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I

*(Acts whose publication is obligatory)***COMMISSION REGULATION (EEC) No 39/85****of 8 January 1985****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Having regard to the opinion of the Monetary
Committee,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 January
1985.

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

Done at Brussels, 8 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.
⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.
⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.
⁽⁵⁾ OJ No L 293, 10. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.
⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 8 January 1985 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	62,36
10.01 B II	Durum wheat	94,65 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	68,16 ⁽⁶⁾
10.03	Barley	78,32
10.04	Oats	53,22
10.05 B	Maize, other than hybrid maize for sowing	63,80 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	72,54 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	101,71
11.01 B	Rye flour	109,05
11.02 A I a)	Durum wheat groats and meal	160,21
11.02 A I b)	Common wheat groats and meal	108,29

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

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

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

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

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

COMMISSION REGULATION (EEC) No 40/85

of 8 January 1985

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2222/84 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 January
1985.

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

Done at Brussels, 8 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 8 January 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 1	1st period 2	2nd period 3	3rd period 4
10.01 B I	Common wheat, and meslin	0	1,50	1,50	0,34
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1,09	1,09	0,95
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	23,18	23,18	29,99
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	2,10	2,10	0,48

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	2,67	2,67	0,61	0,61
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	2,00	2,00	0,45	0,45
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 RECOMMENDATION No 41/85/ECSC

of 4 January 1985

on Community surveillance in respect of the importation of certain iron and steel products covered by the ECSC Treaty and originating in certain non-member countries other than Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas by recommendation No 161/84/ECSC⁽¹⁾, as amended by recommendation No 902/84/ECSC⁽²⁾, the Commission has subjected to a Community monitoring system the imports into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community;

Whereas the reasons which originally led the Commission to introduce these measures, namely the need to ensure fuller information on both expected imports and the terms under which they are made, continue to apply;

Whereas, it is advisable to take into account the special monitoring scheme introduced for imports originating in Spain,

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. The importation into the Community of iron and steel products covered by the ECSC Treaty, listed in Annexes III A and III B and originating in non-member countries other than Spain, shall be subject to the issue of an import licence.

2. The products referred to in paragraph 1 shall be considered as being of first-choice quality until proof to the contrary is supplied by the importer.

3. The import licence shall be issued or endorsed by the Member States, free of charge and for any quantities requested, upon receipt of the application and in any case within not more than 10 working days from the submission of the completed application and presentation of two duplicates of the relevant purchase contract(s) and the vendor's order confirmation(s). The originals of these documents must be produced if required by the licence-issuing authority. If the

products in question are declared as being seconds or of substandard quality, the import licence shall indicate the precise characteristics which justify the said classification of the products.

4. Paragraph 1 shall apply without prejudice to the maintenance of existing quantitative restrictions imposed by certain Member States on certain iron and steel products in respect of certain non-member countries.

5. The period of validity of the import licence is hereby fixed at two months, without prejudice to possible changes in the import arrangements in force.

6. Completely used import licences shall be returned immediately to the issuing office. Licences not, or incompletely, used two months after their date of issue shall be returned to the issuing office within five working days of their date of expiry.

Article 2

1. The importer's application must state for goods listed in Annexes III A and III B:

- (a) the country of origin and the country of consignment;
- (b) a description of the goods and an indication of the Common Customs Tariff subheading and the NIMEXE code;
- (c) the characteristics establishing any claim that the goods are seconds or of substandard quality;
- (d) the quantity of the goods in tonnes, by individual lots;
- (e) the name, address, telephone number and telex number of the vendor;
- (f) the name, address, telephone number and telex number of the importer;
- (g) the name, address, telephone number and telex number of any final purchaser, where known;
- (h) the proposed date and place (customs office) of importation;
- (i) the point of delivery used for the calculation of the invoiced price;
- (j) the date of the contract for the purchase of the goods and the contract number or any other reference given by the vendor by which the delivery in question may be identified;

⁽¹⁾ OJ No L 19, 24. 1. 1984, p. 5.

⁽²⁾ OJ No L 93, 3. 4. 1984, p. 8.

(k) where applicable, that the goods in question are intended for processing under contract and subsequent re-export outside the Community (country of re-export to be specified).

2. The following additional information shall also be supplied when a licence to import goods listed in Annex III A is applied for:

A. For goods originating in and consigned directly from one of the countries listed in Annex I (direct importation):

(a) a full commercial description of the goods, including exact specifications, sufficient to permit calculation of the delivered price according to the price lists selected;

(b) the delivered price per tonne, including transport costs to point of delivery and all extras, rebates and any other factors relevant to calculation of the delivered price;

(c) details of:

(i) the price lists of the producer in the non-member country in question, chosen for calculating the delivered price, stating the date of the chosen lists; or

(ii) the Community producer's price lists chosen for calculating the delivered price, stating the date of the chosen lists; or

(iii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, giving details sufficient to identify the offer, including its date; or

(iv) any other appropriate price (to be justified);

(d) if available, the date of issuance of the bill of lading.

B. For goods originating in and consigned directly from one of the countries listed in Annex II (direct importation):

(a) a full commercial description of the goods, including exact specifications, sufficient to permit calculation of the delivered price according to the price lists selected;

(b) the delivered price per tonne, including customs duties, transport costs to point of delivery and all extras, rebates and any other factors relevant to calculation of the delivered price;

(c) details of:

(i) the Community producer's price lists chosen for calculating the delivered price, stating the date of the chosen lists; or

(ii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, giving details sufficient to identify the offer, including its date; or

(iii) where appropriate, other prices (to be justified);

(d) the date of issuance of the bill of lading, if available.

C. For goods originating in one of the countries listed in Annexes I or II but consigned from any non-member country other than the country of origin (indirect importation), for products originating in Brazil, other than pig and cast iron falling within heading No 73.01 of the Common Customs Tariff, and for goods originating in a non-member country other than Spain, not listed in Annexes I or II:

(a) a complete description corresponding to that appearing in the list of products subject to the basic prices in force;

(b) the cif price at the Community frontier, per tonne, in the currency of the contract, plus customs duties applicable and unloading costs.

3. The importer shall declare that neither he nor the purchaser will be granted any reduction, rebate or other form of refund not mentioned in the contract for the transaction, either at the time of the transaction or subsequently.

4. The importer shall certify that his application for an import licence is accurate.

5. The importer shall state whether his application is a repeat of a previous application concerning the same delivery.

Article 3

1. The Member States shall communicate to the Commission, as soon as such information is established by the competent authorities, any difference between:

— the delivered price calculated according to the provisions on prices applicable to the non-member countries listed in Annexes I and II on the date scheduled for importation, and

- the price used on the basis of the chosen Community producer's price list pursuant to Article 2 (2) (B) (c) or justified otherwise.

They shall also furnish all necessary documents, notably the duplicates of licence applications, purchase contracts and vendor's order confirmations, whenever the price difference noted is considerable or relates to a large quantity.

2. The Member States shall communicate to the Commission, as soon as such information is established by the competent authorities, any difference between :

- the basic price as published in the *Official Journal of the European Communities*, plus any extras, and
- the cif price at the Community frontier, including customs duties applicable and unloading costs, in ECU per tonne, for the following goods :
- (i) goods originating in one of the countries listed in Annexes I and II, but consigned from a non-member country other than the country of origin ;
 - (ii) goods originating in non-member countries, other than Spain or those listed in Annexes I and II ;
 - (iii) goods originating in Brazil, other than pig and cast iron falling within heading No 73.01 of the Common Customs Tariff.

3. Within the first 10 days of each month, Member States shall notify the Commission of the tonnage and amounts (calculated on the basis of the cif prices) for which import licences were issued during the preceding month.

4. The information supplied by Member States shall include :

- (a) a breakdown by product (Common Customs Tariff subheading and NIMEXE code) with separate declaration of the quantities declared as being seconds or of substandard quality ;

- (b) a breakdown by country of origin ;

- (c) within the total of any one product originating in any one country, the quantities not imported directly from that country and, where appropriate, a breakdown by country or countries of consignment ;

- (d) the quantities of each product re-exported outside the Community after inward processing.

