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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2647/82**of 1 October 1982****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 1451/82⁽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 2118/82⁽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,

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

Whereas these exchange rates being those recorded on 30 September 1982;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2118/82 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 2 October 1982.

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, 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 223, 31. 7. 1982, p. 44.

ANNEX

to the Commission Regulation of 1 October 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	119.75
10.01 B II	Durum wheat	158.18 ⁽¹⁾ ⁽²⁾
10.02	Rye	93.28 ⁽⁶⁾
10.03	Barley	107.96
10.04	Oats	76.97
10.05 B	Maize, other than hybrid maize for sowing	114.42 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	12.68 ⁽⁴⁾
10.07 C	Grain sorghum	106.41 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	181.17
11.01 B	Rye flour	144.14
11.02 A I a)	Durum wheat groats and meal	258.34
11.02 A I b)	Common wheat groats and meal	195.08

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 2648/82**of 1 October 1982****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82⁽²⁾, and in particular
Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2119/82⁽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,

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

Whereas these exchange rates being those recorded on
30 September 1982;

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 2 October
1982.

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, 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 223, 31. 7. 1982, p. 47.

ANNEX

to the Commission Regulation of 1 October 1982 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 10	1st period 11	2nd period 12	3rd period 1
10.01 B I	Common wheat, and meslin	0	0	0	0
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	0.81	0.81	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

**COMMISSION REGULATION (EEC) No 2649/82
of 1 October 1982**

**amending Regulation (EEC) No 507/82 continuing the measures referred to in
Regulation (EEC) No 1993/78 on measures to promote sales outside the
Community of milk products of Community origin**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1079/77 of 17 May 1977 on a co-responsibility levy
and on measures for expanding the markets in milk
and milk products ⁽¹⁾, as last amended by Regulation
(EEC) No 1189/82 ⁽²⁾, and in particular Article 4
thereof,

Whereas in the course of implementing the measures
pursuant to Commission Regulation (EEC) No
507/82 ⁽³⁾, as last amended by Regulation (EEC) No
2467/82 ⁽⁴⁾, it has become apparent that, in order to
ensure the effectiveness of the measures in question
outside the Community, the name of the country or
region of origin should in some cases be mentioned;
whereas, accordingly, the provisions in question
should be amended;

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 paragraph 4 is hereby added to Article 2
of Regulation (EEC) No 507/82:

'4. The Commission may, however, on the basis
of a duly justified request, derogate from the provi-
sions of the fourth indent of paragraph 1 (c),
provided that the promotional measures concerned
clearly highlight the Community origin of the
milk products in question.'

Article 2

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

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.
⁽²⁾ OJ No L 140, 20. 5. 1982, p. 8.
⁽³⁾ OJ No L 61, 4. 3. 1982, p. 15.
⁽⁴⁾ OJ No L 263, 11. 9. 1982, p. 10.

COMMISSION REGULATION (EEC) No 2650/82

of 1 October 1982

amending for the third time Regulation (EEC) No 1978/80 laying down detailed rules for the application of the special measures for soya beans harvested in 1980

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1614/79 of 24 July 1979 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 1984/82 ⁽²⁾, and in particular Article 2 (6), the third paragraph of Article 3 and Article 4 thereof,

Whereas Council Regulation (EEC) No 2549/82 ⁽³⁾ extended for one year the period of application of the general rules on aid for soya beans laid down in Regulation (EEC) No 1724/80 ⁽⁴⁾ and made certain amendments thereto; whereas it is necessary to adjust the detailed rules governing this aid which are laid down in Commission Regulation (EEC) No 1978/80 ⁽⁵⁾, as last amended by Regulation (EEC) No 2135/81 ⁽⁶⁾;

Whereas the most representative period for the sale of Community soya beans should be fixed for the 1982/83 marketing year; whereas, given the anticipated sales pattern, the period 1 October 1982 to 31 March 1983 may be considered the most representative;

Whereas, given the special circumstances of soya bean production in the French overseas departments, it is necessary to fix a second period which may be considered as the most representative for the sale of soya beans harvested in these departments;

Whereas the last subparagraph of Article 2 of Regulation (EEC) No 1724/80 provides that the aid may be advanced on condition that an adequate guarantee has been provided; whereas, therefore, it is necessary to lay down the rules governing such guarantees and to define the circumstances in which all or part of the guarantee will be forfeit;

Whereas, notwithstanding the arrangements for the rest of the Community, Article 2a of Regulation (EEC) No 1614/79 provides that, in the case of the French

overseas departments, the aid should be granted to producers in respect of a level of production established by applying a representative yield to the areas on which soya beans have been sown and harvested; whereas, therefore, certain detailed rules should be laid down for implementing these new arrangements;

Whereas, to facilitate proper management of the aid arrangements in the departments in question, it is necessary that France should communicate to the Commission certain data concerning the aid;

Whereas Article 2 (b) of Regulation (EEC) No 1724/80 provides that a date should be fixed by which the contract between the first purchaser and the producer must have been lodged with the competent agency in the Member State where the soya beans will be harvested;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1978/80 is hereby amended as follows:

1. The title is replaced by the following: 'Commission Regulation (EEC) No 1978/80 of 25 July 1980 laying down detailed rules for the application of the special measures for soya beans'.
2. Article 1 is replaced by the following:

Article 1

The most representative period for sales of Community soya beans, as referred to in Article 3 of Regulation (EEC) No 1614/79, shall run from 1 October 1982 to 31 March 1983 and, in the case of the French overseas departments, from 16 August to 31 August 1983.

3. Article 2 (1) is replaced by the following:

'1. During the period 1 October 1982 to 31 March 1983, the world market price for soya beans shall be determined twice a month. The world market price shall also be determined for the period 16 to 31 August 1983.'

⁽¹⁾ OJ No L 190, 28. 7. 1979, p. 8.

⁽²⁾ OJ No L 215, 23. 7. 1982, p. 7.

⁽³⁾ OJ No L 273, 23. 9. 1982, p. 1.

⁽⁴⁾ OJ No L 170, 3. 7. 1980, p. 1.

⁽⁵⁾ OJ No L 192, 26. 7. 1980, p. 25.

