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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3325/84**of 28 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 27 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 29 November 1984.

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

Done at Brussels, 28 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 28 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	58,23
10.01 B II	Durum wheat	106,32 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	67,32 ⁽⁶⁾
10.03	Barley	69,20
10.04	Oats	52,52
10.05 B	Maize, other than hybrid maize for sowing	69,48 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	83,15 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	95,37
11.01 B	Rye flour	108,10
11.02 A I a)	Durum wheat groats and meal	178,13
11.02 A I b)	Common wheat groats and meal	102,06

⁽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 (FEC) 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 3326/84**of 28 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
27 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 29
November 1984.

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

Done at Brussels, 28 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 28 November 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 11	1st period 12	2nd period 1	3rd period 2
10.01 B I	Common wheat, and meslin	0	0	0	2,37
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	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	39,48
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	3,32

B. Malt

CCT heading No	Description	(ECU/tonne)				
		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	4,22	4,22
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	3,15	3,15
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 3327/84
of 28 November 1984
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by Regulation
(EEC) No 1025/84 ⁽²⁾, and in particular Article 11 (2)
thereof,

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2504/84 ⁽³⁾, as last
amended by Regulation (EEC) No 3246/84 ⁽⁴⁾;

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 ⁽⁵⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁶⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of

these currencies recorded over a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2504/84 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 the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29
November 1984.

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

Done at Brussels, 28 November 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 234, 1. 9. 1984, p. 5.

⁽⁴⁾ OJ No L 303, 22. 11. 1984, p. 5.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 28 November 1984 fixing the import levies on rice and broken rice

(ECU/tonne)			
CCT heading No	Description	Third countries ⁽¹⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	157,99	75,39
	2. Long grain	195,16	93,98
	b) Husked rice :		
	1. Round grain	197,49	95,14
	2. Long grain	243,95	118,37
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	230,23	103,19
	2. Long grain	451,79	214,01
	b) Wholly milled rice :		
	1. Round grain	245,20	110,25
	2. Long grain	484,32	229,81
	III. Broken rice	43,25	18,62

⁽¹⁾ Subject to the application of the provisions of Article 10 of Regulation (EEC) No 435/80.

⁽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⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 3328/84

of 28 November 1984

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1025/84 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Regulation (EEC) No 2505/84 ⁽³⁾, as last amended by Regulation (EEC) No 3247/84 ⁽⁴⁾;

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 ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,

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

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 November 1984.

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

Done at Brussels, 28 November 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 234, 1. 9. 1984, p. 8.

⁽⁴⁾ OJ No L 303, 22. 11. 1984, p. 7.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 28 November 1984 fixing the premiums to be added to the import levies on rice and broken rice

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

COMMISSION REGULATION (EEC) No 3329/84**of 27 November 1984****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 1012/84⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of that Regulation provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex ;

Whereas the result of applying the rules and criteria laid down in Regulation (EEC) No 1577/81 to the elements communicated to the Commission in accor-

dance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 November 1984.

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

Done at Brussels, 27 November 1984.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 101, 13. 4. 1984, p. 25.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	1 601	288,31	78,66	241,24	25,68	48 241	88,73	20,95
1.12	ex 07.01-21 ex 07.01-22	ex 07.01 B I	Broccoli	4 297	767,83	212,90	652,44	68,62	132 021	240,17	57,71
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	804	144,90	39,53	121,24	12,90	24 246	44,59	10,52
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	1 194	213,41	59,17	181,34	19,07	36 694	66,75	16,04
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	3 997	714,07	198,00	606,75	63,81	122 777	223,36	53,66
1.22	ex 07.01-36	ex 07.01 D II	Endives	1 469	263,40	71,68	220,61	23,40	44 361	80,88	19,13
1.28	07.01-41 07.01-43	07.01 F I	Peas	25 979	4 641,33	1 286,95	3 943,81	414,81	798 029	1 451,79	348,84
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	4 172	745,41	206,69	633,39	66,62	128 166	233,16	56,02
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	1 620	290,60	79,38	243,84	25,85	48 828	89,18	20,73
1.40	ex 07.01-54	ex 07.01 G II	Carrots	840	151,46	41,41	127,12	13,48	25 423	46,67	10,96
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	6 184	1 104,45	305,12	936,36	98,67	189 663	344,19	82,05
1.60	07.01-63	ex 07.01 H	Onions (other than sets)	415	74,14	20,55	63,00	6,62	12 748	23,19	5,57
1.70	07.01-67	ex 07.01 H	Garlic	2 860	511,05	141,70	434,24	45,67	87 870	159,85	38,41
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	897	159,65	43,71	134,75	14,19	27 018	49,30	11,27
1.80		07.01 K	Asparagus :								
1.80.1	ex 07.01-71		— green	18 594	3 322,00	921,13	2 822,75	296,90	571 184	1 039,11	249,68
1.80.2	ex 07.01-71		— other	10 543	1 882,67	520,12	1 596,15	168,19	323 305	586,73	139,86
1.90	07.01-73	07.01 L	Artichokes	3 781	675,49	187,30	573,98	60,37	116 144	211,29	50,76
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	2 328	415,94	115,33	353,43	37,17	71 517	130,10	31,26
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	1 791	319,97	88,72	271,88	28,59	55 016	100,08	24,04
1.112	07.01-85	07.01 Q II	Chantarelles	39 816	7 113,98	1 966,27	6 023,74	633,12	1 211 715	2 215,74	516,49
1.118	07.01-91	07.01 R	Fennel	1 752	314,71	85,84	263,33	27,98	53 136	96,76	22,68
1.120	07.01-93	07.01 S	Sweet peppers	2 821	504,03	139,75	428,28	45,04	86 663	157,65	37,88
1.130	07.01-97	07.01 T II	Aubergines	4 343	776,05	215,18	659,42	69,35	133 434	242,74	58,32
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	1 443	257,96	71,52	219,19	23,05	44 354	80,69	19,38
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	1 849	330,40	91,61	280,75	29,52	56 809	103,35	24,83
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	3 364	600,98	166,64	510,66	53,71	103 332	187,98	45,16
2.10	08.01-31	ex 08.01 B	Bananas, fresh	2 314	413,50	114,65	351,36	36,95	71 098	129,34	31,07
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	2 274	406,23	112,23	344,40	36,29	69 760	126,60	30,17
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	5 379	961,00	266,47	816,58	85,88	165 235	300,60	72,22
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	11 980	2 140,27	593,46	1 818,62	191,28	367 999	669,47	160,86
2.50		08.02 A I	Sweet oranges, fresh :								
2.50.1	08.02-02 08.02-06 08.02-12 08.02-16		— Sanguines and semi-sanguines	2 066	372,05	101,51	311,31	33,14	62 253	114,50	27,03

