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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2536/87

of 24 August 1987

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 1900/87⁽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⁾, as last amended by Regulation (EEC) No 1636/87⁽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 Commission Regulation (EEC) No 1944/87⁽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 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 21 August 1987;

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 1944/87 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 25 August 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

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

Done at Brussels, 24 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 24 August 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	179,92
10.01 B II	Durum wheat	34,54	240,98 ⁽¹⁾ ⁽²⁾
10.02	Rye	24,81	153,23 ⁽³⁾
10.03	Barley	12,27	176,47
10.04	Oats	77,28	128,88
10.05 B	Maize, other than hybrid maize for sowing	5,29	181,66 ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾
10.07 A	Buckwheat	12,27	115,12
10.07 B	Millet	12,27	108,59 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,71	184,57 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	12,27	30,86 ⁽⁵⁾
11.01 A	Wheat or meslin flour	—	265,11
11.01 B	Rye flour	47,96	227,75
11.02 A I a)	Durum wheat groats and meal	66,62	386,60
11.02 A I b)	Common wheat groats and meal	—	286,08

⁽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 Council 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 2537/87

of 24 August 1987

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 1900/87⁽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⁾, as last amended by Regulation (EEC) No 1636/87⁽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 Commission Regulation (EEC) No 1945/87⁽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 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 21 August 1987;

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 coming from 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 coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 August 1987.

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

Done at Brussels, 24 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 24 August 1987 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 8	1st period 9	2nd period 10	3rd period 11
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0,48	0,48	0,48
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	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	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2538/87

of 21 August 1987

concerning the stopping of fishing for Norway pout 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 2241/87
of 23 July 1987 establishing certain control measures for
fishing activities ⁽¹⁾, and in particular Article 11 (3)
thereof,Whereas Council Regulation (EEC) No 4035/86 of 22
December 1986 allocating certain catch quotas between
Member States for vessels fishing in the Norwegian
economic zone and the fishery zone around Jan Mayen ⁽²⁾
provides for Norway pout quotas for 1987;Whereas, in order to ensure compliance with the provi-
sions relating to the quantitative limitations on catches of
stocks subject to quotas, it is necessary for the Commis-
sion 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 Norway pout in the waters of
ICES division IV (Norwegian waters) by vessels flying theflag of a Member State or registered in a Member State
have reached the quota allocated for 1987,

HAS ADOPTED THIS REGULATION:

*Article 1*Catches of Norway pout in the waters of ICES division IV
(Norwegian waters) 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
1987.Fishing for Norway pout in the waters of ICES division
IV (Norwegian waters) by vessels flying the flag of a
Member State or registered in a Member State is prohi-
bited, 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, 21 August 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 376, 31. 12. 1986, p. 80.

COMMISSION REGULATION (EEC) No 2539/87

of 24 August 1987

concerning the quantity of high-quality beef and veal that may be imported from the United States of America and from Canada under the arrangements laid down in Council Regulation (EEC) No 3928/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3928/86 of 16 December 1986 opening a Community tariff quota for high-quality fresh, chilled or frozen beef and veal falling within subheadings 02.01 A II a) and 02.01 A II b) of the Common Customs Tariff 1986⁽¹⁾,

Whereas Article 7 of Commission Regulation (EEC) No 3985/86 of 23 December 1986 laying down detailed rules for the application of the import arrangements provided for in Regulation (EEC) No 3927/86 and (EEC) No 3928/86 in the beef and veal sector⁽²⁾ stipulates that import licences for the meat referred to in Article 1 (1) (d) of the Regulation must be applied for and issued in accordance with Article 12 and 15 of Commission Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EEC) No 520/87⁽⁴⁾;

Whereas, on the basis of these provisions, licences have been issued for a quantity of 10 000 tonnes and, consequently, Article 2 of Commission Regulation (EEC) No 519/87⁽⁵⁾ lays down that as from 1 March 1987 no further licences will be issued; whereas, however, it has been

impossible to use a considerable number of these licences, whereas it seems appropriate to make a certain quantity available whilst ensuring that the total quantity imported does not exceed the figure of 10 000 tonnes laid down in Regulation (EEC) No 3928/86;

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

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications can be submitted in accordance with Article 12 of Regulation (EEC) No 2377/80, during the first 10 days of September 1987 for a total quantity of 4 617 tonnes of beef and veal originating in and imported from the United States of America or from Canada.