⁽⁶⁾ OJ No L 209, 29. 7. 1981, p. 12.

4. Article 5 is replaced by the following :

'Article 5

1. Contracts, as referred to in subparagraph (b) of Article 2 of Regulation (EEC) No 1724/80, shall be concluded in writing. Contracts must be lodged before 20 October 1982 with the competent body in the Member State where the beans will be harvested.

2. Contracts shall provide at least the following information :

- (a) the name, forenames, addresses and signatures of the contracting parties ;
- (b) the date of signature ;
- (c) the area, in hectares and ares, from which the product covered by the contract is to be harvested ;
- (d) the price to be paid to the producer per unit of weight ;
- (e) the particulars necessary for the identification of the area in question ;
- (f) an undertaking on the part of the producer to deliver, and on the part of the first purchaser to take delivery of, all the beans of sound and fair merchantable quality to be harvested from the abovementioned area.'

5. Article 9 is replaced by the following :

'Article 9

1. After carrying out all the necessary checks, the competent agency of the producing Member State shall pay the aid.

2. However, the aid shall be advanced on application to any first purchaser once he has presented the declaration of delivery, provided that the application is accompanied by a security equal to the aid itself.

3. The security shall take the form of a guarantee given by an establishment meeting the requirements set by the Member State with which the application for aid has been lodged.

4. The security shall be released once the competent authority in the Member State has recognized the applicant's entitlement to aid in respect of the quantities specified in the application. Where entitlement to aid is not recognized in respect of all or some of the quantities specified in the application, the security shall be forfeit in proportion to the quantities in respect of which the conditions for entitlement to the aid have not been fulfilled.

5. The quantity of soya beans for which there is entitlement to aid shall be calculated by the method set out in Annex B.'

6. Article 11 is replaced by the following :

'Article 11

Where the aid application referred to in Article 3 of Regulation (EEC) No 1724/80 is submitted before 1 October 1982, the aid shall be paid at the rate applicable on 1 October 1982.'

7. Article 12 (2) is replaced by the following :

'2. The producer Member States shall inform the Commission :

- (a) by 31 October 1982, of the number of contracts lodged and the total area specified therein ;
- (b) by 30 April 1983, of the quantities in respect of which aid has been applied for ;
- (c) by 30 November 1983, of the quantities in respect of which aid has been granted.'

8. The following Article 11a is inserted :

'Article 11a

1. The aid to be granted for soya beans harvested in the French overseas departments shall be :

- during the first six months of 1983, that applicable with effect from 16 March 1983,
- during the last six months of 1983, that applicable with effect from 16 August 1983.

2. All producers of soya beans in the French overseas departments shall lodge with the competent authorities, for each harvest and by dates to be set by France, declarations stating the area under soya and the crops harvested.

3. France shall notify the Commission of the soya bean yields recorded in the various overseas departments, differentiated according to the method of cultivation used, before 15 May and 15 October 1983.'

9. The following paragraph is added to Article 12 :

'4. France shall notify the Commission, by 31 December 1982 and 31 May 1983 at the latest, of the total area covered by soya producers' declarations in the French overseas departments.'

10. The second paragraph of Article 14 is replaced by the following :

'It shall apply to soya beans harvested in 1980/81, 1981/82 and 1982/83.

However, Article 11a shall apply only to soya beans harvested in 1982/83.'

11. Annex A is hereby replaced by the following :

Article 2

ANNEX A

Coefficients of equivalence for soya beans

<i>(ECU/100 kg)</i>		
	Amount to be deducted from the price	Amount to be added to the price
Soya beans from the USA	0.501	—

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

It shall apply with effect from 1 October 1982.

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSGER

Member of the Commission

**COMMISSION REGULATION (EEC) No 2651/82
of 1 October 1982**

**amending Regulation (EEC) No 318/82 fixing, for certain products processed
from fruit and vegetables, the export refunds provided for in Article 6 of
Regulation (EEC) No 516/77**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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 veg-
etables⁽¹⁾, as last amended by Regulation (EEC) No
1118/81⁽²⁾, and in particular the third subparagraph of
Article 6 (2) thereof,

Whereas Commission Regulation (EEC) No 318/82 of
10 February 1982⁽³⁾, as last amended by Regulation
(EEC) No 2179/82⁽⁴⁾, fixed export refunds for certain
products processed from fruit and vegetables; whereas
the Regulation provided, with effect from 1 October
1982, for a different amount in the case of common
hazelnuts, fruit of *Corylus avellana*, with the exception
of mixtures, falling within Common Customs Tariff
subheading ex 20.06 A;

Whereas Regulation (EEC) No 519/77⁽⁵⁾ lays down
general rules for granting export refunds on products
processed from fruit and vegetables and criteria for
fixing the amount of such refunds; whereas under the

said rules the same amount of 30 ECU per 100 kilo-
grams should continue to apply from 1 October 1982
to common hazelnuts, fruit of *Corylus avellana*, with
the exception of mixtures; whereas, accordingly, foot-
note⁽²⁾ to Regulation (EEC) No 318/82 should be
deleted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Footnote⁽²⁾ to the Annex to Regulation (EEC) No
318/82 is hereby deleted.

Article 2

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

It shall apply with effect from 1 October 1982.

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 10.

⁽³⁾ OJ No L 39, 11. 2. 1982, p. 14.

⁽⁴⁾ OJ No L 231, 6. 8. 1982, p. 10.

⁽⁵⁾ OJ No L 73, 21. 3. 1977, p. 24.

**COMMISSION REGULATION (EEC) No 2652/82
of 1 October 1982**

**extending the period of sale at a price fixed in advance of dried grapes held by
Greek storage agencies**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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 veg-
etables ⁽¹⁾, as last amended by Regulation (EEC) No
1118/81 ⁽²⁾,

Having regard to Council Regulation (EEC) No
2194/81 of 27 July 1981 laying down the general rules
for the system of production aid for dried figs and
dried grapes ⁽³⁾, and in particular Article 6 (2) thereof,

Whereas sales at a price fixed in advance carried out
up to 30 September 1982 on the basis of Regulation
(EEC) No 3574/81 ⁽⁴⁾ have reached a low level
compared with the total quantity put up for sale under
that Regulation; whereas the period during which
Greek storage agencies may undertake sales at a price

fixed in advance, under the conditions laid down in
the said Regulation, should be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The date '30 September 1982' in Article 1 (1) of Regu-
lation (EEC) No 3574/81 is hereby replaced by '15
October 1982'.