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	2 426	433,57	120,22	368,41	38,75	74 548	135,62	32,58
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	2 085	372,47	102,90	315,78	33,27	63 963	116,07	27,67
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :								
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	1 481	264,74	73,40	224,95	23,66	45 520	82,81	19,89
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	3 205	576,05	158,98	488,11	51,34	97 928	179,14	41,40
2.60.3	08.02-28	08.02 B I	— Clementines	3 051	545,12	151,15	463,20	48,72	93 729	170,51	40,97
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	3 480	621,50	171,70	526,91	55,52	106 729	193,69	46,17
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	2 304	411,66	114,14	349,80	36,79	70 782	128,76	30,94
2.80		ex 08.02 D	Grapefruit, fresh :								
2.80.1	ex 08.02-70		— white	2 602	464,92	128,91	395,05	41,55	79 938	145,42	34,94
2.80.2	ex 08.02-70		— pink	3 388	605,43	167,87	514,44	54,11	104 097	189,37	45,50
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	8 893	1 588,76	440,53	1 350,00	141,99	273 172	496,96	119,41
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	2 821	504,09	139,77	428,33	45,05	86 673	157,67	37,88
2.95	08.05-50	08.05 C	Chestnuts	4 622	825,75	228,96	701,65	73,80	141 980	258,29	62,06
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	2 903	518,64	143,81	440,70	46,35	89 176	162,23	38,98
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	1 797	321,72	88,80	272,19	28,80	55 089	100,20	23,95
2.120	08.07-10	08.07 A	Apricots	1 967	354,35	97,29	298,45	31,53	60 273	109,79	25,69
2.130	ex 08.07-32	ex 08.07 B	Peaches	11 828	2 113,10	585,92	1 795,53	188,85	363 327	660,97	158,82
2.140	ex 08.07-32	ex 08.07 B	Nectarines	11 968	2 138,14	592,87	1 816,81	191,09	367 632	668,80	160,70
2.150	08.07-51 08.07-55	08.07 C	Cherries	2 803	504,88	137,76	422,46	44,97	84 480	155,38	36,68
2.160	08.07-71 08.07-75	08.07 D	Plums	1 945	348,29	96,13	294,67	31,18	59 639	108,48	25,93
2.170	08.08-11 08.08-15	08.08 A	Strawberries	4 512	810,15	221,27	679,17	72,21	136 208	249,27	58,28
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	3 329	591,82	163,87	502,64	52,82	101 773	184,63	43,45
2.180	08.09-11	ex 08.09	Water melons	540	96,52	26,68	81,73	8,59	16 441	30,06	7,00
2.190		ex 08.09	Melons (other than water melons :								
2.190.1	ex 08.09-19		— elongated	1 755	313,58	86,95	266,45	28,02	53 917	98,08	23,56
2.190.2	ex 08.09-19		— other	4 889	873,56	242,22	742,28	78,07	150 200	273,24	65,65
2.195	ex 08.09-90	ex 08.09	Pomegranates	2 226	397,75	110,28	337,97	35,54	68 389	124,41	29,89
2.200	ex 08.09-90	ex 08.09	Kiwis	12 589	2 249,18	623,65	1 911,16	201,01	386 724	703,53	169,04
2.202	ex 08.09-90	ex 08.09	Khakis	2 934	524,23	145,36	445,45	46,85	90 137	163,98	39,40
2.203	ex 08.09-90	ex 08.09	Lychees	19 624	3 535,23	970,70	2 977,52	314,63	601 320	1 095,40	256,32

COMMISSION REGULATION (EEC) No 3330/84**of 28 November 1984****amending Regulation (EEC) No 2468/72 determining collection, processing and storage centres for intervention on the market in raw tobacco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1461/82 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1467/70 of 20 July 1970 fixing certain general rules governing intervention on the market in raw tobacco ⁽³⁾, and in particular Article 1 thereof,

Whereas Commission Regulation (EEC) No 2468/72 ⁽⁴⁾, as last amended by the Act of Accession of Greece, determines the collection, processing and storage centres referred to in Article 1 of Regulation (EEC) No 1467/70 ;

Whereas the large number of tobacco-growing areas in Greece should be taken into account ; whereas, in order to facilitate the delivery of tobacco offered into intervention and in view of the remoteness of certain centres and the situation obtaining in certain regions with regard to transport, the list of collection centres for Greece should be supplemented by adding to it

centres which are closer to the areas where harvesting takes place and which have temporary storage capacity ;

Whereas the list of collection, processing and storage centres has been amended on several occasions ; whereas, in the interest of clarity, a new Annex should be drawn up which should replace the Annex to Regulation (EEC) No 2468/72 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to Regulation (EEC) No 2468/72 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 28 November 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 27.

⁽³⁾ OJ No L 164, 27. 7. 1970, p. 32.

⁽⁴⁾ OJ No L 267, 28. 11. 1972, p. 1.