5. Within the first 10 days of each month, Member States shall communicate to the Commission the tonnage and the amounts (calculated on the basis of the cif price) for which import licences have expired during the preceding month without having been used by importers.

Article 4

For the purposes of this recommendation, the country of consignment is deemed to be the last intermediate non-member country in which the product in question was the subject of entrepôt operations or legal transactions not connected with its transportation.

Article 5

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

It shall apply until 31 December 1985.

Done at Brussels, 4 January 1985.

For the Commission
Wilhelm HAERKAMP
Vice-President

ANNEX I

Austria
Finland
Norway
Sweden

ANNEX II

Australia	Japan
Brazil ⁽¹⁾	Korea
Bulgaria	Poland
Czechoslovakia	Romania
Hungary	South Africa

⁽¹⁾ Only for pig and cast iron falling within heading No 73.01 of the Common Customs Tariff.

ANNEX III A

List of products the importation of which is subject to the issue of an import document
(quantity and price surveillance)

CCT heading No	NIMEXE code	Description
73.01 B	73.01-21, 23, 25, 27	Haematite pig iron and cast iron
73.01 C	73.01-31, 35	Phosphoric pig iron and cast iron
73.01 D	73.01-41, 49	Pig iron and cast iron other than spiegeleisen, haematite and phosphoric pig iron and cast iron
73.02 A I	73.02-01, 09	Ferro-manganese containing more than 2 % by weight of carbon (high carbon ferro-manganese)
73.07 A I	73.07-12	Blooms and billets, of iron or steel, rolled ⁽¹⁾
73.07 B I	73.07-21, 24	Slabs and sheet bars, of iron or steel, rolled ⁽¹⁾
73.08	73.08-03, 05, 07, 21, 25, 29, 41, 45, 49	Iron or steel coils for re-rolling other than 'electrical'
73.10 A I	73.10-11	Wire rod of iron or steel
73.10 A II	73.10-12, 14	Concrete reinforcing bars of iron or steel with minor indentations, flanges, grooves or other deformations produced during the rolling process, whether or not twisted after rolling
	73.10-15, 17	Other bars and rods
73.11 A I	73.11-11, 12, 14, 16, 19	Angles, shapes and sections of iron or steel, not further worked than hot-rolled or extruded
73.12 A II	73.12-19	Hoop and strip of iron or steel, other than 'electrical', not further worked than hot-rolled
73.13 A II	73.13-16	'Electrical' sheets and plates of iron or steel, other than with a watt-loss, regardless of thickness, of 0,75 watt or less
73.13 B I a)	73.13-17, 19, 21, 23, 26	Sheets and plates, other than 'electrical', not further worked than hot-rolled, of a thickness of 2 mm or more
73.13 B II a)	73.13-41	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of 3 mm or more
73.13 B II b)	73.13-43, 45	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of more than 1 mm but less than 3 mm
73.13 B II c)	73.13-47, 49	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of 1 mm or less
73.13 B IV c) 1 and 2	73.13-67, 72	Sheets and plates, other than 'electrical', non-corrugated, zinc-coated
73.15 A V b) 1	73.63-21	High carbon wire rod
73.15 B I b) 2 (aa)	73.71-53	Blooms, billets, slabs, sheet bars, other than forged ⁽¹⁾ : — Stainless or heat-resisting steel
73.15 B V b) 1 (aa)	73.73-23	Wire rod: — Stainless or heat-resisting steel
73.15 B V b) 1 (cc)	73.73-25	Wire rod: — S, Pb and P steels
73.15 B V b) 1 (dd)	73.73-26	Wire rod: — Mangano-silicon
73.15 B V b) 1 (ee)	73.73-29	Wire rod: — Other (excluding high-speed)
73.15 B V b) 2 (aa)	73.73-33	Hot-rolled or extruded bars, rods, angles, shapes and sections: — Stainless or heat-resisting steel
73.15 B V b) 2 (cc)	73.73-35	Hot-rolled or extruded bars, rods, angles, shapes and sections: — S, Pb and P steels
73.15 B V b) 2 (dd)	73.73-36	Hot-rolled or extruded bars, rods, angles, shapes and sections: — Mangano-silicon

⁽¹⁾ Includes products of the same form in continuous casting.

CCT heading No	NIMEXE code	Description
73.15 B V b) 2 (ee)	73.73-39	Hot-rolled or extruded bars, rods, angles, shapes and sections : — Other alloy (excluding high-speed)
73.15 B VII a) 2	73.75-19	'Electrical' sheets and plates in alloy steel with a watt-loss, regardless of thickness, of greater than 0,75 watt
73.15 B VII b) 1 (aa) 11	73.75-23	Hot-rolled sheets and plates of a thickness more than 4,75 mm : — Stainless or heat-resisting
73.15 B VII b) 1 (aa) 33	73.75-29	Sheets and plates of a thickness of more than 4,75 mm other than stainless, heat-resisting or high-speed steel
73.15 B VII b) 1 (bb) 11	73.75-33	Hot-rolled sheets and plates of a thickness not less than 3 mm but not more than 4,75 mm : — Stainless or heat-resisting
73.15 B VII b) 1 (cc) 11	73.75-43	Hot-rolled sheets and plates of a thickness less than 3 mm : — Stainless or heat-resisting
73.15 B VII b) 2 (aa) 11	73.75-53	Sheets and plates, other than 'electrical' not further worked than cold-rolled, of a thickness of 3 mm or more, stainless or heat-resisting
73.15 B VII b) 2 (bb) 11	73.75-63	Cold-rolled sheet of a thickness less than 3 mm : — Stainless or heat-resisting

ANNEX III B

List of products for which import is subject to the issue of an import document (quantity monitoring)

CCT heading No	NIMEXE code	Description
73.13 B IV b) 1	73.13-64	Tinplate
73.13 B IV c) 2 (aa)	73.13-68	Sheets and plates, other than 'electrical', corrugated, otherwise zinc-coated
73.13 B IV d) 3 (bb) 33	73.13-87	Sheets and plates, other than 'electrical', aluminium-coated
73.15 A I b) 2	73.61-50	Blooms, billets, slabs and sheet bars of high carbon steel, other than forged (1)
73.15 B I b) 2 (cc)	73.71-55	Blooms, billets, slabs and sheet bars : — S, Pb and P steels (1)
73.15 B I b) 2 (dd)	73.71-56	Blooms, billets, slabs and sheet bars : — Manganese-silicon steel (1)
73.15 B I b) 2 (ee)	73.71-59	Blooms, billets, slabs and sheet bars : — Other alloy steel (1)
73.15 B V b) 1 (bb)	73.73-24	Wire rod of high-speed steel
73.15 B V b) 2 (bb)	73.73-34	Hot-rolled or extruded bar, rod, angles, shapes and sections of high-speed steel
73.15 B VII b) 1 (bb) 33	73.75-39	Hot-rolled plate and sheet of a thickness not less than 3 mm but not more than 4,75 mm : — Other alloy (excluding stainless)
73.15 B VII b) 1 (cc) 33	73.75-49	Hot-rolled sheet of a thickness less than 3 mm : — Other alloy (excluding stainless)
73.15 B VII b) 2 (aa) 33	73.75-79	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of 3 mm or more : — Other
73.15 B VII b) 2 (bb) 33	73.75-69	Cold-rolled sheet of a thickness less than 3 mm : — Other alloy (excluding stainless)

(1) Includes products of the same form in continuous casting.

COMMISSION DECISION No 42/85/ECSC

of 4 January 1985

on retrospective Community surveillance of imports and exports of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community originating in certain non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas, by Decision No 588/80/ECSC⁽¹⁾, as last amended by Decision No 162/84/ECSC⁽²⁾, the Commission instituted a retrospective Community monitoring system for imports into and exports from the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community;

Whereas the reasons which originally led the Commission to introduce this measure are still valid,

HAS ADOPTED THIS DECISION:

Article 1

Imports into the Community of the iron and steel products specified in Annex I originating in the non-member countries specified in Annex II, and Community exports of those products to the non-member countries specified in Annex III, shall be subject to retrospective Community surveillance.

