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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2921/84**of 18 October 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⁽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 agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 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⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

- 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 17 October 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 19 October 1984.

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

Done at Brussels, 18 October 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. 1.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 18 October 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	61,54
10.01 B II	Durum wheat	108,54 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	68,72 ⁽⁶⁾
10.03	Barley	64,57
10.04	Oats	43,77
10.05 B	Maize, other than hybrid maize for sowing	54,66 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	82,55 ⁽⁴⁾
10.07 D I	Triticale	(⁷)
10.07 D II	Canary seed ; other cereals	0 ⁽¹⁾
11.01 A	Wheat or meslin flour	99,72
11.01 B	Rye flour	109,78
11.02 A I a)	Durum wheat groats and meal	181,49
11.02 A I b)	Common wheat groats and meal	107,07

⁽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 2922/84**of 18 October 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 organization 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 agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 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⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

- 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 17 October 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 19 October 1984.

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

Done at Brussels, 18 October 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. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 18 October 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 10	1st period 11	2nd period 12	3rd period 1
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	3,49	3,49	2,95
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 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 2923/84**of 18 October 1984****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1556/84 ⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 663/84 ⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 663/84 and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁶⁾, as last amended by Regulation (EEC) No 1112/84 ⁽⁷⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁸⁾, as last amended by Regulation (EEC) No 664/84 ⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽¹⁰⁾;

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978 ⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender ⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 15 and 16 October 1984 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 5.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 73, 16. 3. 1984, p. 10.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 108, 25. 4. 1984, p. 4.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 73, 16. 3. 1984, p. 11.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

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

Article 3

This Regulation shall enter into force on 19 October 1984.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	65,00 ⁽¹⁾
15.07 A I b)	66,00 ⁽¹⁾
15.07 A I c)	65,00 ⁽¹⁾
15.07 A II a)	77,00 ⁽²⁾
15.07 A II b)	101,00 ⁽³⁾

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

- (a) Spain and Lebanon : 0,60 ECU/100 kg ;
- (b) Turkey : 22,36 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria and Morocco : 24,78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries ; however, the repayment may not exceed the amount of the tax in force.
- (d) Tunisia : 34,78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	14,52
07.03 A II	14,52
15.17 B I a)	33,00
15.17 B I b)	52,80
23.04 A II	5,20

COMMISSION REGULATION (EEC) No 2924/84

of 16 October 1984

on the supply of common wheat to the People's Republic of Bangladesh as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽²⁾,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 fixing criteria for the mobilization of cereals intended as food aid⁽³⁾, as amended by Regulation (EEC) No 3331/82⁽⁴⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1992/83 of 11 July 1983 laying down the implementing rules for 1983 for Regulation (EEC) No 3331/82 concerning food-aid policy and food-aid management⁽⁵⁾,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁶⁾, as last amended by Regulation (EEC) No 2543/73⁽⁷⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, on 20 July 1984, the Commission of the European Communities decided to grant, under

Community measures, various quantities of cereals to certain non-member countries and beneficiary organizations;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁸⁾, as last amended by Regulation (EEC) No 3323/81⁽⁹⁾; whereas it is necessary to specify, for the purposes of the Community measures envisaged, the characteristics of the products to be supplied and the supply conditions;

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 intervention agency specified in the Annex hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 16 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽⁵⁾ OJ No L 196, 20. 7. 1983, p. 1.

⁽⁶⁾ OJ No 106. 30. 10. 1962, p. 2553/62.

⁽⁷⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁸⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁹⁾ OJ No L 334, 21. 11. 1981, p. 27.

ANNEX

1. **Programme :** 1984
2. **Recipient :** People's Republic of Bangladesh
3. **Place or country of destination :** Bangladesh
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 130 000 tonnes
6. **Number of lots :** five (four lots of 25 000 tonnes, one lot of 30 000 tonnes)
7. **Intervention agency responsible for conducting the procedure :**
Intervention Board for Agricultural Produce, Fountain House, 2 Queens Walk, UK-Reading RG1 7QW Berkshire (telex 848 302)
8. **Method of mobilizing the product :** Community market
9. **Characteristics of the goods :** the common wheat must be of fair and sound merchantable quality and correspond at least to the minimum bread-making quality required for intervention (humidity : 14,5 %)
10. **Packaging :** in bulk
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Chittagong and/or Chalna
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 30 October 1984
16. **Shipment period :**
Lot 1 : 15 November to 4 December 1984 (25 000 tonnes)
Lot 2 : 21 November to 10 December 1984 (25 000 tonnes)
Lot 3 : 27 November to 16 December 1984 (25 000 tonnes)
Lot 4 : 3 to 22 December 1984 (25 000 tonnes)
Lot 5 : 19 to 31 December 1984 (30 000 tonnes)
17. **Security :** 6 ECU per tonne

Note :

The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Bangladesh, c/o 'Diplomatic Bag', Berlaymont 1/123, 200 rue de la Loi,
B-1049 Brussels.

COMMISSION REGULATION (EEC) No 2925/84**of 18 October 1984****fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 24 to 30 September 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⁽¹⁾, 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⁽²⁾, as amended by Regulation (EEC) No 2018/84⁽³⁾, 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 24 to 30 September 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 24 to 30 September 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 24 September 1984.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSA GER

Member of the Commission

⁽¹⁾ OJ No L 105, 18. 4. 1984, p. 1.

⁽²⁾ OJ No L 131, 17. 5. 1984, p. 19.

⁽³⁾ 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 24 to 30 September 1984

(ECU/100 kg net weight)

CCT heading No	Description	Amount
1	2	3
ex 02.01 A II a) and ex 02.01 A II b)	Meat of adult bovine animals, fresh, chilled or frozen : 1. Carcases, half-carcases or 'compensated' quarters 2. Separated or unseparated forequarters 3. Separated or unseparated hindquarters 4. Other : aa) Unboned (bone-in) bb) Boned or boneless	 26,26474 21,01179 31,51769 21,01179 35,98269
ex 02.06 C I a)	Meat salted, in brine, dried or smoked, of adult bovine animals : 1. Unboned (bone-in) 2. Boned or boneless	 21,01179 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 22. Other	 29,94180 21,01179

COMMISSION REGULATION (EEC) No 2926/84

of 18 October 1984

authorizing the Federal Republic of Germany, France, the United Kingdom and Luxembourg to permit under certain conditions an additional increase in the alcoholic strength of certain wines and certain products intended for wine-making

THE COMMISSION 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 32 (4) and 65 thereof,

Having regard to Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions⁽³⁾, as last amended by Regulation (EEC) No 2145/82⁽⁴⁾, and in particular the third subparagraph of Article 8 (2), thereof,

Whereas under Article 32 (1) of Regulation (EEC) No 337/79 the Member States may permit an increase in the actual or potential natural alcoholic strength only within certain limits;

Whereas, because of the exceptionally unfavourable climatic conditions in 1984 in parts of wine-growing zone A and some parts of zone B where there was an abnormally high rainfall and a lack of sunshine, the limits upon increases in the natural alcoholic strength as fixed by Article 32 (1) of Regulation (EEC) No 337/79 in many cases prevent the production of the wines which are normally required by the market; whereas, therefore, the Member States concerned should be authorized to permit in the areas affected an additional increase in the natural alcoholic strength as provided for in Article 32 (2) of Regulation (EEC) No 337/79; whereas provision should be made for the Member States to communicate to the Commission certain information, in particular under Commission Regulation (EEC) No 1594/70⁽⁵⁾, as last amended by Regulation (EEC) No 632/80⁽⁶⁾; whereas this information should be submitted by geographical unit within

the meaning of (a) of the second subparagraph of Article 30c (1) of Regulation (EEC) No 337/79;