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, 24 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 365, 24. 12. 1986, p. 2.

⁽²⁾ OJ No L 370, 30. 12. 1986, p. 37.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 52, 21. 2. 1987, p. 13.

⁽⁵⁾ OJ No L 52, 21. 2. 1987, p. 12.

COMMISSION REGULATION (EEC) No 2540/87**of 24 August 1987****amending Regulation (EEC) No 1787/87 introducing the buying-in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef**

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

Having regard to Council Regulation No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 467/87 ⁽²⁾, and in particular Article 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 ⁽³⁾, as last amended by Regulation (EEC) No 2535/87 ⁽⁴⁾, introduced the buying-in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4) and to Article 3 (2) of Commission Regulation (EEC) No 2226/78 ⁽⁵⁾, as last amended by Regulation (EEC) No 827/87 ⁽⁶⁾, the table of Member States or regions of

Member States and of quality groups eligible for intervention, as well as the buying-in prices, should be replaced, on the basis of the data and prices available to the Commission, by the table and the prices annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 1787/87 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 31 August 1987.

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

Done at Brussels, 24 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 168, 27. 6. 1987, p. 22.

⁽⁴⁾ OJ No L 240, 22. 8. 1987, p. 31.

⁽⁵⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁶⁾ OJ No L 80, 24. 3. 1987, p. 6.

ANNEX

Member States or regions within a Member State and groups of qualities referred to in Article 1 (1)

Member State/Region	Groups of qualities (category and class)
Belgium	AU, AR, AO
Denmark	AR, AO, CR, CO
Germany	AU, AR, CR, CO
Spain	AO
France	AU, AR, AO, CR, CO
Ireland	CU, CR, CO
Italy	AR, AO
Luxembourg	AR, AO, CO
Netherlands	AR
Great Britain	CU, CR
Northern Ireland	CU, CR, CO

COMMISSION REGULATION (EEC) No 2541/87
of 24 August 1987
amending Regulation (EEC) No 2491/87 introducing a countervailing charge on
certain varieties of plums originating in Yugoslavia

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 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 2275/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2491/87⁽³⁾, introduced a countervailing charge on certain varieties of plums originating in Yugoslavia;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of certain varieties of plums originating in Yugoslavia must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2491/87, '6,63 ECU' is hereby replaced by '29,72 ECU'.

Article 2

This Regulation shall enter into force on 25 August 1987.

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

Done at Brussels, 24 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 209, 31. 7. 1987, p. 4.

⁽³⁾ OJ No L 231, 18. 8. 1987, p. 8.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 31 July 1987

approving aid from the Federal Republic of Germany to the coal industry during 1987

(Only the German text is authentic)

(87/451/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

In its communications of 3 November 1986, 3 March 1987 and 13 April 1987, the Government of the Federal Republic of Germany informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, of the financial measures it intends to take during 1987 in order to give direct or indirect support to the coal industry. The following aid is submitted for the approval of the Commission under the above Decision :

(million DM)

- | | |
|---|-------|
| — aid to sales of coal and coke to the iron and steel industry of the Community | 3 450 |
| — investment aid | 130 |
| — mine-worker's bonuses for each shift worked underground ('Bergmannsprämie') | 185 |

- | | |
|--|-------|
| — aid to special depreciation in the framework of rationalization measures | 30 |
| — aid to cover the difference between effective and normal social charges | 274 |
| — aid in the framework to the second and third electricity-from-coal laws | 3 109 |

In accordance with Article 12 of the Decision, coal undertakings shall be authorized, where necessary, to grant rebates on their list prices or production costs, for deliveries of coking coal, blast-furnace coke and coal for injection into blast furnaces for the iron and steel industry of the Community under long-term contract; these rebates must not cause the delivered prices of Community coal and coke to work out lower than those which would be charged for coal from non-member countries and coke made from non-member country coking coal.

According to the Government of the Federal Republic of Germany, the aid to sales of coking coal, blast furnace coke and coal for injection into blast furnaces for the iron and steel industry of the Community, totalling DM 3 450 million will make up the difference between world market prices and production costs for 25 million tonnes. The aid therefore conforms to Article 4 of the Decision.