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, 1 October 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 10.

⁽³⁾ OJ No L 214, 1. 8. 1981, p. 1.

⁽⁴⁾ OJ No L 357, 12. 12. 1981, p. 18.

COMMISSION REGULATION (EEC) No 2653/82
of 1 October 1982
fixing the aid for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1614/79 of 24 July 1979 laying down special measures in respect of soya beans⁽¹⁾, as amended by Regulation (EEC) No 1984/82⁽²⁾, and in particular Article 2 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 2 (1) of Regulation (EEC) No 1614/79, aid is to be granted for soya beans harvested within the Community where the guide price for a marketing year exceeds the world price; whereas the said aid is to be equal to the difference between those two prices;

Whereas the guide price for soya beans for the 1982/83 marketing year was fixed by Council Regulation (EEC) No 1420/82 of 18 May 1982⁽³⁾;

Whereas, pursuant to Council Regulation (EEC) No 1724/80 of 30 June 1980 adopting general rules concerning special measures for soya beans harvested in 1980⁽⁴⁾, as last amended by Regulation (EEC) No 2549/82⁽⁵⁾, the world price for soya beans is to be determined on the basis of the most favourable actual purchasing possibility, with the exception of offers and prices which may not be considered as representative of the actual market trend; whereas account is to be taken only of offers made on the world market for deliveries to be made during the post representative period for the disposal of Community beans, and of the prices quoted for deliveries to be made during the same period on exchanges which are important in terms of international trade;

Whereas, pursuant to Commission Regulation (EEC) No 1978/80 of 25 July 1980 laying down detailed rules for the application of the special measures for soya beans⁽⁶⁾, as last amended by Regulation (EEC) No 2650/82⁽⁷⁾, the world market price is to be fixed per 100 kilograms and calculated on the basis of the most

favourable offers and quotations for delivery within 30 days following the date when the said offers and quotations were recorded;

Whereas, where the offers and quotations do not comply with the said conditions, the necessary adjustments must be carried out, particularly those referred to in Article 3 of Regulation (EEC) No 1978/80;

Whereas, if the said system is to operate normally, aid 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,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies for a given period in relation to the Community currencies referred to in the previous indent;

Whereas the most representative period for marketing Community soya beans, referred to in Article 3 of Regulation (EEC) No 1614/79, extends from 1 October 1982 to 31 March 1983;

Whereas, during that period, the Commission is to fix the aid so that its application may be assured as from the first and sixteenth days of each month;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that the subsidy on soya beans should be as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 2 of Regulation (EEC) No 1614/79 is hereby fixed at 30.207 ECU per 100 kilograms.

Article 2

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

It shall apply with effect from 1 October 1982.

⁽¹⁾ OJ No L 190, 28. 7. 1979, p. 8.

⁽²⁾ OJ No L 215, 23. 7. 1982, p. 7.

⁽³⁾ OJ No L 162, 12. 6. 1982, p. 16.

⁽⁴⁾ OJ No L 170, 3. 7. 1980, p. 1.

⁽⁵⁾ OJ No L 273, 23. 9. 1982, p. 1.

⁽⁶⁾ OJ No L 192, 26. 7. 1980, p. 25.

⁽⁷⁾ See page 6 of this Official Journal.

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2654/82**of 1 October 1982****amending Regulation (EEC) No 427/81 authorizing Greece to suspend the entire
customs duties applicable on imports of beef and veal products**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Greece, and
in particular Article 64 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 427/81 ⁽¹⁾,
as amended by Regulation (EEC) No 2327/82 ⁽²⁾,
authorized Greece to suspend the entire customs
duties applicable on beef and veal products from other
Member States until 30 September 1982; whereas the
situation on the beef and veal market in Greece is still
one of heavy demand and high prices; whereas, in
consequence, the authorization which was initially

limited to 30 September 1982 should be extended
until 31 October 1982;

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 Article 1 of Regulation (EEC) No 427/81, '30
September 1982' is hereby replaced by '31 October
1982'.

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, 1 October 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 47, 20. 2. 1981, p. 20.

⁽²⁾ OJ No L 250, 26. 8. 1982, p. 12.

COMMISSION REGULATION (EEC) No 2655/82

of 1 October 1982

laying down rules for implementing the import arrangements for 1982 for products falling within subheading 07.06 A of the Common Customs Tariff originating in third countries other than Thailand and amending Regulation (EEC) No 950/68 on the Common Customs Tariff

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 1451/82⁽²⁾, and in particular Article 12 (2) thereof,

Having regard to Council Regulation (EEC) No 2646/82 of 30 September 1982 on the import system applicable in 1982 to products falling within subheading 07.06 A of the Common Customs Tariff⁽³⁾, and in particular Article 2 thereof,

Whereas it is laid down in Regulation (EEC) No 2646/82 that for 1982 the levy on imports of certain quantities of products falling within subheading 07.06 A of the Common Customs Tariff originating in third countries other than Thailand shall not exceed 6 % *ad valorem*;

Whereas certain quantities of products have already been imported in 1982 subject to a levy of not more than 6 %; whereas the issue of import licences conferring the right to effect imports attracting a levy of not more than 6 % *ad valorem* should be made subject to special rules in order to allow correct application of the provisions of Regulation (EEC) No 2646/82, with the particular aim of ensuring that the quantities laid down are not exceeded; whereas, moreover, the correct application thereof calls for certain derogations from Commission Regulation (EEC) No 3183/80⁽⁴⁾, as last amended by Regulation (EEC) No 49/82⁽⁵⁾;

Whereas, in the light of the special situation of holders of import licences issued prior to the entry into force of Regulation (EEC) No 2646/82, such holders should be entitled to request the cancellation of the licences in question and the return of the security; whereas the status of goods afloat should be defined;

Whereas, for the proper application of Regulation (EEC) No 2646/82, the necessary amendments should be made to the Common Customs Tariff;

Whereas the Management Committee for Cereals has not delivered an opinion within the period specified by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The arrangements provided for in Article 1 of Regulation (EEC) No 2646/82 shall apply to products falling within subheading 07.06 A of the Common Customs Tariff originating in third countries other than Thailand and imported under cover of import licences issued in accordance with the provisions of this Regulation.

