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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1725/83

of 20 June 1983

allocating certain catch quotas between Member States for vessels fishing in the Norwegian economic zone and the fishery zone around Jan Mayen

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, and in particular Articles 3, 4 and 11 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and Norway have initialled an Agreement on their mutual fishing rights for 1983 which provides *inter alia* for the allocation of certain catch quotas to Community vessels in the Norwegian fisheries zone ;

Whereas it is the responsibility of the Community to allocate these catch quotas among fishermen from the Community ;

Whereas, in order to ensure an equitable allocation of available fishing possibilities, these quotas should be allocated among the Member States of the Community ;

Whereas information about actual catches should be made available in order to ensure that the allocation is respected,

HAS ADOPTED THIS REGULATION :

Article 1

1. Catches, under the Agreement on mutual fishing rights in 1983 between the Community and Norway,

by vessels flying the flag of a Member State in the waters falling within the Norwegian economic zone north of 62°00'N as well as within the fishery zone around Jan Mayen shall be limited for 1983 to the quota set out in Annex I.

2. Catches of the species mentioned in Annex II, under the Agreement on mutual fishing rights in 1983 between the Community and Norway, by vessels flying the flag of a Member State in the waters falling within the Norwegian economic zone and situated south of 62°00'N shall be limited for 1983 to the quotas set out in that Annex.

Article 2

Member States and captains of fishing vessels flying the flag of a Member State shall, with regard to fishing in the waters referred to in Article 1, comply with the provisions of Articles 3 to 9 of Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States⁽²⁾.

Article 3

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

It shall apply until 31 December 1983.

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 220, 29. 7. 1982, p. 1.

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

Done at Luxembourg, 20 June 1983.

For the Council

The President

H.-J. ROHR

ANNEX I

Quantities referred to in Article 1 (1)

(Norwegian waters north of 62°00'N)

(tonnes — fresh round weight)

Species	ICES division	Quotas	Allocations	
Cod	I, II a) and II b)	10 500	France	1 660
			Germany	1 810
			United Kingdom	7 030
Haddock	I, II a) and II b)	4 100	France	520
			Germany	880
			United Kingdom	2 700
Saithe	I, II a) and II b)	6 000	France	770
			Germany	4 800
			United Kingdom	430
Redfish Sebastes mentella	I, II a) and II b)	2 000	Germany	1 380
			United Kingdom	400
			France	220
Sebastes marinus	I, II a) and II b)	2 500	Germany	1 720
			United Kingdom	500
			France	280
Greenland halibut	I, II a) and II b)	250	Germany	125
			United Kingdom	125
Blue whiting	II	2 000	France	2 000
			Germany	token entry ⁽¹⁾
Other species (as by-catches)	I, II a) and II b)	500	France	65
			Germany	170
			United Kingdom	265
Mackerel	II a)	5 000	Denmark	5 000

⁽¹⁾ *Ad hoc* solution for 1983.

ANNEX II

Quantities referred to in Article 1 (2)

(tonnes — fresh round weight)

Species	ICES division	Quotas	Allocations	
Norway pout ⁽¹⁾	IV	50 000	Denmark	47 500 ⁽²⁾
			United Kingdom	2 500 ⁽³⁾
Sand-eel	IV	150 000	Denmark	142 500 ⁽²⁾
			United Kingdom	7 500 ⁽³⁾
Shrimps	IV	650	Denmark	650
Other species	IV	3 000	Denmark	1 500
			United Kingdom	1 125
			Germany	} 375
			Belgium	
			France	
			Netherlands	

⁽¹⁾ Including blue whiting.⁽²⁾ Within a total quota for Norway pout and sand-eel up to 19 000 tonnes may be interchanged.⁽³⁾ Within a total quota for Norway pout and sand-eel up to 1 000 tonnes may be interchanged.

COUNCIL REGULATION (EEC) No 1726/83**of 20 June 1983****allocating quotas between Member States for vessels fishing in Swedish waters**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 170/83
of 25 January 1983 establishing a Community system
for the conservation and management of fishery
resources ⁽¹⁾, and in particular Articles 3, 4 and 11
thereof,

Having regard to the proposal from the Commission,

Whereas the Community and Sweden have initialled
an Agreement on their mutual fishing rights for 1983
which provides *inter alia* for certain catch quotas to
Community vessels in Swedish waters;

Whereas it is the responsibility of the Community to
allocate the catch quotas among fishermen from the
Community;

Whereas, in order to ensure an equitable allocation of
available fishing possibilities, these quotas should be
allocated between the Member States of the Commu-
nity;

Whereas information about actual catches should be
made available in order to ensure that the allocation is
respected,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1983, vessels flying
the flag of a Member State shall be authorized to make
catches within the quota limits set out in the Annex
hereto in waters falling within the fisheries jurisdiction
of Sweden.

Article 2

Member States, and captains of fishing vessels flying
the flag of a Member State and fishing in the waters
referred to in Article 1, shall comply with the provi-
sions of Articles 3 to 9 of Council Regulation (EEC)
No 2057/82 of 29 June 1982 establishing certain
control measures for fishing activities by vessels of the
Member States ⁽²⁾.

Article 3

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

It shall apply until 31 December 1983.

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

Done at Luxembourg, 20 June 1983.

For the Council

The President

H.-J. ROHR

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 220, 29. 7. 1982, p. 1.

*ANNEX***Quantities referred to in Article 1 for the period 1 January to 31 December 1983**

<i>(tonnes)</i>				
Species	ICES division	Quotas	Allocations	
Cod	III d)	3 350	Denmark	2 450
			Germany	900
Herring	III d)	1 000	Denmark	570
			Germany	430
Salmon	III d)	35	Denmark	30
			Germany	5

COUNCIL REGULATION (EEC) No 1727/83**of 20 June 1983****allocating catch quotas between Member States for vessels fishing in Faroese waters**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, and in particular Articles 3, 4 and 11 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with the procedure provided for by the Fisheries Agreement between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, both parties have held consultations concerning their mutual fishing rights for 1983;

Whereas as a result of these consultations the two parties have agreed an arrangement for 1983 involving *inter alia* the allocation of certain catch quotas to Community vessels in the fisheries zone of the Faroe Islands;

Whereas it is the responsibility of the Community to allocate the catch quotas in the fisheries zone of the Faroe Islands among fishermen from the Community;

Whereas, in order to ensure an equitable allocation of available fishing possibilities, these quotas should be allocated among the Member States of the Community;

Whereas information about actual catches should be made available in order to ensure that this allocation is respected,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1983, catches by vessels flying the flag of a Member State in the waters falling within the fisheries jurisdiction of the Faroe Islands under the arrangement on reciprocal fishing rights for 1983 between the Community and the Faroe Islands shall be limited to the quotas set out in the Annex hereto.

Article 2

Member States and captains of fishing vessels flying the flag of a Member State shall, with regard to fishing in the waters referred to in Article 1, comply with the provisions of Articles 3 to 9 of Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States⁽²⁾.

Article 3

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

It shall apply until 31 December 1983.

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

Done at Luxembourg, 20 June 1983.

For the Council

The President

H.-J. ROHR

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 220, 29. 7. 1982, p. 1.

