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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3708/86**of 4 December 1986****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 the Act of Accession of Spain and Portugal,

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 1579/86 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, 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 Commission Regulation (EEC) No 2010/86 ⁽⁴⁾ 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- 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 3 December 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2010/86 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:

21 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 5 December 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 December 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	16,02	185,58
10.01 B II	Durum wheat	43,02	240,34 ⁽¹⁾ ⁽²⁾
10.02	Rye	51,66	158,79 ⁽⁶⁾
10.03	Barley	22,22	176,90
10.04	Oats	83,64	146,22
10.05 B	Maize, other than hybrid maize for sowing	—	168,53 ⁽³⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	1,74	1,74
10.07 B	Millet	22,22	122,55 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	7,46	167,58 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	22,22	29,35 ⁽⁵⁾
11.01 A	Wheat or meslin flour	36,77	274,16
11.01 B	Rye flour	86,67	236,65
11.02 A I a)	Durum wheat groats and meal	80,10	385,94
11.02 A I b)	Common wheat groats and meal	38,23	294,61

⁽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).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 3709/86**of 4 December 1986****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 the Act of Accession of Spain and Portugal,

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 1579/86⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, 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 Commission Regulation (EEC) No 2011/86⁽⁴⁾ 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,
- 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 3 December 1986;

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

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 originating in Portugal shall be zero.
2. 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 December 1986.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 4 December 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	7,94	7,94	7,94
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	1,08	1,08	1,94
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	103,55
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	11,11	11,11	11,11

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	14,13	14,13	14,13	14,13
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	10,56	10,56	10,56	10,56
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	1,92	1,92	3,45	3,45
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	1,44	1,44	2,58	2,58
11.07 B	Roasted malt	0	1,67	1,67	3,01	3,01

COMMISSION REGULATION (EEC) No 3710/86

of 4 December 1986

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 1454/86 ⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 414/86 ⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 413/86 ⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁷⁾, as last amended by Regulation (EEC) No 413/86, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁸⁾, as last amended by Regulation (EEC) No 415/86 ⁽⁹⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽¹⁰⁾;Whereas by Regulation (EEC) No 3131/78 ⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender ⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on

the world market and the Community market and of the levy rates indicated by tenderers;

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 1 and 2 December 1986 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 5 December 1986.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 48, 26. 2. 1986, p. 2.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽⁹⁾ OJ No L 48, 26. 2. 1986, p. 3.⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CCT heading No	Non-member countries
15.07 A I a)	50,00 ⁽¹⁾
15.07 A I b)	50,00 ⁽¹⁾
15.07 A I c)	50,00 ⁽¹⁾
15.07 A II a)	59,00 ⁽²⁾
15.07 A II b)	82,00 ⁽³⁾

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

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

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

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

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

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

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

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

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

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CCT heading No	Non-member countries
07.01 N II	11,00
07.03 A II	11,00
15.17 B I a)	25,00
15.17 B I b)	40,00
23.04 A II	4,00

COMMISSION REGULATION (EEC) No 3711/86

of 4 December 1986

amending Regulation (EEC) No 625/78 on detailed rules of application for public storage of skimmed-milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1335/86⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1014/68 of 20 July 1968 laying down general rules for the public storage of skimmed-milk powder⁽³⁾, as last amended by Regulation (EEC) No 1272/79⁽⁴⁾, lays down that the intervention price is to apply to skimmed-milk powder delivered to a storage depot not further from the place where it was stored than a distance to be determined; whereas, if the storage depot to which the skimmed-milk powder is delivered is situated at a distance greater than that maximum distance, the additional transport costs, to be determined at a flat rate, are to be borne by the intervention agencies;

Whereas Commission Regulation (EEC) No 625/78⁽⁵⁾, as last amended by Regulation (EEC) No 2256/86⁽⁶⁾, fixed the maximum distance in question at 100 kilometres; whereas experience has shown that this maximum distance is inadequate to enable the intervention agencies to manage access to public storage depots under the best possible conditions; whereas this distance should therefore be increased to 350 kilometres;

Whereas point 2 of Annex I to Regulation (EEC) No 625/78 on the quality of skimmed-milk powder stipulates the control methods to be used to detect certain products; whereas reference should be made to the international standards on the taking of samples;

Whereas Annex IV to Regulation (EEC) No 625/78 stipulates the method for determining free sialic acid to detect rennet whey in skimmed-milk powder intended for public storage; whereas this method was used on a

temporary basis until 31 March 1986; whereas, therefore, the said Annex should be deleted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 625/78 is hereby amended as follows:

1. In Article 5 (1) '100 kilometres' is replaced by '350 kilometres';
2. In Annex I (2) (a) 'ISO Standard' is replaced by 'International Standard ISO' each time it occurs;
3. In Annex I (2) (b), the second indent is replaced by the following:
'rennet whey: determination of glycomacropolypeptides by high-performance liquid chromatography⁽⁷⁾.';
4. In Annex I (2), the following point (c) is added:
'(c) Samples shall be taken in accordance with the procedure laid down by International Standard ISO 707; however, Member States may use another method of sampling provided that this method complies with the principles of the above-mentioned Standard.';
5. In Annex I, footnote (4) is deleted;
6. Annex IV is deleted;
7. Annex V is replaced by the Annex to this Regulation.

Article 2

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

However, Article 1 (4) and (7) shall apply with effect from 2 February 1987.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 173, 22. 7. 1968, p. 4.

⁽⁴⁾ OJ No L 161, 29. 6. 1979, p. 11.

⁽⁵⁾ OJ No L 84, 31. 3. 1978, p. 19.

⁽⁶⁾ OJ No L 196, 18. 7. 1986, p. 41.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

ANNEX V

DETECTION OF RENNET WHEY IN SKIMMED-MILK POWDER FOR PUBLIC STORAGE BY DETERMINATION OF GLYCOMACROPEPTIDES WITH THE HIGH-PERFORMANCE LIQUID CHROMATOGRAPHIC PROCEDURE (HPLC)**1. Scope and field of application**

This method allows detection of rennet whey in skimmed-milk powder intended for public storage by determination of the glycomacropetides.

