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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2996/84 of 26 October 1984 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2997/84 of 26 October 1984 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 2998/84 of 25 October 1984 fixing the export refunds on rice and broken rice	5
Commission Regulation (EEC) No 2999/84 of 25 October 1984 fixing the corrective amount applicable to the refund on rice and broken rice	7
Commission Regulation (EEC) No 3000/84 of 25 October 1984 fixing the import levies on live cattle and on beef and veal other than frozen	9
Commission Regulation (EEC) No 3001/84 of 25 October 1984 fixing the import levies on frozen beef and veal	11
Commission Regulation (EEC) No 3002/84 of 26 October 1984 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat	13
Commission Regulation (EEC) No 3003/84 of 26 October 1984 fixing the import levies on frozen sheepmeat and goatmeat	15
Commission Regulation (EEC) No 3004/84 of 26 October 1984 fixing the import levies on products processed from cereals and rice	17
Commission Regulation (EEC) No 3005/84 of 26 October 1984 fixing the import levies on compound feedingstuffs	21
Commission Regulation (EEC) No 3006/84 of 25 October 1984 altering the monetary compensatory amounts	23

(Continued overleaf)

Contents (continued)

★ Commission Regulation (EEC) No 3007/84 of 26 October 1984 laying down detailed rules for the application of the premium for producers of sheepmeat	28
★ Commission Regulation (EEC) No 3008/84 of 26 October 1984 amending for the fifth time Regulation (EEC) No 2657/80 on the determination of prices of fresh or chilled sheep carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community	31
★ Commission Regulation (EEC) No 3009/84 of 26 October 1984 amending Regulation (EEC) No 2742/82 on protective measures applicable to imports of dried grapes	32
★ Commission Regulation (EEC) No 3010/84 of 26 October 1984 amending for the third time Regulation (EEC) No 1371/84 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector	34
Commission Regulation (EEC) No 3011/84 of 26 October 1984 on the issue of import licences on 30 October 1984 for sheepmeat and goatmeat products originating in certain non-member countries	36
Commission Regulation (EEC) No 3012/84 of 26 October 1984 correcting Regulation (EEC) No 2990/84 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	37
Commission Regulation (EEC) No 3013/84 of 26 October 1984 fixing the import levies on white sugar and raw sugar	38

II *Acts whose publication is not obligatory*

Commission

84/507/EEC:

★ Commission Decision of 27 June 1984 concerning aid which Luxembourg proposes to grant in respect of investment carried out by a flat-glass manufacturer at Bascharage	39
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Contents (continued)

84/508/EEC :

- ★ **Commission Decision of 27 June 1984 on the aid granted by the Belgian Government to a producer of polypropylene fibre and yarn 42**

84/509/EEC :

- ★ **Commission Decision of 23 July 1984 concerning assistance by the United Kingdom Government to a manufacturer of polyester yarn 45**

84/510/EEC :

- ★ **Commission Decision of 17 October 1984 granting financial assistance within the framework of the special energy development programme . . 48**

84/511/EEC :

- ★ **Commission Decision of 17 October 1984 granting financial assistance within the framework of the special energy development programme . . 50**

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 2996/84
of 26 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 organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular
Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary
Committee,

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

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

— in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)
No 974/71⁽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 these exchange rates being those recorded on
25 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 27 October
1984.

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

Done at Brussels, 26 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. 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 26 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	57,40
10.01 B II	Durum wheat	109,31 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	73,01 ⁽⁶⁾
10.03	Barley	69,23
10.04	Oats	52,96
10.05 B	Maize, other than hybrid maize for sowing	60,12 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	87,29 ⁽⁴⁾
10.07 D I	Triticale	(⁽⁷⁾)
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	93,92
11.01 B	Rye flour	115,78
11.02 A I a)	Durum wheat groats and meal	182,68
11.02 A I b)	Common wheat groats and meal	100,81

(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 2997/84**of 26 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 organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular
Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary
Committee,

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

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

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

provided for in Article 2b (2) of Regulation (EEC)
No 974/71⁽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 these exchange rates being those recorded on
25 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 27 October
1984.

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

Done at Brussels, 26 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. 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 26 October 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 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	2,61	2,61	1,05
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 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 2998/84**of 25 October 1984****fixing the export refunds on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by Regulation
(EEC) No 1025/84 ⁽²⁾, and in particular the first
sentence of the fourth subparagraph of Article 17 (2)
thereof,

Having regard to the opinion of the Monetary
Committee,

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

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

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

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

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

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

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁵⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁶⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded for a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 November
1984.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ 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, 25 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 25 October 1984 fixing the export refunds on rice and broken rice

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

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

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

COMMISSION REGULATION (EEC) No 2999/84

of 25 October 1984

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by Regulation
(EEC) No 1025/84 ⁽²⁾, and in particular the second
subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary
Committee,

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

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

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

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

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

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽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 it follows from applying the provisions set
out above that the corrective amount must be as set
out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of
Regulation (EEC) No 1418/76 which is applicable to
the export refunds fixed in advance in respect of rice
and broken rice shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 1 November
1984.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽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, 25 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 25 October 1984 fixing the corrective amount applicable to the refund on rice and broken rice

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

COMMISSION REGULATION (EEC) No 3000/84**of 25 October 1984****fixing the import levies on live cattle and on beef and veal other than frozen**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68
of 27 June 1968 on the common organization of the
market in beef and veal ⁽¹⁾, as last amended by the Act
of Accession of Greece ⁽²⁾, and in particular Article 12
(8) thereof,

Whereas the import levies on live cattle and on beef
and veal other than frozen were fixed by Regulation
(EEC) No 2140/84 ⁽³⁾, as last amended by Regulation
(EEC) No 2699/84 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2140/84 to the

quotations and other 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 on live cattle and on beef and veal
other than frozen shall be as specified in the Annex
hereto.

Article 2

This Regulation shall enter into force on 5 November
1984.

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

Done at Brussels, 25 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 196, 26. 7. 1984, p. 29.

⁽⁴⁾ OJ No L 256, 26. 9. 1984, p. 9.

ANNEX

to the Commission Regulation of 25 October 1984 fixing the import levies on live cattle and on beef and veal other than frozen⁽¹⁾ for the period beginning 5 November 1984

(ECU/100 kg)

CCT heading No	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
01.02 A II (a)	— Live weight —		
	53,790	22,734	122,641
	— Net weight —		
02.01 A II a) 1	102,201	43,195	233,018
02.01 A II a) 2	81,761	34,556	186,415
02.01 A II a) 3	122,641	51,834	279,621
02.01 A II a) 4 aa)	—	64,792	349,527
02.01 A II a) 4 bb)	—	74,113	399,811
02.06 C I a) 1	—	64,792	349,527
02.06 C I a) 2	—	74,113	399,811
16.02 B III b) 1 aa)	—	74,113	399,811

⁽¹⁾ In accordance with Regulation (EEC) No 435/80, 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.

⁽²⁾ This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1725/80 (OJ No L 170, 3. 7. 1980, p. 4).

(a) The levy which is to be applied to young male bovine animals, intended for fattening, of a live weight of 300 kg or less, imported under the conditions set out in Article 13 of Council Regulation (EEC) No 805/68 of 27 June 1968, and in the provisions adopted for its application, is totally or partially suspended in accordance with those provisions.

COMMISSION REGULATION (EEC) No 3001/84**of 25 October 1984****fixing the import levies on frozen beef and veal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68
of 27 June 1968 on the common organization of the
market in beef and veal ⁽¹⁾, as last amended by the Act
of Accession of Greece ⁽²⁾, and in particular Article 12
(8) thereof,

Whereas the import levies on frozen beef and veal
were fixed by Regulation (EEC) No 2141/84 ⁽³⁾, as last
amended by Regulation (EEC) No 2700/84 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2141/84 to the

quotations and other information known to the
Commission that the levies should be altered to the
amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as
set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 November
1984.

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

Done at Brussels, 25 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 196, 26. 7. 1984, p. 33.

⁽⁴⁾ OJ No L 256, 26. 9. 1984, p. 11.

ANNEX

to the Commission Regulation of 25 October 1984 fixing the import levies on frozen beef and veal ⁽¹⁾ for the period beginning 5 November 1984

(ECU/100 kg)	
CCT heading No	Levy
	— Net weight —
02.01 A II b) 1	174,003
02.01 A II b) 2	139,202 (a)
02.01 A II b) 3	217,504
02.01 A II b) 4 aa)	261,004
02.01 A II b) 4 bb) 11	217,504 (a)
02.01 A II b) 4 bb) 22 (b)	217,504 (a)
02.01 A II b) 4 bb) 33	299,284 (a)

(¹) In accordance with Regulation (EEC) No 435/80, 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.

(a) Where products are imported under the conditions set out in Article 14 of Council Regulation (EEC) No 805/68 of 27 June 1968 and in provisions adopted for its application, the levy is totally or partially suspended in accordance with those provisions.

(b) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

COMMISSION REGULATION (EEC) No 3002/84**of 26 October 1984****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 871/84⁽²⁾, and in
particular the first paragraph of Article 11 thereof,

Whereas the import levies on live sheep and goats and
on sheepmeat and goatmeat other than frozen meat
were fixed by Regulation (EEC) No 1784/84⁽³⁾, as last
amended by Regulation (EEC) No 2701/84⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1784/84 to the

quotations and other 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 on live sheep and goats and on
sheepmeat and goatmeat other than frozen meat shall
be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 November
1984.

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

Done at Brussels, 26 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 167, 27. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 256, 26. 9. 1984, p. 13.