Article 2

1. The Member States shall notify the Commission, within the first 10 days of each month, of:

- (a) the quantities, expressed in tonnes, imported during the last month but one preceding such notification;
- (b) the prices per tonne of the products imported, calculated on the basis of cif free-at-frontier prices.

2. The information supplied by Member States shall include:

- (a) a breakdown by product (Common Customs Tariff subheading and NIMEXE code), with separate entries for seconds and substandard products;
- (b) a breakdown by country of origin;
- (c) within the total of any one product originating in any one country, the quantities not imported directly from that country, and, in that case, a breakdown by country of consignment, such information to be supplied as soon as it becomes available;
- (d) the quantities in tonnes of each product re-exported from the Community after contract processing.

3. For the purposes of this Decision, the country of consignment is deemed to be the last intermediate non-member country in which the product in question was the subject of 'entrepôt' operations or legal transactions not connected with its transportation.

Article 3

1. The Member States shall notify the Commission, within the first 10 days of each month, of:

- (a) the quantities, expressed in tonnes, exported during the last month but one preceding such notification;
- (b) the quantities, expressed in tonnes, re-imported after contract processing during the period specified in subparagraph (a).

2. The information supplied by Member States shall include:

- (a) a breakdown by product (Common Customs Tariff subheading and NIMEXE code);
- (b) a breakdown by country of destination.

Article 4

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

It shall apply until 31 December 1985.

⁽¹⁾ OJ No L 65, 11. 3. 1980, p. 11.

⁽²⁾ OJ No L 19, 24. 1. 1984, p. 11.

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

Done at Brussels, 4 January 1985.

For the Commission
Wilhelm HAERKAMP
Vice-President

*ANNEX I***List of ECSC products subject to retrospective surveillance (by NIMEXE code)****73.01**

NIMEXE codes : 73.01-10, 73.01-21, 73.01-23, 73.01-25, 73.01-27, 73.01-31, 73.01-35, 73.01-41, 73.01-49.

73.02

NIMEXE codes : 73.02-01, 73.02-09.

73.06

NIMEXE codes : 73.06-10, 73.06-20, 73.06-30.

73.07

NIMEXE codes : 73.07-12, 73.07-21, 73.07-24.

73.08

NIMEXE codes : 73.08-01, 73.08-03, 73.08-05, 73.08-07, 73.08-21, 73.08-25, 73.08-29, 73.08-41, 73.08-45, 73.08-49.

73.09

NIMEXE code : 73.09-00.

73.10

NIMEXE codes : 73.10-11, 73.10-12, 73.10-14, 73.10-15, 73.10-17, 73.10-18, 73.10-42.

73.11

NIMEXE codes : 73.11-11, 73.11-12, 73.11-14, 73.11-16, 73.11-19, 73.11-41, 73.11-50.

73.12

NIMEXE codes : 73.12-11, 73.12-19, 73.12-21, 73.12-51, 73.12-71.

73.13

NIMEXE codes : 73.13-11, 73.13-16, 73.13-17, 73.13-19, 73.13-21, 73.13-23, 73.13-26, 73.13-32, 73.13-34, 73.13-36, 73.13-41, 73.13-43, 73.13-45, 73.13-47, 73.13-49, 73.13-50, 73.13-64, 73.13-65, 73.13-67, 73.13-68, 73.13-72, 73.13-74, 73.13-76, 73.13-78, 73.13-79, 73.13-82, 73.13-84, 73.13-86, 73.13-87, 73.13-88, 73.13-89, 73.13-92.

73.15

NIMEXE codes : 73.61-20, 73.61-50, 73.62-10, 73.62-30, 73.63-21, 73.63-29, 73.63-72, 73.64-20, 73.64-72, 73.65-21, 73.65-23, 73.65-25, 73.65-53, 73.65-55, 73.65-70, 73.65-81, 73.71-21, 73.71-23, 73.71-24, 73.71-29, 73.71-53, 73.72-11, 73.72-13, 73.72-19, 73.72-33, 73.72-39, 73.73-23, 73.73-25, 73.73-26, 73.73-29, 73.73-33, 73.73-35, 73.73-36, 73.73-39, 73.73-72, 73.74-21, 73.74-23, 73.74-29, 73.74-72, 73.75-11, 73.75-19, 73.75-23, 73.75-29, 73.75-33, 73.75-39, 73.75-43, 73.75-49, 73.75-53, 73.75-54, 73.75-59, 73.75-63, 73.75-73, 73.75-79, 73.75-83, 73.75-84, 73.75-89.

73.16

NIMEXE code : 73.16-14.

*ANNEX II***List of countries supplying ECSC products subject to retrospective import surveillance**

Algeria, Argentina, Australia, Austria, Brazil, Bulgaria, Canada, China, Czechoslovakia, Egypt, Finland, German Democratic Republic, Hungary, India, Japan, Mexico, Nigeria, Norway, Poland, Portugal, Romania, Saudi Arabia, South Africa, South Korea, Soviet Union, Spain, Sweden, Switzerland, Taiwan, Trinidad and Tobago, United States, Venezuela, Yugoslavia, Zimbabwe.

*ANNEX III***List of non-member countries importing ECSC products subject to retrospective export surveillance**

Algeria, Argentina, Australia, Austria, Brazil, Bulgaria, Canada, China, Czechoslovakia, Egypt, Finland, German Democratic Republic, India, Iraq, Japan, Mexico, Nigeria, Norway, Poland, Portugal, Romania, Saudi Arabia, South Africa, South Korea, Soviet Union, Spain, Sweden, Switzerland, Taiwan, United States, Venezuela, Yugoslavia.

COMMISSION RECOMMENDATION No 43/84/ECSC

of 4 January 1985

on Community surveillance of imports of certain iron and steel products covered by the ECSC Treaty and originating in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas imports of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community and originating in non-member countries were subjected to Community surveillance under Commission recommendation No 161/84/ECSC⁽¹⁾, as amended by recommendation No 902/84/ECSC⁽²⁾;

Whereas, by recommendation No 902/84/ECSC, the Commission made imports originating in Spain subject to special Community surveillance;

Whereas the reasons which originally led the Commission to introduce these special arrangements are still valid,

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. The importation into the Community of iron and steel products covered by the ECSC Treaty, listed in Annexes I, II and III and originating in Spain, shall be subject to the issue of an import document.

2. The products referred to in paragraph 1 shall be considered to be prime-quality products until proof to the contrary is supplied by the importer.

3. The import document shall be issued or endorsed by the Member States, free of charge and for any quantities requested, upon receipt of the application and in any case within not more than 10 working days of the submission of the completed application and presentation of two duplicates of the relevant

purchase contract or contracts and the vendor's order confirmation or confirmations. The originals of these documents must be produced if required by the issuing authority. If the products in question are declared to be non-prime products, the import document shall indicate the precise characteristics which justify the said classification of the products.

4. For the products referred to in Annex I, the issue of the import document shall be subject to the presentation of the export document (*Comunicación al exportador — cuota productos siderúrgicos CECA*) issued by the Spanish authorities. The specifications given on the import application relating to the characteristics of the product and destination must tally with those on the export document. The country of destination shall be deemed to be that in which the goods are put into free circulation or made subject to inward processing arrangements.

5. The period of validity of the import document shall be two months, without prejudice to possible changes in the import arrangements in force.

6. Completely used import documents shall be returned immediately to the issuing office. Documents not, or incompletely, used two months after their date of issue shall be returned to the issuing office within five working days of their date of expiry.

Article 2

1. The importer's application must state:

(a) the country of origin and the country of consignment;

(b) a description of the goods and an indication of the Common Customs Tariff subheading and the NIMEXE code;

(c) the characteristics establishing any claim that the goods are non-prime products;

(d) the quantity of the goods in tonnes, by individual lots;

(e) the name, address, telephone number and telex number of the vendor;

⁽¹⁾ OJ No L 19, 24. 1. 1984, p. 5.

