

Official Journal

of the European Communities

ISSN 0378-6978

L 152

Volume 28

11 June 1985

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 1560/85 of 10 June 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal 1

Commission Regulation (EEC) No 1561/85 of 10 June 1985 fixing the premiums to be added to the import levies on cereals, flour and malt 3

*** Commission Regulation (EEC) No 1562/85 of 7 June 1985 laying down detailed rules for the application of measures to encourage the processing of oranges and the marketing of products processed from lemons 5**

*** Commission Regulation (EEC) No 1563/85 of 7 June 1985 fixing for the 1985 marketing year the maximum levels of the withdrawal prices for tomatoes grown under glass 12**

*** Commission Regulation (EEC) No 1564/85 of 10 June 1985 amending Regulation (EEC) No 2407/83 laying down detailed rules for the application of Article 39 of Regulation (EEC) No 337/79 for the 1983/84 wine-growing year 13**

Commission Regulation (EEC) No 1565/85 of 10 June 1985 amending Regulation (EEC) No 1279/85 opening a standing invitation to tender for the export of 40 000 tonnes of durum wheat held by the Greek intervention agency 14

Commission Regulation (EEC) No 1566/85 of 10 June 1985 amending Regulation (EEC) No 81/85 increasing to 280 000 tonnes the quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened 15

Commission Regulation (EEC) No 1567/85 of 10 June 1985 fixing the import levies on white sugar and raw sugar 17

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 1568/85 of 10 June 1985 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5	18
--	----

II *Acts whose publication is not obligatory*

Commission

85/275/EEC :

★ Commission Decision of 7 November 1984 on the proposal of the French Government to grant regional aid to an undertaking engaged in the watch-making and optical and electronic engineering industries at Besançon, Doubs, France	21
--	----

85/276/EEC :

★ Commission Decision of 24 April 1985 concerning the insurance in Greece of public property and loans granted by Greek State-owned banks . . .	25
---	----

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1560/85**of 10 June 1985****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 7 June 1985;

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 11 June 1985.

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

Done at Brussels, 10 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 10 June 1985 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	110,79
10.01 B II	Durum wheat	152,59 ⁽¹⁾ ⁽²⁾
10.02	Rye	103,48 ⁽⁶⁾
10.03	Barley	97,55
10.04	Oats	84,16
10.05 B	Maize, other than hybrid maize for sowing	88,96 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	73,27 ⁽⁴⁾
10.07 C	Grain sorghum	108,34 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	170,93
11.01 B	Rye flour	161,70
11.02 A I a)	Durum wheat groats and meal	250,35
11.02 A I b)	Common wheat groats and meal	181,50

⁽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 486/85 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 1561/85

of 10 June 1985

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
7 June 1985;

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 11 June
1985.

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

Done at Brussels, 10 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽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 10 June 1985 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 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	1,31	1,31	5,27
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	1,65
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1562/85

of 7 June 1985

laying down detailed rules for the application of measures to encourage the processing of oranges and the marketing of products processed from lemons

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

tion of measures to encourage the marketing of products processed from lemons ;

Having regard to the Treaty establishing the European Economic Community,

Whereas, for the purposes of operating the system, any processors wishing to receive financial compensation for the processing of fresh oranges and lemons should make themselves known to the authorities ; whereas processors should communicate to the authorities the particulars necessary to ensure the correct operation of the system ;

Having regard to 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⁾, and in particular Article 3 (2) thereof,

Whereas the financial compensation system is based on contracts between growers and processors ; whereas the particulars to be included in such contracts should be specified ;

Having regard to Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons ⁽³⁾, as last amended by Regulation (EEC) No 1318/85 ⁽⁴⁾, and in particular Article 3 thereof,

Whereas processing contracts for fresh oranges must be concluded before the beginning of the marketing year ; whereas, in order to ensure regular supplies of fresh lemons to processors, taking into consideration the duration of the marketing year, such contracts are concluded for a period of six months ; whereas, however, in order to ensure maximum efficiency of the system, the contracting parties should be allowed up to certain limits to increase the quantities of fruit originally contracted for by supplementary agreement ;

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽⁵⁾, as last amended by Regulation (EEC) No 1297/85 ⁽⁶⁾, and in particular Article 4 (3) thereof,

Whereas Commission Regulation (EEC) No 208/70 ⁽⁷⁾, as last amended by Regulation (EEC) No 272/85 ⁽⁸⁾, lays down detailed rules for the application of measures to encourage the processing of oranges ;

Whereas, under Article 6 of Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy ⁽¹¹⁾, the time when a transaction is carried out is to be considered as the date of the event, as defined by Community rules or, in the absence of and pending adoption of such rules, by the rules of the Member State concerned, as a result of which the sum involved in the transaction becomes due and payable ; whereas, however, Article 4 (3) of Regulation (EEC) No 1223/83 allows exceptions to be made to this provision ; whereas establishing the date on which each batch of fruit has been processed presents difficulties ; whereas, to ensure uniform application of the compensation

Whereas Commission Regulation (EEC) No 1045/77 ⁽⁹⁾, as last amended by Regulation (EEC) No 3482/80 ⁽¹⁰⁾, lays down detailed rules for the applica-

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽²⁾ OJ No L 103, 16. 4. 1984, p. 10.

⁽³⁾ OJ No L 125, 19. 5. 1977, p. 3.

⁽⁴⁾ OJ No L 137, 27. 5. 1985, p. 37.

⁽⁵⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁶⁾ OJ No L 137, 27. 5. 1985, p. 1.

⁽⁷⁾ OJ No L 28, 5. 2. 1970, p. 12.

⁽⁸⁾ OJ No L 28, 1. 2. 1985, p. 46.

⁽⁹⁾ OJ No L 125, 19. 5. 1977, p. 23.

⁽¹⁰⁾ OJ No L 363, 31. 12. 1980, p. 89.

