks eligible for aid under Article 9 (2) of the Decision amount to 600 000 tonnes; whereas the amount of aid per tonne is accordingly Bfrs 244; whereas the actual cost of stocks (including depreciation and interest) is substantially higher than the amount of aid;

Whereas the purpose and form of the aid show that it meets the criteria set out in Article 9 of the Decision;

Whereas the aid totalling Bfrs 4 518 400 000 to cover operating losses is paid to the two Belgian coalfields for different reasons; whereas the aid paid to the Campine coalfield will almost make up the difference between costs and returns; whereas this almost complete covering of the difference between costs and returns is necessary because the coalfield is intended to supply the Belgian steel industry with coking coal and must therefore maintain its output;

Whereas the purpose and amount of aid granted to cover losses in respect of the Campine coalfield therefore comply with the second subparagraph of Article 12 (1) and Article 12 (3) of the Decision;

Whereas, on the other hand, the Southern coalfield should be granted aid in respect of pit operating losses to cover part of the difference between costs and returns. Here the intention is to ensure that only essentials are maintained and the pits remain viable until the coalfield can be closed down without friction, so that serious economic and social upheaval is avoided;

Whereas the purpose and type of the aids to cover pit operating losses of the Southern coalfield are therefore compatible with the first subparagraph of Article 12 (1) and Article 12 (2) of the Decision;

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

II

Whereas, pursuant to Article 3 (2) of the Decision, all other measures to assist current production in 1983 must be taken into consideration for an examination of the compatibility of the proposed aids with the proper functioning of the common market ;

Whereas, on this basis of assessment, the total amount of aid proposed is 162 500 000 ECU, i.e. 25,37 ECU per tonne ; whereas this figure compared with 1982 (26,94 ECU per tonne) shows that there is a reduction of nearly 6 % ;

Whereas the following observations can be made on the compatibility of the proposed current production aids with the proper functioning of the common market :

- there were no supply difficulties in 1983,
- rationalization of production in 1983 was achieved by investment,
- industrial consumers of coal did not receive aid in 1983 as a result of the prices of Belgian coking coal and steam coal ;

Whereas it may be concluded that the aid granted to the Belgian coal-mining industry in 1983 is compatible with the proper functioning of the common market ;

Whereas this applies even when account is taken of aids to the coal-mines under Decision 73/287/ECSC ;

III

Whereas, pursuant to Article 14 (1) of the Decision, the Commission must ensure that any aid it approves is used exclusively for the purposes set out in Articles 7 to 12 thereof ; whereas the Commission must therefore be informed in particular of the amounts of the payments and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of Belgium is hereby authorized in respect of the 1983 calendar year to grant aid totalling Bfrs 5 243 400 000 to the Belgian coal-mining industry.

The amount of Bfrs 5 243 400 000 provided in respect of the 1983 calendar year is divided as follows :

1. Grant of investment aid of Bfrs 566 700 000 ;
2. Grant of aid for recruiting and training skilled workers not exceeding Bfrs 12 000 000 ;
3. Grant of aid towards stocking costs in respect of coal and coke exceeding Bfrs 146 300 000 ;
4. Grant of aid to cover losses of Bfrs 4 518 400 000 apportioned between the two coalfields as follows :
 - to the Campine coalfield, an amount not exceeding Bfrs 3 890 600 000,
 - to the Southern coalfield, an amount not exceeding Bfrs 627 800 000.

Article 2

The Government of the Kingdom of Belgium shall notify the Commission by 30 June 1984 of details of the aids granted pursuant to this Decision, and in particular of the amount of the payments made and the manner in which they are apportioned.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 6 September 1984.

For the Commission

Étienne DAVIGNON

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 1033/84 of 31 March 1984 fixing for the 1984/85 marketing year the activating price for aid, the guide price and the minimum price for peas, field beans and sweet lupins

(Official Journal of the European Communities No L 107 of 19 April 1984)

Page 42, Article 3 (1), second indent:

for: '— 31,97 ECU ...',

read: '— 31,79 ECU ...'.

Corrigendum to Fifth Commission Directive 84/415/EEC of 18 July 1984 adapting to technical progress Annexes II, III, IV, V and VI to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(Official Journal of the European Communities No L 228 of 25 August 1984)

Page 33, Article 1, point 5:

for: '5. The symbol (") ...',

read: '5. The symbol (+) ...'.