⁽²⁾ OJ No L 93, 3. 4. 1984, p. 8.

- (f) the name, address, telephone number and telex number of the importer;
- (g) the name, address, telephone number and telex number of any final purchaser, where known;
- (h) the proposed date and place (customs office) of importation;
- (i) the point of delivery used for the calculation of the invoiced price;
- (j) the date of the contract for the purchase of the goods and the contract number or any other reference given by the vendor by which the delivery in question may be identified;
- (k) where applicable, that the goods in question are intended for processing under contract and subsequent re-export outside the Community (country of re-export to be specified).

2. The following additional information shall also be supplied for goods listed in Annex I or II:

A. For goods originating in and consigned directly from Spain (direct importation):

- (a) a commercial description of the goods, including exact specifications, sufficient to permit calculation of the delivered price according to the price lists selected;
- (b) the delivered price per tonne, including customs duties, transport costs and all extras, rebates and any other factors relevant to calculation of the delivered price;
- (c) details of:
 - (i) the Community producer's price lists chosen for calculating the delivered price, stating the date of the chosen lists, or
 - (ii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, giving details sufficient to identify the offer, including its date, or
 - (iii) where appropriate, other prices (to be justified);
- (d) the date of issuance of the bill of lading, if available.

B. For goods originating in Spain but consigned from any non-member country (indirect importation):

- (a) a complete description corresponding to that appearing in the list of products subject to the basic prices in force;
- (b) the cif price at the Community frontier, per tonne, in the currency of the contract, plus customs duties applicable and unloading costs.

3. The importer shall declare that neither he nor the purchaser will be granted any reduction, rebate or other form of refund not mentioned in the contract for the transaction, either at the time of the transaction or subsequently.

4. The importer shall certify that his application for an import document is accurate.

5. The importer shall state whether his application is a repeat of a previous application concerning the same delivery.

Article 3

1. The Member States shall communicate to the Commission, as soon as such information is established by the competent authorities, any difference between:

- the delivered price calculated according to the provisions on prices applicable to Spain on the date scheduled for importation, and
- the price used on the basis of the chosen Community producer's price list pursuant to Article 2 (2) (A) (c) or justified otherwise.

They shall also furnish all necessary documents, notably the duplicates of import documents applications, purchase contracts and vendor's order confirmations, wherever the price difference noted is considerable or relates to a large quantity.

2. For goods originating in Spain but consigned from another non-member country, the Member States shall communicate to the Commission, as soon as such information is established by the competent authorities, any difference, in ECU per tonne, between:

- the basic price as published in the *Official Journal of the European Communities*, plus any extras, and
- the cif price at the Community frontier, including customs duties applicable and unloading costs.

3. Within the first 10 days of each month, Member States shall notify the Commission of the tonnage and amounts (calculated on the basis of the cif prices) for which import documents were issued during the preceding month.

4. The information supplied by Member States shall include:

- (a) a breakdown by product (Common Customs Tariff subheading and NIMEXE code) with separate declaration of the quantities declared as being non-prime products;

- (b) a breakdown by country of origin ;
- (c) within the total of any one product, the quantities not imported directly from Spain and, in this case, breakdown by country or countries of consignment ;
- (d) the quantities of each product re-exported outside the Community after inward processing.

5. Within the first 10 days of each month, Member States shall communicate to the Commission the tonnage and the amounts (calculated on the basis of the cif price) for which import documents have expired during the preceding month without having been used by importers.

Article 4

For the purposes of this recommendation, the country of consignment shall be deemed to be the last intermediate non-member country in which the product in

question was the subject of entrepôt operations or legal transactions not connected with its transportation.

Article 5

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

It shall apply until 31 December 1985.

Done at Brussels, 4 January 1985.

For the Commission

Wilhelm HAFERKAMP

Vice-President

ANNEX I

List of products subject to price and quantitative surveillance requiring an import document issued on presentation of a Spanish export certificate

NIMEXE codes : 73.01-10, 73.01-21, 73.01-23, 73.01-25, 73.01-27, 73.01-31, 73.01-35, 73.01-41, 73.01-49, 73.06-10, 73.06-20, 73.06-30, 73.07-12, 73.07-21, 73.07-24, 73.08-01, 73.08-03, 73.08-05, 73.08-07, 73.08-21, 73.08-25, 73.08-29, 73.08-41, 73.08-45, 73.08-49, 73.09-00, 73.10-11, 73.10-12, 73.10-14, 73.10-15, 73.10-17, 73.10-18, 73.10-42, 73.11-11, 73.11-12, 73.11-14, 73.11-16, 73.11-19, 73.11-41, 73.11-50, 73.12-11, 73.12-19, 73.12-21, 73.12-51, 73.12-71, 73.13-11, 73.13-16, 73.13-17, 73.13-19, 73.13-21, 73.13-23, 73.13-26, 73.13-32, 73.13-34, 73.13-36, 73.13-41, 73.13-43, 73.13-45, 73.13-47, 73.13-49, 73.13-50, 73.13-64, 73.13-65, 73.13-67, 73.13-68, 73.13-72, 73.13-74, 73.13-76, 73.13-78, 73.13-79, 73.13-82, 73.13-84, 73.13-86, 73.13-87, 73.13-88, 73.13-89, 73.13-92, 73.61-20, 73.62-10, 73.62-30, 73.63-29, 73.63-72, 73.64-20, 73.64-72, 73.65-21, 73.65-23, 73.65-25, 73.65-53, 73.65-55, 73.65-70, 73.65-81, 73.71-21, 73.71-23, 73.71-24, 73.71-29, 73.71-53, 73.72-11, 73.72-13, 73.72-19, 73.72-33, 73.72-39, 73.73-23, 73.73-25, 73.73-26, 73.73-29, 73.73-33, 73.73-35, 73.73-36, 73.73-39, 73.73-72, 73.74-21, 73.74-23, 73.74-29, 73.74-72, 73.75-11, 73.75-19, 73.75-23, 73.75-33, 73.75-43, 73.75-53, 73.75-54, 73.75-59, 73.75-63, 73.75-73, 73.75-79, 73.75-83, 73.75-84, 73.75-89, 73.16-14, 73.16-16, 73.16-17, 73.16-20, 73.16-40, 73.16-51.

ANNEX II

List of products subject to price and quantitative surveillance and requiring an import document the issue of which is not subject to the presentation of an export certificate from the Spanish authorities

NIMEXE codes : 73.02-01, 73.02-09, 73.63-21, 73.75-29.

ANNEX III

List of products subject to quantitative surveillance and requiring an import document the issue of which is not subject to the presentation of an export certificate from the Spanish authorities

NIMEXE codes : 73.61-50, 73.71-55, 73.71-56, 73.71-59, 73.73-24, 73.73-34, 73.75-39, 73.75-49, 73.75-69.

COMMISSION REGULATION (EEC) No 44/85

of 8 January 1985

fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EEC) No 2966/80 ⁽²⁾, and in particular the first sentence of Article 15 (5) thereof,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund ;

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

Whereas facilities exist at present for the export of live pigs falling within subheading 01.03 A II b), and for certain products falling within subheading 02.01 A III ; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets ;

Whereas, in the case of products falling within subheading 02.06 B I, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within this

subheading and of the foreseeable trend of production costs on the world market ; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within subheadings 02.06 B I b) 1 and B I b) 5 aa) ;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within subheadings ex 16.01 A and B, ex 16.02 A II and B III a) 2, the refund for these products should be fixed so as to take this situation into account ; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations ;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The list of products on which the export refund referred to in Article 15 of Regulation (EEC) No 2759/75 is granted, and the amount of that refund, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 January 1985.

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

Done at Brussels, 8 January 1985.