⁽¹¹⁾ OJ No L 188, 1. 8. 1968, p. 1.

system, the rate for converting the compensation into national currency should be the rate at the beginning of the marketing year in the case of oranges and the rate on 1 June or 1 December each year in the case of lemons; whereas, in view of the link between financial compensation and the minimum price to be paid to growers, the conversion rate applied to that price should be the same as that applied to the financial compensation;

Whereas, under Article 2 of Regulation (EEC) No 1035/77, financial compensation is paid to processing undertakings in the Community on 85 % of the quantity of Community-grown lemons purchased at the minimum price; whereas, however, compensation can be paid to processors on a higher percentage where evidence is provided that a quantity of lemon juice exceeding the said percentage is sold outside Italy; whereas the method of proving that the said percentage has been exceeded should therefore be defined;

Whereas applications for financial compensation must include all the information needed to verify that an application is justified;

Whereas, to ensure that the compensation system is properly applied, processors should be required to keep relevant, up-to-date documentation; whereas, to prevent irregularities in the operation of the scheme, processors should be subject to such inspection and monitoring as is considered necessary;

Whereas the measures provided for in this Regulation replace the provisions of Regulation (EEC) No 208/70 and (EEC) No 1045/77; whereas the latter should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

TITLE I

Scope of the Regulation

Article 1

This Regulation lays down detailed rules for applying the financial compensation schemes to encourage the processing of oranges and lemons which are provided for in Regulations (EEC) No 2601/69 and (EEC) No 1035/77 respectively.

Article 2

For the purposes of Regulation (EEC) No 2601/69 and (EEC) No 1035/77:

- 'the industry' means undertakings commercially operating, on their own responsibility, one or more plants equipped to process oranges and/or lemons,
- 'producer' means any natural or legal person growing on their own holding the fruit which is to be processed.

TITLE II

Information required of processors

Article 3

1. Processors wishing to receive financial compensation shall inform the competent authorities of the Member State in which processing is to take place at least 45 days before the start of the marketing year during which they intend to apply for such aid and shall at the same time transmit all the information required by the Member State for proper management and monitoring of the financial compensation scheme.

Member States may stipulate that this information:

- (a) need only be transmitted by new processors if the requisite information is already available from other applicants;
- (b) should relate to a single marketing year, several marketing years or an unlimited period.

2. In exceptional cases for which proper justification satisfying the Member State concerned is provided, Member States may accept information received after expiry of the period laid down in paragraph 1 where there is no adverse impact on the financial compensation scheme.

In respect of the 1985/86 marketing year, the information required by paragraph 1 relating to lemons may be transmitted within 15 days following the publication of this Regulation.

Article 4

1. In respect of each marketing year, processors shall inform the competent authorities of the week in which processing is to commence. This information must reach the authorities at the latest five working days before the start of processing.

2. In exceptional cases for which proper justification satisfying the Member State concerned is provided, Member States may accept information received after the time limit set in paragraph 1; however, no aid shall be granted in such cases in respect of fruit already processed or in the course of being processed if the necessary checks on the qualification for financial compensation cannot be carried out to the satisfaction of the competent authorities.

TITLE III

Processing contracts

Article 5

1. Individual contracts as referred to in Article 2 of Regulation (EEC) No 2601/69 and Article 1 of Regulation (EEC) No 1035/77, hereinafter referred to as 'processing contracts', shall be concluded in writing between, on the one hand, producers or producers' groups and associations thereof legally recognized in the Community and, on the other, processors or legally recognized groups of processors and associations thereof.

A processing contract may also take the form of a commitment by one or several producers to supply fruit to the recognized group or association to which they belong where it is acting as a processor.

2. Processing contracts must contain :

- (a) the name and address of the producer or recognized producers' group or association thereof ;
- (b) the name and address of the processor or the recognized group of processors or association thereof ;
- (c) the quantity of fruit covered ;
- (d) the timetable of deliveries to the processor ;
- (e) the price to be paid to the other contracting party for the fruit, not including costs relating to packing, loading, transport and unloading and the payment of fiscal charges which must, where relevant, be detailed separately.

3. Member States may specify further requirements concerning processing contracts, in particular with regard to deadlines, the terms of payments of the minimum price and penalties to be paid by the processor or producer if either fails to fulfil his contractual obligations.

Article 6

Where a producer is also the processor, a processing contract as referred to in Article 5 shall be deemed to exist if a schedule has been drawn up showing :

- the total area devoted to fruit-growing,
- an estimate of the total crop,
- the quantity to be sent for processing,
- the timetable of deliveries for processing.

Article 7

- 1. Processing contracts shall be concluded :
 - before 20 January in the case of oranges,

- before 20 May or 20 November in the case of lemons, which must be delivered to the industry during the periods 1 June to 30 November and 1 December to 31 May respectively.

However,

- Member States may apply for authorization in exceptional circumstances to defer the indicated date in respect of certain varieties of oranges, in accordance with the procedure provided for in Article 33 of Regulation (EEC) No 1035/72,
- contracts for the delivery of lemons to the industry between 1 June and 30 November 1985 may be concluded up to 31 July 1985.

2. The contracting parties may increase the quantities of fruit initially specified in a contract by means of a supplementary agreement in writing.

Supplementary agreements shall be concluded at the latest by :

- (a) 30 April in the case of oranges ;
- (b) 31 August or 28/29 February in the case of lemons, depending on which of the periods referred to in paragraph 1 is involved.

In respect of the first part of the 1985/86 marketing year, supplementary agreements may be concluded up to 30 September 1985.

However, such supplementary agreements may cover :

- no more than 40 % of the original quantity of oranges if the supplementary agreement is concluded before 15 March and no more than 15 % of the original quantity if the supplementary agreement is concluded between 15 March and 30 April,
- no more than 40 % of the quantity of lemons originally specified in a contract.

3. Where the minimum price to be paid to producers for a given type of fruit has not been published in the *Official Journal of the European Communities* at least 21 days before one of the dates given in paragraph 1, the final date for the conclusion of contracts for that product shall, by way of derogation from paragraph 1, be the 21st day following publication of the said price.

Article 8

1. Processors and groups or associations of processors shall forward copies of each processing contract as well as any supplementary agreements to a body designated by the Member State where the fruit has been grown and, where relevant, the corresponding body in the Member State where processing takes place. These copies must reach the competent authorities within 10 working days of the conclusion of the contract or supplementary agreement.

2. In exceptional cases for which proper justification satisfying the Member State concerned has been provided, Member States may validate processing contracts and supplementary agreements reaching their authorities at a later date, provided that the validation is compatible with the aims of the financial compensation scheme and does not adversely affect the means of monitoring it.

TITLE IV

Raw materials

Article 9

Fruit supplied to processors under processing contracts must :

- in the case of oranges, satisfy at least the minimum quality and size requirements laid down for Class III,
- in the case of lemons, satisfy the minimum quality requirements laid down in Title II B (i) of the common standard, although up to 15 % of the fruit by weight may be substandard provided it is suitable for processing.