ANNEX

Quantities referred to Article 1

			(tonnes)
Species	Quotas	Allocations	
Cod and haddock	2 200	France	260
		Germany	50
		United Kingdom	1 890
Saithe	3 500	Belgium	token entry
		France	2 200
		Germany	450
		Netherlands	token entry
		United Kingdom	850
Redfish	4 800	Belgium	token entry
		France	300
		Germany	4 450
		United Kingdom	50
Ling	500	France	280
		United Kingdom	200
		Germany	20
Blue ling	4 500	France	2 950
		United Kingdom	100
		Germany	1 450
Tusk	400	United Kingdom	300
		Germany	90
		France	10
Blue whiting	25 000	Denmark	11 000
		France	3 000
		Germany	
		Netherlands	
		United Kingdom	11 000
Flatfish	300	France	40
		Germany	60
		United Kingdom	200
Other species	500	France	180
		United Kingdom	120
		Germany	200
Mackerel	3 500	Denmark	3 500

COUNCIL REGULATION (EEC) No 1728/83**of 20 June 1983****concerning the management and control of certain catch quotas allocated for 1983 for vessels flying the flag of a Member State and fishing in the Regulatory Area defined in the NAFO Convention**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries ⁽²⁾, hereinafter referred to as 'the NAFO Convention', was approved by the Council in its Regulation (EEC) No 3179/78 ⁽³⁾;

Whereas the NAFO Convention entered into force on 1 January 1979;

Whereas the Fisheries Commission of the North-West Atlantic Fisheries Organization adopted on 15 September 1982 a proposal establishing limitations for catches of certain species in the Regulatory Area for 1983, which became a measure binding upon the Community on 27 December 1982;

Whereas it is the responsibility of the Community to take appropriate steps to ensure compliance by Community vessels with the said measure;

Whereas the NAFO Commission proposal on squid, made on 15 September 1982, does not provide for specific quotas for Canada and the Community; whereas the Community should therefore establish a quota for its own fishermen at a level which takes account both of the TAC proposed by NAFO for the entire stock and of the interests of Community fishermen;

Whereas information about catches by Community vessels should be made available to their respective

Member States and to the Commission in order to ensure that these quotas are complied with,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1983, catches of the species mentioned in Annex I, by vessels flying the flag of a Member State in the Regulatory Area, as defined in Article 1 (2) of the NAFO Convention, shall be limited, within the parts of the Regulatory Area referred to in the said Annex, to the quotas set out therein.

2. By-catches of the species referred to in Annex I taken in those areas in which no allocation for a directed fishery is provided by this Regulation shall not exceed for each of the species on board the vessel, listed in Annex I, 2 500 kilograms or 10 % by weight of all fish on board the vessel, whichever is the greater.

Article 2

1. Vessels fishing in the area referred to in Article 1 shall keep a log-book in which the information specified in Annex II is to be entered.

2. Vessels fishing in the area referred to in Article 1 shall transmit to the authorities of their flag State by the 16th day of each month in respect of the first half of that month and by the first day of each month in respect of the second half of the preceding month, reports concerning their catches in the said area. Such reports shall give catches in tonnes by species and quota area for the period covered by the report.

3. Vessels intending to fish in the Regulatory Area for a particular stock for which no quota has been allocated to the Community, shall transmit to the authorities of their flag State notification of such an intention, at least 72 hours before starting to fish for an amount allocated to 'Others' for that stock, together, if possible, with an estimate of the projected catch. Vessels engaging in such a fishery shall transmit to the authorities of their flag State reports of catches from that stock, at 48-hour intervals.

⁽¹⁾ OJ No C 68, 14. 3. 1983, p. 88.

⁽²⁾ OJ No L 378, 30. 12. 1978, p. 2.

⁽³⁾ OJ No L 378, 30. 12. 1978, p. 1.

Article 3

1. Member States shall transmit regularly to the Commission the reports of vessels flying their flag which have been made in accordance with Article 2 (2). Reports received in respect of the first half of each month shall be transmitted to the Commission by the 20th day of the same month and those received in respect of the second half of each month shall be transmitted by the fifth day of the following month.

2. Member States shall transmit without delay to the Commission information received in accordance with Article 2 (3).

3. Member States shall transmit to the Commission by the 20th day of each month information concerning the landings made during the previous month by vessels flying their flag fishing in the area referred to in Article 1.

Article 4

Member States shall inform the Commission of all vessels flying their flag which intend to engage in fishing or in the processing of sea-fish in the area referred to in Article 1 at least 30 days before the intended commencement of such activity. This information shall include :

- (a) name of the vessel ;
- (b) official number of the vessel registered by the appropriate national authorities ;
- (c) home port of the vessel ;
- (d) name of owner or charterer of the vessel ;
- (e) a declaration that the master has been provided with a copy of the regulations in force in the Regulatory Area ;

(f) principal target species of the vessel while fishing within the Regulatory Area ;

(g) sub-areas where the vessel will be expected to fish.

Article 5

1. When informed by the Executive Secretary of the North-West Atlantic Fisheries Organization that one of the quotas referred to in Article 2 (3) has been fully utilized, the Commission shall so inform the Member States, which shall take appropriate measures to ensure that fishing by vessels flying their flag for the stock concerned shall cease within three working days of the date of receipt by the Commission of the information from the Executive Secretary.

2. If the Commission has reason to believe, on the basis of the information received from the Member States, that the quota concerned has been fully utilized, it shall, without waiting for the notification from the Executive Secretary, so inform the Member States, which shall take appropriate measures to ensure that fishing by vessels flying their flag for the stock in question shall cease without delay.

Article 6

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

It shall apply from 1 January to 31 December 1983.

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

Done at Luxembourg, 20 June 1983.

For the Council

The President

H.-J. ROHR

ANNEX I

Catch quotas for the period 1 January to 31 December 1983

		(tonnes)	
Species	NAFO division	Quotas	
Cod	3 NO	France	210
	3 M	Germany	700
		France	300
		United Kingdom	1 405
American plaice	3 LNO	France	700 ⁽²⁾
	3 M	EEC	500 ⁽¹⁾
Yellowtail flounder	3 LNO	France	380
Redfish	3 M	Germany	200
		United Kingdom	1 000
	3 LN	EEC	150 ⁽¹⁾
Witch	3 NO	France	50 ⁽¹⁾
Squid (Illex)	3 + 4	Germany	3 900 ⁽²⁾
		France	3 650 ⁽²⁾
		Italy	2 200 ⁽²⁾
Capelin	3 LNO		0

⁽¹⁾ This quota has not been allocated exclusively to Community vessels but to all Contracting Parties to NAFO having no specific allocation, including the Community. Fishing by Community vessels shall thus be suspended once the Community has been informed that the total quota has been exhausted.

⁽²⁾ Less any quantity taken by Community vessels in the parts of NAFO sub-areas falling within areas of national fisheries jurisdiction.

ANNEX II

Items of information to appear in the log-book

Information	Code
Vessel name	01
Vessel nationality	02
Vessel registration number	03
Registration port	04
Type of gear used (daily)	10
Type of gear	2 ⁽¹⁾
Date :	
— day	20
— month	21
— year	22
Position :	
— latitude	31
— longitude	32
— statistical area	33
Number of hauls during the 24-hour period ⁽²⁾	40
Number of hours gear-fished during the 24-hour period ⁽²⁾	41
Species names	2 ⁽¹⁾
Daily catch of each species (tonnes live weight)	50
Daily catch of each species for human consumption in the form of fish	61
Daily catch of each species for reduction	62
Daily discard of each species	63
Place(s) of transhipment	70
Date(s) of transhipment	71
Master's signature	80

⁽¹⁾ Codes to be completed by one of the items of information given in the second part of this Annex.

⁽²⁾ When two or more types of gear are used in the same 24-hour period, records should be separate for the different types.

Standard FAO abbreviations for main species

Abbreviation	Species	Abbreviation	Species
ALE	Alewife	MEN	Atlantic menhaden
ARG	Atlantic argentine	MIX	Mixed species
BUT	Atlantic butterfish	MOL	Molluscs
CAP	Capelin	PEL	Pelagic fish (not specified)
CAT	Wolfishes (= catfishes)	PLA	American plaice
COD	Atlantic cod	POK	Pollock (= saithe)
CRA	Crabs	RED	Atlantic redfish
CRU	Crustaceans	RNG	Roundnose grenadier
DOG	Dogfish	SAL	Atlantic salmon
FLW	Winter flounder	SAU	Atlantic saury
FLX	Flatfishes (not specified)	SCA	Sea scallops
GHL	Greenland halibut	SHA	Sharks
GRC	Greenland cod	SHR	Shrimps
GRO	Groundfish (not specified)	SKA	Skates (not specified)
HAD	Haddock	SQU	Squids
HAL	Atlantic halibut	SWO	Swordfish
HER	Atlantic herring	SWX	Seaweeds
HKR	Red hake	TUN	Tuna
HKS	Silver hake	URC	American sea urchin
HKW	White hake	USK	Cusk (= tusk)
INV	Shellfish (not specified)	VFF	Finfish (not specified)
LOB	Northern lobster	WIT	Witch flounder
MAC	Atlantic mackerel	YEL	Yellowtail flounder