ANNEX

to the Commission Regulation of 26 October 1984 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CCT heading No	Week No 32 from 5 to 11 November 1984	Week No 33 from 12 to 18 November 1984	Week No 34 from 19 to 25 November 1984	Week No 35 from 26 November to 2 December 1984
01.04 B	48,645 ⁽¹⁾	50,760 ⁽¹⁾	53,110 ⁽¹⁾	55,460 ⁽¹⁾
02.01 A IV a) 1	103,500 ⁽²⁾	108,000 ⁽²⁾	113,000 ⁽²⁾	118,000 ⁽²⁾
2	72,450 ⁽²⁾	75,600 ⁽²⁾	79,100 ⁽²⁾	82,600 ⁽²⁾
3	113,850 ⁽²⁾	118,800 ⁽²⁾	124,300 ⁽²⁾	129,800 ⁽²⁾
4	134,550 ⁽²⁾	140,400 ⁽²⁾	146,900 ⁽²⁾	153,400 ⁽²⁾
5 aa)	134,550 ⁽²⁾	140,400 ⁽²⁾	146,900 ⁽²⁾	153,400 ⁽²⁾
bb)	188,370 ⁽²⁾	196,560 ⁽²⁾	205,660 ⁽²⁾	214,760 ⁽²⁾
02.06 C II a) 1	134,550	140,400	146,900	153,400
2	188,370	196,560	205,660	214,760

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3019/81 and (EEC) No 876/84 and Commission Regulation (EEC) No 19/82.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 3019/81, (EEC) No 1985/82 and (EEC) No 876/84 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 3003/84**of 26 October 1984****fixing the import levies on frozen sheepmeat and goatmeat**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 871/84⁽²⁾, and in
particular the first paragraph of Article 11 thereof,

Whereas the import levies on frozen sheepmeat and
goatmeat were fixed by Regulation (EEC) No
1785/84⁽³⁾, as last amended by Regulation (EEC) No
2702/84⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1785/84 to the

quotations and other information known to the
Commission that the levies should be altered to the
amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat
shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 November
1984.

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

Done at Brussels, 26 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 167, 27. 6. 1984, p. 30.

⁽⁴⁾ OJ No L 256, 26. 9. 1984, p. 15.

ANNEX

to the Commission Regulation of 26 October 1984 fixing the import levies on frozen sheep-
meat and goatmeat

(ECU/100 kg)

CCT heading No	Week No 32 from 5 to 11 November 1984 ⁽¹⁾	Week No 33 from 12 to 18 November 1984 ⁽¹⁾	Week No 34 from 19 to 25 November 1984 ⁽¹⁾	Week No 35 from 26 November to 2 December 1984 ⁽¹⁾
02.01 A IV b) 1	77,625	81,000	84,750	88,500
2	54,338	56,700	59,325	61,950
3	85,388	89,100	93,225	97,350
4	100,913	105,300	110,175	115,050
5 aa)	100,913	105,300	110,175	115,050
bb)	141,278	147,420	154,245	161,070

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 3019/81, (EEC) No 1985/82 and (EEC) No 876/84 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 3004/84

of 26 October 1984

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice⁽³⁾, as last amended by Regulation
(EEC) No 1025/84⁽⁴⁾, and in particular Article 12 (4)
thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the rules to be applied in calculating the vari-
able component of the import levy on products
processed from cereals and rice are laid down in
Article 14 (1) (A) of Regulation (EEC) No 2727/75 and
Article 12 (1) (a) of Regulation (EEC) No 1418/76;
whereas Article 2 of Council Regulation (EEC) No
2744/75 of 29 October 1975 on the import and export
system for products processed from cereals and rice⁽⁵⁾,
as last amended by Regulation (EEC) No 1027/84⁽⁶⁾,
provides that the incidence on the prime costs of these
products of the levies applicable to their basic
products should be calculated on the basis of the
average of the levies applicable to these basic products
for the first 25 days of the month preceding that of
importation; whereas this average, adjusted on the
basis of the threshold price valid for the basic products
in question during the month of importation is calcu-
lated on the basis of the quantities of basic products
considered to have been used in the manufacture of
the processed product or the competing product
which serves as a reference for processed products not
containing cereals;

Whereas Commission Regulation (EEC) No 1579/74
of 24 June 1974 on the procedure for calculating the
import levy on products processed from cereals and

from rice and for the advance fixing of this levy for
these products and for compound feedingstuffs manu-
factured from cereals⁽⁷⁾, as last amended by Regulation
(EEC) No 1740/78⁽⁸⁾, provides that the levy thus
determined, increased by the fixed component is valid
in general for one month but is altered where the levy
applicable to the basic product concerned differs by
not less than 3,02 ECU per tonne from the average of
the levies calculated as described above;

Whereas in accordance with Article 5 of Regulation
(EEC) No 2744/75 and Article 2 of Regulation (EEC)
No 1579/74, the levy on certain processed products
must be reduced by an amount equal to the produc-
tion refund granted in respect of basic products for
processing; whereas Regulation (EEC) No 1921/75⁽⁹⁾,
as amended by Regulation (EEC) No 2415/75⁽¹⁰⁾, laid
down certain transitional measures in respect of
starches;

Whereas the fixed component of the levy is specified
in Regulation (EEC) No 2744/75; whereas, in accord-
ance with Regulation (EEC) No 2742/75⁽¹¹⁾, as last
amended by Regulation (EEC) No 1026/84⁽¹²⁾, the
variable component of the levy on certain processed
products must be reduced by the incidence of the
production refund granted in respect of basic products
intended for processing;

Whereas, in order that account may be taken of the
interests of the African, Caribbean and Pacific States
and of the overseas countries and territories, the levy
relating to them in respect of certain products
processed from cereals must be reduced by the amount
of the fixed component and, in respect of some of
these products, by part of the variable component;
whereas this reduction must be made in accordance
with Article 12 of Council Regulation (EEC) No
706/76 of 30 March 1976 on the arrangements
applicable to agricultural products and certain goods
resulting from the processing of agricultural products
originating in the African, Caribbean and Pacific States
or in the overseas countries and territories⁽¹³⁾, as last
amended by Regulation (EEC) No 279/80⁽¹⁴⁾;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 195, 26. 7. 1975, p. 25.

⁽¹⁰⁾ OJ No L 247, 23. 9. 1975, p. 22.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹²⁾ OJ No L 107, 19. 4. 1984, p. 14.

⁽¹³⁾ OJ No L 85, 31. 3. 1976, p. 2.

⁽¹⁴⁾ OJ No L 31, 8. 2. 1980, p. 1.

Whereas, in respect of products falling within subheading 07.06 A of the Common Customs Tariff, Council Regulation (EEC) No 604/83 of 14 March 1983 on the import system applicable in 1983 to 1986 to products falling within subheading 07.06 A of the Common Customs Tariff and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽¹⁾ lays down the terms on which the import levy may be charged at 6 % *ad valorem* and provides for the Common Customs Tariff to be amended accordingly ;

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⁽²⁾, as last amended by Regulation (EEC) No 855/84⁽³⁾,
- 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and 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 1 November 1984.

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

Done at Brussels, 26 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 72, 18. 3. 1983, p. 3.

⁽²⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 26 October 1984 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)

CCT heading No	Imports	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	67,75 ⁽¹⁾	65,94 ⁽¹⁾ ⁽²⁾
07.06 A II	70,77 ⁽¹⁾	65,94 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	127,99	121,95
11.01 D ⁽²⁾	91,59	85,55
11.01 E I ⁽²⁾	113,93	107,89
11.01 E II ⁽²⁾	64,16	61,14
11.01 F ⁽²⁾	41,25	38,23
11.01 G ⁽²⁾	93,50	90,48
11.02 A II ⁽²⁾	136,58	130,54
11.02 A III ⁽²⁾	127,99	121,95
11.02 A IV ⁽²⁾	91,59	85,55
11.02 A V a) 1 ⁽²⁾	78,99	72,95
11.02 A V a) 2 ⁽²⁾	113,93	107,89
11.02 A V b) ⁽²⁾	64,16	61,14
11.02 A VI ⁽²⁾	41,25	38,23
11.02 A VII ⁽²⁾	93,50	90,48
11.02 B I a) 1 ⁽²⁾	111,42	108,40
11.02 B I a) 2 aa)	51,50	48,48
11.02 B I a) 2 bb) ⁽²⁾	88,57	85,55
11.02 B I b) 1 ⁽²⁾	111,42	108,40
11.02 B I b) 2 ⁽²⁾	88,57	85,55
11.02 B II a) ⁽²⁾	92,09	89,07
11.02 B II b) ⁽²⁾	99,47	96,45
11.02 B II c) ⁽²⁾	98,92	95,90
11.02 B II d) ⁽²⁾	144,96	141,94
11.02 C I ⁽²⁾	110,17	107,15
11.02 C II ⁽²⁾	119,05	116,03
11.02 C III ⁽²⁾	175,42	169,38
11.02 C IV ⁽²⁾	79,07	76,05
11.02 C V ⁽²⁾	98,92	95,90
11.02 C VI ⁽²⁾	144,96	141,94
11.02 D I ⁽²⁾	71,33	68,31
11.02 D II ⁽²⁾	76,99	73,97
11.02 D III ⁽²⁾	72,13	69,11
11.02 D IV ⁽²⁾	51,50	48,48
11.02 D V ⁽²⁾	64,16	61,14
11.02 D VI ⁽²⁾	93,50	90,48
11.02 E I a) 1 ⁽²⁾	72,13	69,11
11.02 E I a) 2 ⁽²⁾	51,50	48,48
11.02 E I b) 1 ⁽²⁾	141,54	135,50
11.02 E I b) 2 ⁽²⁾	101,10	95,06
11.02 E II a) ⁽²⁾	126,59	120,55
11.02 E II b) ⁽²⁾	136,58	130,54
11.02 E II c) ⁽²⁾	113,93	107,89
11.02 E II d) 1 ⁽²⁾	70,97	64,93
11.02 E II d) 2 ⁽²⁾	165,72	159,68
11.02 F I ⁽²⁾	126,59	120,55
11.02 F II ⁽²⁾	136,58	130,54
11.02 F III ⁽²⁾	127,99	121,95
11.02 F IV ⁽²⁾	91,59	85,55