Article 10

1. At the time each batch of oranges or lemons is delivered to the processing plant under a processing contract, competent authorities designated by the Member State in which processing takes place shall verify the weight of fruit delivered, the variety in the case of oranges and the conformity of the fruit with the quality requirements indicated in Article 9.

When these checks have been completed, a certificate shall be issued to the processor in respect of each batch stating :

- the names and addresses of the contracting parties,
- conformity of the fruit with quality and net weight requirements, by variety in the case of oranges.

A copy of this certificate shall be given to the producer. One copy shall be kept by the competent authorities.

2. Where the checks referred to in paragraph 1 show that all or part of the fruit does not conform with Article 9, the authorities specified in paragraph 1 shall notify the contracting parties of the fact and indicate the consequences with regard to payment of financial compensation.

TITLE V

Currency conversion

Article 11

1. The event creating entitlement to financial compensation shall be deemed to occur :

- (a) in the case of oranges, on 1 October of the marketing year in which the fruit is sent for processing ;
- (b) in the case of lemons,
 - on either 1 June and 1 December of the marketing year, depending on which of the periods referred to in Article 7 (1) is the period during which the fruit is sent for processing,
 - on 1 December of the marketing year where the fruit is eligible for supplementary financial compensation.

2. The conversion rate applying to the minimum price in ECU shall be the representative rate valid :

- on the first day of the marketing year in which the oranges are sent for processing,
- on either 1 June and 1 December of the marketing year, depending on which of the periods referred to in Article 7 (1) is the period during which the lemons are sent for processing.

TITLE VI

Applications for financial compensation

Article 12

Processors shall submit applications for financial compensation to the competent body in the Member State where processing takes place :

- (a) in the case of oranges, within 90 days at the latest after
 - 15 February for fruit processed prior to that date,
 - the completion of processing ;
- (b) in the case of lemons, within 90 days at the latest after either 30 November or 31 May.

Processors wishing to avail themselves of the second subparagraph of Article 2 (2) of Regulation (EEC) No 1035/77 in respect of a given marketing year shall enter applications for supplementary compensation by 31 December of the year in which the marketing year ends.

Article 13

1. Applications for financial compensation must include:

- (a) the name and address of the applicant;
- (b) an indication of the total quantities of
 - fresh oranges purchased during the marketing year both up to 15 February and from 16 February, and/or
 - fresh lemons purchased during each of the periods referred to in Article 7 (1);
- (c) an indication of the corresponding quantities of fruit purchased under a processing contract or supplementary agreement, by variety in the case of oranges;
- (d) an indication of the total quantities of products processed from fresh oranges and/or lemons;
- (e) an indication of the total quantities of products processed from fresh oranges or lemons purchased under processing contracts;
- (f) where relevant, an indication of the quantities of lemon juice purchased during each of the periods referred to in Article 7 (1);
- (g) a statement by the processor that a price not less than the minimum price has been paid for the fresh fruit.

2. Applications for financial compensation shall be accompanied in particular by:

- (a) invoices for the quantities of fresh oranges or lemons referred to in paragraph 1 (c), duly receipted by the other contracting party, showing that the price paid was not less than the minimum price referred to in Article 2 (2) of Regulation (EEC) No 2601/69 and Article 1 (3) of Regulation (EEC) No 1035/77, or
- (b) where growers have entered into a commitment to supply the fruit, a statement by them that the processor has paid or credited to them a price not less than the minimum price;
- (c) the certificate referred to in Article 10.

3. In addition to the above particulars, undertakings processing lemons outside Italy as well as in Italy wishing to avail themselves of the second subparagraph of Article 2 (2) of Regulation (EEC) No 1035/77 shall include in their applications the following information relating to the marketing year concerned:

- the total quantity of lemon juice marketed by the applicant,
- the quantity of lemon juice marketed outside Italy by the applicant.

Article 14

Evidence that lemon juice has been sold outside Italy shall be provided in the following manner:

- 1. Undertakings processing lemons in Italy shall show that the lemon juice manufactured has left the said country by presenting an export or shipping declaration, to which shall be appended a certificate issued by the customs authorities referred to in point 3 certifying that the lemon juice has left Italy.
- 2. Undertakings processing lemons in Member States other than Italy shall show:
 - (a) either that the lemon juice has been marketed in the Member State in which processing has taken place by presenting duly receipted invoices;
 - (b) or that the lemon juice has been exported to a country outside the Community or shipped to another Member State except Italy by presenting a copy of the export or shipping declaration, to which shall be appended a certificate issued by the customs authorities referred to in point 3 certifying that the lemon juice has left the Member State concerned.
- 3. The Community transit procedure is compulsory for shipping to another Member State or exporting to a country outside the Community in order that a certificate as referred to in points 1 and 2 (b) may be issued by the customs office of departure. The latter shall, upon applications, endorse the certificate after receiving the return copy of the transit document.

In the case of lemon juice shipped under one of the documents named below, being equivalent to the T 2 form:

- an international consignment note,
- an international express parcel dispatch note,
- a Community transit transfer note,

the certificate shall be issued, upon application, by the customs office of departure after the latter has been presented with a consignment note, dispatch note or transfer note showing that the products covered by that document have been accepted for shipping by the railway authorities. The office of departure may authorize such changes to the shipping contract as have the effect of terminating the consignment in the Member State where it originates only if the said certificate has not been or will not be issued.

In the case of exportation to a country outside the Community without the other goods passing through the territory of a Member State other than that in which the office of departure is located, the

certificate referred to in points 1 and 2 (b) shall be issued, upon application, by the office of departure once the lemon juice has left the Member State concerned.

TITLE VII

Monitoring

Article 15

1. Processors shall keep records containing the following minimum information, broken down for lemons by the periods referred to in Article 7 (1) and for oranges by those referred to in the first indent of Article 13 (1) (b):

- the batches of fruit purchased or entering an undertaking each day, with separate entries for processing contracts and written supplementary agreements, together with the serial numbers of any receipts issued for such batches,
- the weight of each batch and the name and address of the other contracting party,
- the quantities of finished products manufactured each day from the fruit, identifying the quantities eligible for financial compensation,
- the quantities of products leaving the processing plant, identified by batch and indicating the consignee. Entries in the records may consist of references to supporting documents where these contain the prescribed particulars.

