

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2664/81**of 14 September 1981****imposing a definitive anti-dumping duty on imports of certain textured polyester fabrics originating in the United States of America**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal of the Commission submitted after consultation within the Advisory Committee set up under Article 6 of the said Regulation,

Whereas, by Regulation (EEC) No 1337/81⁽²⁾, the Commission imposed a provisional anti-dumping duty of 38 % on imports of certain textured polyester fabrics originating in the United States of America; whereas the duty was, however, limited to 30.8 % on imports of products manufactured and exported by Frank Ix and Sons, New York, and to 3.9 % on those which are manufactured and exported by Texfi Industries Inc., Greensboro, North Carolina; Burlington Industries Inc., Greensboro, North Carolina; Bloomsburg Mills Inc., New York, which also markets under the name of Penn Weaving, and finally Milliken and Co., Spartanburg, South Carolina; whereas the duty does not apply to imports of like products manufactured and exported by Greenwood Mills Inc., Greenwood, South Carolina;

Whereas, after the Commission had imposed the provisional anti-dumping duty, a number of exporters, i.e. Milliken and Co., J. P. Stevens and Co. Inc., Texfi Industries Inc. and Burlington Industries Inc., were, at their request, informed orally or in writing of the prin-

cipal facts and considerations on the basis of which it was intended to recommend a definitive decision; whereas certain exporters, i.e. Texfi Industries Inc., Burlington Industries Inc. and Bloomsburg Mills Inc. — Penn Weaving made their views known;

Whereas the particulars supplied to the Commission, with the exception of those provided by Burlington Industries Inc. and Texfi Industries Inc., are nevertheless not such as to justify alterations of the average weighted dumping margins established at the provisional determination; whereas such margins, with the exception of those relating to Burlington Industries Inc. and Texfi Industries Inc., are therefore to be regarded as definitive;

Whereas the information supplied by Burlington Industries Inc. indicates, however, that following an incorrect assessment of certain transport costs and general overheads borne by Burlington (Ireland) Ltd, the weighted average dumping margin established for that company when the provisional duty was determined should be reduced and that the margin to be regarded as definitive is 0.64 %; whereas, however, fresh particulars supplied by Texfi Industries Inc. indicate that the normal value of that company's exports was overestimated and that accordingly the dumping margin to be regarded as definitive is 0.61 %;

Whereas a further exporter, How Industries Ltd, Aberdeen, North Carolina, which had not made itself known before the provisional anti-dumping duty was imposed, has asked the Commission to be exempted from the duty on the grounds that its exports to the Community had not been dumped;

Whereas, in order to establish whether that company had practised dumping, the Commission received from it all the necessary information; whereas the investigation showed that the average prices for

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 133, 20. 5. 1981, p. 17.

textured polyester fabrics sold by the manufacturer in question on the domestic market had been less, over the period covered by the investigation i.e. the 1980 calendar year, than the fixed and variable costs ordinarily incurred in the course of their production; whereas the normal value was therefore constructed by the adjustment of prices below cost of production, in order to eliminate losses and provide for a reasonable profit; whereas the Commission considered that the figure of 5 % chosen at the provisional determination could be regarded as a reasonable profit;

Whereas the Commission compared the normal value thus established to the prices actually paid for the like products sold for export to the Community over the same reference period; whereas these comparisons were carried out at the ex-factory level; whereas these export prices were adjusted where necessary, to take account of the physical characteristics of the product such as yarn and finish, and conditions and terms of sale;

Whereas the investigation concerning How Industries Ltd reveal that the company's prices for exports to the Community were lower than the normal value and that the average dumping margin is 3.9 %; whereas this exporter was informed of the principal facts and considerations on the basis of which it was intended to recommend a definitive decision;

Whereas, since it adopted Regulation (EEC) No 1337/81, the Commission has not received any information concerning injury to Community production which could lead it to revise its conclusions on that subject as set out in that Regulation; whereas the Commission has therefore concluded definitively that the dumped imports have caused material injury to the Community industry concerned;

Whereas, in these circumstances, the protection of the Community's interests requires that a definitive anti-dumping duty be imposed on imports of certain textured polyester fabrics originating in the United States of America; whereas, in view of the material injury caused, the rate of duty should correspond to the dumping margins established; whereas, however, as the dumping margins in the case of exports from Greenwood Mills Inc., Texfi Industries Inc. and Burlington Industries Inc., are *de minimis*, imports of certain polyester fabrics manufactured and exported by these undertakings should be exempt from the definitive duty;

Whereas, for the same reasons as outlined in the preceding paragraph, the amounts secured by way of provisional duty should be definitively collected, with the exception of those relating to imports from Texfi Industries Inc. and Burlington Industries Inc. which should be released; whereas, however, in respect of the imports of goods manufactured and exported by How Industries Ltd the amount collected should not exceed that corresponding to the definitive duty, that is, 10.2 % of the amount secured by way of provisional duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of woven fabrics consisting wholly of yarn of textile fibres of textured polyester weighing not less than 175 g/m² and not more than 200 g/m² for unbleached fabrics and not less than 200 g/m² and not more than 225 g/m² for dyed fabrics falling within Common Customs Tariff subheading ex 51.04 A IV and corresponding to NIMEXE codes ex 51.04-21 and 25, originating in the United States of America. This duty shall not apply to imports of products described above which are manufactured and exported by Greenwood Mills Inc., Greenwood, South Carolina, Texfi Industries Inc., Greensboro, North Carolina and Burlington Industries Inc., Greensboro, North Carolina.
2. Subject to paragraph 3, the rate of the definitive anti-dumping duty shall be 38 %.
3. The rate of the definitive anti-dumping duty applicable to imports of products described in paragraph 1 manufactured and exported by Frank Ix and Sons, New York, shall be 30.8 %; the rate for imports of like products manufactured and exported by Bloomsburg Mills Inc. — Penn Weaving, New York; Milliken and Co., Spartanburg, South Carolina and How Industries Ltd, Aberdeen, North Carolina shall be 3.9 %.
4. The duty indicated in paragraphs 2 and 3 shall be calculated on the basis of value for customs purposes determined in accordance with Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes⁽¹⁾.
5. The provisions in force concerning customs duties shall apply to the definitive anti-dumping duty.

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

Article 2

1. Subject to paragraph 2, the amounts secured by way of provisional duty under Regulation (EEC) No 1337/81 shall be definitively collected, with the exception of those relating to imports of products manufactured and exported by Texfi Industries Inc. and Burlington Industries Inc., which shall be released in full.

2. A sum of 10.2 % of the amount secured by way of provisional duty on imports of products manufactured and exported by How Industries Ltd shall be definitively collected and the balance thereof released.