2. Reference

International Standard ISO 707 — Milk and Milk Products — Methods of sampling, conforming to the guidelines contained in Annex I (2) (c) last paragraph.

3. Definition

Glycomacropetide content of skimmed-milk powder: the content of substances determined by the method set out below, expressed as a percentage by mass.

4. Principle

- Reconstitution of the skimmed-milk powder, removal of fat and proteins with trichloroacetic acid, followed by centrifugation;
- Determination of the quantity of glycomacropetides (GMP) in the supernatant by high-performance liquid chromatography (HPLC);
- Evaluation of the result obtained for the samples by reference to standard samples consisting of skimmed-milk powder with or without the addition of a known percentage of whey powder.

5. Reagents

All reagents must be of recognized analytical grade. The water used must be distilled water or water of at least equivalent purity.

5.1. Trichloroacetic acid solution

Dissolve 240 g of trichloroacetic acid (Cl_3CCOOH) in water and make up to 1 000 ml.

5.2. Eluent solution, pH 6,0

Dissolve 1,74 g of dipotassium hydrogen phosphate (K_2HPO_4), 12,37 g of potassium dihydrogen phosphate (KH_2PO_4) and 21,41 g of sodium sulphate (Na_2SO_4) in about 700 ml of water. Adjust, if necessary, to pH 6,0, using a solution of phosphoric acid or potassium hydroxide. Make up to 1 000 ml with water and homogenize. Filter the eluent solution, prior to use, through a membrane filter with a 0,45 μm pore diameter.

5.3. Flushing solvent

Mix one volume acetonitrile (CH_3CN) with nine volumes water. Filter the mixture prior to use through a membrane filter with a 0,45 μm pore diameter.

Note: Any other flushing solvent with a bactericidal effect which does not impair the columns' resolution efficiency may be used.

5.4. Standard samples

- 5.4.1. Skimmed-milk powder meeting the requirements of Regulation (EEC) No 625/78 (i.e. [0]).
- 5.4.2. The same skimmed-milk powder adulterated with 5 % (m/m) rennet-type whey powder of standard composition (i.e. [5]).

6. Apparatus

- 6.1. Analytical balance.
- 6.2. Centrifuge capable of attaining a centrifugal force of 2 200 g, fitted with stoppered centrifuge tubes of about 25 ml capacity.
- 6.3. Mechanical shaker.
- 6.4. Magnetic stirrer.
- 6.5. Glass funnels, diameter about 7 cm.
- 6.6. Filter papers, medium filtration, diameter about 12,5 cm.
- 6.7. Glass filtration equipment with 0,45 µm pore diameter membrane filter.
- 6.8. Graduated pipettes allowing delivery of 10 ml (ISO 648, Class A, or ISO/R 835).
- 6.9. Thermostatic waterbath, set at $25 \pm 0,5^{\circ}\text{C}$.
- 6.10. HPLC equipment, consisting of:
 - 6.10.1. Pump.
 - 6.10.2. Injector, hand or automatic, with a 15 to 30 µl capacity.
 - 6.10.3. Two TSK 2 000-SW columns in series (length 30 cm, internal diameter 0,75 cm) or equivalent columns and a precolumn (3 cm × 0,3 cm) packed with I 125 or material of equivalent effectiveness.
 - 6.10.4. Thermostatic column oven, set at $35 \pm 1^{\circ}\text{C}$.
 - 6.10.5. Variable wavelength UV detector, permitting measurements at 205 nm with a sensitivity of 0,008 A.
 - 6.10.6. Integrator capable of valley-to-valley integration.

Note: Working with columns kept at room temperature is possible, but their power of resolution is slightly lower. In that case, the temperature should vary by less than $\pm 5^{\circ}\text{C}$ in any one range of analyses.

7. Sampling

- 7.1. International Standard ISO 707 — Milk and Milk Products- Methods of sampling, conforming to the guidelines contained in Annex I (2) (c) last paragraph.
- 7.2. Store the sample in conditions which preclude any deterioration or change in composition.

8. Procedure**8.1. Preparation of the test sample**

Transfer the milk powder into a container with a capacity of about twice the volume of the powder, fitted with an airtight lid. Close the container immediately. Mix the milk powder well by means of repeated inversion of the container.

8.2. Test portion

Weigh $2,000 \pm 0,001$ g of test sample into a centrifuge tube (6.2).

8.3. Removal of fat and proteins

- 8.3.1. Add 20 g of warm water (50°C) to the test portion. Dissolve the powder by shaking for five minutes using a mechanical shaker (6.3). Cool the tube to 25°C .
- 8.3.2. Add 10,0 ml of the trichloroacetic acid solution (5.1) in two minutes, while stirring with the aid of the magnetic stirrer (6.4). Place the tube in a waterbath (6.9) and leave for 60 minutes.
- 8.3.3. Centrifuge (6.2) for 10 minutes at 2 200 g, or filter through paper (6.6), discarding the first 5 ml of filtrate.

8.4. *Chromatographic determination*

- 8.4.1. Inject 15 to 30 µl of accurately measured supernatant or filtrate (8.3.3) into the HPLC apparatus (6.10) operating at a flow rate of 1,0 ml of eluent solution (5.2) per minute.

Notes

1. Keep the eluent solution (5.2) at 85 °C throughout the chromatographic analysis in order to keep the eluent degassed and to prevent bacterial growth. Any precaution with a similar effect may be used.
2. Rinse the columns with water during each interruption. Never leave the eluent solution in them (5.2).

Prior to any interruption of more than 24 hours, rinse the columns with water then wash them with solution (5.3) for at least three hours at a flow rate of 0,2 ml per minute.

- 8.4.2. The results of chromatographic analysis of the test sample [E] are obtained in the form of chromatogram in which each peak is identified by its retention time RT as follows:

Peak II: The second peak of the chromatogram with an RT of about 12,5 minutes.