ANNEX

ANNEX

GERMANY

(a) Collection centres :	6920 Sinsheim-Hoffenheim	6800 Mannheim-Seckenheim
	7520 Bruchsal-Büchenau	7590 Achern-Gamshurst
	7607 Neuried-Ichenheim	6729 Bellheim
	6721 Harthausen	6729 Hatzenbühl
	5560 Wittlich-Bombogen	8540 Schwabach
	2832 Twistringen	2410 Mölln
(b) Processing and storage centres :	7513 Stutensee-Friedrichstal	6945 Hirschberg-Groß-Sachsen
	6742 Herxheim-Hayna	6803 Edingen-Neckarhausen
	6707 Schifferstadt	7830 Emmendingen
	7500 Karlsruhe	

BELGIUM

(a) Collection centres :	8770 Ingelmunster	9498 Appelterre
	7804 Rebaix	6868 Bohan
(b) Processing and storage centres :	8670 Wervik Brussel/Bruxelles	

FRANCE

(a) Collection centres :	11000 Carcassonne	30000 Nîmes
	64170 Artix	46000 Cahors
	24000 Périgueux	31800 St-Gaudens
	16000 Angoulême	33210 Langon
	80000 Amiens	63200 Riom
	49000 Angers	61000 Alençon
	36000 Châteauroux	79000 Niort
	51000 Châlons-sur-Marne	89000 Auxerre
	67160 Oberseebach	68130 Altkirch
	55200 Commercy	88000 Épinal
	57400 Sarrebourg	26200 Montélimar
	26100 Romans	69400 Villefranche-sur-Saône
	38510 Morestel	83000 Draguignan
	21000 Dijon	
(b) Processing and storage centres :	67000 Strasbourg	41000 Blois
	38160 Saint-Marcellin	33210 Langon

ITALY

(a) Collection centres :	27100 Pavia	00100 Roma
	15100 Alessandria	03100 Frosinone
	14100 Asti	65100 Pescara
	38100 Trento	66100 Chieti
	37100 Verona	86200 Isernia
	36100 Vicenza	81100 Caserta
	35100 Padova	82100 Benevento
	45100 Rovigo	80100 Napoli
	33100 Udine	83100 Avellino
	29100 Piacenza	84100 Salerno
	44100 Ferrara	71100 Foggia
	50100 Firenze	70100 Bari
	56100 Pisa	74100 Taranto
	52100 Arezzo	72100 Brindisi
	53100 Siena	73100 Lecce
	06100 Perugia	75100 Matera
	05100 Terni	85100 Potenza
	61100 Pesaro	87100 Cosenza
	47100 Forlì	90100 Palermo
	63100 Ascoli Piceno	07100 Sassari
	01100 Viterbo	

(b) Processing and storage centres :

Number of warehouses situated in the province and available to the centre

15100	Alessandria	2
27100	Pavia	2
38100	Trento	2
37100	Verona	3
35100	Padova	2
36100	Vicenza	4
45100	Rovigo	2
33100	Udine	2
29100	Piacenza	2
50100	Firenze	2
52100	Arezzo	2
60100	Ancona	2
05100	Terni	2
06100	Perugia	3
01100	Viterbo	3
03100	Frosinone	2
04100	Latina	2
00100	Roma	3
67100	L'Aquila	2
65100	Pescara	3
66100	Chieti	3
80100	Napoli	3
81100	Caserta	3
82100	Benevento	5
83100	Avelino	3
84100	Salerno	4
74100	Taranto	3
70100	Bari	4
72100	Brindisi	4
73100	Lecce	7
07100	Sassari	2

GREECE

(a) Collection centres :

Alexandroupolis	K. Tithorea
Protoklissi-Evros	Giannopouli
Sapai	Zeugaraki
Komotini	Phychtia
Xanihi	Langadas
Echinos	Zagliveri
Stavroupolis	Kilkis
Chryssooupolis	Sohos
Kavala	Axioupolis
Eleftheroupolis	Yannitsa
Drama	Kria Vrissi-Yannitsa
Prossotsani	Veria
Nevrokopi	Aridéa
Doxato	Ptolémaïda
Nikiforos	Florina
Serrès	Kastoria
Nigrita	Néapolis
Sidirokastro	Grevena
Porroïa	Kozani
N. Zichni	Kolindros
Rodolivos or Proti	Eginio
Thessaloniki	Katerini
Kentriko	Elassona
Aravissos	Larissa
Eratyra	Trikala
Iasmos	Arethousa
Mesoropi	Goumenissa
Sitochori	Manthalos
S.S. Leukotheas	Amyntaio
Gonni	Oreo
Mesochori	Pentapoli
Kanalia	Rothopoli

Sofiko	Arta
Sikourio	Ioannina
Volos	Nauplie
Domokos	Mytilini
Rizoma	Samos
Phities	Kos
Stamna	Pyrgos-Héraklio
Korinthos	N. Apollonia
Karditsomagoula	Konstantia
Lamia	Nisi
Almiros	Polianthos
Amfiklia	Amigthaleonas
Atalanti	Sisamia
Livadia	Alystrati
Thiva	Bafra
Agrinion	Calithea
Messolongi	Leontario
Gavalou	Ypati
Thermo	Vonitsa
Astakos	Mitikas
Katouna	Gorgomylos
Amfilochia	

(b) Processing and storage
centres :

Number of processing
and storage warehouses
situated in the village

Komotini	1
Xanthi	5
Kavala	13
Eleftheroupolis	1
Draina	3
Serrès	2
Thessaloniki	50
Yanitsa	1
Alexandria	2
Katerini	2
Volos	5
Agrinion	3
Messolongi	1
Nauplie	2
Pirée	5

COMMISSION REGULATION (EEC) No 3331/84**of 28 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 3266/84 ⁽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 29 November 1984.

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

Done at Brussels, 28 November 1984.

For the Commission

Poul DALSAGER

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 305, 23. 11. 1984, p. 22.