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

The Federal Republic of Germany, France, the United Kingdom and Luxembourg are hereby authorized for the 1984/85 wine-growing year to allow an additional increase in the alcoholic strength laid down, in respect of wine-growing zones A and B, in Article 32 (2) of Regulation (EEC) No 337/79 and in the third subparagraph of Article 8 (2) of Regulation (EEC) No 338/79 as regards products listed in the first subparagraph of paragraph 1 of the said Article 32 and the first subparagraph of the said Article 8 (2) which:

1. in the case of the Federal Republic of Germany are produced from grapes intended for the production of table wines and quality wines psr;
2. in the case of France are produced from grapes:
 - (a) intended for the production of quality wines psr, and
 - (b) harvested in:
 - the departments of Bas Rhin and Haut-Rhin and of the varieties Riesling, Sylvaner and Muscat;
 - the departments of Meurthe-et-Moselle and Moselle;
3. in the case of the United Kingdom are produced from grapes intended for the production of table wines;
4. in the case of Luxembourg are produced from grapes intended for the production of table wines and quality wines psr.

Article 2

1. On the basis of the declarations referred to in the second subparagraph of Article 36 (1) of Regulation (EEC) No 337/79, the Member States concerned shall communicate to the Commission not later than 31 May 1985 by geographical unit within the meaning of

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 115, 27. 4. 1984, p. 77.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 48.

⁽⁴⁾ OJ No L 227, 3. 8. 1982, p. 10.

⁽⁵⁾ OJ No L 173, 6. 8. 1970, p. 23.

⁽⁶⁾ OJ No L 69, 15. 3. 1980, p. 33.

(a) in the second subparagraph of Article 30c (1) of Regulation (EEC) No 337/79, the particulars of the quantities of sugar, concentrated grape must and rectified concentrated grape must used to make an additional increase in the natural alcoholic strength of products referred to in Article 1.

2. Such communications shall give estimates of the quantities of sugar, concentrated grape must and recti-

fied concentrated grape must used to make an additional increase in the alcoholic strength as provided for in Article 32 (2) of Regulation (EEC) No 337/79.

Article 3

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

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2927/84**of 18 October 1984****amending Regulation (EEC) No 262/79 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice-cream and other foodstuffs and Regulations (EEC) No 1932/81 and (EEC) No 2288/84**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1557/84⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, according to Article 12 (1) of Regulation (EEC) No 804/68, measures other than those provided for in Article 6 of the said Regulation may be taken to facilitate the disposal of butter where surpluses occur or threaten to occur;

Whereas Commission Regulation (EEC) No 262/79⁽³⁾, as last amended by Regulation (EEC) No 2288/84⁽⁴⁾, provided for the sale at reduced prices of butter for use in the manufacture of pastry products, ice-cream and other foodstuffs;

Whereas the confectionery products referred to in Article 4 of Regulation (EEC) No 262/79 should be more clearly defined;

Whereas Article 2 (2) of Commission Regulation (EEC) No 1932/81 of 13 July 1981 on the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁵⁾, as last amended by Regulation (EEC) No 2288/84, lays down a time limit of two months for the processing of butter into concentrated butter; whereas experience of the application of this provision shows that an extension of the said time limit to three months can make the system more flexible without reducing its efficiency;

Whereas the second paragraph of Article 4 of Regulation (EEC) No 2288/84 lays down that the provisions of that Regulation are to apply from a certain date; whereas that provision refers to 'sales' although the term used in the Regulation is 'sale by tender'; whereas it is therefore necessary to amend that provision;

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

HAS ADOPTED THIS REGULATION:

Article 1

Point 1 of Article 4 of Regulation (EEC) No 262/79 is hereby replaced by the following:

'1. Formula A:

- (a) products falling within heading No 19.08 of the Common Customs Tariff;
- (b) the following products put up for retail sale:
 - sugar confectionery falling within subheading 17.04 D II,
 - sugar confectionery falling within subheading 18.06 C II b),
 - chocolate goods, filled, falling within subheading 18.06 C II b), with the exception of their chocolate coating,
 - other food preparations containing cocoa and falling within subheadings 18.06 D II a) or b).

The milkfat content by weight, calculated in terms of dry matter, of the products listed in (b), or of components of such products qualifying for aid is not less than 4 % and less than 26 %. This milkfat content by weight must be indicated on the outer packaging in which the product is dispatched.'

Article 2

The second subparagraph of Article 2 (2) of Regulation (EEC) No 1932/81 is hereby replaced by the following:

'The manufacture of the concentrated butter referred to in Article 1 (2) (b) must take place within a period of three months calculated from the closing date for the submission of the individual tenders concerned.'

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 6.

⁽³⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽⁴⁾ OJ No L 210, 7. 8. 1984, p. 5.

⁽⁵⁾ OJ No L 191, 14. 7. 1981, p. 6.

Article 3

The second paragraph of Article 4 of Regulation (EEC) No 2288/84 is hereby replaced by the following :

'It shall apply to butter which is the subject of a tendering procedure after 1 September 1984.'

Article 4

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

It shall apply in respect of butter which is the subject of a tendering procedure after 20 October 1984.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2928/84

of 18 October 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 2901/84⁽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 Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 October 1984.

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

Done at Brussels, 18 October 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 274, 17. 10. 1984, p. 8.

ANNEX

to the Commission Regulation of 18 October 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	42,00
	B. Raw sugar	39,62 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 2929/84

of 18 October 1984

fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Articles 3 and 7 (1) thereof,

Having regard to Council Regulation (EEC) No 855/84 of 31 March 1984 on the calculation and the dismantlement of the monetary compensatory amounts applying to certain agricultural products⁽²⁾, as last amended by Regulation (EEC) No 1004/84⁽³⁾, and in particular Article 1 thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75⁽⁴⁾, as last amended by Regulation (EEC) No 750/81⁽⁵⁾;

Whereas, since sluice-gate prices and levies for poultrymeat were, by Regulation (EEC) No 2083/84⁽⁶⁾, last fixed for the period 1 August to 31 October 1984, they must be fixed anew for the period 1 November 1984 to 31 January 1985; whereas such prices and levies should in principle be calculated by reference to feed grain prices for the period 1 May to 30 September 1984;

Whereas, pursuant to Council Regulation (EEC) No 855/84, the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,033651 with effect from the 1984/85 marketing year; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting world market prices to a corrective factor of 0,967445 used for the calculation of levies and sluice-gate prices;

Whereas, when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed,

trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required does not vary by 3 % or more from that used for the preceding quarter; whereas the sluice-gate prices fixed by Regulation (EEC) No 2083/84 should accordingly be maintained unchanged until 31 January 1985 for these products;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since no new sluice-gate price has been fixed, the levies fixed by Regulation (EEC) No 2083/84 should accordingly be maintained unchanged until 31 January 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2777/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall, for the period 1 November 1984 to 31 January 1985, be as shown in the Annex to Regulation (EEC) No 2083/84.

2. In the case of products falling within heading No 02.03 and within subheading 15.01 B or 16.02 B I of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that.

Article 2

This Regulation shall enter into force on 1 November 1984.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽³⁾ OJ No L 101, 13. 4. 1984, p. 2.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁵⁾ OJ No L 80, 26. 3. 1981, p. 1.