Standard FAO abbreviations for gears

Abbreviations	Gear
OTB	Bottom otter trawl (side or stern not specified)
OTB 1	Bottom otter trawl (side)
OTB 2	Bottom otter trawl (stern)
OTM	Midwater otter trawl (side or stern not specified)
OTM 1	Midwater otter trawl (side)
OTM 2	Midwater otter trawl (stern)
PTB	Bottom pair trawl (two boats)
PTM	Midwater pair trawl (two boats)
—	Shrimp trawl (now included in bottom otter trawl categories)
SDN	Danish seines
SSC	Scottish seines
SPR	Pair seine (two boats)
SB	Beach seines
PS	Purse seines
GN	Gillnets (not specified)
GNS	Gillnets (set)
GND	Gillnets (drift)
LL	Longlines (set or drift not specified)
LLS	Longlines (set)
LLD	Longlines (drift)
LHP	Handlines and pole-lines
LHM	Handlines and pole-lines (mechanized)
LTL	Troll lines
FIX	Traps (not specified)
FPN	Uncovered pound nets
FPO	Covered pots and fyke nets
FWR	Barriers, fences, weirs, etc.
DRB	Boat dredges
DRH	Hand dredges (e.g. rakes and tongs)
HAR	Harpoons
MIS	Miscellaneous gears
NK	Gears not known

COUNCIL REGULATION (EEC) No 1729/83**of 20 June 1983****amending Regulation (EEC) No 2057/82 establishing certain control measures
for fishing activities by vessels of the Member States**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 170/83
of 25 January 1983 establishing a Community system
for the conservation and management of fishery
resources ⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Article 10 of Regulation (EEC) No 170/83
provides for the adoption of supervisory measures to
ensure compliance with Community provisions re-
garding conservation ;

Whereas such measures have already been taken by
Regulation (EEC) No 2057/82 ⁽²⁾; whereas, for the
purposes of adoption of detailed implementing rules,
Article 13 of the said Regulation was, in the absence of
any other appropriate basic regulation, necessarily
based on Article 33 of Council Regulation (EEC) No
3796/81 of 29 December 1981 on the common
organization of the market in fishery products ⁽³⁾;

whereas the appropriate reference is henceforth to the
procedure provided for in Article 14 of Regulation
(EEC) No 170/83,

HAS ADOPTED THIS REGULATION :

Article 1

Article 13 of Regulation (EEC) No 2057/82 is hereby
replaced by the following :

Article 13

The detailed rules for implementing Articles 3 to
10 of this Regulation shall be adopted in accor-
dance with the procedure laid down in Article 14
of Council Regulation (EEC) No 170/83 of 25
January 1983 establishing a Community system for
the conservation and management of fishery
resources ⁽¹⁾.

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.'

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 Luxembourg, 20 June 1983.

For the Council

The President

H.-J. ROHR

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

COMMISSION REGULATION (EEC) No 1730/83

of 27 June 1983

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 24 June 1983;

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 28 June 1983.

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

Done at Brussels, 27 June 1983.

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 27 June 1983 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	115,72
10.01 B II	Durum wheat	144,81 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	127,69 ⁽⁶⁾
10.03	Barley	121,23
10.04	Oats	105,61
10.05 B	Maize, other than hybrid maize for sowing	82,97 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	30,05
10.07 B	Millet	68,38 ⁽⁴⁾
10.07 C	Grain sorghum	100,67 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	177,64
11.01 B	Rye flour	194,43
11.02 A I a)	Durum wheat groats and meal	238,25
11.02 A I b)	Common wheat groats and meal	188,91

⁽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 1731/83

of 27 June 1983

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 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 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 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 24 June 1983;

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 28 June 1983.

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

Done at Brussels, 27 June 1983.

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 27 June 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	2,23
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	3,35
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	1,11	1,11	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

(ECU/tonne)						
CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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 1732/83**of 24 June 1983****determining the time limit for the entry into storage of butter sold under
Regulation (EEC) No 262/79**

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 1600/83 ⁽²⁾, and in particular
Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No 985/68
of 15 July 1968 laying down general rules for inter-
vention on the market in milk and cream ⁽³⁾, as last
amended by the 1979 Act of Accession, and in parti-
cular Article 7a thereof,

Whereas under Article 1 of Commission Regulation
(EEC) No 262/79 of 12 February 1979 on the sale of
butter at reduced prices for use in the manufacture of
pastry products, ice-cream and other foodstuffs ⁽⁴⁾, as
last amended by Regulation (EEC) No 1014/83 ⁽⁵⁾, the
butter put up for sale must have entered into storage
before a date to be determined; whereas this date

should be fixed in the light of the development of
butter stocks and quantities available;

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 butter referred to in Article 1 of Regulation (EEC)
No 262/79 must have entered into storage before 1
January 1983.

Article 2

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

It shall apply from 1 July 1983.

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

Done at Brussels, 24 June 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 56.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽⁵⁾ OJ No L 114, 29. 4. 1983, p. 8.

COMMISSION REGULATION (EEC) No 1733/83

of 27 June 1983

temporarily suspending certain provisions of Regulation (EEC) No 2042/75 on special detailed rules for the application of the system of import and export licences for cereals and rice

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,

Whereas Article 9a of Commission Regulation (EEC) No 2042/75⁽³⁾, as last amended by Regulation (EEC) No 2466/82⁽⁴⁾, provided for the issue of licences with a long period of validity for products falling within subheadings 11.07 A I b), 11.07 A II b) and 11.07 B of the Common Customs Tariff; whereas this special facility was granted in order to take account of commercial practices concerning the products in question; whereas, however, in order to avoid speculative use of this extended period of validity, the issue of such licences was made subject to very stringent conditions, consisting, in particular, in the requirement that the exporter state the destination of the export, actually export to that destination and furnish proof of arrival at destination;

Whereas the situation and the foreseeable trend of the world market in barley and malt and, in particular, the keen competition and uncertainty on the world market justify a temporary relaxation of the requirements imposed by the existing rules; whereas, for the period of the marketing year, it appears warranted in order to enable those concerned to adapt to market conditions to suspend the requirement that the destination of export be stated and that the goods be exported to that destination;

Whereas it is likewise necessary to suspend for the same period the special requirements imposed by the existing rules as regards the release of the securities accompanying applications for such long-period

licences; whereas this suspension must cover the requirements both as to statement of destination and as to the provision of proof of arrival at destination;

Whereas the suspension measures adopted temporarily by this Regulation must in no way affect the existing requirements imposed in the case of licences currently valid at the time of its entry into force;

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

Article 9c of Regulation (EEC) No 2042/75 is hereby replaced by the following:

'Article 9c

1. In the case of applications for export licences relating to products falling within subheadings 11.07 A I b), 11.07 A II b) and 11.07 B of the Common Customs Tariff and submitted between 1 July 1983 and 30 April 1984, the provisions of Article 9a shall be suspended.

2. By way of derogation from Article 9, export licences for the products mentioned in paragraph 1, applications for which are submitted between 1 July 1983 and 30 April 1984, shall, at the request of the party concerned, be valid from the day of their issue within the meaning of Article 8 (1) of Regulation (EEC) No 3183/80:

- until 30 September 1984 in respect of licences issued from 1 January to 30 April 1984,
- until the end of the 11th month following that of issue, in respect of licences issued from 1 July to 31 October 1983,
- until 30 September 1984 in respect of licences issued from 1 November to 31 December 1983.

3. By way of derogation from Article 3 of Regulation (EEC) No 3183/80, rights deriving from the licences referred to in paragraph 2 shall not be transferable.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 213, 11. 8. 1975, p. 5.

⁽⁴⁾ OJ No L 263, 11. 9. 1982, p. 8.

4. In the case of licences issued pursuant to paragraph 2, the security shall be :

- 30 ECU per tonne in the case of licences issued on or before 31 December 1983,
- 24 ECU per tonne in the case of licences issued between 1 January and 30 April 1984'.

Article 2

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

It shall apply from 1 July 1983.