(ECU/tonne)

CCT heading No	Imports	
	Third countries (other than ACP or OCT)	ACP or OCT
11.02 F V ⁽²⁾	113,93	107,89
11.02 F VI ⁽²⁾	41,25	38,23
11.02 F VII ⁽²⁾	93,50	90,48
11.02 G I	56,27	50,23
11.02 G II	51,00	44,96
11.04 C I	70,77	64,12 ⁽³⁾
11.04 C II a)	85,80	61,62 ⁽³⁾
11.04 C II b)	117,05	92,87 ⁽³⁾
11.07 A I a)	130,09	119,21
11.07 A I b)	99,95	89,07
11.07 A II a)	131,48 ⁽⁴⁾	120,60
11.07 A II b)	100,99	90,11
11.07 B	115,89 ⁽⁴⁾	105,01
11.08 A I	85,80	65,25
11.08 A II	49,31	18,48
11.08 A III	106,75	86,20
11.08 A IV	85,80	65,25
11.08 A V	85,80	32,62 ⁽⁵⁾
11.09	338,06	156,72
17.02 B II a) ⁽³⁾	181,83	85,11
17.02 B II b) ⁽³⁾	131,74	65,25
17.02 F II a)	185,89	89,17
17.02 F II b)	128,50	62,01
21.07 F II	131,74	65,25
23.02 A I a)	33,25	27,25
23.02 A I b)	64,40	58,40
23.02 A II a)	33,25	27,25
23.02 A II b)	64,40	58,40
23.03 A I	262,40	81,06

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

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

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

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

⁽³⁾ Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

⁽⁵⁾ In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading 11.08 A V.

COMMISSION REGULATION (EEC) No 3005/84
of 26 October 1984
fixing the import levies on compound feedingstuffs

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 organiz-
ation of the market in cereals⁽¹⁾), as last amended by
Regulation (EEC) No 1018/84⁽²⁾), and in particular
Article 14 (4) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the rules to be applied in calculating the vari-
able component of the import levy on compound
feedingstuffs are laid down in Article 14 (1) (A) of
Regulation (EEC) No 2727/75; whereas Article 4 of
Council Regulation (EEC) No 2743/75 of 29 October
1975 on the system to be applied to cereal-based
compound feedingstuffs⁽³⁾), as amended by Regulation
(EEC) No 2560/77⁽⁴⁾), provides that the incidence on
the prime costs of these feedingstuffs of the levies
applicable to their basic products should be calculated
on the basis of the average of the levies applicable
during the first 25 days of the month preceding that
month of importation to the quantities of basic
products considered to have been used in the manu-
facture of such compound feedingstuffs, this average
being adjusted on the basis of the threshold price for
the basic products in question ruling during the
month of importation;

Whereas the levy thus determined, increased by the
fixed component, is valid for one month; whereas the
amount of the fixed component of the levy is laid
down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the
interests of the African, Caribbean and Pacific States
and of the overseas countries and territories, the levy
relating to them in respect of certain products
processed from cereals must be reduced by the amount
of the fixed component and, in respect of some of
these products, by part of the variable component;

whereas this reduction must be made in accordance
with Article 12 of Council Regulation (EEC) No
706/76 of 30 March 1976 on the arrangements
applicable to agricultural products and certain goods
resulting from the processing of agricultural products
originating in the African, Caribbean and Pacific States
or in the 'overseas countries and territories'⁽⁵⁾; as last
amended by Regulation (EEC) No 279/80⁽⁶⁾;

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 Council Regula-
tion (EEC) No 974/71⁽⁷⁾), as last amended by Regu-
lation (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 previous indent, and the aforesaid coeffi-
cient;

Whereas, in accordance with Article 18 (1) of Regula-
tion (EEC) No 2727/75, the nomenclature provided for
in this Regulation is incorporated in the Common
Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound
feedingstuffs covered by Regulation (EEC) No 2727/75
and subject to Regulation (EEC) No 2743/75 shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November
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. 60.
⁽⁴⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁵⁾ OJ No L 85, 31. 3. 1976, p. 2.
⁽⁶⁾ OJ No L 31, 8. 2. 1980, p. 1.
⁽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, 26 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 26 October 1984 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CCT heading No	Nomenclature in simplified wording	Levies	
		Third countries (other than ACP and OCT)	ACP and OCT
	Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 968/68, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II, or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04, and subheadings 17.02 A and 21.07 F I) containing starch, glucose or glucose syrup :		
	Containing no starch or containing 10 % or less by weight of starch :		
23.07 B I a) 1	— Containing no milk products or containing less than 10 % by weight of such products	20,47	9,59
23.07 B I a) 2	— Containing 10 % or more but less than 50 % by weight of milk products	555,50	544,62
	Containing more than 10 % but not more than 30 % by weight of starch :		
23.07 B I b) 1	— Containing no milk products or containing less than 10 % by weight of such products	40,85	29,97
23.07 B I b) 2	— Containing 10 % or more but less than 50 % by weight of milk products	575,88	565,00
	Containing more than 30 % by weight of starch :		
23.07 B I c) 1	— Containing no milk products or containing less than 10 % by weight of such products	70,82	59,94
23.07 B I c) 2	— Containing 10 % or more but less than 50 % by weight of milk products	605,85	594,97

COMMISSION REGULATION (EEC) No 3006/84

of 25 October 1984

altering the monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾, and in particular Article 3 thereof,

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

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 900/84 of 31 March 1984 ⁽⁴⁾, as last amended by Regulation (EEC) No 2819/84 ⁽⁵⁾;

Whereas Commission Regulation (EEC) No 1372/81 of 19 May 1981 ⁽⁶⁾, as amended by Regulation (EEC) No 766/83 ⁽⁷⁾, lays down detailed rules for the applica-

tion of monetary compensatory amounts; whereas the spot market rates ascertained in accordance with Regulation (EEC) No 1372/81 during the period 17 to 23 October 1984 for the pound sterling led to, pursuant to Article 3 of Regulation (EEC) No 974/71, the monetary compensatory amounts being altered in the pigmeat sector, for the United Kingdom,

HAS ADOPTED THIS REGULATION:

Article 1

1. The 'United Kingdom' column in part 2 of Annex I to Regulation (EEC) No 900/84 is hereby replaced by the column in Annex I to this Regulation.
2. Annexes II and III to Regulation (EEC) No 900/84 are hereby replaced by Annexes II and III to this Regulation.

Article 2

This Regulation shall enter into force on 29 October 1984.

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

Done at Brussels, 25 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 92, 2. 4. 1984, p. 2.

⁽⁵⁾ OJ No L 267, 8. 10. 1984, p. 1.

⁽⁶⁾ OJ No L 138, 25. 5. 1981, p. 14.

⁽⁷⁾ OJ No L 85, 31. 3. 1983, p. 84.

ANNEXE I — ANNEX I — ANHANG I — ALLEGATO I — BIJLAGE I — BILAG I — ΠΑΡΑΡΤΗΜΑ I

PARTIE 2 — PART 2 — TEIL 2 — PARTE 2ª — DEEL 2 — DEL 2 — ΜΕΡΟΣ 2

SECTEUR DE LA VIANDE DE PORC — PIGMEAT — SEKTOR SCHWEINEFLEISCH
SETTORE CARNI SUINE — SECTOR VARKENSVLEES — SVINEKØD — ΤΟΜΕΑΣ ΧΟΙΡΕΙΟΥ ΚΡΕΑΤΟΣ

Montants compensatoires monétaires — Monetary compensatory amounts — Währungsausgleichsbeträge
 Importi compensativi monetari — Monetaire compenserende bedragen — Monetære udligningsbeløb —
 Νομισματικά εξισωτικά ποσά

Numéro du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif Κλάση του Κοινού Δασμολογίου	Montants à percevoir à l'importation et à octroyer à l'exportation Amounts to be charged on imports and granted on exports Beträge, die bei der Einfuhr erhoben und bei der Ausfuhr gewährt werden Importi da riscuotere all'importazione e da concedere all'esportazione Bij de invoer te heffen en bij de uitvoer te verstrekken bedragen Beløb, der skal opkræves ved indførsel og ydes ved udførsel Ποσό εισπραττόμενο κατά την εισαγωγή και χορηγούμενο κατά την εξαγωγή				Montants à octroyer à l'importation et à percevoir à l'exportation Amounts to be granted on imports and charged on exports Beträge, die bei der Einfuhr gewährt und bei der Ausfuhr erhoben werden Importi da concedere all'importazione e da riscuotere all'esportazione Bij de invoer te verstrekken en bij de uitvoer te heffen bedragen Beløb, der skal ydes ved indførsel og opkræves ved udførsel Ποσό χορηγούμενο κατά την εισαγωγή και εισπραττόμενο κατά την εξαγωγή				
	Deutschland	Nederland	Danmark	United Kingdom	Belgique/Luxembourg	Ireland	Italia	France	Ελλάδα
	DM/100 kg	Fl/100 kg	dkr./100 kg	£/100 kg	FB/Flux/100 kg	£Irl/100 kg	Lit/100 kg	FF/100 kg	Δρχ/100 χγρ

