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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 77/85

of 11 January 1985

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 3131/84⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

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

Whereas these exchange rates being those recorded on 10 January 1985;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3131/84 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 January 1985.

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

Done at Brussels, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 293, 10. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 11 January 1985 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 B I	Common wheat, and meslin	59,11
10.01 B II	Durum wheat	95,85 ⁽¹⁾ ⁽²⁾
10.02	Rye	66,43 ⁽⁶⁾
10.03	Barley	77,97
10.04	Oats	52,84
10.05 B	Maize, other than hybrid maize for sowing	64,03 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	28,95 ⁽⁴⁾
10.07 C	Grain sorghum	71,30 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	98,14
11.01 B	Rye flour	108,24
11.02 A I a)	Durum wheat groats and meal	162,07
11.02 A I b)	Common wheat groats and meal	104,44

- (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.
- (⁷) The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 78/85

of 11 January 1985

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1018/84 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common 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 2222/84 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁷⁾,

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

Whereas these exchange rates being those recorded on 10 January 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 January 1985.

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

Done at Brussels, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 11 January 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 1	1st period 2	2nd period 3	3rd period 4
10.01 B I	Common wheat, and meslin	0	2,45	2,45	1,43
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0,68	0,68	1,70
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	4,05	4,05	4,05
10.07 C	Grain sorghum	0	0,75	0,75	1,76
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	3,43	3,43	2,01

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	4,36	4,36	2,55	2,55
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	3,26	3,26	1,90	1,90
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 79/85
of 11 January 1985
amending Regulation (EEC) No 2213/76 on the sale of skimmed-milk powder
from public storage

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products ⁽¹⁾, as last amended
by Regulation (EEC) No 1557/84 ⁽²⁾, and in particular
Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No
2213/76 ⁽³⁾, as last amended by Regulation (EEC) No
3030/84 ⁽⁴⁾, provides for the sale of skimmed-milk
powder from public storage at the intervention price
plus 0,5 ECU per 100 kilograms;

Whereas there is heavy market demand for skimmed-
milk powder; whereas major quantities are to be deli-
vered in connection with Commission Regulation
(EEC) No 1354/83 of 17 May 1983 laying down
general rules for the mobilization and supply of skim-
med-milk powder, butter and butteroil as food aid ⁽⁵⁾,
as last amended by Regulation (EEC) No 1886/83 ⁽⁶⁾;
whereas similar quantities of skimmed-milk powder
from public storage should therefore be made available
to operators at a reduced price in order to ensure that
they are not faced with a further increase in the price
of the product as a result of Community food-aid
operations;

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

The following subparagraph is hereby added to Article
2 (1) of Regulation (EEC) No 2213/76:

'However, operators, who provide proof that they
have been designated by an intervention agency for
the purposes of supplying a quantity of skimmed-
milk powder from the market pursuant to Regula-
tion (EEC) No 1354/83 may, under this Regula-
tion, purchase a quantity of skimmed-milk powder
not exceeding that quantity at an ex-storage depot
price equivalent to the purchase price applicable
when the contract of sale was concluded, less 3
ECU per 100 kilograms. The contract of sale shall
be drawn up within one month of the expiry of the
shipment period laid down in respect of that food-
aid consignment.'

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, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 6.

⁽³⁾ OJ No L 249, 11. 9. 1976, p. 6.

⁽⁴⁾ OJ No L 287, 31. 10. 1984, p. 18.

⁽⁵⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁶⁾ OJ No L 187, 12. 7. 1983, p. 29.

COMMISSION REGULATION (EEC) No 80/85

of 11 January 1985

amending Regulation (EEC) No 2742/82 on protective measures applicable to imports of dried grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

The coefficient for the pound sterling referred to in Article 2 (3) of Regulation (EEC) No 2742/82 is replaced by '1,035'.

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 988/84⁽²⁾, and in particular Article 14 (2) thereof,

Article 2

1. The amended coefficient provided for in Article 1 shall not apply to products for which it has been proved that they have left the supplier country before 14 January 1985.

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,

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the conditions set out in paragraph 1 have been complied with.

Whereas Article 2 (3) of Commission Regulation (EEC) No 2742/82⁽⁵⁾, as last amended by Regulation (EEC) No 3456/84⁽⁶⁾, provides that the minimum price and the countervailing charge shall, after having been converted into national currency, be multiplied by a coefficient ;

However, the competent authorities may regard the products as having left the supplier country before 14 January 1985 when one of the following documents is submitted :

- in the case of transport by sea or waterway, the bill of lading showing that loading took place before that day,
- in case of transport by rail, the consignment note accepted by the railways of the expediting country before that day,
- in case of transport by road, the TIR carnet presented to the first customs office before that day,
- in case of transport by air, the air consignment note showing that the airline received the products before that day.

Whereas that multiplication is made to ensure that the minimum price expressed in national currencies should not lead to distortion of trade ;

Whereas the conversion rate of the pound sterling has changed ;

3. The provisions of paragraphs 1 and 2 shall apply only in so far as the entry for free circulation has been accepted by the customs authorities before 14 January 1985.

Whereas that fact could lead to distortion of trade ; whereas to avoid that risk, the coefficient in force for the pound sterling should be adapted,

Article 3

This Regulation shall enter into force on 14 January 1985.

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 103, 16. 4. 1984, p. 11.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 290, 14. 10. 1982, p. 28.

⁽⁶⁾ OJ No L 319, 8. 12. 1984, p. 8.

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

Done at Brussels, 11 January 1985.

For the Commission
Frans ANDRIESEN
Member of the Commission

COMMISSION REGULATION (EEC) No 81/85

of 11 January 1985

opening a standing invitation to tender for the export of 200 000 tonnes of durum wheat held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 2738/75 of 29 October 1975 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agencies shall be disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas there are considerable stocks of durum wheat held by intervention agencies and it is currently opportune to dispose of durum wheat on the world market; whereas 200 000 tonnes of durum wheat held by the Italian intervention agency may be put up for sale for export to third countries;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 200 000 tonnes of durum wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 200 000 tonnes of durum wheat to be exported to all third countries.

2. The regions in which the 200 000 tonnes of durum wheat are stored are given in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until the end of the second month following.

Article 4

1. The time limit for submission of tenders under the first partial invitation to tender shall expire on 23 January 1985 at 12 noon (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 12 noon (Brussels time) except for 28 March to 3 April 1985 during which period the invitation to tender will be suspended.