In the case of lemons, the records shall also include the following additional information:

- the quantities of lemon juice purchased,
- where relevant, the quantities of lemon juice returned to the undertaking,
- an indication of the total quantity of lemon juice marketed,
- an indication of the quantity of lemon juice marketed outside Italy.

2. Processors shall keep proof of payment in respect of all fruit purchased under a processing contract or supplementary agreement for five years after the end of the marketing year in which processing is carried out.

3. Processors shall be subject to any inspection or monitoring considered necessary and shall keep such additional records as are prescribed by the national authorities to enable them to carry out the checks that they consider necessary.

Article 16

Quantities of lemon juice as referred to in Article 15 shall also be recorded in terms of the weight of fresh fruit processed.

Article 17

1. In respect of each marketing year, the competent authorities shall examine the records of processors and verify in particular, at a minimum by random checks:

- (a) that the quantities of fresh oranges and lemons purchased under a processing contract and processed by an undertaking correspond to those given in the application for financial compensation;
- (b) that the quantities given in the application for financial compensation correspond to those for which endorsed certificates as referred to in Article 10 have been issued;
- (c) that the price paid for the abovementioned fruit intended for processing is not less than the minimum price laid down, and
- (d) that the quality requirements have been observed.

Additionally, in the case of undertakings wishing to avail themselves of the second subparagraph of Article 2 (2) of Regulation (EEC) No 1035/77, monitoring shall include verifying quantities of lemon juice marketed outside Italy.

2. In respect of each marketing year, the competent authorities shall also make random checks on the signatures borne by the invoices referred to in Article 13 (2) and on the correctness of such invoices, together with checks on the payments relating thereto, for example by confrontation of the contracting parties.

3. The competent authorities designated by Member States shall carry out physical checks at least twice a year on the stocks of processed products held by processing undertakings.

4. Verifications undertaken pursuant to this Article shall be without prejudice to either additional verification by the competent authorities or the possible consequences of applying the provisions in force.

5. Member States shall take all necessary steps to prevent and punish fraud in connection with the financial compensation system and to ensure its correct implementation.

TITLE VIII

Quotas

Article 18

Undertakings which process oranges shall qualify for financial compensation in respect of the total quantity manufactured under processing contracts, subject to Article 10 (2) and provided that an undertaking has actually processed all the fruit purchased.

Where the latter condition is not met, except in cases of *force majeure*, compensation shall be reduced in proportion to the quantity actually processed in relation to the total quantity purchased.

Article 19

1. Undertakings which process lemons shall qualify for financial compensation in respect of 85 % of the quantity of fruit purchased under processing contracts, subject to Article 10 (2) and provided that an undertaking has actually processed all the fruit purchased.

Where the latter condition is not met, except in cases of *force majeure*, compensation shall be reduced in proportion to the quantity actually processed in relation to the total quantity purchased.

2. Undertakings in the situation defined in Article 2 (3) (b) of Regulation (EEC) No 1035/77 shall qualify for financial compensation in respect of a percentage of the quantity of fruit purchased under contract which corresponds to the percentage of products marketed outside Italy as a proportion of the total quantity marketed.

However, where an undertaking has not processed all the fruit purchased, the said percentage shall be reduced in proportion to the quantity actually processed as a percentage of the total quantity purchased, except in case of *force majeure*.

TITLE IX

Communications to the Commission

Article 20

Each Member State shall notify to the Commission by 31 January at the latest following the end of a marketing year :

1. the combined net weight of finished products resulting from the processing of all oranges and lemons by the processing industry ;
2. the combined net weight of finished products manufactured from the oranges and lemons which have qualified for financial compensation ;
3. the total quantities of oranges and lemons processed ;

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

Done at Brussels, 7 June 1985.

4. the total quantities of oranges and lemons covered by processing contracts as referred to in Article 5 ;
5. the total quantities of oranges, by variety, and of lemons, to be broken down by the periods referred to either in the first indent of Article 13 (1) (b) or in Article 7 (1), which are stated in applications for financial compensation to have been used to manufacture the products referred to in (2) ;
6. the expenditure, given in national currency, incurred in relation to the financial compensation paid in respect of the quantities referred to in (5) ;
7. the combined net weight of products not sold and remaining in store at the end of the marketing year in which processing takes place ;
8. in respect of lemon-processing undertakings, an indication of :
 - (a) the total quantity of lemon juice purchased during each of the periods referred to in Article 7 (1) ;
 - (b) the total quantity of lemon juice marketed by processors ;
 - (c) the total quantities of lemon juice marketed outside Italy in the periods referred to in Article 7 (1).

TITLE X

Final provisions

Article 21

Regulations (EEC) No 208/70 and (EEC) No 1045/77 are hereby repealed.

The said Regulations shall, however, remain valid for products processed before the date of entry into force of this Regulation.

Article 22

This Regulation shall enter into force on the 10th day following its publication in the *Official Journal of the European Communities*.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1563/85

of 7 June 1985

fixing for the 1985 marketing year the maximum levels of the withdrawal prices
for tomatoes grown under glass

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1332/84⁽²⁾, and in
particular the last subparagraph of Article 18 (1)
thereof,

Whereas, under the last subparagraph of Article 18 (1)
of Regulation (EEC) No 1035/72, producers' organiza-
tions may be authorized, in view of the characteristics
of the market under consideration, to fix, under certain
conditions, withdrawal prices above the levels referred
to in Article 18 (1) (a) of that Regulation;

Whereas the market in tomatoes grown under glass
has different characteristics from those of the market
in open-grown tomatoes; whereas tomatoes grown
under glass are mainly 'Extra' class and class I
products, the prices for which are considerably higher
than those for open-grown products;

Whereas, in order to provide more effective support
for the market in tomatoes grown under glass, produ-
cers' organizations or associations of such organiza-
tions should be allowed to fix their withdrawal price at
a level higher than the Community withdrawal price;
whereas, in accordance with the last subparagraph of
Article 18 (1), it appears that the maximum level of the
withdrawal price for these products can justifiably be
fixed by applying, to the prices fixed for the 1984
marketing year, a variation of the same order as the

increase applied by the Council when fixing the basic
prices and buying-in prices for tomatoes;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1985 marketing year, producers' organizations
or associations of such organizations may fix with-
drawal prices, not exceeding the following maxima, in
ECU per 100 kilograms net, for tomatoes grown under
glass:

— June (11 to 20):	35,01
(21 to 30):	32,59
— July (1 to 10):	30,82
(11 to 20):	29,17
(21 to 31):	27,39
— August:	27,39
— September:	27,39
— October:	27,39
— November:	27,39

Article 2

The producers' organizations shall supply the
following information to the national authorities, who
shall communicate it to the Commission:

- the period during which withdrawal prices are
applicable,
- the levels of withdrawal prices proposed and of
those applied.