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)	12,025	12,545	13,456	13,976	14,610	14,744
2. Final aids						
Seeds harvested and processed in :						
— Federal Republic of Germany (DM)	37,50	38,80	34,60	36,07	37,57	38,63
— Netherlands (Fl)	36,22	37,63	38,95	40,59	42,29	43,39
— BLEU (Bfrs/Lfrs)	558,10	582,24	624,52	647,23	676,66	672,11
— France (FF)	73,87	77,44	83,24	85,80	90,18	91,01
— Denmark (Dkr)	101,19	105,57	113,23	117,61	122,94	123,31
— Ireland (£ Irl)	9,020	9,410	10,088	10,412	10,888	10,503
— United Kingdom (£)	7,174	7,496	8,062	8,384	8,777	8,857
— Italy (Lit)	17 220	17 960	18 990	19 469	20 379	19 722
— Greece (Dr)	918,61	965,68	1 049,96	1 097,04	1 154,96	1 165,31

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month
1. Gross aids (ECU)	18,211	18,518	19,051	20,297	20,912
2. Final aids					
Seeds harvested and processed in :					
— Federal Republic of Germany (DM)	53,93	54,76	48,30	51,49	52,95
— Netherlands (Fl)	53,43	54,29	54,39	57,96	59,61
— BLEU (Bfrs/Lfrs)	845,21	859,45	884,19	940,42	968,96
— France (FF)	115,30	117,34	120,35	127,92	132,15
— Denmark (Dkr)	153,25	155,83	160,31	170,80	175,97
— Ireland (£ Irl)	13,660	13,891	14,284	15,144	15,606
— United Kingdom (£)	10,969	11,157	11,486	12,262	12,642
— Italy (Lit)	25 891	26 513	26 962	28 453	29 333
— Greece (Dr)	1 458,09	1 484,45	1 532,33	1 648,04	1 703,72

ANNEX III

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

(value of 1 ECU)

	Current month	1st month	2nd month	3rd month	4th month	5th month
DM	2,229270	2,222930	2,217140	2,211150	2,211150	2,194000
Fl	2,516210	2,509610	2,502870	2,496680	2,496680	2,479170
Bfrs/Lfrs	44,925900	44,992200	45,040100	45,088800	45,088800	45,223800
FF	6,837070	6,847930	6,861320	6,875420	6,875420	6,917080
Dkr	8,045390	8,060760	8,079030	8,091120	8,091120	8,127120
£ Irl	0,717849	0,721047	0,724115	0,727354	0,727354	0,735953
£	0,603945	0,604447	0,604589	0,604906	0,604906	0,605764
Lit	1 383,75	1 390,91	1 397,85	1 404,42	1 404,42	1 423,96
Dr	91,7878	91,8645	91,9230	91,9939	91,9939	92,2156

COMMISSION REGULATION (EEC) No 3332/84
of 28 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 3313/84⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 November 1984.

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

Done at Brussels, 28 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 308, 27. 11. 1984, p. 39.

ANNEX

to the Commission Regulation of 28 November 1984 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	44,79
	B. Raw sugar	42,35 (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 3333/84**of 28 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⁾, as amended by Regulation (EEC) No 3269/84⁽⁴⁾;

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 amended 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 29 November 1984.

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

Done at Brussels, 28 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.

⁽⁴⁾ OJ No L 305, 23. 11. 1984, p. 27.

ANNEX

to the Commission Regulation of 28 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	38,21	
	(II) Flavoured or coloured sugar		0,3895
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	35,83 ⁽¹⁾	
	(b) Other raw sugar	35,15 ⁽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 3334/84**of 28 November 1984****fixing the maximum export refund for white sugar for the 15th partial invitation to tender issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2382/84**

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2382/84 of 14 August 1984 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2382/84, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 15th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 15th partial invitation to tender for white sugar issued under Regulation (EEC) No 2382/84 is hereby fixed at 40,319 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 29 November 1984.

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

Done at Brussels, 28 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 221, 18. 8. 1984, p. 5.

COMMISSION REGULATION (EEC) No 3335/84**of 28 November 1984****fixing the maximum export refund for raw sugar for the 13th partial invitation to tender issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2383/84**

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2383/84 of 14 August 1984 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2383/84, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 13th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 13th partial invitation to tender for raw sugar issued under Regulation (EEC) No 2383/84 is hereby fixed at 36,969 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 29 November 1984.

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

Done at Brussels, 28 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 221, 18. 8. 1984, p. 10.

COMMISSION REGULATION (EEC) No 3336/84**of 28 November 1984****altering 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 organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular the
fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat
or rye flour, groats and meal were fixed by Regulation
(EEC) No 3272/84⁽³⁾, as last amended by Regulation
(EEC) No 3314/84⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3272/84 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
(a), (b) and (c) of Regulation (EEC) No 2727/75,
exported in the natural state, as fixed in the Annex to
amended Regulation (EEC) No 3272/84 are hereby
altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29
November 1984.

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

Done at Brussels, 28 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 L 305, 23. 11. 1984, p. 33.

⁽⁴⁾ OJ No L 308, 27. 11. 1984, p. 40.

ANNEX

to the Commission Regulation of 28 November 1984 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU / tonne) Refund
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — other third countries	. 0 0
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	23,00 30,00 — —
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 B	Millet	—
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).

COUNCIL REGULATION (EEC) No 3337/84**of 27 November 1984****imposing a definitive anti-dumping duty on certain imports of dense sodium carbonate originating in the United States of America**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional action

- (1) The Commission, by Regulation (EEC) No 2253/84⁽²⁾, imposed a provisional anti-dumping duty on certain imports of dense sodium carbonate originating in the United States of America and accepted undertakings in respect of imports of the product by the Allied Chemical Corporation and Texasgulf Chemicals Company. The provisional duty was in addition to an already existing definitive duty imposed by Council Regulation (EEC) No 550/83⁽³⁾. The interested parties were invited to make further comments.