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

Done at Brussels, 27 June 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 1734/83

of 27 June 1983

fixing the special rates for converting the free-at-frontier reference prices of imported liqueur wines into national currency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3082/82 ⁽²⁾,

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 Commission Regulation (EEC) No 1393/76 of 17 June 1976 laying down detailed rules for the importation of products in the wine-growing sector originating in certain third countries ⁽⁵⁾, as last amended by Regulation (EEC) No 3104/80 ⁽⁶⁾, and in particular Article 1a(4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 1a of Regulation (EEC) No 1393/76, special rates are used to convert the free-at-frontier prices for imported liqueur wines into national currency; whereas the special rates applicable at present were fixed by Commission Regulation (EEC) No 1484/83 ⁽⁷⁾;

Whereas, for the currencies of the Member States maintained at any given moment with a maximum spread of 2,25 %, the special rate is the conversion rate resulting from the central rate; whereas, for the other currencies, the special rate for the period 1 July to 15 December 1983 is equal to the conversion rate in relation to all the currencies of the Member States, maintained at any given moment with a maximum spread of 2,25 %, resulting from the average rate taken

into consideration for the purpose of calculating the monetary compensatory amounts valid on 1 June 1983;

Whereas application of these provisions makes it necessary to alter the special rates for the pound sterling, the Italian lira and the Greek drachma,

HAS ADOPTED THIS REGULATION:

Article 1

The special rate referred to in Article 1a of Regulation (EEC) No 1393/76 shall be:

- (a) for the Belgian franc and the Luxembourg franc :
Bfrs/Lfrs 1 = 0,0222713 ECU;
- (b) for the Danish krone :
Dkr 1 = 0,122834 ECU;
- (c) for the German mark :
DM 1 = 0,446062 ECU;
- (d) for the French franc :
FF 1 = 0,145464 ECU;
- (e) for the pound sterling :
£ 1 = 1,76899 ECU;
- (f) for the Irish pound :
£ Irl 1 = 1,37800 ECU;
- (g) for the Italian lira :
Lit 100 = 0,0741143 ECU;
- (h) for the Dutch guilder :
Fl 1 = 0,395891 ECU;
- (i) for the Greek drachma :
Dr 1 = 0,0131647 ECU.

Article 2

Regulation (EEC) No 1484/83 is hereby repealed.

Article 3

This Regulation shall enter into force on 1 July 1983.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 326, 23. 11. 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 157, 18. 6. 1976, p. 20.

⁽⁶⁾ OJ No L 324, 29. 11. 1980, p. 63.

⁽⁷⁾ OJ No L 151, 9. 6. 1983, p. 33.

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

Done at Brussels, 27 June 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 1735/83**of 27 June 1983****amending Regulation (EEC) No 1072/83 as regards the implementation of the detailed rules governing the import of certain cheeses**

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 1600/83 ⁽²⁾, and in particular Article 14 (7) thereof,

Whereas Commission Regulation (EEC) No 1072/83 of 3 May 1983 repealing Regulation (EEC) No 86/83 suspending certain provisions of Regulation (EEC) No 1767/82 with regard to implementation of the detailed rules governing the import of certain cheeses ⁽³⁾ provides that Jarlsberg cheese imported into the Community during the period in which the implementation of the arrangement with Norway is temporarily suspended may be eligible for the specific levies provided for in Commission Regulation (EEC) No 1767/82 ⁽⁴⁾, as last amended by Regulation (EEC) No 1264/83 ⁽⁵⁾;

Whereas Article 8 of Regulation (EEC) No 1767/82 provides that no compensatory amounts apply when Jarlsberg cheese is put into free circulation; whereas it should be provided also that imports effected during the abovementioned period may be eligible for the arrangements provided for in that Regulation;

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 first paragraph of Article 2 of Regulation (EEC) No 1072/83 is hereby replaced by the following:

'At the request of the parties concerned, Jarlsberg cheese imported into the Community between 1 January 1983 and the date of entry into force of this Regulation may be eligible for the levy referred to in Annex I (r) to Regulation (EEC) No 1767/82, the provisions of Article 8 of that Regulation consequently being applicable.'

Article 2

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

It shall apply with effect from 16 May 1983.

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

Done at Brussels, 27 June 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 56.

⁽³⁾ OJ No L 117, 4. 5. 1983, p. 5.

⁽⁴⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁵⁾ OJ No L 133, 21. 5. 1983, p. 54.

COMMISSION REGULATION (EEC) No 1736/83

of 27 June 1983

re-establishing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, and in particular Protocol 1 thereto,

Having regard to Article 1 of Council Regulation (EEC) No 3611/82 of 21 December 1982 establishing ceilings and Community supervision for imports of certain products originating in Yugoslavia ⁽²⁾;

Whereas Article 1 of the abovementioned Protocol provides that the products listed below, imported under reduced duty rates according to Article 15 of the Cooperation Agreement are subject to the annual ceiling indicated below, above which the customs duties applicable to third countries may be re-established:

(tonnes)		
CCT heading No	Description	Ceiling
73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits	8 822

Whereas imports into the Community of those products originating in Yugoslavia have reached that ceiling; whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July to 31 December 1983, the levying of customs duties applicable to third countries shall be re-established on imports into the Community of the following products:

CCT heading No	Description	Origin
73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits	Yugoslavia

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, 27 June 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 380, 31. 12. 1982, p. 22.

COMMISSION REGULATION (EEC) No 1737/83
of 27 June 1983
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 1716/83⁽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 Regu-
lation (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 28 June
1983.

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

Done at Brussels, 27 June 1983.

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 166, 25. 6. 1983, p. 32.

ANNEX

**to the Commission Regulation of 27 June 1983 fixing the import levies on white sugar and
raw sugar**

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	28,13
	B. Raw sugar	25,26 ⁽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 1738/83

of 27 June 1983

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by the Act of Accession of Greece⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 1325/83⁽⁷⁾, as last amended by Regulation (EEC) No 1717/83⁽⁸⁾;

Whereas Council Regulation (EEC) No 414/83 of 21 February 1983⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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

Done at Brussels, 27 June 1983.

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 24 June 1983;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹¹⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 414/83, as fixed in the Annex to amended Regulation (EEC) No 1325/83 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 June 1983.

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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 139, 28. 5. 1983, p. 5.

⁽⁸⁾ OJ No L 166, 25. 6. 1983, p. 33.

⁽⁹⁾ OJ No L 51, 24. 2. 1983, p. 1.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 27 June 1983 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.02 A II ⁽²⁾	235,02	228,98
11.02 B II b) ⁽²⁾	172,21	169,19
11.02 C II ⁽²⁾	206,56	203,54
11.02 D II ⁽²⁾	132,77	129,75
11.02 E II b) ⁽²⁾	235,02	228,98
11.02 F II ⁽²⁾	235,02	228,98

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 February 1983

concerning aid for fuel granted by the Italian Government to fishermen operating in the Mediterranean

(Only the Italian text is authentic)

(83/312/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 regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 3443/80⁽²⁾, and in particular Article 26 thereof, and to Council Regulation (EEC) No 3796/81⁽³⁾, which replaced Regulation (EEC) No 100/76 with effect from 1 June 1982, and in particular Article 28 thereof,

Having given notice, in accordance with the first subparagraph of Article 93 (2), to the parties concerned to submit their comments, and having regard to these comments,

I

Whereas, in accordance with Article 93 (3) of the EEC Treaty, the Italian Government notified the Commission by letter dated 28 March 1980 from its Permanent Representation to the European Communities of the text of Law No 57 of 29 February 1980 introducing extraordinary assistance for sea fishing, under which

commercial fishermen operating in the Mediterranean were to be granted exceptional aid towards running costs for 1980 only; whereas this Law took effect from 13 April 1980; whereas the detailed rules for implementing this Law were to be laid down by Ministerial Decree, the draft of which was notified to the Commission, under Article 93 (3) of the Treaty, by letter dated 13 May 1980;

Whereas it is clear from this Decree that the aid in question was directly linked to the consumption of fuel; whereas it amounted to Lit 87 for each kilogram of fuel used and the sum set aside for the purpose was Lit 25 000 million;

Whereas the aid described above falls within the scope of Articles 92 to 94 of the EEC Treaty by virtue of the Articles of Regulations (EEC) No 100/76 and (EEC) No 3796/81 referred to above;

Whereas, following initial scrutiny, the Commission took the view that the aid in question constituted operating aid granted with no actual reciprocal commitment on the part of the beneficiaries, that it had a substantial direct impact on competition and trade between the Member States and that it was therefore incompatible with the common market within the meaning of Article 92 of the Treaty; whereas it accordingly decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the above aid and, to this effect, by letter of 22 July 1980, gave the Italian Government formal notice to submit its comments;