Article 3

This Regulation shall enter into force on 11 June
1985.

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

Done at Brussels, 7 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

COMMISSION REGULATION (EEC) No 1564/85

of 10 June 1985

amending Regulation (EEC) No 2407/83 laying down detailed rules for the application of Article 39 of Regulation (EEC) No 337/79 for the 1983/84 wine-growing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 798/85 ⁽²⁾, and in particular Article 39 (8) thereof,

Whereas distillers who, as provided for in Article 39 (6) of Regulation (EEC) No 337/79, may receive aid in respect of the product to be distilled are required, under Article 8 (3) of Commission Regulation (EEC) No 2407/83 ⁽³⁾, as amended by Regulation (EEC) No 446/85 ⁽⁴⁾, to provide the intervention agency with proof that they have paid the producers the buying-in price specified for wine delivered for the distillation concerned; whereas under Article 12 (2) of Council Regulation (EEC) No 2179/83 of 25 July 1983 laying down general rules for distillation operations involving wine and the by-products of wine-making ⁽⁵⁾, as last amended by Regulation (EEC) No 2687/84 ⁽⁶⁾, that buying-in price applies to bulk merchandise ex distiller's premises;

Whereas some distillers normally collect the product to be distilled from the producer and, with the latter's agreement, deduct the corresponding cost from the purchase price; whereas this practice is in accordance with the provision laid down in Article 12 (2) of Regu-

lation (EEC) No 2179/83; whereas it is advisable to clarify Regulation (EEC) No 2407/83 in this respect, as was done when Regulation (EEC) No 2687/84 was adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following is hereby added to the second subparagraph of Article 8 (3) of Regulation (EEC) No 2407/83:

'The buying-in price shall be regarded as having been complied with where the transport, costs which the producer is required to pay are, with the latter's approval, paid by the distiller and deducted from the said price.'

Article 2

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

It shall apply from 1 September 1983.

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

Done at Brussels, 10 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 89, 29. 3. 1985, p. 1.

⁽³⁾ OJ No L 236, 26. 8. 1983, p. 15.

⁽⁴⁾ OJ No L 52, 22. 2. 1985, p. 28.

⁽⁵⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽⁶⁾ OJ No L 255, 25. 9. 1984, p. 1.

COMMISSION REGULATION (EEC) No 1565/85

of 10 June 1985

amending Regulation (EEC) No 1279/85 opening a standing invitation to tender for the export of 40 000 tonnes of durum wheat held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies⁽³⁾,

Whereas, the first partial invitation to tender under Commission Regulation (EEC) No 1279/85⁽⁴⁾, as amended by Regulation (EEC) No 1479/85⁽⁵⁾, should be postponed;

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

Article 4 (1) of Regulation (EEC) No 1279/85 is replaced by the following:

'1. The time limit for submission of tenders under the first partial invitation to tender shall expire on 19 June 1985 at 12 noon (Brussels time).'

Article 2

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

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

Done at Brussels, 10 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 132, 21. 5. 1985, p. 11.

⁽⁵⁾ OJ No L 145, 4. 6. 1985, p. 21.

COMMISSION REGULATION (EEC) No 1566/85**of 10 June 1985****amending Regulation (EEC) No 81/85 increasing to 280 000 tonnes the quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened**

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 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾,

Whereas Commission Regulation (EEC) No 81/85⁽⁴⁾, as last amended by Regulation (EEC) No 1471/85⁽⁵⁾, opened a standing invitation to tender for the export of 250 000 tonnes of durum wheat held by the Italian intervention agency; whereas, in a communication of 6 June 1985, Italy informed the Commission of the intention of its intervention agency to increase by 30 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened should be increased to 280 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and

quantities in store; whereas Annex I to Regulation (EEC) No 81/85 must therefore be amended;

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

Article 2 of Regulation (EEC) No 81/85 is replaced by the following:

Article 2

1. The invitation to tender shall relate to a maximum quantity of 280 000 tonnes of durum wheat to be exported to all third countries.
2. The regions in which the 280 000 tonnes of durum wheat are stored are listed in Annex I.

Article 2

Annex I to Regulation (EEC) No 81/85 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 10 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 11, 12. 1. 1985, p. 8.

⁽⁵⁾ OJ No L 145, 4. 6. 1985, p. 5.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Cuneo	10 877
Ferrara	59 694
Bologna	21 597
Modena	97
Ravenna	2 235
Ancona	11 237
Pescara	1 567
Livorno	6 107
Grosseto	4 662
Viterbo	4 290
Roma	8 253
Caserta	787
Napoli	28 174
Bari	703
Foggia	84 735
Catania	1 888
Palermo	15 762
Agrigento	1 024
Caltanissetta	3 794
Ascoli Piceno	745
Macerata	570
Terni	136
Chieti	82
Catanzaro	10 985'

COMMISSION REGULATION (EEC) No 1567/85
of 10 June 1985
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 1542/85⁽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 11 June 1985.

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

Done at Brussels, 10 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

- ⁽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 147, 6. 6. 1985, p. 30.

ANNEX

to the Commission Regulation of 10 June 1985 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	47,51
	B. Raw sugar	46,06 ⁽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 1568/85

of 10 June 1985

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Commission Regulation (EEC) No
1633/84 of 8 June 1984 laying down detailed rules for
applying the variable slaughter premium for sheep and
repealing Regulation (EEC) No 2661/80⁽³⁾, and in
particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country
which grants the variable slaughter premium, in region
5, within the meaning of Article 3 (5) of Regulation
(EEC) No 1837/80; whereas it is necessary therefore
for the Commission to fix, for the week beginning 20
May 1985, the level of the premium and the amount
to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84
stipulates that the level of the variable slaughter
premium is to be fixed each week by the Commis-
sion;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84
lays down that the amount to be charged on products
leaving region 5 shall be fixed weekly by the Commis-
sion;

Whereas it follows from the application of the rules
laid down in Article 9 (1) of Regulation (EEC) No
1837/80 and in Article 4 (1) and (3) of Regulation

(EEC) No 1633/84 that the variable slaughter premium
for sheep certified as eligible in the United Kingdom,
and the amounts to be charged on products leaving
region 5 of the aforesaid Member State during the
week beginning 20 May 1985, shall be set out in the
Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the
United Kingdom in region 5, within the meaning of
Article 3 (5) of Regulation (EEC) No 1837/80, for the
variable slaughter premium during the week beginning
20 May 1985 the level of the premium shall be
equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of
Regulation (EEC) No 1837/80 which left the territory
of region 5 during the week beginning 20 May 1985,
the amounts to be charged shall be equivalent to those
fixed in Annex II hereto.