3. The last partial invitation to tender shall expire on 24 April 1985.

4. The tenders shall be lodged with the Italian intervention agency.

Article 5

1. The Italian intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex II to this Regulation.

2. It will keep an extra sample of each lot to be available for the Commission which will be taken and sealed in the presence of the successful tenderer or his representative.

Article 6

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 9. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 49.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

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

Done at Brussels, 11 January 1985.

For the Commission
Frans ANDRIESEN
Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Cuneo	6 564
Ferrara	40 628
Bologna	9 892
Modena	97
Ravenna	285
Ancona	5 820
Pescara	238
Livorno	3 155
Grosseto	2 494
Viterbo	2 973
Roma	4 045
Caserta	787
Napoli	23 125
Bari	703
Foggia	76 735
Catania	1 888
Palermo	15 762
Agrigento	1 024
Caltanissetta	3 794

ANNEX II

Standing invitation to tender for the export of 200 000 tonnes of durum wheat held by the Italian intervention agency

(Regulation (EEC) No 81/85)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne)	Price increases (+) or reductions (-) (ECU/tonne)	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

COMMISSION REGULATION (EEC) No 82/85
of 11 January 1985
re-establishing intervention buying in of beef in Denmark

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68
of 27 June 1968 on the common organization of the
market in beef and veal ⁽¹⁾, as last amended by the Act
of Accession of Greece, and in particular Article
6 (5) (b) thereof,

Having regard to Council Regulation (EEC) No 868/84
of 31 March 1984 fixing the guide price and the inter-
vention price for adult bovine animals for the 1984/85
marketing year ⁽²⁾, and in particular Article 3 (1) and (4)
(b) thereof,

Whereas the situation of the market in Denmark is
such that the application of the abovementioned rules
is required;

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

In application of Article 3 (1) of Regulation (EEC) No
868/84, intervention buying in shall be re-established
from 14 January 1985 for the following class in
Denmark:

Category C, class R3

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, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 30.

COMMISSION REGULATION (EEC) No 83/85
of 11 January 1985
temporarily suspending intervention buying in of beef in Northern Ireland

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68
of 27 June 1968 on the common organization of the
market in beef and veal ⁽¹⁾, as last amended by the Act
of Accession of Greece, and in particular Article 6 (5)
(b) thereof,

Having regard to Council Regulation (EEC) No 868/84
of 31 March 1984 fixing the guide price and the inter-
vention price of adult bovine animals for the 1984/85,
marketing year ⁽²⁾, and in particular Article 3 (2) and
(4) (b) thereof,

Whereas the situation of the market in Northern
Ireland is such that the application of the abovementioned
rules is required;

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

In application of Article 3 (2) of Regulation (EEC) No
868/84, intervention buying in shall be suspended
from 14 January 1985 in the following region of the
United Kingdom for the following classes:

Northern Ireland: Category C, classes R3, R4, O3

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, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 30.

COMMISSION REGULATION (EEC) No 84/85
of 11 January 1985
fixing the sluice-gate prices and levies for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 2966/80⁽²⁾, and in particular Articles 8 and 12 (1) thereof,

Having regard to Council Regulation (EEC) No 855/84 of 31 March 1984 on the calculation and the dismantlement of the monetary compensatory amounts applying to certain agricultural products⁽³⁾, as last amended by Council Regulation (EEC) No 1004/84⁽⁴⁾, and in particular Article 1 thereof,

Whereas sluice-gate prices for pig carcasses and for the other products specified in Article 1 of Council Regulation (EEC) No 2766/75 of 29 October 1975 establishing the list of products for which sluice-gate prices are to be fixed and laying down the rules for fixing the sluice-gate prices for pig carcasses⁽⁵⁾, as last amended by Regulation (EEC) No 1905/83⁽⁶⁾, and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2759/75, must be fixed in advance for each quarter in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 2028/83 of 20 July 1983 fixing the levies and sluice-gate prices on pigmeat⁽⁷⁾;

Whereas, pursuant to Council Regulation (EEC) No 855/84, the central rate used under the common agricultural policy has been subjected to a corrective factor of 1,033651 with effect from the 1984/85 marketing year; whereas the corrected central rate has led to a change in the relationship between the Community price and the world market price; whereas account should therefore be taken of this fact by subjecting

world market prices to a corrective factor of 0,967445 used for the calculation of levies and sluice-gate prices;

Whereas, since sluice-gate prices and levies for pigmeat were last fixed by Regulation (EEC) No 2916/84 of 17 October 1984⁽⁸⁾ for the period 1 November 1984 to 31 January 1985, they must be fixed anew for the period 1 February to 30 April 1985; whereas such prices and levies should in principle be fixed by reference to feed grain prices for the period 1 August to 31 December 1984;

Whereas, when the sluice-gate price applicable from 1 November, 1 February and 1 May is being fixed, trends in world market prices for feed grain are to be taken into account only if the value of the quantity of feed grain required varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter; whereas this minimum was fixed by Regulation (EEC) No 2766/75 at 3 %;

Whereas the value of the quantity of feed grain varies by less than 3 % from that used for the preceding quarter; whereas the sluice-gate prices should therefore be maintained unchanged until 30 April 1985;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is being fixed;

Whereas, since no new sluice-gate price is to be fixed, the levies should accordingly be maintained unchanged until 30 April 1985;

Whereas, in the case of products falling within any of subheadings 02.01 B II c) 1 to 7, 15.01 A I, 16.01 A or 16.02 A II of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levies should be limited to the amounts resulting from that binding;

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

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.
⁽³⁾ OJ No L 90, 1. 4. 1984, p. 1.
⁽⁴⁾ OJ No L 101, 13. 4. 1984, p. 2.
⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 25.
⁽⁶⁾ OJ No L 190, 14. 7. 1983, p. 1.
⁽⁷⁾ OJ No L 199, 22. 7. 1983, p. 16.

⁽⁸⁾ OJ No L 275, 18. 10. 1984, p. 28.

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 February to 30 April 1985, the sluice-gate prices provided for in Article 12 of Regulation (EEC) No 2759/75 for the products specified in Article 1 of Regulation (EEC) No 2766/75 and the levies provided for in Article 8 of Regulation (EEC) No 2759/75 for the products specified in Article 1 (1)

of that Regulation shall be as shown by Regulation (EEC) No 2916/84.

2. Provided that, in the case of products falling within any of subheadings 02.01 B II c) 1 to 7, 15.01 A I, 16.01 A or 16.02 A II of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

Article 2

This Regulation shall enter into force on 1 February 1985.

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

Done at Brussels, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION REGULATION (EEC) No 85/85
of 11 January 1985
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1854/84⁽³⁾, as last amended by Regulation (EEC) No 76/85⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 12 January 1985.