Article 2

1. Applications for import licences may be lodged with the competent authorities of the Member States on the following dates only:

- 1, 4 and 5 October 1982,
- 15, 16, 17 and 18 November 1982.

Member States shall notify the Commission by telex of the importer's name, the quantities applied for and their origin not later than 7 October and 19 November 1982 in the case of applications lodged in October and November respectively.

2. Not later than 13 October and 23 November 1982, for applications lodged in October and November respectively, the Commission shall lay down proportionally by country or group of countries referred to in Article 1 (a) of Regulation (EEC) No 2646/82, the quantities for which licences shall be issued.

Article 3

1. The quantities for which licences are issued in respect of applications lodged on 1, 4 and 5 October may not exceed 60 % of the quantities remaining.

2. The quantities for which licences are issued in respect of applications lodged on 15, 16, 17 and 18 November may not exceed the total quantities remaining.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 279, 1. 10. 1982, p. 81.

⁽⁴⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁵⁾ OJ No L 7, 12. 1. 1982, p. 7.

3. For the purposes of paragraph 1, 'quantities remaining' shall be taken to mean the difference between the quantities indicated in the first, second and third indents of Article 1 (a) of Regulation (EEC) No 2646/82 and those placed in free circulation in the Community in the first seven months of 1982 plus 20 % in respect of each third country or corresponding group of third countries.

4. For the purposes of paragraph 2, 'quantities remaining' shall be taken to mean the difference between the quantities indicated in the first, second and third indents of Article 1 (a) of Regulation (EEC) No 2646/82 and those placed in free circulation in the Community in the first nine months of 1982 plus the quantities in respect of which import licences have been issued by the Commission in October 1982 for each third country or corresponding group of third countries.

5. For the purposes of the application of this Article, Member States shall communicate before 10 November 1982 in particular the quantities of products broken down by third country of origin referred to in Article 1, placed in free circulation in the first nine months of 1982.

6. Licences issued prior to the date of application of this Regulation shall be cancelled and the security released, provided that the interested parties submit a request to that effect within 30 days following the date of application of this Regulation.

If evidence is submitted that the quantities for which the cancelled licences were issued were afloat on 1 October 1982 the interested parties may, if they so request before 9 October 1982, be given priority:

- in proportion to the remaining quantities still available referred to in paragraphs 3 and 4, Article 4 (2) not being applicable in this case,
- when import licences are issued in respect of the quantities in excess, such licences being valid in 1982 but counting, on a priority basis, against the quotas for 1983.

Section 20 (a) of the import licences in question shall contain one of the following forms of wording:

- Importafgift: 6 % af værdien; sikkerhedsstillelse: svarende til differencen mellem den fulde afgift og beløbet på 6 % af værdien.
- Zu erhebende Abschöpfung 6 % des Zollwerts; die bei der Verbringung in den freien Verkehr zu stellende Kautions entspricht der Differenz zwischen der vollständigen Abschöpfung und dem Betrag in Höhe von 6 % des Zollwerts.
- 'Είσφορά πού πρέπει νά λαμβάνεται: 6 % κατ' άξίαν· ασφάλεια πρὸς σύσταση κατὰ τή θέση

σέ ἐλεύθερη ἐφαρμογή πού ἀντιστοιχεί στή διαφορά μεταξύ τῆς πλήρους εἰσφοράς καί τοῦ ποσοῦ 6 % κατ' άξίαν',

- Amount to be levied: 6 % *ad valorem*; security to be lodged: difference between the full levy and that of 6 % *ad valorem*.
- Prélèvement à percevoir 6 % *ad valorem*; caution à constituer lors de la mise en libre pratique, correspondant à la différence entre le prélèvement plein et le montant de 6 % *ad valorem*.
- Prelievo da riscuotere, 6 % *ad valorem*; cauzione da costituire all'atto dell'immissione in libera pratica corrispondente alla differenza tra il prelievo intero e l'importo di 6 % *ad valorem*.
- Toe te passen heffing: 6 % *ad valorem*; de te stellen waarborg komt overeen met het verschil tussen de volledige heffing en het bedrag van 6 % *ad valorem*.

The detailed rules for the release of the security shall be laid down at a later stage.

7. Import licences shall not be valid after 31 December 1982.

Article 4

1. By way of derogation from Article 12 (1) of Commission Regulation (EEC) No 2042/75⁽¹⁾, the security relating to import licences under this Regulation, other than those provided for in the second indent of the second subparagraph of Article 3 (6), shall be 15 ECU per tonne.

If, under Article 2 (2), a licence is issued for a quantity smaller than that applied for, the security in respect of the difference shall be released.

2. Applications for licences lodged by an interested party:

- may not relate to an overall quantity exceeding 10 % of the quantity remaining for each of the countries or groups of countries referred to in the first, second and third indents of Article 1 (a) of Regulation (EEC) No 2646/82,
- must be lodged with the competent authority of the Member State where the interested party is established.

If applications exceed the quantities referred to in the first indent they shall be reduced to that quantity, to which the provisions of the second paragraph of Article 2 shall apply.

⁽¹⁾ OJ No L 213, 11. 8. 1975, p. 5.

Article 5

The Annex headed 'Common Customs Tariff' to Regulation (EEC) No 950/68 is hereby amended as follows:

1. In column 4, opposite subheadings 07.06 A I and II, '6' shall be replaced by '(c)'.
2. The following footnote shall be added:
'(c) In certain conditions the duty is limited to 6 %.'

Article 6

1. Applications for an import licence and the licence itself shall contain, in section 14, the name of the third country in which the product in question originates.

The licence shall make importation from that country compulsory.