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 13.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

Whereas, in November 1981, the Commission learned that the Italian Government had decided to continue this aid in 1981; whereas, after being asked twice, on 17 November and 22 December 1981, to confirm this information, the Italian Government, by letter dated 11 January 1982, notified Decree-Law No 193 of 11 May 1981 extending the aid in question for the first half of 1981;

Whereas the basic terms for granting the aid had not been changed but the rate had risen to Lit 150 per kilogram of fuel used for the first quarter of 1981 and Lit 140 per kilogram of fuel used for the second quarter of 1981;

Whereas the sum set aside for this aid for the first half of 1981 alone was Lit 21 000 million;

Whereas, on the grounds that this amounted to a renewal of the aid granted in 1980, the Commission initiated the procedure provided for in Article 93 (2) of the Treaty in respect of the above aid, and, to this effect, by letter of 24 February 1982, gave the Italian Government formal notice to submit its comments;

Whereas it follows from the above that the Italian Government clearly failed in its obligations under Article 93 (3) of the EEC Treaty;

II

Whereas, in its replies to the letters giving notice sent to the Commission on 13 August 1980 and 24 March 1982, the Italian Government gave the following reasons for granting aid for fuel in 1980 and 1981: social reasons, the need to end discrimination between Sicilian fishermen already in receipt of aid for fuel, accepted by the Commission with certain provisos, and fishermen elsewhere, the fact that implementation did not distort competition between the Member States, its temporary nature, the absence of other measures in favour of sea fishing and, lastly, the low level of the aid, namely 30 % of the fuel price;

Whereas several Member States and several sectoral organizations have submitted their comments to the Commission; whereas certain Member States and sectoral organizations share the Commission's view; whereas other Member States feel that the absence of a common fisheries policy may lead Member States to introduce aids to prevent the current situation from deteriorating; whereas several sectoral organizations would like to see the granting of fisheries aids harmonized within the Community;

III

Whereas the subsidy of Lit 87 for each kilogram of fuel used, provided for in Article 7 of the Ministerial

Decree laying down detailed rules for implementing Law No 57 of 29 February 1980, and the subsidy of Lit 150 for each kilogram of fuel used for the first quarter of 1981 and Lit 140 for each kilogram of fuel used for the second quarter of 1981, provided for in Article 2 of the Ministerial Decree of 25 July 1981, have had a direct impact on the production costs of recipients and have given them a definite advantage over the other Community fishermen;

Whereas the comparison made by the Italian Government with the Sicilian aid does not appear relevant, firstly because the existence of an aid scheme somewhere in the Community can never be taken as justification for granting similar aid elsewhere, and secondly because the Commission's decision to authorize aid for fuel for Sicilian fishermen on a temporary basis, until 30 June 1980, was based on the low volume of trade in fishery products between Sicily and the rest of the Community, which is not the case for the rest of Italy; whereas, moreover, the Commission decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the extension of the Sicilian aid for the second half of 1980, and for 1981 and 1982, notably because of the sharp increase in Sicilian exports to the other Community countries and because of the fact that, by virtue of its continued extension, the aid in question amounted to a permanent scheme;

Whereas the aid in question amounted to 40 % of the price of fuel in January 1980;

Whereas intra-Community trade in fishery products for human consumption is substantial and accounts for approximately 30 % of total landings for human consumption in the Community as a whole; whereas, for its part, the Italian market receives approximately 60 % of its requirements from the landings made by its own fishermen, approximately 30 % from imports from non-member countries and approximately 10 % from imports from the other Member States, and Italy exports 20 % of its production, half of which goes to the other Member States;

Whereas, moreover, for a number of years all Community fishermen have been faced with a very sharp increase in the price of fuel; whereas competition on the Community market in fishery products is very keen;

IV

Whereas it follows from the above that the aid introduced by the Italian Government is likely to affect trade between the Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty;

Whereas Article 92 (1) of the EEC Treaty states that aids fulfilling the criteria laid down therein are incompatible in principle with the common market; whereas exceptions to this incompatibility, which are the only exceptions relevant to the case in point, are set out in paragraph 3 of the said Article and lay down the objectives followed in the Community's interest and not only in the interest of individual sectors of the national economy; whereas these exceptions are to be strictly interpreted when scrutinizing any aid programme of a regional or sectoral nature or any individual case of application of general aid schemes; whereas exceptions can be allowed only in cases where the Commission can establish that the aid is necessary for achievement of one of the objectives set out in these provisions;

Whereas to allow such exceptions in respect of aids which do not offer such a compensatory advantage would amount to allowing trade between Member States to be affected and competition to be distorted without justification on grounds of Community interest and would result in unfair advantages for certain Member States;

Whereas it has not been possible to establish the existence of such a compensatory advantage in the case in point; whereas the Italian Government was unable to provide any evidence, and the Commission could find none, that the aids in question fulfilled the conditions required for allowing one of the exceptions provided for in Article 92 (3) of the EEC Treaty;

Whereas the aid in question is clearly not designed to promote or facilitate the development of certain areas; whereas, on regional criteria, Article 92 (3) (a) and (c) is accordingly inapplicable;

Whereas such aids constitute neither an important project of common European interest nor measures capable of remedying a serious disturbance in the Italian economy; whereas Article 92 (3) (b) of the Treaty is accordingly inapplicable;

Whereas aid for the purchase of fuel, intended as it is to reduce the cost of certain inputs, constitutes an operating aid with no lasting impact on the economic situation of the recipients; whereas, in general, the Commission has always been opposed to such aid, since, as a rule, such aid does not in itself fulfil the conditions for eligibility for the exception provided for

in Article 92 (3) (c) of the EEC Treaty, since it is not likely to facilitate the development of certain activities within the meaning of that provision;

Whereas, in its communication to the Council of 25 May 1978 on sectoral aid policy, the Commission made it clear that temporary aids to mitigate the social consequences of a crisis situation must be linked with restructuring objectives for the sector in question and subject to action by recipients to facilitate conversion; whereas this does not apply in the case of the aid in question;

Whereas it follows from the above that the aid in question does not fulfil the conditions required for eligibility for one of the exceptions under Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The aid for fuel for fishermen operating in the Mediterranean as provided for in Article 1 of Law No 57 of 29 February 1980 and as received under Article 1 of Decree-Law No 193 of 11 May 1981 is incompatible with the common market within the meaning of Article 92 of the EEC Treaty. Such aid must accordingly no longer be granted.

Article 2

The Italian Republic shall inform the Commission, within one month of the notification of this Decision, of the measures taken to comply therewith.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 8 February 1983.

For the Commission

Giorgios CONTOGEOGRIS

Member of the Commission

COMMISSION DECISION

of 8 February 1983

concerning aid to maintain maritime employment granted to fishing undertakings by the French Government

(Only the French text is authentic)

(83/313/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 regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 3443/80⁽²⁾, and in particular Article 26 thereof, and to Council Regulation (EEC) No 3796/81⁽³⁾, which replaced Regulation (EEC) No 100/76 with effect from 1 June 1982, and in particular Article 28 thereof,

Having given notice, in accordance with the first subparagraph of Article 93 (2), to the parties concerned to submit their comments, and having regard to these comments,

I

Whereas, in response to a request made by the Commission on 12 October 1979, the French authorities, in accordance with Article 93 (3) of the EEC Treaty, informed the Commission by letter dated 21 April 1980 of the granting of aid in 1979 and 1980 to fishing undertakings in an attempt to maintain employment in coastal areas;

Whereas this aid amounted, in practice, to FF 0,105 for each litre of gas-oil used; whereas it was granted to all fishing undertakings; whereas the sum set aside for this aid in 1979 and 1980 was FF 53 million;

Whereas it emerged that this aid had been granted regularly in France since 1974; whereas the granting thereof in 1974 and 1975 had been authorized by the Commission; whereas the Commission had raised no objections to its renewal in 1977;

Whereas the French Government stresses that the aim of the aid in question is to mitigate the effects on the

fishing fleets of the spectacular increase in running costs, the dwindling of catches the redeployment of fishing activities and the absence of the necessary Community measures, a situation which has resulted in large-scale laying-up and which could in the long term jeopardize employment in coastal areas;