⁽⁶⁾ OJ No L 192, 20. 7. 1984, p. 19.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2930/84

of 18 October 1984

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2783/75 of 29 October 1975 on the common system
of trade for ovalbumin and lactalbumin⁽¹⁾, and in
particular Article 2 (2) and the second subparagraph of
Article 5 (5) thereof,

Having regard to Council Regulation (EEC) No 855/84
of 31 March 1984 on the calculation and the dis-
mantlement of the monetary compensatory amounts
applying to certain agricultural products⁽²⁾, as last
amended by Regulation (EEC) No 1004/84⁽³⁾, and in
particular Article 1 thereof,

Whereas the sluice-gate prices and import duties for
the products specified in Article 1 of Regulation (EEC)
No 2783/75 must be fixed quarterly in advance in
accordance with the methods of calculation laid down
in Commission Regulation (EEC) No 2084/84⁽⁴⁾;

Whereas, since sluice-gate prices and import duties for
ovalbumin and lactalbumin were, by Regulation (EEC)
No 2084/84, last fixed for the period 1 August to 31
October 1984, they must be fixed anew for the period
1 November 1984 to 31 January 1985; whereas such
prices and duties should be calculated by reference to
the sluice-gate price and levy applicable to eggs in
shell during the same period;

Whereas, pursuant to Council Regulation (EEC) No
855/84, the central rate used under the common agri-
cultural policy has been subjected to a corrective factor
of 1,033651 with effect from the 1984/85 marketing

year; whereas the corrected central rate has led to a
change in the relationship between the Community
price and the world market price; whereas account
should therefore be taken of this fact by subjecting
world market prices to a corrective factor of 0,967445
used for the calculation of levies and sluice-gate
prices;

Whereas, these have been fixed by Commission Regu-
lation (EEC) No 2932/84⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to
eggs in shell have been maintained unchanged by the
aforementioned Regulation; whereas it is therefore
necessary likewise to maintain unchanged the sluice-
gate prices and import duties for ovalbumin and lactal-
bumin fixed by Regulation (EEC) No 2084/84;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import duties provided for in Article 2 of Regula-
tion (EEC) No 2783/75 in respect of the products
specified in Article 1 of that Regulation and the
sluice-gate prices provided for in Article 5 of that
Regulation in respect of the like products shall, for the
period 1 November 1984 to 31 January 1985, be as
shown in the Annex to Regulation (EEC) No 2084/84.

Article 2

This Regulation shall enter into force on 1 November
1984.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽³⁾ OJ No L 101, 13. 4. 1984, p. 2.

⁽⁴⁾ OJ No L 192, 20. 7. 1984, p. 24.

⁽⁵⁾ See page 22 of this Official Journal.

COMMISSION REGULATION (EEC) No 2931/84
of 18 October 1984
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1556/84 ⁽²⁾, and in particular Article 27 (4),

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 1474/84 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 2066/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 2868/84 ⁽⁸⁾;

Whereas, for the period 3 to 9 October 1984, for certain currencies:

— for the current month, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72

differs by more than one point from the percentage adopted for the previous fixing,

— for certain following months the difference referred to in Article 2 (2) of Regulation (EEC) No 1569/72 exceeds 0,5 %; whereas this difference in the case of certain forward differential amounts differs by more than one point from the percentage adopted for the previous fixing;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2066/84 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 19 October 1984.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 5.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 191, 19. 7. 1984, p. 19.

⁽⁸⁾ OJ No L 271, 12. 10. 1984, p. 11.

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU)	9,138	9,658	9,895	10,415	11,511	11,627
2. Final aids						
Seeds harvested and processed in :						
— Federal Republic of Germany (DM)	30,70	32,01	32,70	27,80	30,37	31,44
— Netherlands (Fl)	28,63	30,04	30,71	31,27	34,17	35,28
— BLEU (Bfrs/Lfrs)	424,11	448,25	459,24	481,84	532,73	526,58
— France (FF)	53,48	57,05	58,02	60,48	68,17	68,87
— Denmark (Dkr)	76,90	81,27	83,27	87,64	96,86	97,02
— Ireland (£ Irl)	6,855	7,245	7,416	7,735	8,558	8,444
— United Kingdom (£)	6,070	6,392	6,541	6,863	7,535	7,611
— Italy (Lit)	13 086	13 826	13 867	14 325	15 903	15 160
— Greece (Dr)	646,32	693,39	713,54	760,62	862,50	871,13

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month
1. Gross aids (ECU)	17,332	17,947	18,562	18,491	19,106
2. Final aids					
Seeds harvested and processed in :					
— Federal Republic of Germany (DM)	51,77	53,32	54,90	47,27	48,74
— Netherlands (Fl)	51,07	52,74	54,40	53,21	54,86
— BLEU (Bfrs/Lfrs)	804,41	832,95	861,50	856,55	885,09
— France (FF)	109,20	113,43	117,03	115,19	119,41
— Denmark (Dkr)	145,85	151,02	156,20	155,60	160,78
— Ireland (£ Irl)	13,001	13,462	13,917	13,787	14,249
— United Kingdom (£)	11,164	11,545	11,925	11,889	12,269
— Italy (Lit)	24 631	25 695	26 262	25 849	26 729
— Greece (Dr)	1 377,29	1 432,97	1 488,64	1 479,04	1 534,72

ANNEX III

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current month	1st month	2nd month	3rd month	4th month	5th month
DM	2,240970	2,234100	2,227480	2,221440	2,221440	2,202140
Fl	2,524330	2,517530	2,511630	2,504870	2,504870	2,486540
Bfrs/Lfrs	45,252500	45,316100	45,367000	45,408800	45,408800	45,551600
FF	6,867120	6,877890	6,890070	6,903380	6,903380	6,950760
Dkr	8,093040	8,102360	8,113790	8,126510	8,126510	8,157970
£ Irl	0,721660	0,723562	0,725494	0,727400	0,727400	0,733181
£	0,589989	0,590689	0,591231	0,591589	0,591589	0,592444
Lit	1 381,09	1 389,14	1 396,63	1 404,03	1 404,03	1 426,49
Dr	91,355300	91,478100	91,598200	91,710500	91,710500	92,067500

COMMISSION REGULATION (EEC) No 2932/84
of 18 October 1984
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as amended by Regulation (EEC) No 3643/81⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Having regard to Council Regulation (EEC) No 855/84 of 31 March 1984 on the calculation and the dismantlement of the monetary compensatory amounts applying to certain agricultural products⁽³⁾, as last amended by Regulation (EEC) No 1004/84⁽⁴⁾, and in particular Article 1 thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75⁽⁵⁾, as last amended by Regulation (EEC) No 2300/77⁽⁶⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Regulation (EEC) No 2082/84⁽⁷⁾, last fixed for the period 1 August to 31 October 1984, they must be fixed anew for the period 1 November 1984 to 31 January 1985; whereas such prices and levies should in principle be calculated by reference to feed grain prices for the period 1 May to 30 September 1984;

Whereas, pursuant to Council Regulation (EEC) No 855/84, the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,033651 with effect from the 1984/85 marketing year; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting world market prices to a corrective factor of 0,967445 used for the calculation of levies and sluice-gate prices;

Whereas, when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate prices for the preceding quarter; whereas by Council Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required does not vary by 3 % or more from that used for the preceding quarter; whereas the sluice-gate prices fixed by Regulation (EEC) No 2082/84 should accordingly be maintained unchanged until 31 January 1985;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since no new sluice-gate prices have been fixed, the levies fixed by Regulation (EEC) No 2082/84 should accordingly be maintained unchanged until 31 January 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

The levies provided for in Article 3 of Regulation (EEC) No 2771/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall, for the period 1 November 1984 to 31 January 1985, be as shown in the Annex to Regulation (EEC) No 2082/84.