01.03 A II a)	0,642
01.03 A II b)	0,755
02.01 A III a) 1	0,981
02.01 A III a) 2	1,423
02.01 A III a) 3	1,099
02.01 A III a) 4	1,590
02.01 A III a) 5	0,854
ex 02.01 A III a) 6 aa) ⁽¹⁾	1,590
ex 02.01 A III a) 6 aa) ⁽²⁾	1,099
02.01 A III a) 6 bb)	1,099
02.05 A I	0,392
02.05 A II	0,432
02.05 B	0,235
02.06 B I a) 1	1,256
02.06 B I a) 2	1,374
02.06 B I a) 3	1,423
02.06 B I a) 4	1,099
02.06 B I a) 5	1,590
02.06 B I a) 6	0,854
ex 02.06 B I a) 7 aa) ⁽¹⁾	1,590
ex 02.06 B I a) 7 aa) ⁽²⁾	1,099
02.06 B I a) 7 bb)	1,099
02.06 B I b) 1	2,767
02.06 B I b) 2	2,178
02.06 B I b) 3	2,738
02.06 B I b) 4	1,423
ex 02.06 B I b) 5 aa) ⁽¹⁾ ⁽³⁾	2,767
ex 02.06 B I b) 5 aa) ⁽²⁾ ⁽³⁾	1,423
02.06 B I b) 5 bb) ⁽¹⁾	1,423

Numéro du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif Κλάση του Κοινού Δασμολογίου	Montants à percevoir à l'importation et à octroyer à l'exportation Amounts to be charged on imports and granted on exports Beträge, die bei der Einfuhr erhoben und bei der Ausfuhr gewährt werden Importi da riscuotere all'importazione e da concedere all'esportazione Bij de invoer te heffen en bij de uitvoer te verstrekken bedragen Beløb, der skal opkræves ved indførsel og ydes ved udførsel Ποσό εισπραττόμενο κατά την εισαγωγή και χορηγούμενο κατά την εξαγωγή				Montants à octroyer à l'importation et à percevoir à l'exportation Amounts to be granted on imports and charged on exports Beträge, die bei der Einfuhr gewährt und bei der Ausfuhr erhoben werden Importi da concedere all'importazione e da riscuotere all'esportazione Bij de invoer te verstrekken en bij de uitvoer te heffen bedragen Beløb, der skal ydes ved indførsel og opkræves ved udførsel Ποσό χορηγούμενο κατά την εισαγωγή και εισπραττόμενο κατά την εξαγωγή				
	Deutschland DM/100 kg	Nederland Fl/100 kg	Danmark dkr./100 kg	United Kingdom £/100 kg	Belgique/ Luxembourg FB/Flux/100 kg	Ireland £Irl/100 kg	Italia Lit/100 kg	France FF/100 kg	Ελλάδα Δρχ/100 χγρ
16.01 A (*)				1,374					
16.01 B I (a) (*) (*)				2,306					
16.01 B II (a) (*) (*)				1,570					
16.02 A II				1,276					
16.02 B III a) 1				1,325					
ex 16.02 B III a) 2 aa) 11 (*)				1,423					
ex 16.02 B III a) 2 aa) 11 (*)				2,404					
ex 16.02 B III a) 2 aa) 22 (*)				1,099					
ex 16.02 B III a) 2 aa) 22 (*)				2,011					
ex 16.02 B III a) 2 aa) 33 (*) (*)				1,099					
ex 16.02 B III a) 2 aa) 33 (*) (*)				1,325					
16.02 B III a) 2 bb) (*)				1,099					
16.02 B III a) 2 cc)				0,657					

-
- (¹) Hams, fore-ends, shoulders or loins and parts thereof (excluding the jowl, traded separately).
- (²) Other products than those falling under footnote (¹).
- (³) The monetary compensatory amounts shall not apply to products presented in the form of meal or powder, whether or not in compounded form.
- (⁴) If composite food preparations (including prepared dishes) containing sausages are classified under tariff heading No 16.01 because of their composition, the monetary compensatory amount is applied only on the net weight of the sausages, the meat and the offal, including fats of any kind or origin, which make part of these preparations.
- (⁵) The grant of monetary compensatory amounts in respect of these products is subject to compliance with the conditions for the grant of refunds laid down in Regulation (EEC) No 171/78. The exporter or importer, at the time of the conclusion of customs formalities concerning the export or the import in a Member State paying the monetary compensatory amount, shall declare in writing that the products in question fulfil these conditions.
- (⁶) Products which have not been subjected to any heat treatment or which have been subjected to a heat treatment insufficient to ensure the coagulation of meat proteins in the whole of the product and which therefore show traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.
- (⁷) Other products than those falling under (⁶).
- (a) The monetary compensatory amounts applicable to sausages in containers which also contain preservative liquid are based on the net weight, i.e. after the deduction of the weight of the liquid.
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ANNEX II

Monetary coefficients

Products	Member States								
	Germany	Nether-lands	United Kingdom	BLEU	Denmark	Italy	France	Greece	Ireland
— Beef and veal	0,932	0,974	—	—	—	—	1,020	1,036	—
— Milk and milk products	0,921	0,965	—	—	—	—	1,010	1,036	—
— Pigmeat	0,902	0,942	0,989	—	0,990	1,021	—	1,177	—
— Sugar	0,932	0,974	—	—	—	—	1,020	1,036	—
— Cereals	0,926	0,969	—	—	—	—	1,020	1,036	—
— Eggs and poultry and albumins	0,932	0,974	—	—	—	—	1,020	1,036	—
— Wine	0,972	—	—	—	—	—	—	—	—
— Under Regulation (EEC) No 3033/80	0,932	0,974	—	—	—	—	1,020	1,036	—

ANNEXE III — ANNEX III — ANHANG III — ALLEGATO III — BIJLAGE III
BILAG III — ΠΑΡΑΡΤΗΜΑ III

Application de l'article 2 «bis» du règlement (CEE) n° 974/71

Application of Article 2a of Regulation (EEC) No 974/71

Anwendung von Artikel 2a der Verordnung (EWG) Nr. 974/71

Applicazione dell'articolo 2 bis del regolamento (CEE) n. 974/71

Toepassing van artikel 2 bis van Verordening (EEG) nr. 974/71

Anvendelse af artikel 2a i forordning (EØF) nr. 974/71

Εφαρμογή του άρθρου 2α του κανονισμού (ΕΟΚ) αριθ. 974/71

100 Lit = 3,26613 Fb/Flux
0,583318 Dkr
0,161129 DM
0,494403 FF
0,181673 Fl
0,0519725 £ (Irl)
0,0436900 £ (UK)
6,62315 Dra

COMMISSION REGULATION (EEC) No 3007/84**of 26 October 1984****laying down detailed rules for the application of the premium for producers of
sheepmeat**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 871/84⁽²⁾, and in
particular Article 5 (10) thereof,

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 Regula-
tion (EEC) No 855/84⁽⁴⁾, and in particular Article 4 (3)
thereof,

Whereas Article 5 of Regulation (EEC) No 1837/80
provides for the granting of a premium to producers of
sheepmeat; whereas the general rules relating to the
granting of this premium were laid down in Council
Regulation (EEC) No 872/84⁽⁵⁾; whereas the detailed
rules for its application should be adopted;

Whereas the period during which applications for
premiums must be submitted should be determined;

Whereas the payment on account provided for in
Article 5 (4) of Regulation (EEC) No 1837/80 should
be fixed at 30 % of the estimated foreseeable amount of
the premium;

Whereas Article 2 of Regulation (EEC) No 872/84 lays
down that the premium payable per ewe shall be paid
only if it exceeds an amount to be determined and
that, where such is not the case, the amount of the
premium shall be added to that of the premium
payable in respect of the following marketing year;
whereas, for reasons of administrative efficiency, the
minimum amount of the premium to be paid should
be fixed at 1 ECU; whereas, for the same reasons, the
same minimum amount should, where appropriate, be
fixed for the payment on account;

Whereas Article 5 (8) of Regulation (EEC) No 1837/80
lays down that the premiums shall be paid to the

beneficiary producers according to the number of ewes
kept on the farm over a minimum period to be deter-
mined; whereas this period should be fixed at 100
days starting from the last day on which the applica-
tion may be submitted except in the case of those
Member States which have set up a system of conti-
nuously monitoring sheep movements, for which the
period should be fixed at 100 days starting on the first
day on which applications may be submitted;

Whereas the obligations to be complied with by the
beneficiary and, likewise, the consequences of failure
to comply with such obligations should be defined;
whereas an efficient system of verification should be
set up in order to guarantee compliance with the
provisions in question;

Whereas this Regulation replaces Commission Regula-
tion (EEC) No 2660/80⁽⁶⁾, as last amended by Regula-
tion (EEC) No 3368/82⁽⁷⁾; whereas this Regulation
should therefore be repealed;

Whereas, however, for the 1984/85 marketing year
certain Member States, pursuant to Article 2 of Regula-
tion (EEC) No 2660/80, have set a period for the
submission of applications beginning before 2 April
1984; whereas these applications were submitted by
virtue of the national provisions in force at that time;
whereas steps should therefore be taken to ensure that
the Member States in question verify these applica-
tions on the basis of the national measures in force at
the time when they were submitted;

Whereas the Management Committee for Sheep and
Goats has not delivered an opinion within the time
limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 1 (1) (b) of Regulation
(EEC) No 872/84 the sharing of means of agricultural
production shall mean the use by the group of the
grazing land and/or buildings and associated equip-
ment for keeping at least 10 ewes under the normal
conditions for the Member State.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁵⁾ OJ No L 90, 1. 4. 1984, p. 40.

⁽⁶⁾ OJ No L 276, 20. 10. 1980, p. 16.

⁽⁷⁾ OJ No L 354, 16. 12. 1982, p. 12.

Article 2

The premium referred to in Article 5 of Regulation (EEC) No 1837/80 shall be payable in respect of the number of ewes which the producer undertakes to keep on the holding concerned for 100 days from the last day of the period laid down in Article 3 (2) for the lodging of applications.