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

Done at Brussels, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 10, 11. 1. 1985, p. 50.

ANNEX

to the Commission Regulation of 11 January 1985 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	46,15 42,59 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 86/85
of 11 January 1985
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece ⁽²⁾, and in particular the first sentence of Article 18 ⁽⁵⁾ thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas Council Regulation (EEC) No 885/68 of 28 June 1968 ⁽³⁾, as last amended by Regulation (EEC) No 427/77 ⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds ;

Whereas Regulation (EEC) No 32/82 ⁽⁵⁾, as amended by Regulation (EEC) No 2304/82 ⁽⁶⁾, and Regulations (EEC) No 1964/82 ⁽⁷⁾, (EEC) No 74/84 ⁽⁸⁾ and (EEC) No 2388/84 ⁽⁹⁾ lay down the conditions for granting special export refunds for certain cuts of beef/veal and certain preserved beef and veal products ;

Whereas it follows from applying these rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below ;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 246, 21. 8. 1982, p. 9.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 10, 13. 1. 1984, p. 32.

⁽⁹⁾ OJ No L 221, 18. 8. 1984, p. 28.

Whereas the current market situation in the Community and sales outlets, particularly in non-member countries, leads to the granting of export refunds on adult male bovine animals of a live weight of at least 300 kilograms and other bovines of a live weight of 250 kilograms and over ; whereas experience gained in recent years has shown that it is advisable to treat live pedigree breeding animals of a weight of at least 250 kilograms for females and 300 kilograms for males in an identical manner to other bovine animals, while subjecting them to certain special administrative formalities ;

Whereas it is necessary to grant refunds for the export to certain destinations of certain fresh or chilled meat listed in the Annex under subheading ex 02.01 A II a) and of certain frozen meat listed in the Annex under subheading ex 02.01 A II b) and of certain other prepared or preserved meat or meat offal listed in the Annex under subheading 16.02 B III b) 1 aa) ;

Whereas, in view of the wide differences in products falling within subheadings ex 02.01 A II a) 4 aa) and ex 02.01 A II b) 4 aa), the refund should only be granted for cuts in which the weight of bone does not exceed one-third ;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland ; whereas, to the extent necessary to allow this trade to continue, the refund must be fixed at an amount which will cover the difference between prices on the Swiss market and export prices in the Member States ; whereas refunds should also be granted for boned and salted meat, meat in brine, and dried or smoked meat exported to certain third countries ;

Whereas, in the case of certain other cuts and preserves of meat or offals shown in the Annex under subheading 16.02 B III b) 1 bb), Community participation in international trade may be ensured by granting a refund which takes account of the refund hitherto granted to exporters ;

Whereas, in the case of other beef and veal products, a refund need not be fixed since Community participation in world trade in these products is not significant ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71 ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The list of products on which the export refund referred to in Article 18 of Regulation (EEC) No 805/68 is granted and the amount of that refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 January 1985.

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

Done at Brussels, 11 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 11 January 1985 fixing the export refunds on beef and veal

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Live weight —
ex 01.02 A	<p>Live domestic animals of the bovine species :</p> <p>I. Pure-bred breeding animals :</p> <p>(a) Females, with a live weight equal to or greater than 250 kg 74,500</p> <p>(b) Males, with a live weight equal to or greater than 300 kg 74,500</p> <p>II. Other than pure-bred breeding animals :</p> <p>(a) Adult male bovine animals with a live weight equal to or greater than 300 kg :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla 70,000</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland 70,000</p> <p>— For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland 57,000</p> <p>— For export to Austria, Sweden and Switzerland 26,500</p> <p>(b) Other, with a live weight equal to or greater than 250 kg :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla 66,500</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland 66,500</p> <p>— For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland 54,000</p> <p>— For export to Austria, Sweden and Switzerland 25,000</p>	
		— Net weight —
ex 02.01 A II	<p>Meat of bovine animals :</p> <p>a) Fresh or chilled :</p> <p>1. Carcasses, half-carcasses or 'compensated' quarters :</p> <p>(aa) The front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :</p> <p>(11) From male adult bovine animals ⁽¹⁾ :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla 114,000</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland 107,500</p> <p>— For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland 88,500</p> <p>— For export to Austria, Sweden and Switzerland 44,500</p>	

(ECU/100 kg)

CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	97,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	90,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	81,000
	— For export to Austria, Sweden and Switzerland	40,500
	(bb) Other :	
	(11) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	155,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	148,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	120,500
	— For export to Austria, Sweden and Switzerland	60,500
	(22) Other :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	132,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	125,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	110,000
	— For export to Austria, Sweden and Switzerland	55,500
	2. Separated or unseparated forequarters :	
	(aa) From male adult bovine animals ⁽³⁾ :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	114,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	107,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	88,500
	— For export to Austria, Sweden and Switzerland	44,500

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	<p>(bb) Other :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p> <p>— For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland</p> <p>— For export to Austria, Sweden and Switzerland</p> <p>3. Separated or unseparated hindquarters :</p> <p>(aa) With a maximum of nine ribs or pairs of ribs :</p> <p>(11) From male adult bovine animals ⁽³⁾ :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p> <p>— For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland</p> <p>— For export to Austria, Sweden and Switzerland</p> <p>(22) Other :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p> <p>— For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland</p> <p>— For export to Austria, Sweden and Switzerland</p> <p>(bb) With more than nine ribs or pairs of ribs :</p> <p>(11) From male adult bovine animals ⁽³⁾ :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p> <p>— For export to European third countries ⁽¹⁾ ⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland</p> <p>— For export to Austria, Sweden and Switzerland</p>	<p>97,500</p> <p>90,500</p> <p>81,000</p> <p>40,500</p> <p>196,000</p> <p>189,500</p> <p>152,500</p> <p>76,500</p> <p>166,500</p> <p>159,500</p> <p>139,000</p> <p>70,500</p> <p>114,000</p> <p>107,500</p> <p>88,500</p> <p>44,500</p>