Peak III: The third peak of the chromatogram, corresponding to the GMP, with an RT of $15,5 \pm 1,0$ minutes.

Peak IV: The fourth peak of the chromatogram with an RT of about 17,5 minutes.

The quality of the columns can effect the retention times of the individual peaks.

The integrator (6.10.6) automatically calculates the area A of each peak:

A_{II} : area of peak II,
 A_{III} : area of peak III,
 A_{IV} : area of peak IV.

It is essential to examine the appearance of each chromatogram prior to quantitative interpretation, in order to detect any abnormalities due either to malfunctioning of the apparatus or the columns, or to the origin and nature of the sample analyzed. If in doubt, repeat the analysis.

8.5. *Calibration*

- 8.5.1. Apply *exactly* the procedure described from point 8.2 to point 8.4.2 to the standard samples (5.4). Use freshly prepared solutions, because GMP degrade in an 8 % trichloroacetic environment. The loss is estimated at 0,2 % per hour at 30 °C.
- 8.5.2. Prior to chromatographic determination of the samples, condition the columns by repeatedly injecting the standard sample (5.4.2) in solution (8.5.1) until the area and retention time of the peak corresponding to the GMP are constant.
- 8.5.3. Determine the response factors R by injecting the same volume of filtrates (8.5.1) as used for the samples.

9. *Expression of results*

9.1. *Method of calculation and formulae*

- 9.1.1. Calculation of the response factors R:

$$\text{Peak II: } R_{II} = \frac{100}{A_{II} [0]}$$

$$\text{Peak IV: } R_{IV} = \frac{100}{A_{IV} [0]}$$

where:

R_{II} and R_{IV} = the response factors of peaks II and IV respectively,

$A_{II} [0]$ and $A_{IV} [0]$ = the areas of peaks II and IV respectively of the standard sample [0] obtained in 8.5.3.

$$\text{Peak III: } R_{III} = \frac{W}{A_{III} [5] - A_{III} [0]}$$

where:

R_{III} = the response factor of peak III,

$A_{III} [0]$ and $A_{III} [5]$ = the areas of peak III in standard samples [0] and [5] respectively obtained in 8.5.3,

W = the quantity of whey in standard sample [5], i.e. 5.

9.1.2. Calculation of the relative area of the peaks in the sample [E]

$$S_{II} [E] = R_{II} \times A_{II} [E]$$

$$S_{III} [E] = R_{III} \times A_{III} [E]$$

$$S_{IV} [E] = R_{IV} \times A_{IV} [E]$$

where :

$S_{II} [E]$, $S_{III} [E]$, $S_{IV} [E]$ = the relative areas of peaks II, III and IV respectively in the sample [E],

$A_{II} [E]$, $A_{III} [E]$, $A_{IV} [E]$ = the areas of peaks II, III and IV respectively in the sample [E] obtained in 8.4.2,

R_{II} , R_{III} , R_{IV} = the response factors calculated in 9.1.1.

9.1.3. Calculation of the relative retention time of peak III in sample [E]

$$RRT_{III} [E] = \frac{RT_{III} [E]}{RT_{III} [S]}$$

where :

$RRT_{III} [E]$ = the relative retention time of peak III in sample [E],

$RT_{III} [E]$ = the retention time of peak III in sample [E] obtained in 8.4.2,

$RT_{III} [S]$ = the retention time of peak III in control sample [S] obtained in 8.5.3.

9.1.4. Experiments have shown that there is a linear relation between the relative retention time of peak III, i.e. $RRT_{III} [S]$ and the percentage of whey powder added up to 10 %.

— The $RRT_{III} [E]$ is $< 1,000$ when the whey content is $> 5 \%$;

— The $RRT_{III} [E]$ is $\geq 1,000$ when the whey content is $\leq 5 \%$.

The uncertainty allowed for the values of RRT_{III} is $\pm 0,002$.

Normally the value of $RRT_{III} [0]$ deviates little from 1,034. Depending on the condition of the columns, the value may approach 1,000, but it must always be greater.

9.2. Calculation of the percentage of rennet whey powder in the sample :

$$W = S_{III} [E] - [1,3 + (S_{III} [0] - 0,9)]$$

where :

W = the percentage m/m of rennet whey in the sample [E] ;

$S_{III} [E]$ = the relative area of peak III of test sample [E] obtained as in 9.1.2 ;

1,3 represents the relative average area of peak III expressed in grams of rennet whey per 100 g determined in non-adulterated skimmed-milk powder of various origins. This figure was obtained experimentally ;

$S_{III} [0]$ represents the relative area of peak III which is equal to $R_{III} \times A_{III} [0]$. These values are obtained in 9.1.1 and 8.5.3 respectively ;

$S_{III} [0] - 0,9$ represents the correction to be made to the relative average area 1,3 when $S_{III} [0]$ is not equal to 0,9. Experimentally the relative average area of peak III of the control sample [0] is 0,9.

9.3. Accuracy of the procedure

9.3.1. Repeatability

The difference between the results of two determinations carried out simultaneously or in rapid succession by the same analyst using the same apparatus on identical test material shall not exceed 0,2 % m/m.

9.3.2. Reproducibility

The difference between two single and independent results, obtained in two different laboratories on identical test material shall not exceed 0,4 % m/m.

9.4. *Interpretation*

- 9.4.1. Assume the absence of whey if the relative area of peak III, $S_{III} [E]$ expressed in grams of rennet whey per 100 g of the product is $\leq 2,0 + (S_{III} [0] - 0,9)$,

where

2,0 is the maximum value allowed for the relative area of peak III taking into account the relative area of peak III, i.e. 1,3, the uncertainty due to variations in the composition of skimmed-milk powder and the reproducibility of the method (9.3.2),

$(S_{III} [0] - 0,9)$ is the correction to be made when the area $S_{III} [0]$ is different from 0,9 (see point 9.2).