Article 3

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, 14 September 1981.

For the Council

The President

CARRINGTON

COMMISSION REGULATION (EEC) No 2665/81
of 15 September 1981

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1949/81 ⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2196/81 ⁽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 effective parity,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent ;

Whereas these exchange rates being those recorded on 14 September 1981 ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2196/81 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 16 September 1981.

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

Done at Brussels, 15 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 15 September 1981 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| <i>(ECU/tonne)</i> | | |
|--------------------|---|--------------------------------------|
| CCT heading No | Description | Levies |
| 10.01 A | Common wheat, and meslin | 68.60 |
| 10.01 B | Durum wheat | 127.69 ⁽¹⁾ ⁽²⁾ |
| 10.02 | Rye | 30.82 ⁽⁶⁾ |
| 10.03 | Barley | 66.48 |
| 10.04 | Oats | 33.84 |
| 10.05 B | Maize, other than hybrid maize for sowing | 82.68 ⁽³⁾ ⁽³⁾ |
| 10.07 A | Buckwheat | 0 |
| 10.07 B | Millet | 48.79 ⁽⁴⁾ |
| 10.07 C | Grain sorghum | 69.12 ⁽⁴⁾ |
| 10.07 D | Canary seed; other cereals | 0 ⁽⁵⁾ |
| 11.01 A | Wheat or meslin flour | 109.26 |
| 11.01 B | Rye flour | 56.39 |
| 11.02 A I a) | Durum wheat groats and meal | 210.99 |
| 11.02 A I b) | Common wheat groats and meal | 117.73 |

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 2666/81**of 15 September 1981****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1949/81⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2197/81⁽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 effective parity,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 14 September 1981;

Whereas on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 September 1981.

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

Done at Brussels, 15 September 1981.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 15 September 1981 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

| CCT heading No | Description | <i>(ECU/tonne)</i> | | | |
|----------------|---|--------------------|------------------|------------------|------------------|
| | | Current 9 | 1st period 10 | 2nd period 11 | 3rd period 12 |
| 10.01 A | Common wheat, and meslin | 0 | 0 | 0 | 0 |
| 10.01 B | Durum wheat | 0 | 0 | 0 | 0 |
| 10.02 | Rye | 0 | 0 | 0 | 0 |
| 10.03 | Barley | 0 | 0 | 0 | 0 |
| 10.04 | Oats | 0 | 0.94 | 0.94 | 0 |
| 10.05 B | Maize, other than hybrid maize for sowing | 0 | 0.47 | 0.47 | 0 |
| 10.07 A | Buckwheat | 0 | 0 | 0 | 0 |
| 10.07 B | Millet | 0 | 0 | 0 | 0 |
| 10.07 C | Grain sorghum | 0 | 0 | 0 | 0 |
| 10.07 D | Other cereals | 0 | 0 | 0 | 0 |
| 11.01 A | Wheat or meslin flour | 0 | 0 | 0 | 0 |

B. Malt

| CCT heading No | Description | <i>(ECU/tonne)</i> | | | | |
|----------------|--|--------------------|------------------|------------------|------------------|-----------------|
| | | Current 9 | 1st period 10 | 2nd period 11 | 3rd period 12 | 4th period 1 |
| 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 2667/81
of 15 September 1981
fixing the import levies on milk and milk products

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 the Act of Accession of Greece ⁽²⁾, and in particular
Article 14 (8) thereof,

Whereas the import levies on milk and milk products
were fixed by Regulation (EEC) No 921/81 ⁽³⁾, as last
amended by Regulation (EEC) No 2514/81 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 921/81 to the
prices 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 14 (2) of Regu-
lation (EEC) No 804/68 shall be as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 16
September 1981.

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

Done at Brussels, 15 September 1981.

For the Commission
Poul DALSA GER
Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 93, 6. 4. 1981, p. 1.

⁽⁴⁾ OJ No L 246, 29. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 15 September 1981 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

| CCT heading No | Code | Import levy |
|-----------------------------|------|------------------------------|
| 04.01 A I a) | 0110 | 17.85 |
| 04.01 A I b) | 0120 | 15.44 |
| 04.01 A II a) 1 | 0130 | 15.44 |
| 04.01 A II a) 2 | 0140 | 18.83 |
| 04.01 A II b) 1 | 0150 | 14.23 |
| 04.01 A II b) 2 | 0160 | 17.62 |
| 04.01 B I | 0200 | 37.04 |
| 04.01 B II | 0300 | 78.36 |
| 04.01 B III | 0400 | 121.11 |
| 04.02 A I | 0500 | 11.73 |
| 04.02 A II a) 1 | 0620 | 65.55 |
| 04.02 A II a) 2 | 0720 | 115.75 |
| 04.02 A II a) 3 | 0820 | 118.17 |
| 04.02 A II a) 4 | 0920 | 134.06 |
| 04.02 A II b) 1 | 1020 | 58.30 |
| 04.02 A II b) 2 | 1120 | 108.50 |
| 04.02 A II b) 3 | 1220 | 110.92 |
| 04.02 A II b) 4 | 1320 | 126.81 |
| 04.02 A III a) 1 | 1420 | 34.79 |
| 04.02 A III a) 2 | 1520 | 46.97 |
| 04.02 A III b) 1 | 1620 | 78.36 |
| 04.02 A III b) 2 | 1720 | 121.11 |
| 04.02 B I a) | 1820 | 36.27 |
| 04.02 B I b) 1 aa) | 2220 | per kg 0.5830 ⁽¹⁾ |
| 04.02 B I b) 1 bb) | 2320 | per kg 1.0850 ⁽¹⁾ |
| 04.02 B I b) 1 cc) | 2420 | per kg 1.2681 ⁽¹⁾ |
| 04.02 B I b) 2 aa) | 2520 | per kg 0.5830 ⁽²⁾ |
| 04.02 B I b) 2 bb) | 2620 | per kg 1.0850 ⁽²⁾ |
| 04.02 B I b) 2 cc) | 2720 | per kg 1.2681 ⁽²⁾ |
| 04.02 B II a) | 2820 | 52.92 |
| 04.02 B II b) 1 | 2910 | per kg 0.7836 ⁽²⁾ |
| 04.02 B II b) 2 | 3010 | per kg 1.2111 ⁽²⁾ |
| 04.03 A | 3110 | 142.48 |
| 04.03 B | 3210 | 173.83 |
| 04.04 A I a) 1 | 3321 | 18.13 |
| 04.04 A I a) 2 | 3420 | 159.39 ⁽³⁾ |
| 04.04 A I b) 1 aa) | 3521 | 18.13 |
| 04.04 A I b) 1 bb) | 3619 | 159.39 ⁽³⁾ |
| 04.04 A I b) 2 | 3719 | 159.39 ⁽³⁾ |
| 04.04 A II | 3800 | 159.39 |
| 04.04 B | 3900 | 165.40 ⁽⁴⁾ |
| 04.04 C | 4000 | 139.03 |
| 04.04 D I | 4120 | 36.27 |
| 04.04 D II a) 1 | 4410 | 130.48 |
| 04.04 D II a) 2 | 4510 | 129.74 |
| 04.04 D II b) | 4610 | 226.46 |
| 04.04 E I a) | 4710 | 165.40 |
| 04.04 E I b) 1 aa) 11) | 4840 | 174.25 ⁽⁹⁾ |
| 04.04 E I b) 1 aa) 22) aaa) | 4850 | 174.25 ⁽⁹⁾ |
| 04.04 E I b) 1 aa) 22) bbb) | 4860 | 174.25 ⁽⁹⁾ |
| 04.04 E I b) 1 bb) | 4870 | 174.25 ⁽⁹⁾ |

(ECU/100 kg net weight, unless otherwise indicated)

| CCT heading No | Code | Import levy |
|----------------------------|------|------------------------|
| 04.04 E I b) 1 cc) | 4880 | 174.25 ⁽⁹⁾ |
| 04.04 E I b) 1 dd) | 4890 | 174.25 |
| 04.04 E I b) 2 aa) | 4922 | 139.09 ⁽¹³⁾ |
| 04.04 E I b) 2 bb) | 5022 | 139.09 ⁽¹⁶⁾ |
| 04.04 E I b) 3 | 5030 | 139.09 ⁽¹⁷⁾ |
| 04.04 E I b) 4 | 5060 | 139.09 ⁽¹⁷⁾ |
| 04.04 E I b) 5 aa) | 5130 | 139.09 ⁽¹⁹⁾ |
| 04.04 E I b) 5 bb) | 5140 | 139.09 |
| 04.04 E I c) 1 | 5210 | 104.32 |
| 04.04 E I c) 2 | 5250 | 235.81 |
| 04.04 E II a) | 5310 | 165.40 |
| 04.04 E II b) | 5410 | 235.81 |
| 17.02 A II ⁽¹⁸⁾ | 5500 | 36.59 |
| 21.07 F I | 5600 | 36.59 |
| 23.07 B I a) 3 | 5700 | 46.15 |
| 23.07 B I a) 4 | 5800 | 59.55 |
| 23.07 B I b) 3 | 5900 | 55.84 |
| 23.07 B I c) 3 | 6000 | 46.19 |
| 23.07 B II | 6100 | 59.55 |

For notes ⁽¹⁾ to ⁽¹⁰⁾, see notes ⁽¹⁾ to ⁽¹⁰⁾ of Council Regulation (EEC) No 1691/80 (OJ No L 166, 1. 7. 1980).

⁽¹⁾ The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :

- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
- (b) 7.25 ECU ; and
- (c) 8.04 ECU.

⁽²⁾ The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :

- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ; and
- (b) 8.04 ECU.

⁽³⁾ The levy is limited to 9.07 ECU per 100 kg net weight.

⁽⁴⁾ The levy is limited to 6 % of the value for customs purposes.

⁽⁵⁾ The levy is limited to 75.33 ECU per 100 kg net weight for imports from Austria, Finland, Romania and Switzerland (Regulation (EEC) No 1054/68 as amended).

⁽⁶⁾ The levy is limited to 99.51 ECU per 100 kg net weight for imports from Austria, Finland, Romania and Switzerland (Regulation (EEC) No 1054/68 as amended).

⁽⁷⁾ The levy is limited to 63.24 ECU per 100 kg net weight for imports from Bulgaria, Hungary, Romania and Turkey (Regulation (EEC) No 1054/68 as amended).

⁽⁸⁾ Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.

⁽⁹⁾ Within the tariff quotas referred to in Article 9 (2) of Regulation (EEC) No 2915/79 the levy on 100 kg net weight shall be equal to 120.9 ECU.

NB : For the purposes of heading No 04.04, the exchange rate to be applied in converting into national currencies the ECU referred to in the subdivisions of this heading shall, notwithstanding general rule C 3 contained in Part I, Section I, of the Common Customs Tariff, be the representative rate, if such a rate is fixed pursuant to Council Regulation No 129 on the value of the ECU and the exchange rates to be applied for the purposes of the common agricultural policy (OJ No 106, 30. 10. 1962, p. 2553/62).

**COMMISSION REGULATION (EEC) No 2668/81
of 11 September 1981**

on the delivery of various consignments of skimmed-milk powder as food aid

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 the Act of Accession of Greece ⁽²⁾, and in particular
Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No
1399/81 of 19 May 1981 laying down general rules for
the supply of skimmed-milk powder to certain
developing countries and specialized bodies under the
1981 food-aid programme ⁽³⁾, and in particular Article
6 thereof,

Whereas, under the food-aid programmes adopted by
the Council Regulations specified in the Annex,
certain third countries and beneficiary organizations
have requested the delivery of the quantity of
skimmed-milk powder set out therein ;

Whereas, therefore, delivery should be effected in
accordance with the rules laid down in Commission
Regulation (EEC) No 303/77 of 14 February 1977
laying down general rules for the supply of skimmed-

milk powder and butteroil as food aid ⁽⁴⁾, as last
amended by Regulation (EEC) No 3474/80 ⁽⁵⁾;
whereas, in particular, the periods and terms for deli-
very and the procedure to be followed by the interven-
tion agencies to establish the costs arising therefrom
should be laid down ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In accordance with the provisions of Regulation (EEC)
No 303/77, the intervention agencies as specified in
the Annex shall deliver skimmed-milk powder as food
aid on the special terms set out therein.

Article 2

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

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

Done at Brussels, 11 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 141, 27. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁵⁾ OJ No L 363, 31. 12. 1980, p. 50.