Whereas the French Government has explained that the reference to fuel is used merely as a criterion for granting the aid and that the aid in question is to be considered as employment aid;

Whereas the aid described above falls within the scope of Article 92 to 94 of the EEC Treaty by virtue of the Articles of Regulations (EEC) No 100/76 and (EEC) No 3796/81 referred to above;

Whereas, following initial scrutiny, the Commission took the view that the aid in question, granted since 1974, was no longer temporary aid but operating aid granted with no actual reciprocal commitment on the part of the recipient, that it had a substantial direct impact on competition and trade between the Member States and that it was therefore incompatible with the common market within the meaning of Article 92 of the Treaty; whereas it accordingly decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the above aid and, to this effect, by letter of 22 July 1980, gave the French Government formal notice to submit its comments;

Whereas, in June 1981, the Commission learned of the French Government's intention to continue this aid after 1980 despite the procedure pending under Article 93 (2) and to double the rate; whereas, in response to a request made by the Commission on 3 and 27 July 1981, the French Government stated that the matter was still at the planning stage, and that the Commission would be notified at the appropriate time;

Whereas, in December 1981, the Commission learned that the French Government had in fact decided to double the aid in question with effect from July 1981; whereas, after being asked for confirmation by telex dated 22 December 1981, the French Government confirmed this information by telex dated 8 January 1982 and, in accordance with Article 93 (3) of the EEC

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 13.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

Treaty, notified the extension and doubling of the aid in question for 1982, to be granted on the same basic terms; whereas the level of the aid in question was fixed at FF 0,21 per litre of fuel used and the sum set aside for the purpose was FF 106 million; whereas such notification implies that the aid in question was granted in 1981 without the Commission being notified in advance;

Whereas the Commission decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of this new aid, and, to this effect, on 25 February 1982, sent the French Government a letter giving it notice to submit its comments;

Whereas it follows from the above that the French Government clearly failed in its obligations under Article 93 (3) of the EEC Treaty;

II

Whereas, in its replies to the Commission dated 13 October 1980 and 6 April 1982, the French Government stated that the granting of aid to maintain maritime employment in 1980, 1981 and 1982 does not distort competition, as proven by the regular increase since 1977 of French fishery imports, mostly from elsewhere in the Community, and that the aid in question is not aid for fuel as it is not indexed to the price of oil but, by contrast, is progressive in nature; whereas, despite its being doubled in 1982, the aid has in fact dropped since 1977 in terms of the price of fuel from 17 to 12 %;

Whereas the French Government claims that the aid in question is intended, pending Community decisions, to enable fishing enterprises to adapt to new fishing conditions and to prevent a probable irreversible decline in their activity, and a reduction in their income, or even a loss of jobs in areas which have little industry, are very isolated and are particularly dependent on fishing; whereas such aid is intended to be temporary; whereas, lastly, other Member States in similar situations have adopted measures which are either identical or comparable in effect;

Whereas several Member States and several sectoral organizations have submitted their comments to the Commission; whereas certain Member States and sectoral organizations share the commission's view; whereas other Member States feel that the absence of a common fisheries policy may lead Member States to introduce aids to prevent the current situation from deteriorating; whereas several sectoral organizations would like to see the granting of fisheries aids harmonized within the Community;

III

Whereas the fuel subsidies in question have a direct impact on the production costs of recipients and have given them a definite advantage over the other Community fishermen;

Whereas the fact that the aid in question has been granted since 1974 means that it is no longer temporary; whereas the Commission has made it clear to the Member States, and notably to the French authorities in 1975, that it was not in favour of the idea of extending the aids for fuel which it had authorized in the fisheries sector in 1974 and 1975;

Whereas the fact that French fishery imports are on the increase does not cancel out the impact of aid on intra-Community trade and competition;

Whereas the reference made by the French Government to similar aids in other Member States does not appear relevant as the mere existence of an aid scheme in one Member State is never sufficient to justify the granting of similar aid in another Member State;

Whereas intra-Community trade in fishery products for human consumption is substantial and accounts for approximately 30 % of total landings for human consumption in the Community as a whole; whereas, for its part, the French market receives approximately 60 % of its requirements from the landings made by its own fishermen, approximately 20 % from imports from non-member countries and approximately 20 % from imports from the other Member States, and France exports 16 % of its production, approximately two-thirds of which goes to the other Member States;

Whereas the aid in question is simply an aid for fuel and cannot be considered as employment aid; whereas there is no requirement regarding the use of the aid and, in particular, no link with the level of employment in the recipient undertakings;

Whereas the fact that the aid in question is not indexed to the price of oil does not mean that it is not aid for fuel;

Whereas the absence of Community decisions on the reform of the common fisheries policy does not constitute a valid reason for Member States to grant national aids;

Whereas, moreover, for a number of years all Community fishermen have been faced with a very sharp increase in the price of fuel; whereas competition on the Community market in fishery products is very keen;

IV

Whereas it follows from the above that the aid introduced by the French Government is likely to affect trade between the Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty;

Whereas Article 92 (1) of the EEC Treaty states that aids fulfilling the criteria laid down therein are incompatible in principle with the common market; whereas exceptions to this incompatibility, which are the only exceptions relevant to the case in point, are set out in paragraph 3 of the said Article and lay down the objectives followed in the Community's interest and not only in the interest of individual sectors of the national economy; whereas these exceptions are to be strictly interpreted when scrutinizing any aid programme of a regional or sectoral nature or any individual case of application of general aid schemes; whereas exceptions may be allowed only in cases where the Commission can establish that the aid is necessary for achievement of one of the objectives set out in these provisions;

Whereas to allow such exceptions in respect of aids which do not offer such a compensatory advantage would amount to allowing trade between Member States to be affected and competition to be distorted without justification on grounds of Community interest and would result in unfair advantages for certain Member States;

Whereas it has not been possible to establish the existence of such a compensatory advantage in the case in point; whereas the French Government was unable to provide any evidence, and the Commission could find none, that the aids in question fulfilled the conditions required for allowing one of the exceptions provided for in Article 92 (3) of the EEC Treaty;

Whereas the aid in question is clearly not designed to promote or facilitate the development of certain areas; whereas, on regional criteria, Article 92 (3) (a) and (c) is accordingly inapplicable;

Whereas such aids constitute neither an important project of common European interest nor measures capable of remedying a serious disturbance in the French economy; whereas Article 92 (3) (b) of the Treaty is accordingly inapplicable;

Whereas aid for fuel, intended as it is to reduce the cost of certain inputs, constitutes an operating aid with no lasting impact on the economic situation of the

recipients; whereas, in general, the Commission has always been opposed to such aid, since, as a rule, such aid does not in itself fulfil the conditions for eligibility for the exception provided for in Article 92 (3) (c) of the EEC Treaty, since it is not likely to facilitate the development of certain activities within the meaning of that provision;

Whereas, in its communication to the Council of 25 May 1978 on sectoral aid policy, the Commission made it clear that temporary aids to mitigate the social consequences of a crisis situation must be linked with restructuring objectives for the sector in question and subject to action by recipients to facilitate conversion; whereas this does not apply in the case of the aid in question;

Whereas it follows from the above that the aid in question does not fulfil the conditions required for eligibility for one of the exceptions under Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The aid to maintain maritime employment as granted to fishing undertakings in France from 1979 to 1982 is incompatible with the common market within the meaning of Article 92 of the EEC Treaty. Such aid must accordingly no longer be granted.

