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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3255/84**of 22 November 1984****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 3131/84⁽⁵⁾ and subsequent amending Regulations;

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

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

provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 21 November 1984;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3131/84 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 23 November 1984.

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

Done at Brussels, 22 November 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 293, 10. 11. 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 22 November 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	58,17
10.01 B II	Durum wheat	109,24 ⁽¹⁾ ⁽²⁾
10.02	Rye	71,91 ⁽⁶⁾
10.03	Barley	71,60
10.04	Oats	55,85
10.05 B	Maize, other than hybrid maize for sowing	67,88 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	80,90 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	95,28
11.01 B	Rye flour	114,52
11.02 A I a)	Durum wheat groats and meal	182,66
11.02 A I b)	Common wheat groats and meal	101,97

⁽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 3256/84

of 22 November 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
21 November 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 23
November 1984.

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

Done at Brussels, 22 November 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 22 November 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 11	1st period 12	2nd period 1	3rd period 2
10.01 B I	Common wheat, and meslin	0	0	0	2,47
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	0,20	0,20	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	26,02
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	3,46

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	4,40	4,40
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	3,29	3,29
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 3257/84

of 22 November 1984

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2260/84⁽²⁾, and in particular Article 16 (2) thereof,

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

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

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

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

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

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

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general

rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 19 and 20 November 1984 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 73, 16. 3. 1984, p. 10.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 108, 25. 4. 1984, p. 4.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 73, 16. 3. 1984, p. 11.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

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

Article 3

This Regulation shall enter into force on 23 November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	60,00 ⁽¹⁾
15.07 A I b)	62,00 ⁽¹⁾
15.07 A I c)	60,00 ⁽¹⁾
15.07 A II a)	70,00 ⁽²⁾
15.07 A II b)	95,00 ⁽³⁾

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

(a) Spain and Lebanon: 0,60 ECU/100 kg;

(b) Turkey: 11,48 ECU/100 kg (^(*)) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Algeria and Morocco: 12,69 ECU/100 kg (^(*)) provided that the operator furnishes proof of having paid the export tax applied by those countries; however, the repayment may not exceed the amount of the tax in force.

(d) Tunisia: 12,69 ECU/100 kg (^(*)) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

(^(*)) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

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

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

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

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	13,64
07.03 A II	13,64
15.17 B I a)	31,00
15.17 B I b)	49,60
23.04 A II	4,80

COMMISSION REGULATION (EEC) No 3258/84
of 22 November 1984
fixing additional amounts for eggs in shell

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2771/75 of 29 October 1975 on the common orga-
nization of the market in eggs ⁽¹⁾, as last amended by
Regulation (EEC) No 3643/81 ⁽²⁾, and in particular
Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier
offer price (hereinafter called the 'offer price') falls
below the sluice-gate price, the levy applicable to that
product must be increased by an additional amount
equal to the difference between the sluice-gate price
and the offer price determined in accordance with
Article 1 of Commission Regulation No 163/67/EEC
of 26 June 1967 on fixing the additional amount for
imports of poultry-farming products from third coun-
tries ⁽³⁾, as last amended by Regulation (EEC) No
1527/73 ⁽⁴⁾;

Whereas the offer price must be determined for all
imports from all third countries; whereas, however, if
exports from one or more third countries are effected
at abnormally low prices, lower than prices ruling for
other third countries, a second offer price must be
determined for exports from these other countries;

Whereas, pursuant to Regulation No 54/65/EEC ⁽⁵⁾,
No 183/66/EEC ⁽⁶⁾, No 765/67/EEC ⁽⁷⁾, (EEC) No

59/70 ⁽⁸⁾ and (EEC) No 2164/72 ⁽⁹⁾, the levies on
imports of poultry eggs in shell originating in and
coming from Poland, South Africa, Australia, Romania
or Bulgaria are not increased by an additional amount,
in so far as concerns products imported in accordance
with Article 4 (a) of Regulation No 163/67/EEC;

Whereas the regular review of the information serving
as a basis for the determination of average offer prices
for the products listed in Article 1 (1) (a) of Regulation
(EEC) No 2771/75 indicates that additional amounts
corresponding to the figures shown in the Annex
hereto should be fixed for the imports specified in that
Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of
Regulation (EEC) No 2771/75 shall be as set out in
the Annex hereto for the products listed in Article 1
(1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 23
November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 364, 19. 12. 1981, p. 1.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

ANNEX

Additional amounts applicable to certain products listed in Article 1 (1) (a) of Regulation
(EEC) No 2771/75

CCT heading No	Description	Additional amount	Imports affected
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not : A. Eggs in shell, fresh or preserved : I. Poultry eggs : a) Eggs for hatching (a) : 2. Other b) Other	ECU/100 units	
		2,00	
		ECU/100 kg	Origin : Sweden
		30,00	

(a) Only poultry eggs which fulfil the conditions stipulated by the competent authorities of the European Communities are eligible for entry under this subheading.

(b) The additional amounts are not applied to products which are imported in accordance with Article 4 (a) of Regulation No 163/67/EEC.

COMMISSION REGULATION (EEC) No 3259/84
of 22 November 1984
fixing additional amounts for egg products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2771/75 of 29 October 1975 on the common
organization of the market in eggs ⁽¹⁾, as last amended
by Regulation (EEC) No 3643/81 ⁽²⁾, and in particular
Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier
offer price (hereinafter called the 'offer price') falls
below the sluice-gate price, the levy applicable to that
product must be increased by an additional amount
equal to the difference between the sluice-gate price
and the offer price determined in accordance with
Article 1 of Commission Regulation No 163/67/EEC
of 26 June 1967 on fixing the additional amount for
imports of poultry-farming products from third coun-
tries ⁽³⁾, as last amended by Regulation (EEC) No
1527/73 ⁽⁴⁾;

Whereas the offer price must be determined for all
imports from all third countries; whereas, however, if
exports from one or more third countries are effected
at abnormally low prices, lower than prices ruling for
other third countries, a second offer price must be
determined for exports from these other countries;

Whereas, pursuant to Article 1 of Regulation (EEC)
No 990/69 ⁽⁵⁾, the levies on imports of eggs not in
shell and egg yolks originating in and coming from
Austria are not increased by an additional amount;

Whereas the regular review of the information serving
as a basis for the determination of average offer prices
for the products listed in Article 1 (1) (b) of Regulation
(EEC) No 2771/75 indicates that additional amounts
corresponding to the figures shown in the Annex
hereto should be fixed for the imports specified in that
Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of
Regulation (EEC) No 2771/75 shall be as set out in
the Annex hereto for the products listed in Article 1
(1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 23
November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 364, 19. 12. 1981, p. 1.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 130, 31. 5. 1969, p. 4.

ANNEX

Additional amounts applicable to certain products listed in Article 1 (1) (b) of Regulation
(EEC) No 2771/75

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not : B. Eggs, not in shell ; egg yolks : I. Suitable for human consumption : a) Eggs, not in shell : 1. Dried 2. Other	 110,00 50,00	 Origin : Bulgaria or Yugoslavia Origin : Czechoslovakia, the German Democratic Republic ⁽¹⁾ or Norway

⁽¹⁾ With the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems.