- 9.4.2. If the relative area of peak III, $S_{III} [E]$ is $> 2,0 + (S_{III} [0] - 0,9)$ and the relative area of peak II, $S_{II} [E] \leq 160$, determine the rennet whey content as indicated in point 9.2.

- 9.4.3. If the relative area of peak III, $S_{III} [E]$ is $> 2,0 + (S_{III} [0] - 0,9)$ and the relative area of peak II, $S_{II} [E] > 160$, determine the total protein content (P %); then examine graphs 1 and 2.

- 9.4.3.1. The data obtained after analysis of samples of unadulterated skimmed-milk powders with a high total nitrogen content have been assembled in graphs 1 and 2.

The continuous line represents the linear regression, the coefficients of which are calculated by the least squares method.

The dashed straight line fixes the upper limit of the relative area of peak III with a probability of not being exceeded in 90 % of cases. The equations for the dashed straight lines of graphs 1 and 2 are :

$$S_{III} = 0,376 P \% - 10,7 \quad (\text{graph 1}),$$

$$S_{III} = 0,0123 S_{II} [E] + 0,93 \quad (\text{graph 2}),$$

respectively

where :

S_{III} is the relative area of peak III calculated either according to total protein content or according to the relative area of peak $S_{II} [E]$,

P % is the total protein content expressed as a percentage, by weight,

$S_{II} [E]$ is the relative area of sample calculated in point 9.1.2.

These equations are equivalent to the figure of 1,3 mentioned in point 9.2.

The discrepancy (T_1 and T_2) between the relative area $S_{III} [E]$ found and the relative area S_{III} is given by means of the following :

$$T_1 = S_{III} [E] - [(0,376 P \% - 10,7) + (S_{III} [0] - 0,9)]$$

$$T_2 = S_{III} [E] - [(0,0123 S_{II} [E] + 0,93) + (S_{III} [0] - 0,9)]$$

- 9.4.3.2. If T_1 and/or T_2 are zero or less, the presence of rennet whey cannot be determined.

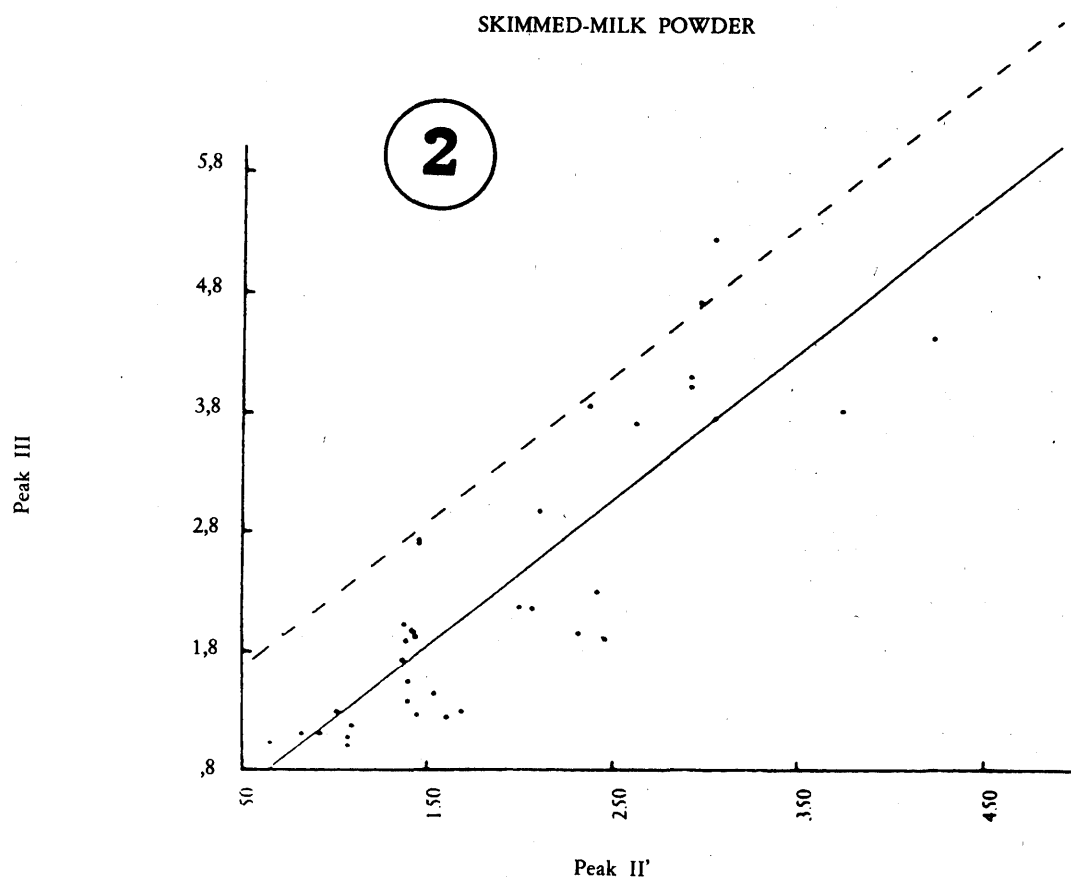
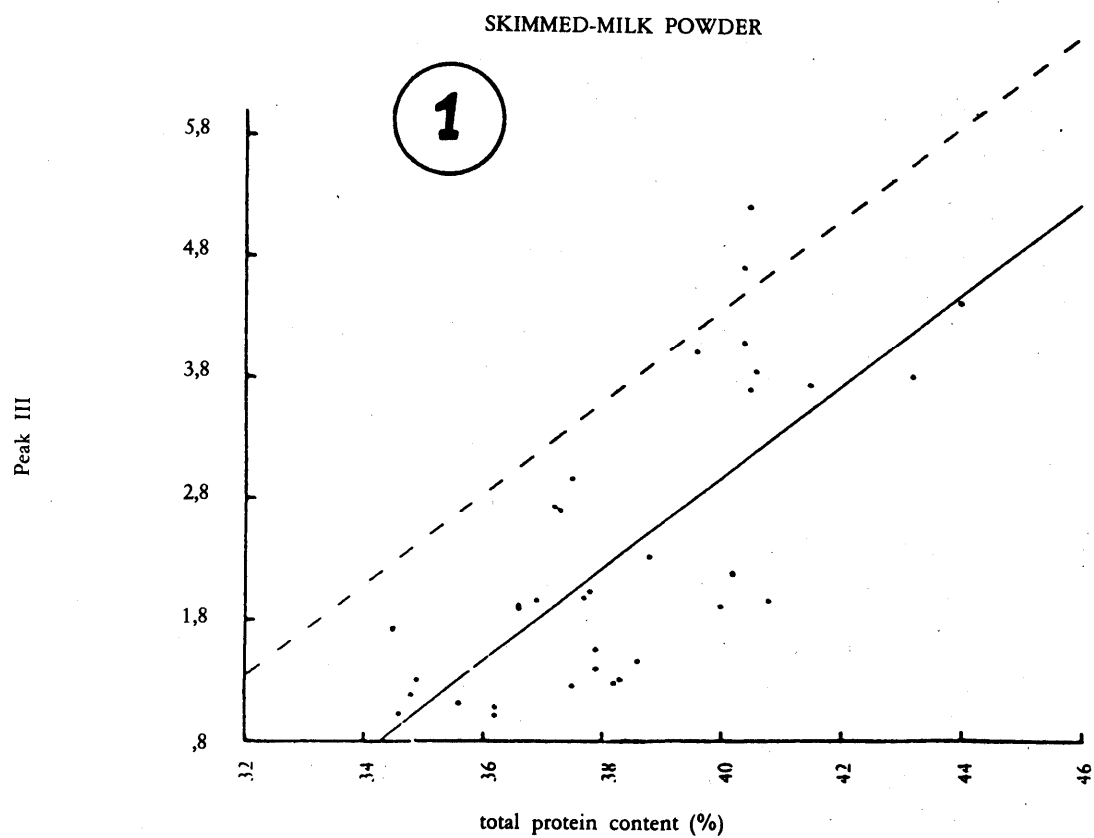
If T_1 and T_2 exceed zero, rennet whey is present.