Article 3

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

It shall apply with effect from 20 May 1985.

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

Done at Brussels, 10 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 35.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

ANNEX I

**Level of variable slaughter premium for certified sheep in region 5 for the week
commencing 20 May 1985**

Description	Premium
Certified sheep or sheepmeat	82,750 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by the United Kingdom.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
20 May 1985

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	38,893
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	82,750
	2. Short forequarters	57,925
	3. Chines and/or best ends	91,025
	4. Legs	107,575
	5. Other :	
	aa) Unboned (bone-in)	107,575
	bb) Boned or boneless	150,605
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	62,063
	2. Short forequarters	43,444
	3. Chines and/or best ends	68,269
	4. Legs	80,682
	5. Other :	
	aa) Unboned (bone-in)	80,682
	bb) Boned or boneless	112,955
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	107,575
	2. Boned or boneless	150,605
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	— unboned (bone-in)	107,575
	— boned or boneless	150,605

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 November 1984

on the proposal of the French Government to grant regional aid to an undertaking engaged in the watch-making and optical and electronic engineering industries at Besançon, Doubs, France

(Only the French text is authentic)

(85/275/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments in accordance with the above provision ⁽¹⁾, and having regard to those comments,

Whereas :

I

French Decree No 82/379 of 6 May 1982 relating to the regional planning premium (Prime d'Aménagement du Territoire) ⁽²⁾ instituted a scheme to promote economic activity in certain designated areas. The scheme enables the French Government to award a premium to industrial, tertiary or research projects subject to a limit of 25 % of the investment net of tax up to a maximum of FF 50 000 per job created or 17 % of the investment net of tax up to a maximum of FF 35 000 per job created, depending on the area.

⁽¹⁾ OJ No C 168, 28. 6. 1983, p. 2.

⁽²⁾ Journal Officiel de la République française of 7 May 1982.

The Commission first of all scrutinized the above-mentioned scheme in accordance with Article 93 (3) of the Treaty.

The Commission considered that the award of premiums to industrial projects qualified for application of the exception to the incompatibility of State aids provided for in Article 92 (3) (c) in certain designated areas, but that the exception did not cover the award of such premiums in certain other areas where the social and economic situation was satisfactory.

The Commission therefore initiated the procedure provided for in Article 93 (2) of the Treaty in respect of the award of premiums in the latter areas. It informed the French authorities of this by letter dated 11 June 1982.

In this letter initiating the Article 93 (2) procedure, the Commission refused to agree unreservedly to the award of premiums to projects outside the areas designated in the Decree and continued to make the award of such premiums subject to a prior notification procedure where the circumstances warranted it.

The notifications requested by the Commission are intended to enable it to establish the compatibility of the award of such exceptional and discretionary aids with the Treaty and in particular with Article 92 (3) thereof.

II

By telex dated 11 February 1983, the French Government notified the Commission in accordance with this procedure of its intention to award a regional planning premium to an undertaking engaged in the watch-making and optical and electronic engineering industries in respect of a project at Besançon in the department of Doubs. Besançon is outside the areas eligible for the regional planning premium as designated in the French Decree relating to the regional planning premium.

In the present case, a premium of FF 34 475 000 was proposed by the French Government towards a project costing a total of FF 363 million, a ratio of premium to investment costs of 9,5 % gross.

The project was for the reconversion to new employment of 985 workers at the company's factory at Besançon out of a total workforce of 1 960. These workers, who were employed in watch-making, were to be reconverted to employment in optics and electronics.

The Commission assessed the aid proposal in accordance with Article 93 (3) of the Treaty. One of the main issues it took up with the French Government was the economic and social justification for exercising the discretion to award regional planning premiums outside the designated areas in favour of Besançon.

The Commission also asked the French authorities whether other State aid, in particular for training and research, was proposed for the projects. The French Government sent a reply.

On the basis of this assessment and the social and economic arguments presented by the French Government, the Commission did not feel that the proposed regional planning premium in favour of Besançon was eligible for application of the exception provided for in Article 92 (3) (c), and, by letter dated 15 April 1983, therefore informed the French Government that it was initiating the procedure laid down in Article 93 (2) in respect of the proposal.

The French Government's comments, presented in its letter of 27 June 1983 and in further correspondence, the last being dated 17 September 1984, did not contain any new facts causing the Commission to modify its view of the proposal, in particular as regards

the social and economic situation in the Besançon area.

One Member State which replied to the invitation to comment supported the Commission's action in initiating the Article 93 (2) procedure.

III

The premium which the French Government proposes to award to the undertaking concerned, the amount of which depends on the number of jobs reconverted to employment in optics and electronics, represents nominally 9,5 % of the total cost of the planned investment and favours that firm and the production of its goods. This financial support would improve the competitive position of the undertaking by enabling it to dispose freely of not inconsiderable resources.

In the sectors and on the markets in question such aid distorts or threatens to distort competition and affects trade between Member States within the meaning of Article 92 (1) of the Treaty. It is necessary to distinguish, however, between the effects of the aid in the light of the competitive conditions peculiar to the two types of activity involved.

One of these activities concerns the electronics sector including sub-unit assembly and sub-contract work for other firms. This activity concerns the manufacture of electronic equipment and components, a field in which there is generally strong competition and a large volume of trade between Member States.

The other new activity concerns the optics sector. This involves the application of new American three-dimensional photography technology, including the manufacture of picture-taking, -developing and -printing equipment. For the time being, this will be the only production unit of its type in Europe. Trade between Member States might, however, be affected in so far as the products and services derived from this new technology may, to some extent, oust those of other firms in the Community using more conventional photographic technology, but this effect may be limited in so far as this new technology will create a new market in the photographic field instead of taking a share of the existing market by way of substitution.

There could be a distortion in both sectors and trade between Member States could be affected in so far as an aid may artificially induce an undertaking to invest in one Member State rather than in another. It has not been possible to establish whether the aid proposed in this case would constitute such an inducement.