In the case of Member States which have introduced a permanent system for recording sheep movements, however, the period of 100 days shall begin on the first day of the period laid down for the lodging of applications.

Article 3

1. The number of animals in respect of which an application for a premium is lodged shall not be less than that stated in Article 1 of Regulation (EEC) No 872/84.

2. Applications by sheepmeat producers for premiums or, where appropriate, payments on account shall be submitted to the competent authority designated by the Member State during a period commencing on 1 December and ending on 30 April. Member States may, however, fix a shorter period for submission of applications within the abovementioned period.

Notwithstanding the foregoing, to permit the payment of an advance in accordance with Article 5 (4) of Regulation (EEC) No 871/84, Member States may fix the beginning of the said period at an earlier date.

Except in cases of *force majeure*, applications reaching the competent authority after the end of the period laid down for the lodging thereof shall not be accepted.

Article 4

1. The payment on account which Member States are authorized to make in accordance with Article 5 (4) of Regulation (EEC) No 1837/80 shall be 30 % of the amount of the foreseeable premium estimated in accordance with the said Article.

2. The premium and, where a payment on account has been made, the balance shall be paid before the end of the ninth month following the end of the marketing year in respect of which the premium is granted.

3. The premium payable per ewe and the payment on account against the estimated premium per ewe, where such payment is made, shall be paid only if their amount is at least 1 ECU.

4. Where the provisions of Article 5 (5) of Regulation (EEC) No 1837/80 are applied, any payment on account made in region 2 shall not be paid in region 1.

Article 5

Before the end of the period of 100 days determined in accordance with Article 2, the competent authori-

ties designated by the Member States shall ensure administrative supervision supplemented by means of systematic or random inspection visits to check the number of eligible ewes stated in the application for a premium.

For the purposes of control, female sheep which have been put to the ram for the first time shall be taken to mean female sheep, other than ewes, which are visibly in lamb.

However, Member States which have implemented a system of monitoring of sheep movements may carry out the controls in another period during the year in which applications are made.

Article 6

If the actual number of eligible ewes recorded during a check is less than that for which the application for a premium was lodged, the premium shall be payable for the number of eligible ewes actually maintained during the period referred to in Article 2, on condition that the decrease is to be attributed to natural circumstances relating to the life of the flock.

Article 7

Each case of *force majeure* shall be the subject of an individual examination in the light of the particular circumstances invoked and the proof furnished.

The assessment of each case shall result in the payment in whole or in part, or the non-recovery, in part, of the premiums.

Article 8

Member States shall take all necessary measures to ensure, should the need arise, the recovery, in whole or in part, of any premiums unduly paid. Amounts recovered shall be declared as deductions from EAGGF expenditure.

Article 9

1. The conversion rate to be applied to the amount of the payment on account referred to in the first subparagraph of Article 5 (4) of Regulation (EEC) No 1837/80, shall be the representative rate in force on the first day of the marketing year in respect of which the premium is granted.

2. The conversion rate to be applied :

- to the amount of the premium referred to in the second subparagraph of Article 5 (4) of Regulation (EEC) No 1837/80,
- to the balance of the premium in less-favoured farming areas,
- to the amount of the premium and of the abovementioned balance where payment is carried forward to the following marketing year,
- to the amount of the deduction referred to in Article 3 of Regulation (EEC) No 872/84,

shall be the representative rate in force on the last day of the marketing year in respect of which the premium is granted.

Article 10

Member States shall, if the need arises, take the necessary steps to ensure that the provisions of this Regulation are complied with and shall notify the Commission thereof.

Article 11

Regulation (EEC) No 2660/80 is hereby repealed.
However, for the 1984/85 marketing year, Member States which, pursuant to Article 2 of Regulation (EEC)

No 2660/80, have laid down a period for the submission of applications beginning before 2 April 1984 may check the applications submitted in respect of that marketing year on the basis of the national measures in force at the end of the 1983/84 marketing year.

Article 12

This Regulation shall enter into force on the third 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, 26 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 3008/84
of 26 October 1984

amending for the fifth time Regulation (EEC) No 2657/80 on the determination of prices of fresh or chilled sheep carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 871/84⁽²⁾, and in particular Articles 4 (2) and 9 (4) thereof,

Whereas, under Article 9 of Regulation (EEC) No 1837/80, the United Kingdom is authorized to grant a variable slaughter premium for sheep in respect of region 5 only; whereas the drafting of Article 3 of Commission Regulation (EEC) No 2657/80⁽³⁾, as last amended by Regulation (EEC) No 314/84⁽⁴⁾, should therefore be amended accordingly;

Whereas, for the purpose of the application of Regulation (EEC) No 2657/80, the meaning of 'carcase weight' should be specified; whereas reference should therefore be made to the definition laid down in Commission Decision 82/958/EEC of 22 December 1982 laying down implementing provisions for the statistical surveys to be carried out by Member States on sheep and goat stocks⁽⁵⁾, whereas, however, it should be permitted that this definition be not used in the case of young lambs weighing between nine and 14 kilograms, so that market practices whereby whole

carcasses command a greater commercial value can be taken into account;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2657/80 shall be amended as follows:

1. In Article 3 (2), 'the region or regions' is replaced by 'the region'.
2. The following Article 4a is inserted:

Article 4a

Market prices shall be recorded in respect of the 'carcase weight', within the meaning of Commission Decision 82/958/EEC⁽¹⁾. In the case of lambs weighing between nine and 14 kilograms, however, prices may be recorded before evisceration and removal of the the head.

⁽¹⁾ OJ No L 386, 31. 12. 1982, p. 43.

Article 2

This Regulation shall enter into force on the third 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, 26 October 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 1.

⁽⁴⁾ OJ No L 36, 8. 2. 1984, p. 13.

⁽⁵⁾ OJ No L 386, 31. 12. 1982, p. 43.

COMMISSION REGULATION (EEC) No 3009/84**of 26 October 1984****amending Regulation (EEC) No 2742/82 on protective measures applicable to imports of dried grapes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 988/84⁽²⁾, and in particular Article 14 (2) 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,

Whereas Article 2 (3) of Commission Regulation (EEC) No 2742/82⁽⁵⁾, as last amended by Regulation (EEC) No 2300/84⁽⁶⁾, provides that the minimum price and the countervailing charge shall, after having been converted into national currency, be multiplied by a coefficient;

Whereas that multiplication is made to ensure that the minimum price expressed in national currencies should not lead to distortion of trade;

Whereas the conversion rate of the drachma has changed;

Whereas that fact could lead to distortion of trade; whereas to avoid that risk, the coefficient in force for the drachma should be adapted,

Article 1

The coefficient for the drachma referred to in Article 2 (3) of Regulation (EEC) No 2742/82 is replaced by '1,043'.

Article 2

1. The amended coefficient provided for in Article 1 shall not apply to products for which it has been proved that they have left the supplier country before 27 October 1984.

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the conditions set out in paragraph 1 have been complied with.

However, the competent authorities may regard the products as having left the supplier country before 27 October 1984 when one of the following documents is submitted :

- in the case of transport by sea or waterway, the bill of lading showing that loading took place before that day,
- in case of transport by rail, the consignment note accepted by the railways of the expediting country before that day,
- in case of transport by road, the TIR carnet presented to the first customs office before that day,
- in case of transport by air, the air consignment note showing that the airline received the products before that day.

3. The provisions of paragraphs 1 and 2 shall apply only in so far as the entry for free circulation has been accepted by the customs authorities before 27 January 1985.

Article 3

This Regulation shall enter into force on 27 October 1984.

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 103, 16. 4. 1984, p. 11.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 290, 14. 10. 1982, p. 28.

⁽⁶⁾ OJ No L 211, 8. 8. 1984, p. 9.

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

Done at Brussels, 26 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 3010/84
of 26 October 1984

amending for the third time Regulation (EEC) No 1371/84 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

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 5c (7) thereof,

Having regard to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector⁽³⁾, as last amended by Regulation (EEC) No 1557/84, and in particular Article 13 thereof,

Whereas Commission Regulation (EEC) No 1371/84⁽⁴⁾, as last amended by Regulation (EEC) No 2988/84⁽⁵⁾, laid down detailed rules for the application of the additional levy;

Whereas Article 15 (1) of Regulation (EEC) No 1371/84 lays down that the first collection of the additional levy must take place within 45 days of the end of the second quarter; whereas, in view of the initial period required to adopt production and, in particular, the financial problems which many producers may encounter on the occasion of the first collection of no more than 50 % of the levy payable in respect of the first two quarters, with any remainder being collected at the end of the 12-month period;

Whereas in certain Member States, as a result of delays in the processing of applications for the granting of reference quantities pursuant to Articles 3 and 4 of Regulation (EEC) No 857/84, or in the examination of cases of transfer of reference quantity referred to in Article 7 of the same Regulation, producers who submitted their applications within the prescribed

time limits have not yet been notified of the reference quantity which will be allocated to them; whereas the first collection of the additional levy should, in such cases, take place within 75 days of the end of the second quarter; whereas in cases where formula B is applied, a time limit of 75 days should be authorized only in respect of a percentage of the levy normally payable, namely that corresponding to the ratio between the quantity delivered by the producer who has applied for a special or an additional reference quantity and the purchaser's reference quantity; whereas, moreover, the same flexible approach should be adopted in the case of reference quantities transferred during and after the reference period;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Article 15 (1) (c) of Regulation (EEC) No 1371/84 is hereby replaced by the following:

- (c) Member States other than Italy and Greece are hereby authorized to collect 50 % of the levy payable in respect of the first two quarters of its application within a 45-day period after 30 September 1984 and to collect the remainder within a 45-day period after the end of the first 12-month period.