2. Licences, other than those referred to in the second indent of the second subparagraph of Article 3 (6) shall contain, in section 20 (a), one of the following indications:

- gælder for (mængde i tal og i bogstaver)
- importafgiften begrænses til 6 % af værdien (jf. forordning, (EØF) nr. 2655/82),
- gültig für ... (Menge in Zahlen und Worten)
- Beschränkung der Abschöpfung auf 6 % des Zollwerts (Anwendung der Verordnung (EWG) Nr. 2655/82),

- ισχύει για ... (ποσότητα ολογράφως και αριθμητικώς)
- εισφορά μόνο 6 % κατ' αξίαν (εφαρμογή του κανονισμού (ΕΟΚ) αριθ. 2655/82)
- Valid for (quantity, in figures and written out in full)
- levy limited to 6 % *ad valorem* (application of Regulation (EEC) No 2655/82),
- valable pour (quantité en chiffres et en lettres)
- prélèvement limité à 6 % *ad valorem* (application du règlement (CEE) n° 2655/82),
- valido per (quantitativo in cifre e in lettere)
- prelievo limitato al 6 % *ad valorem* (applicazione del regolamento (CEE) n. 2655/82),
- geldig voor (hoeveelheid in cijfers en in letters)
- heffing beperkt tot 6 % *ad valorem* (toepassing van Verordening (EEG) nr. 2655/82).

3. By way of derogation from Article 8 (4) of Regulation (EEC) No 3183/80, the quantity placed in free circulation may not exceed that indicated in sections 10 and 11 of the import licence, and the figure '0' shall be inserted accordingly in section 22 of the said licence.

Article 7

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

It shall apply from 1 October 1982.

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2656/82
of 1 October 1982
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 1716/82⁽³⁾, as last amended by Regulation (EEC) No 2600/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1716/82 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 2 October 1982.

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

Done at Brussels, 1 October 1982.

For the Commission

Poul DALSGER

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 189, 1. 7. 1982, p. 42.
⁽⁴⁾ OJ No L 277, 29. 9. 1982, p. 9.

ANNEX

to the Commission Regulation of 1 October 1982 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	43.02 38.79 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 September 1982

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 1508/82

(82/659/EEC)

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 1451/82⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the levy and/or refund for the export of common wheat was issued in Commission Regulation (EEC) No 1508/82⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁵⁾, as amended by Regulation (EEC) No 2944/78⁽⁶⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas, in fixing this maximum, the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 1508/82 is hereby fixed on the basis of the tenders submitted by 16 September 1982 at 74.00 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 September 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 268, 15. 6. 1982, p. 10.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION**of 16 September 1982****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 1509/82**

(82/660/EEC)

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 1451/82 ⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the levy and/or refund for the export of common wheat was issued in Commission Regulation (EEC) No 1509/82 ⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75 ⁽⁵⁾, as amended by Regulation (EEC) No 2944/78 ⁽⁶⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas, in fixing this maximum, the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 1509/82 is hereby fixed on the basis of the tenders submitted by 16 September 1982 at 74.00 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 168, 15. 6. 1982, p. 13.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION

of 16 September 1982

to take no action on the tenders submitted by 16 September 1982 in response to the invitation to tender for the export of barley issued in Regulation (EEC) No 1520/82

(82/661/EEC)

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 1451/82⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 2747/75 of 29 October 1975 laying down general rules to be applied in the event of the cereals market being disturbed⁽⁴⁾, as last amended by Regulation (EEC) No 2560/77⁽⁵⁾, and in particular Article 2 (1) thereof;

Whereas an invitation to tender for the levy and/or refund for the export of barley was issued in Commission Regulation (EEC) No 1520/82⁽⁶⁾;

Whereas Article 5 of Commission Regulation (EEC) No 279/75⁽⁷⁾, as amended by Regulation (EEC) No 2944/78⁽⁸⁾, and Article 5 of Commission Regulation (EEC) No 3130/73⁽⁹⁾, as amended by Regulations (EEC) No 278/75⁽¹⁰⁾ and (EEC) No 771/75⁽¹¹⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 26 of Regulation (EEC)

No 2727/75 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75 and in Article 3 (1) (b) and (d) of Regulation (EEC) No 2747/75 a maximum refund or a minimum levy should not be fixed;

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

HAS ADOPTED THIS DECISION:

Article 1

No action shall be taken on the tenders submitted by 16 September 1982 in response to the invitation to tender for the levy and/or refund for the export of barley issued in Regulation (EEC) No 1520/82.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 September 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 6. 1975, p. 82.

⁽⁵⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁶⁾ OJ No L 169, 16. 6. 1982, p. 9.

⁽⁷⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁸⁾ OJ No L 351, 15. 12. 1978, p. 16.

⁽⁹⁾ OJ No L 319, 20. 11. 1973, p. 10.

⁽¹⁰⁾ OJ No L 31, 5. 2. 1975, p. 7.

⁽¹¹⁾ OJ No L 77, 26. 3. 1975, p. 13.

COMMISSION DECISION

of 16 September 1982

fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EEC) No 1959/82, as amended by Regulation (EEC) No 2407/82

(82/662/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by the Act of Accession of Greece,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽²⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the export refund on rice was issued in Commission Regulation (EEC) No 1959/82 ⁽³⁾, as amended by Regulation (EEC) No 2407/82 ⁽⁴⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁵⁾, as amended by Regulation (EEC) No 3491/80 ⁽⁶⁾, the Commission, acting under the procedure laid down in Article 27 of Regulation (EEC) No 1418/76, may decide to fix a maximum export refund; whereas, in fixing this maximum, the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 1431/76 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on wholly milled long grain rice to be exported to certain third countries pursuant to the invitation to tender for the export of rice issued in Regulation (EEC) No 1959/82, as amended by Regulation (EEC) No 2407/82, is hereby fixed on the basis of the tenders submitted by 16 September 1982 at 201.00 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽³⁾ OJ No L 212, 21. 7. 1982, p. 36.

⁽⁴⁾ OJ No L 257, 3. 9. 1982, p. 8.

⁽⁵⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁶⁾ OJ No L 365, 31. 12. 1980, p. 15.