COMMISSION REGULATION (EEC) No 3260/84

of 22 November 1984

fixing additional amounts for live and slaughtered poultry

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2777/75 of 29 October 1975 on the common orga-
nization of the market in poultrymeat⁽¹⁾, as last
amended by the Act of Accession of Greece⁽²⁾, and in
particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier
offer price (hereinafter called the 'offer price') falls
below the sluice-gate price, the levy applicable to that
product must be increased by an additional amount
equal to the difference between the sluice-gate price
and the offer price determined in accordance with
Article 1 of Commission Regulation No 163/67/EEC
of 26 June 1967 on fixing the additional amount for
imports of poultry-farming products from third coun-
tries⁽³⁾, as amended by Regulation (EEC) No
1527/73⁽⁴⁾;

Whereas the offer price must be determined for all
imports from all third countries; whereas, however, if
exports from one or more third countries are effected
at abnormally low prices, lower than prices ruling for
other third countries, a second offer price must be
determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68⁽⁵⁾,
the import levies on slaughtered fowls, ducks and

geese originating in and coming from Poland are not
increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69⁽⁶⁾,
the import levies on slaughtered ducks and geese
originating in and coming from Romania are not
increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70⁽⁷⁾,
the import levies on slaughtered turkeys originating in
and coming from Poland are not increased by an addi-
tional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72⁽⁸⁾,
the import levies on slaughtered fowls and geese origi-
nating in and coming from Bulgaria are not increased
by an additional amount;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of
Regulation (EEC) No 2777/75 shall be as set out in
the Annex hereto for the products listed in Article 1
(1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 23
November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁷⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁸⁾ OJ No L 232, 12. 10. 1972, p. 3.

ANNEX

Additional amounts applicable to live and slaughtered poultry and halves or quarters

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen : A. Whole poultry : I. Fowls : a) Plucked and gutted, with heads and feet, known as '83 % chickens' b) Plucked and drawn, without heads and feet, but with hearts, livers and gizzards, known as '70 % chickens' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens' II. Ducks : a) Plucked, bled, gutted but not drawn, with heads and feet, known as '85 % ducks' b) Plucked and drawn, without heads and feet but with hearts, livers and gizzards, known as '70 % ducks' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '63 % ducks' IV. Turkeys : a) Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as '80 % turkeys' b) Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as '73 % turkeys' B. Poultry cuts (excluding offals) : II. Unboned (bone-in) : a) Halves or quarters : 1. Of fowls 2. Of ducks	20,00 20,00 20,00 35,00 35,00 35,00 20,00 20,00 20,00 35,00	Origin : Yugoslavia Origin : Yugoslavia Origin : Yugoslavia Origin : Hungary Origin : Hungary Origin : Hungary Origin : Hungary Origin : Hungary Origin : Hungary Origin : Yugoslavia Origin : Hungary

COMMISSION REGULATION (EEC) No 3261/84
of 22 November 1984
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2777/75 of 29 October 1975 on the common
organization of the market in poultrymeat⁽¹⁾, as last
amended by the Act of Accession of Greece⁽²⁾, and in
particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier
offer price (hereinafter called the 'offer price') falls
below the sluice-gate price, the levy applicable to that
product must be increased by an additional amount
equal to the difference between the sluice-gate price
and the offer price determined in accordance with
Article 1 of Commission Regulation No 163/67/EEC
of 26 June 1967 on fixing the additional amount for
imports of poultry-farming products from third coun-
tries⁽³⁾, as last amended by Regulation (EEC) No
1527/73⁽⁴⁾;

Whereas the offer price must be determined for all
imports from all third countries; whereas, if exports
from one or more third countries are effected at abnor-
mally low prices, lower than prices ruling for other
third countries, a second offer price must be deter-
mined for exports from these other countries;

Whereas the regular review of the information serving
as a basis for the determination of average offer prices
for poultrymeat products other than slaughtered
poultry and halves or quarters indicates that additional
amounts corresponding to the figures shown in the
Annex hereto should be fixed for the imports specified
in that Annex;

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

HAS ADOPTED THIS REGULATION :

Article 1

The additional amounts provided for in Article 8 of
Regulation (EEC) No 2777/75 shall be as set out in
the Annex hereto for the products listed in Article 1
(1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 23
November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

ANNEX

Additional amounts applicable to poultrymeat products with the exception of live and slaughtered poultry and halves or quarters

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen : B. Poultry cuts (excluding offals) : I. Boned or boneless : b) Of turkeys II. Unboned (bone-in) : e) Legs and cuts of legs : 1. Of geese	50,00 25,00	Origin : Yugoslavia or Hungary Origin : Israel

COMMISSION REGULATION (EEC) No 3262/84
of 22 November 1984
fixing additional amounts for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas, if for a given product, the free-at-frontier
offer price (hereinafter called the 'offer price') falls
below the sluice-gate price, the levy applicable to that
product must be increased by an additional amount
equal to the difference between the sluice-gate price
and the offer price determined in accordance with
Article 1 of Commission Regulation No 163/67/EEC
of 26 June 1967 on fixing the additional amount for
imports of poultry-farming products from third coun-
tries ⁽³⁾, as last amended by Regulation (EEC) No
1527/73 ⁽⁴⁾; whereas that Article 1 applies by virtue of
Article 3 of Commission Regulation (EEC) No
1777/74 of 9 July 1974 fixing the value of certain
items to be used in calculating the import duties and
sluice-gate prices for ovalbumin and lactalbumin ⁽⁵⁾;

Whereas the offer price must be determined for all
imports from all third countries; whereas, however, if
exports from one or more third countries are effected
at abnormally low prices, lower than prices ruling for
other third countries, a second offer price must be
determined for exports from these other countries;

Whereas, pursuant to Article 2 of Regulation (EEC)
No 990/69 ⁽⁶⁾, the import levies on ovalbumin and
lactalbumin originating in and coming from Austria
are not increased by an additional amount;

Whereas the regular review of the information serving
as a basis for the determination of average offer prices
for the products listed in Article 1 of Regulation (EEC)
No 2783/75 indicates that additional amounts corres-
ponding to the figures shown in the Annex below
should be fixed for the imports specified in that
Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 5 of
Regulation (EEC) No 2783/75 are hereby fixed as
shown in the Annex for the products listed in Article
1 of that Regulation which appear in the Annex.

Article 2

This Regulation shall enter into force on 23
November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 186, 10. 7. 1974, p. 19.

⁽⁶⁾ OJ No L 130, 31. 5. 1969, p. 4.

ANNEX

Additional amounts applicable to ovalbumin and lactalbumin

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
35.02	Albumins, albuminates and other albumin derivatives : A. Albumins : II. Other (i.e. other than unfit, or rendered unfit, for human consumption) : a) Ovalbumin and lactalbumin : 2. Other	15,00	Origin : Czechoslovakia

COMMISSION REGULATION (EEC) No 3263/84

of 20 November 1984

extending Commission Regulation (EEC) No 1888/83 making the import of certain textile products originating in Argentina subject to Community surveillance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, as amended by Regulation (EEC) No 899/83 ⁽²⁾, and in particular Article 10 thereof,

After consulting the advisory committee established under the said Regulation,

Whereas imports into the Community of textile products originating in Argentina and a large number of other supplier countries in a situation similar to Argentina have been subject to a special import regime under the terms of bilateral agreements which expired on 31 December 1982; whereas such agreements provided *inter alia* procedures whereby imports of such products could be limited and monitored;

Whereas the Community has negotiated new bilateral agreements with the other supplier countries whereby imports of textile products are subject to a similar special import regime as from 1 January 1983;

Whereas there is no such agreement with Argentina; whereas import of such products are not subject to specific common import rules from 1 January 1983;

Whereas, as from 1 January 1983, a Community surveillance of imports of certain textile products originating in Argentina was introduced by Commission Regulations (EEC) No 3605/82 ⁽³⁾ and (EEC) No 1888/83 ⁽⁴⁾, extended by Regulation (EEC) No 3509/83 ⁽⁵⁾;

Whereas the situation which led to the introduction of the said surveillance system still exists; whereas that system should therefore remain in force,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1888/83 is hereby extended until 31 December 1985.

Article 2

This Regulation shall enter into force on 1 January 1985.

It shall apply until 31 December 1985.

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

Done at Brussels, 20 November 1984.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.
⁽²⁾ OJ No L 103, 21. 4. 1983, p. 1.

⁽³⁾ OJ No L 376, 31. 12. 1982, p. 36.
⁽⁴⁾ OJ No L 187, 12. 7. 1983, p. 31.
⁽⁵⁾ OJ No L 351, 14. 12. 1983, p. 7.

COMMISSION REGULATION (EEC) No 3264/84**of 20 November 1984****concerning a fourth amendment to Regulation (EEC) No 500/84 allocating import quotas fixed for certain products originating in the United States of America**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 349/84 of 6 February 1984 suspending tariff concessions and increasing duties under the Common Customs Tariff with regard to certain products originating in the United States of America, and establishing quantitative restrictions with regard to other products originating in that country⁽¹⁾, as amended by Regulation (EEC) No 1346/84⁽²⁾, and in particular Article 3 (2) thereof,

Whereas Commission Regulation (EEC) No 500/84⁽³⁾, as last amended by Regulation (EEC) No 2856/84⁽⁴⁾, broke down the import quotas fixed for certain products originating in the United States of America into two parts, of which the first is distributed amongst the Member States and the second constitutes a Community reserve;

Whereas, in accordance with Article 3 of Regulation (EEC) No 500/84, the reserve must be distributed by 1 December 1984 at the latest; whereas this does not prejudice the possibility of later adjusting the breakdown among the Member States, mainly to cope with any requirements arising with particular urgency in certain Member States or to ensure that the impact of the measure does not exceed the objective pursued;

Whereas it is also necessary to allocate the overall increase in quotas resulting from Regulation (EEC) No 1346/84, and to adjust the quotas in line with movements in the dollar/ECU exchange rate;

Whereas, at the same time, the allocation of certain quotas should be adjusted in the light of supply requirements, with particular reference to imports effected as at 30 September 1984;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Quota Administration Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 500/84 is hereby amended in accordance with the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1984.

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

Done at Brussels, 20 November 1984.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 40, 11. 2. 1984, p. 1.

⁽²⁾ OJ No L 131, 17. 5. 1984, p. 1.

⁽³⁾ OJ No L 57, 28. 2. 1984, p. 7.

⁽⁴⁾ OJ No L 270, 11. 10. 1984, p. 11.

ANNEX

(in 1 000 ECU)

NIMEXE code	Community quota	Quota distribution per Member State								Reserve
		D	F	I	BNL	UK	IRL	DK	GR	
29.01-71	31 200	2 001	5 109	12 210	10 613	698	4	—	567	—
39.02-09	10 800	2 524	245	2 110	514	4 093	841	468	5	—
39.02-11	2 400	35	535	780	86	963	1	—	—	—
39.02-12	3 100	324	113	316	662	1 466	141	10	68	—
93.04-20, 30, 41, 49, 60	9 000	1 442	4 999	1 001	379	727	13	229	210	—
97.06-10	4 400	1 110	275	50	310	2 630	7	15	3	—
97.06-33, 34	4 800	3 004	784	690	298	77	—	—	—	—

COMMISSION DECISION No 3265/84/ECSC

of 20 November 1984

fixing the rates of abatement for the first quarter of 1985 in accordance with Decision No 234/84/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 234/84/ECSC of 31 January 1984 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽¹⁾, and in particular Article 9 (1) thereof,

Whereas the rates of abatement in respect of certain products must be fixed for the first quarter of 1985 on the basis of studies carried out with undertakings and associations of undertakings,

HAS ADOPTED THIS DECISION:

Article 1

The rates of abatement for the establishment of production quotas for the first quarter of 1985 shall be as follows:

category Ia	45
category Ib	39
category Ic	17
category Id	+41
category II	43
category III	48
category IV	37
category V	46
category VI	40

The rates of abatement for the establishment of the part of the production quotas which may be delivered in the common market shall be as follows:

category Ia	50
category Ib	43
category Ic	23
category Id	+43
category II	48
category III	58
category IV	39
category V	48
category VI	40

Article 2

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

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

Done at Brussels, 20 November 1984.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 29, 1. 2. 1984, p. 1.

COMMISSION REGULATION (EEC) No 3266/84
of 22 November 1984
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2260/84 ⁽²⁾, and in particular Article 27 (4),

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 2985/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 3170/84 ⁽⁸⁾;

Whereas, for the period 24 to 30 October 1984, for certain currencies:

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

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

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2985/84 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 208, 3. 8. 1984, p. 1.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 282, 26. 10. 1984, p. 18.

⁽⁸⁾ OJ No L 297, 15. 11. 1984, p. 27.

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU)	11,197	11,717	13,448	13,394	13,631	13,383
2. Final aids						
Seeds harvested and processed in :						
— Federal Republic of Germany (DM)	35,58	36,89	34,58	34,72	35,31	35,51
— Netherlands (Fl)	34,06	35,47	38,93	39,08	39,74	39,87
— BLEU (Bfrs/Lfrs)	519,67	543,81	624,15	620,19	631,18	608,49
— France (FF)	67,98	71,55	83,18	81,63	83,18	81,28
— Denmark (Dkr)	94,22	98,60	113,16	112,71	114,70	111,83
— Ireland (£ Irl)	8,399	8,789	10,082	9,974	10,152	9,770
— United Kingdom (£)	6,656	6,978	8,057	8,020	8,164	8,005
— Italy (Lit)	16 034	16 775	18 978	18 627	18 963	17 721
— Greece (Dr)	839,83	886,90	1 049,20	1 041,66	1 061,81	1 035,81

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month
1. Gross aids (ECU)	17,506	18,028	18,432	19,462	20,077
2. Final aids					
Seeds harvested and processed in :					
— Federal Republic of Germany (DM)	52,30	53,63	46,87	49,56	51,02
— Netherlands (Fl)	51,58	53,01	52,77	55,79	57,44
— BLEU (Bfrs/Lfrs)	812,48	836,71	855,46	901,63	930,17
— France (FF)	110,29	113,86	115,95	121,96	126,18
— Denmark (Dkr)	147,31	151,71	155,11	163,77	168,95
— Ireland (£ Irl)	13,131	13,523	13,819	14,516	14,978
— United Kingdom (£)	10,528	10,850	11,099	11,739	12,119
— Italy (Lit)	24 878	25 811	26 070	27 244	28 125
— Greece (Dr)	1 391,01	1 437,83	1 473,43	1 568,59	1 624,27

ANNEX III

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

(value of 1 ECU)

	Current month	1st month	2nd month	3rd month	4th month	5th month
DM	2,229740	2,223170	2,217590	2,211460	2,211460	2,194640
Fl	2,514470	2,507980	2,501040	2,495050	2,495050	2,478080
Bfrs/Lfrs	44,994600	45,056500	45,106200	45,155900	45,155900	45,291300
FF	6,887350	6,899080	6,911440	6,925610	6,925610	6,967800
Dkr	8,058760	8,075340	8,086440	8,096550	8,096550	8,125020
£ Irl	0,718088	0,720931	0,723662	0,726613	0,726613	0,733848
£	0,596509	0,596986	0,597144	0,597477	0,597477	0,597969
Lit	1 386,62	1 394,10	1 401,53	1 408,39	1 408,39	1 428,92
Dr	91,9820	92,0665	92,1380	92,2207	92,2207	92,4682

COMMISSION REGULATION (EEC) No 3267/84
of 22 November 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 3231/84⁽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 23
November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 301, 20. 11. 1984, p. 18.