The rennet whey content is calculated according to the following formula :

$$W = T_2 + 0,91$$

where :

0,91 is the distance on the vertical axis between the continuous and dotted straight lines.



COMMISSION REGULATION (EEC) No 3712/86

of 4 December 1986

opening an invitation to tender for the sale of olive oil held by the Portuguese intervention agency

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 1454/86⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Portuguese intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85⁽⁵⁾ laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Portuguese intervention agency, Instituto do Azeite e Produtos Oleaginosos, hereinafter referred to as 'IAPO', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 550 tonnes of lampant virgin olive oil.

Article 2

The invitation to tender shall be published on 4 December 1986.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the

central office of IAPO, Avenida Sidonio Pais, 10-1°, 1098 Lisboa Codex, Portugal.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach the IAPO, 1098 Lisboa Codex, not later than 2 p.m. (local time) on 12 December 1986.

Article 4

1. Tenders shall be submitted for an oil of 5° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:
 - up to 5° acidity:
 - increase of Esc 485,80 for each degree or fraction of degree of acidity below 5°,
 - above 5° up to 8° acidity:
 - reduction of Esc 485,80 for each degree or fraction of degree of acidity above 5°,
 - above 8°:
 - additional reduction of Esc 531,34 for each degree or fraction of degree above 8°.

Article 5

Not later than two days after the expiry of the time limit laid down for the submission of tenders, IAPO shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kg of oil shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 7

The olive oil shall be sold by IAPO not later than 7 January 1987.

IAPO shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Esc 3 050 per 100 kilograms.

Article 9

The storage referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Esc 400 per 100 kilograms.

Article 10

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, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3713/86
of 4 December 1986

authorizing the United Kingdom to permit under certain conditions an additional increase in the alcoholic strength of certain wines and certain products intended for wine making

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 3805/85 ⁽²⁾, and in particular Articles 32 (4) and 65 thereof,

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

Whereas, because of extremely heavy rainfall in several regions of the United Kingdom during the summer of 1986, the limits upon increases in the natural alcoholic strength as fixed by Article 32 (1) of Regulation (EEC) No 337/79 in the case of grapes harvested in the United Kingdom wine area prevent the production of the wines which are normally required by the market; whereas this Member State should accordingly be authorized to permit, in the regions affected, an additional increase in the natural alcoholic strength as provided for in Article 32 (2) of Regulation (EEC) No 337/79; whereas provision should be made for the United Kingdom to communicate to the Commission certain information, in particular under Commission Regulation (EEC) No 1594/70 ⁽³⁾, as last amended by Regulation (EEC) No 418/86 ⁽⁴⁾;

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

Article 1

The United Kingdom is hereby authorized for the 1986/87 wine-growing year to permit, in the counties specified in the Annex, the additional increase in the alcoholic strength laid down in respect of wine-growing zone A in Article 32 (2) of Regulation (EEC) No 337/79 as regards products listed in the first subparagraph of paragraph 1 of the said Article 32 which are produced from grapes intended for the production of table wines.

Article 2

1. On the basis of the declarations referred to in the second subparagraph of Article 36 (1) of Regulation (EEC) No 337/79, the United Kingdom shall communicate to the Commission not later than 31 May 1987, the quantities of sugar, concentrated grape must and rectified concentrated grape must used to make an additional increase in the natural alcoholic strength of the products referred to in Article 1.

2. Such communications shall give estimates of the quantities of sugar, concentrated grape must and rectified concentrated grape must used to produce an additional increase in the alcoholic strength as provided for in Article 32 (2) of Regulation No 337/79.

Article 3

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, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 39.

⁽³⁾ OJ No L 173, 6. 8. 1970, p. 23.