B. Subsequent procedures

- (2) Following the imposition of the provisional anti-dumping duty one exporter concerned requested, and was granted, an opportunity to be heard by the Commission. The Community producers also made written submissions making known their views on the duty.
- (3) One exporter requested to be informed of certain facts and essential considerations on the basis of which it was intended to recommend definitive action and this request was granted.

C. Dumping

- (4) No new evidence on dumping has been received since the imposition of the provisional duty and the Commission, therefore, considers its findings on dumping as set out in Regulation (EEC) No 2253/84 to be definitive.

D. Injury

- (5) No fresh evidence regarding injury to the Community industry has been submitted.

The Commission has therefore confirmed the conclusions on injury reached in Regulation (EEC) No 2253/84.

- (6) In the Commission's view, therefore, the facts as finally determined have shown that the injury being caused by dumped imports of dense sodium carbonate originating in the United States of America, taken in isolation from that caused by other factors, has to be considered as material.

E. Community interest

- (7) The interests of the injured Community industry and those of the Community processing industry have been considered. The Council considers that protection of the Community's interests calls for the imposition of a definitive anti-dumping duty on imports of dense sodium carbonate originating in the United States of America.

F. Undertakings

- (8) Two producers of dense sodium carbonate in the United States of America, FMC and Stauffer Chemicals, who had never exported to the Community, offered undertakings regarding possible future exports.
- (9) On previous occasions where non-exporters offered undertakings in respect of possible future exports to the Community, these undertakings were accepted or refused on the merits of each case. This practice has been reviewed and, as a result, it has been concluded that, in general, undertakings from potential exporters should not be accepted, on the following grounds :

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 206, 2. 8. 1984, p. 15.

⁽³⁾ OJ No L 64, 10. 3. 1983, p. 23.

- (a) it is difficult to determine an appropriate export price for a company that has not exported to the Community, since any data which may be available are likely to relate to another period or to another destination and would therefore be of questionable relevance ;
- (b) it is also likely to be difficult or impossible in the case of the potential exporter to determine the volume of any possible future exports and, therefore, what impact they would have on the Community. This is important in cases where, for those parties already exporting, a price level is set, by an undertaking or the imposition of a duty, to eliminate injury to the Community industry and where the volume of sales of the imported product is likely to be a decisive element in the computation of this price level. Any exports by companies which have not previously exported but which have given undertakings would be likely to lead to changed circumstances as compared to those prevailing during the period under investigation and could necessitate a revision of the price level required ;
- (c) an anti-dumping investigation should, in the interests of all parties concerned be conducted expeditiously. If potential exporters were to be investigated, this would result in an unreasonable administrative burden on the investigative authorities, would lead to a prolongation of the investigation and would thus impede their effectiveness in view of the statutory time requirements.

Although the non-acceptance of undertakings offered by non-exporters could be disadvantageous for them, it is considered in the light of the foregoing, that in general this course of action is not unreasonable. Moreover, if they begin to export to the Community, it may be appropriate to apply Articles 14 and 16 of Regulation (EEC) No 2196/84 relating respectively to reviews and refunds of anti-dumping duties.

- (10) With regard to FMC and Stauffer Chemicals, the likely conditions and circumstances under which exports to the Community would be made were examined in the light of the above. For both companies, the difficulties outlined in respect of the determination of an appropriate export price and the assessment of the impact of future additional imports on the Community were encountered. This has led to the conclusion that a departure from the approach now adopted, namely that undertakings from non-exporters should, in general, be refused, is not warranted. It was there-

fore decided, after consultation, not to accept the undertakings offered by FMC and Stauffer Chemicals.

G. Definitive duty

- (11) In the light of the above determination the amount of the definitive anti-dumping duty should be equal to the aggregate of the amount of the previous definitive duty and the additional provisional anti-dumping duty. It replaces the definitive duty imposed by Regulation (EEC) No 550/83.

H. Collection of provisional duty

- (12) The amounts secured by way of provisional anti-dumping duties should be collected,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 550/83 is hereby repealed.

Article 2

1. A definitive anti-dumping duty is hereby imposed on imports of dense sodium carbonate falling within subheading 28.42 A ex II of the Common Customs Tariff corresponding to NIMEXE code ex 28.42-31, originating in the United States of America.
2. The amount of the duty shall be 67,49 ECU per tonne. This duty shall not apply to dense sodium carbonate exported by Allied Chemical Corporation and Texasgulf Chemicals Company.
3. The provisions in force concerning customs duties shall apply.
4. For the purposes of this Regulation, dense sodium carbonate means sodium carbonate with a specific gravity exceeding 0,700 kg/dm³.

Article 3

The sums secured by way of provisional anti-dumping duty under Regulation (EEC) No 2253/84 shall be definitively collected.

Article 4

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

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

Done at Brussels, 27 November 1984.

For the Council

The President

P. BARRY

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 May 1984

on State aids under Sicilian Regional Law No 87 of 5 August 1982 providing for measures in respect of agricultural loans and urgent assistance for certain sectors of agricultural production

(Only the Italian text is authentic)

(84/562/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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 856/84 ⁽²⁾, and in particular Articles 23 and 24 thereof, and the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

Having given notice, pursuant to the first subparagraph of Article 93 (2) of the EEC Treaty, to the parties concerned to submit their comments ⁽³⁾, and having regard to those comments,

I

Whereas, pursuant to Article 93 (3) of the Treaty, the Italian authorities notified the Commission by letter of 7 September 1982, of a draft law of the region of Sicily

promulgating measures in respect of agricultural loans and urgent assistance for certain production sectors; whereas on 29 September 1982 the Italian authorities informed the Commission that the draft law had been adopted by the Regional Assembly as Law No 87 of 5 August 1982; whereas the Commission requested additional information which it required for its assessment, which the Italian authorities supplied on 29 October 1982 and 14 February 1983;

Whereas Articles 4 and 5 of the said Law provide for expenditure of Lit 500 million for 1982 and 1983 for the payment by the Region of a supplementary interest-rate subsidy to cover the increase in the maximum interest rate which occurred between allocation and actual payment of the subsidy for investments in the marketing of agricultural products under

- Article 9 of Regional Law No 9 of 9 May 1974,
- Article 9 of Regional Law No 22 of 18 July 1974,
- Article 2 (first and third paragraphs) of Regional Law No 23 of 28 July 1978,
- Article 3 of Regional Law No 197 of 13 August 1979 and Regional Law No 125 of 23 April 1975;

Whereas Article 8 authorizes expenditure of Lit 4 500 million with effect from 1 September 1983 for the financing of the following provisions:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 10.