ANNEX

**to the Commission Regulation of 22 November 1984 fixing the import levies on white
sugar and raw sugar**

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	45,34
	B. Raw sugar	42,38 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 3268/84**of 22 November 1984****altering the export refunds on syrups and certain other sugar sector products
exported in the natural state**

**THE COMMISSION OF THE EUROPEAN
COMMUNITIES,**

**Having regard to the Treaty establishing the European
Economic Community,**

**Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, as
last amended by Regulation (EEC) No 606/82⁽²⁾, and
in particular Article 19 (4) thereof,**

**Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No
3043/84⁽³⁾;**

**Whereas it follows from applying the rules, criteria
and other provisions contained in Regulation (EEC)**

No 3043/84 to the information at present available to
the Commission that the export refunds at present in
force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to Regulation (EEC) No 3043/84 are hereby
altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23
November 1984.

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

Done at Brussels, 22 November 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 288, 1. 11. 1984, p. 14.

(2) Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 3269/84**of 22 November 1984****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 last on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 3239/84⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3239/84 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3239/84, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 November 1984.

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

Done at Brussels, 22 November 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 302, 21. 11. 1984, p. 22.

ANNEX

to the Commission Regulation of 22 November 1984 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	38,95	
	(b) Other	38,62	
	(II) Flavoured or coloured sugar		0,3895
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	35,83 ⁽¹⁾	
	(b) Other raw sugar	35,53 ⁽¹⁾	

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

COMMISSION REGULATION (EEC) No 3270/84**of 22 November 1984****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

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 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 November 1984 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 3048/84⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 3048/84 to the

information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EEC) No 3048/84 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Karl-Heinz NARJES

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 288, 1. 11. 1984, p. 28.

ANNEX

to the Commission Regulation of 22 November 1984 altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Table A

<i>Rate of refund in ECU/100 kg:</i>	White sugar :	38,95
	Raw sugar :	35,83
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$38,95 \times \frac{S^{(1)}}{100}$
	Molasses :	—
	Isoglucose or flavoured or coloured isoglucose syrups :	38,95 ⁽²⁾

Table B

<i>Rate of refund in ECU/100 kg:</i>	White sugar :	35,07
	Raw sugar :	32,26
	Syrups of beet sugar or cane sugar containing, in the dry state, 98 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$35,07 \times \frac{S^{(1)}}{100}$
	Molasses :	—

⁽¹⁾ 'S' represents the weight of sucrose (including invert sugar expressed as sucrose) in 100 kilograms of syrup.

⁽²⁾ Amount of refund for 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 3271/84

of 22 November 1984

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽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 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 3004/84⁽⁷⁾, as last amended by Regulation (EEC) No 3253/84⁽⁸⁾;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽¹¹⁾, as last amended by Regulation (EEC) No 855/84⁽¹²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 21 November 1984;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹³⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 3004/84, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 November 1984.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSAER

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 L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.

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

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 283, 27. 10. 1984, p. 17.

⁽⁸⁾ OJ No L 303, 22. 11. 1984, p. 17.

⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 22 November 1984 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 D ⁽²⁾	107,90	101,86
11.02 A II ⁽²⁾	136,58	130,54
11.02 A IV ⁽²⁾	107,90	101,86
11.02 B I a) 2 aa)	60,74	57,72
11.02 B I a) 2 bb) ⁽²⁾	104,88	101,86
11.02 B I b) 2 ⁽²⁾	104,88	101,86
11.02 B II b) ⁽²⁾	99,47	96,45
11.02 C II ⁽²⁾	119,05	116,03
11.02 C IV ⁽²⁾	93,56	90,54
11.02 D II ⁽²⁾	76,99	73,97
11.02 D IV ⁽²⁾	60,74	57,72
11.02 E I a) 2 ⁽²⁾	60,74	57,72
11.02 E I b) 2 ⁽²⁾	119,22	113,18
11.02 E II b) ⁽²⁾	136,58	130,54
11.02 F II ⁽²⁾	136,58	130,54
11.02 F IV ⁽²⁾	107,90	101,86

⁽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.

COMMISSION REGULATION (EEC) No 3272/84

of 22 November 1984

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 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. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 22 November 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 22 November 1984 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 6,00 13,50
10.01 B II	Durum wheat	—
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 10,00 10,00
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	 27,00 34,00 — —
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 — —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	 18,00 18,00 16,00 15,00 14,00 12,00

CCT heading No	Description	(ECU/tonne) Refund
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	18,00 18,00 18,00 18,00
11.02 A I a)	Durum wheat groats and meal : — of an ash content of 0 to 1 300 ⁽¹⁾ — of an ash content of 0 to 1 300 ⁽²⁾ — of an ash content of 0 to 1 300 — of an ash content of more than 1 300	151,00 143,00 127,00 120,00
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	18,00

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

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

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

COMMISSION REGULATION (EEC) No 3273/84
of 22 November 1984
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common 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 Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

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

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 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. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 22 November 1984.

For the Commission
Poul DALSAGER
Member of the Commission

ANNEX

to the Commission Regulation of 22 November 1984 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	7,98
11.07 A II b)	64,12
11.07 B	74,73

COMMISSION REGULATION (EEC) No 3274/84**of 22 November 1984****suspending advance fixing of export refunds for certain cereal products**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular the
first subparagraph of Article 16 (7) thereof,

Whereas Article 16 (7) of Regulation (EEC) No
2727/75 makes provision for the suspension of arran-
gements relating to the advance fixing of export
refunds if the market situation indicates that the said
arrangements are causing difficulties or if such diffi-
culties are in danger of arising;

Whereas Commission Regulation (EEC) No
3202/84⁽³⁾, as amended by Regulation (EEC) No
3243/84⁽⁴⁾, temporarily suspended the advance fixing
of export refunds for certain products of the cereals
sector; whereas the reasons for this suspension still
remain valid and the measure should therefore
continue in force for a limited period while the situa-
tion is kept under observation; whereas recent deve-
lopments indicate it is no longer necessary to include

some products for which the risk of speculative fixing
can now be discounted;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The advance fixing of export refunds for the
products falling within subheading 11.02 A I a) of the
Common Customs Tariff and for those listed in
Annex A to Regulation (EEC) No 2727/75 is hereby
suspended, with the exception of those falling within
heading No 23.07 and subheadings 11.07 A I b), 11.07
A II b) and 11.07 B.

2. The advance fixing of export refunds is hereby
suspended for cereal products exported in the form of
the goods listed in Annex B to Regulation (EEC) No
2727/75.

Article 2

This Regulation shall enter into force on 23
November 1984.

It shall apply from 23 November to 30 November
1984.

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

Done at Brussels, 22 November 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 L 299, 17. 11. 1984, p. 26.