In addition, Member States are hereby authorized to extend the 45-day period referred to above to 75 days for producers who have applied for the granting of a special or an additional reference quantity pursuant to Articles 3 and 4 of Regulation (EEC) No 857/84 or, in the case of the transfer of a reference quantity pursuant to Article 7 of the aforesaid Regulation, where those producers were not notified of their final reference quantity by 30 September 1984 because of delays in dealing with their case. Where formula B is applied, the period in question may be 75 days

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 6.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁴⁾ OJ No L 132, 18. 5. 1984, p. 11.

⁽⁵⁾ OJ No L 282, 26. 10. 1984, p. 44.

in respect of the percentage of the levy normally payable which corresponds to the ratio between the quantities delivered by those producers and the purchaser's reference quantity.'

Article 2

This Regulation shall enter into force on the third 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, 26 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 3011/84**of 26 October 1984****on the issue of import licences on 30 October 1984 for sheepmeat and goatmeat products originating in certain non-member countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 871/84⁽²⁾,

Having regard to Council Regulation (EEC) No 876/84 of 31 March 1984 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector in the last three quarters of 1984⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 939/84⁽⁴⁾ laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 876/84; whereas provision should be made, pursuant to Article 2 (5) of Regulation (EEC) No 939/84, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the fourth quarter of 1984;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EEC) No 939/84, such quantities should be reduced by a single percentage figure in accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence applications have been lodged do not exceed the

quantities provided for in Regulation (EEC) No 939/84,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, on 30 October 1984, issue the import licences provided for in Regulation (EEC) No 939/84 and applied for until 10 October 1984, subject to the following conditions:

- (a) for products falling within subheading 02.01 A IV a) of the Common Customs Tariff, the quantities applied for, originating:
 - in Spain, shall be reduced by 98,113 %,
 - in other non-member countries, shall be granted in full;
- (b) for products falling within subheading 02.01 A IV b) of the Common Customs Tariff, the quantities applied for, originating:
 - in Chile, shall be granted in full,
 - in other non-member countries, shall be granted in full;
- (c) for products falling within subheading 01.04 B of the Common Customs Tariff, the quantities applied for, originating in other non-member countries, shall be granted in full.

Article 2

This Regulation shall enter into force on 27 October 1984.

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

Done at Brussels, 26 October 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 47.

⁽⁴⁾ OJ No L 96, 6. 4. 1984, p. 19.

COMMISSION REGULATION (EEC) No 3012/84**of 26 October 1984****correcting Regulation (EEC) No 2990/84 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) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Commission Regulation (EEC) No 2990/84 of 25 October 1984⁽³⁾ specifies the export refunds on cereals and on wheat or rye flour, groats and meal;

Whereas a check has revealed that the amounts concerned in respect of rye are not those which were submitted to the Management Committee for an

opinion; whereas Regulation (EEC) No 2990/84 should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 2990/84, '0' ECU/t, which appears in respect of Common Customs Tariff heading No '10.02', for rye exports to 'Switzerland, Austria and Liechtenstein' and 'other third countries' shall in both cases be replaced by '10' ECU/t.

Article 2

This Regulation shall enter into force on 27 October 1984.

It shall apply from 26 October 1984.

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

Done at Brussels, 26 October 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 1. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 282, 26. 10. 1984, p. 48.

COMMISSION REGULATION (EEC) No 3013/84**of 26 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 2975/84⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 October
1984.

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

Done at Brussels, 26 October 1984.

For the Commission

Poul DALSGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 281, 25. 10. 1984, p. 21.

ANNEX

**to the Commission Regulation of 26 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	43,61
	B. Raw sugar	40,89 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 June 1984

concerning aid which Luxembourg proposes to grant in respect of investment
carried out by a flat-glass manufacturer at Bascharage

(Only the French text is authentic)

(84/507/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

II

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

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

Whereas :

I

The Luxembourg Law of 28 July 1973 implemented
by the Grand-Ducal Order of 27 November 1973 and
subsequently extended by the Grand-Ducal Order of
15 February 1982, introduced measures to aid the
Luxembourg economy, and in particular interest relief
grants, State guarantees, capital grants, tax exemptions
and aids for the acquisition and conversion of land
and buildings.

The Commission has examined the Luxembourg Law
and has decided to raise no objection to the sectoral
application thereof, provided that the Government of
the Grand Duchy of Luxembourg notifies the
Commission in advance and in sufficient time of
significant cases of sectoral application.

By letter dated 10 November 1982 the Luxembourg
Government, as required by the procedure, informed
the Commission of its intention to grant assistance
under the Law of 28 July 1973 for a proposed
investment by a flat-glass manufacturer located in
Bascharage.

The proposed investment consists of the establishment
of a processing unit for the manufacture of high-
performance flat glass with an annual production capa-
city of 3 500 000 m² for use in the building and
construction industry. Approximately 70 % of the
production would be exported to Germany, Belgium,
the Netherlands and the United Kingdom. The
Luxembourg firm has 160 employees and the invest-
ment would create 100 additional jobs ; for 50 jobs
priority would be given to redundant steel workers.
Total investment has been estimated at Lfrs 1 100
million.

The proposed aid would take the form of a capital
grant of Lfrs 132 million, representing 12 % of the
investment cost. The Luxembourg Government justi-
fied the aid on the grounds that it would create new
employment in a region facing social problems due to
the restructuring of the steel industry.

III

After a first examination of the notification the Commission believed the aid proposal to be incompatible with the common market, on the grounds that it would distort competition to an extent contrary to the Community interest, especially given the overcapacity problems the flat-glass sector, including sophisticated flat glass is facing at the Community level. Consequently, the Commission decided to initiate the procedure provided for in the first paragraph of Article 93 (2) of the EEC Treaty, informed the Luxembourg Government accordingly by letter of 2 August 1983 and requested its comments.

The Luxembourg Government, in submitting its comments under the procedure by letter of 21 December 1983, has stated that 25 % of the production capacity of the investment envisaged would substitute imports originating in non-member countries; that the firm's forecasts indicate good market prospects for sophisticated, coated flat glass; that the Commission's market analysis risks underestimating market prospects for high-performance flat-glass types; and that the project has to be assessed in the context of the restructuring of the Luxembourg steel industry.

The comments of the Governments of four other Member States, federations of firms producing flat glass in five Member States and one European organization submitted under the Article 93 (2) procedure all supported the Commission's concern over the effect of the proposed aid on competition and on trade. The federations underlined the problems of overcapacity which the processed flat-glass sector is facing and stressed the unfavourable medium-term forecasts for coated and toughened flat glass. They considered that any increase of capacity in the industry would aggravate the situation.

IV

The grant proposed by the Luxembourg Government constitutes an 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 exports to 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 exceptions to this incompatibility set out in Article 92 (3) of

the EEC Treaty, which are the only ones which could apply to this case, specify objectives pursued in the Community interest and not in that of the individual recipient of the aid. These exceptions 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 in those exceptions.

To apply such exceptions 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 exceptions 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 Luxembourg Government has not been able to give, nor has the Commission found any grounds to establish that the proposed aid meets the conditions in order to qualify under one of the exceptions laid down in Article 92 (3).

The aid in question cannot benefit from the exception provided for in Article 92 (3) (a) since the standard of living is not abnormally low, nor is there serious underemployment, in Luxembourg. As regards the exception in Article 92 (3) (c), the Luxembourg Government has not specified areas requiring special regional aid.

In respect of the exceptions 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 making an exception under Article 92 (3) (b) to the principle of the incompatibility of aids laid down by Article 92 (1). It should be noted that Luxembourg 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 spiralling 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. Individual applications of the Luxembourg Law of 28 July 1973 are not made for the purpose of dealing with such a situation. To take any other view would enable Luxembourg in the present climate of slow growth and high unemployment throughout the Community, to divert to its 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 exceptions under Article 92 (3) (c) of the EEC Treaty for 'aid to facilitate the development of certain economic activities or of certain economic areas', examination of the sophisticated 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 lead to a deterioration in the financial situation of firms in the industry, particularly in other Member States, the more so as idle capacity is expected to be doubled by 1987 under the market forecasts of the flat-glass industry. In addition, the larger proportion of the output of the new unit would

be exported to other Member States. It is therefore evident that the aid in question would affect trading conditions to an extent contrary to the common interest, even though the investment would create new jobs for redundant steel workers.

In view of the above, the aid proposal of the Luxembourg Government does not meet the conditions necessary to benefit under any of the exceptions set out in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Luxembourg Government shall not put into effect its proposal, notified to the Commission by letter dated 10 November 1982, to grant aid under the Law of 28 July 1973 concerning economic expansion in favour of investment made at Bascharage by a flat-glass manufacturer.

Article 2

The Luxembourg 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 Grand Duchy of Luxembourg.

Done at Brussels, 27 June 1984.

For the Commission

Frans ANDRIESSEN

Member of the Commission

COMMISSION DECISION

of 27 June 1984

on the aid granted by the Belgian Government to a producer of polypropylene fibre and yarn

(Only the Dutch and French texts are authentic)

(84/508/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

Following a number of complaints from federations of firms in the synthetic fibre and textile sectors, the Commission, by letters of 26 July 1983 and 3 November 1983, requested information from the Belgian Government in respect of an alleged aid granted to a Belgian textile company for the production of polypropylene fibre and yarn.

By letter dated 18 November 1983, the Belgian Government informed the Commission that in March 1983 an aid had been granted to the largest Belgian textile and carpet group for the purpose of establishing a production plant for polypropylene staple fibre and filament yarn.