Article 2

This Regulation shall enter into force on 1 November 1984.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 364, 19. 12. 1981, p. 1.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁴⁾ OJ No L 101, 13. 4. 1984, p. 2.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁶⁾ OJ No L 271, 22. 10. 1977, p. 6.

⁽⁷⁾ OJ No L 192, 20. 7. 1984, p. 16.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2933/84

of 18 October 1984

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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 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⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,
- 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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 October 1984.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 18 October 1984 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 0 4,00
10.01 B II	Durum wheat	—
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 0 0
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	 18,00 25,00 — —
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 — —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	 8,00 8,00 7,00 7,00 6,00 5,00

CCT heading No	Description	Refund <i>(ECU/tonne)</i>
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	8,00 8,00 8,00 8,00
11.02 A I a)	Durum wheat groats and meal : — of an ash content of 0 to 1 300 ⁽¹⁾ — of an ash content of 0 to 1 300 ⁽²⁾ — of an ash content of 0 to 1 300 — of an ash content of more than 1 300	134,00 127,00 113,00 107,00
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	8,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

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).

COMMISSION REGULATION (EEC) No 2934/84
of 18 October 1984
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84 ⁽²⁾, and in particular the
fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary
Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice ⁽⁴⁾, as
last amended by Regulation (EEC) No 1027/84 ⁽⁵⁾,
defines the specific criteria to be taken into account
when the refund on these products is being calcu-
lated;

Whereas it follows from applying these detailed rules
to the present situation on the market in products

processed from cereals and rice that the export refund
should be fixed at an amount which will cover the
difference between Community prices and world
market prices;

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

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁷⁾,
- 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 the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 October
1984.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 18 October 1984 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
CCT heading No	Refund
11.07 A I b)	7,98
11.07 A II b)	49,95
11.07 B	58,22

COMMISSION REGULATION (EEC) No 2935/84

of 18 October 1984

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾,

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

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1027/84⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

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

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

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

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

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

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be 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⁽⁷⁾, as last amended by Regulation (EEC) No 855/84⁽⁸⁾,
- 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 preceding indent and the aforesaid coefficient;

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 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 October 1984.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁸⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 18 October 1984 fixing the corrective amount applicable to the refund on cereals

(ECU / tonne)								
CCT heading No	Description	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
10.01 B I	Common wheat, and meslin : Other, for exports to :							
	— China	0	+ 4,00	+ 4,00	+ 4,00	+ 3,00	+ 3,00	+ 3,00
	— other third countries	0	— 2,00	— 2,00	— 2,00	— 3,00	—	—
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	0	0	0	—	—
10.04	Oats	0	0	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).

COMMISSION REGULATION (EEC) No 2936/84
of 18 October 1984
altering the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1556/84 ⁽²⁾,

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

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁷⁾, as last amended by Regulation (EEC) No 1474/84 ⁽⁸⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the export refunds on oil seeds were fixed by Regulation (EEC) No 2745/84 ⁽⁹⁾;

Whereas, for the period 3 to 9 October 1984, for certain currencies :

- for the current month, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 differs by more than one point from the percentage adopted for the previous fixing,
- for certain following months the difference referred to in Article 2 (2) of Regulation (EEC) No 1569/72 exceeds 0,5 % ; whereas this difference in the case of certain forward differential amounts differs by more than one point from the percentage adopted for the previous fixing ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2745/84 to the information at present known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 ⁽¹⁰⁾, fixed in the Annex to Regulation (EEC) No 2745/84, are altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 October 1984.

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

Done at Brussels, 18 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 5.

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

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁸⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁹⁾ OJ No L 260, 29. 9. 1984, p. 25.

⁽¹⁰⁾ OJ No L 75, 30. 3. 1971, p. 16.

ANNEX

to the Commission Regulation of 18 October 1984 altering the export refunds on colza
and rape seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month	5th month
1. Gross refunds (ECU)	8,500	9,020	9,540	10,060	10,580	11,100
2. Final refunds						
Seeds harvested and exported from :						
— Federal Republic of Germany (DM)	29,23	30,53	31,88	26,98	28,22	30,23
— Netherlands (Fl)	26,97	28,38	29,79	30,35	31,75	33,92
— BLEU (Bfrs/Lfrs)	394,50	418,63	442,77	465,35	489,48	501,95
— France (FF)	48,94	52,51	55,49	57,95	61,52	65,10
— Denmark (Dkr)	71,53	75,90	80,28	84,65	89,03	92,58
— Ireland (£ Irl)	6,376	6,766	7,150	7,468	7,858	8,045
— United Kingdom (£)	5,682	6,004	6,326	6,647	6,969	7,291
— Italy (Lit).	12 172	12 912	13 356	13 811	14 556	14 385
— Greece (Dr)	585,62	632,69	679,76	726,84	773,91	820,99

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 April 1984

**on aid which the Belgian Government has granted to an undertaking at Tournai
manufacturing equipment for the food industry**

(Only the Dutch and French texts are authentic)

(84/496/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 as required by the said pro-
vision, and having regard to those comments,

Whereas :

The Belgian Government decided to grant assistance
through a regional body to an undertaking at Tournai
manufacturing *inter alia* equipment for the food
industry. The assistance took the form of a partici-
pating interest of Bfrs 145 million in the capital of the
undertaking by a regional public holding company
and the granting of a 5 % interest-rate subsidy on a
loan of Bfrs 19 600 000.

After hearing of the decision to grant the aid, the
Commission took the matter up with the Belgian
Government in telexes sent on 22 July and 17
September 1982, in which it reminded the Govern-
ment of its obligations under Article 93 (3) of the EEC
Treaty to notify aid proposals in advance. The Govern-
ment replied to the Commission's request for informa-
tion on 25 November 1982.

The Commission decided to open the procedure
provided for in Article 93 (2) of the EEC Treaty and by
letter dated 7 January 1983 gave the Belgian Govern-
ment notice to submit its comments. The Commission
noted in the letter that the aid had already been
implemented in disregard of the Article 93 (3) proce-
dure.

In its reply by letter dated 23 March 1983 the Belgian
Government confirmed that the subscription of new
capital had been decided on 23 June 1982. It argued,
however, that the aid in the form of a 5 % interest-rate
subsidy on the Bfrs 19 600 000 which had been
decided on 6 May 1980, was too small to have an
effect on competition and trade between Member
States, and that in proposing to disallow the support of
the company's restructuring plans by the Société
Régionale d'Investissement de Wallonie (SRIW)
because it was a public financing corporation, the
Commission was discriminating against the SRIW by
comparison with private financial groups.

Two Member State Governments and two trade
associations in the industry sent submissions stating
that they shared the Commission's concern about aid
to the company.

The two aid measures by the Belgian Government are
liable to affect trade between Member States and to
distort or threaten to distort competition within the
meaning of Article 92 (1) of the EEC Treaty by
favouring the firm in question and production of
equipment for the food industry.

The 5 % interest-rate subsidy granted in May 1980 on a Bfrs 19 600 000 loan, although aid of only relatively low intensity, was liable to affect trade and distort competition notably because the decision to grant it was not taken in isolation but formed part of a package which included a Government guarantee on a loan of Bfrs 75 million.

Subscriptions of capital whether by central government or by public agencies under the Government's authority may constitute aid falling within Article 92 (1) of the EEC Treaty.

In the present case, the company's financial situation was a handicap which makes it very unlikely that it could have raised the finance it needed to survive on the private capital market.

Considering its history of repeated serious financial difficulties, the injection of Bfrs 145 million in the company by SRIW constituted aid within the meaning of Article 92 (1) and not a subscription of risk capital according to normal practice in the market sector.