⁽³⁾ OJ No C 201, 28. 7. 1983, p. 5.

- Article 2 (third paragraph) of Regional Law No 23 of 28 July 1978,
- Article 3 of Regional Law No 197 of 13 August 1979,
- Article 12 of Regional Law No 47 of 27 May 1980,
- Article 43 of Regional Law No 97 of 6 May 1981,

providing for

- subsidies of up to 70 % on the purchase, construction, extension and modernization of facilities for the preservation, processing and sale of agricultural products,
- interest-rate subsidies on loans covering the difference between the subsidies referred to in the previous indent and the overall investment costs,
- 70 % subsidy plus interest-rate subsidy over 20 years on the balance of the aid not covered by the subsidy to allow of implementation of EAGGF projects approved but not financed owing to lack of funds;

Whereas Article 9 provides for an increase of Lit 5 000 million in the revolving fund, introduced by Article 3 of the Law of 7 February 1963, No 12, at the Istituto regionale per il credito alla Cooperazione (IRCAC) for the granting of 15-year loans at 7,5 % with a two-year redemption-free period in the case of agricultural cooperatives or their consortia in respect of investments designed to adapt and improve processing or marketing structures;

Whereas Article 15 provides for the extension of eligibility for the benefits provided for in Articles 30 and 31 of Regional Law No 97/81 to include producers' groups already formed under Law No 306 of 8 July 1975 and/or Law No 674 of 20 October 1978 when the Law under consideration came into force, including,

- aid for milk producers belonging to cooperatives and consortia amounting to Lit 4 500 per hectolitre of milk delivered to those bodies in an attempt to reduce milk collection, transport and refrigeration costs,
- aid for associated cheese producers amounting to Lit 4 500 per hectolitre of milk produced in Sicily and used in the manufacture of Caciocavallo, Pecorino siciliano and Canestrato misto cheeses;

Whereas the above aids fall within the scope of Articles 92, 93 and 94 of the Treaty by virtue of the specific provisions contained in the legislation on the common organization of markets;

Whereas, after a preliminary examination of Law No 87 of 5 August 1982, the Commission took the view that the aids provided for in Articles 4, 5, 8 and 9 to

assist the creation or modernization of packaging, processing and marketing facilities for agricultural products were not limited in accordance with the pre-existing Community criteria;

Whereas the extension to producers' groups of

- the subsidy provided for in Article 30 of Law No 97/81 of Lit 4 500 per hectolitre of milk delivered to cooperatives and consortia for milk producers belonging to those bodies to reduce milk collection, transport and refrigeration costs and
- the subsidy provided for in Article 31 of Law No 97/81 of Lit 4 500 per hectolitre of Sicilian milk used by associated cheese producers for processing into Caciocavallo, Pecorino siciliano and Canestrato misto cheeses

is contrary to Article 24 (1) of Regulation (EEC) No 804/68, which lays down that 'aids the amount of which is fixed on the basis of the price or quantity of products ... shall be prohibited';

II

Whereas to ensure that the abovementioned limits and conditions were observed, the Commission initiated the procedure laid down in Article 93 (2) of the Treaty in respect of the measures referred to above and gave notice to the Italian Government to submit its comments;

Whereas the Commission gave notice to the other Member States and parties concerned to submit their comments;

III

Whereas, in their reply of 17 June 1983 to the Commission, the Italian authorities failed to show that Article 15 did not constitute an infringement; whereas the social objective of the aid does not constitute grounds for waiving the prohibition provided for in Article 24 of Regulation (EEC) No 804/68;

Whereas, in introducing aids contrary to the common organization of the markets, the Italian authorities have disregarded the principle whereby the Member States are no longer entitled to take unilateral measures in respect of farmers' incomes under a market organization; whereas the Council, when drawing up common organizations and when fixing the prices of agricultural products takes account of the various objectives and elements of common policy set out in Article 39 of the Treaty; whereas it is clear that, in view of the diversity of these objectives, there are

priorities which a Member State may not unilaterally adjust without interfering with policy choices made at Community level and without the danger of disequilibria liable to affect trade between Member States;

Whereas, moreover, these measures confer upon Sicilian producers an unfair advantage over producers in other regions of Italy and other Member States; whereas these measures are therefore liable to affect trade between Member States;

Whereas the Italian authorities have not provided formal undertakings that the rates of aid requested by the Commission for investment aids in respect of packaging, processing and marketing provided for in Articles 4, 5, 8 and 9 of the Law in question will be observed; whereas the Commission has consistently made a distinction between projects forming part of national or regional programmes approved by the Commission pursuant to 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⁾, located in mountain and hill farming areas and less-favoured 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⁽³⁾, as last amended by Directive 82/786/EEC⁽⁴⁾, for which aids of up to 75 % of the value of the investment may be granted, and projects outside these areas or not forming part of such programmes, for which the maximum rate of aid is 50 %;

Whereas, if these rates are exceeded there is a risk of encouraging the creation of enterprises which are not viable without further aids and thus of developing lines of production which are liable to affect trading conditions to an extent contrary to the common interest by the production of products which cannot be disposed of without increased EAGGF aid;

IV

Whereas it follows from the foregoing that the aids provided for by the Sicilian regional authorities are liable to affect trade between Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty;

Whereas Article 92 (1) of the Treaty lays down the principle that aids of the type described therein are incompatible with the common market;