⁽⁴⁾ OJ No L 48, 26. 2. 1986, p. 8.

ANNEX

Berkshire	Isle of Wight
Buckinghamshire	Kent
Cambridgeshire	Leicestershire
Cornwall	Norfolk
Devon	Nottinghamshire
Dorset	Oxfordshire
Essex	Somerset
Glamorgan	Suffolk
Gloucestershire	Surrey
Hampshire	Sussex
Hereford and Worcester	Wiltshire
Hertfordshire	

COMMISSION REGULATION (EEC) No 3714/86

of 4 December 1986

concerning the stopping of fishing for hake by vessels flying the flag of Ireland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States⁽¹⁾, as last amended by Regulation (EEC) No 3723/85⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 3721/85 of 20 December 1985, fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1986 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 3221/86⁽⁴⁾, provides for hake quotas for 1986;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of hake in the waters of ICES divisions V b (EC zone), VI, VII, XII, XIV by vessels flying the flag of Ireland or registered in Ireland have reached

the quota allocated for 1986; whereas Ireland has prohibited fishing for this stock as from 28 November 1986; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of hake in the waters of ICES divisions V b (EC zone), VI, VII, XII, XIV by vessels flying the flag of Ireland or registered in Ireland are deemed to have exhausted the quota allocated to Ireland for 1986.

Fishing for hake in the waters of ICES divisions V b (EC zone), VI, VII, XII, XIV by vessels flying the flag of Ireland or registered in Ireland is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 28 November 1986.

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

Done at Brussels, 4 December 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 42.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 5.

⁽⁴⁾ OJ No L 300, 24. 10. 1986, p. 2.

COMMISSION REGULATION (EEC) No 3715/86
of 4 December 1986
concerning the stopping of fishing for cod by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States ⁽¹⁾, as last amended by Regulation (EEC) No 3723/85 ⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 2334/86 of 21 July 1986, fixing catch possibilities for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention ⁽³⁾, provides for cod quotas for 1986;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of NAFO zone 3 M by vessels flying the flag of a Member State or

registered in a Member State have reached the quota allocated for 1986.

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of NAFO 3 M by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the quota allocated to the Community for 1986.

Fishing for cod in the waters of NAFO zone 3 M by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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, 4 December 1986,

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 42.

⁽³⁾ OJ No L 203, 26. 7. 1986, p. 1.

COMMISSION REGULATION (EEC) No 3716/86
of 4 December 1986
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 1449/86 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 ⁽²⁾ thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

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

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾,
- 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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

HAS ADOPTED THIS REGULATION:

natural state, shall be as set out in the Annex hereto. The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the

Article 2

This Regulation shall enter into force on 5 December 1986.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 December 1986 fixing the export refunds on rice and broken rice

CCT heading No	Description	(ECU/tonne) Amount of refund
ex 10.06	Rice : B. I. Paddy rice ; husked rice : b) Husked rice : 1. Round grain 2. Long grain for export to : — Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italia — Other third countries II. Semi-milled or wholly milled rice : a) Semi-milled rice : 1. Round grain 2. Long grain b) Wholly milled rice : 1. Round grain 2. Long grain in bulk or packaged for export to : — Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia as well as destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 ⁽¹⁾ — Zone I — Other third countries in immediate packings of 5 kg net or less for export to : — Zones I, II b), IV a), IV b) and VI, the Canary Islands, Ceuta and Melilla — Zone V a) and VII c) and Canada III. Broken rice	— 248,00 — — — — 310,00 360,00 — 360,00 365,00 —

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

NB : The zones are those defined in the Annex to Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985). The export refunds are to be converted into national currencies using the specific agricultural conversion rates fixed in Regulation (EEC) No 3294/86 (OJ No L 304, 30. 11. 1986).

COMMISSION REGULATION (EEC) No 3717/86
of 4 December 1986
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 the Act of Accession of Spain and Portugal,

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 934/86 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 3689/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 to the infor-

mation 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 5 December 1986.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.

⁽³⁾ OJ No L 173 1. 7. 1986, p. 91.

⁽⁴⁾ OJ No L 340, 3. 12. 1986, p. 21.

ANNEX

to the Commission Regulation of 4 December 1986 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	50,86
	B. Raw sugar	43,64 ⁽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 3718/86

of 4 December 1986

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 1579/86⁽²⁾, and in particular the fourth subparagraph of Article 16⁽²⁾,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 5 December 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 December 1986 fixing 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, Liechtenstein, Ceuta and Melilla — zone II b) — Tunisia — Yugoslavia — other third countries	122,00 128,00 32,00 25,00 15,00
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 (?) 10,00 (?)
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 10,00
10.03	Barley for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) — other third countries	120,00 126,00 20,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — zone I — other third countries	— 95,00 —
10.05 B	Maize, other than hybrid maize for sowing for exports to : — Switzerland, Austria and Liechtenstein — zone I, zone V, the German Democratic Republic and the Canary Islands — other third countries	10,00 20,00 —
10.07 B	Millet	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—
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	175,00 175,00 154,00 142,00 133,00 118,00

(ECU/tonne)		
CCT heading No	Description	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	175,00 175,00 175,00 175,00
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	306,00 ⁽³⁾ 290,00 ⁽³⁾ 259,00 ⁽³⁾ 244,00 ⁽³⁾
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	175,00

⁽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.

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision, of 19 March 1986.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

COMMISSION REGULATION (EEC) No 3719/86

of 4 December 1986

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 1579/86 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1588/86 ⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

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

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 5 December 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.
⁽⁵⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 4 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 December 1986 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	162,26
11.07 A II b)	198,61
11.07 B	231,46

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 July 1986

on a proposal by the Belgian Government to grant aid for investments by a flat-glass producer at Auvelais

(Only the Dutch and French texts are authentic)

(86/593/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Whereas :

I

The Belgian Law of 17 July 1959 introducing and coordinating measures to encourage economic expansion and the creation of new industries, and the royal decree of 17 August 1959⁽¹⁾ implementing it, introduced general measures to assist the Belgian economy in the form, *inter alia*, of interest rebates on loans raised to pay for investments, government guarantees covering loans contracted by enterprises with banks giving entitlement to a rebate, and exemption for five years from land tax.