Article 2

The French Republic shall inform the Commission, within one month of the notification of this Decision, of the measures taken to comply therewith.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 8 February 1983.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission

COMMISSION DECISION**of 8 February 1983****concerning aid for fuel granted to fishermen by the Belgian Government****(Only the Dutch and French texts are authentic)**

(83/314/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 regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, as last amended by Regulation (EEC) No 3443/80 ⁽²⁾, and in particular Article 26 thereof, and to Council Regulation (EEC) No 3796/81 ⁽³⁾, which replaced Regulation (EEC) No 100/76 with effect from 1 June 1982, and in particular Article 28 thereof,

Having given notice, in accordance with the first subparagraph of Article 93 (2) to the parties concerned to submit their comments, and having regard to these comments,

I

Whereas, in accordance with Article 93 (3) of the EEC Treaty, the Belgian Government notified the Commission, by letter dated 15 January 1981 from its Permanent Representation to the European Communities and by supplementary telex of 6 February 1981, of a draft Ministerial Order on certain measures to encourage fuel saving in sea fishing;

Whereas this draft Order was implemented by Royal Decree No 81/362 of 26 February 1981 on measures to encourage fuel saving in horticulture and sea fishing; whereas the Belgian Government thereby failed in its obligations under Article 93 (3) of the EEC Treaty;

Whereas, in the case of sea fishing, which is the only sector covered by this Decision, the Royal Decree in question provides for the granting of a premium to commercial fishermen to encourage them to save fuel; whereas this premium is calculated and granted on a quarterly basis; whereas it amounts to Bfrs 5 for each litre of fuel saved per hour at sea, multiplied by the number of hours spent at sea by the vessel concerned

during the relevant quarter; whereas the saving is calculated in relation to a theoretical average consumption per hour at sea based solely on the gross tonnage of the vessel concerned, or to the actual average consumption of the vessel in question per hour at sea during the 12-month fishing period immediately preceding 1 January 1981, whichever is the higher;

Whereas the theoretical average consumption has been calculated, statistically, on the basis of the consumption and tonnage of and time spent at sea by Belgian vessels in 1980;

Whereas the premium in question is subject to a ceiling inasmuch as the saving claimed by recipients may not exceed 30 % of the theoretical hourly consumption;

Whereas the sum set aside for this aid is Bfrs 60 million; whereas the aid is on a once-only, non-renewable basis and payment will continue until the funds are exhausted;

Whereas Ministerial Order No 81/1643 of 4 August 1981 made provision for aid applications to be filed at the end of each quarter of 1981 and not later than 1 March 1982; whereas, in accordance with Article 93 (3) of the EEC Treaty, the Belgian authorities notified the Commission by letters dated 12 July and 25 August 1982 of their intention to extend the deadline from 1 March to 31 December 1982;

Whereas the aid described above falls within the scope of Articles 92 to 94 of the Treaty by virtue of the Articles of Regulations (EEC) No 100/76 and (EEC) No 3796/81 referred to above;

Whereas, following initial scrutiny, the Commission took the view that the aid in question constituted operating aid granted with no actual reciprocal commitment on the part of recipients, that it had a substantial direct impact on competition and trade between the Member States and that it was therefore incompatible with the common market within the meaning of Article 92 of the Treaty; whereas it accordingly decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the above aid and, to this effect, by letter of 31 March 1981, gave the Belgian Government formal notice to submit its comments;

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 13.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

II

Whereas the Belgian Government, in its reply to the Commission dated 25 May 1981, claimed that the proposed measures should provide a genuine impetus for the dissemination of practical knowledge in the field of energy saving; whereas what is involved is 'human investment', which has a more lasting impact than certain physical investments; whereas, in view of the economic situation in general and that of the fishing sector in particular, it is not felt advisable to link the granting of the aid in question with a requirement to invest; whereas, lastly, the measure involved does constitute a lasting incentive which should increase the recipients' awareness and knowledge with regard to the problem of energy saving; whereas several Member States and several other parties concerned have submitted their comments to the Commission; whereas certain Member States and sectoral organizations share the Commission's view;

Whereas other Member States feel that the absence of a Community fisheries policy may lead Member States to introduce aids to prevent the current situation from deteriorating; whereas several sectoral organizations would like to see the granting of fisheries aids harmonized within the Community;

III

Whereas, with regard to the rules on competition contained in the EEC Treaty, the scheme introduced by the Belgian Government has to be viewed from two angles, firstly as an implicit demand to Belgian fishermen to realize the need for energy saving and the possibility of achieving this by rationalizing the utilization and improving the maintenance of their vessels and the engines thereof, and, secondly, as a premium for fishermen whose average hourly fuel consumption in 1981 has dropped in relation to a reference level and period;

Whereas the above objective of reducing fuel consumption by Belgian fishermen appears to be in accord with the Community's energy policy; whereas, in its resolution of 9 June 1980 concerning Community energy policy objectives for 1990 and convergence of the policies of the Member States⁽¹⁾, the Council affirmed that the Community should step up its efforts

to save energy and reduce its oil consumption and imports;

Whereas, however, the premium in question does not appear likely to enable this objective to be achieved in the long term; whereas it is not in fact linked with any reciprocal commitment on the part of the recipients with regard to training expenditure or activity; whereas granting of this premium will in no way alter their structural situation;

Whereas the interests of good management alone lead fishermen to look for every possible way of saving energy and reducing production costs in general; whereas such endeavours are in no way linked to obtaining aid of the type in question; whereas, accordingly, such aid is in no way the cause of any fuel saving made and its only effect is to reduce the cost of the fuel actually used by the recipients;

Whereas the sole requirement to be fulfilled in order to qualify for the aid in question is a reduction in hourly fuel consumption; whereas a momentary reduction in consumption of this nature cannot be considered as energy saving in the strict sense of the term as it has no lasting effect on fuel consumption by the recipient; whereas the aid granted is not therefore linked with lasting changes by the recipient to the way in which he operates his vessel;

Whereas it follows from the above that the aid introduced by the Belgian Government must be considered as direct aid for fuel consumption used by fishermen; whereas such aid therefore has an immediate impact on the production costs of recipients and gives them a definite advantage over other Community fishermen not in receipt of such aid;

Whereas intra-Community trade in fishery products for human consumption is substantial and accounts for approximately 30 % of total landings for human consumption in the Community as a whole; whereas, for its part, the Belgian market receives approximately one quarter of its requirements from the landings made by its own fishermen, slightly over half from imports from other Member States, and the balance from imports from non-member countries;

Whereas, moreover, for a number of years, all Community fishermen have been faced with a very sharp increase in the price of fuel; whereas competition on the Community market in fishery products is very keen;

⁽¹⁾ OJ No C 149, 18. 6. 1980, p. 1.

IV

Whereas it follows from the above that the aid introduced by the Belgian Government is likely to affect trade between the Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty;

Whereas Article 92 (1) of the EEC Treaty states that aids fulfilling the criteria laid down therein are incompatible in principle with the common market; whereas exceptions to this incompatibility, which are the only exceptions relevant to the case in point, are set out in paragraph 3 of the said Article and lay down the objectives followed in the Community's interest and not only in the interest of individual sectors of the national economy; whereas these exceptions are to be strictly interpreted when scrutinizing any aid programme of a regional or sectoral nature or any individual case of application of general aid schemes; whereas exceptions can be allowed only in cases where the Commission can establish that the aid is necessary for achievement of one of the objectives set out in these provisions;

Whereas to allow such exceptions in respect of aids which do not offer such a reciprocal advantage would amount to allowing trade between Member States to be affected and competition to be distorted without justification on grounds of Community interest and would result in unfair advantages for the recipients;

Whereas it has not been possible to establish the existence of such a reciprocal advantage in the case in point; whereas the Belgian Government was unable to provide any evidence, and the Commission could find none, that the aids in question fulfilled the conditions required for allowing one of the exceptions provided for in Article 92 (3) of the EEC Treaty;

Whereas the aid in question is clearly not designed to promote or facilitate the development of certain areas; whereas, on regional criteria, Article 92 (3) (a) and (c) is accordingly inapplicable;

Whereas such aids constitute neither an important project of common European interest nor measures capable of remedying a serious disturbance in the Belgian economy; whereas Article 92 (3) (b) is accordingly inapplicable;

Whereas aid for the purchase of fuel, intended as it is to reduce the cost of certain inputs, constitutes an

operating aid with no lasting impact on the economic situation of the recipients; whereas, in general, the Commission has always been opposed to such aid, since, as a rule, such aid does not in itself fulfil the conditions for eligibility for the exception provided for in Article 92 (3) (c) of the EEC Treaty, since it is not likely to facilitate the development of certain activities within the meaning of that provision;

Whereas it follows from the above that the aid in question does not fulfil the conditions required for eligibility for one of the exceptions under Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The aid to encourage fuel saving in the fisheries sector as approved by the Belgian Government by Royal Decree No 81/362 of 26 February 1981 is incompatible with the common market within the meaning of Article 92 of the EEC Treaty. Such aid must accordingly no longer be granted.