COMMISSION DECISION**of 17 September 1982****fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2217/82, the maximum amounts for the supply of butteroil as food aid**

(82/663/EEC)

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 1183/82 ⁽²⁾, and in particular
Article 6 (7) thereof,Whereas, pursuant to Commission Regulation (EEC)
No 2217/82 of 28 July 1982 on the delivery of various
consignments of butteroil as food aid ⁽³⁾, the interven-
tion agencies of the Member States have invited
tenders for the manufacture and the costs of delivery
as food aid of 2 900 tonnes of butteroil for certain
third countries and beneficiary organizations;Whereas, in pursuance of Article 16 of Commission
Regulation (EEC) No 303/77 of 14 February 1977
laying down general rules for the supply of skimmed-
milk powder and butteroil as food aid ⁽⁴⁾, as last
amended by Regulation (EEC) No 3474/80 ⁽⁵⁾, it is
provided that, in the light of tenders received, a
maximum amount for each lot put up for tender is to
be fixed or the tendering procedure is to be cancelled;Whereas, on the basis of the tenders received, the
maximum amounts should be those specified below;Whereas the measures provided for in this Decision
are in accordance with the opinion of the Management
Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

*Article 1*The maximum amounts to be set for the purposes of
awarding a contract pursuant to Regulation (EEC) No
2217/82 shall be fixed as follows:

- Lot A: 2 595 614 ECU (B),
- Lot F: 1 342 466 ECU (D),
- Lot G: 1 331 197 ECU (UK),
- Lot H: 910 040 ECU (UK),
- Lot K: 1 136 506 ECU (D),
- Lot L: 1 145 719 ECU (D),
- Lot M: 1 144 651 ECU (D),
- Lot N: 1 134 662 ECU (D),
- Lot O: 1 135 730 ECU (D),
- Lot P: 1 145 428 ECU (D).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 September 1982.

For the Commission

Poul DALSAER

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.⁽³⁾ OJ No L 239, 13. 8. 1982, p. 1.⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.⁽⁵⁾ OJ No L 363, 31. 12. 1980, p. 50.

COMMISSION DECISION**of 17 September 1982****fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2217/82, the maximum amounts for the supply of butteroil as food aid**

(82/664/EEC)

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 1183/82 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2217/82 of 28 July 1982 on the delivery of various consignments of butteroil as food aid ⁽³⁾, the intervention agencies of the Member States have invited tenders for the manufacture and the costs of delivery as food aid of 2 500 tonnes of butteroil for certain third countries and beneficiary organizations;

Whereas, in pursuance of Article 14 (2) of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid ⁽⁴⁾, as last amended by Regulation (EEC) No 3474/80 ⁽⁵⁾, the tender introduced for Lot E may be a part-quantity of 500 tonnes or a multiple of 500 tonnes of the whole of the lot concerned;

Whereas Article 16 of the aforementioned Regulation lays down that, on the basis of tenders received, a maximum amount shall be fixed for each lot put up for tender or it shall be decided not to proceed with the tender;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 2217/82 shall be fixed as follows:

Lot E : 2 254 742 ECU (D),
2 256 295 ECU (D),
2 254 877 ECU (D),
2 254 645 ECU (D),
2 253 653 ECU (D).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 September 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 148 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 239, 13. 8. 1982, p. 1.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁵⁾ OJ No L 363, 31. 12. 1980, p. 50.

COMMISSION DECISION**of 17 September 1982**

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2218/82, the maximum amounts for the costs of delivery of skimmed-milk powder as food aid

(82/665/EEC)

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 1183/82 ⁽²⁾, and in particular
Article 7 ⁽⁵⁾ thereof,

Whereas, pursuant to Commission Regulation (EEC)
No 2218/82 of 28 July 1982 on the delivery of various
consignments of skimmed-milk powder as food aid ⁽³⁾,
the intervention agencies of the Member States have
invited tenders for the costs of delivery as food aid of
6 350 tonnes of skimmed-milk powder for certain
third countries and beneficiary organizations;

Whereas Article 16 of Regulation (EEC) No 303/77 of
14 February 1977 laying down general rules for the
supply of skimmed-milk powder and butteroil as food
aid ⁽⁴⁾, as last amended by Regulation (EEC) No
3474/80 ⁽⁵⁾, provides that, in the light of tenders
received, a maximum amount shall be fixed for each
lot put up for tender or it shall be decided not to
proceed with the tender;

Whereas, on the basis of the tenders received, the
maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION :

Article 1

The maximum amounts to be set for the purposes of
awarding a contract pursuant to Regulation (EEC) No
2218/82 shall be fixed as follows :

- Lot B : 53 546 ECU (IRL),
- Lot F : 741 092 ECU (B),
- Lot G : 507 845 ECU (D),
- Lot H : 11 068 ECU (D),
- Lot M : 14 654 ECU (IRL),
- Lot P : 415 030 ECU (F),
- Lot Q : 415 845 ECU (F),
- Lot R : 416 342 ECU (F),
- Lot S : 413 807 ECU (B),
- Lot T : 92 384 ECU (D),
- Lot U : 44 927 ECU (D).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 239, 13. 8. 1982, p. 11.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁵⁾ OJ No L 363, 31. 12. 1980, p. 50.

COMMISSION DECISION

of 17 September 1982

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2218/82, the maximum amounts for the costs of delivery of skimmed-milk powder as food aid

(82/666/EEC)

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 1183/82⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2218/82 of 28 July 1982 on the delivery of various consignments of skimmed-milk powder as food aid⁽³⁾, the intervention agencies of the Member States have invited tenders for the costs of delivery as food aid of 6 000 tonnes of skimmed-milk powder for certain third countries and beneficiary organizations;

Whereas, under Article 14 (2) of Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, as last amended by Regulation (EEC) No 3474/80⁽⁵⁾, tenders in respect of Lots C, K and L could be made for quantities of 500 tonnes or a multiple of 500 tonnes;

Whereas Article 16 of the abovementioned Regulation provides that, in the light of tenders received, a maximum amount shall be fixed for each lot put up for tender or it shall be decided not to proceed with the tender;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 2218/82 shall be fixed as follows:

- Lot C: 737 718 ECU (B),
744 117 ECU (B),
744 582 ECU (B);
- Lot K: 11 805 ECU (D),
7 961 ECU (D),
10 112 ECU (D),
9 841 ECU (D),
12 621 ECU (D);
- Lot L: 10 291 ECU (D),
11 029 ECU (D),
12 339 ECU (D),
11 114 ECU (D).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 239, 13. 8. 1982, p. 11.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

⁽⁵⁾ OJ No L 363, 31. 12. 1980, p. 50.