When it examined the Law in accordance with the procedure laid down in Article 93 (1) and (2) of the EEC Treaty, the Commission found that it constituted a general aid scheme as it contained no sectoral or regional objectives. Since the scheme applied to all investments, making no distinction between enterprises, regions or sectors, it could not qualify for application of any of the exceptions provided for in Article 92 (3) (a) or (c) of the EEC Treaty. Without such detailed information, the Commission was

unable to assess the scheme's effects on trade between Member States and on competition, or, more especially, its compatibility with the common market.

The Commission has decided to authorize such general aid schemes where one or other of the following two conditions is met: either the Member State concerned notifies to the Commission a plan for regional or sectoral application, or alternatively, where this is not considered feasible, it notifies significant individual awards.

Under Commission Decision 75/397/EEC⁽²⁾, the Belgian Government is required to notify the Commission, giving it time to state its view in advance, of all significant individual awards under the Law of 17 July 1959, introducing and coordinating the measures to encourage economic expansion and the creation of new industries, so that the Commission may decide whether they are compatible with the common market.

II

By letters dated 5 April and 25 July 1984, the Belgian Government informed the Commission, in accordance with that procedure, of its intention to grant, under the Law of 17 July 1959, aid towards investments by a flat-glass producer at Auvelais, in the province of Namur.

The investments relate to the renovation of two float-glass production lines aimed at improving energy use and incorporating technical developments without any increase in optimum capacity. Their total amount is estimated at 2 043,8 million Belgian francs. They include the complete rebuilding of the furnaces, modernization of the rest of the two production lines, and investments to increase cold-glass productivity.

⁽¹⁾ *Moniteur belge*, 29. 8. 1959.

⁽²⁾ OJ No L 177, 8. 7. 1975, p. 13.

The proposed aid would take the form of an interest subsidy of 4 % for five years on two-thirds of the investment and exemption for five years from land tax, representing a net grant equivalent of 4,8 %. In justification of its proposal, the Belgian Government pointed to the improved energy use and the firm's continuing competitiveness in the European market due to the investments, and emphasized the social aspect in the form of the setting-up of a job-creation fund for which the producer has assumed responsibility in order to assist in the relocation of some of its employees who have been made redundant.

III

After an initial scrutiny of the notification, the Commission concluded that the aid proposals could not be considered compatible with the common market on the ground that they would distort competition and affect trade between Member States to an extent contrary to the common interest, owing notably to the vulnerability of the flat-glass sector and the Commission's view that the renovation of a float line is in principle a replacement investment. The exceptions provided for in Article 92 of the Treaty did not, therefore, seem to be applicable, the notification being such that the Commission was unable to check whether certain aspects of the investments might justify part of the proposed aid. The Commission decided to initiate the procedure provided for in the first subparagraph of Article 93 (2) and, by letter dated 10 September 1984, gave notice to the Belgian Government to submit its observations on, among other things, the energy question and the innovative nature of the technology employed.

After two bilateral technical meetings, the Belgian Government, by letter dated 21 December 1984, submitted its observations under the said procedure. It argued that, although the entire expenditure incurred by the producer in rebuilding its two furnaces was motivated by its desire to save energy and hence ensure the profitability of its plant, a sum of 625,143 million Belgian francs represented the extra cost of the technological innovations incorporated in the new furnaces compared with conventional plants. These concerned more particularly the burner collars, the hearths and the electric boosts in the melting zones, the restricted openings/mixers, aspects of the rebuilding of the regenerators and innovations in the conditioning zones. The Belgian Government also stressed the risk the producer had taken in building furnaces of an entirely new design, the success of which would benefit the European glass industry as a whole, and again emphasized the compensating benefits granted by the firm to its workforce.

By letter dated 13 June 1986, the Belgian Government sent additional observations to the Commission. It stated, among other things, that the letter of 21 December 1984 constituted an amendment to the notification of the aid

scheme; the aid would be limited to an interest subsidy of 4 % for five years on 625,143 million Belgian francs and a corresponding exemption from land tax for five years, giving a net grant equivalent of 2,5 % of the total investment. It considered that these specific investments constituted a pilot project on a Community scale and requested that a decision be taken on the amended notification at the earliest opportunity.

In the context of the consultation of other interested parties, the Governments of two Member States, an industry federation and a manufacturing group in the same sector indicated that they shared the Commission's concern about the planned assistance.

IV

The interest subsidy and the exemption from land tax proposed by the Belgian Government constitute aids within the meaning of Article 92 (1) of the EEC Treaty because they would enable the recipient firm to be relieved, by means of State resources, of part of the cost of the investment which it would normally have to bear.

According to the information in the Commission's possession, there were in the Community of Ten at the end of 1984 25 flat-glass float lines and seven drawn flat-glass production plants, plus another two float lines and four drawn-glass plants in Spain and Portugal.

For its part, Belgium has four float lines and one drawn-glass plant.

The two float lines belonging to the Belgian producer concerned have a joint optimum capacity of 360 000 tonnes a year, or approximately 7 % of installed capacity in the Community; its effective production represents approximately 40 % of Belgian basic flat-glass production.

Flat glass is traded between Member States and there is competition between the various producers. The Belgian producer in question exports about 40 % of its production to the other Member States and 14 % to non-member countries, the remainder being sold or processed in Belgium. Exports of flat glass (SITC 66440) from the Belgo-Luxembourg Economic Union to the other Member States amounted to 413 000 tonnes in 1982, 447 000 tonnes in 1983 and 481 000 tonnes in 1984, whereas imports fell from 126 000 tonnes in 1982 to 114 000 in 1983 and 92 000 in 1984. In this context it should be noted that Luxembourg has one float line.