⁽⁴⁾ OJ No L 302, 21. 11. 1984, p. 29.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 May 1984

concerning the State aids provided for by Law No 97 of the Region of Sicily of 6 May 1981 on measures to encourage productive sectors of agriculture and various agricultural standards

(Only the Italian text is authentic)

(84/557/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 22 thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽³⁾, as last amended by Regulation (EEC) No 985/84⁽⁴⁾, and in particular Article 31 thereof,

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⁽⁵⁾, as last amended by Regulation (EEC) No 988/84⁽⁶⁾, and in particular Article 17 thereof,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine⁽⁷⁾, as last amended by Regulation

(EEC) No 1208/84⁽⁸⁾, and in particular Article 59 thereof,

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⁽⁹⁾, as last amended by Regulation (EEC) No 856/84⁽¹⁰⁾, and in particular Articles 23 and 24 thereof,

Having given formal notice to the parties concerned to submit their comments, in accordance with the first subparagraph of Article 93 (2) of the Treaty, and having regard to these comments⁽¹¹⁾,

I

Whereas, in its letter of 11 May 1981, the Italian Government notified to the Commission a draft Law of the Region of Sicily on 'measures to encourage productive sectors of agriculture and various agricultural standards'; whereas this notification was replaced by that dated 29 May 1981;

Whereas further details of the new text were requested on 1 June 1981, 15 July 1981 and 22 February 1982;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 103, 16. 4. 1984, p. 1.

⁽⁵⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽⁶⁾ OJ No L 103, 16. 4. 1984, p. 11.

⁽⁷⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁸⁾ OJ No L 115, 1. 5. 1984, p. 77.

⁽⁹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽¹⁰⁾ OJ No L 163, 22. 6. 1983, p. 56.

⁽¹¹⁾ OJ No C 155, 19. 6. 1982, p. 2.

Whereas the Italian authorities informed the Commission by letter of 29 March 1982 that the draft Law in question had been adopted by the Regional Assembly on 22 April 1981 and published on 9 May 1981 as Law No 97/81;

Whereas Articles 2 and 3 of the Law provide for authorization for expenditure of Lit 4 000 million for 1981 and Lit 5 000 million for 1982 covering a subsidy of Lit 700 per quintal for durum wheat delivered into public storage ('ammasso volontario');

Whereas Article 4 provides for authorization for expenditure of Lit 300 million for 1981 covering subsidies of Lit 100 million to groups of cooperatives storing and marketing durum wheat;

Whereas Article 5 provides for authorization for expenditure of Lit 100 million for both 1981 and 1982 covering subsidies to members of durum wheat producer organizations who sow fields for the production of selected certified durum seed wheat, amounting to 10 % of the unit intervention price fixed by the Community for each quintal of selected durum seed wheat;

Whereas Article 6 provides for authorization for expenditure of Lit 500 million for both 1981 and 1982 covering subsidies to individual farmers equal to 20 % of the purchase price of selected durum seed wheat produced in Sicily, limited to 10 quintals per recipient;

Whereas Articles 8 and 9 provide for authorization for expenditure of Lit 1 500 million for 1981 and Lit 1 500 million for 1982 covering subsidies of Lit 2 000 to 6 000 per quintal to producers of durum wheat damaged by pests during the 1980/81 season and delivering the wheat to cooperatives or groups organizing the reception, storage and joint sale of the wheat;

Whereas Article 10 provides for authorization for expenditure of Lit 500 million for 1981 — in implementation of Article 8 of Regional Law No 83/80 — covering aid to tomato producers belonging to cooperatives, groups of cooperatives and producer organizations of Lit 700 per quintal of tomatoes supplied for processing;

Whereas Article 11 provides for authorization for expenditure of Lit 350 million for 1981 — in application of Article 9 of Regional Law No 83/80 — covering a subsidy to the bodies referred to in Article 10 of Regional Law No 97/81 of Lit 500 per quintal of tomatoes to cover some of the costs involved in storage and transport of produce to processing plants;

Whereas Article 12 provides for authorization for expenditure of Lit 3 000 million for 1981 — in

compliance with Article 12 of Regional Law No 83/80 — to assist the granting to citrus fruit growers belonging to cooperatives, groups of cooperatives and/or producer organizations, of a subsidy to cover management expenses of Lit 750 per quintal of citrus fruit supplied for processing;

Whereas Article 13 provides for authorization for expenditure for 1981 of Lit 600 million covering subsidies to cooperatives, groups of cooperatives and producer associations of up to 70 % of expenditure incurred in the handling, processing and marketing of citrus fruit;

Whereas Article 14 provides for reduced-interest loans (about 4 %) granted for one year to private firms with State participation which operate plants in Sicily for the processing of citrus fruit into juice, concentrates and freeze-dried products; whereas these loans are granted only for the quantities of citrus fruit supplied under contract between 1 April and 30 September 1981 by cooperatives, groups of cooperatives and producer associations formed in accordance with Law No 622 of 27 July 1967 on condition that the recipient firms pay farmers delivering their produce no less than the minimum prices laid down by Community regulations;

Whereas Article 15 provides for authorization for expenditure of Lit 500 million for 1981 covering aid of Lit 15 per kilogram of blood oranges damaged by bad weather in order to compensate the lower juice content; whereas this aid is granted to recognized groups of producers, cooperatives and groups of cooperatives and to firms with a majority State participation, having citrus fruit processing plants; whereas this aid is granted to firms only on the conditions that they guarantee payment of a minimum purchase price;

Whereas Article 17 provides for an increased appropriation for the fund set up with the IRCAG (Istituto Regionale Credito Agrario) by Article 3 (4) of Regional Law No 12 of 7 February 1963, from 1981, of an annual sum of Lit 1 200 million covering reduced-interest loans (about 12 %) to farming cooperatives and groups of cooperatives for 15 years to meet all the liabilities outstanding on 31 March 1981 arising out of loans taken out for the payment of advances to members for the supply of agricultural products during the 1978/79 season, running costs and expenditure related to costs incurred up to 31 July 1978 for setting up and modernizing social structures, after deducting regional, national or Community subsidies received;

Whereas Article 21 provides for authorization for expenditure of Lit 4 800 million, 50 % to cover the execution of work by the 'Istituto Regionale della Vite e del Vino' referred to in Article 6 of Regional Law No

28 of 30 July 1973 to refinance the publicity campaign for 1981, and to support the export of wines in bulk to non-Community countries, particularly the Soviet Union, and the marketing of bottled wines and wines in bulk in Italy and in the Community;

Whereas Article 22 provides for authorization for expenditure, for 1981, of Lit 200 million covering a subsidy provided for in Article 5 of Regional Law No 14 of 6 June 1968, amounting to Lit 3 000 per quintal of grapes produced in 1981 by wine-growers on the islands of Pantelleria and Lipari;

Whereas Article 30 provides for authorization for expenditure of Lit 500 million in 1981 and Lit 1 000 million for both 1982 and 1983 covering a subsidy to cooperatives, groups of cooperatives and producer associations of Lit 4 500 per hl of milk produced and delivered in Sicily to reduce the costs of collecting, transporting and chilling milk;

Whereas Article 31 provides for authorization for expenditure of Lit 500 million in 1981 and Lit 1 000 million for both 1982 and 1983 covering a subsidy to members of associations of cheese producers of Lit 4 500 per hl of milk produced in Sicily and processed into Caciocavallo, Pecorino siciliano and Canestrato misto cheeses;

Whereas Article 32 provides for authorization for expenditure of Lit 650 million for 1981 covering reduced-interest loans for 12 months to cooperatives and groups of cooperatives producing and handling milk, which make 'inter-trade' agreements for the purchase at agreed prices of milk produced in Sicily, in accordance with the provisions of National Law No 306/75; whereas the size of these loans depends upon the quantities of milk delivered to these bodies in the course of a year;