According to the Belgian authorities the aid had been granted under the transitional period of three months authorized by the Commission until the end of March 1983 for the 1982 aid programme in favour of the textile and clothing industry. The Commission also was informed that the aid amounted to Bfrs 224 million and took the form of a State participation in the capital of the subsidiary created by the textile and carpet group for the abovementioned purpose. Finally, the Belgian Government indicated that this aid was the only intervention under the 1982 textile programme in favour of the textile and carpet group in question.

By telex dated 5 December 1983 the Commission requested additional information. Partial replies were communicated orally on 20 December 1983 and 11 January 1984.

Having examined the case, the Commission considered that the aid would be incompatible with the

common market on the grounds that it would affect trade between Member States to an extent contrary to the common interest. The Commission also considered that in view of the overcapacities in polypropylene staple fibre and filament yarn the creation of any additional capacities should not be encouraged with State aid.

Furthermore, the Commission considered that the aid should have been notified to it in advance under the transitional period authorized for the 1982 textile-aid programme and that neither the textile and carpet group nor its subsidiary concerned were registered on the list of firms submitted to the Commission for the purpose of monitoring the application of the transitional period.

Consequently, the Commission initiated the procedure provided for in the first paragraph of Article 93 (2) of the EEC Treaty in respect of the aid and by letter of 13 February 1984 gave the Belgian Government notice to submit its comments.

II

The Belgian Government, in submitting by letter dated 13 March 1984 its comments under the procedure provided for in Article 93 (2), did not question the aid character of the intervention and pointed out that State participation reached only 18 % of total investment cost, if including the working capital required for the project in total investment costs. It argued that no advance notification had been required as the project, while being undertaken by a carpet producer, concerned synthetic fibre and yarn and thus products not subject to this notification procedure. Furthermore, it considered that the firm in question had been listed on the document sent to the Commission for the purpose of monitoring the application of the transitional period under the name of the principal owner of the textile and carpet group and his commercial domicile. The Belgian Government also disputed the overcapacity problems in the production of polypropylene fibre and yarn highlighted by the Commission.

The comments of two other Member States, seven federations of firms in the sector and four individual companies, submitted to the Commission under the Article 93 (2) procedure, supported the Commission's view and underlined the overcapacity problems which

the polypropylene sector is facing. They highlighted the sensitivity of the sector because of the volume of trade and the degree of competition between Member States. It was also claimed that the aid gave an unfair advantage to the carpet and synthetic-fibre producer in question in competition with other Community manufacturers.

III

The acquisition of shareholdings in companies either by central governments or by public agencies under government authority may in certain cases constitute aid under Article 92 (1) of the EEC Treaty.

The State intervention in question is explicitly referred to by the Belgian Government as a State aid.

In polypropylene staple fibre and filament yarn there is a high volume of trade and a large degree of competition between Member States. Consequently, trade between Member States is affected by an intervention undertaken by a Member State.

In these circumstances the operation in question constitutes aid 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 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 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 Belgian 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).

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 area in which the recipient undertaking's factory is located 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), nor does the award appear likely to facilitate the development of certain economic areas within the meaning of Article 92 (3) (c), a purpose, moreover, for which it is not intended.

As far as the exceptions in Article 92 (3) (b) are concerned, the 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', the promotion of which justifies application of this exception clause. Although the economy of Belgium faces social and economic difficulties, these are not the most serious in the Community. In this situation the danger of an escalation of State aids is most immediate and any State aid is most likely to affect trade between Member States.

As to the exceptions in Article 92 (3) (c), there is substantial overcapacity in both staple and filament yarn of polypropylene in the EEC. In 1983, as in the years before, capacity utilization is estimated to have been well below 70 %, which is insufficient for economically viable operation. In Belgium, moreover, the levels of utilization were much lower and stood at 50 % for staple fibre and only 40 % for filament yarn. Any artificial lowering of the establishment costs of a polypropylene plant would therefore weaken the competitive position of existing producers and would have the effect of 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 and productivity improvements undertaken from their own resources.

Since polypropylene staple fibre and filament yarn are traded predominantly within the Community, it is unquestionable that the aid would have an adverse effect on trading conditions to an extent contrary to

the common interest, especially as the aid was granted to a firm which is part of the largest single carpet producer in Belgium, and indeed the Community, which exports a very large percentage of its production to the other Member States.

Polypropylene filament yarn is the basic raw material of carpet production. It represents up to 60 % of the production costs of the final product. Assistance for the production of raw materials which are key inputs in producing a final product will considerably affect the costing of and profit margins on the final product. The aid, while having been granted for polypropylene production, must be regarded as directly favouring the manufacture of carpets of the group in question.

The aid in question favours a project under which production capacities for polypropylene fibres and yarn are to be expanded significantly. Under the 1971 and 1977 guidelines for textile and clothing industry aids, established by the Commission in cooperation with Member States, such projects should, in view of the sensitivity of the textile and clothing sector in general, not be supported with public finance. Furthermore, in a sector as sensitive as carpets and tufted carpets and in which the Belgian industry is already a high performer and competitive, an aid for such a purpose would not be in the common interest, particularly as it was granted in favour of the already by far largest Belgian textile firm. Any aid granted for such a purpose would serve only to increase the financial strength of the undertaking in question, giving it an unfair advantage in competition with other Community producers.

In the carpet market, polypropylene and nylon compete with each other. Like polypropylene, nylon has been in a state of severe oversupply in the Community, and strenuous efforts have been made to reduce capacity. The State-aided expansion of polypropylene production in question will counteract these efforts and weaken the Community nylon sector.

It is concluded that the aid in question, in view of the absence of any justification on grounds of the Community interest and the fact that the industry is one in which competition within the Community is

very keen, is liable to affect trade to an extent contrary to the common interest. Accordingly, there is no factor which could justify the Commission in exempting the aid from the rule that aids are incompatible with the common market by applying the exceptions provided for in Article 92 (3) (c) of the EEC Treaty.

Therefore, the aid amounting to Bfrs 224 million which was granted in March 1983 in disregard of Article 93 (3) of the EEC Treaty, which requires that a Member State shall notify the Commission in advance of any aid plans, must be withdrawn,

HAS ADOPTED THIS DECISION :

Article 1

The aid granted in March of 1983 and of which the Belgian Government informed the Commission by letter dated 18 November 1983 in favour of a producer of polypropylene staple fibre and filament yarn is incompatible with the common market within the meaning of Article 92 of the EEC Treaty. The said aid shall therefore be withdrawn.

Article 2

Belgium 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 Belgium.

Done at Brussels, 27 June 1984.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 23 July 1984

concerning assistance by the United Kingdom Government to a manufacturer of polyester yarn

(Only the English text is authentic)

(84/509/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, and having regard to those comments,

Whereas :

I

By letter dated 30 January 1984, the United Kingdom Government notified the Commission of aid for the establishment of a new production unit for partially oriented polyester yarn (POY) at Stanley, Co. Durham. The relevant decision had been taken in 1982 and the major part of the assistance had already been paid. The yarn manufactured was intended to supply a UK processing company which had difficulty in obtaining supplies of this product on the markets of the Member States.

The assistance to be granted totals £ 1 71 400 : £ 420 000 in the form of a selective grant under Section 7 of the Industry Act 1972, £ 158 400 in the form of a training grant under Section 7 of the Industrial Development Act 1982 and £ 593 000 in the form of a Regional Development Grant under Part II of the Industrial Development Act 1982. Aid payments of £ 931 400 have already been made towards the investment costs of approximately £ 4 900 000. Before the notification was made, the Commission, acting on a complaint from a trade association, reminded the United Kingdom Government by letter dated 5 December 1983 of its obligations pursuant to the rules on aids to the man-made yarns and fibres industry introduced in 1977 and extended in 1979, 1981 and 1983, which aim to prevent the grant of assistance for the establishment of new capacity in an industry suffering from overcapacity and provide for prior notification of all types of assistance to the industry.

On 29 February 1984 the Commission initiated the procedure under the first subparagraph of Article 93 (2) of the EEC Treaty in respect of this aid and, by letter dated 8 March 1984, gave formal notice to the United Kingdom Government to submit its comments.

II

Submitting its comments to the Commission under the Article 93 (2) procedure by letter dated 18 April 1984, the United Kingdom Government argued that yarn of the quality produced by the assisted company was not available on the European market in 1981/82 and that UK processors had to import such yarn from third countries like Mexico, Taiwan and the United States. It also stated that the aid had led to the creation of 60 jobs in the recipient company and the maintenance of 75 jobs in downstream activities in north-west Durham, where unemployment is high.

The comments submitted to the Commission under the Article 93 (2) procedure by four Member States other than the United Kingdom and four associations representing the man-made fibres industry expressed support for the Commission's concern. They emphasized the surplus capacity problems in this branch and the efforts made by Community polyester yarn manufacturers in reducing their capacity by 61 500 tonnes : cuts were made both before 1982 and since then and more are still to be made. The comments revealed that the quality of the partially oriented yarn produced by the company at Stanley is not out of the ordinary and could therefore be manufactured by any European firm provided that the demand for the product comes from solvent processors. The UK industrial association pointed to the excess capacity for polyester yarn manufacture dating from 1977.

III

The aid granted by the United Kingdom Government is liable to affect trade between Member States and distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty, by favouring the company in question or its production.

Article 92 (1) lays down the principle that aid having the features described therein 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 industry aid scheme or any individual award under a general aid scheme is scrutinized. In particular, they may be applied only where the Commission is satisfied that, without the aid, market forces alone would not induce the recipient company to adopt a course of action contributing to the attainment of one of the objectives referred to in these exceptions.

To apply the exceptions to aids not furthering any such justifying contribution 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 cases, the Commission must satisfy itself that the aid is justified by the contribution the recipient company 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, it is clear that the aid does not contribute to the attainment of the objectives specified in the exceptions but merely serves to bolster the financial position of the company concerned.