Since 1977 the firm's operating profit has not been sufficient to cover the depreciation of its assets and its net losses have averaged about 5 % of turnover over the period, with 1978 the only year in which it made a net profit. Since 1979 the cash flow has also been negative, which means that in all probability the firm would be unable to finance the planned Bfrs 100 million investment programme without State aid. The Belgian Government came to the firm's rescue in April 1979 with a subscription of Bfrs 40 million of new capital and in May 1979 gave a Government guarantee on a bank loan of Bfrs 45 million and a 7 % interest-rate subsidy on a further loan of Bfrs 34 million. In May 1980 the Government intervened again to guarantee a Bfrs 75 million loan for working capital and in August of the same year subscribed a further Bfrs 150 million of new capital as part of a financial reconstruction of the firm to reduce its indebtedness.

Whenever financial aid granted by a Member State strengthens the position of an undertaking relative to other firms which compete with it in intra-Community trade, the latter must be considered to be affected by the aid.

The undertaking concerned exports about 40 % of its output to other Member States. The aid by the Belgian Government has, by reducing the firm's financial costs, given it an advantage over its competitors which have to bear those costs themselves.

Article 92 (1) of the EEC Treaty lays down the principle that aid having the features there described is incompatible with the common market. The exceptions from this principle defined in Article 92 (3) — the only ones potentially applicable to this case — specify objectives in the Community interest transcending the interests of the aid recipient. These excep-

tions must be construed narrowly when any regional or industry aid scheme or any individual award under a general aid scheme is scrutinized. In particular, they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aid, would not induce the prospective aid recipient to adopt a course of action contributing to attainment of one of the said objectives.

To apply the exceptions to cases not contributing to such an objective would be to give unfair advantages to certain Member States and allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest.

In applying these principles in its scrutiny of individual aid awards, the Commission must satisfy itself that the aid is justified by the contribution the recipient is making to attainment of one of the objectives set out in Article 92 (3), and is necessary to that end. Where this cannot be demonstrated it is clear that the aid does not contribute to attainment of the objectives specified in the exceptions but merely serves to bolster the financial position of the recipient firm.

The recipient in the present case cannot be said to be making such a contribution in return for the aid.

The Belgian Government has been unable to give, or the Commission to discover, any justification for a finding that the aid in question falls within one of the categories of exceptions in Article 92 (3).

With regard to the exceptions provided for by points (a) and (c) of Article 92 (3) for aids that promote or facilitate the development of certain areas, the Tournai area is not one where the standard of living is abnormally low or where there is serious underemployment within the meaning of point (a) and the award does not appear likely to facilitate the development of certain economic areas within the meaning of point (c).

As far as the exceptions in point (b) of Article 92 (3) are concerned, the investment project does not have the features of a project of common European interest or of a project likely to remedy a serious disturbance in the economy of a Member State whose promotion justifies application of this exception clause to the prohibition of aids contained in Article 92 (1). First, Belgium belongs to the 'central regions' of the Community, that is to say, those which by Community standards do not have the most serious social and economic problems, but in which there is the greatest danger of a competitive bidding up of aid between Member States and where any aid is most likely to affect trade between Member States. Secondly, there is no evidence from the information available on the economic and social situation in Belgium that its economy is suffering from a serious disturbance of the kind referred to in the Treaty, and the aid awards are not meant to deal with such a situation in any case.

Finally, as for the exception in point (c) of Article 92 (3) for aid to facilitate the development of certain economic activities, the industry supplying equipment to the food industry is unquestionably suffering at present from overcapacity and the outlook of the industry suggests that the common interest is not served by preserving production capacity by means of State aid. This conclusion remains valid even if the aid is linked to a financial or commercial reorganization of the company or a restructuring of its production facilities,

HAS ADOPTED THIS DECISION :

Article 1

The aid which the Belgian Government granted in May 1980 and June 1982 to an undertaking manufacturing equipment for the food industry as incompatible with the common market within the meaning of

Article 92 of the EEC Treaty and must consequently be abolished.

Article 2

The Belgian Government shall inform the Commission, within three months of the notification of this Decision, of the measures which it has taken to comply therewith.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 17 April 1984.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 27 June 1984

**on a proposal by the Netherlands Government to grant aid for an investment by
a flat-glass manufacturer at Tiel**

(Only the Dutch text is authentic)

(84/497/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 interested parties to submit their comments
and having regard to those comments,

Whereas :

I

Article 6 of the Netherlands Law of 29 June 1978
(Wet Investeringsrekening — WIR)⁽¹⁾ on the promo-
tion and guidance of investment introduced an 'addi-
tional premium for major projects' for investments
exceeding 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 projects'
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 for the derogations
under 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 to the Commission
either a plan for regional or sectoral application or
alternatively, where this is felt not to be possible, signi-
ficant 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 projects', 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
Articles 92 *et seq.* or rules developed during adminis-
tration of those provisions. The Netherlands Govern-
ment 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 notifica-
tion procedure in Articles 6 (7) and 7 (3) of Chapter V
of the Netherlands Law of 29 June 1978.

II

By telex of 24 August 1983 the Netherlands Govern-
ment, as required by the procedure, informed the
Commission of its intention to grant the 'additional
premium for major projects' for a proposed investment
by a Dutch company, belonging to a flat-glass manu-
facturing group, who was the only producer of basic
flat glass in the Netherlands until 1981. At present no
basic flat glass is produced in the Netherlands.

The proposed investment consists of the establishment
of a float for the production of flat glass. The cost of
the investment is estimated to be Fl 150 million and
the premium proposed would amount to Fl 6 million,
or 4 % of the sum of the investment. The investment
would create 140 jobs within five years and preserve
another 350 jobs in the firm's processing unit.

⁽¹⁾ Staatsblad 1978, No 368.

The project will have the effect of increasing overall production capacity. The new plant has a production capacity of 500 t/d, while the investor's Belgian branch, which would stop its production of basic flat glass, has a capacity of 100 t/d. Even when taking into account the capacity lost by the closure of the old glass factory at Tiel in 1981 (280 t/d), the new float will lead to an increase of capacity of 120 t/d. Almost the whole of the new float's products are expected to be used inside the Community, the major share of which inside the Netherlands. The recipient company is expected to cease buying glass for processing purposes from other firms.

III

After a first examination of the notification the Commission believed the aid proposal to be incompatible with the common market, on the ground that it would distort competition to an extent contrary to the Community interest, especially given the overcapacity problems the flat-glass sector is facing at the Community level. Consequently, the Commission decided to initiate the procedure provided for in the first subparagraph of Article 93 (2) of the EEC Treaty and informed the Netherlands Government accordingly by letter of 6 October 1983, requesting it to let the Commission have its remarks.

The Netherlands Government, in submitting its comments under the procedure by letter of 23 December 1983, stated that the recipient group would be the only European flat-glass producer to have decreased its production capacity by at least 20 % since 1974, even after completion of the new float at Tiel and that the new float would prevent imports from third countries.

The comments of the Governments of four other Member States and another flat-glass manufacturer submitted under the procedure supported the Commission's concern over the effect of the proposed aid on competition and on trade.

IV

The premium proposed by the Netherlands Government constitutes aid within the meaning of Article 92 (1) of the EEC Treaty, since it would allow the undertaking to carry out the investment without bearing all its costs. In view of the effect the proposed aid will have on capacity and on deliveries by manufacturers in other Member States it can be concluded that the aid is liable to distort competition and affect trade contrary to the common interest.