COMMISSION DECISION

of 21 September 1982

on the issue of import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar and Swaziland

(82/667/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 435/80 of 18 February 1980 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 3019/81 ⁽²⁾, and in particular Article 23 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 1617/82 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 435/80 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 September 1982, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar and Swaziland, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which it will be possible to apply for licences from 1 October 1982 should be fixed,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 September 1982 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

1. Federal Republic of Germany:

203.0 tonnes originating in Botswana,
124.0 tonnes originating in Madagascar;

2. Netherlands:

133.1 tonnes originating in Botswana;

3. United Kingdom:

1 754.0 tonnes originating in Botswana,
73.0 tonnes originating in Swaziland.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of October 1982, in respect of the following quantities of boned beef and veal:

Botswana:	8 324.3 tonnes,
Kenya:	142.0 tonnes,
Madagascar:	7 330.4 tonnes,
Swaziland:	2 246.3 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 September 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 55, 28. 2. 1980, p. 4.

⁽²⁾ OJ No L 302, 23. 10. 1981, p. 4.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 180, 24. 6. 1982, p. 24.

COMMISSION DECISION

of 21 September 1982

fixing the maximum aid levels for butter and concentrated butter for the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EEC) No 1932/81

(82/668/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

concentrated butter, the amount of the processing security must be fixed taking account of the maximum aid level;

Having regard to the Treaty establishing the European Economic Community,

Whereas, in the light of the tenders received in response to the 27th individual invitation to tender, the maximum aid should be fixed at the level specified below and the processing security for concentrated butter determined accordingly;

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 1183/82⁽²⁾, and in particular Article 12 (3) thereof,

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

Whereas, pursuant to Commission Regulation (EEC) No 1932/81 of 13 July 1981 on the grant of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other food-stuffs⁽³⁾, as last amended by Regulation (EEC) No 48/82⁽⁴⁾, intervention agencies are to undertake a standing invitation to tender for aid for butter and concentrated butter;

HAS ADOPTED THIS DECISION:

Article 1

Whereas Article 7 of the said Regulation lays down that a maximum aid level is to be fixed for the butter and for the concentrated butter and that this is to be differentiated according to the intended use and the fat content of the butter, or that a decision may be taken not to accept any tender; whereas, in the case of

For the 27th individual invitation to tender issued under Regulation (EEC) No 1932/81, in respect of which the time limit for submission of tenders expired on 14 September 1982, the maximum aid and processing securities are hereby fixed as follows:

(a) *for butter:*

Use to which the butter is to be put (Article 4 of Regulation (EEC) No 262/79)	Fat content of the butter	(ECU/100 kg butter)
		Maximum aid level
Formula A	82 % or more	175.00
	80 % or more, but not exceeding 82 %	170.70
Formula B	82 % or more	110.00
	80 % or more, but not exceeding 82 %	—

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 191, 14. 7. 1981, p. 6.

⁽⁴⁾ OJ No L 7, 12. 1. 1982, p. 5.

(b) *for concentrated butter:*

<i>(ECU/100 kg pure concentrated butter)</i>		
Use to which the concentrated butter is to be put (Article 4 of Regulation (EEC) No 262/79)	Maximum aid level	Processing security
Formula A and/or C	230.50	253.00
Formula B	151.00	166.00

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 September 1982.

For the Commission
Poul DALSGER
Member of the Commission

COMMISSION DECISION**of 21 September 1982****fixing the minimum selling price for skimmed-milk powder for the 35th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 368/77**

(82/669/EEC)

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 1183/82 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 368/77 of 23 February 1977 on the sale by tender of skimmed-milk powder for use in feed for pigs and poultry ⁽³⁾, as last amended by Regulation (EEC) No 1753/82 ⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them;

Whereas, according to Article 11 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award; whereas the amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum price fixed;

Whereas, in the light of the tenders received in response to the 35th individual invitation to tender, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

For the 35th individual invitation to tender under Regulation (EEC) No 368/77, in respect of which the time limit for the submission of tenders expired on 13 September 1982:

- the minimum selling price shall be fixed at 39.50 ECU per 100 kilograms,
- the processing security shall be fixed at 115 ECU per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 September 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 52, 24. 2. 1977, p. 19.

⁽⁴⁾ OJ No L 193, 3. 6. 1982, p. 6.

COMMISSION DECISION

of 22 July 1982

on aid granted by the Belgian Government to a paper-manufacturing undertaking

(Only the Dutch and French texts are authentic)

(82/670/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments as provided for in Article 93, and having regard to these comments,

Whereas :

The Belgian Government has granted a paper-manufacturing undertaking assistance taking the form of a low-interest loan of Bfrs 1 076 million, to finance an investment programme of Bfrs 1 314 million, and two repayable advances totalling Bfrs 510 million.

The assistance is linked to restructuring measures, comprising the closure of two factories out of the group's total of five, and the ending of bulk production, with conversion to special papers.

Further assistance has been granted in the form of a holding of Bfrs 2 350 million acquired by the Walloon Regional Executive; the main effect of this measure was to rescue the undertaking from a very difficult financial situation.

On 23 July 1980 the Commission reminded the Belgian Government of its obligations under Article 93 (3), which requires prior notification of aid measures.

By letter dated 6 February 1981 the Government replied, notifying the Commission of assistance in favour of the undertaking in question decided by the Walloon Regional Executive on 17 July 1980.

On 10 March 1981 the Commission decided to initiate the procedure laid down in Article 93 (2) in respect of this assistance, giving the Belgian Government until 10 April 1981 to submit its comments.

Only after the Commission had sent a reminder, on 22 June 1981, did the Belgian Government submit its comments, on 24 August 1981. The deadline set had thus not been observed.