For the Commission

Frans ANDRIESSEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

ANNEX

to the Commission Regulation of 8 January 1985 fixing the export refunds on pigmeat

		(ECU/100 kg)
CCT heading No	Description	Refund
		net weight
01.03	Live swine : A. Domestic species : II. Other : b) Other	10,00
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 1. Whole carcasses or half-carcasses 2. Legs and parts thereof 3. Fore-ends or shoulders ; parts thereof 4. Loins and parts thereof 5. Bellies and parts thereof 6. Other : ex aa) Boned or boneless : (11) Legs, fore-ends, shoulders or loins, and parts thereof, derinded and defatted, with a maximum layer of 3 mm fat, frozen (a) (22) Other legs, fore-ends, shoulders or loins ; parts thereof (a) (33) Bellies and parts thereof, derinded and defatted, with a maximum layer of 7 mm fat, frozen (a) (44) Other bellies and parts thereof, derinded (a)	28,00 28,00 28,00 28,00 22,00 35,00 28,00 28,00 22,00
02.06	Meat and edible meat offal (except poultry liver), salted, in brine, dried or smoked : B. Of domestic swine : I. Meat : a) Salted or in brine : 3. Hams and parts thereof 5. Loins and parts thereof 6. Bellies and parts thereof 7. Other : ex aa) Boned or boneless : (11) Hams, fore-ends, shoulders or loins, parts thereof (a) (22) Bellies and parts thereof, derinded (a)	32,00 32,00 20,00 32,00 20,00

CCT heading No	Description	(ECU/100 kg)
		Refund
		net weight
02.06 (cont'd)	b) Dried or smoked :	
	1. Hams and parts thereof :	
	(aa) 'Prosciutto di Parma', 'Prosciutto di San Daniele' (b)	64,00
	(bb) Other	47,00
	4. Bellies and parts thereof	22,00
	5. Other :	
	ex aa) Boned or boneless :	
	(11) 'Prosciutto di Parma, Prosciutto di San Daniele'; parts thereof (b)	64,00
	(22) Hams, fore-ends, shoulders or loins, parts thereof (a)	47,00
ex 16.01	Sausages and the like, of meat, meat offal or animal blood, suitable for human consumption :	
	A. Liver sausages (f)	28,00
	B. Other (c) :	
	I. Sausages, dry or for spreading, uncooked (d) (f)	50,00
	II. Other (f)	34,00
ex 16.02	Other prepared or preserved meat or meat offal, suitable for human consumption :	
	A. Liver :	
	II. Other	24,00
	B. Other :	
	III. Other :	
	a) Containing meat or offal of domestic swine :	
	2. Other, containing by weight :	
	aa) 80 % or more of meat or offal, of any kind, including fats of any kind or origin :	
	11. Hams or loins (excluding collars); parts thereof :	
	(aaa) Uncooked ; mixtures of cooked and uncooked meat (e) (g)	22,00
	(bbb) Other (g)	37,00
	22. Collars or shoulders ; parts thereof :	
	(aaa) Uncooked ; mixtures of cooked and uncooked meat (e) (g)	22,00
	(bbb) Other (g)	34,00

(ECU/100 kg)		
CCT heading No	Description	Refund
ex 16.02 (cont'd)		net weight
	33. Other :	
	(aaa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal (e) (g)	17,00
	(bbb) Other (g)	24,00
	bb) 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin (g)	19,00
	cc) Less than 40 % of meat or offal, of any kind, including fats of any kind or origin (g)	10,00

- (a) The cuts are classified in this subheading only if they can be identified as originating from the primary cuts mentioned.
- (b) Only those products for which the name is certified by the competent authorities of the producing Member State can benefit from this refund.
- (c) The refund on sausages presented in containers with a preservative liquid is granted on net weight after deduction of weight of this liquid.
- (d) The weight of a coating of paraffin corresponding to normal use in the trade is considered as part of the net weight of the sausage.
- (e) The term 'uncooked' shall apply to products which have not been subjected to any heat-treatment or which have been subjected to a heat-treatment insufficient to ensure the coagulation of meat proteins in the whole of the product and which therefore show traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.
- (f) If composite food preparations (including prepared dishes) containing sausages, are classified under heading No 16.01 because of their composition, the refund is granted only on the net weight of the sausages, the meat and the offal, including fats of any kind or origin, which make part of these preparations.
- (g) The refund on products containing bones is granted on the net weight of the product after deduction of the weight of the bones.

COMMISSION REGULATION (EEC) No 45/85

of 8 January 1985

abolishing the monetary compensatory amounts applicable in the pigmeat sector in France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾,

Having regard to Council Regulation (EEC) No 855/84 of 31 March 1984 on the calculation and the dismantlement of the monetary compensatory amounts applying to certain agricultural products, and in particular Article 7 thereof,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 900/84 of 31 March 1984 ⁽³⁾, as amended by Regulation (EEC) No 3622/84 ⁽⁴⁾; whereas the said Regulation makes provision for the application of monetary compensatory amounts in the pigmeat sector in France with effect from 1 January 1985;

Whereas, however, no monetary compensatory amount has been applied in the pigmeat sector in France since 1 November 1983; whereas the application of the new method of calculation under which, since 1 January 1985, pigmeat has been considered as a product derived from cereals, in conjunction with the monetary gap still applied in the cereals sector in France, implies the reintroduction of the said amounts in that

Member State; whereas such a consequence is undesirable in terms of the aims of Regulation (EEC) No 855/84, i.e. the reduction of monetary compensatory amounts; whereas, in these circumstances, it is necessary to invoke Article 7 of Regulation (EEC) No 855/84 in order to prevent such a state of affairs from arising; whereas the duration of the measure in question should be limited to that period for which the representative rate for the cereals sector can still be expected to be maintained;

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

HAS ADOPTED THIS REGULATION:

Article 1

The column headed 'France' in Part 2 of Annex I to Regulation (EEC) No 900/84 is hereby deleted.

Article 2

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

At the request of the parties concerned, it shall apply with effect from 1 January 1985.

2. Subject to an adjustment of the monetary compensatory amounts in line with the development of the exchange rates referred to in Article 2 (2) of Regulation (EEC) No 974/71, the non-application in France of monetary compensatory amounts in the pigmeat sector shall be limited to 31 July 1985.

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

Done at Brussels, 8 January 1985.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽³⁾ OJ No L 92, 2. 4. 1984, p. 2.

⁽⁴⁾ OJ No L 336, 22. 12. 1984, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 July 1984

concerning aids provided for under Law No 86 of the Region of Sicily of 5 August 1982 on emergency measures in agriculture

(Only the Italian text is authentic)

(85/11/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 the Council Regulations on the common organization of the markets in the agricultural products concerned, and in particular Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1332/84⁽²⁾, and in particular Article 31 thereof,

Having given formal notice to the parties concerned to submit their comments, in accordance with the first subparagraph of Article 93 (2) of the EEC Treaty⁽³⁾,

I

Whereas, by letter dated 7 September 1982, the Italian Government notified the Commission of Law No 86 of the Region of Sicily of 5 August 1982 on emergency measures in agriculture;

Whereas further information was supplied at a bilateral meeting held on 25 and 26 September 1982, by telex

of 22 October 1982, by letter of 17 June 1983 and by telex of 19 July 1983;

Whereas Article 12 of Law No 86 authorizes expenditure of Lit 500 million in 1983 for financing the activities of groups of table-grape producers, in particular the installation of telex facilities, the monitoring of the end use of products which are not marketed in the fresh condition, and the execution of other work entrusted to the groups by Community regulations and by National Law No 622 of 27 July 1967 and Regional Law No 81 of 6 May 1981;

Whereas Article 18 authorizes expenditure of Lit 6 000 million for 1983 with a view to granting agricultural cooperatives and consortia thereof subsidies of up to 70 % of investment expenditure and 20-year loans at a reduced interest rate of 7,25 % pursuant to Article 2 of Law No 23 of 28 July 1978 in respect of expenditure not covered by the 70 % subsidy, to establish processing, packaging and sales facilities for table grapes, to build annexes for the processing and preservation of grapes for distillation and for the production of juice and to purchase equipment for packaging the product;

Whereas Article 24 authorizes expenditure of Lit 17 000 million for 1982 and Lit 10 000 million for 1983 with a view to granting recognized cooperatives and producer associations subsidies of up to 70 % of expenditure, and to granting associations of cooperatives subsidies of up to 60 % of expenditure, for the