Article 92 (1) of the EEC Treaty provides that, in principle, any aid fulfilling the criteria which it sets out is

incompatible with the common market. The derogations from this incompatibility set out in Article 92 (3) of the EEC Treaty, which are the only ones that could apply to this case, specify objectives pursued in the Community interest and not in that of the individual recipient of the aid. These derogations must be strictly interpreted in the examination of any regional or sectoral aid scheme or of any individual case of application of general aid systems. In particular, they may be applied only where the Commission establishes that, in the absence of the aid, the free play of market forces would not of itself induce the recipient undertakings to act in such a manner as to contribute to the attainment of one of the objectives specified by those derogations.

To apply such derogations for aids which do not offer a compensating benefit of this kind would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any justification in terms of the interest of the Community, while at the same time granting undue advantages to certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the recipient undertaking a specific compensating justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the Treaty. Where this cannot be demonstrated, and especially where the proposed investment nevertheless takes place, it is clear that the aid does not contribute to the attainment of the objectives of the derogations 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 compensating justification on the part of the recipient of the aid.

The Netherlands Government has not been able to give, nor has the Commission found, any grounds to establish that the proposed aid meets the conditions justifying one of the derogations for which provision is made in Article 92 (3) of the EEC Treaty.

As regards the derogations of Article 92 (3) (a) and (c) of the EEC Treaty concerning aid to promote or to facilitate the development of certain areas, it cannot be considered that the standard of living in the Tiel area is 'abnormally low' or that it suffers from 'serious underemployment' within the meaning of subparagraph (a). As regards the derogation of subparagraph (c) the Netherlands Government has not included the Tiel area amongst those requiring special regional aid. The Netherlands Government itself emphasized that the 'additional premium for major projects' was not granted on account of regional considerations.

In respect of the derogations envisaged in Article 92 (3) (b) of the EEC Treaty, investment of this type is brought about in a general way by normal market forces. Moreover, 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 a serious disturbance in the economy of a Member State, the promotion of which merits a derogation under Article 92 (3) (b) of the EEC Treaty from the principle of the incompatibility of aids laid down by Article 92 (1). In stating its views on the WIR, the Commission recalled that the Netherlands is part of the Community's central regions. These regions are not suffering from the most serious economic and social problems in the Community but they are the regions where there is a real risk of an upward spiral of aids, and where any aid is likely, more than elsewhere, to affect trade between Member States. Furthermore, the information available on the socio-economic situation in that country does not point to the conclusion that it is suffering from a serious disturbance in its economy within the meaning of the Treaty. In individual cases of application the 'additional premium for major projects' is not granted for the purpose of dealing with such a situation. To take any other view would enable the Netherlands, in the present climate of slow growth and high unemployment throughout the Community, to divert to their advantage investment which might be made in other, less well-placed, Member States. Recent social and economic trends in the Community justify maintaining this approach as regards both the scheme itself and possible cases of application.

Finally, as regards the derogations provided for in Article 92 (3) (c) in favour of 'aid to facilitate the development of certain economic activities or of certain economic areas' examination of the flat-glass market indicates that the sector's undertakings are facing problems of stagnant demand and a low rate of capacity utilization, which have had a negative effect on the financial structure of the companies and have resulted in a reduction of employment and closure of production units. Any assistance to establish new capacity would be liable to aggravate existing capacity

problems and deteriorate the financial situation of firms in the industry, particularly in other Member States. In addition, the output of the new unit would partly replace imports from other Member States. It is therefore evident that the aid in question would affect trading conditions to an extent contrary to the common interest.

In view of the above, the aid proposed by the Netherlands Government does not meet the conditions necessary for it to benefit from any of the derogations set out in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Netherlands Government shall refrain from implementing its proposal, notified to the Commission by telex dated 24 August 1983, to grant the 'additional premium for major projects' in favour of an investment made at Tiel by a flat-glass manufacturer.

Article 2

The Netherlands Government shall inform the Commission within two months of the date of notification of this Decision of the measures which 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 18 July 1984

on an aid proposal by the Irish Government in favour of a producer of polyester yarn situated in Letterkenny

(Only the English text is authentic)

(84/498/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 as provided for in the said Article 93, and having regard to those comments,

Whereas :

I

By letter dated 22 December 1983, the Irish Government notified the Commission of its intention to grant aid to a company which has taken over the polyester yarn production plant situated in Letterkenny from its former owner. The aid would take the form of grant assistance amounting to £ Irl 2 900 000 and would be granted by the Industrial Development Authority (IDA).

By telex dated 12 January 1984, the Commission requested additional information from the Irish Government. This information was received on 19 and 30 January 1984.

Having examined the aid proposal, the Commission considered that the aid would affect trade between Member States to an extent contrary to the common interest and that it would, therefore, be incompatible with the common market, particularly in a situation where other EC producers of synthetic fibres by considerably reducing capacities undertake great efforts to adapt to the present market situation, which is marked by serious difficulties of overcapacities. The Commission also considered that the aid would not help to restructure the polyester plant in the sense of the Commission's synthetic fibre discipline of 1977 and prolonged in 1979, 1981 and 1983 as the assistance would neither lead at any decrease in capacities nor help to convert the production facility away from synthetic fibres. Consequently, the Commission initiated the procedure provided for in the first subparagraph of Article 93 (2) of the EEC Treaty and,

by letter of 8 March 1984, gave the Irish Government notice to submit its comments.

II

The Irish Government, in submitting its comments under the procedure provided for in Article 93 (2) of the EEC Treaty by letter of 6 April and telex of 27 June 1984, pointed out that the aid of £ Irl 2 900 000 would be provided for investment of £ Irl 5 million in order to upgrade product quality and plant control. No grant or other State assistance would be provided for the balance of the total investment of £ Irl 16 700 000, which covers also the acquisition cost of the Letterkenny plant.

The Irish Government argued that the proposed aid conforms with Article 92 (3) (a) of the EEC Treaty in promoting County Donegal and that it would not lead to an increase in production capacity and would, therefore, be in line with the synthetic fibre discipline.

The Irish Government, in addition, has informed the Commission that the company in question was unable to give any formal written commitment not to increase existing polyester yarn production capacity at its Letterkenny plant, even for a limited period of time.

The comments of two other Member States, one federation of firms in the sector and three individual companies, submitted to the Commission under the Article 93 (2) procedure, supported the Commission's view and highlighted the difficult situation of producers of polyester yarn because of overcapacity problems. They also underlined the need to fully respect the synthetic fibre discipline, particularly in a situation where market prospects are dim. It also was claimed that the aid in question gave an unfair advantage to the yarn producer concerned in competition with other Community manufacturers.

III

In polyester yarn there is a high volume of trade and a large degree of competition between Member States. Consequently, the Irish Government's proposed aid is likely to affect trade and distort competition between Member States by favouring the undertaking in question within the meaning of Article 92 (1) of the EEC Treaty.

Article 92 (1) of the EEC Treaty lays down the principle that aid having the features there described is incompatible with the common market. The exceptions from this principle set out in Article 92 (3) specify objectives in the Community interest transcending the interests of the aid recipient. These exceptions must be construed narrowly when any regional or industry aid scheme or any individual award under a general aid scheme is scrutinized. In particular, they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aid, would not induce the prospective aid recipient to adopt a course of action contributing to attainment of one of the said objectives.

To apply the exceptions to cases not contributing to such an objective would be to give unfair advantages to certain Member States and allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest.

In applying these principles in its scrutiny of individual aid awards, the Commission must satisfy itself that the aid is justified by the contribution the recipient is making to attainment of one of the objectives set out in Article 92 (3), and is necessary to that end. Where this cannot be demonstrated, and especially where the aided investment would take place in any case, it is clear that the aid does not contribute to attainment of the objectives specified in the exceptions but merely serves to bolster the financial position of the recipient firm.