In the course of the consultation of the parties concerned the Governments of three Member States indicated that they shared the Commission's concern over the Belgian aid, and took the view that it was liable to distort competition and adversely affect trading conditions to an extent contrary to the common interest.

Two trade associations and another paper-manufacturing firm opposed the grant of State aid in an industry suffering from overcapacity.

The assistance in this case is such as to affect trade between Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty, by favouring the undertaking concerned or the production of its goods.

When the Belgian Government intervened, the recipient undertaking was in a very difficult financial situation, which appeared to rule out any recourse to the unsubsidized capital market. The undertaking had consistently suffered losses since 1975, averaging Bfrs 350 million a year. This was equivalent to a loss of Bfrs 30 million a month, including about Bfrs 25 million in debt-servicing costs.

By acquiring a holding of Bfrs 2 350 million in an undertaking whose capital and reserves amounted to Bfrs 1 250 million, the Belgian Government in fact injected finance into an undertaking which could not have obtained it elsewhere. The crucial problem of the burden of debt-servicing costs was thus largely resolved, and the firm was enabled to escape from a dangerous financial situation.

The prohibition on State aids laid down in Article 92 (1) applies to injections of capital both by the central Government itself and by regional or local authorities or other public agencies under the central Government's authority.

Article 92 (1) states that aids fulfilling the criteria set out therein are incompatible with the common market. Exemptions from this incompatibility are permitted by Article 92 (3), which specifies objectives to be pursued in the Community interest, and not that of the individual recipient. The exemption clauses must be strictly construed in the examination both of regional or industry schemes and of individual cases of application of general aid systems; in particular, exemptions may be granted only when the Commission can establish that this will contribute to the attainment of one of the objectives specified, which the recipients would not secure by their own actions under normal market conditions alone.

To grant an exemption where there is no compensatory justification of this kind would be to allow trade between Member States to be affected and competition to be distorted without any benefit in terms of the Community interest, while accepting that undue advantages accrue to some Member States.

When applying the principles set out above in its examination of cases of aid, the Commission must be satisfied that there is a specific compensatory justification forthcoming from the particular recipient: the grant of aid must be required to promote the attainment of one of the objectives set out in Article 92 (3). Where this cannot be shown, it is clear that the aid does not contribute to the attainment of the objectives specified in the exemption clauses but serves to increase the financial strength of the undertaking in question.

As regards the exemptions permitted by Article 92 (3) (a) and (c), for aid to promote or facilitate the development of certain areas, the areas in which the recipient undertakings' factories are located are not 'areas where the standard of living is abnormally low or where there is serious underemployment' within the meaning of Article 92 (3) (a).

As regards the exemptions permitted by Article 92 (3) (b), there is nothing in the measure to qualify it as a 'project of common European interest' or as one designed 'to remedy a serious disturbance in the economy of a Member State', the furtherance of which justifies exemption under Article 92 (3) (b) from the prohibition of aids laid down by Article 92 (1).

Belgium belongs to the central regions of the Community, whose social and economic problems are not the most serious in the Community, yet where the danger of an escalation of State aids is most immediate and where any State aid is most likely to affect trade between Member States. Available social and economic data on Belgium do not suggest that there is a serious disturbance in its economy of the kind referred to by the Treaty. The measure was not intended to remedy such a disturbance.

As regards the exemption permitted by Article 92 (3) (c), for 'aid to facilitate the development of certain economic activities', the Community's paper industry has in the past had to face strong competition from manufacturers in non-Community countries producing under particularly favourable natural conditions. This competition threatens to grow in the near future, when the Community has to let in more paper products from some of these countries with the establishment of full free trade on 1 January 1984.

It is in the Community interest that the paper industry should adapt to the new situation in particular by reducing the share of bulk-production paper in its output and converting to special papers.

It cannot be accepted that every time the Community makes changes in its external tariff the industries which suffer thereby should expect sympathetic consideration to be given to the grant of State aid. The situation is different, however, if the industry involved is in need of fundamental restructuring which is not merely aimed at countering increased competition. In the present case it is indeed in the interest of the Community that the paper industry should convert to high value-added products in which raw materials account for a smaller proportion of costs than in bulk production. Special papers have a further advantage in that their markets are near.

In the present case, the aid granted in the form of low-interest loans and repayable advances is linked to an investment programme which would expand special paper production, boosting capacity from 82 000 to 100 000 tonnes in 1983. The expansion of special paper production would allow bulk production, now 42 000 tonnes, to be abandoned completely, with the closure of two factories out of five.

This restructuring operation is in the Community interest for the paper industry as defined above so that there is a compensatory justification for the aid granted by the Belgian Government to make this operation possible.

Furthermore, the assistance towards the restructuring of the recipient undertaking is not liable adversely to affect trading conditions to an extent contrary to the common interest.

Thus the aid in the form of low-interest loans and repayable advances granted by the Belgian Government qualifies for exemption under these provisions.

The aid which the Belgian Government granted by acquiring a holding in the capital of the recipient undertaking, on the other hand, is not directly linked to the restructuring operation. It constitutes rescue aid intended to allow the undertaking to meet its financial commitments.

Aid of this kind, aimed at keeping production capacity in operation, threatens to do serious damage to the conditions of competition, as the free interplay of market forces would normally call for the closure of the undertaking, allowing more competitive firms to develop.

The Belgian Government has not been able to show, nor has the Commission found, that there is in the conduct of the undertaking any compensatory factor in the Community interest such as to justify the aid granted by the Belgian Government.

The aid granted by the Belgian Government in the form of a holding acquired in the undertaking does

not therefore qualify for any of the exemptions permitted by Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The aid in the form of a low-interest loan and repayable advances granted by the Belgian Government to a paper-manufacturing undertaking is hereby considered compatible with the common market.

However, the aid in the form of the acquisition by the Belgian Government of a holding in the same undertaking is incompatible with the common market under Article 92 of the EEC Treaty.

Article 2

The Kingdom of Belgium shall inform the Commission within three months of the date of notification of this Decision of the measures it has taken to ensure that the aid referred to in the second paragraph of Article 1 does not continue to distort competition in the future.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 22 July 1982.

For the Commission

Frans ANDRIESEN

Member of the Commission