Whereas Article 39 provides for authorization for expenditure of Lit 5 000 million for 1982 covering a subsidy of 25 % of the price of diesel fuel used in crop cultivation and the processing and marketing of agricultural produce;

Whereas Article 43 provides for authorization for expenditure of Lit 45 000 million for 1981 mainly to refinance Article 1 of Regional Law No 23 of 28 July 1978 covering subsidies of 70 % of the eligible expenditure incurred in purchasing, constructing, enlarging or modernizing cooperative facilities for wrapping, preparing and packaging agricultural products;

Whereas, under Article 22 of Regulation (EEC) No 2727/75, Article 31 of Regulation (EEC) No 1035/72, Article 17 of Regulation (EEC) No 516/77, Article 59 of Regulation (EEC) No 337/79 and Articles 23 and 24

of Regulation (EEC) No 804/68, these aids are covered by Articles 92 to 94 of the Treaty;

II

Whereas the Commission, having conducted a preliminary examination of Law No 97/81, found:

- that the aids provided for in Articles 2, 3, 4, 8 and 9 contravene the rules of the common organization of the market in cereals,
- that the aids provided for in Articles 10, 11 and 14 contravene the rules of the common organization of the market in fruit and vegetables,
- that the aids provided for in Articles 12 and 15 contravene the rules of the common organization of the market in products processed from fruit and vegetables.
- that the aids provided for in Articles 21 and 22 contravene the rules of the common organization of the market in wine,
- that the aids provided for in Articles 30, 31 and 32 contravene the rules of the common organization of the market in milk and milk products;

Whereas these aids therefore should not be eligible for the exceptions provided for in Article 92 (3) of the Treaty and should be considered incompatible with the common market;

Whereas the Commission also found, as a result of this examination, that:

- (a) the aids provided for in Articles 5, 6, 13, 17 and 39 constitute operating aid, producing no lasting structural improvement and therefore not qualifying for one of the exemptions provided for in Article 92 (3) of the Treaty;
- (b) the aids provided for in Article 43 in the form of investment aid of 70 % towards eligible expenditure incurred in purchasing, constructing, enlarging or modernizing cooperative facilities for wrapping, preparing and packaging agricultural products, do not conform to the maximum limits generally applied to investment aid for marketing and processing agricultural products, and none of the projects financed are therefore eligible for the exception provided for in point (c) of Article 92 (3), the only provision possibly applicable in this case;

Whereas, in view of the foregoing, the Commission initiated the procedure provided for in Article 93 (2) of the Treaty in respect of the above measures, in its letter of 6 May 1982, and gave notice to the Italian Government to submit its comments;

Whereas the Commission gave notice to the other Member States and non-member States concerned to submit their comments;

III

Whereas the Italian Government, in its replies of 25 October 1982 and 18 January 1983 to the Commission's letter of notification, stated that :

- (a) the provisions of Articles 2 and 3 granting a subsidy of Lit 700 per quintal of durum wheat delivered into public storage have been replaced, for 1982, by Articles 19 and 20 of Regional Law No 87/82 providing for management loans covering advances to members of cooperatives and the costs of collective reception, storage and sale of wheat ;
- (b) the subsidy of Lit 100 million, provided for in Article 4, granted to each of the three groups of cooperatives having harvested durum wheat in 1981 was in fact non-renewable starting-up aid to assist the groups to meet running costs during the initial years of their operations since their foundation in 1975/76 ;
- (c) the subsidy of 10 % of the unit intervention price fixed by the Community to be paid for each quintal of selected durum seed wheat to members of durum wheat producer organizations provided for in Article 5, and the subsidy of 20 % of the purchase price of selected durum seed wheat to individual growers, provided for in Article 6, were intended for a programme on dissemination of agricultural advice, of limited duration, to encourage the use of new cultivation techniques ;
- (d) the subsidies of Lit 2 000 to 6 000 per quintal of durum wheat provided for in Articles 8 and 9 to durum wheat producers were intended to compensate growers of wheat affected by pests ; this was a special intervention measure and in future the Region would undertake to finance joint pest-control programmes of a preventive nature ;
- (e) the payment to growers of the subsidy of Lit 700 per quintal of tomatoes supplied for processing, and the payment to cooperatives, groups of cooperatives and producer organizations of a subsidy of Lit 500 per quintal of tomatoes to cover part of the storage and transport costs (Articles 10 and 11), already provided for in Articles 8 and 9 of Law No 83/80, were suspended as soon as the Commission initiated the infringement procedure under Article 169 of the Treaty on 5 February 1982 ;
- (f) the subsidy of Lit 750 per quintal of citrus fruit supplied for processing, provided for in Article 12 and introduced by Article 12 of Law No 83/80 was

limited to the 1981 season and would not be included in future legislation ;

- (g) the finance provided for in Article 13 granted to cooperatives, groups of cooperatives and producer associations, by credit institutions associated with the IRCAG (Istituto Regionale del Credito Agrario) to cover management expenses for up to 70 % of the permissible amounts deducted were intended to facilitate access to credit ; furthermore, the regional provisions on credit were repealed by Article 24 of Regional Law No 87/82, which states that the interest rates payable by the beneficiaries must be those laid down for equivalent credit operations at national level ;
- (h) the reduced-interest loans provided for by Article 14 for private firms with State participation which operate plants in Sicily for the processing of citrus fruit into juice, concentrates and freeze-dried products, were also intended to facilitate access to credit ;
- (i) the subsidy provided for in Article 15 of Lit 15 per kilogram of blood oranges damaged by bad weather, paid to recognized producer associations, cooperatives, groups of cooperatives and firms with a majority State participation, was intended to compensate them for the lower juice content of the oranges ;
- (j) the reduced-interest loans (about 12 %) for 15 years, provided for in Article 17 and intended to absorb the operating deficits of the cooperatives and groups of cooperatives were not granted and will not be granted in the future, owing to the complexity of the procedures ;
- (k) the subsidy of Lit 4 800 million provided for in Article 21 of which 50 % was intended to refinance the activities for 1981 of the Istituto Regionale della Vite del Vino described in Article 6 of Regional Law 28/73, consisting of publicity aid, aid for exports to non-member States, particularly the USSR, and aid for bottled wine marketed in Italy and the Community, has enabled congestion on the wine market to be relieved and distillation to be avoided ; it would therefore be advisable to continue to tolerate a lower amount of this aid in 1982 ;
- (l) the granting of a subsidy of Lit 3 000 per quintal of grapes for the 1981 harvest, provided for by Article 22, to the wine-growers of the islands of Pantelleria and Lipari had a dual purpose : supporting agriculture in areas where the activity is

vulnerable, and preventing the disappearance of traditional crops which are important for income and employment; the quantities involved were in fact small;

(m) the subsidy to milk producers belonging to cooperatives, groups of cooperatives and producer associations of Lit 4 500 per hl of milk delivered to these bodies, provided for in Article 30, with a view to reducing the costs of collecting, transporting and chilling milk, and the subsidy of Lit 4 500 per hl for milk produced in Sicily and processed into Caciocavallo, Pecorino siciliano and Canestrato misto cheeses to members of associations of cheese producers, provided for in Article 31, should be eligible for the exceptions to the provisions of point (a) of Article 92 (3) of the Treaty, given that the milk producers in Sicily work in especially disadvantaged areas, on small farms, far from collection and processing centres;

(n) the 'inter-trade' agreements referred to in Article 32 were concluded on the basis of negotiations between the parties concerned without reference to the provisions of Article 11 of National Law No 306/75, so they cannot therefore give rise to an infringement;

(o) the subsidy provided for in Article 39 of 25 % of the price of diesel fuel used for crop cultivation and the processing of agricultural produce was granted owing to the fall in income brought about by the rising costs of farm inputs, the damage caused by poor weather conditions and the natural handicaps to mechanization;

(p) the contributions provided for in Article 43 are structural interventions, included in regional programmes satisfying the general conditions laid down by Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 3164/82⁽²⁾;

Whereas several Member States and other parties concerned have forwarded their comments to the Commission; whereas they all take the view that the Sicilian measures contravene the rules of the common market organization and/or distort competition and affect trade between Member States;

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 332, 27. 11. 1982, p. 1.