Whereas the prohibition laid down in Article 92 (1) cannot be lifted pursuant to paragraph 2 thereof since

the derogations provided for therein clearly do not apply in the case in point;

Whereas, for the purposes of the review of all national and regional measures, the exceptions provided for in Article 92 (3) must be strictly interpreted; whereas they can be granted only if the Commission can establish that the aid is necessary for achieving one of the objectives set out in those provisions;

Whereas to allow such exceptions in the case of aids not offering any compensating benefit 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, consequently, confer unfair advantages on certain Member States;

Whereas in the case in point the aids provided for in Article 15 of the Law in question, and those provided for in Articles 4, 5, 8 and 9 in so far as they exceed the levels fixed by the Commission, do not permit the finding of any such compensating benefit;

Whereas the Italian Government was unable to provide any justification, and the Commission could find none, showing that the aids in question qualified for one of the exemptions under Article 92 (3) of the EEC Treaty;

Whereas these are not measures to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment, or measures to promote the execution of an important project of common European interest, or measures to remedy a serious disturbance in the economy of the Member State concerned; whereas, consequently, Article 92 (3) (a) and (b) of the Treaty is not applicable;

Whereas the creation of enterprises through excessive aids is liable to establish non-viable units which cannot survive without further aids, while producing products of which there is a surplus and for which the costs of disposal are liable to add to the financial burden of the EAGGF; whereas, therefore, these aids cannot qualify as an exception under Article 92 (3) (c) of the EEC Treaty;

Whereas the aid provided for in Article 15 of the Law in question constitutes an infringement of the common organization of the market in milk and milk products; whereas an aid constituting an infringement cannot qualify as an exception under Article 92 (3) of the EEC Treaty;

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 332, 27. 11. 1982, p. 1.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽⁴⁾ OJ No L 327, 24. 11. 1982, p. 19.

Whereas, moreover, in view of the similar economic situation facing enterprises in all the Member States at present, with incomes marking time or actually falling, while production costs are rising sharply, and in view of the competition — which is often quite keen — within the Community in the case of most agricultural products, this aid is liable to affect trading conditions to an extent contrary to the common interest;

Whereas, in the light of the foregoing, the abovementioned aid measures do not satisfy the conditions to qualify as one of the exceptions under Article 92 (3) of the EEC Treaty;

Whereas this Decision is without prejudice to any conclusions which the Commission may draw, as regards the financing of the common agricultural policy by the EAGGF, from payment of the abovementioned aids,

HAS ADOPTED THIS DECISION:

Article 1

1. The aids provided for in Article 15 of Regional Law of Sicily No 87 of 5 August 1982 are incompatible with Article 92 of the EEC Treaty and with the common organization of the market in milk and milk products and may accordingly no longer be granted.

2. The portion of the aids provided for in Articles 4, 5, 8 and 9 of the Law referred to in paragraph 1 exceeding

- (a) the limit of 75 % of expenditure permitted for projects in mountain and hill farming areas and less-favoured areas within the meaning of Directive 75/268/EEC and forming part of national or regional programmes approved by the Commission pursuant to Regulation (EEC) No 355/77; or
- (b) the limit of 50 % in other areas or for projects not forming part of such programmes

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

Article 2

Italy shall inform the Commission within two months from 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

COMMISSION DECISION

of 30 May 1984

concerning the aids provided for in Law No 105 of 5 August 1982 of the Region of Sicily amending the regional budget and the budget of the State Forests Office of the Region of Sicily for 1982

(Only the Italian text is authentic)

(84/563/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 the Council Regulations on the common organization of the markets in agricultural products, and in particular Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾,

Having given notice to the parties concerned to submit their comments⁽³⁾, in accordance with the provisions of the first subparagraph of Article 93 (2) of the Treaty,

I

Whereas, by letter of 7 September 1982, the Italian Government notified the Commission of Law No 105 of 5 August 1982 of the Region of Sicily amending the regional budget and the budget of the State Forests Office of the Region of Sicily for 1982;

Whereas the Italian authorities provided further information by letter of 20 June and telexes of 25 July and 22 October 1983;

Whereas Article 39 of the Law in question authorizes expenditure of Lit 3 798,9 million in respect of 1982 for the refinancing of the measures provided for in Article 36 of Regional Law No 83 of 12 August 1980 providing for the grant to cooperatives, consortia and producer groups of additional aid on account of the increase in investment costs incurred as a result of the rise in construction costs;

Whereas Article 42 of the Law authorizes expenditure of Lit 2 000 million in respect of 1982 for the refinancing of the measures provided for in Articles 1

and 3 of Regional Law No 23 of 28 July 1978 and Article 2 of Regional Law No 197 of 13 August 1979 providing for subsidies of 60 to 70 % for producers' associations, cooperatives and consortia for modernizing plants for preserving and processing agricultural and animal products, and advances on these subsidies amounting to 30 % of the total;

Whereas Article 51 of the Law authorizes expenditure of Lit 1 650 million in respect of 1982 for the refinancing of the measures provided for in Article 22 of Law No 85 of 12 August 1980 providing for subsidies of 12 % of the purchase price for each quintal of Sicilian durum wheat purchased by millers;

Whereas these aids fall within the scope of Articles 92 to 94 of the Treaty by virtue of the specific provisions in the Community Regulations on the common organization of markets;

II

Whereas the Commission, having conducted a preliminary examination of Law No 105 of the Region of Sicily of 5 August 1982, has found that the aids arising out of the application of Articles 39 and 42, intended to encourage the setting up or modernization of installations for packaging, processing or marketing agricultural products, are not limited by reference to the rates of aid generally allowed by the Commission;

Whereas the subsidy arising out of the application of Article 51, amounting to 12 % of the purchase price of durum wheat by millers, is an operating aid entailing no lasting improvement of the structures of the sector concerned; whereas the aid is therefore incompatible with Community rules;

Whereas, in view of the foregoing, the Commission, by letter of 25 March 1983, initiated the procedure laid down in Article 93 (2) of the EEC Treaty in respect of the abovementioned measures and gave notice to the Italian Government to submit its comments;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No C 201, 28. 7. 1983, p. 4.