The sales aid for supplies of coal, blast furnace coke and coal for injection into blast furnaces for the iron and steel industry of the Community is intended to prevent premature pit closures. In accordance with the third indent of Article 2 (1) of the Decision, this contributes to solving the social and regional problems related to developments in the coal industry.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

The investment aid of DM 130 million is intended for investment projects in pits, coking plants, briquetting plants and mines' power stations. The aid will cover 3,6 % of the total investment of DM 3 600 million; it complies with the provisions of Article 5 (1) and (2) of the Decision for every coal-field.

In terms of the Community's coal policy guidelines, the investment aid for 1987 must be regarded as positive since it will help to improve the competitiveness of the coal industry in line with the first indent of Article 2 (1) of the Decision.

Under Article 5 (3) of the Decision the Government of the Federal Republic of Germany must inform the Commission, at least once a year in respect of each programme, of the aims pursued, the amount of capital expenditure assigned to it and the amounts of aid involved.

The aid of DM 185 million to finance the mine-worker's bonuses 'Bergmannsprämie' (DM 10 per shift worked underground) helps the coal industry to maintain a skilled underground workforce. The aid is a specific measure which has been in existence for years (reduction of tax on miners' incomes) and which has to be notified separately from aid under Articles 3 to 5 of the Decision. The aid therefore complies with Article 6 of the Decision.

The object of the mine-worker's bonuses 'Bergmannsprämie' is to maintain a qualified workforce for the purpose of rationalization measures in order to improve the coal industry's competitiveness in accordance with the first indent of Article 2 (1) of the Decision.

The Government of the Federal Republic of Germany is providing in 1987 for special depreciation for extension and rationalization measures in underground mining. This special depreciation allowance, which has existed for many years and has been approved by the Commission as a general measure in accordance with Article 67 of the ECSC, totals DM 30 million.

The measure is based on § 51 of the Income Tax Law and on § 81 of the Income Tax Regulations and will not give any particular competitive advantage to the German coal mining industry *vis-à-vis* other Community coal producers.

The measure will help to intensify rationalization and improve competitiveness in accordance with the first indent of Article 2 (1) of the Decision.

The notifications submitted to the Commission by the Government of the Federal Republic of Germany on measures to finance social benefits in the coal-mining industry show that State contributions to the social secu-

urity systems of the mining industry as a whole make the effective social charges of coal undertakings lower than the standard charges the undertakings would have to bear in accordance with Article 7 of the Decision. The difference for the mining industry as a whole amounts to DM 343 million, of which about 80 % (= DM 274 million) is for coal-mining.

Accordingly, the limits drawn in Article 7 of the Decision are exceeded by this amount, which must be therefore regarded as indirect aid to current production. The production costs of undertakings are reduced through low social charges (DM 3 per tonne = 1,3 % of total production costs).

The State contributions to the social security systems of the mining industry as a whole apply to all forms of mining (coal, ore, salts, etc.) and hence constitute a general measure under Article 67 of the ECSC Treaty. Compared with the other coal producers in the Community, reducing the production costs by 1,3 % does not represent any particular competitive advantage for the German coal-mining industry since returns do not cover production costs. Exceeding the limits set in Article 7 of the Decision by DM 274 million can therefore be approved as a general measure under Article 67 of the ECSC Treaty. The measure also helps to ease the social problems referred to in the third indent of Article 2 (1).

On account of the second and third electricity-from-coal laws, the Government of the Federal Republic of Germany provides to pass on the extra cost of burning national coal for 1987 by raising electricity tariffs ('Kohlepfennig'). The amount of this aid, which has been in existence for many years and was approved by the Commission as a general measure pursuant to the EEC Treaty, is DM 3 109 million; the granting conditions of this aid remain unchanged. The measure also helps to ease the social problems referred to in the third indent of Article 2 (1).

II

The following observations should be made on the compatibility of the proposed aid to current production with the proper functioning of the common market:

- there are unlikely to be supply difficulties in 1987 in view of pithead stocks of coal and coke,
- deliveries of German coal to other Community countries will fall in 1987 compared with 1986,
- price alignment agreements with respect to Community producers will be probably only very limited in 1987,
- German coal prices should not, in principle, lead to indirect aid to industrial coal users in 1987;

Therefore the aid to be granted to the current production of the German coal industry in 1987 is compatible with the proper functioning of the common market.

III

Pursuant to Article 11 (2) of the Decision, the Commission must ensure that the direct aid to current production which it approves is used exclusively for the purposes set out in Articles 3 to 6 thereof. The Commission must therefore be informed in particular of the amounts of payments and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is hereby authorized to grant aid totalling DM 7 178 million to the German coal industry with effect from 1 January 1987, for the 1987 calendar year.

The total amount shall be made up of the following aids:

1. an amount not exceeding DM 3 450 million in aid to sales of coal and coke to the iron and steel industry of the Community;
2. an amount not exceeding DM 130 million in investment aid;
3. an amount not exceeding DM 185 million in aid to the mine-worker's bonuses for each shift worked underground ('Bergmannsprämie');

4. an amount not exceeding DM 30 million in aid to special depreciation for rationalization measures;
5. an amount not exceeding DM 274 million to cover the difference between effective and normal social charges;
6. an amount not exceeding DM 3 109 million in the framework of the second and third electricity-from-coal laws.

Article 2

The Government of the Federal Republic of Germany shall inform the Commission:

- by 30 September 1987, of the extent to which the amounts of aid specified in this Decision are likely to change in the light of the pattern of aid payments during the first nine months of 1987,
- by 30 June 1988 of the actual amounts of aid paid in 1987.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 31 July 1987.

For the Commission

Nicolas MOSAR

Member of the Commission

COMMISSION DECISION

of 31 July 1987

approving aid from the United Kingdom to the coal industry in the 1987 financial year (1987/88)

(Only the English text is authentic)

(87/452/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

In its letter of 4 March 1987 the United Kingdom Government informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC of the financial measures it intends to take in 1987/88 in order to give direct or indirect support to the coal industry. Further information was sent to the Commission by letter of 12 June 1987. The following aid is submitted for the approval of the Commission under the above Decision :

(in million £)

- | | |
|--|------|
| — aid to cover operating losses | 90,5 |
| — aid to maintain a qualified workforce of underground staff | 15,9 |

The aid totalling £ 90 500 000 to cover operating losses will cover only 64 % of the difference between foreseeable average costs and foreseeable average returns and hence complies with the conditions of Article 3(1) of the Decision.

The aid to cover operating losses is aimed at preventing premature pit closures. In accordance with the third indent of Article 2 (1), this contributes to solving the social and regional problems attending developments in the coal industry.

The aid to maintain a qualified workforce of underground staff is a longstanding specific measure which is independent of the aid pursuant to Article 3 to 5 of the Decision. The aid therefore conforms to Article 6 of the Decision.

The object of the measure is to maintain a qualified workforce for rationalization measures to improve the coal industry's competitiveness in accordance with the first indent of Article 2 (1) of the Decision.

II

The following observations should be made on the compatibility of the proposed aid to current production with the proper functioning of the common market :

- there are unlikely to be supply difficulties in 1987/88 in view of the high level of coal and coke stocks,
- deliveries of United Kingdom coal to other Community countries are unlikely to rise during 1987/88,
- price alignment agreements with respect to Community producers are unlikely to arise in 1987/88,
- United Kingdom coal prices should not lead to indirect aid to industrial coal users in 1987/88.

Therefore, the aid proposed for current production by the United Kingdom coal industry for the 1987 financial year is compatible with the proper functioning of the common market.

III

Pursuant to Article 11 (2) of the Decision, the Commission must ensure that the direct aid to current production which it approves is used exclusively for the purposes set out in Articles 3 to 6 thereof. The Commission must therefore be informed in particular of the amounts of the payments and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION :

Article 1

The United Kingdom is hereby authorized to grant aid totalling £ 106 400 000 to the United Kingdom coal industry with effect from 1 April 1987 for the 1987 financial year.

The total amount is made up of the following :

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

1. aid to cover operating losses not exceeding £ 90 500 000 ;
 2. aid to maintain a qualified workforce of underground staff not exceeding £ 15 900 000.
- payments during the first six months of the 1987 financial year,
— by 30 June 1988 of the actual amounts paid in the 1987 financial year.

Article 3

This Decision is addressed to the United Kingdom.

Article 2

The United Kingdom Government shall inform the Commission :

Done at Brussels, 31 July 1987.

- by 30 September 1987 of the extent to which the annual amounts of aid specified in this Decision are likely to change in the light of the pattern of aid

For the Commission

Nicolas MOSAR

Member of the Commission

COMMISSION DECISION

of 31 July 1987

approving aid from Portugal to the coal industry during 1987

(Only the Portuguese text is authentic)

(87/453/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

In its letter of 28 April 1987 the Portuguese Government informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, of the financial measures it intends to take during 1987 in order to give direct or indirect support to the coal industry. The following aid is submitted for the approval of the Commission under the above Decision :

- aid to cover operating losses : ESC 296,1 million

The aid totalling ESC 296 100 000 to cover operating losses will be granted in order to cover the difference, for each tonne produced, between foreseeable average costs and the foreseeable average returns and therefore complies with the conditions of Article 3 (1) of the Decision.

The aid to cover operating losses is aimed at preventing premature pit closures. In accordance with the third indent of Article 2 (1), this contributes to solving the social and regional problems related to developments in the coal industry.

II

The following observations should be made on the compatibility of the proposed aid to current production with the proper functioning of the common market :

- there are unlikely to be supply difficulties in 1987,
- Portuguese coal prices should not lead to indirect aid to industrial coal users in 1987.

Therefore the aid to be granted to the current production of the Portuguese coal industry in 1987 is compatible with the proper functioning of the common market.

III

Pursuant to Article 11 (2) of the Decision, the Commission must ensure that the direct aid to current production which it approves is used exclusively for the purposes set out in Articles 3 to 6 thereof. The Commission must therefore be informed of the amounts of the payments and the manner in which they are apportioned.

HAS ADOPTED THIS DECISION :

Article 1

With effect from 1 January 1987, and for the 1987 calendar year, Portugal is hereby authorized to grant aid not exceeding ESC 296 100 000 to the Portuguese coal industry to cover operating losses.

Article 2

The Portuguese Government shall inform the Commission :

- by 30 September 1987 to the extent to which the amounts of aid specified in this Decision are likely to change in the light of the pattern of aid payments during the first nine months of 1987,
- by 30 June 1988 of the actual amounts of aid paid in 1987.

Article 3

The Decision is addressed to the Portuguese Republic.

Done at Brussels, 31 July 1987.

For the Commission

Nicolas MOSAR

Member of the Commission

(¹) OJ No L 177, 1. 7. 1986, p. 1.

COMMISSION DECISION
of 31 July 1987
approving aid from Spain to the coal industry during 1987
(Only the Spanish text is authentic)

(87/454/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
 Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

In its communications of 3 October 1986, 14 November 1986, 22 December 1986 and 19 May 1987, the Spanish Government informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, of the financial measures it intends to take directly or indirectly for the benefit of current production in the coal industry in 1987. Whereas the following measures are submitted for the approval of the Commission under the above Decision :

	<i>(Ptas million)</i>
— aid to cover operating losses	37 117,2
— investment aid	405,0
— aid to promote innovation	150,0
— aid to cover the difference between effective and normal social charges	526,0
— compensatory payment of Ofico	8 400,0

The aid totalling Ptas 37 117 200 000 to cover operating losses will be granted to the Hunosa, Figared, Hullasa and La Camocha undertakings for a volume of together 4 956 000 tonnes of production in order to cover the difference for each tonne produced, between foreseeable average costs and the foreseeable average revenue. The aid will not exceed the anticipated operating losses and hence complies with the conditions of Article 3 (1) of the Decision.

The aid to cover operating losses is aimed at preventing premature pit closures. In accordance with the third indent of Article 2 (1), this contributes to solving the social and regional problems related to developments in the coal industry.

The investment aid of Ptas 405 million is proposed for investment projects in mines of different undertakings. The aid will cover 20 % of the total investment which amounts to Ptas 2 000 million Ptas. The aid complies with the provisions of Article 5 (1) and 5 (2) of the Decision for every coal enterprise.

In relation to the Community's policy on coal, the investment aid for 1987 is to be regarded as beneficial since it will help to improve the competitiveness of the coal

industry in accordance with the first indent of Article 2 (1) of the Decision.

The Spanish Government envisages granting in the course of 1987 an aid to promote innovation in the coal industry. This aid, amounting to Ptas 150 million, is shared among the following coalfields : la Central Asturiana, Bierzo Villablino, Narcea, León, Aragón, Cataluña and the Baleares.

This aid is intended to ensure that research results find practical applications in production as quickly as possible.

The aid has to be notified to the Commission under Article 9 (2) and Annex 2 b to the Decision as 'other' measures. Such measures have to be assessed in accordance with Article 10 (2) of the Decision on the basis of Article 67 of the ECSC Treaty.