The flat-glass industry is in difficulties owing to stagnant demand and under-utilization of capacity, and these have had an adverse effect on company finances and led to job cuts and plant closures. The Belgian producer in question has been accumulating losses since 1980. The *Groupe-ment Européen des Producteurs de Verre Plat* (GEPVP) estimates that overcapacity in Western Europe amounted to some 400 000 tonnes in 1984.

For these reasons, by Decision 84/497/EEC⁽¹⁾, the Commission found that aid proposed by the Netherlands Government for the setting-up of a new flat-glass production plant in the Netherlands was incompatible with the common market and should therefore not be granted.

Consequently, the aid proposed by the Belgian Government would affect trade between Member States and distort competition within the meaning of Article 92 (1) of the EEC Treaty by favouring both the firm concerned and Belgian flat-glass production.

Where financial assistance from the State strengthens the position of certain enterprises compared with that of others competing with them in the Community, it must be deemed to affect those other enterprises.

Article 92 (1) provides that, in principle, any aid fulfilling the criteria set out therein is incompatible with the common market.

The exceptions to this principle set out in Article 92 (2) of the EEC Treaty are inapplicable in this case in view of the nature and objectives of the proposed aid.

Article 92 (3) of the EEC Treaty lists those aids which may be considered compatible with the common market. Compatibility with the Treaty must be viewed in the context of the Community as a whole and not in fact of a single Member State. In order to ensure the proper functioning of the common market and take into account the principles laid down in Article 3 (f) of the Treaty, the exceptions to the principle of Article 92 (1) set out in paragraph 3 of that Article must be interpreted strictly in examining any aid scheme or any individual aid award.

In particular, they may be applied only where the Commission establishes that, without the aid, the free play of market forces would not by itself induce potential recipients to act in such a manner as to contribute to the attainment of one of the objectives sought.

To apply the exceptions to cases which do not contribute to the attainment of such an objective, or where the aid is not essential to that end, would be tantamount to granting undue advantages to the industries or firms of certain Member States, the financial position of which would be bolstered, and might affect trade between Member States and distort competition without this being justified in any way by the common interest within the meaning of Article 92 (3).

In view of the above, the proposed aid does not fall within any of the categories of exception provided for in Article 92 (3).

As to the exceptions provided for in Article 92 (3) (a) and (c) concerning aid to promote or facilitate the develop-

ment of certain areas, it should be noted that the standard of living in no part of Belgium is abnormally low and that there is no serious underemployment there within the meaning of the exception provided for in subparagraph (a); as far as the exception in subparagraph (c) is concerned, the Auvelais area in the province of Namur where the producer in question is located has not been included among those requiring special regional aid. Belgium forms part of the Community's central regions, that is, those which are not suffering, in a Community context, from the most serious social and economic problems, but where there is a real risk of an upward spiral of aids and where any aid is likely, more than elsewhere, to affect trade between Member States.

As to the exceptions provided for in Article 92 (3) (b), it is clear that the aid is intended neither to promote the execution of an important project of common European interest nor to remedy a serious disturbance in the Belgian economy.

As to the exceptions provided for in Article 92 (3) (c) in favour of aid to facilitate the development of certain economic activities, the periodic renovation of a float line, which must be carried out every six to nine years, must in principle be considered a replacement investment the cost of which is an element of the operating costs. It is perfectly normal and in the interests of the producer itself that it should use the most modern and economic techniques and materials in order to reduce its running costs, including energy consumption. Consequently, aid for the periodic renovation of a float line does not satisfy the requirements of the development of the sector concerned without adversely affecting trading conditions to an extent contrary to the common interest within the meaning of paragraph 3 (c) of Article 92. This holds true all the more when there is overcapacity in that sector and remains valid even where the firm concerned makes an exceptional effort to help its former employees by, for example, setting up a job-creation fund.

The information furnished by the Belgian Government, under the terms of the procedure, concerning the technical innovations incorporated in the rebuilt furnaces was examined by the Commission with particular care. According to the Belgian Government, these elements cost 625,143 million Belgian francs, or 31 % of the total investment. The Commission also took note of the applicability of these elements to the group's other plants, and of their accessibility to other groups in the flat-glass industry.

The Commission is in favour of every endeavour to bring about further reductions in energy consumption within the Community. However, it takes the view that industry itself is the first to gain from any reduction in its energy, and hence production, costs. Investment undertaken with this object in view at the time of the periodic renovation of a production plant is therefore normally effected without the need for incentives in the form of aid. The

⁽¹⁾ OJ No L 276, 19. 10. 1984, p. 37.

correctness of this argument is manifest in the present case since the rebuilding of two furnaces at Auvelais in 1970 and 1976 has led to energy savings of about 25 % — in an industry in which the share of energy costs in the gross value of products exceeds 8 %. In view of the energy price terms available to the investor at the time of his decision to invest, the overinvestment bound up with the implementation of the abovementioned technical innovations could be expected to yield a profit.

It must be concluded from this that even the specific elements of the investment aimed at conserving energy, mentioned by the Belgian Government in the course of the procedure, do not justify the award of State aid.

Consequently, the Belgian Government's amended aid scheme does not satisfy the conditions necessary for the application of one of the exceptions set out in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Belgian Government shall refrain from implementing its proposal, notified to the Commission by letters

dated 5 April and 25 July 1984, and amended by letters dated 21 December 1984 and 13 June 1986, to grant aid under the Law of 17 July 1959 towards investments effected at Auvelais by a flat-glass producer.

Article 2

The Belgian Government 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 Kingdom of Belgium.

Done at Brussels, 29 July 1986.

For the Commission

Peter SUTHERLAND

Member of the Commission

COUNCIL OF THE EUROPEAN COMMUNITIES

THIRTY-SECOND REVIEW OF THE COUNCIL'S WORK

1 January — 31 December 1984

The annual review of the work of the Council of the European Communities examines the different subjects which fell within the Council's scope during the year concerned.

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- Chapter II — Freedom of movement and common rules
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