IV

1. Whereas the Italian authorities have failed to fulfil their obligation under Article 93 (3) of the Treaty, firstly by giving notification of the draft Law and secondly by implementing the draft before the end of the period of examination allowed to the Commission to express an opinion;

Whereas this has led to a particularly serious situation, as the substance of most of the measures contravenes the rules of the common market organizations so that they must be regarded as incompatible with the provisions of Article 92 of the Treaty;

2. Whereas, in particular:

— the subsidy of Lit 700 per quintal of durum wheat delivered into public storage for 1981, in compliance with Article 10 of Regional Law No 47/80 by virtue of Articles 2 and 3 of Law No 97/81, is not allowed by Community regulations which have set up a production aid in this field,

— the subsidy of Lit 100 million to groups of cooperatives storing and marketing durum wheat provided for in Article 4 of Law No 97/81 is a measure encouraging durum wheat storage which is not allowed by Community regulations; whereas aid granted six years after the groups of cooperatives were set up cannot be regarded as starting-up aid,

— the aid to producers of durum wheat affected by pests, and delivering their products to cooperatives or groups organizing the collective reception, storage and sale of produce (Articles 8 and 9 of Law No 97/81), constitutes a supplementary income not allowed by Community regulations, which have set up a system of aid in this field;

whereas the aids provided for in Articles 2, 3, 4, 8 and 9 mentioned above, therefore contravene these rules;

Whereas the aids to the marketing of Sicilian wine in the Community and the aids for exports of Sicilian wines to non-member States, provided for by Article 21 of Law No 97/81 regarding refinancing for 1981 of the provisions of Article 6 of Regional Law 28/73, contravene the rules of the common organization of the market in wine which has introduced systems of intervention and export refunds; whereas Article 6 of Regional Law No 28/73 has been replaced by Article 5 of Regional Law No 58/83 which provides for publicity aid from 1 January 1983 in respect of which the Commission defined its position in its letter of 19 March 1984;

Whereas

- the subsidy of Lit 700 per quintal of tomatoes supplied for processing, provided for — in compliance with Article 8 of Regional Law No 83/80 — in Article 10 of Law No 97/81,
- the subsidy of Lit 500 per quintal for tomatoes to cover some of the costs involved in storage and transport to processing plants, provided for in Article 11 of Law No 97/81, in compliance with Article 9 of Regional Law No 83/80,
- the subsidy of Lit 750 per quintal for citrus fruit supplied for processing, provided for in Article 12 of Law No 97/81, in compliance with Article 12 of Law No 83/80,
- the reduced-interest loans (about 4 %) granted for one year to private firms with State participation which operate plants in Sicily for the processing of citrus fruit into juice, concentrates and freeze-dried products, designed to reduce the cost of buying, handling and processing the fruit, provided for in Article 14 of Law No 97/81,
- the subsidy of Lit 15 per kilogram for blood oranges damaged by bad weather to compensate the lower juice content, provided for in Article 15 of Law No 97/81, granted to recognized producer associations, cooperatives, groups of cooperatives and firms with a majority State participation having citrus-fruit processing plants,

are allowed neither by the rules of the common organization of the market in products processed from fruit and vegetables (for tomatoes), nor by the rules of the common organization of the market in fruit and vegetables, in particular the rules laying down special measures to encourage the processing of certain varieties of oranges; whereas Regulation (EEC) No 516/77, and Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of certain varieties of oranges⁽¹⁾, as last amended by Regulation (EEC) No 987/84⁽²⁾, have in fact introduced a system of Community aid for the production of certain processed products, including tomato- and citrus-based products; whereas these regional aids distort competition between growers and also encourage — beyond choices of Community policy — production of agricultural products the price of which should not be maintained by unlawful unilateral measures;

Whereas the subsidy of Lit 3 000 provided for in Article 22 of Law No 97/81 per quintal for Malvasia di Lipari grapes to wine-growers on the islands of Pantelleria and Lipari for the 1981 wine harvest contravenes

the rules of the common organization of the market in wine, since the aid is paid on the basis of quantities delivered to the cooperatives;

Whereas

- the subsidy of Lit 4 500 per hl of milk to producers delivering milk to cooperatives or groups of cooperatives with a view to reducing the costs of collecting, transporting and chilling milk, provided for in Article 30 of Law No 97/81
- and
- the subsidy of Lit 4 500 per hl to members of associations of cheese producers for milk produced in Sicily and processed into Caciocavallo, Pecorino siciliano and Canestrato misto cheeses, provided for in Article 31 of Law No 97/81

contravene the provisions of Article 24 (1) of Regulation (EEC) No 804/68 which prohibits 'aids the amount of which is fixed on the basis of the price or quantity of (the) products';

Whereas the Commission feels that the said Article 24 (1) merely confirms one of the restrictions of the Member States' power to intervene directly in the operation of the common market organizations having a common price system which are henceforth within the exclusive competence of the Community; whereas this principle is laid down by consistent judgments of the Court of Justice, particularly in the judgments delivered on 23 January 1975 and 6 November 1979 in Cases 51/74 (P. J. van der Hulst's Zonen v. Produktschap voor siergewassen) and Case 10/79 (Toffoli and others v. Regione Veneto)⁽³⁾;

Whereas, as a general principle, these judgments state that, once the Community has adopted regulations on the common organization of the market in a given sector, Member States may not take any action liable to undermine or create exceptions to it; whereas, in this connection, they must comply not only with the express provisions of the legislation but also with its aim and objectives;

Whereas, by introducing aids contravening the common market organizations, the Italian authorities have ignored the principle that the Member States no longer have the power to make unilateral arrangements relating to farmers' incomes within the framework of a market organization; whereas the Council, when setting up common market organizations and fixing the prices of agricultural products, has taken account of the various objectives and factors of common policy mentioned in Article 39 of the Treaty; whereas it is clear that, in view of the diversity

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽²⁾ OJ No L 103, 16. 4. 1984, p. 10.