Article 92 (1) of the Treaty provides that aid having the features set out therein is in principle incompatible with the common market. The exceptions that are provided for in Article 92 (3) (a) and (c) — the only ones potentially applicable in the present case — require that the aid should serve specified Community objectives rather than simply serving the interests of the aid recipient. These exceptions must be interpreted narrowly when any regional or industry aid scheme or any individual award under a general scheme is scrutinized. In particular, they may be invoked only when the Commission is satisfied that, without the aid, market forces alone would be insufficient to guide the recipients towards patterns of behaviour that would serve one of the said objectives.

To invoke the exceptions in the case of aid that did not serve such an objective would be to give unfair advantages to certain Member States and allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest.

In applying the principles set out above in its scrutiny of regional aid schemes, the Commission must satisfy itself that the regions concerned are suffering from problems that are sufficiently serious, on a Community-wide comparison, to require the grant of aid at the level proposed if the objectives specified in Article 92 (3) (a) or (c) of the Treaty are to be attained. Where this cannot be demonstrated, it is evident that the aid does not serve the objectives specified in the exception clauses, but does little more than further the private interests of the recipient.

The first resolution on general regional aid schemes adopted by the representatives of the Governments of the Member States meeting within the Council on 20 October 1971 ⁽¹⁾ following a communication from the Commission recognized that regional aid, when it is adequate and judiciously applied, forms one of the essential instruments of regional development and enables the Member States to follow regional policies aimed at a more balanced growth of the various regions of the same country and of the Community. This consideration, together with the need to reduce

the danger of an escalation of aids, which is the major purpose of the current principles of coordination of regional aid schemes, means that when it assesses the compatibility of regional aid with Article 92 (3) (a) and (c) of the Treaty, the Commission must take account both of the social and economic situation in the regions concerned in comparison with other parts of the Community and of any serious disparities existing between regions of the same country.

The detailed social and economic analysis which the Commission has made of the Besançon area shows that the exception provided for in Article 92 (3) (a) cannot be invoked in its regard because it does not display an abnormally low standard of living or serious underemployment. This was not disputed by the French Government either in its original notification or in its submissions following the opening of the Article 93 (2) procedure. The only exception that can be considered in the present case is therefore that provided for in Article 92 (3) (c) for aid to facilitate the development of certain economic activities or of certain economic areas which does not affect trading conditions to an extent contrary to the common interest.

To determine whether application of this exception to the aid which the French Government was proposing to grant to the undertaking concerned was justified, the Commission applied the principles outlined above. That is, after seeing how the designated areas stood in a Community context by comparing income *per capita* and unemployment in the area with the Community averages, the Commission then examined whether there were any disparities between the area and other areas in the country that might warrant the grant of regional aid. For this purpose, the Commission took a number of indicators of economic development and the employment situation, in particular taxable income, employment and unemployment figures, the distribution of industry, net migration and demographic trends.

The results of the analysis of the distribution of industry and of the other indicators of causality established the nature of the economic problems of the area concerned and their possible structural character, but not the existence of regional difficulties justifying the aid envisaged.

⁽¹⁾ OJ No C 111, 4. 11. 1971, p. 1.

The comments made by third parties did not contain any new facts giving ground to revise the assessment of the situation of the Besançon area resulting from the Commission's social and economic analysis described above.

In the absence of regional considerations, an aid may nevertheless be justified under Article 92 (3) (c) of the Treaty if the project has positive features from the point of view of the industry which are sufficient to offset the distortion effects of the aid in the interests of the Community. The activities planned in the electronics sector, which have no particular innovative value, do not seem likely to promote development in that sector. Thus the aid towards the cost of investment in this field does not satisfy the conditions for the application of the exception provided for in Article 92 (3) (c).

On the other hand, the activities planned in the optics sector hold out prospects of growth in that sector. This is due, in particular, to the novelty and originality of this technology in the Community, and to the fact that this investment might lead to research activities at some future date. From a conservative appraisal of these aspects of the matter, it can be concluded that the proposed aid qualifies for application of the exception provided for in Article 92 (3) (c) provided it does not exceed 55 % of the investment planned in the optics sector,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic may not proceed with the proposed award of a regional planning premium for all

the investments being undertaken at Besançon involving the reconversion of watch-making activities by the undertaking concerned, notified to the Commission on 11 February 1983 and enlarged upon in other communications the last of which was dated 17 September 1984.

Article 2

A Regional planning premium not exceeding 9,5 % gross of 55 % of the fixed capital investment in activities in the optics sector may be awarded. No regional planning premium may be awarded for investment in activities in the electronics sector.

Article 3

The French Government shall inform the Commission within four weeks of the date of notification of this Decision of the measures taken to comply therewith.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 7 November 1984.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 24 April 1985

concerning the insurance in Greece of public property and loans granted by Greek State-owned banks

(Only the Greek text is authentic)

(85/276/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 90 (1) and (3) thereof,

Whereas :

By Article 13 of Law No 1256/1982 of 28/31 May 1982 ⁽¹⁾, Greece amended Law No 400/1970 of 13/17 January 1970 ⁽²⁾, and in particular Articles 31 (1) and 54 (1) thereof.

Article 13 (2) of Law No 1256/1982 provides that all public property, including the assets of Greek public undertakings, must be insured exclusively with public-sector insurance companies. Paragraph 4 of the same Article requires the staff of State-owned banks to recommend in writing to their customers that they take out insurance with an insurance company owned and controlled by the public banking sector.

Neither circular K 3-3494 from the Greek Ministry of Trade to the State-owned banks stressing the non-binding nature of the recommendation nor the procedure introduced by circular B/147 from the National Bank of Greece simplifying the procedure to be followed should the borrower wish to take out insurance with an insurance company other than that controlled by the said Bank is likely to modify substantively the laws in force laying down the obligation in question.

Upon conclusion of the insurance contract through the agency of the State-owned bank, the public-sector insurance company is, pursuant to Article 13 (4) of Law No 1256/1982, required to deposit the commission for the service rendered in a special account opened by the State-owned bank for the benefit *inter alia* of its employees' insurance fund. This constitutes a further incentive to the staff of State-owned banks to

ensure that the obligation to recommend a public-sector insurance company is fulfilled.