The recipient in the present case cannot be said to be making such a contribution in return for the aid.

The Irish Government has been unable to give, or the Commission to discover, any justification for a finding that the planned aid falls within one of the categories of exceptions in Article 92 (3).

There is substantial overcapacity in polyester yarn in the EEC, the market for this product has constantly been reduced since 1978 and there are no signs that this trend will change. In 1983, like in the years before, capacity utilization is estimated to have been considerably below 70 %, which is insufficient for economically viable operation. As a result, there is heavy competition amongst polyester producers in the EC, most of which continue to lose money in polyester production as prices are very depressed. New capacity reductions required and agreed upon over the period up to the end of 1985 are considerable.

Polyester yarn belongs to the group of products which is subject to the industry agreements under which capacities are to be reduced and also is subject to the

synthetic fibre discipline introduced by the Commission in 1977 and prolonged in 1979, 1981 and 1983. Both the industry agreements and the Community system of control of aid to the synthetic fibre industry were introduced and extended because of large and uncontested overcapacities in the sector.

In its letter of 8 August 1983 by which it extended the system of control of aids for a further two-year period ending 19 July 1985, the Commission pointed out to Member States that it will express an unfavourable *a priori* opinion with regard to proposed aids, be they sectoral, regional or general, which have the effect of increasing the net production capacity by companies in this sector. It also reminded Member States that it will continue to give sympathetic consideration to proposals to grant aid for the purpose of speeding up or facilitating the process of conversion away from synthetic fibres into other activities or restructuring leading to reductions in capacity.

All aids to the synthetic fibre sector do not only have to meet the conditions of the synthetic fibre discipline but are also subject to the 1971 and 1977 guidelines of the Commission for aids to the textile industry, under which the granting of aids to investment must be linked to the achievement of restructuring objectives and must be associated with a substantial contribution from the beneficiary towards the cost of the subsidized operation.

The projected investment in the case in question, however, concerns modernization efforts in an out-of-date plant which cannot be characterized as restructuring and which should be carried out by using the proper means of the undertaking concerned without the use of State aid, especially since a very large percentage of the plant's output is exported to the other Member States.

Moreover, the contribution from the potential beneficiary towards the cost of the subsidized operation cannot be called substantial in view of an intensity of the proposed grant assistance of 58 % of total investment.

Furthermore, the Commission has always been opposed in principle to operating aids and has considered that particularly in textiles investment made by an enterprise for the purpose of keeping it in business or maintaining its level of business without affecting any basic change does not qualify for assistance.

Under the projected investment the capacity of the Letterkenny plant remains unchanged at 14 000 tonnes per year, but production output will gradually increase from currently 10 000 tonnes to full capacity, most certainly at the expense of reductions in capacity utilization in other EC firms.

As regards the derogation of Article 92 (3) (a) and (c) on aid to favour the development of certain areas, it should be remembered that the standard of living in the Letterkenny area is very low and that it suffers from serious underemployment within the meaning of the derogation of paragraph (a). However, the sectoral effects of regional aids need to be controlled even for the most underdeveloped areas, which is why the Commission must exercise its analysis of the economic and social situation in the framework of the Community interest. In the situation the industry concerned is presently in and likely to remain in the future, the investment which is proposed to be grant-aided is not likely to make the production plant financially and economically viable and would not secure the jobs currently provided. Therefore, the proposed aid would not promote the economic development of the Letterkenny area within the meaning of Article 92 (3) (a) and (c), as it would not bring to the area any lasting increase in income or reduction in unemployment, but would be likely to distort competition in intra-Community trade without making the necessary compensatory contribution to regional development.

As far as the exceptions in Article 92 (3) (b) are concerned, the proposed measure does not have the feature of a 'project of common European interest' or of a project likely 'to remedy a serious disturbance in the economy of a Member State', whose promotion justifies application of this exception clause. The promotion of one of the objectives of Article 92 (3) (b) is moreover a purpose for which the aid is not intended.

Finally, as regards the derogation of Article 92 (3) (c), in favour of 'aid to facilitate the development of certain economic activities', examination of the polyester manufacturing industry in the Community shows that the proposed aid, by artificially lowering the modernization costs of the undertaking in question would weaken the competitive position of other producers in the EC and would therefore have the effect of further reducing capacity utilization and depressing prices, to the detriment of, and possible withdrawal from the market of, producers which have hitherto survived owing to restructuring, productivity

and quality improvements undertaken from their own resources. Thus, the proposed aid cannot be considered as 'facilitating the development'. Moreover, it should be noted that the production of the undertaking which is supposed to be aided is mainly exported to other Member States in a situation where demand falls, so that it is therefore unlikely that trading conditions would remain unaffected by a measure contrary to the common interest, such as this aid.

In view of the above, the Irish aid proposal does not meet the conditions necessary to benefit from one of the derogations of Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The Irish Government shall refrain from implementing its proposal, communicated to the Commission by letter dated 22 December 1983 from its Permanent Representative to the EC, to grant an aid of £ Irl 2 900 000 in favour of investment to be undertaken by a producer of polyester yarn situated in Letterkenny.

Article 2

The Irish Government shall inform the Commission within two months of the date of notification of this Decision of the measures taken to comply therewith.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 18 July 1984.

For the Commission

Frans ANDRIESSEN

Member of the Commission

COMMISSION DECISION

of 11 July 1984

on the proposal by the Netherlands Government to grant aid for the building of
a petrol additive production plant in the Rotterdam Europoort area

(Only the Dutch text is authentic)

(84/499/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 as provided for in the said
Article 93, and having regard to those comments,

Whereas :

I

Article 6 of the Netherlands Law of 29 June 1978
(Wet Investeringsrekening — WIR)⁽¹⁾ on the promo-
tion and guidance of investment provides for an 'addi-
tional premium for major projects'. The premium is
intended for investment projects exceeding Fl 30
million in value and depending on the number of jobs
created, can amount to 4 % of the value of the invest-
ment concerned.

When it examined the abovementioned law in its draft
stage under the procedure provided for in Article 93
(3) of the Treaty, the Commission took the view that
the 'additional premium for major projects' constituted
a general aid scheme, since it did not comprise any
sectoral or regional objective. Since the system was
applicable to all investment projects without any
distinction as between firms, regions or sectors, it was
not eligible for the exceptions provided for in Article
92 (3) (a) or (c) of the Treaty. In the absence of such
specific features, the Commission was unable to assess
the effects of the scheme on intra-Community trade
and on competition or, consequently, its compatibility
with the common market.

The Commission usually authorizes this type of
general aid scheme if the Member State concerned can
inform it either of a regional or sectoral implementa-
tion plan or, if that is not possible, of significant indi-
vidual cases.

In accordance with this position, the Commission
requested that all individual cases in which the 'addi-
tional premium for major projects' was granted, taking
account of the level of the investment concerned,
should be notified to it in advance and in sufficient
time, in accordance with Article 93 (3) of the Treaty.

In the course of talks with the Netherlands authorities,
the Commission indicated that it would assess each
such case on its merits and in the light of the
principles laid down in Articles 92 *et seq.* or developed
in administering those provisions. The Netherlands
Government was not entitled to assume that the
Commission was generally sympathetic to the 'addi-
tional premium' system simply because it had asked
for such systematic prior notification.

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

II

By telex dated 25 August 1983, the Netherlands
Government, acting in accordance with the prior noti-
fication procedure, informed the Commission of its
intention to grant the 'additional premium for major
projects' to an investment project to be carried out by
a firm in the Rotterdam-Europoort area.