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No C 201, 28. 7. 1983, p. 7.

purchase and modernization of facilities for the preservation, processing and marketing of agricultural products; whereas that Article also provides for Lit 3 500 million from the 1983 marketing year onwards for granting reduced-interest loans in respect of the 30 % of funding to be provided by the recipient;

Whereas Article 25 authorizes expenditure of Lit 8 000 million for 1982 and 1983 with a view to granting an additional subsidy of 20 % of investment expenditure to cooperatives and consortia which made investments after 1970 and received a subsidy of 50 %;

Whereas Articles 33 to 39 authorize expenditure of Lit 41 000 million in 1982 and Lit 44 000 million in 1983 in favour of cooperatives and consortia of cooperatives, cooperative wineries and consortia of cooperative wineries which harvest, package, process and market almonds and hazelnuts, citrus fruit and vegetables and vine products and which present a balance sheet in deficit on 30 September 1981 in respect of the 1980/81 marketing year; whereas the aid is intended to cover these liabilities by means of capital grants of 50 % of the liabilities and 15-year loans at a reduced-interest rate of 10 % in respect of the remaining 50 %;

Whereas these aids fall within the scope of Articles 92 and 94 of the EEC Treaty by virtue of the special provisions contained in the Council Regulations on the common organization of markets;

Whereas the Commission, having conducted a preliminary examination of Law No 86 of the Region of Sicily of 5 August 1982, found that the aid provided for in Article 12 (d), (g) and (h) for the installation of telex facilities, the financing of the monitoring of the end use of products which are not marketed in the fresh condition and the financing of other tasks entrusted to the groups by Community regulations and by National Law No 622 of 27 July 1967 and Regional Law No 81 of 6 May 1981 contravened Regulation (EEC) No 1035/72;

Whereas the aids provided for in Articles 18, 24 and 25 and in Articles 33 to 39 to encourage the installation or modernization of packaging, processing and marketing facilities for agricultural products are not limited in accordance with the pre-established Community criteria;

Whereas, in order to ensure compliance with the limitations and conditions referred to above, the Commission initiated the procedure laid down in Article 93 (2) of the Treaty in respect of the above measures and gave notice to the Italian Government to submit its comments;

Whereas the Commission gave notice to the other Member States and parties concerned other than the Member States to submit their comments;

II

Whereas the Italian authorities, in their replies to the Commission's letter of notification, have not provided information capable of exonerating the measures complained of contained in Article 12; whereas, as regards the investment aids provided for in Articles 18, 24, 25 and 33 to 39 intended partly to offset the liabilities arising from reduced-interest loans for earlier investments, the Italian authorities have not provided formal assurances that the conditions laid down by the Commission will be observed;

Whereas, by letter dated 22 August 1983, the Irish authorities approved of the Commission's position;

III

Whereas the aids for table grapes provided for in Article 12 (d), (g) and (h) as defined above contravene the provisions of Regulation (EEC) No 1035/72; whereas Article 13 onwards of that Regulation provides for the grant of Community aid to groups of fruit and vegetable producers, firstly to encourage their establishment and operation and, secondly, to finance withdrawal of products from the market; whereas Article 12 provides for subsidies for activities which should form part of the normal activities of groups which have received Community financing and which should not qualify for additional national or regional aids;

Whereas, by introducing aids in breach of the common organization of markets, the Italian authorities have disregarded the principle according to which Member States are no longer empowered to lay down rules unilaterally on matters governed by Community provisions; whereas a Member State may not unilaterally rectify Community measures without undermining options decided on at Community level and without the risk of creating imbalances which might affect trade between Member States;

Whereas, furthermore, the measures artificially favour Sicilian producers at the expense of producers in other Member States; whereas they are therefore liable to affect trade between Member States;

Whereas the aids for investment provided for in Articles 18, 24 and 25 and the aids provided for in Articles 33 to 39, in so far as they are intended to cover financing costs arising from earlier investments, fail to observe the limits laid down in the Community criteria regarding such aids; whereas the Commission, when adopting positions in the past, has distinguished clearly between, firstly, schemes forming part of national or regional programmes approved by the

Commission pursuant to Council Regulation (EEC) No 355/77⁽¹⁾, as last amended by Regulation (EEC) No 3164/82⁽²⁾, and located in less-favoured areas within the meaning of Council Directive 75/268/EEC⁽³⁾, as last amended by Directive 82/786/EEC⁽⁴⁾, in respect of which aids of up to 75 % of the cost of the investment may be granted and, secondly, schemes located outside such areas or not forming part of such programmes, which should receive subsidies of up to 50 % only; whereas these very substantial aids should nevertheless make provision for an adequate contribution to be made towards the financing of the scheme by the recipient of the aid; whereas a financial contribution of 25 % or 50 % represents a minimum below which there would be a risk of encouraging the establishment of undertakings which would not be viable without further aid and consequently of promoting the production of products which might alter the conditions of trade to an extent contrary to the common interest, the danger being that such products could be disposed of only with EAGGF assistance;

Whereas, in order to calculate the level of investment aid received by a particular undertaking, account must be taken not only of aid granted to carry out the scheme but also of aid granted to offset the liabilities arising from loans contracted in respect of the investments; whereas the aids provided for in Articles 33 to 39 and intended to offset liabilities arising from loans for investments may therefore be authorized only provided that when aggregated with the aids granted they do not exceed the aid levels referred to above;

Whereas the measures complained of therefore meet the conditions set out in Article 92 (1) of the EEC Treaty;

Whereas the prohibition contained in Article 92 (1) cannot be waived under Article 92 (2) since the exceptions provided for in that provision do not apply to the aids in question;

Whereas, for the purposes of examining any national or regional measure, the exceptions provided for in Article 92 (3) are to be interpreted strictly; whereas, in particular, they may be permitted only if the Commis-

sion can establish that the aid is necessary for attaining one of the objectives referred to therein;

Whereas to permit such exceptions in respect of aids which did not possess such a redeeming feature would be equivalent to allowing trade between Member States to be affected and to be distorted without any justification from the point of view of the Community interest and would therefore confer unfair advantages on certain Member States;

Whereas, in the cases under consideration, the aids provided for in Article 12, and those provided for in Articles 18, 24, 25 and 33 to 39 in so far as they exceed the levels fixed by the Commission, show no evidence of such a redeeming feature;

Whereas the Italian Government has been unable to provide, or the Commission to detect, any grounds to establish that the aids in question meet the conditions for qualifying for one of the exceptions provided for in Article 92 (3) of the EEC Treaty;

Whereas the content and scope of the measure are not such as to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment or to promote the execution of a project of common European interest or to remedy a serious disturbance in the economy of the Member State concerned and, consequently, Article 92 (3) (a) and (b) of the Treaty does not apply;

Whereas the establishment of undertakings by means of excessive aids entails a risk that such units will not be viable and will be unable to continue to exist without further aid while producing products which are already in surplus and the disposal of which could add to EAGGF costs; whereas such aids do not therefore qualify for exemption under Article 92 (3) (c) of the EEC Treaty;

Whereas the aid provided for in Article 12 is in breach of the common organization of the market in fruit and vegetables and as such cannot qualify for exemption under Article 92 (3) of the EEC Treaty;

Whereas, in view of the similar economic situation currently affecting undertakings in all Member States, with incomes stagnating or falling on account of steeply rising production costs, and in view also of the sometimes keen intra-Community competition in the majority of agricultural products, this aid is liable to alter the conditions of trade to an extent contrary to the common interest;

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 332, 27. 11. 1982, p. 1.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽⁴⁾ OJ No L 327, 24. 11. 1982, p. 19.

Whereas, in view of the foregoing, the aid measures adopted by the Italian authorities do not satisfy the conditions for qualifying for one of the exceptions provided for in Article 92 (3) of the EEC Treaty;

Whereas this Decision is without prejudice to any conclusions the Commission may reach regarding the financing of the common agricultural policy by the EAGGF, as a result of the payment of the abovementioned aid,

HAS ADOPTED THIS DECISION:

Article 1

1. The aids provided for in Article 12 (d), (g) and (h) of Law No 86 of the Region of Sicily of 5 August 1982 on emergency measures in agriculture are incompatible with the provisions of Article 92 of the EEC Treaty and with the common organization of the market in fruit and vegetables and therefore may not be granted.

2. The portion of the aids arising from the application of Articles 33 to 39 of the Law referred to in paragraph 1, in so far as they are intended to cover the cost of earlier investments, and of Articles 18, 24 and 25 of the same Law which exceeds:

- (a) the limit of 75 % of expenditure permitted in respect of facilities located in mountain or less-favoured areas within the meaning of Directive 75/268/EEC and forming part of national or regional programmes approved by the Commission pursuant to Regulation (EEC) No 355/77, or
- (b) the limit of 50 % in other areas or in respect of projects which do not form part of such programmes,

are incompatible with Article 92 of the EEC Treaty and may not be granted.

Article 2

Italy shall inform the Commission, within two months from notification of this Decision, of the measures taken to comply with the provisions of Article 1.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 23 July 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION DECISION

of 23 July 1984

on the North Rhine-Westphalia regional economic development programme

(Only the German text is authentic)

(85/12/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments in accordance with the above provision, and having regard to those comments,

Whereas :

I

By note verbale of 22 July 1982 the Government of the Federal Republic of Germany notified the Commission, in accordance with Article 93 (3) of the Treaty, of amendments to its guidelines for the award of investment aid to improve the regional economic structure of the Land North Rhine-Westphalia (regional economic development programme).

The main amendments to the previous guidelines, dating from 1978 and 1980, are changes to the regional-assisted areas in North Rhine-Westphalia. These changes were carried out at the same time as a review of assisted areas under the joint Federal Government/Länder regional-aid programme (the 'Joint Task for the improvement of regional economic structures') and employed partly the same methodology as the joint review.

Thus, the Land used the labour market region map which was drawn for the 1979 joint programme review on the basis of local commuting patterns and which identifies 179 such regions countrywide, whose boundaries are drawn to local government boundary level. In the joint programme review, to determine which of the 179 regions should be assisted, the situation of each region was assessed according to five criteria: a measure of future supply and demand for labour, the average rate of unemployment over the period 1976 to 1980, average wages and salaries per employee in 1978, gross domestic product per head of resident population in 1978, and finally a measure of infrastructure provision. The figures for each variable were combined into a composite indicator, in which the employment

and income indicators each received weights of 40 % and the infrastructure indicator 20 %. The 179 regions were then ranked in ascending order of composite indicator values. Those with values under 459 (73 regions in all) were designated assisted areas for the purposes of the joint programme.

For its review, North Rhine-Westphalia used the same composite indicators but set the cut-off point differently, allowing any region to qualify which had a composite indicator value of at least seven percentage points below the national average. This meant that regions up to position 87 in the national ranking table could qualify for inclusion in the Land scheme, and Aachen (position 82) and Borken-Bocholt (position 87) in fact did so. Six previously assisted labour market regions and three further localities were removed from the Land programme by the method.

In addition to the labour market regions qualifying according to the above method, the Land also designated as assisted areas until the end of 1985 the regions Gelsenkirchen, Hagen, Siegen and the Lengerich area of the labour market region Osnabrück on the ground that they were suffering under the effects of structural change caused by the crisis in the steel industry. Lengerich was also included because the central part of the region, Osnabrück-Georgsmarienhütte, was assisted under the joint programme steel areas aid scheme (approved by the Commission) and it was thought that assistance only to the central part would disadvantage the peripheral part of the region around Lengerich.

Of the six designated areas, Aachen and Hagen had not been assisted areas before under the Land scheme. In Borken-Bocholt, Osnabrück-Lengerich and Siegen the aid ceiling was raised by 2,5 percentage points, while in Gelsenkirchen the scheme continued unchanged.

These six regions hold approximately 3,1 % of the population of the country as a whole and 10,5 % of that of the Land. The areas of North Rhine-Westphalia assisted under the joint Federal Government/Länder programme (including the steel areas scheme), which are not subject to this procedure, hold a further 8,8 % of the national and 29,7 % of the Land population.

The six areas destined to lose their assisted status under the new Land programme were given a transitional period until the end of 1983 before being finally removed from the programme. On grounds of equity, the labour market region Gummersbach, which had been removed from the joint programme without a transitional period in the spring of 1981, was also brought within the Land programme until the end of 1983 with an aid ceiling of 7,5 % (5,62 % net grant equivalent).

The Land programme assists setting-up and extension investments. Investments arising from the takeover of businesses under threat of closure or already closed can be assisted up to the same aid ceilings as for setting-up investments in proportion to the number of the previous workforce that is kept on. The aid ceiling for setting-up projects is 10 % (7,49 % net grant equivalent) in Growth Points and 7,5 % (5,62 % net grant equivalent) in other areas. That for extension projects is 7,5 %.

II

To assess the compatibility of the new North Rhine-Westphalia regional economic development programme with the common market under Article 92 of the Treaty, the Commission first saw how the situation in the proposed assisted areas compared in a Community context and then considered whether there were serious regional disparities at national level which might justify the aid. In the areas which the Land believed to be suffering under the effects of structural change caused by the crisis in the steel industry, the Commission also considered the impact which planned steel redundancies would have on the labour market, assuming that the redundancies would be immediately and fully reflected in the unemployment figures.

On completing its scrutiny the Commission decided to open the procedure laid down in Article 93 (2) of the Treaty with regard to the inclusion of the labour market regions Borken-Bocholt and Siegen and the temporary inclusion until the end of 1983 of the labour market region Gummersbach. On 17 December 1982 the Commission accordingly sent written notice to the Federal Government asking it to submit its comments.

The Federal Government submitted its comments in agreement with the North Rhine-Westphalia Government on 21 February and 10 May 1983. Its view was that under EEC law North Rhine-Westphalia was

entitled to determine the coverage of its regional aid programme according to its chosen method. However, even if the Commission's procedure of scrutinizing area's indicator values were accepted, the Commission should not apply the same criterion for them as for the assisted areas under the joint Federal Government/Länder programme. Since the aid ceilings under the additional Land programme were much lower than under the joint programme, the cut-off points for aid in terms of the various indicators should also be much lower for the Land programme.

On the specific areas against whose inclusion the Commission had opened the Article 93 (2) procedure, the Federal Government had the following comments.

Borken-Bocholt was one of the most depressed labour market regions in North Rhine-Westphalia with a GDP 17 % below the national average. It had a very high proportion of its jobs (in 1981 35,4 % of all industrial employment) in the textile and clothing industry, which was undergoing major structural change. There had been a significant rise in unemployment since 1981, with 980 jobs lost through bankruptcies alone in 1981/82. It was feared that this adverse trend would continue in 1983.

The labour market region Siegen had in December 1982 11 600 people employed in the steel industry. On the Commission's assumption that 150 000 jobs needed to be shed in the European steel industry between 1983 and 1986, the steel industry workforce in Siegen would have to be cut by 20 % or 2 300 jobs. A further 1 600 jobs were likely to disappear in industries dependent on the steel industry. There had been net outward migration from the area in recent years except 1980. Unemployment had risen considerably and had been above the national average since December 1981.

The labour market region Gummersbach had been in the Land programme from 1972 to 1977. In 1978 it had been brought within the joint programme because of a sharp deterioration in its structural economic indicators. The Federal Government still took the view that assistance to a region should not be ended abruptly but should be phased out over a period. There were a number of joint programme areas which were in a better economic and social situation than Gummersbach where the Commission had allowed a transitional period. The transitional arrangements for Gummersbach were therefore justified on grounds of equity. In addition, in the southern part of the region there had been a marked deterioration in the employment situation.

III

The aid proposed under the North Rhine-Westphalia regional economic development programme distorts or threatens to distort competition within the meaning of Article 92 (1) of the Treaty by favouring certain undertakings or production of certain goods and is likely to affect trade between Member States.

Article 92 (1) provides that aid having these features is in principle incompatible with the common market. The exceptions which are provided for in Article 92 (3) (a) and (c) and which are the only ones potentially applicable in a regional aid case require that the aid should serve certain objectives in the Community interest rather than simply serving the interests of the aid recipient. These exceptions must be construed narrowly when any regional or industry aid scheme or any individual award under a general aid scheme is scrutinized.

In particular, they may be applied only when the Commission is satisfied that, without the aid, market forces alone would be insufficient to guide the recipients towards patterns of behaviour which would serve one of the said objectives.

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

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

The First Resolution on general regional aid schemes adopted by the Representatives of the Governments of the Member States meeting within the Council on 20 October 1971 following a communication from the Commission⁽¹⁾ recognized that regional aid, when it is adequate and judiciously applied, forms one of the

essential instruments of regional development and enables the Member States to follow regional policies aimed at a more balanced growth of the various regions of the same country and of the Community.

Therefore, when assessing the compatibility of regional aid with Article 92 (3) (a) and (c) under the current Principles of Coordination of regional aid schemes, which are intended to reduce the danger of competitive bidding-up and escalation of aid levels, the Commission must take account both of the social and economic situation in the regions concerned in comparison with the rest of the Community and of any serious disparities existing between regions of the same country.

In its 1980 scrutiny of the North Rhine-Westphalia regional economic development programme the Commission decided that the situation in the Land by comparison with the rest of the Community was such that only the exception provided for in Article 92 (3) (c) was potentially applicable. As the situation had not changed in the meantime, in its scrutiny of the new programme the Commission was still only able to consider application of Article 92 (3) (c).

To determine whether application of this exception to the new programme was justified, the Commission applied the principles outlined above after seeing how the areas stood in a Community context by comparing GDP and unemployment in the designated areas with the Community averages, the Commission then examined whether there were any disparities between the areas and other areas in the country which might warrant the grant of regional aid. For this purpose it took a series of indicators covering, in particular, income and the level of economic activity, unemployment, labour supply, migration and infrastructure provision.

The Commission also investigated whether the aid to the areas could be said to be compatible with the common market on account of special structural problems, such as a one-sided industrial structure or restructuring in the steel industry.

The Commission has reached the conclusion that the inclusion of the labour market regions Aachen, Gelsenkirchen, Hagen and the Lengerich area of the labour market region Osnabrück within the regional-aid programme can be considered to be compatible with the common market. The inclusion of Aachen and Gelsenkirchen in the programme can be accepted chiefly in view of the high structural unemployment

⁽¹⁾ OJ No C 111, 4. 11. 1971, p. 1.

in the areas and that of Hagen because of the impact of steel redundancies on the local labour market. Osnabrück-Lengerich's inclusion is considered justified since Lengerich forms an economic unit with part of the same labour market region that already has assisted area status.

On the other hand, the Commission considers that the inclusion of the labour market regions Borken-Bocholt and Siegen within the programme is incompatible with the common market. Here the further arguments advanced by the Federal Government did not give the Commission sufficient ground to revise the view it had taken when opening the Article 93 (2) procedure. The Commission would reply to these arguments as follows :

Borken-Bocholt cannot be said to have a one-sided industrial structure since while the textile and clothing industry is very important there, in 1983 it accounted for under one-third of manufacturing and mining employment. The figures supplied by the Federal Government show that a substantial proportion of industrial employment in the region is provided by industries other than textiles and clothing. The combined workforces of the steel, machine tool and vehicle construction industries and the electrical and instrument engineering and metal goods industries exceed that of the textile and clothing industry. The decline in employment in textiles and clothing averaged 3,7 % a year between 1979 and 1983, but was only 2 % between September 1982 and September 1983, which was less than the Community average for the industry (2,4 %). In textiles there was actually an increase in employment between 1982 and 1983. Over this period the rise in unemployment overall levelled off and was less than the national average.

In the labour market region Siegen the unemployment rate, both over the longer-term (1979 to 1983) and in 1983, has been running only slightly above the national average. With regard to steel redundancies the Commission accepted the Federal Government's assumption that capacity reductions would lead to the loss of 20 % of the current jobs in the industry and also assumed that the redundancies would show up immediately and in full in the unemployment total in 1983 and that the situation would not improve in subsequent years. Even on this worst assumption, however, the Commission found that unemployment

in Siegen would still be less than 30 % above the national average. Even bearing in mind the recent pattern of net outward migration, this situation does not justify application of an exception from the principle in Article 92 (1) of the incompatibility of State aid with the common market.

Where State aid is found to be incompatible with the common market, a time limit must be set for its abolition. This time limit is set at 30 June 1985. Until that date applications for aid to investment projects in Borken-Bocholt and Siegen may be entertained under the rules in force before 1 January 1982.

In opening the Article 93 (2) procedure, the Commission had no objection to the granting of a transitional period until the end of 1983 for the areas removed from the programme. Regarding Gummersbach, the Federal Government stated that before its temporary inclusion in the joint programme the labour market region had been in the Land programme and had been included in the joint programme because its economic and social situation was worse than that in the other Land programme areas. The Commission had not objected to its inclusion in the joint programme. Since the proposed transitional period will merely place the area in the position it would have had if it had not been upgraded to a joint programme area, the Commission has decided to approve the transitional period which will allow Gummersbach, to remain in the Land programme until the end of 1983.

To enable the Commission to keep the North Rhine-Westphalia regional-aid programme under review as required by Article 93 (1) of the Treaty, the Federal Government should be required to submit to it an annual report on the operation of the programme showing, in particular, the total amount of aid granted, the total amount of the aided investment and the number of awards made.

In view of the reliance the Commission has placed on redundancy forecasts in the areas assisted because of their local steel industry, the reports on the labour market regions Hagen and Osnabrück, in addition to details of aid, should also state for each region the net job losses in the steel industry and the number of jobs created in other industries during the past year and give the latest estimates of further redundancies in the steel industry. The Commission reserves the right to examine individual awards.

This Decision is without prejudice to present or future rules on aid to particular industries,

HAS ADOPTED THIS DECISION :

Article 1

The aid which the Land North Rhine-Westphalia proposes to grant, under the guidelines for the award of investment aid for the improvement of regional economic structures of the Land North Rhine-Westphalia (regional economic development programme), as amended by the circular from the Minister for Economic Affairs, Small Business and Transport of 10 June 1982, towards investment undertaken by firms falling within sections 4.11 to 4.13 of the guidelines in the labour market regions Borken-Bocholt and Siegen is incompatible with the common market within the meaning of Article 92 of the EEC Treaty. Such aid may not be granted after 30 June 1985.

Article 2

The aid which the Land North Rhine-Westphalia proposes to grant under its regional economic development programme towards investment undertaken by firms falling within sections 4.11 to 4.13 of the guidelines in the labour market regions Aachen, Hagen, Gelsenkirchen, and the Lengerich area of the labour market region Osnabrück and during a transitional period in the labour market region Gummersbach is considered to be compatible with the common market within the meaning of Article 92 (3) of the EEC Treaty.

Article 3

The Federal Republic of Germany shall supply the Commission before the end of June each year with a report stating the amount of regional aid granted, the

amount of aided investment and the number of awards, broken down by labour market region and by industry according to the two-digit subdivisions of the General Classification of Economic Activities within the European Communities. For the labour market regions Hagen and Osnabrück the report shall also state the net number of jobs lost in the steel industry and the number of jobs created in other industries during the past year and the latest forecasts of further job losses in the steel industry in each region.

In addition, the Federal Republic of Germany shall provide the Commission, on request, with any information it may require to examine individual awards.

Article 4

The granting of aid pursuant to this Decision shall be without prejudice to compliance with present or future rules on aid to particular industries.

Article 5

The Federal Republic of Germany shall inform the Commission, within two months of the date of notification of this Decision, of the measures it has taken to comply therewith.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 July 1984.

For the Commission

Étienne DAVIGNON

Vice-President

NOTICE

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