The Commission has undertaken the examination provided under Article 67 of the ECSC Treaty and has reached the conclusion that the aid to promote innovation does not confer to the Spanish coal industry any particular competitive advantage contrary to the common market.

The measure will help to improve competitiveness in accordance with the first indent of Article 2 (1) of the Decision.

The notifications submitted to the Commission by the Spanish Government on measures to finance social benefits in the coal-mining industry show that State contributions to the social security systems of the coal-mining industry make the effective social charges of coal undertakings lower than the standard changes the undertakings would have to bear in accordance with Article 7 of the Decision. The difference for the coal-mining industry amounts to Ptas 526 million. Accordingly, the limits drawn in Article 7 of the Decision are exceeded by this amount, which must be therefore regarded as indirect aid to current production. The production costs of undertakings are artificially reduced through low social charges (Ptas 21 per tonne = 0,1 % of total production costs).

The State contributions to the social security systems of the coal-mining industry constitute a general measure under Article 67 of the ECSC Treaty. Compared with the other coal producers in the Community, reducing the production costs by 0,1 % does not represent any particular competitive advantage for the Spanish coal-mining industry taking into account the relation existing between revenue and production costs. Exceeding the limits set in Article 7 of the Decision by Ptas 526 million can therefore be approved as a general measure under Article 67 of the ECSC Treaty on the condition that such a measure shall be applied to cover losses. The measure also helps to ease the social problems referred to in the third indent of Article 2 (1) of the Decision.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

A compensatory payment of Ptas 8 400 million for 1987 is envisaged through Ofico (Oficina de Compensacion de la Energia Eletrica) in favour of the electricity-producing undertakings under the new system of purchase of coal for use in power stations. This system is intended to bring into line, in a rational manner, supply with forecast demand and to increase the competitiveness of the coal industry.

These coal undertakings, within the framework of reference prices provided under the new system, which have a negative profit and loss account (except for those undertakings benefiting from a programme contract) may ask the electricity-producing undertakings with which they have signed a contract for the supply of coal for a supplement over and above the reference price.

The price supplements paid by the electricity companies are to be repaid to them through Ofico.

This intervention has to be notified under Article 9 (2) and Annex 2 b of the decision under 'other' measures. Assessment of measures of this kind should be made in conformity with Article 10 (2) of Decision No 2064/86/ECSC, on the basis of Article 67 of the ECSC Treaty.

The Commission has undertaken the examination provided under Article 67 of the ECSC Treaty and has concluded that the measure was compatible with Article 67 of the ECSC Treaty. The measure also contributes to the solution of social problems in accordance with Article 2 (1), third indent.

II

The following observations should be made on the compatibility of the proposed aid to current production with the proper functioning of the common market:

- there are unlikely to be supply difficulties in 1987 in view of pithead stocks of coal and coke,
- Spanish coal prices should not, in principle lead to indirect aid to industrial coal users in 1987;

Therefore the aid to be granted to the current production of the Spain coal industry in 1987 is compatible with the proper functioning of the common market;

III

Pursuant to Article 11 (2) of the Decision, the Commission must ensure that the direct aid to current production

which it approves is used exclusively for the purposes set out in Article 3 to 6 thereof. The Commission must therefore be informed in particular of the amounts of payments and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

Article 1

Spain is hereby authorized to grant aid totalling Ptas 46 598 200 000 to the Spanish coal industry with effect from 1 January 1987 for the 1987 calendar year.

The total amount shall be made up of the following aids:

1. an amount not exceeding Ptas 37 117 200 000 in aid to cover operating losses;
2. an amount not exceeding Ptas 405 million in investment aid;
3. an amount not exceeding Ptas 150 million in aid to promote innovation;
4. an amount not exceeding Ptas 526 million to cover the difference between effective and normal social charges;
5. an amount not exceeding Ptas 8 400 million in the framework of the intervention of Ofico.

Article 2

The Spanish Government shall inform the Commission

- by 30 September 1987 of the extent to which the amounts of aid laid down in this Decision are likely to change in view of the pattern of aid payments in the first nine months of 1987;
- by 30 June 1988 of the actual amounts of aid paid in 1987.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 31 July 1987.

For the Commission

Nicolas MOSAR

Member of the Commission