In this case the recipient company cannot be said to be making any such contribution in return for the aid.

The United Kingdom Government has been unable to give, or the Commission to discover, grounds for finding that the aid in question satisfies the tests qualifying it for one of the exceptions in Article 92 (3).

With regard to the exceptions provided for by Article 92 (3) (a) and (c) for aids that promote or facilitate the development of certain areas, the area in which the recipient company is located would qualify it for the exception within the meaning of Article 92 (3) (c). However, the establishment of a new production unit in an insecure branch suffering from overcapacity and the creation of 60 jobs plus the maintenance of 75 further jobs downstream does not seem likely to bring any lasting improvement in the area's underemployment, while it would certainly increase the difficulties of other company in the same industry within the Community. The establishment of the new unit is thus deleterious to the industry. In the regional context, establishing such a unit would be unlikely to secure

the jobs in question in the long term, in view of the surplus capacity in the branch concerned.

As far as the exceptions in Article 92 (3) (b) are concerned, the project exhibits no feature of a project of common European interest or of a project to remedy a serious disturbance in the economy of a Member State whose promotion would justify application of this exception clause. Although the social and economic problems in this part of the United Kingdom give cause for concern, they are not substantially more serious than those of other regions in the Community, while there is a genuine risk of outbidding for aid and any aid to this branch would be particularly likely to affect trade between Member States. Moreover, the socio-economic data available on the United Kingdom provides no grounds for concluding that there is a serious disturbance in its economy within the meaning of the Treaty, and in any case its Government's measures are not aimed at dealing with such a situation.

The aid cannot be regarded as falling within Article 92 (3) (c), that is, as an aid designed to facilitate the development of certain economic activities without adversely affecting trading conditions to an extent contrary to the common interest.

The Commission has established that Community output of partially oriented polyester, yarn satisfied market requirements in 1981/82 and does so now, a new plant in an industry already in surplus would not contribute to the attainment of an objective in the Community interest that could justify the grant of assistance; indeed, such aid could be detrimental to other Community companies in the industry. The downstream processor's difficulties in obtaining yarn, which prompted the UK authorities to grant aid to a yarn manufacturer to establish facilities, were not caused by the unavailability of the yarn — of which in fact there was a surplus on the markets of the Member States — but by the insolvency of the processing company, which went bankrupt in 1982. It was subsequently taken over by the company forming the subject-matter of this Decision, which took on part of its staff, some 75 persons.

On account of current excess production capacity for all types of polyester yarn Community firms have had to cut back 61 500 tonnes between 1982 and 1985, following a previous reduction of approximately 80 000 tonnes. The production capacity of the industry's firms is used at a rate of between 65 % and 70 %, which means that the plants are not operating profitably. The recipient company itself uses only some 65 % of its capacity.

Any new installation of capacity backed by State aid is contrary to the Community interest, which is to reduce capacity, and aggravates the situation of existing firms suffering from overcapacity.

Even in this case where the output of the assisted company is used chiefly within the company itself, which has taken over the operation of a bankrupt processing company, the damage would be no less to firms within the Community, for, faced with the new capacity and rigid consumption patterns, they themselves would have to make additional cuts to offset the new capacity at Stanley.

Since the United Kingdom Government failed to notify the aid in advance, the Commission was unable to state its views on the measures before they were implemented and became aware of them only when roughly £ 931 400 had already been paid to the firm in the form of grants at an approximate rate of 19 % of the investment costs estimated at £ 4 900 000.

Under the Industrial Development Act 1982, further aid in the form of a Regional Development Grant was payable at the rate of 22 % of expenditure by the company on new machinery or plant, buildings or works and wages and salaries. The assistance granted or to be granted constitutes investment aid incompatible with the common market within the meaning of Article 92.

Accordingly, the aid forming the subject-matter of the Article 93 (2) procedure initiated — namely the assistance to the company under Section 7 of the Industry Act 1972 (selective grant), Section 7 of the Industrial Development Act 1982 (training grant) and Part II of

the Industrial Development Act 1982 (Regional Development Grant) — may not be granted, and the aids already paid to the company so far must be withdrawn,

HAS ADOPTED THIS DECISION :

Article 1

The assistance notified by the United Kingdom Government by letter dated 30 January 1984 for the establishment of a plant producing partially oriented polyester yarn at Stanley, Co. Durham, under Section 7 of the Industry Act 1972 and under Section 7 and Part II of the Industrial Development Act 1982 is incompatible with the common market within the meaning of Article 92 of the EEC Treaty. This assistance may therefore not be granted and in addition shall be withdrawn where it has already been paid.

Article 2

The United Kingdom 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 United Kingdom.

Done at Brussels, 23 July 1984.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION**of 17 October 1984****granting financial assistance within the framework of the special energy
development programme****(Only the English text is authentic)****(84/510/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1890/84 of 26 June 1984 establishing specific measures of Community interest relating to energy strategy ⁽¹⁾, and in particular Article 4 thereof,

Having obtained the advice of the Committee mentioned in Article 7 of the said Regulation,

Whereas the United Kingdom, in accordance with Article 2 of the said Regulation, has submitted requests for financial assistance ;

Whereas the conditions set out in the aforesaid Regulation for granting financial assistance are met,

HAS ADOPTED THIS DECISION :

Article 1

Financial assistance of 255 million ECU is hereby granted, as provided in the Annex to this Decision, to the measures submitted by the United Kingdom, the salient features of which are described in that Annex.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 17 October 1984.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 177, 4. 7. 1984, p. 7.

ANNEX

No	Name	Type	Public expenditure (million ECU (*)	Community support (as % of 4))	Other Community financing		Total Community financing (as % of 4))	Support in accordance with Regulation (EEC) No 1890/84 (million ECU)
					Grants (as % of 4))	Loans (as % of 4))		
(1)	(2)	(3)	(4)	(5) (°)	(6) (°)		(7) (°)	(8)
1	Grimethorpe	Fluidized bed combustion of coal	6,24	50	—	—	50	3,12
2	Technology Offshore	Programme for the development of offshore technology	8,76	50	—	—	50	4,38
3	Longannet	Coal-fired electricity generation : environment and recovery	2,53	50	—	—	50	1,26
4	Richborough	Windmill	0,84	50	—	—	50	0,42
5	Westfield	Coal gasification	17,02	25	28	—	53	4,25
6	Power stations	Programme to improve nuclear and coal-fired electricity generation	163,49	10	—	—	10	16,35
7	Hunterston B	Changes to nuclear power plant	0,34	10	—	—	10	0,03
8	Cross Channel Link Kent	Electricity interconnection	173,60	40		17	57	69,44
9	Fort Dunlop — west Midlands	Combined heat and power production	14,02	25	—	—	25	3,50
10	Drax	Coal-fired power station	235,96	29,8		1,5	31,3	70,35
11	Morecambe — Lancs.	Natural gas terminal	67,42	20	—	—	20	13,48
12	Rough — Yorkshire	Natural gas terminal	50,56	20	—	—	20	10,11
13	Dinorwic — Gwynedd	Pumped storage power station	18,54	10	—	41	51	1,85
14	Heysham II — Lancs.	Nuclear power station Advanced gas-cooled reactor	564,63	10	—	—	10	56,46
Total								255,00

(*) Percentages shown are indicative.

(°) Rate of exchange : 1 ECU : £ 0,59331 (rate of June 1984).

COMMISSION DECISION**of 17 October 1984****granting financial assistance within the framework of the special energy
development programme****(Only the German text is authentic)****(84/511/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1890/84 of 26 June establishing specific measures of Community interest relating to energy strategy ⁽¹⁾, and in particular Article 4 thereof,

Having obtained the advice of the Committee mentioned in Article 7 of the said Regulation,

Whereas the Federal Republic of Germany, in accordance with Article 2 of the said Regulation, has submitted requests for financial assistance;

Whereas the conditions set out in the aforesaid Regulation for granting financial assistance are met,

HAS ADOPTED THIS DECISION:

Article 1

Financial assistance of 201 million ECU is hereby granted, as provided in the Annex to this Decision, to the measures submitted by the Federal Republic of Germany, the salient features of which are described in that Annex.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 17 October 1984.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 177, 4. 7. 1984, p. 7.

ANNEX

No	Name	Type	Public expenditure (million ECU (1))	Community support (as % of 4))	Other Community financing		Total Community financing (as % of 4))	Support in accordance with Regulation (EEC) No 1890/84 (million ECU)
					Grants (as % of 4))	Loans (as % of 4))		
(1)	(2)	(3)	(4)	(5) (%)	(6) (%)		(7) (%)	(8)
1	'Rohrreaktor' Salzgitter	Coal liquefaction	4,67	50	—	—	50	2,33
2	VEW — KUV	Coal gasification	8,96	50	—	—	50	4,48
3	MKW Völklingen	Coal-fired power station with fluidized bed combustion	4,03	50	—	—	50	2,02
4	Coking coal scheme	Aid for production	604,58	19,27	—	—	19,27	116,50
5	SNR 300 Kalkar	Fast breeder reactor	169,28	25	—	—	25	42,32
6	THIR-300 Schmehausen	Thorium fuelled high-temperature reactor	113,75	25	—	—	25	28,44
7	Chauffage Université Aachen	Pressurized fluidized bed (pilot installation)	3,48	50	—	—	50	1,74
8	Rheinbraun	Hydrogasification of lignite in a fluidized bed (pilot installation)	5,27	50	—	—	50	2,64
9	Saarbergwerke	Utilization in an underground mine of gypsum formed during flue-gas desulphurization (pilot installation)	1,06	50	—	—	50	0,53
							Total	201,00

) Percentages shown are indicative.

) Rate of exchange: 1 ECU = DM 2,23296 (rate of June 1984).

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