ANNEX (1)

| Consignment | A | B | C |
|---|--|------------------------------|------------------------------|
| 1. Application of Council Regulations : (a) legal basis (b) affectation | (EEC) No 1399/81 (1981 programme) (EEC) No 1400/81 | | |
| 2. Beneficiary | Egypt | | |
| 3. Country of destination | | | |
| 4. Total quantity of the consignment | 2 000 tonnes (2) | 2 000 tonnes (2) | 2 000 tonnes (2) |
| 5. Intervention agency responsible for delivery | Will result from application of the procedure referred to in point 12 | | |
| 6. Origin of the skimmed-milk powder | Bought on the Community market | | |
| 7. Special characteristics and/or packaging (2) | See note (4) | | |
| 8. Markings on the packaging | 'Skimmed-milk powder / Gift of the European Economic Community to Egypt' | | |
| 9. Delivery period | Delivery in October 1981 | Delivery in November 1981 | Delivery in December 1981 |
| 10. Stage and place of delivery | Community port of loading operating a regular service with the recipient country (2) | | |
| 11. Representative of the beneficiary responsible for reception | | | |
| 12. Procedure to be applied to determine the costs of supply | Tender | | |
| 13. Expiry of the time limit for submission of tenders | 12 noon on 28 September 1981 | | |

Notes

- (1) This Annex, together with the notice published in Official Journal No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned in cases where, under point 12, there must be a tendering procedure.
- (2) Other than those set out in the Annex to Regulation (EEC) No 625/78 (see Article 6 (2) of Regulation (EEC) No 303/77).
- (3) In cases where the total quantity of a lot is a multiple of 500 tonnes, the tender submitted may relate to a part quantity of 500 tonnes or to a multiple of 500 tonnes (see Article 14 (2) of Regulation (EEC) No 303/77).
- (4) The powdered milk must be obtained by the 'low heat temperature expressed whey protein nitrogen, not less than 6.0 mg/gm' process and satisfy the conditions laid down in Annex I to Regulation (EEC) No 625/78 (OJ No L 84, 31. 3. 1978, p. 19).
- (5) Delivery shall be deemed to have taken place and the risks shall pass from the successful tenderer to the recipient at the moment when the products have actually been lifted across the rails of the vessel at the port of shipment designated to delivery.

COMMISSION REGULATION (EEC) No 2669/81

of 14 September 1981

amending for the seventh time Regulation (EEC) No 3075/78 laying down detailed rules for the application of the special measures for peas and field beans used in the feeding of animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1119/78 of 22 May 1978 laying down special measures for peas and field beans used in the feeding of animals ⁽¹⁾, as last amended by Regulation (EEC) No 1459/80 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas Article 13 of Commission Regulation (EEC) No 3075/78 ⁽³⁾, as last amended by Regulation (EEC) No 25/81 ⁽⁴⁾, specifies the exceptions to the rule that peas and field beans may not leave the premises; whereas an additional exception should be made for peas and field beans removed for toasting; whereas Regulation (EEC) No 3075/78 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION :

Article 1

Article 13 of Regulation (EEC) No 3075/78 is replaced by the following :

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

Done at Brussels, 14 September 1981.

'Article 13

Except in cases of *force majeure*, peas and field beans the entry of which into the premises has been verified in the manner specified in Article 12 may not leave the premises until they have been processed. This rule shall not apply where, with the permission of the competent agency of the Member State concerned, the peas and field beans are removed :

- to be made into flakes for incorporation in animal feedstuffs, or
- to be ground in other premises, or
- to be toasted,

provided that the processed products obtained are returned to the premises.'

Article 2

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

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 8.

⁽²⁾ OJ No L 146, 12. 6. 1980, p. 3.

⁽³⁾ OJ No L 367, 28. 12. 1978, p. 9.

⁽⁴⁾ OJ No L 2, 1. 1. 1981, p. 18.

COMMISSION REGULATION (EEC) No 2670/81
of 14 September 1981

laying down detailed implementing rules in respect of sugar production in excess of the quota

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, and in particular Article 26 (3) thereof,

Whereas Article 26 of Regulation (EEC) No 1785/81 provides that C sugar which is not carried forward to the following marketing year pursuant to Article 27 of the said Regulation and C isoglucose must be exported in the natural state without refunds or levies before 1 January following the end of the marketing year in question; whereas, if part or all of these quantities are disposed of on the internal market or if they are not exported before the date laid down, a charge is to be levied, in respect of the quantities in question, which is to be fixed in accordance with the procedure laid down in Article 41 of Regulation (EEC) No 1785/81; whereas the detailed rules governing this matter were adopted in Commission Regulation (EEC) No 2645/70 of 28 December 1970 on the provisions applicable to sugar produced in excess of the maximum quota⁽²⁾, as last amended by Regulation (EEC) No 1367/78⁽³⁾, and in Commission Regulation (EEC) No 1700/80 of 30 June 1980 laying down detailed rules for the application of quotas for the production of isoglucose during the period 1 July 1980 to 30 June 1981⁽⁴⁾; whereas Regulation (EEC) No 2645/70 has already been amended several times and whereas further amendments are necessary in view of the basic provisions of Regulation (EEC) No 1785/81 concerning sugar and isoglucose, which are both sweeteners and in which there is a single market; whereas therefore, for reasons of clarity, a new Regulation should be adopted incorporating the detailed rules concerning C sugar and C isoglucose;

Whereas for administrative reasons it must be specified that, for the purposes of Article 26 of Regulation (EEC) No 1785/81, the quantity of C sugar or C isoglucose in respect of which proof of export within the prescribed period has not been furnished by the manufacturer before a final date is to be considered as

having been disposed of on the internal market; whereas for the same reasons the documents to be used to furnish this proof should be those used for export as required by Commission Regulation (EEC) No 2630/81 of 10 September 1981 laying down special detailed rules for application of the system of import and export licences in the sugar sector⁽⁵⁾ and in Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁶⁾, as last amended by Regulation (EEC) No 2646/81⁽⁷⁾;

Whereas when the charge to be levied in cases of disposal on the internal market is fixed, it is essential to place C sugar or C isoglucose which has not been exported on a similar footing to sugar or isoglucose imported from non-member countries; whereas for this purpose the charge should be fixed taking account both of the import levy for sugar or, for isoglucose, of the variable element referred to in Article 16 (6) of Regulation (EEC) No 1785/81 at the highest rate applicable during a period comprising the marketing year during which the sugar or isoglucose in question was produced and the six months following that marketing year, and also of a flat rate amount fixed on the basis of the cost of disposing of sugar imported from non-member countries;

Whereas goods supplied to the destinations referred to in Article 5 of Commission Regulation (EEC) No 2730/79 of 29 November 1979 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁸⁾, as last amended by Regulation (EEC) No 2646/81, are not to be considered as exports;

Whereas a manufacturer should be allowed to export sugar or isoglucose which has not been produced by him; whereas it is necessary to provide in that case for the payment of a flat-rate amount which may be considered in all cases as compensation for any advantage accruing from such a substitution;

Whereas it is necessary to provide for certain measures in cases where *force majeure* make it impossible to export C sugar and C isoglucose; whereas it is justified to make these measures applicable retroac-

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 283, 29. 12. 1970, p. 48.

⁽³⁾ OJ No L 166, 23. 6. 1978, p. 24.

⁽⁴⁾ OJ No L 166, 1. 7. 1980, p. 90.

⁽⁵⁾ OJ No L 258, 11. 9. 1981, p. 16.