The proposed aid is intended to allow the recipient
firm to build a plant for the purification of tertiary
butyl alcohol (TBA), which would be used as an addi-
tive to motor vehicle fuel (gasoline-grade TBA
(GTBA)), and to secure improved raw material trans-
port.

The new GTBA production unit thus set up will have
a capacity of 400 000 tonnes a year. A total of 41 % of
output will be for the Dutch market and 56 % will be
for export to other Community countries. The firm's
production capacity in its other sectors of activity
(propylene oxide and isobutanol), more than 90 % of
which is for the Dutch market, will be maintained
unchanged.

(¹) Staatsblad 1978, No 368.

Measures have already been adopted, or are in the process of being adopted, in the Community to reduce the lead content of petrol used in motor vehicles. These measures mean that non-metallic anti-knock agents must be produced in order to maintain the quality of petrol. TBA is one such agent. According to the Netherlands authorities, the market for lead substitutes could in the years ahead amount to five million tonnes a year, which is substantially in excess of the current capacity of European producers.

The firm also plans to build a gas pipeline to pipe in its supplies of LPG.

The total amount of investment is thus expected to be Fl 180 million, of which some Fl 10 million will be for the gas pipeline.

The 'additional premium for major projects' which it is proposed to grant in this instance is Fl 1 350 000 equivalent to 0,75 % of the total investment. No other aid will be granted to the project.

The investment will create an additional 55 skilled jobs.

III

After an initial examination, the Commission took the view that the proposed aid appeared liable to lead to distortions of competition contrary to the common interest, since other firms in the sector also had plans to enter the growing market for non-polluting petrol additives. Consequently, in accordance with Article 93 (2) of the Treaty, it gave formal notice to the Netherlands Government to submit its comments. In the comments which it submitted, the Netherlands Government emphasized the ecological value of building the gas pipeline to pipe in supplies to plants in the Rotterdam-Europoort area.

When interested parties were consulted, the governments of three Member States pointed out that competition might be distorted if aid were granted to a project which, in view of the state of the market, appeared bound to be profitable, since other European firms were preparing to make comparable investments without the benefit of aid. These governments therefore opposed the granting of the aid proposed by the Netherlands Government.

IV

The Netherlands Government's aid plan is liable to affect trade between Member States and to distort or

threaten to distort competition within the meaning of Article 92 (1) of the Treaty by favouring the firm in question or its output.

Article 92 (1) of the Treaty lays down the principle that aid having the features there described is incompatible with the common market. The exceptions to this principle set out in Article 92 (3) specify objectives in the Community interest transcending the interests of the aid recipient. These exceptions must be construed narrowly when any regional or sectoral aid scheme or any individual award under a general aid scheme is scrutinized. In particular they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aid, would not induce the prospective aid recipient to adopt a course of action contributing to the attainment of one of the said objectives.

To apply the exceptions to cases not contributing to such an objective would be to give unfair advantages to certain Member States and allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest.

In applying these principles in its scrutiny of individual aid awards under general aid schemes, the Commission must satisfy itself that the aid is justified by the contribution that the recipient is making to the attainment of one of the objectives set out in Article 92 (3), and is necessary to that end. Where this cannot be demonstrated, and especially where the proposed investment would take place in any case, it is clear that the aid does not contribute to the attainment of the objectives specified in the exceptions, but merely serves to increase the financial strength of the recipient firm.

The recipient in the present case cannot be said to be making such a contribution in return for the aid.

The Netherlands Government has been unable to give, or the Commission to discover, any justification for a finding that the planned aid falls within one of the categories of exceptions in Article 92 (3) of the EEC Treaty.

With regard to the exceptions provided for by Article 92 (3) (a) and (c) for aids which promote or facilitate the development of certain areas, the Rotterdam area is not one where the standard of living is abnormally low or where there is serious underemployment within the meaning of Article 92 (3) (a). With regard to the exception provided for in Article 92 (3) (c), the Rotterdam area is not an area eligible for regional aid.

As far as the exceptions in Article 92 (3) (b) are concerned, investments of this type will at all events be prompted by market forces, since the imbalance between the growing demand for products such as GTBA and the limited capacity as yet installed in Western Europe ensure that this type of investment will generate a sufficient rate of return, making the granting of aid unnecessary. In addition, the investment in question does not have any features which make it a 'project of common European interest' or one likely to remedy 'a serious disturbance in the economy of a Member State', the promotion of which justifies application of an exception under Article 92 (3) (b) to the rules on the incompatibility of aid laid down in Article 92 (1). In particular, as far as the building of the Vlissingen-Rotterdam gas pipeline is concerned, the information provided by the Netherlands Government does not show to what extent the raw materials thus transported will supply the new TBA unit rather than the firm's other operations. Neither the information provided nor, to the best of the Commission's knowledge, the experience of other producers within the Community indicate that transport by gas pipeline would confer any decisive advantage in terms of safety. In any case, the building of the gas pipeline, the cost of which presents only 5,5 % of the total cost of the investment planned, is intended primarily to provide the firm with cheaper supplies and is therefore a profitable investment.

With regard to the exceptions provided for in Article 92 (3) (c) for 'aid to facilitate the development of certain economic activities...', where such aid does not adversely affect trading conditions to an extent contrary to the common interest', examination of the sector concerned shows, as indicated above, a sufficient rate of return to ensure the development of the activities without aid. Several Community firms are considering comparable investments.

Consequently, granting aid to one of them would adversely affect trading conditions to an extent contrary to the common interest, especially since the bulk of its output is to be exported to other Member States and since the Dutch industry already enjoys a particularly strong position in the sector.

Lastly, with regard to the exceptions provided for in Article 92 (3) (c) for 'aid to facilitate the develop-

ment... of certain economic areas where such aid does not adversely affect trading conditions to an extent contrary to the common interest', the Commission stated, in its position on the WIR, that the Netherlands formed part of the Community's central regions, i.e. those which, in a Community context, are not faced with the most serious social and economic problems, while at the same time constituting regions in which the risk of escalation in aid is most real and in which, more than elsewhere, any aid would be liable to affect trade between Member States. Furthermore, the socio-economic information available on the Netherlands does not reveal any factors indicating that there is a serious disturbance in its economy such as is referred to in the Treaty. The 'additional premium for major projects' as granted in specific cases is not intended to deal with any such situation. To take any other position would be to allow the Netherlands, in the context of slower growth and high unemployment throughout the Community, to attract away for its own benefit investment which might be carried out in other Member States experiencing a less favourable situation. Recent social and economic developments in the Community justify the maintenance of this attitude both with regard to the premium itself and with regard to any specific instances in which it might be granted.

Consequently, the proposed aid does not fulfil the conditions necessary to qualify for one of the exceptions provided for in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The Netherlands may not implement its proposal, notified to the Commission by telex of 25 August 1983 from the Netherlands Minister for Foreign Affairs, to grant the 'additional premium for major projects' to the investment planned in the Rotterdam-Europoort area by a Dutch chemical firm.

Article 2

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

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 11 July 1984.

For the Commission

Frans ANDRIESSEN

Member of the Commission

COMMUNITY LAW

Offprint from the Seventeenth General Report on the Activities of the European Communities (1983)

This publication is an extract from the Seventeenth General Report on the Activities of the European Communities (1983).

The text has in no way been modified: references to 'this Report' should therefore be construed as references to the Seventeenth General Report. Nor has the text been brought up to date since that Report was published.

Contents:

Section 1: general matters;

Section 2: interpretation and application of the substantive rules of Community law;

Section 3: information on the development of Community law.

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EUROPA TRANSPORT
OBSERVATION OF TRANSPORT MARKETS

ANNUAL REPORT — 1982

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