Whereas the Commission gave notice to the other Member States and to the parties concerned other than Member States to submit their comments ;

III

Whereas, in their replies to the letter of notice, the Italian authorities gave no formal assurances that the maximum rates requested by the Commission in the case of the investment aids arising out of the application of Articles 39 and 42 of the Law would be complied with ; whereas, furthermore, the Italian authorities gave no information liable to change the position of the Commission with regard to the aid arising out of Article 51 ;

IV

Whereas, as regards the aids arising out of the application of Articles 39 and 42 of the Law, the Commission has made a clear distinction in previous statements of its position between on the one hand, projects forming part of national or regional programmes approved by the Commission pursuant to Council Regulation (EEC) No 355/77⁽¹⁾, as last amended by Regulation (EEC) No 3164/82⁽²⁾, located in less-favoured areas within the meaning of Council Directive 75/268/EEC⁽³⁾, as last amended by Directive 82/786/EEC⁽⁴⁾, for which aid of up to 75 % of the total investment may be granted, and on the other, projects located outside these areas or not forming part of such programmes, which should be subsidized for up to 50 % of the total investment only ; whereas these aids of a very high level must nevertheless leave a sufficient share for the recipient of the aid in the financing of the project ; whereas a financial participation of 25 % or 50 % should be a minimum below which there is a risk of activities developing which could affect trade to an extent contrary to the common interest, by setting up enterprises which operated at a loss and which could not survive for long without further aid, while producing products which could not necessarily be disposed of without EAGGF intervention ;

Whereas the subsidy for the purchase of durum wheat by millers, arising out of the application of Article 51 of the Law, is an operating aid with no lasting beneficial effect on structures ; whereas the abovementioned measure artificially favours Sicilian producers in rela-

tion to those in other regions of Italy and other Member States and is therefore liable to affect trade between Member States ;

Whereas it follows from the above that the aids decided upon by the Italian authorities are liable to affect trade between Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the Treaty ;

Whereas Article 92 (1) of the Treaty states that aids of the type mentioned therein are essentially incompatible with the common market ;

Whereas the prohibition contained in Article 92 (1) of the Treaty may not be waived under Article 92 (2), since the exceptions set out therein are clearly not applicable in the present case ;

Whereas the exceptions to incompatibility set out in Article 92 (3) stipulate that the objectives must serve the Community interest and not only that of specific sectors of the national economy ; whereas these exceptions must be interpreted strictly when examining any programme of aid for a particular region or sector or any individual case of the application of general aid schemes ; whereas exceptions may be granted only in cases where the Commission can establish that the aid is necessary for the achievement of one of the objectives set out in those provisions ;

Whereas allowing these exceptions in respect of aids not offering such an offsetting benefit 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 lead to an unfair advantage for certain Member States ;

Whereas, in the case in point, the investment aids, where they exceed the limits prescribed above, and the aid for the purchase of durum wheat by millers, give no evidence of an offsetting benefit ; whereas the Italian authorities were unable to provide any justification, and the Commission could find none, showing that the aids in question fulfilled the conditions for allowing one of the exceptions set out in Article 92 (3) of the Treaty ;

Whereas none of these measures is liable to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment, to promote the execution of a project of common European interest, or to remedy a serious disturbance in the economy of the Member State in question, and accordingly Article 92 (3) (a) and (b) of the Treaty is not applicable ;

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 332, 27. 11. 1982, p. 1.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽⁴⁾ OJ No L 327, 24. 11. 1982, p. 19.

Whereas enterprises set up as a result of excessive aids may prove not to be viable and to be unable to survive without further aid, while producing products which are in surplus, the disposal of which may increase the financial burden on the European Agricultural Guidance and Guarantee Fund; whereas these aids are therefore liable to affect trading conditions to an extent contrary to the common interest;

Whereas, moreover, the subsidy for the purchase of durum wheat is an operating aid for the recipient enterprises of a purely protective nature; whereas, in general, the Commission has always been opposed to such aids since, as a rule, they do not in themselves fulfil the conditions for eligibility for the exception provided for in Article 92 (3) (c) of the Treaty, as they are not likely to facilitate development as laid down in that provision;

Whereas, moreover, in view of the comparable economic situation facing enterprises in all Member States, with stagnating or falling incomes and sharply rising production costs, and taking into account the considerable or even fierce intra-Community competition in most agricultural products, these aids are liable to affect trading conditions to an extent contrary to the common interest;

Whereas, accordingly, there is no factor which would enable the Commission to declare that the measures under study are not incompatible, by invoking the exception provided for in Article 92 (3) (c) of the Treaty;

Whereas, in view of the foregoing, these aid measures do not fulfil the conditions required for eligibility for one of the exceptions under Article 92 (3) of the Treaty;

Whereas this Decision does not prejudice the consequences the Commission may draw from the payment of the abovementioned aids as regards the financing of the common agricultural policy by the EAGGF,

HAS ADOPTED THIS DECISION:

Article 1

1. That part of the aids arising out of the application of Articles 39 and 42 of Law No 105 of 5 August 1982 of the Region of Sicily exceeding:

- (a) the limit of 75 % of expenditure allowed for projects located in mountain, hill or less-favoured areas within the meaning of Directive 75/268/EEC and forming part of national or regional programmes approved by the Commission pursuant to Regulation (EEC) No 355/77 or
- (b) the limit of 50 % in other areas or for projects not forming part of such programmes

is incompatible with the provisions of Article 92 of the EEC Treaty and therefore may not be granted.

2. The aid arising out of the application of Article 51 of Law No 105/82 is incompatible with the provisions of Article 92 of the EEC Treaty and therefore may not be granted.

Article 2

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

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 May 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMUNITY LAW

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

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