Article 2

The Kingdom of Belgium shall inform the Commission, within one month of the notification of this Decision, of the measures taken to comply therewith.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 8 February 1983.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission

COMMISSION DECISION**of 8 February 1983****concerning a subsidy granted by the United Kingdom Government in 1980 and 1981 to owners of fishing vessels****(Only the English text is authentic)****(83/315/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 regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽¹⁾, as last amended by Regulation (EEC) No 3443/80 ⁽²⁾, and in particular Article 26 thereof, and to Council Regulation (EEC) No 3796/81 ⁽³⁾, which replaced Regulation (EEC) No 100/76 with effect from 1 June 1982, and in particular Article 28 thereof,

Having given notice, in accordance with the first subparagraph of Article 93 (2), to the parties concerned to submit their comments, and having regard to these comments,

I

Whereas, in accordance with Article 93 (3) of the EEC Treaty, the United Kingdom Government notified the Commission by letters dated 17 September 1980 and 4 May 1981 from its Permanent Representation to the European Communities of its intention to grant an exceptional subsidy, for 1980, to owners of fishing vessels registered in the United Kingdom ;

Whereas this aid, granted direct to owners of fishing vessels, was based solely on vessel length ; whereas, in order to qualify for the aid, vessels had to belong to the applicant on 7 August 1980, be registered and fitted out for fishing on that date and have carried out a minimum of fishing between 1 January and 7 August 1980 ;

Whereas the level of the subsidy varied from £ 275 for vessels of less than 35 feet to £ 30 745 for vessels of more than 190 feet ; whereas the grant of the aid was not made subject to any conditions regarding the use

of the money paid or the subsequent use of the vessel ; whereas, lastly, the sum set aside for the aid was £ 14 million ;

Whereas the United Kingdom Government gave several reasons for granting the aid ; whereas it stated firstly that the poor market situation for fishery products in the summer of 1980, the rise in production costs and the measures for conserving resources threatened the very existence of a significant proportion of the United Kingdom fleet ; whereas it then emphasized its desire to prevent the uncontrolled break-up of the fleet immediately prior to the revision of the common fisheries policy, at that stage planned for the end of 1980 ; whereas it referred lastly to the importance of fishing for certain areas of the United Kingdom already seriously affected by unemployment and the social repercussions of any increase in the unemployment level ;

Whereas, in its notification of 17 September 1980, the United Kingdom Government ruled out the possibility of the aid being extended beyond the 1980/81 tax year ; whereas, however, in accordance with Article 93 (3) of the EEC Treaty, it notified the Commission by letter dated 29 April 1981 from its Permanent Representation to the European Communities of its intention to grant, for 1981, aid identical to that granted in 1980 ; whereas the sum set aside for the purpose was £ 25 million ;

Whereas the United Kingdom Government gave as its reason for extending the aid the continuing deterioration of the market and the ensuing threat to the survival of the United Kingdom fleet ;

Whereas the aids thus decided on for 1980 and 1981 fall within the scope of Articles 92 to 94 of the EEC Treaty by virtue of Articles 26 and 28 of Regulations (EEC) No 100/76 and (EEC) No 3796/81 ;

Whereas, following initial scrutiny, the Commission took the view that the aids were cash aids granted without any undertaking on the part of the recipients and offering no hope of a lasting improvement in their situation, that they had a substantial direct impact on competition and trade between the Member

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 13.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

States and that they were therefore incompatible with the common market within the meaning of Article 92 of the Treaty; whereas it accordingly decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the above aids and, to this effect, by letter of 1 July 1980, gave the United Kingdom Government formal notice to submit its comments;

Whereas the proposed measures were, however, put into effect before a final decision had been taken under this procedure; whereas the United Kingdom Government thus failed in its obligations under Article 93 (3) of the EEC Treaty;

II

Whereas in its reply to the Commission dated 30 September 1981 the United Kingdom Government stated that, in the absence of an agreement on the revision of the common fisheries policy, it considered the measures in question to be necessary and justified for maintaining the structure of the United Kingdom fishing fleet and preventing its being broken up; whereas it stressed furthermore that if such aids were not granted there was a risk that the vessels likely to benefit from the reform of the common fisheries policy would disappear even before it was implemented;

Whereas several Member States and several other parties concerned have submitted their comments to the Commission; whereas certain Member States and sectoral organizations share the Commission's view; whereas other Member States feel that the absence of a Community fisheries policy may lead Member States to introduce aids to prevent the current situation from deteriorating; whereas several sectoral organizations would like to see the granting of fisheries aids harmonized within the Community;

III

Whereas the subsidy in question is a cash aid payable directly to recipients and thus has an immediate impact on their production costs, placing them at a definite advantage over other Community fishermen;

Whereas intra-Community trade in fishery products for human consumption is substantial and accounts for approximately 30 % of total landings for human consumption in the Community as a whole; whereas, for its part, the United Kingdom market in fishery products is becoming more accessible year by year to imports from the nine other Member States; whereas, in 1980, such imports represented 16 % by volume of

total landings by United Kingdom fishermen, compared with 6 % in 1975;

Whereas the reference by the United Kingdom authorities to the absence of a Council decision on the revision of the common fisheries policy does not constitute justification for granting national aids;

IV

Whereas it follows from the above that the aids in question introduced by the United Kingdom Government in 1980 and 1981 are likely to affect trade between the Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty;

Whereas Article 92 (1) of the EEC Treaty states that aids fulfilling the criteria laid down therein are incompatible in principle with the common market; whereas exceptions to this incompatibility, which are the only exceptions relevant to the case in point, are set out in paragraph 3 of the said Article and lay down the objectives followed in the Community's interest and not only in the interest of individual sectors of the national economy; whereas these exceptions are to be strictly interpreted when scrutinizing any aid programme of a regional or sectoral nature or any individual case of application of general aid schemes; whereas exceptions may be allowed only in cases where the Commission can establish that the aid is necessary for achievement of one of the objectives set out in these provisions;

Whereas to allow such exceptions in respect of aids which do not offer such a compensatory advantage would amount to allowing trade between Member States to be affected and competition to be distorted without justification on grounds of Community interest and would result in unfair advantages for certain Member States;

Whereas it has not been possible to establish the existence of such a compensatory advantage in the case in point; whereas the United Kingdom Government was unable to provide any evidence, and the Commission could find none, that the aids in question fulfilled the conditions required for allowing one of the exceptions provided for in Article 92 (3) of the EEC Treaty;

Whereas the aids in question are clearly not designed to promote or facilitate the development of certain areas; whereas, on regional criteria, Article 92 (3) (a) and (c) is accordingly inapplicable;

Whereas such aids constitute neither an important project of common European interest nor measures capable of remedying a serious disturbance in the United Kingdom economy; whereas Article 92 (3) (b) of the Treaty is accordingly inapplicable;

Whereas a subsidy for owners of fishing vessels based solely on the length of their vessels, since it is designed solely to alleviate temporarily the cash situation of recipients, constitutes an operating aid with no impact on their long-term structural situation; whereas, in general, the Commission has always been opposed to such aid since, as a rule, such aid does not in itself fulfil the conditions for eligibility for the exception provided for in Article 92 (3) (c) of the EEC Treaty, since it is not likely to facilitate the development of certain activities within the meaning of that provision;

Whereas, in its communication to the Council of 25 May 1978 on sectoral aid policy, the Commission made it clear that temporary aids to mitigate the social consequence of a crisis situation must be linked with restructuring objectives for the sector in question and subject to action by recipients to facilitate conversion; whereas this does not apply in the case of the aids in question;

Whereas it follows from the above that the aids in question do not fulfil the conditions required for eligibility for one of the exceptions under Article 92 (3) of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The exceptional subsidies for owners of fishing vessels as decided on by the United Kingdom Government for 1980 and 1981 are incompatible with the common market within the meaning of Article 92 of the EEC Treaty. Such subsidies must accordingly no longer be granted.

Article 2

The United Kingdom shall inform the Commission, within one month of the notification of this Decision, of the measures taken to comply therewith.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 8 February 1983.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission