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	<p>(22) Other :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p> <p>— For export to European third countries ⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland</p> <p>— For export to Austria, Sweden and Switzerland</p> <p>4. Other :</p> <p>ex aa) Unboned (bone-in)</p> <p>(11) From the carcasses, half-carcasses or 'compensated' quarters of male adult bovine animals ⁽⁸⁾, excluding the front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p> <p>— For export to European third countries ⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland</p> <p>— For export to Austria, Sweden and Switzerland</p> <p>(22) From the forequarters of male adult bovine animals ⁽⁸⁾ :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p> <p>— For export to European third countries ⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland</p> <p>— For export to Austria, Sweden and Switzerland</p> <p>(33) From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs ⁽⁸⁾ :</p> <p>— For export to North African, Near and Middle East third countries ⁽¹⁾, except the Canary Islands, Ceuta and Melilla</p> <p>— For export to West, Central, East and South African third countries ⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland</p>	<p>97,500</p> <p>90,500</p> <p>81,000</p> <p>40,500</p> <p>155,000</p> <p>148,500</p> <p>120,500</p> <p>60,500</p> <p>114,000</p> <p>107,500</p> <p>88,500</p> <p>44,500</p> <p>196,000</p> <p>189,500</p>

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	152,500
	— For export to Austria, Sweden and Switzerland	76,500
	(44) Other, the weight of bone does not exceed one-third of the weight of the cut:	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	97,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	90,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	81,000
	— For export to Austria, Sweden and Switzerland	40,500
	ex bb) Boned, each piece individually wrapped:	
	(11) From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs ^(*) :	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	280,000
	— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	270,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	218,000
	— For export to Austria, Sweden and Switzerland	109,500
	(22) Other, excluding the thin flanks, the shin and the shank ^(?) :	
— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	188,500	
— For export to French Polynesia, West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	178,500	
— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	157,000	
— For export to Austria, Sweden and Switzerland	79,500	
— For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79 ⁽³⁾ , and for export to Canada	80,000	

(ECU/100 kg)

CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	<p>b) Frozen :</p> <p>1. Carcasses, half-carcasses or 'compensated' quarters :</p> <p>(aa) The front part of a carcass or of a half-carcass comprising all the bones and the scrag, neck and shoulder but with more than 10 ribs :</p> <ul style="list-style-type: none"> — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla 80,500 — For export to West, Central, East and South African third countries⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland 74,000 — For export to European third countries⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland 74,000 — For export to Austria, Sweden and Switzerland 35,500 <p>(bb) Other :</p> <ul style="list-style-type: none"> — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla 106,000 — For export to West, Central, East and South African third countries⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland 99,500 — For export to European third countries⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland 99,500 — For export to Austria, Sweden and Switzerland 47,500 <p>2. Separated or unseparated forequarters :</p> <ul style="list-style-type: none"> — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla 80,500 — For export to West, Central, East and South African third countries⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland 74,000 — For export to European third countries⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland 74,000 — For export to Austria, Sweden and Switzerland 35,500 <p>3. Separated or unseparated hindquarters :</p> <p>(aa) With a maximum of nine ribs or pairs of ribs :</p> <ul style="list-style-type: none"> — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla 131,500 — For export to West, Central, East and South African third countries⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland 125,000 — For export to European third countries⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland 125,000 — For export to Austria, Sweden and Switzerland 59,500 	

		(ECU/100 kg)
CCT heading No	Description	Refund
		— Net weight —
ex 02.01 A II (cont'd)	(bb) With more than nine ribs or pairs of ribs : <ul style="list-style-type: none"> — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla — For export to West, Central, East and South African third countries⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland — For export to European third countries⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland — For export to Austria, Sweden and Switzerland 	80,500 74,000 74,000 35,500
	4. Other :	
	aa) Unboned (bone-in), the weight of bone does not exceed one-third of the weight of the cut : <ul style="list-style-type: none"> — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla — For export to West, Central, East and South African third countries⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland — For export to European third countries⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland — For export to Austria, Sweden and Switzerland 	80,500 74,000 74,000 35,500
	ex bb) Boned or boneless, excluding the thin flanks, the shin and the shank, each piece individually wrapped ⁽³⁾ : <ul style="list-style-type: none"> — For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79⁽⁴⁾, and for export to Canada — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla — For export to French Polynesia, West, Central, East and South African third countries⁽¹⁾, except Botswana, Kenya, Madagascar and Swaziland — For export to European third countries⁽¹⁾⁽²⁾, the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland — For export to Austria, Sweden and Switzerland 	80,000 121,500 114,000 93,500 46,500
	Other boned or boneless : <ul style="list-style-type: none"> — For export to the United States of America, carried out in accordance with Regulation (EEC) No 2973/79⁽⁴⁾, and for export to Canada 	80,000
ex 02.06 C I a) 2	Meat of bovine animals, boned or boneless, salted or in brine, dried or smoked : <ul style="list-style-type: none"> (aa) Salted and dried : <ul style="list-style-type: none"> — For export to Switzerland (bb) Salted or in brine and dried and smoked : <ul style="list-style-type: none"> — For export to North African, Near and Middle East third countries⁽¹⁾, except the Canary Islands, Ceuta and Melilla 	60,500 102,500

(ECU/100 kg)

CCT heading No	Description	Refund
		— Net weight —
ex 16.02 B III b) 1	Other preparations and preserves containing bovine meat or offals, except those finely homogenized ⁽⁶⁾ :	
	ex aa) Uncooked, containing by weight the following percentages of bovine meats (excluding offal and fat):	
	(11) 80 % or more of meat:	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	102,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	96,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	96,000
	— For export to Austria, Sweden and Switzerland	96,000
	(22) 60 % or more, but less than 80 % of meat:	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	58,000
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	58,000
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	58,000
	— For export to Austria, Sweden and Switzerland	58,000
	(33) 40 % or more, but less than 60 % of meat:	
	— For export to North African, Near and Middle East third countries ⁽¹⁾ , except the Canary Islands, Ceuta and Melilla	38,500
	— For export to West, Central, East and South African third countries ⁽¹⁾ , except Botswana, Kenya, Madagascar and Swaziland	38,500
	— For export to European third countries ⁽¹⁾ ⁽²⁾ , the Canary Islands, Ceuta and Melilla, except Austria, Sweden and Switzerland	38,500
	— For export to Austria, Sweden and Switzerland	38,500
	ex bb) Other, containing by weight the following percentages of bovine meats (excluding offal and fat):	
	(11) 80 % or more of meat:	
	— For export to third countries	65,000 ^(*)
	(22) 60 % or more, but less than 80 % of meat:	
	— For export to third countries	38,000
	(33) 40 % or more, but less than 60 % of meat:	
	— For export to third countries	27,000
	(44) 20 % or more, but less than 40 % of meat:	
	— For export to third countries	10,000

-
- (¹) Within the meaning of Commission Regulation (EEC) No 3537/82 (OJ No L 371, 30. 12. 1982, p. 7).
- (²) Within the meaning of this Regulation those destinations mentioned in Article 5 of Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1) to be understood as European third countries.
- (³) The amount of this refund is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82 (OJ No L 4, 8. 1. 1982, p. 11).
- (⁴) The amount of this refund is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 1964/82 (OJ No L 212, 21. 7. 1982, p. 48).
- (⁵) OJ No L 336, 29. 12. 1979, p. 44.
- (⁶) The products which contain a small quantity of visible pieces of meat are also excluded.
- (⁷) Boned cuts which consist, entirely or partially, of thin flanks, shin or shank are ineligible for the refund.
- (⁸) The amount of this refund is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 74/84 (OJ No L 10, 13. 1. 1984, p. 32).
- (⁹) For the products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (OJ No L 221, 18. 8. 1984) the refund is 103 ECU per 100 kilograms net weight.
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NB: Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

Information concerning the date of entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic concerning the implementation of specific financial aid for improving agricultural and fisheries structures in Portugal ⁽¹⁾

As the instruments of notification of completion of the procedures necessary for the entry into force of the Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic concerning the implementation of specific financial aid for improving agricultural and fisheries structures in Portugal, signed in Brussels on 7 November 1984, were exchanged on 28 December 1984, in accordance with Article 15 of the Agreement it enters into force on 1 January 1985.

⁽¹⁾ OJ No L 333, 21. 12. 1984, p. 8.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 October 1984

on the French regional planning grant scheme ('Prime d'aménagement du territoire')

(Only the French text is authentic)

(85/18/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 the parties concerned notice to submit their comments pursuant to the above provision, and having regard to those comments,

I

Whereas :

By telex sent on 15 January 1982 and letters dated 18 and 29 January, 25 February, 30 March and 8 April 1982, the French Government notified the Commission, in accordance with Article 93 (3) of the Treaty, of its plans for the introduction of a new regional aid scheme called the regional planning grant ('Prime d'aménagement du territoire' — 'PAT') scheme.

The scheme was enacted by Decree No 82-379 of 6 May 1982 published in the French official gazette ⁽¹⁾.

It provides for government grants to promote activity in certain designated areas.

The map of designated areas under the PAT scheme is different for industrial investment and for investment in tertiary or research activities.

For industrial projects, the map of eligible areas supersedes that of the old Regional development grant ('Prime de développement régional' — 'PDR') scheme and represents a redrawing by the French Government of its regional development areas.

For projects in tertiary or research activities, however, the area coverage of the PAT scheme is not determined primarily by regional considerations, since the objective is the dispersal of such activities from the Paris basin. This part of the PAT scheme is therefore not covered by this Decision.

The designated PAT areas for industrial projects cover all or part of 68 of the 96 French metropolitan departments and hold about 21,4 million people, or about 39 % of the total population.

The selection of the areas was made principally by the central government, although in some cases its initial selection was amended following consultation with the regions.

⁽¹⁾ Journal officiel de la République française, 7. 5. 1982, p. 1294 *et seq.*

In the case of the 'peripheral' regions within the meaning of the principles of coordination of regional aid schemes, namely the West, South-West and the Massif Central, the Government felt that the persistence of structural handicaps in these areas justified the reselection of all the designated areas under the PDR scheme except for the five conurbations of Bordeaux, Montpellier, Nantes, Rennes and Toulouse.

In the other regions, the Government began by provisionally selecting the departments in which the unemployment rate had been over 8 % in March and October 1981 when the national average had been 8,3 %. Seven of these departments, namely Alpes-Maritimes, Eure, Indre-et-Loire, Marne, Oise, Seine-St-Denis and Yonne, were later removed from the provisional list despite having an unemployment rate above 8 % because of their relatively favoured geographical position, and all or part of four other departments with unemployment rates below 8 %, namely Vosges, Moselle, Indre and Nièvre, were included because of problems in certain of their industries. The resulting map was subsequently amended again to take account of particular situations within departments and to remove some large conurbations where unemployment often reflects the national situation rather than specific local problems.

Following consultation of the regions, further amendments of varying importance were made to the proposed assisted area map on the basis of intra-departmental considerations in the following 14 departments: Aisne, Cher, Doubs, Eure, Indre, Indre-et-Loire, Meuse, Meurthe-et-Moselle, Moselle, Nièvre, Haute-Saône, Seine-Maritime, Somme and Territoire de Belfort.

The final map of designated areas for industrial projects, as published in the Annex to Decree No 82-379, covers about two million less people in the peripheral regions than the previous regional aid scheme because of the removal of the five large conurbations. The population of the other areas, however, is about two million more than before because of the extension of the spatial coverage of the scheme particularly in the central departments of France.

The PAT scheme also makes provision for the possibility of awards outside the designated areas in excep-

tional cases where the industrial project will alleviate a severe local employment problem.

The maximum rates of grant under the new scheme are 17 or 25 % of the gross eligible investments costs. The 25 % rate is payable in the same areas as under the old PDR scheme. In the other areas the maximum rate is 17 %, where under the previous scheme it was 12 or 17 % if the area was designated.

In the latter areas the maximum may exceptionally be raised to 25 % if this is justified by the cost or value of the project. According to the French Government, the exception would be invoked chiefly for highly labour-intensive projects where the investment-related aid limit is over-restrictive.

The regional planning grants can be cumulated with tax concessions for regional aid purposes.

II

To assess the compatibility of the regional planning grant scheme with the common market under Article 92 of the Treaty, the Commission first compared the situation in the French designated areas with that in other parts of the Community and then considered whether there were serious regional disparities at national level that might justify regional aid.

On the basis of this preliminary assessment, the Commission decided not to object to implementation of the PAT scheme in some of the areas designated, or to the exceptional award of grants outside designated areas provided any such case involving investment of more than three million ECU or aid of over 10 % net grant equivalent was notified in advance under Article 93 (3) of the Treaty. However, the Commission decided to open the procedure laid down in Article 93 (2) of the Treaty against the inclusion in the scheme of the arrondissement of Angers (department of Maine-et-Loire), the departments of Doubs, Eure, Haute-Marne, Sarthe, Nièvre and Territoire de Belfort and parts of the departments of Meurthe-et-Moselle (arrondissements of Lunéville, Nancy and Toul), Haute-Saône (arrondissement of Vésoul) and Seine-Maritime (all except arrondissement of Dieppe), and against the availability of the maximum 25 % rate of grant in the department of Loire.

On 11 June 1982 the Commission wrote to the French Government informing it of these decisions and giving it notice to submit its comments. In its letter the Commission also explained the method it had used to scrutinize the scheme and enclosed the results of its analysis.

III

The French Government submitted its comments by letter dated 2 July 1982 and promised to supply comprehensive data on the disputed areas at a later date to attempt to narrow the difference of opinion.

In its comments the French Government criticized the Commission's analysis both on grounds of method and on the ground that insufficient account had been taken of such factors as the demographic situation, problems in particular industries, changes in the numbers in employment in 1980-81 and the level of, and rise in, unemployment in the medium term and over the period October 1976 to October 1980. For each department concerned detailed submissions were made to justify the designation.

The French Government's submissions were discussed and enlarged upon at bilateral meetings between its officials and Commission staff.

One of the Member States which replied to the Commission's invitation to comment agreed with its social and economic analysis and noted the growth in the geographical extent of the French regional aid scheme over the past 10 years although regional disparities had decreased over this period.

Another Member State agreed in principle with the Commission's analysis but felt the Member States ought to be allowed a fairly large measure of freedom in their evaluation of regional disparities according to a wide range of social and economic indicators.

A third Member State requested that the Commission ensure that all Member States be treated alike and also had doubts about the Commission's use of Community averages in assessing assisted areas.

A fourth Member State was opposed to the award of regional aid outside designated areas.

IV

The aid that the French Government proposes to grant to certain regions under the regional planning grant (PAT) scheme is likely to affect trade between Member States and to distort competition within the meaning

of Article 92 (1) of the Treaty by favouring certain undertakings or production of certain goods.

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

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

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

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

⁽¹⁾ OJ No C 111, 4. 11. 1971, p. 1.

with Article 92 (3) (a) and (c), the Commission must take account both of the social and economic situation in the regions concerned in comparison with other parts of the Community and of any serious disparities existing between regions of the same country.

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

To determine whether application of this exception to the regional planning grant scheme was justified, the Commission applied the principles outlined above: that is, after seeing how the designated areas stood in a Community context by comparing income *per capita* and unemployment in the areas with the Community averages, the Commission then examined whether there were any disparities between the areas and other areas in the country that might warrant the grant of regional aid. For this purpose, as well as the two indicators already mentioned, the Commission used other indicators such as employment and unemployment figures, the distribution of industry, net migration and demographic trends.

V

The French Government's arguments in support of its method have not always proved the case for its designation of the contested areas.

The demographic situation in the contested areas varies from net inward to net outward migration, from low to high population density and from a predominantly young to a predominantly old population. Rural areas suffering from depopulation have for some time had special investment incentives such as the special rural aid scheme, now replaced by a special rate of

regional employment grant. In the central regions of France most of the areas within such special rural schemes were excluded from the old regional development grant scheme and are now excluded from the new regional planning grant scheme.

Therefore, the demographic situation is not a major criterion for the selection of assisted areas in the French regional development schemes.

The specific industrial problems to which the French Government also refers in defence of the inclusion of some of the contested departments in the PAT scheme are in fact in such a wide range of industries that it is not possible to identify areas where the weakness of a key local industry is so threatening the social fabric as to justify regional aid.

The changes in the numbers employed in the areas in 1980 and 1981 reflect cyclical trends rather than structural change. Some departments entirely or almost entirely excluded from the PAT scheme also saw a drop in employment over this period. Conversely, some departments wholly included within the scheme saw the numbers in employment increase over the period.

Therefore, the number in employment in 1980-81 is not a major criterion for the selection of assisted areas in the French regional development schemes and in any case would have to be observed over a longer period.

The rise in unemployment in the departments concerned between 1976 and 1980 can be an important pointer to eligibility for assisted area status under the regional development scheme, as the French Government suggests. However, in considering the rise in unemployment, particular account should be taken of the level of unemployment reached by the end of the period.

The French Government itself rightly decided that a high unemployment rate should be neither a necessary nor a sufficient condition for designation as a PAT assisted area, and this decision is reflected in the exclusion of some departments with an unemployment rate significantly higher than the national

average and the inclusion of some with a rate significantly below average. Hence, it cannot assert that the unemployment rate alone justifies designation of any area under the PAT scheme.

The further information the French Government supplied on the contested areas has, however, established that:

The departments of Loire and Meurthe-et-Moselle are suffering from problems associated with industrial decline. In Loire the employment situation is bad and there is substantial outward migration owing to the decline of traditional industries. In Meurthe-et-Moselle the decline of the steel industry has created structural problems throughout the local economy.

Nièvre, Haute-Marne and Maine-et-Loire have problems of underdevelopment. Nièvre is suffering from rural depopulation and incomes are very low. Haute-Marne is very thinly populated and suffering further rapid depopulation because of the constant loss of local job opportunities. In Maine-et-Loire, population growth is outstripping the increase in jobs and leading to a growing imbalance.

The above facts give the Commission reason to amend its initial assessment of these areas.

The further information supplied on the other areas against which the Article 93 (2) procedure was opened, namely in the departments of Eure, Doubs, Territoire de Belfort, Seine-Maritime (arrondissement of Le Havre), Sarthe, Haute-Saône and some parts of Upper Normandy (Pavilly-Duclar Bernay, Elbeuf and Louviers), did not establish that their inclusion within the PAT scheme would be compatible with the common market.

In those areas which used to be within the regional development grant scheme, an immediate withdrawal of the grants might do harm in the localities concerned which have so far continued to be eligible for grants under the new scheme. These areas should therefore be allowed a transitional period until 31 December 1985 for phasing out the grants.

The areas that were not within the regional development grant scheme should also be allowed a transitional period until 31 December 1985, to avoid discrimination between different areas to be removed from

the PAT scheme, especially where they are situated in the same department.

After this date, regional planning grants will no longer be permitted in these areas, save by special decision under Article 9 of the Decree. The French Government may, however, at any time submit evidence of a change in the social and economic situation in any of these areas.

The French Government has assured the Commission that the power to award regional planning grants outside the designated areas or to raise the maximum rate to 25 % in 17 % areas will be exercised very sparingly and in the latter case only with regard to highly labour-intensive projects. The Government has undertaken to make a survey of the frequency and amount of such exceptional awards under the old PDR scheme and the new PAT scheme and to let the Commission have the results.

In these circumstances the Commission can agree to the continued use of the Article 9 powers to award regional planning grants outside designated areas until 31 December 1986, on condition that any project involving investment of 4,5 million ECU or over, or to be awarded a grant at a nominal rate of 15 % or over, is notified for prior authorization; however, no further exceptions of this kind will be permitted after that date. The raising of the maximum rate to 25 % in 17 % areas can be permitted indefinitely on condition that projects involving investment of over two million ECU, or to be awarded a grant of over FF 35 000 per job, are notified for prior authorization.

In areas belonging to the 'central' regions of the Community for the purposes of Section IV of the principles of coordination of regional aid schemes⁽¹⁾, which are eligible for the higher maximum rate of regional planning grant of 25 % of investment costs, there is a clear danger that the grants, by themselves or in combination with tax concessions, could exceed the Community ceilings for aid in such areas. In its letter of 2 July 1982, the French Government promised to make arrangements similar to those which were in force previously to ensure that the ceilings were observed. However, the Commission has not been given any further details and the French Government has been unable to confirm that the arrangements that were in force in 1981 have been continued.

⁽¹⁾ OJ No C 31, 3. 2. 1979, p. 9.

In order to be able to keep the regional planning grants scheme under review as required by Article 93 (1) of the Treaty, the Commission must be supplied with an annual report on the operation of the scheme and details of individual awards for the purpose of making spot checks.

The Commission has introduced special rules on aid to particular industries including that granted under regional aid schemes,

HAS ADOPTED THIS DECISION :

Article 1

The award of regional planning grants (Primes d'aménagement du territoire) for industrial investment in the French departments of Doubs (cantons of Andeux, Etupes and Hérimoncourt), Eure (cantons of Bernay and Louviers and at Pont-Audemer), Territoire de Belfort (cantons of Beaucourt, Delle, Grandvillars, Rougement, Giromagny, Fontaine and Chatenois les Forges), Seine-Maritime (cantons of Pavilly-Duclair and Elbeuf and arrondissement of Le Havre), Sarthe (arrondissements of La Flèche and Le Mans) and Haute-Saône (arrondissement of Vésoul) is incompatible with the common market under Article 92 of the EEC Treaty.

Such grants may, however, continue to be awarded in these areas until 31 December 1985.

Article 2

The award of regional planning grants for industrial investment in the other designated areas of French metropolitan departments listed in the French Government's notification to the Commission is considered to be compatible with the common market under Article 92 (3) of the EEC Treaty.

Article 3

The award of regional planning grants for industrial investment under Article 9 (4) of Decree 82-379 on the regional planning grant scheme is considered to be compatible with the common market under Article 92 (3) of the EEC Treaty until 31 December 1986, on condition that the prior authorization of the Commission is obtained following notification for any project involving investment of 4,5 million ECU or over or to be awarded a grant at a nominal rate of 15 % or over.

The award of regional planning grants for industrial investment in designated areas eligible for a maximum rate of grant of 17 % at a higher rate than 17 % under Article 9 of Decree 82-379 is considered to be compatible with the common market under Article 92 of the EEC Treaty, on condition that the prior authoriza-

tion of the Commission is obtained following notification for any project involving investment of over two million ECU or to be awarded a grant of over FF 35 000 per job created.

Article 4

France shall make the necessary administrative arrangements to ensure that the Community aid ceilings laid down in the principles of coordination of regional aid schemes are observed in the award of regional planning grants either alone or together with other regional aid. It shall inform the Commission of the arrangements made within two months of the date of notification of this Decision.

Article 5

France shall inform the Commission of the arrangements it has made to comply with Article 1 not later than 31 October 1985.

Article 6

France shall supply the Commission, before the end of June of each year, with a report stating the amount of regional planning grants awarded in and outside designated areas, the amount of aided investment, the number of jobs associated with the aided investment and the number of awards, broken down by level III regions of the Statistical Office of the European Communities 'Nomenclature of Territorial Statistical Units' and by two-digit subdivisions of the Statistical Office of the European Communities' *General Classification of Economic Activities within the European Communities*.

In addition, France shall provide the Commission, on request, with details of individual awards for the purpose of making spot checks.

Article 7

This Decision is without prejudice to compliance with present or future special rules applicable to the award of regional planning grants for tertiary or research activities or with present or future special rules on aid to particular industries.

Article 8

This Decision is addressed to the French Republic.

Done at Brussels, 10 October 1984.

For the Commission

Frans ANDRIESEN

Member of the Commission

COMMISSION DECISION

of 29 October 1984

concerning an application for refund of anti-dumping duties collected on certain imports of cotton yarn from Turkey

(Only the German text is authentic)

(85/19/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. Procedure

- (1) On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey; on 3 April 1982, by Council Regulation (EEC) No 789/82⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982, pursuant to Regulation (EEC) No 3453/81, were definitively collected up to the amount of the definitive duty.
- (2) Following an arrangement entered into between the Commission on the one hand and the Turkish Government and the Turkish Textile Exporters Association on the other, the definitive duty was partly repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾ on 21 August 1982. Under the terms of the abovementioned arrangement, the Turkish authorities and exporters introduced a system of minimum prices for exports of cotton yarn to the Community which eliminated the dumping margin as finally established. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but not yet released into free circulation.
- (3) On 24 March and 28 April 1982, Continentale Produkten Gesellschaft Erhardt-Renken, GmbH & Co., Hamburg, an importer of cotton yarn from

Turkey, applied to the German authorities for a refund of the amount of DM 676 782,57 which it had definitively paid in anti-dumping duties on its imports of cotton yarn from Turkey. The German authorities forwarded the application to the Commission.

- (4) Following the submission by the applicant of further supporting evidence, the claim was examined by the Commission. The applicant was informed of the preliminary results of this examination and given an opportunity to comment on it. The comments made were taken into consideration prior to this Decision.
- (5) The Commission informed the Member States and gave its opinion on the matter. One Member State disagreed with this opinion and Member States were therefore consulted prior to this Decision.

B. Arguments of the applicant

- (6) The applicant has based its claim on the allegation that his Turkish suppliers' normal values were lower than those definitively determined in Council Regulation (EEC) No 789/82. In support of this claim, the applicant presented statements from its Turkish suppliers on their alleged normal values which were not, however, substantiated by any evidence. It argued that the Commission was obliged to investigate these allegations, if necessary, by visits to the premises of its Turkish suppliers.

C. Admissibility

- (7) The application is admissible since it was introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular, the time limits.

D. Merits of the claim

- (8) However, the application is only justified for part of the sum claimed. In arriving at this conclusion the Commission has rejected the applicant's arguments that the refund calculations in this case

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.

⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.

should be based on normal values calculated on a basis different from the normal values definitively determined in Regulation (EEC) No 789/82, i.e. constructed value established at a certain number of representative firms in Turkey. This is for the following reasons.

- (9) At the outset of the anti-dumping investigation, carried out prior to the imposition of the definitive duty, the Commission contacted more than 50 Turkish producers and requested that they submit detailed evidence on their prices and costs. They were also informed that this evidence might have to be verified by visits to their premises in Turkey.
- (10) Individual exporters failed to reply to this request for detailed information but the Turkish Textile Exporters' Association acting on behalf of all Turkish exporters, including the suppliers of the applicant, provided evidence of Turkish domestic and export prices which, they stated, was representative of all Turkish exporters. They also proposed that this information could be verified at the premises of some of the larger Turkish exporters.
- (11) Given that the Community's anti-dumping legislation provides expressly for normal values to be established by reference to representative or weighted average prices, and after consultations with the Association on the representative nature of some of the larger exporters, it was agreed that the three largest exporters to the Community could be chosen for this purpose. Being the three largest exporters to the Community, these firms could be expected to fairly reflect, or even to have production costs slightly lower than, the average production costs in Turkey. In addition, these firms included both public and private firms and represented the three major growing areas in Turkey.
- (12) The Commission's acceptance of the Turkish Textile Exporters' Association's proposal was further justified during its anti-dumping investigation as it was established that the largest single element (approximately 60 %) in the costs of production of all Turkish exporters, the cost of the raw cotton, was practically the same within each growing area because of Government-imposed seed cotton support prices.
- (13) Therefore, it was on the above basis that the Commission calculated the provisional duty imposed by Regulation (EEC) No 3453/81, which was later made definitive by Regulation (EEC) No 789/82.
- (14) To now use individual normal values for the purposes of this refund claim would have the result of seriously undermining *ex post facto* the representativeness of the normal values used in imposing the abovementioned duty since importers with suppliers having normal values below the representative level would be likely to be eligible for a refund of the duty whilst no account could be taken of the fact that, if the representative method had not been used, higher anti-dumping duties would have been collected from those importers with suppliers having normal values above the representative level. In addition, the Commission considers that all of the members of the Turkish Textile Exporters' Association are bound by their Association's assurances, given to the Commission on their behalf, that the firms investigated were representative of all Turkish exporters.
- (15) The Commission, in any event, noted that the applicant did not provide any evidence to substantiate its allegations that its Turkish suppliers' costs were, in fact, lower than those established by the Commission during its anti-dumping investigation. The applicant also failed to comment on doubts expressed by the Commission on the information given by it on its suppliers' costs, in particular with regard to their raw cotton costs, which allegedly were approximately 20 % below those used by the Commission during its investigation; these costs used by the Commission were provided by the Turkish exporters which had informed the Commission that Turkish raw cotton prices did not vary from purchaser to purchaser because of Government-imposed seed cotton support prices.
- (16) The Commission has not considered it necessary for the purposes of examining this refund claim to update the normal values on which the definitive duty was based. This is because the imports in question took place during or shortly after the end of the period of investigation which the

Commission used to calculate the normal values appropriate for the imposition of that duty. Furthermore, the fact that these same normal values were used in the abovementioned (paragraph 2) arrangement which was signed after these imports were made, underlines the validity of using these same normal values in the context of this refund claim.

- (17) Therefore, the Commission has decided that the normal values to be used for the purposes of this refund claim should be equivalent to those definitively determined in Regulation (EEC) No 789/82.

E. Amount of refund

- (18) The amount to be refunded should be equal to the amount by which the duty collected exceeded the difference between the above normal values referred to in paragraph 17 above and the applicant's export prices,

HAS ADOPTED THIS DECISION :

Article 1

The refund claim submitted by Continentale Produkten Gesellschaft Erhardt-Renken, GmbH & Co.,

Hamburg on 24 March and 28 April 1982 is granted for DM 1 638,01. It is rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by the authorities of the Federal Republic of Germany.

Article 3

This Decision is addressed to the Federal Republic of Germany and Continentale Produkten Gesellschaft Erhardt-Renken GmbH & Co., Hamburg.

Done at Brussels, 29 October 1984.

For the Commission

Wilhelm HAFERKAMP

Vice-President

COMMISSION DECISION

of 4 December 1984

changing the import arrangements established by Council Regulation (EEC) No 3420/83 and applied in the Benelux countries, in Denmark and in the United Kingdom in respect of Romania regarding various industrial products

(Only, the Danish, Dutch, English and French texts are authentic)

(85/20/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level⁽¹⁾, and in particular Article 9 (1) thereof,

Whereas Council Regulation (EEC) No 3420/83 established the list of products originating in State-trading countries whose release for free circulation in the Member States is subject to quantitative restrictions;

Whereas the Joint Committee established by the Agreement between the European Economic Community and the Socialist Republic of Romania of 28 July 1980 on trade in industrial products⁽²⁾ met in Bucharest on 8 and 9 November 1984; whereas upon completion of its work it recommended, among other measures, the abolition of quantitative restrictions on the release for free circulation in certain Member States of products originating in Romania;

Whereas, pursuant to Article 7 (1) of Regulation (EEC) No 3420/83, the Governments of the Benelux countries, Denmark and the United Kingdom have informed the other Member States and the Commission that they consider that the import arrangements applied in the Benelux countries, Denmark and the United Kingdom in respect of imports of various industrial products from Romania should be amended in accordance with that Regulation;

Whereas, following the examination of different aspects of the measures recommended by the Joint

Committee, action should be taken thereon, account being taken in particular of Article 3 (1) of the Agreement between the European Economic Community and the Socialist Republic of Romania on trade in industrial products,

HAS ADOPTED THIS DECISION:

Article 1

The quantitative restrictions on the release for free circulation in the Member States specified in the Annex, of the goods therein indicated originating in Romania, are hereby abolished.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Denmark and the United Kingdom of Great Britain and Northern Ireland.

Article 3

This Decision shall apply from 1 January 1985.

Done at Brussels, 4 December 1984.

For the Commission

Wilhelm HAFERKAMP

Vice-President⁽¹⁾ OJ No L 346, 8. 12. 1983, p. 6.⁽²⁾ OJ No L 352, 29. 12. 1980, p. 5.

ANNEX

Member State	CCT heading No	NIMEXE code (1984)	Products
Benelux	85.09 ex A	85.09-01	Sets comprising a dynamo and a headlamp } Dynamos } Lights } for bicycles
		05 ex 09	
Denmark	73.17	73.17-10 80	} Tubes and pipes, of cast iron
United Kingdom	62.03 A II a) b) c)	62.03-13	} Sacks and bags, of a kind used for the packing of goods, of jute or other textile bast fibres of heading No 57.03, other than used
		62.03-15	
		62.03-17	
	64.02 ex B	64.02-61	Footwear for sports and gymnastics

COMMUNITY LAW

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

The text has in no way been modified: references to 'this Report' should therefore be construed as references to the Seventeenth General Report. Nor has the text been brought up to date since that Report was published.

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