⁽³⁾ [1975] ECR 79 and [1979] ECR 3320.

of these objectives, priorities have been established which a Member State may not alter unilaterally without reopening the options adopted at Community level and without tending to create distortions which could affect trade between Member States ;

Whereas, therefore, the granting of reduced-interest loans for 12 months, provided for in Article 32 of Law No 97/81 in favour of cooperatives and groups of cooperatives producing and processing milk, which sign 'inter-trade' agreements for the purchase of milk produced in Sicily at fixed prices, contravenes Community regulations ; whereas the system of a fixed selling price for milk is incompatible with the common organization of the market in milk and milk products since the simple fact that a Member State promotes a compulsory fixed production price — even indirectly by means of a contract — is incompatible with the pricing system of the common organization of the market in milk ;

Whereas these measures also artificially favour Sicilian producers in relation to those of other regions of Italy and other Member States ; whereas these measures are therefore liable to affect trade between Member States ;

3. Whereas the following aid measures

- (a) subsidies — per quintal of certified durum seed wheat — amounting to 10 % of the intervention price fixed by the Community for durum wheat, to members of durum wheat producer organizations who prepare fields for the production of selected durum seed wheat as provided for in Article 5 of Law No 97/81 ;
- (b) subsidies covering 20 % of the cost of producing selected durum seed wheat in Sicily, to individual farmers, provided for in Article 6 of Law No 97/81 ;
- (c) subsidies of up to 70 % of the expenditure incurred in the handling, processing and marketing of citrus fruit, provided for in Article 13 of Law No 97/81, to cooperatives, groups of cooperatives and producer associations ;
- (d) reduced-interest loans (about 12 %) for 15 years to farming cooperatives and groups of cooperatives, to enable these organizations to meet operating deficits, as provided for in Article 17 of Law No 97/81 ;
- (e) subsidy of 25 % of the price of diesel fuel, provided for in Article 39 of Law No 97/81, used in crop cultivation and the processing and marketing of agricultural produce,

are operating aids which directly reduce costs and improve production conditions, enabling the growers concerned to dispose of their products more easily

than those of other regions of Italy and of other Member States which do not qualify for comparable aids ; whereas their effect is therefore to distort competition and affect intra-Community trade ;

4. Whereas under the terms of Article 43 of Law No 97/81, subsidies of up to 70 % towards eligible expenditure incurred in purchasing, constructing, enlarging or modernizing cooperative facilities for wrapping, preparing, packaging, etc. agricultural products, are granted without differentiating aids as between less-favoured areas and other areas within the meaning of Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas⁽¹⁾, as last amended by Directive 82/786/EEC⁽²⁾ ; whereas, however, the maximum levels of investment generally allowed for Sicily for the processing and marketing of agricultural products are 75 % for installations located in mountain, hill or less-favoured areas within the meaning of Directive 75/268/EEC, or 50 % for installations in other areas ; whereas the text of the Law, by failing to differentiate between less-favoured and other areas, allows improper use of aid in areas not designated as less favoured ; whereas such high-level aid should nevertheless require of the recipient of the aid a sufficient contribution to the financing of the project ; whereas a financial contribution of 25 % or 50 % should in fact be a minimum, below which there is the risk of encouraging the establishment of undertakings which would not be viable without further aid and of aggravating the structural weaknesses of the island, so increasing production which might affect trading conditions to an extent contrary to the common interest, with the added risk of difficulty in disposing of the products concerned without support from the EAGGF ;

Whereas, in view of the foregoing, the justifications put forward by the Italian authorities cannot be accepted, except as regards the aids provided for in Articles 5 and 6 of Law No 97/81 ; whereas the Commission appreciates that the aim of agricultural advisory services is likely to bring about a lasting improvement in the sector concerned ; whereas the Commission therefore feels that these aids may be authorized for a period of two years ;

5. Whereas the measures challenged satisfy the conditions set out in Article 92 (1) of the Treaty ; whereas the aids provided for by Articles 5 and 6 of Law No 97/81 may nevertheless qualify as the exception provided for in point (c) of Article 92 (3) of the Treaty ;

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 327, 24. 11. 1982, p. 19.

Whereas, as regards the other aids challenged, the prohibition enacted in Article 92 (1) of the Treaty may not be waived under Article 92 (2), since the exceptions allowed by that provision clearly do not apply to this case ;

Whereas, for the purposes of examining any national or regional measure, the exceptions provided for in Article 92 (3) should be interpreted strictly ; whereas in particular they may be allowed only if the Commission can establish that the aid is necessary to achieve one of the objectives of these provisions ;

Whereas to allow such exceptions in respect of aid which does not offer such compensating benefits would amount to allowing trade between Member States to be affected and competition to be distorted without justification from the point of view of the Community interest and would therefore bring about unfair advantage for certain Member States ;

Whereas, in the case in point, the aids provided for by Articles 2 and 3 (1981), 4, 8, 9, 10, 11, 12, 13, 14, 15, 17, 21, 22, 30, 31, 32 and 39 of Sicilian Law No 97/81, show no evidence of such a compensating benefit ; whereas there is not sufficient evidence either of such compensating benefit for the aid provided for by Article 43 of the Law in so far as the amount of the aid envisaged in the provision exceeds the maximum levels fixed by the Commission ; whereas some of these measures even contravene the rules of the various common market organizations ;

Whereas the Italian Government has not been able to give, or the Commission to detect, grounds to establish that the aids in question satisfy the qualifying conditions for one of the exceptions provided for in Article 92 (3) of the Treaty ;

Whereas the measures involving infringements may not under any circumstances qualify for one of the exemptions provided for in Article 92 (3) of the Treaty ;

Whereas the other measures are not designed to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment within the meaning of point (a) of Article 92 (3), since these measures are not in any way liable to promote the development of the region or of the cultivation of the agricultural products concerned ; whereas they in fact constitute operating aids, with no lasting structural effect ; whereas the situation of Sicily and the abovementioned products will not be permanently changed after the end of the intervention concerned ;

Whereas these intervention measures are not an important project of common European interest, nor are they measures such as to remedy a serious disturb-

ance in the Italian economy ; whereas it is not therefore appropriate to apply point (b) of Article 92 (3) of the Treaty ;

Whereas, moreover, these measures constitute operating aids to the farmers concerned ; whereas the Commission has always been opposed to such aids since they do not satisfy the conditions of the exception provided for in point (c) of Article 92 (3) of the Treaty since, owing to their very low degree of effectiveness, they are not liable to promote development within the meaning of that provision ;

Whereas, in particular, in the present situation of the markets for fruit and vegetables, wine and milk products, any aid, even of limited scope, affects the conditions of trade to an extent contrary to the common interest ;

Whereas it is clear from the foregoing that the abovementioned aids do not satisfy the qualifying conditions for one of the exemptions provided for in Article 92 (3) of the Treaty ;

Whereas this Decision is without prejudice to any conclusions the Commission may reach regarding the financing of the common agricultural policy by the EAGGF, as a result of the payment of the abovementioned aids ;

HAS ADOPTED THIS DECISION :

Article 1

1. The aids provided for in Articles 2 and 3 in relation to 1981, and Articles 4, 8 to 15, 17, 21, 22, 30 to 32 and 39 of Law No 97 of the Region of Sicily, of 6 May 1981, are incompatible with the provisions of Article 92 of the EEC Treaty and with the provisions of the common market organizations in the sectors concerned and may therefore no longer be granted.

2. The aids provided for in Articles 5 and 6 of Law No 97/81 may be regarded as compatible with the provisions of Article 92 of the EEC Treaty only for a period of two years, namely 1981 and 1982, taking account of the objective pursued.

3. The part of the aids provided for in Article 43 of Law No 97/81 which exceeds :

(a) the limit of 75 % of eligible expenditure for projects in mountain and hill areas and in less-favoured areas within the meaning of Directive 75/268/EEC covered by national and regional programmes approved by the Commission in compliance with Regulation (EEC) No 355/77, or

(b) the limit of 50 % in other areas or for projects not covered by such programmes

is incompatible with the provisions of Article 92 of the EEC Treaty and may no longer be granted.

Article 2

Italy shall inform the Commission, within two months of the notification of this Decision, of the measures taken to comply with the provisions of Article 1.

Article 3

The Decision is addressed to the Italian Republic.

Done at Brussels, 2 May 1984.

For the Commission

Poul DALSAGER

Member of the Commission