⁽⁶⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁷⁾ OJ No L 259, 12. 9. 1981, p. 10.

⁽⁸⁾ OJ No L 317, 12. 12. 1979, p. 1.

tively so that the few cases of this kind which have occurred in the past may be dealt with to the benefit of those concerned, in particular through non-payment of the charge to be paid when the product in question has for this reason not been exported;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The C sugar and C isoglucose referred to in Article 26 (1) of Regulation (EEC) No 1785/81 must be exported from the Member State on whose territory they were produced.

Manufacturers of C sugar or C isoglucose must furnish proof that it has been exported:

- as white sugar or raw sugar, non-denatured, or as isoglucose in its natural state,
- without refund or levy,
- from the Member State on whose territory it was produced.

If no proof is furnished that the sugar or isoglucose was exported from the Community before 1 January following the end of the marketing year during which the C sugar or the C isoglucose was produced, the quantity in question shall be considered to have been disposed of on the internal market.

2. The provisions of Article 5 of Regulation (EEC) No 2730/79 may not be invoked with regard to application of this Regulation.

Article 2

1. The proof referred to in Article 1 shall be submitted to the competent agency of the Member State on whose territory the C sugar or C isoglucose was produced.

2. Such proof shall be furnished by the production of:

- (a) an export licence issued pursuant to Article 3 of Regulation (EEC) No 2630/81 to the manufacturer by the competent agency of the Member State referred to in paragraph 1;
- (b) the documents referred to in Article 30 of Regulation (EEC) No 3183/80 required for the release of the security;
- (c) a statement by the manufacturer to the effect that the C sugar or C isoglucose was produced by him.

For the purpose of export the manufacturer in question may, however, replace C sugar by another sugar

or C isoglucose by another isoglucose produced by another manufacturer established on the territory of the same Member State. In that case the manufacturer making the substitution must pay in respect of sugar 1.25 ECU per 100 kilograms and in respect of isoglucose 1.25 ECU per 100 kilograms of dry matter.

In the case of C sugar, the conversion under a work contract of syrups or raw sugar into white sugar for eventual export shall not be regarded as a substitution within the meaning of the preceding subparagraph.

3. The proof referred to in Article 1 must be submitted before 1 February following 1 January referred to in Article 1 (1).

In special cases, however, the competent agency of the Member State in question may allow a longer period.

Article 3

1. The Member State concerned shall impose on the quantities which, within the meaning of Article 1 (1) have been disposed of on the internal market, a charge equal to the sum of:

(a) for C sugar, per 100 kilograms:

- the highest import levy per 100 kilograms of white or raw sugar, as the case may be, applicable during the period comprising the marketing year during which the sugar in question was produced and the six months following that marketing year, and
- 1.25 ECU;

(b) for C isoglucose, per 100 kilograms of dry matter:

- the highest variable component referred to in Article 16 (6) of Regulation (EEC) No 1785/81 per 100 kilograms of dry matter applicable during the period comprising the marketing year during which the isoglucose in question was produced and the six months following that marketing year, and
- 1.25 ECU.

2. The Member State concerned shall, before 1 March following 1 January referred to in Article 1, notify those manufacturers who are required to pay the charge referred to in paragraph 1 of the total amount to be paid.

Such total amount shall be paid by the manufacturers in question before 20 March of the same year.

3. However, where the competent agency has, pursuant to the second subparagraph of Article 2 (3), extended the time limit for furnishing the proof, the dates referred to in paragraph 2 shall be replaced by the dates determined by the competent agency on the basis of the extension allowed.

4. In the case of quantities of C sugar or C isoglucose which prior to export, were destroyed or damaged without possibility of recovery, in circumstances recognized by the competent agency of the Member State concerned as a case of *force majeure*, the relevant amount referred to in paragraph 1 shall not be levied.

Article 4

1. The Member State concerned shall, before 15 January following 1 January referred to in Article 1, notify those manufacturers who are required to pay the amount referred to in the second subparagraph of Article 2 (2) of the total amount to be paid.

2. Such total amount shall be paid by the manufacturers in question before 1 February of the same year.

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

Done at Brussels, 14 September 1981.

Article 5

Regulation (EEC) No 2645/70 is hereby repealed.

It shall remain applicable to sugar produced in excess of the maximum quota for the 1980/81 sugar marketing year.

Article 6

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

Article 3 (4) shall apply with effect from 1 July 1979.

For the Commission

Poul DALSA GER

Member of the Commission

COMMISSION REGULATION (EEC) No 2671/81

of 14 September 1981

amending Regulation (EEC) No 1998/78 laying down detailed rules for the offsetting of storage costs in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, and in particular Article 8 (5) thereof,

Whereas the changes in the basic provisions applicable to the sugar sector, introduced by Regulation (EEC) No 1785/81 require certain technical adaptations to be made to Commission Regulation (EEC) No 1998/78⁽²⁾, as amended by Regulation (EEC) No 2377/78⁽³⁾;

Whereas, in order that the necessary control can be exercised the conditions for granting approval of warehouses should be laid down; whereas for this purpose such approval should not be granted in respect of means of storage which are used primarily for the purposes of transport, such as waggons, lorries, ships, containers, etc.;

Whereas Article 3 (2) of Council Regulation (EEC) No 1358/77 of 20 June 1977 laying down general rules for offsetting storage costs for sugar⁽⁴⁾, as last amended by Regulation (EEC) No 3042/78⁽⁵⁾, provides that, in special circumstances, special provisions may be adopted to deal with sugar in transit at the beginning of a month; whereas the removal, where necessary, of sugar from a factory and its storage outside the factory prior to its disposal should be regarded as a special circumstance;

Whereas certain measures should be provided for in respect of sugar which has been damaged or destroyed before disposal;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1998/78 is hereby amended as follows:

(¹) OJ No L 177, 1. 7. 1981, p. 4.
 (²) OJ No L 231, 23. 8. 1978, p. 5.
 (³) OJ No L 287, 13. 10. 1978, p. 9.
 (⁴) OJ No L 156, 25. 6. 1977, p. 4.
 (⁵) OJ No L 361, 23. 12. 1978, p. 8.

1. The following is inserted as the second subparagraph of Article 3 (1):

‘The warehouses must consist of buildings or parts thereof.’

2. In Article 3 (2) the word ‘provisionally’ is replaced by the word ‘temporarily’.

3. The following is inserted as the second subparagraph in Article 3 (2):

‘The criteria for granting the approval of a warehouse referred to in paragraph 1 shall not apply to the temporary approval referred to in the first subparagraph.’

4. Article 11 (1) is replaced by the following:

‘1. In respect of raw or white sugar which at 00.00 hours on the first day of a month is in transit from an approved warehouse, other than transit as referred to in Article 10, and which on arrival is stored in another approved warehouse, reimbursement of storage costs shall be granted in so far as the storage levy has not already been incurred.’

5. The following is added at the end of (c) in the second subparagraph of Article 12 (1):

‘provided that the person concerned retains the right to dispose of the quantity of sugar in question, a commitment contracted for the purpose of financing that sugar shall not be considered as disposal’.

6. Article 14 (3) is replaced by the following:

‘3. Where a quantity of C sugar is replaced for export purposes by an equivalent quantity of A or B sugar then, for the purposes of the reimbursement, the first quantity shall be regarded as A sugar with effect from the day on which the customs export formalities were completed.’

7. The following is added as Article 16 (4):

'4. Without prejudice to paragraph 1, quantities of sugar which have been destroyed, or which have been damaged without the possibility of recovery for marketing or refining, shall be regarded as having been disposed of or refined within the meaning of Article 12.'

8. Article 18 is deleted.

Article 2

This Regulation shall enter into force on 1 October 1981.

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

Done at Brussels, 14 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2672/81
of 15 September 1981
altering the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽¹⁾, and in particular Article 5(1) thereof,

Whereas the amount of the additional aid referred to in Article 5 of Regulation (EEC) No 2169/81 was fixed by Regulation (EEC) No 2544/81 ⁽²⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2544/81

to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 26.758 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 September 1981.

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

Done at Brussels, 15 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽²⁾ OJ No L 248, 1. 9. 1981, p. 48.

COMMISSION REGULATION (EEC) No 2673/81
of 15 September 1981
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1808/81⁽²⁾, as last amended by Regulation (EEC) No 2662/81⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1808/81 to the

information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 16 September 1981.

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

Done at Brussels, 15 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 181, 2. 7. 1981, p. 24.
⁽³⁾ OJ No L 261, 15. 9. 1981, p. 23.

ANNEX

to the Commission Regulation of 15 September 1981 fixing the import levies on white sugar and raw sugar

| CCT heading No | Description | Levy (ECU/100 kg) |
|----------------|--|-------------------------------|
| 17.01 | Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar | 29.56 20.73 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 June 1981

replacing a member of the Advisory Committee on Vocational Training

(81/737/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Council Decision of 18 December 1963 laying down the Rules of the Advisory Committee on Vocational Training⁽¹⁾, as amended by the Decision of 9 April 1968⁽²⁾, and in particular Article 4 thereof,

Having regard to the Council Decision of 16 October 1978 appointing the members and alternates of the Advisory Committee on Vocational Training for the period ending 15 October 1980,

Whereas one seat on the above Committee for a member in the 'employers' category has fallen vacant following the resignation of Mr Tomlinson, of which the Council was informed on 8 May 1981;

Whereas the term of office of the members of the Committee will continue until the Council has replaced them;

Having regard to the nomination submitted on 8 May 1981,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr T. P. Lyons is hereby appointed a member of the Advisory Committee on Vocational Training in place of Mr Tomlinson until such time as the members of the Committee are replaced.

Done at Luxembourg, 15 June 1981.

For the Council

The President

G. BRAKS

⁽¹⁾ OJ No 190, 30. 12. 1963, p. 3090/63.

⁽²⁾ OJ No L 91, 12. 4. 1968, p. 26.

COMMISSION

COMMISSION DECISION

of 31 July 1981

on a proposal by the Netherlands Government to grant aid for the creation of new production capacity by an undertaking in the petro-chemical industry (aromatic solvents)

(Only the Dutch text is authentic)

(81/738/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 these comments,

I

Whereas Article 6 of the Netherlands Law of 29 June 1978 (Wet Investeringsrekening — WIR)⁽¹⁾ on the promotion and guidance of investment introduced an 'additional premium for major schemes' for the benefit of projects where investment exceeds Fl 30 million. The amount of the premium depends on the number of jobs created and may account for up to 4 % of the investment in question.

When examining the Netherlands Law at the draft stage, in the course of the procedure under Article 93 (3) of the EEC Treaty, the Commission pointed out that since the 'additional premium for major schemes' involved no sectoral or regional objectives it therefore constituted a general aid system, and that since the arrangements applied to all investment, without distinction by reference to given undertakings, regions

or sectors, they could not qualify for the derogations under Article 92 (3) (a) or (c). In the absence of such specification, the Commission could not assess the system's effects on trade between Member States and on competition and therefore assess its compatibility with the common market.

In respect of such general aid systems it is now the well-established policy of the Commission to accept them subject to one of two conditions, namely, that the Member State concerned notifies to the Commission either a plan for regional or sectoral application or alternatively, where this is felt not to be possible, significant individual cases of application.

In line with this approach, and in accordance with Article 93 (3) of the EEC Treaty, the Commission requested prior notification in good time of individual cases of application of the 'additional premium for major schemes', account being taken of the amount of investment concerned.

During discussions with the Netherlands authorities the Commission stated that it would assess each case on its own merits in the light of the rules contained in Article 92 *et seq.* or rules developed during administration of those provisions. The Netherlands Government could not infer that, by requesting regular prior notification, the Commission had taken a favourable view of the additional premium system.

The Netherlands Government complied with the Commission's request by including the prior notification procedure in Articles 6 (7) and 7 (3) of Chapter V of the Netherlands Law of 29 June 1978.

⁽¹⁾ Staatsblad 1978, No 368.

II

By letter dated 21 March 1979 the Netherlands Government informed the Commission, as required by the procedure, of its intention to grant the additional premium for major schemes to a Netherlands petrochemical undertaking.

The assistance was to be granted to that undertaking for the purpose of creating by 1985 a supplementary capacity to produce 230 000 tonnes of aromatic solvents in the Rotterdam/Pernis region, which would involve the creation of 90 new jobs, and of replacing outworn plant.

Total investment was estimated at Fl 79 million and the scheme would qualify for a grant of Fl 1.1 million under the WIR (additional premium for major schemes). However, the scheme's location in the Pernis area would make it ineligible for regional assistance.

The undertaking, which is already established in Rotterdam/Pernis, sees this investment as a profitable operation, since it will enable it to meet an increasing demand for the product in question.

III

The Netherlands Government replied on 27 August 1979 to the Commission's notice under Article 93 of the EEC Treaty, claiming that the WIR scheme operated automatically and did not permit aid to be granted selectively in accordance with the desirability of the investments concerned, that the proposed investment would be primarily intended to produce aromatic solvents which should, in the future, replace the solvents produced at present, and that a part of this investment was aimed at completing an existing plant and replacing another.

During the consultation of interested parties, the Governments of two Member States stressed that an increase in capacity for aromatic solvents was likely to affect trade to an extent contrary to the common interest.

IV

The aid proposed by the Netherlands Government is therefore liable to affect trade between Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty by favouring the undertaking in question or the production of its goods.

Article 92 (1) of the EEC Treaty provides that, in principle, any aid fulfilling the criteria which it sets out is incompatible with the common market. The derogations from this principle set out in Article 92 (3) of the EEC Treaty specify objectives pursued in the Community interest and not in that of the individual recipient of the aid. These derogations must be strictly interpreted in the examination both of any regional or sectoral aid scheme and of any individual case of application of general aid systems. In particular, they may be applied only where the Commission establish that, in the absence of the aid, the free play of market forces would not of itself induce the recipient undertakings to act in such a manner as to contribute to the attainment of one of the objectives specified by those derogations.

To derogate in this way in favour of aids offering no compensatory benefit would be tantamount to allowing trade between Member States to be affected and competition to be distorted without any justification in terms of the interest of the Community, while at the same time granting undue advantages to certain Member States.

When applying the principles set out above in its examination of individual cases of application of general aid systems, the Commission must be satisfied that there exists on the part of the recipient undertaking a specific compensatory justification in that the grant of aid is required to promote the attainment of one of the objectives set out in Article 92 (3) of the Treaty. Where this cannot be demonstrated, and especially where the proposed investment nevertheless takes place, it is clear the aid does not contribute to the attainment of the objectives of the derogations but serves to increase the financial power of the undertaking in question.

In the case in question there does not appear to be such a compensatory justification on the part of the recipient of the aid.

The Netherlands Government has not been able to give, nor has the Commission found, any grounds to establish that the proposed aid meets the conditions justifying one of the derogations for which provision is made in Article 92 (3) of the EEC Treaty.

As regards the derogations of Article 92 (3) (a) and (c) of the EEC Treaty concerning aid to promote or to facilitate the development of certain areas, it cannot be considered that the standard of living in the Pernis area of Rotterdam is 'abnormally low' for that it suffers from 'serious under-employment' within the meaning of subparagraph (a). As regards the deroga-

tion of subparagraph (c), the Netherlands Government has not included that area amongst those requiring special regional development aid. The Netherlands Government, in its comments submitted to the Commission, itself emphasized that the 'additional premium for major schemes' was not granted on account of regional considerations.

In respect of the derogations envisaged in Article 92 (3) (b) of the EEC Treaty, investment of this type is brought about in a general way by normal market forces. Moreover, there is nothing peculiar to the investment in question to qualify it as a project of common European interest or as one designed to remedy a serious disturbance in the economy of a Member State, the promotion of which merits a derogation under Article 92 (3) (b) of the EEC Treaty from the principle of the incompatibility of aid laid down by Article 92 (1). In stating its views on the WIR, the Commission recalled that the Netherlands are part of the Community's central regions. These regions are not suffering from the most serious economic and social problems in the Community but they are the regions 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. Furthermore, the information available on the socio-economic situation in that country does not point to the conclusion that it is suffering from a serious disturbance in its economy within the meaning of the Treaty. In individual cases of application the 'additional premium for major projects' is not granted for the purpose of dealing with such a situation.

To take any other view would enable the Netherlands in the present climate of slow growth and high unemployment throughout the Community, to divert to their advantage investment which might be made in other, less well-placed, Member States. Recent social and economic trends in the Community justify maintaining this approach as regards both the scheme itself and possible cases of application.

Finally, as regards the derogation provided for in Article 92 (3) (c) in favour of 'aid to facilitate the development of certain economic activities', examination of the development of the aromatic solvents industry, particularly with regard to available forecasts of demand of the product concerned, shows that the play

of market forces should itself be capable, without State intervention, of ensuring a normal development of this activity. In addition, the fact that the bulk of this proposed increased output will probably be exported to other Member States, and this in the context of a market where there is strong competition does not justify the conclusion that the conditions of trade would not be altered, by such an aid, to an extent contrary to the common interest.

In view of the foregoing, the abovementioned aid proposed by the Netherlands Government does not fulfil the conditions necessary for it to benefit from any of the derogations referred to in Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of the Netherlands shall refrain from implementing its proposal notified to the Commission by letter dated 21 March 1979 from its Minister for Foreign Affairs, to grant the 'additional premium for major schemes' in favour of investment made at Rotterdam Pernis by a Netherlands petro-chemical undertaking.

Article 2

The Kingdom of the Netherlands shall inform the Commission within two months of the date of notification of this Decision of the measures which it has taken to comply with it.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 31 July 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 31 August 1981

fixing the minimum selling prices for olive oil put up for sale under the invitation to tender opened by Regulation (EEC) No 2239/81

(Only the Italian text is authentic)

(81/739/EEC)

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 amended by Regulation (EEC) No 3454/80⁽²⁾, and in particular Article 12 (4) thereof,

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 2239/81 reopening the sale by tender of olive oil held by the Italian intervention agency⁽³⁾, that agency is putting up for sale a total quantity of some 33 000 tonnes of olive oil from intervention purchase from the 1977/78 marketing year;

Whereas Article 6 of the Regulation cited above lays down that a minimum selling price shall be fixed for each lot of the basis of the tenders received;

Whereas, on the basis of the tenders submitted, the minimum price should be fixed for each lot at the level hereinafter given;

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

HAS ADOPTED THIS DECISION:

Article 1

The lots are attributed in the following order:

- Lot No 5,
- Lot No 6,
- Lot No 2,
- Lot No 4,
- Lot No 3,
- Lot No 1.

Article 2

The minimum selling prices referred to in Article 6 of Regulation (EEC) No 2239/81 shall be fixed as follows:

- Lot No 1: 235 000 Lit/100 kg,
- Lot No 2: 238 500 Lit/100 kg,
- Lot No 3: 237 500 Lit/100 kg,
- Lot No 4: 237 900 Lit/100 kg,
- Lot No 5: 239 000 Lit/100 kg,
- Lot No 6: 238 800 Lit/100 kg.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 31 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 218, 4. 8. 1981, p. 28.

COMMISSION DECISION**of 1 September 1981****fixing the minimum selling price for olive oil put up for sale under the fourth partial invitation to tender opened by Regulation (EEC) No 1238/81****(Only the Italian text is authentic)**

(81/740/EEC)

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 3454/80⁽²⁾, and in particular Article 12 (4) thereof,Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 1238/81 opening a standing invitation to tender for the putting up for sale of olive oil held by the Italian intervention agency⁽³⁾, as amended by Regulation (EEC) No 1508/81⁽⁴⁾, that agency is putting up for sale, as from May 1981, a total quantity of some 30 000 tonnes of olive oil from intervention purchases from the 1975/76 to 1980/81 marketing years ;

Whereas Article 6 of the Regulation cited above lays down that a minimum selling price shall be fixed, on the basis of the tenders received ;

Whereas, on the basis of the tenders submitted under the fourth partial invitation to tender, the minimum price should be fixed at the level hereinafter given ;

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

HAS ADOPTED THIS DECISION :

Article 1

For the fourth partial invitation to tender, the minimum selling price referred to in Article 6 of Regulation (EEC) No 1238/81 shall be fixed as follows for olive oil put up for sale :

| | |
|--------------------------------|---------------------|
| extra virgin olive oil : | 260 880 Lit/100 kg, |
| fine virgin olive oil : | 250 326 Lit/100 kg, |
| virgin lampante olive oil 5° : | — Lit/100 kg, |
| residue olive oil 5° : | — Lit/100 kg. |

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 1 September 1981.

For the Commission

Poul DALSA GER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.⁽³⁾ OJ No L 125, 9. 5. 1981, p. 9.⁽⁴⁾ OJ No L 148, 5. 6. 1981, p. 10.

COMMISSION DECISION**of 1 September 1981****fixing the minimum sale price for olive oil put up for sale for exportation under the second partial invitation to tender opened by Regulation (EEC) No 1878/81****(Only the Italian text is authentic)**

(81/741/EEC)

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 3454/80⁽²⁾, and in particular Article 12 (4) thereof,

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 1878/81 opening a standing invitation to tender for the sale for export of olive oil held by the Italian intervention agency⁽³⁾, that agency is putting up for sale, as from July 1981, a total quantity of some 12 000 tonnes of extra virgin olive oil from intervention purchases during the 1980/81 marketing year;

Whereas Article 5 of the Regulation cited above lays down that a minimum selling price shall be fixed, on the basis of the tenders received;

Whereas, on the basis of the tenders submitted under the second partial invitation to tender, the minimum price should be fixed at the level hereinafter given;

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

HAS ADOPTED THIS DECISION :

Article 1

For the second partial invitation to tender, the minimum selling price referred to in Article 5 of Regulation (EEC) No 1878/81 shall be fixed as follows for olive oil put up for sale :

extra virgin olive oil : Lit 157 010 per 100 kilograms.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 1 September 1981.

For the Commission

Paul DALSAGER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 187, 9. 7. 1981, p. 16.

COMMISSION DECISION

of 1 September 1981

fixing the minimum selling prices for olive oil put up for sale under the third partial invitation to tender opened by Regulation (EEC) No 1363/81

(Only the Greek text is authentic)

(81/742/EEC)

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 3454/80⁽²⁾, and in particular Article 12 (4) thereof,Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 1363/81 opening a standing invitation to tender for the putting up for sale of olive oil held by the Greek intervention agency⁽³⁾, that agency is putting up for sale, as from June 1981, a total quantity of some 20 000 tonnes of olive oil from intervention purchases from the 1980/81 marketing year;

Whereas Article 6 of the Regulation cited above lays down that a minimum selling price shall be fixed, on the basis of the tenders received;

Whereas, on the basis of the tenders submitted under the third partial invitation to tender, the minimum price should be fixed at the level hereinafter given;

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

HAS ADOPTED THIS DECISION:

Article 1

For the third partial invitation to tender, the minimum selling price referred to in Article 6 of Regulation (EEC) No 1363/81 shall be fixed as follows for olive oil put up for sale:

| | | |
|--------------------------------|--------|------------|
| extra virgin olive oil : | — | Dr/100 kg, |
| fine virgin olive oil : | — | Dr/100 kg, |
| semi-fine virgin olive oil : | 11 200 | Dr/100 kg, |
| virgin lampante olive oil 5° : | 10 251 | Dr/100 kg. |

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 1 September 1981.

For the Commission

Poul DALSA GER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.⁽³⁾ OJ No L 135, 22. 5. 1981, p. 17.

COMMISSION DECISION**of 1 September 1981****fixing the minimum sale price for olive oil put up for sale for exportation under the second partial invitation to tender opened by Regulation (EEC) No 1879/81****(Only the Greek text is authentic)**

(81/743/EEC)

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 3454/80⁽²⁾, and in particular Article 12(4) thereof,

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 1879/81 opening a standing invitation to tender for the sale for export of olive oil held by the Greek intervention agency⁽³⁾, that agency is putting up for sale, as from July 1981 a total quantity of some 12 000 tonnes of extra virgin olive oil from intervention purchases during the 1980/81 marketing year;

Whereas Article 5 of the Regulation cited above lays down that a minimum selling price shall be fixed, on the basis of the tenders received;

Whereas, on the basis of the tenders submitted under the second partial invitation to tender, the minimum price should be fixed at the level hereinafter given;

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

HAS ADOPTED THIS DECISION :

Article 1

For the second partial invitation to tender, the minimum selling price referred to in Article 5 of Regulation (EEC) No 1879/81 shall be fixed as follows for olive oil put up for sale :

extra virgin olive oil : Dr 7 863 per 100 kilograms.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 1 September 1981.

For the Commission

Poul DALSAER

Member of the Commission

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

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 187, 9. 7. 1981, p. 19.

COMMISSION DECISION

of 2 September 1981

fixing the maximum export refund for the sixth partial invitation to tender for white sugar issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2041/81

(81/744/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 2041/81 of 16 July 1981 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽²⁾, requires partial invitations to tender to be issued for the export of this sugar ;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2041/81, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question ;

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

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

HAS ADOPTED THIS DECISION :

Article 1

The maximum export refund for the sixth partial invitation to tender for white sugar issued under Regulation (EEC) No 2041/81 is hereby fixed at 27.991 ECU per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 September 1981.

For the Commission

Poul DALSGER

Member of the Commission

(1) OJ No L 177, 1. 7. 1981, p. 4.

(2) OJ No L 200, 21. 7. 1981, p. 22.

COMMISSION DECISION

of 2 September 1981

fixing the maximum export refund for the fourth partial invitation to tender for raw sugar issued under Regulation (EEC) No 2235/81

(81/745/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, and in particular Article 19(4) thereof,

Whereas Commission Regulation (EEC) No 2235/81 of 31 July 1981 on a standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar⁽²⁾, requires partial invitations to tender to be issued for the export of this sugar ;

Whereas, pursuant to Article 9(1) of Regulation (EEC) No 2235/81, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question ;

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

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

HAS ADOPTED THIS DECISION :

Article 1

The maximum export refund for the fourth partial invitation to tender for raw sugar issued under Regulation (EEC) No 2235/81 is hereby fixed at 20.95 ECU per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 September 1981.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 218, 4. 8. 1981, p. 19.