The Greek Association of Insurance Companies has drawn attention to the distortions of competition resulting from the two amendments introduced now by Law No 1258/1982 for private-sector insurers, and in particular for the agencies, branches and subsidiaries of undertakings from other Member States. This point of view has also been expressed by the Governments of two Member States.

I

By reserving access to the public property insurance market to Greek public-sector insurance companies alone, Greece has introduced new restrictions on establishment in its territory, as this measure makes it impossible for insurance companies from other Member States to set up in business in Greece as public property insurers while Greek public-sector insurers can continue to insure such risks and at the same time acquire new business previously written by private companies. The Greek public property insurance market accounts for approximately 25 % of annual premium income in Greece, which is a large proportion of the total.

The loans made by Greek State-owned credit banks account for some 80 % of the credit market in Greece. By requiring the staff of State-owned credit banks to recommend their customers to take out insurance with a public-sector insurance company, Greece favours the latter to the detriment of non-public-sector insurance companies and hence also of insurance companies from the other Member States.

As a result of this reservation of access to the market for the insurance of certain risks to the public sector, not only do distortions of competition at the expense of, among others, insurance companies from other Member States arise in the market in question, but there is also a risk that they will arise in all insurance activities.

⁽¹⁾ Official Journal of the Hellenic Republic A'65.

⁽²⁾ Official Journal of the Hellenic Republic A'10.

The Commission asked the Greek Government as early as 28 October 1982 to bring the offending situation to an end. A reminder was sent on 20 September 1984 and a further reminder on 14 December 1984 after the Commission had taken note of the observations and the above-mentioned circulars issued by the Greek Ministry of Trade and the National Bank of Greece which the Greek Government had submitted to it by Note No A II.3082/22002 of 29 November 1984 from its Permanent Representation.

II

Under Article 90 (1) of the EEC Treaty, Member States are required, in the case of public undertakings, neither to enact nor to maintain in force any measure contrary to the rules contained in the Treaty, in particular those rules provided for in Article 7 and Article 85 to 94. The same obligation exists in respect of undertakings to which Member States grant special or exclusive rights.

By adopting Law No 1256/1982, Greece has enacted, in the case of public undertakings, namely public-sector insurance companies, measures within the meaning of Article 90 (1) of the EEC Treaty.

The Commission is required, pursuant to Article 90 (3) of the EEC Treaty, to ensure the application of the provisions of Article 90 and, where necessary, to address appropriate Directives or Decisions to Member States.

Under Article 90 (1), it is necessary to comply with, among others, the provisions of Article 52 of the EEC Treaty concerning the right of establishment, and more particularly with those of Article 53 requiring Member States not to introduce any new restrictions on the right of establishment in their territories of nationals of other Member States.

It is also necessary to comply under Article 90 (1) of the EEC Treaty with the provisions of the second paragraph of Article 5 of the EEC Treaty requiring Member States to abstain from any measure which could jeopardize the attainment of the objectives of the Treaty. The objectives of the Treaty include that referred to in Article 3 (f), namely the institution of a system ensuring that competition in the common market is not distorted, which is to be achieved in particular by observance of the principles contained in Articles 85 and 86.

By deciding that all public property must be insured with public-sector insurance companies and by making it more difficult for insurance undertakings which do not belong to that sector to insure loans made by Greek State-owned banks, Greece has taken measures which are incompatible with Article 52 of the EEC Treaty. Being new restrictions, these measures are incompatible with Article 53 and the second paragraph of Article 5. They are incompatible, moreover, with the objective embodied in Article 3 (f) concerning the institution of a system ensuring that competition in the common market is not distorted, which is to be achieved in particular by observance of the principles contained in Articles 85 and 86,

HAS ADOPTED THIS DECISION:

Article 1

The provisions of Article 13 of Greek Law No 1256/1982 of 28/31 May 1982 — amending Articles 31 (1) and 54 (1) of Law No 400/1970 of 13/17 January 1970 on private insurance — laying down that all public property, including the assets of Greek public undertakings, must be insured exclusively with Greek public-sector companies and that Greek State-owned credit banks must recommend their customers to take out insurance with a public-sector insurance company are incompatible with Article 90 (1) of the EEC Treaty read in conjunction with Article 52, Article 53, the second paragraph of Article 5, and Article 3 (f) of the said Treaty.

Article 2

Greece shall inform the Commission within two months of the date of notification of this Decision of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 24 April 1985.

For the Commission

P. SUTHERLAND

Member of the Commission

COMMISSION OF THE EUROPEAN COMMUNITIES

THE AGRICULTURAL SITUATION IN THE COMMUNITY

1984 Report

**REPORT PUBLISHED IN CONJUNCTION WITH THE 'EIGHTEENTH GENERAL REPORT ON
THE ACTIVITIES OF THE EUROPEAN COMMUNITIES'**

This report is the 10th published version of the annual Report on the Agricultural Situation in the Community. It contains analyses and statistics on the general situation (economic environment and world market), the factors of production, the structures and situation of the markets in the various agricultural products, the obstacles to the common agricultural market, the position of consumers and producers, and the financial aspects. The general prospects and the market outlook for agricultural products are also dealt with.

436 pages, 13 figures

ISBN 92-825-4687-X

CB-41-84-765-EN-C

Published in Danish, Dutch, English, French, German, Greek and Italian.

Price (excluding VAT) in Luxembourg: Bfrs 950 £ Irl 15,30 £ 12,80 \$ US 16

OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

COMMISSION OF THE EUROPEAN COMMUNITIES

DOCUMENT

EUROPEAN REGIONAL DEVELOPMENT FUND

Ninth Annual Report (1983)

The ERDF, one of the Community's structural funds, was set up in 1975 to correct the principal regional imbalances within the Community. ERDF aid is accordingly granted in areas and regions suffering from imbalances resulting in particular from the predominance of agriculture, industrial change and structural under-employment. Such regions, which are determined in agreement with the Member States, are generally the areas covered by national regional aid schemes, these areas being approved by the Commission in accordance with Articles 92 and 94 of the Treaty establishing the European Economic Community. The ERDF provides assistance by making grants which support and supplement national regional development efforts.

As well as reporting on the ERDF activities in 1983, this publication also provides a review of the nine years (1975 to 1983) that the ERDF has been in existence.

128 pages

ISBN 92-825-4774-4

CB-41-84-911-EN-C

Published in Danish, Dutch, English, French, German, Greek and Italian.

Price (excluding VAT) in Luxembourg: Bfrs 480 £ Irl 7,80 £ 6,60 \$ US 8

OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg