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I .

(Acts whose publication is obligatory)

REGULATION (EEC) No 1235/75 OF THE COMMISSION**of 15 May 1975****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 No 120/67/EEC⁽¹⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 85/75⁽²⁾, and in particular Article 13 (5) thereof ;

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2524/74⁽³⁾ and subsequent amending Regulations ;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 2524/74 to the

offer prices and today's quotations known to the Commission that the levies at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation No 120/67/EEC are hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 16 May 1975.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 11, 16. 1. 1975, p. 1.

⁽³⁾ OJ No L 271, 5. 10. 1974, p. 9.

ANNEX

to the Commission Regulation of 15 May 1975 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./metric ton)

CCT heading No	Description of goods	Levies
10.01 A	Common wheat and meslin	44.35
10.01 B	Durum wheat	21.62 ⁽¹⁾ ⁽⁴⁾
10.02	Rye	56.95 ⁽⁵⁾
10.03	Barley	49.69
10.04	Oats	39.46
10.05 B	Maize other than hybrid maize for sowing	31.15 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	17.12
10.07 B	Millet	0
10.07 C	Grain sorghum	34.93
10.07 D	Canary seed ; other cereals	0 ⁽⁴⁾
11.01 A	Wheat or meslin flour	81.37
11.01 B	Rye flour	99.03
11.02 A I a	Durum wheat groats and meal	52.44
11.02 A I b	Common wheat groats and meal	86.71

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽²⁾ Where maize originating in the AASM and OCT is imported into the French Overseas Departments, the levy is reduced by 6 u.a./metric ton.

⁽³⁾ Where maize originating in Tanzania, Uganda and Kenya is imported into the Community, the levy is reduced by 1 u.a./metric ton.

⁽⁴⁾ Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽⁵⁾ 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 1234/71 and Commission Regulation (EEC) No 2622/71.

REGULATION (EEC) No 1236/75 OF THE COMMISSION**of 15 May 1975****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 No 120/
67/EEC⁽¹⁾ of 13 June 1967 on the common organiza-
tion of the market in cereals, as last amended by Regu-
lation (EEC) No 85/75⁽²⁾, and in particular Article
15(6) thereof ;

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2017/74⁽³⁾ and subsequent amending Regulations ;

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 as shown in the tables annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The scale of the premiums to be added, pursuant to
Article 15 of Regulation No 120/67/EEC, to the
import levies fixed in advance in respect of cereals
and malt is hereby fixed as shown in the tables
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 16 May
1975.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 11, 16. 1. 1975, p. 1.

⁽³⁾ OJ No L 210, 1. 8. 1974, p. 4.

ANNEX

to the Commission Regulation of 15 May 1975 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour ⁽¹⁾

(u.a./metric ton)

CCT heading No	Description of goods	Current 5	1st period 6	2nd period 7	3rd period 8
10.01 A	Common wheat and meslin	0	4.33	4.33	5.58
10.01 B	Durum wheat	0	2.92	2.92	4.02
10.02	Rye	0	0	0	0
10.03	Barley	0	2.89	2.89	3.61
10.04	Oats	0	0	0	0
10.05 B	Maize other than hybrid maize for sowing	0	1.08	1.08	1.46
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	1.44	1.44	5.78
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	6.06	6.06	7.81

⁽¹⁾ The period of validity of the licence is limited in accordance with Regulation (EEC) No 2196/71 (OJ No L 231, 14. 10. 1971, p. 28), as last amended by Regulation (EEC) No 3148/73 (OJ No L 321, 22. 11. 1973, p. 13).

B. Malt

(u.a./100 kg)

CCT heading No	Description of goods	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0.771	0.771	0.993	0.993
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0.576	0.576	0.742	0.742
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0.514	0.514	0.643	0.643
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0.384	0.384	0.480	0.480
11.07 B	Roasted malt	0	0.448	0.448	0.560	0.560

REGULATION (EEC) No 1237/75 OF THE COMMISSION**of 15 May 1975****fixing the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community ;

Having regard to Council Regulation No 359/
67/EEC ⁽¹⁾ of 25 July 1967 on the common organiza-
tion of the market in rice, as last amended by Regula-
tion (EEC) No 476/75 ⁽²⁾, and in particular Article 11
(5) thereof ;

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2528/74 ⁽³⁾ and
subsequent amending Regulations ;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 2528/74
to the offer prices and today's quotations known to

the Commission that the levies at present in force
should be altered as shown in the table annexed to
this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed
in Article 1 (1) (a) and (b) of Regulation No 359/
67/EEC are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 16 May
1975.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 31.

⁽³⁾ OJ No L 271, 5. 10. 1974, p. 22.

(2) This levy is applicable only to imports fulfilling the conditions laid down in Article 2 of Regulation (EEC) No 540/70, as amended by Regulation (EEC) No 241/75.

REGULATION (EEC) No 1238/75 OF THE COMMISSION

of 15 May 1975

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 359/67/EEC⁽¹⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 476/75⁽²⁾, and in particular Article 13 (6) thereof ;

Having regard to the Opinion of the Monetary Committee ;

Whereas the premiums to be added to the import levies fixed in advance for rice and broken rice must include a premium for the current month and a premium for each of the following months until the expiry of the period of validity of the import licence ; whereas this period of validity was laid down in Article 20 (2) of Commission Regulation (EEC) No 2637/70⁽³⁾ of 23 December 1970, as last amended by Regulation (EEC) No 491/75⁽⁴⁾ ;

Whereas Council Regulation No 365/67/EEC⁽⁵⁾ of 25 July 1967, as last amended by Regulation (EEC) No 2435/70⁽⁶⁾, lays down rules for the advance fixing of levies on rice and broken rice ;

Whereas under the terms of Regulation No 365/67/EEC, where the cif price for husked rice for milled rice or for broken rice determined on the day on which the premiums are fixed is higher than the cif forward delivery price for the same product, the premium should as a general rule be equal to the difference between these two prices ; whereas the cif price is that determined in accordance with Article 16 of Regulation No 359/67/EEC on the day on which the premiums are fixed ; whereas the detailed rules for determining cif prices were laid down in Regulation (EEC) No 1613/71⁽⁷⁾, as last amended by Regulation (EEC) No 1057/73⁽⁸⁾ ; whereas the cif forward delivery price must also be determined in accordance

with Article 16 of Regulation No 359/67/EEC but on the basis of offers at North Sea ports ; whereas this price must be the cif price for shipment during the month in which the import licence is issued in the case of imports to be effected during that month ; whereas this price must be the cif price for shipment during the month in which importation is expected to take place in the case of imports to be effected during the month following the month in which the import licence is issued ; whereas this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place in the case of imports to be effected during the remaining months for which the import licence is valid ; whereas, if no offer for forward delivery is made for shipment during a given month, this price should be the price ruling for shipment during the last month in which an offer for forward delivery was made ;

Whereas the premium is equal to 0 unit of account if the cif price determined on the day on which the scale of the premiums is fixed is equal to the cif forward delivery price or exceeds that price by not more than 0.025 unit of account per 100 kilograms ;

Whereas the premium may, however, be fixed at a higher level in exceptional circumstances and within certain specified limits ;

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

- in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2.25 %, a rate of exchange based on their effective parity ;
- for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph ;

Whereas it follows from applying all these provisions that the premiums should be fixed as shown in the table annexed to this Regulation ; whereas the amount of the premiums should be altered only if application of the abovementioned provisions entails a change of more than 0.025 unit of account,

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 31.

⁽³⁾ OJ No L 283, 29. 12. 1970, p. 15.

⁽⁴⁾ OJ No L 53, 28. 2. 1975, p. 33.

⁽⁵⁾ OJ No 174, 31. 7. 1967, p. 32.

⁽⁶⁾ OJ No L 262, 3. 12. 1970, p. 3.

⁽⁷⁾ OJ No L 168, 27. 7. 1971, p. 28.

⁽⁸⁾ OJ No L 105, 20. 4. 1973, p. 10.

HAS ADOPTED THIS REGULATION :

hereby fixed as shown in the table annexed to this Regulation.

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice are

Article 2

This Regulation shall enter into force on 16 May 1975.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

to the Commission Regulation of 15 May 1975 fixing the premiums to be added to the import levies on rice and broken rice

(u.a./100 kg)

CCT heading No	Description of goods	Current 5	1st period 6	2nd period 7	3rd period 8
10.06	Rice :				
	A. Paddy rice ; husked rice :				
	I. Paddy rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0.312
	II. Husked rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0.390
	B. Semi-milled or wholly milled rice :				
	I. Semi-milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0
	II. Wholly milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0
	C. Broken rice :	0	0	0	0

REGULATION (EEC) No 1239/75 OF THE COMMISSION

of 15 May 1975

fixing the export levies on rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 359/67/EEC⁽¹⁾, of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 476/75⁽²⁾ ;

Having regard to Council Regulation (EEC) No 2737/73⁽³⁾ of 8 October 1973 laying down general rules to be applied in the event of the rice market being disturbed, as amended by Regulation (EEC) No 477/75⁽⁴⁾, and in particular Article 4(2) thereof ;

Having regard to the Opinion of the Monetary Committee ;

Whereas Article 21 of Regulation No 359/67/EEC provides that measures may be taken when the quotations or prices on the world market for one or more products reach the level of Community prices ; whereas that situation is likely to continue and to deteriorate, thereby disturbing or threatening to disturb the Community market ;

Whereas Regulation (EEC) No 2737/73 specifies that the quotations or prices on the world market shall be regarded as having reached the level of Community prices when they approach or exceed the threshold price ; whereas the continuation and the deterioration of that situation may be regarded as being likely to continue where an imbalance between supply and demand is established and where this imbalance is likely to persist, having regard to foreseeable production and market price trends ;

Whereas the high level of prices in international trade could impede importation of rice into the Community or provoke exportation from the Community ;

Whereas the situation described above can be said to exist at the present time ; whereas to ensure supplies in the Community an export levy should be introduced for certain categories of rice ;

Whereas in view of the relationship between the rice and products processed from it and given the market situation for these products, an export levy must also be fixed for products processed from rice ;

Whereas the threshold prices for husked rice, wholly milled rice and broken rice were fixed for the 1974/75 marketing year by Regulations (EEC) No 1718/74⁽⁵⁾ and (EEC) No 1935/74⁽⁶⁾, as amended by Regulation (EEC) No 2518/74⁽⁷⁾ ;

Whereas Article 3 of Regulation (EEC) No 2737/73 specifies that when the export levy is being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice on the Community market on the one hand and prices for rice and products processed from it on the world market on the other ; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on rice markets and furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market ;

Whereas for the products listed in Article 1(c) of Regulation No 359/67/EEC the specific factors set out in Article 3(2) of Regulation (EEC) No 2737/73 must also be taken into account ;

Whereas the export levy may be varied if the world market situation or the specific requirements of certain markets make this necessary ;

Whereas, if the levy system is to operate normally, the following should be used to calculate the levies :

- for currencies the exchange rates for which are kept at any given moment within a band of 2.25 %, a conversion rate based on their actual parity ;
- for other currencies a conversion rate based on the arithmetic mean of the spot market rates for each of these currencies against the Community currencies referred to in the preceding paragraph over a specified period ;

Whereas it follows from applying the rules outlined above to the present situation on the market in rice, and in particular to quotations or prices for these products within the Community and on the world market, that the export levies should be fixed as shown in the Annex to this Regulation ;

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 31.

⁽³⁾ OJ No L 282, 9. 10. 1973, p. 13.

⁽⁴⁾ OJ No L 52, 28. 2. 1975, p. 33.

⁽⁵⁾ OJ No L 181, 4. 7. 1974, p. 7.

⁽⁶⁾ OJ No L 203, 25. 7. 1974, p. 22.

⁽⁷⁾ OJ No L 270, 5. 10. 1974, p. 1.

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals,

hereby fixed as shown in the Annex for the products listed therein.

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

The export levy referred to in the first indent of Article 2(1) of Regulation (EEC) No 2737/73 is

This Regulation shall enter into force on 16 May 1975.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

to the Commission Regulation of 15 May 1975 fixing the export levies on rice

(u.a. / 100 kg)

CCT heading No	Description of goods	Levies
10.06 A I a)	Round grain paddy rice, excluding officially certified seeds ⁽¹⁾	2.000
10.06 A I b)	Long grain paddy rice, excluding officially certified seeds ⁽¹⁾	—
10.06 A II a)	Round grain husked rice	2.000
10.06 A II b)	Long grain husked rice	—
10.06 B I a)	Round grain semi-milled rice	—
10.06 B I b)	Long grain semi-milled rice	—
10.06 B II a)	Round grain wholly milled rice	—
10.06 B II b)	Long grain wholly milled rice	—
10.06 C	Broken rice	0.500
11.01 F	Rice flour	—
11.02 A VI	Rice groats and meal	0.500
11.02 E II e) 1	Flaked rice	0.500
11.02 F VI	Pellets of rice	0.500

⁽¹⁾ Officially certified seeds are understood to be those seeds contained in the packages officially sealed and officially labelled as 'basic seed', 'certified seed, first generation', 'certified seed, second generation' conforming to the provisions of the Council Directive of 14 June 1966 on the marketing of cereal seed (OJ No 125, 11. 7. 1966, p. 2309/66) and of the Council Decision of 26 March 1973 on the equivalence of seed produced in Denmark, Ireland and the United Kingdom (OJ No L 106, 20. 4. 1973, p. 12).

REGULATION (EEC) No 1240/75 OF THE COMMISSION**of 15 May 1975****fixing the import levies on calves and adult bovine animals and on beef and veal
other than frozen**THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European
Economic Community ;*Article 1*Having regard to Council Regulation (EEC) No
805/68 ⁽¹⁾ of 27 June 1968 on the common organiza-
tion of the market in beef and veal, as last amended
by Regulation (EEC) No 1855/74 ⁽²⁾, and in particular
the second line of Article 10 (7), and Article 12 (7)
thereof ;The levies referred to in Articles 10 and 12 of Regula-
tion (EEC) No 805/68 are hereby fixed as shown in
the Annex to this Regulation.*Article 2*Whereas the import levies on calves and adult bovine
animals and on beef and veal other than frozen were
fixed by Regulation (EEC) No 486/75 ⁽³⁾, as last
amended by Regulation (EEC) No 1189/75 ⁽⁴⁾ ;To be classified as products falling within subheadings
02.01 A II a) 1 aa) and 02.01 A II a) 1 bb), products
must correspond to the definition contained in Article
2 of Regulation (EEC) No 2249/73 ⁽⁵⁾.*Article 3*Whereas it follows from applying the rules and other
provisions contained in amended Regulation (EEC)
No 486/75 to the quotations and other information
known to the Commission that the levies at present in
force should be altered as shown in the Annex to this
Regulation,This Regulation shall enter into force on 19 May
1975.This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 195, 18. 7. 1974, p. 14.⁽³⁾ OJ No L 53, 28. 2. 1975, p. 15.⁽⁴⁾ OJ No L 118, 8. 5. 1975, p. 13.⁽⁵⁾ OJ No L 230, 18. 8. 1973, p. 15.

ANNEX

Levies applicable from 19 May 1975 to imports from third countries ⁽¹⁾

CCT heading No	Description of goods	(in u.s./100 kg)	
		Austria Sweden Switzerland	Other third countries
01.02	Live animals of the bovine species :	Live weight	
	A. Domestic species :		
	II. Other :		
	a) Calves	43-820 (b)	43-820 (b)
	b) Other :		
02.01	1. Cows for immediate slaughter, the meat of which is intended for processing (a)	43-820	—
	2. Other :		
	aa) Not yet having any permanent teeth, of a weight of not less than 350 kg but not more than 450 kg in the case of male animals, or of not less than 320 kg but not more than 420 kg in the case of female animals (c)	—	43-820
	bb) Other	43-820 (b)	43-820 (b)
		Net weight	
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 :		
	II. Of bovine animals :		
	a) Of domestic bovine animals :		
	1. Fresh or chilled :		
	aa) Of calves :		
	11. Carcasses and half-carcasses	83-258	83-258
	22. Separated or unseparated forequarters	66-606	66-606
	33. Separated or unseparated hindquarters	99-910	99-910
	bb) Of adult animals :		
	11. Carcasses, half-carcasses or 'compensated' quarters :		
	aaa) Carcasses of a weight of not less than 180 kg but not more than 270 kg and half-carcasses or 'compensated' quarters of a weight of not less than 90 kg but not more than 135 kg, with a low degree of ossification of the cartilages (more especially those of the symphysis pubis and the vertebral apophyses), the meat of which is of a light pink colour and the fat of which, of extremely fine structure, is white to light yellow in colour (c)	—	83-258
	bbb) Other	83-258	83-258
	22. Forequarters :		
	aaa) Of a weight of not less than 45 kg but not more than 68 kg, with a low degree of ossification of the cartilages (more especially those of the vertebral apophyses), the meat of which is of a light pink colour and the fat of which, of extremely fine structure, is white to light yellow in colour (c)	—	66-606
	bbb) Other	66-606	66-606

(in u.a./100 kg)			
CCT heading No	Description of goods	Austria Sweden Switzerland	Other third countries
02.01 (cont'd)	33. Hindquarters :	Net weight	
	aaa) Of a weight of not less than 45 kg but not more than 68 kg (not less than 38 kg but not more than 61 kg in the case of 'Pistola' cuts), with a low degree of ossification of the cartilages (more especially those of the vertebral apophyses), the meat of which is of a light pink colour and the fat of which, of extremely fine structure, is white to light yellow in colour (c)	--	99-910
	bbb) Other	99-910	99-910
	cc) Other cuts of veal and beef :		
	11. Unboned (bone-in)	124-887	124-887
	22. Boned or boneless	142-853	142-853
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked :		
	C. Other :		
	I. Of domestic bovine animals :		
	a) Meat :		
	1. Unboned (bone-in)	124-887	124-887
	2. Boned or boneless	142-853	142-853

(¹) Regulation (EEC) No 521/70, as amended by Regulation (EEC) No 241/75, provides that the levies are not applied to imports into the French overseas departments of products originating in the AASM and OCT.

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities and to the special conditions at present applicable to cows imported under the bilateral agreement on cattle for the food processing industry between the European Communities and Austria.

(b) Where these products are imported under the conditions set out in Article 11 of Council Regulation (EEC) No 805/68 of 27 June 1968 and in the provisions adopted for its application, the levy is either refunded or not collected in accordance with those provisions.

(c) Entry under this subheading is subject to the production of the certificate referred to in paragraph 2 (c) of Protocol 1, Annex I to the trade agreement between the EEC and the Socialist Federal Republic of Yugoslavia.

REGULATION (EEC) No 1241/75 OF THE COMMISSION**of 15 May 1975****altering components used to calculate the differential amounts for colza and rape seed**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEC⁽¹⁾ of 22 September 1966 on the establishment of a common organization of the market in oils and fats, as last amended by Regulation (EEC) No 1707/73⁽²⁾;

Having regard to Council Regulation (EEC) No 1569/72⁽³⁾ of 20 July 1972 laying down special measures for colza and rape seed, as last amended by Regulation (EEC) No 3477/73⁽⁴⁾, and in particular Article 3 thereof;

Whereas Commission Regulation (EEC) No 2300/73⁽⁵⁾ of 23 August 1973, as last amended by Regulation (EEC) No 632/75⁽⁶⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72; whereas the components used to calculate the differential amounts were fixed by Regulation

(EEC) No 1141/75⁽⁷⁾, as last amended by Regulation (EEC) No 1191/75⁽⁸⁾; whereas the difference in accordance with Article 2 (1) of Regulation (EEC) No 1569/72 for the pound sterling, the Irish pound and the French franc for the period 7 to 13 May 1975 departs from the representative rate valid from 19 May 1975, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when the components used to calculate the differential amounts for colza and rape seed are fixed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 1141/75 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 May 1975.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

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

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 66, 13. 3. 1975, p. 11.

⁽⁷⁾ OJ No L 112, 1. 5. 1975, p. 51.

⁽⁸⁾ OJ No L 118, 8. 5. 1975, p. 17.

ANNEX

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price) (%)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.1203 (a) + 0.1003 (b)	— 0.1203 (a) — 0.1003 (b)	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0960
— harvested in France			—	0.1343
— harvested in Denmark			—	0.1203
— harvested in Ireland			—	0.2423
— harvested in the United Kingdom			—	0.2638
— harvested in Italy			—	0.1635
2. Colza and rapé seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0268 (a) + 0.0198 (b)	— 0.0268 (a) — 0.0198 (b)	+	—
— harvested in Germany			0.1062	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.0412
— harvested in Denmark			—	0.0268
— harvested in Ireland			—	0.1609
— harvested in the United Kingdom			—	0.1846
— harvested in Italy			—	0.0747
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1367	—
— harvested in the BLEU or in the Netherlands			0.0276	—
— harvested in France			—	0.0159
— harvested in Denmark			—	—
— harvested in Ireland			—	0.1387
— harvested in the United Kingdom			—	0.1631
— harvested in Italy			—	0.0492
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.0162 (a) — 0.0019 (b)	+ 0.0162 (a) + 0.0019 (b)	+	—
— harvested in Germany			0.1551	—
— harvested in the BLEU or in the Netherlands			0.0430	—
— harvested in France			—	—
— harvested in Denmark			0.0162	—
— harvested in Ireland			—	0.1248
— harvested in the United Kingdom			—	0.1496
— harvested in Italy			—	0.0338

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price) ⁽⁴⁾	
5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	— 0.1949 (a) — 0.1690 (b)	+ 0.1949 (a) + 0.1690 (b)	+	—
— harvested in Germany			0.3583	—
— harvested in the BLEU or in the Netherlands			0.2265	—
— harvested in France			0.1759	—
— harvested in Denmark			0.1949	—
— harvested in Ireland			0.0292	—
— harvested in the United Kingdom			—	—
— harvested in Italy			0.1362	—
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.1611 (a) — 0.1093 (b)	+ 0.1611 (a) + 0.1093 (b)	+	—
— harvested in Germany			0.3198	—
— harvested in the BLEU or in the Netherlands			0.1917	—
— harvested in France			0.1426	—
— harvested in Denmark			0.1611	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			—	0.0283
— harvested in Italy			0.1040	—
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.0517 (a) — 0.0223 (b)	+ 0.0517 (a) + 0.0223 (b)	+	—
— harvested in Germany			0.1955	—
— harvested in the BLEU or in the Netherlands			0.0807	—
— harvested in France			0.0350	—
— harvested in Denmark			0.0517	—
— harvested in Ireland			—	0.0942
— harvested in the United Kingdom			—	0.1199
— harvested in Italy			—	—

⁽⁴⁾ For seed harvested in the United Kingdom and Denmark, the accession compensatory amount shall be deducted from the target price.

(a) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and with placing under control or export up to 30 June 1975.

(b) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and with placing under control or export from 1 July 1975.

REGULATION (EEC) No 1242/75 OF THE COMMISSION
of 15 May 1975
supplementing Regulation (EEC) No 3559/73 as regards hake

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 2142/70 ⁽¹⁾ of 20 October 1970 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No 1182/75 ⁽²⁾, and in particular Article 10 (5) thereof ;

Whereas the guide price for hake (*merluccius* spp.) valid until 31 December 1975 was fixed by Council Regulation (EEC) No 1183/75 of 5 May 1975 ⁽³⁾ ;

Whereas Regulation (EEC) No 3559/73 ⁽⁴⁾, as last amended by Regulation (EEC) No 3323/74 ⁽⁵⁾, laid down detailed rules for granting financial compensation and indemnities, and for fixing the withdrawal price and determining the buying in price for certain fishery products ;

Whereas application of the withdrawal arrangements is to contribute towards stabilizing the market without, however, provoking structural surpluses in the Community ; whereas, therefore, appropriate support to all markets must be promoted, bearing in mind the differences between the commercial charac-

teristics of the various products landed as between various markets, whereas the withdrawal price must furthermore be so fixed that the results of the endeavours of the producers' organizations in the Member States to stabilize prices will not be jeopardized, to the extent that they contribute to the attainment of Community objectives ;

Whereas, in view of the foregoing, it is necessary to fix for hake a single percentage of the guide price and a coefficient reflecting the average price difference between the product itself on the basis of its commercial characteristics and products of immediately inferior quality ; whereas the coefficient can also be used to calculate the indemnity and financial compensation for hake withdrawn from the market ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION :

Article 1

Annex I to Regulation (EEC) No 3559/73 is supplemented as follows :

Species	Commercial specifications ⁽¹⁾			Coefficient
	Freshness category ⁽¹⁾	Size	Presentation	
Hake	Extra, A	0.6 to 1.2 kg	Gutted fish with head	} 0.85
	All categories	All sizes	All presentations	

⁽¹⁾ These characteristics are those defined in Article 1 of Council Regulation (EEC) No 1182/75 of 5 May 1975.

⁽¹⁾ OJ No L 236, 27. 10. 1970, p. 5.

⁽²⁾ OJ No L 118, 8. 5. 1975, p. 1.

⁽³⁾ OJ No L 118, 8. 5. 1975, p. 2.

⁽⁴⁾ OJ No L 361, 29. 12. 1973, p. 53.

⁽⁵⁾ OJ No L 357, 31. 12. 1974, p. 1.

Article 2

Annex II to Regulation (EEC) No 3559/73 is supplemented as follows :

Product	%
Hake	75'

Article 3

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

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

REGULATION (EEC) No 1243/75 OF THE COMMISSION
of 15 May 1975

fixing the withdrawal price and reference prices for hake listed in Annexes I (A) and IV (B) to Regulation (EEC) No 2142/70 for the 1975 fishing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70 ⁽¹⁾ of 20 October 1970 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No 1182/75 ⁽²⁾, and in particular Article 10 (5) and the first paragraph of Article 18 (6) thereof;

Whereas the first paragraph of Article 10 (4) of Regulation (EEC) No 2142/70 lays down that the withdrawal price for each product listed in Annex I (A) and (C) shall be fixed by applying the quality conversion factor for the category immediately below that selected for fixing the guide price to an amount equal to at least 60 % but not more than 90 % of the guide price;

Whereas the guide price for hake was fixed by Council Regulation (EEC) No 1183/75 ⁽³⁾ of 5 May 1975;

Whereas the methods for calculating the withdrawal price, in particular the percentage of the guide price used for this purpose, have been fixed by Regulation (EEC) No 3559/73 ⁽⁴⁾, as last amended by Regulation (EEC) No 1242/75 ⁽⁵⁾;

Whereas Article 18 (1) of Regulation (EEC) No 2142/70 makes provision *inter alia* that reference prices valid for the Community shall be fixed each year for the products listed in Annexes I (A) and IV (B) to that Regulation;

Whereas Article 18 (2) of the abovementioned Regulation makes provision that the reference price for products listed in Annex I (A) of the same Regulation shall be equal to a percentage of at least 60 % but not more than 90 % of the guide price; whereas the same

Article makes provision that the reference price for products listed in Annex IV (B) shall be determined on the basis of the reference price for the fresh product;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The withdrawal price for hake (*Merluccius* spp.) referred to in the first paragraph of Article 10 (4) of Regulation (EEC) No 2142/70, valid until 31 December 1975, shall be 638 units of account per metric ton.

Article 2

The reference price for hake (*Merluccius* spp.) listed in Annex I (A) to Regulation (EEC) No 2142/70, valid until 31 December 1975, shall be 638 units of account per metric ton.

Article 3

The reference prices for hake (*Merluccius* spp.) listed in Annex IV (B) to Regulation (EEC) No 2142/70, valid until 31 December 1975, shall be:

- for whole frozen hake, 350 units of account per metric ton,
- for frozen fillets of hake, 625 units of account per metric ton.

Article 4

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

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 236, 27. 10. 1970, p. 5.

⁽²⁾ OJ No L 118, 8. 5. 1975, p. 1.

⁽³⁾ OJ No L 118, 8. 5. 1975, p. 2.

⁽⁴⁾ OJ No L 361, 29. 12. 1973, p. 53.

⁽⁵⁾ See page 17 of this Official Journal.

REGULATION (EEC) No 1244/75 OF THE COMMISSION

of 15 May 1975

amending the Annex to Regulation (EEC) No 2518/70 on the determination of wholesale markets and representative ports for products in the fishery sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 2142/70 ⁽¹⁾ of 20 October 1970 on the common organization of the market in the fishery products sector, as last amended by Regulation (EEC) No 1182/75 ⁽²⁾, and in particular Article 9 ⁽³⁾ thereof ;

Whereas, for a definite product the wholesale markets or ports of the Member States in which a significant part of Community production is marketed, can be regarded as representative ;

Whereas the list of wholesale markets or representative ports has been fixed by Commission Regulation (EEC) No 2518/70 ⁽³⁾ of 10 December 1970 concerning the determination of rates and the fixing of the list of wholesale markets or representative ports for products of the fishery sector, as last amended by Regulation (EEC) No 784/74 ⁽⁴⁾ ;

Whereas Council Regulation (EEC) No 1183/75 ⁽⁵⁾ of 5 May 1975 fixed the guide price for hake applicable until 31 December 1975, in the ports of Bremerhaven, Cuxhaven, Hamburg, La Rochelle and Lorient, where

a significant proportion of this product is marketed ; whereas, as a result, these ports should be considered as representative ports and it is appropriate to include them in the list of wholesale markets or representative ports ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION :

Article 1

In Part I, point 11 of the Annex to Regulation (EEC) No 2518/70, the following number is inserted :

'11. Merlus Bremerhaven
Cuxhaven
Hamburg
La Rochelle
Lorient'.

Article 2

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

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 236, 27. 10. 1970, p. 5.

⁽²⁾ OJ No L 118, 8. 5. 1975, p. 1.

⁽³⁾ OJ No L 271, 15. 12. 1970, p. 15.

⁽⁴⁾ OJ No L 93, 4. 4. 1974, p. 13.

⁽⁵⁾ OJ No L 118, 8. 5. 1975, p. 2.

REGULATION (EEC) No 1245/75 OF THE COMMISSION

of 15 May 1975

extending the period of validity of protective measures in respect of the import of tunny for industrial manufacture laid down in Regulation (EEC) No 460/75

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70 ⁽¹⁾ of 20 October 1970 on the common organization of the market in fishery products, as last amended by Regulation (EEC) No 1182/75 ⁽²⁾, and in particular Article 20 (2) thereof;

Whereas Commission Regulation (EEC) No 460/75 ⁽³⁾ of 26 February 1975, as last amended by Regulation (EEC) No 974/75 ⁽⁴⁾, laid down protective measures in respect of the import into France until 15 May 1975 of tunny for the industrial manufacture of products falling within heading No 16.04 of the Common Customs Tariff and of frozen hake fillets; whereas the French Republic submitted on 12 May 1975 a request for the extension of these measures until 1 August 1975 for tunny and for their extension to the entire territory of the Community;

Whereas the situation on the French tunny market has worsened in recent weeks; whereas unsold stocks of this product increased to a level of 14 000 metric tons at the end of April; whereas it is therefore necessary to continue the present arrangements in respect of this product; whereas Community aid measures to

private storage should enter into force on 1 July at the latest; whereas, in view of the uncertainty regarding future developments on the market, this extension should be restricted until that date;

Whereas, moreover, the reasons which led to the restricting of protective measures to imports into France are still valid,

HAS ADOPTED THIS REGULATION:

Article 1

The text of Article 1 of Regulation (EEC) No 460/75 is replaced by the following:

'The placing in free circulation in France of tunny for the industrial manufacture of products falling within heading No 16.04 (subheading 03.01 B I c) 1) of the Common Customs Tariff, originating in all non-member countries with the exception of Greece, shall be temporarily suspended until 1 July 1975.'

Article 2

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

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 236, 27. 10. 1970, p. 5.

⁽²⁾ OJ No L 118, 8. 5. 1975, p. 1.

⁽³⁾ OJ No L 51, 27. 2. 1975, p. 15.

⁽⁴⁾ OJ No L 94, 16. 4. 1975, p. 18.

REGULATION (EEC) No 1246/75 OF THE COMMISSION
of 15 May 1975

fixing the refunds applicable to cereals and 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 No 120/
67/EEC⁽¹⁾ of 13 June 1967 on the common organiza-
tion of the market in cereals, as last amended by Regu-
lation (EEC) No 85/75⁽²⁾, and in particular the first
sentence of the fourth subparagraph of Article 16 (2)
thereof;

Having regard to the Opinion of the Monetary
Committee;

Whereas Article 16 of Regulation No 120/67/EEC
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of that Regulation and prices for those
products in the Community may be covered by an
export refund;

Whereas Article 2 of Council Regulation No 139/
67/EEC⁽³⁾ of 21 June 1967 laying down general rules
for granting export refunds on cereals and criteria for
fixing the amount of such refunds, as last amended by
Regulation (EEC) No 87/75⁽⁴⁾, provides that when
refunds are being fixed account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand and prices for cereals and
cereal products on the world market on the other;
whereas the same article provides that it is also impor-
tant to ensure equilibrium and the natural develop-
ment of prices and trade on cereal markets and,
furthermore, to take into account the economic aspect
of the proposed exports and the need to avoid distur-
bances on the Community market;

Whereas Article 3 of Regulation No 139/67/EEC
defines the specific criteria to be taken into account
when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as
wheat and rye flour, groats and meal are concerned, in
Article 4 of Regulation No 139/67/EEC; whereas,
furthermore, when the refund on these products is
being calculated, account must be taken of the quanti-
ties of cereals required for their manufacture; whereas

these quantities were fixed in Regulation No 162/
67/EEC⁽⁵⁾, as amended by Regulation (EEC) No
1607/71⁽⁶⁾;

Whereas the world market situation or the specific
requirements of certain markets may make it neces-
sary to vary the refund for certain products according
to destination;

Whereas the refund must be fixed at least once a
month; whereas it may be altered in the intervening
period;

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

- in the case of currencies which are maintained in
relation to each other, at any given moment,
within a band of 2.25 %, a rate of exchange based
on their effective parity;
- 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 subparagraph;

Whereas it follows from applying the rules outlined
above to the present situation on the market in
cereals, and in particular to quotations or prices for
these products within the Community and on the
world market, that the refunds, should be fixed as
shown in the Annex to this Regulation;

Whereas the measures provided for in this Regulation
are in accordance with the Opinion of the Manage-
ment Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products listed in Article 1 (a), (b)
and (c) of Regulation No 120/67/EEC, exported in the
natural state, are hereby fixed as shown in the Annex
to this Regulation.

Article 2

This Regulation shall enter into force on 16 May
1975.

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 11, 16. 1. 1975, p. 1.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2453/67.

⁽⁴⁾ OJ No L 11, 16. 1. 1975, p. 3.

⁽⁵⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁶⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

to the Commission Regulation of 15 May 1975 fixing the refunds applicable on cereals
and wheat or rye flour groats and meal

(u.a./metric ton)

CCT heading No	Description of products	Refund
10.01 A	Common wheat ⁽¹⁾ and meslin for exports to : — Austria, Switzerland and Liechtenstein — Zones I, V, VI, VII a) and Malta — other third countries	27.00 42.00 34.00
10.01 B	Durum wheat	—
10.02	Rye ⁽¹⁾	12.00
10.03	Barley for exports to : — Austria, Switzerland and Liechtenstein — other third countries	40.00 48.00
10.04	Oats	19.00
10.05 B	Maize (other than hybrid maize for sowing) for exports to : — Switzerland — the Iberian Peninsula — other third countries	22.00 25.00 0
10.07 C	Grain sorghum	25.00
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 for exports to : — Zones I, IV, V, VI and VII — other third countries — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	56.00 51.00 49.00 47.00 41.00 41.00 41.00
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	20.00 20.00 20.00 20.00
11.02 A I a	Durum wheat groats and meal : — of an ash content of 0 to 950 — of an ash content of 951 to 1 300 — of an ash content of 1 301 to 1 500	— — —
11.02 A I b	Common wheat groats and meal : — of an ash content of 0 to 520	51.00

⁽¹⁾ The refund is granted solely in respect of common wheat and rye which has not been denatured pursuant to Article 7 (3) and
⁽⁵⁾ Regulation No 120/67/EEC.

The amount by which the refund may be increased pursuant to Article 1 of Regulation No 587/67/EEC is 2 u.a./metric ton.

N.B. The zones are those defined in Regulation (EEC) No 941/72 (OJ No L 107, 6. 5. 1972).

REGULATION (EEC) No 1247/75 OF THE COMMISSION

of 15 May 1975

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 120/67/EEC⁽¹⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 85/75⁽²⁾, and in particular the third sentence of the second subparagraph of Article 16 (4) thereof ;

Having regard to Council Regulation No 139/67/EEC⁽³⁾ of 21 June 1967 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 87/75⁽⁴⁾ ;

Having regard to the Opinion of the Monetary Committee ;

Whereas Article 16 (4) of Regulation No 120/67/EEC provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence ; whereas, in this case, a corrective amount must be applied to the refund ;

Whereas Regulation No 633/67/EEC⁽⁵⁾, as last amended by Regulation (EEC) No 1461/72⁽⁶⁾, lays down detailed rules for the advance fixing of the export refund on cereals ;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when the refund is fixed in advance, be reduced by not more than the difference between the cif forward delivery price and the cif price where the former exceeds the latter by more than one unit of account per metric ton ; whereas, on the other hand, the refund must be increased by not more than the difference between the cif price and the cif forward delivery price where the former exceeds the latter by more than one unit of account per metric ton ;

Whereas the cif price is that determined in accordance with Article 13 of Regulation No 120/67/EEC ; whereas the cif forward delivery price is that determined in accordance with Article 3 (2) of Regulation No 140/67/EEC⁽⁷⁾, as amended by Regulation (EEC) No 2435/70⁽⁸⁾, based, in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation ;

Whereas the corrective amount so fixed will be altered if application of the calculation procedure described above entails a change in that amount of more than 0.125 unit of account ;

Whereas, however, Article 2 of Regulation No 633/67/EEC provides that the corrective amount applicable to the amount of the refund fixed in advance on exports to be effected after the third month following that during which the licence was issued should be fixed on the basis of foreseeable market trends ; whereas to this end account should be taken of availabilities and foreseeable trends on the Community market and of forward trends on the world market, in particular on those markets whose specific requirements have made it necessary to vary the refund ;

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

- in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2.25 %, a rate of exchange based on their effective parity ;
- 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 subparagraph ;

Whereas it follows from applying all these provisions that the corrective amount must be fixed as shown in the table annexed to this Regulation ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals,

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 11, 16. 1. 1975, p. 1.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2453/67.

⁽⁴⁾ OJ No L 11, 16. 1. 1975, p. 3.

⁽⁵⁾ OJ No 233, 28. 9. 1967, p. 9.

⁽⁶⁾ OJ No L 155, 11. 7. 1972, p. 35.

⁽⁷⁾ OJ No 125, 26. 6. 1967, p. 2456/67.

⁽⁸⁾ OJ No L 262, 3. 12. 1970, p. 3.

HAS ADOPTED THIS REGULATION:

hereby fixed as shown in the table annexed to this Regulation.

Article 1

The corrective amount referred to in Article 16 (4) of Regulation No 120/67/EEC which is applicable to export refunds fixed in advance in respect of cereals is

Article 2

This Regulation shall enter into force on 16 May 1975.

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

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

to the Commission Regulation of 15 May 1975 fixing the corrective amount applicable to the refund on cereals

(u.a./metric ton)

CCT heading No	Description of goods	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10	6th period 11
10.01 A	Common wheat, and meslin	0	+ 4.00	+ 5.00	+ 5.00	—	—	—
10.01 B	Durum wheat	—	—	—	—	—	—	—
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	0	—	—	—
10.07 C	Grain sorghum	0	0	0	0	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a	Durum wheat groats and meal	—	—	—	—	—	—	—
11.02 A I b	Common wheat groats and meal	0	0	0	0	0	—	—

N.B. The zones are those defined in Regulation (EEC) No 941/72 (OJ No L 107, 6. 5. 1972).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 March 1975

relating to a proceeding under Article 85 of the EEC Treaty

(IV/27.879 Sirdar-Phildar)

(Only the English and French texts are authentic)

(75/297/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof;

Having regard to Council Regulation No 17⁽¹⁾ of 6 February 1962, and in particular Articles 1, 4, 5, 6, 15 (6) and 25 thereof;

Having regard to Article 29 of the Act⁽²⁾ concerning the conditions of accession and the adjustments to the Treaties read in conjunction with Annex I (Section V. Competition) thereto;

Having regard to the notification by Sirdar Ltd on 30 June 1973 of the Agreement concluded on 15 September 1964 between the then Harrap Bros (Sirdar Wools) Ltd and Les Fils de Louis Mulliez SA;

Having heard the undertakings concerned, as required by Article 19 (1) of Regulation No 17 and by Regulation No 99/63⁽³⁾;

Whereas:

I. The facts

1. Harrap Bros was formed in the United Kingdom in 1880. In 1934 the company became Harrap Bros (Sirdar Wools) Ltd, and since 27 February 1970 it has been called Sirdar Ltd. Its main line of business is the

manufacture and sale of knitting yarn and carpet wool.

The company, or its predecessor in title, has been using the trademark SIRDAR since 1898; the mark was first registered in the United Kingdom trademark register as No 218.257 in Class 33, knitting yarn, on 4 November 1898. Since then several variants, sometimes with additions, of the SIRDAR trademark have been registered in Classes 23 and 33, but the registration in Class 25 (clothing) was made for the first time on 6 September 1965 as No 883.910.

The SIRDAR trademark has been registered on behalf of Sirdar Ltd in many countries; the mark was registered in Class 23 in all Member States of the Community, including (recently) France; it has also been registered in France in Class 25.

SIRDAR is a name derived from the Hindustani word for a 'nobleman' or 'tribal prince'; it was used to indicate the rank of senior officers.

In 1973 Sirdar Ltd had a turnover of £ 9 490 976, of which just over 6 % was accounted for by exports.

2. The predecessor in title 'Les Fils de Louis Mulliez SA' had been formed in France in 1903. Among the products it manufactures is knitting yarn. On 17 November 1943, under the name 'Sarl Dijonnaise des Textiles', which was changed in 1945 to 'Les

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No L 73, 27. 3. 1972, pp. 14, 20 and 92.

⁽³⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

Textiles d'Art Sàrl', it registered the descriptive trademark LE FIL D'ART in the French trademark register as No 351.447 for *inter alia* knitting yarn and clothing. On 30 October 1945 this trademark was registered internationally as No 124.180. Meanwhile its phonetic abbreviation PHILDAR had on 28 August 1945 been registered in France as No 376.009, and was on 24 June 1946 entered in the international register as No 127.103.

Les Fils de Louis Mulliez SA is the largest manufacturer of knitting yarn in France. In 1973 its sales totalled FF 305 million, with knitting yarn accounting for FF 146 million. Its sales for 1974 are estimated at FF 404 million, of which FF 175 million is accounted for by knitting yarn. Its share of the French market is over 25 %, and about 40 % of its production is exported.

3. (a) On 7 February 1962 Les Fils de Louis Mulliez SA made an application to have the PHILDAR trademark registered in the United Kingdom in Class 23, knitting yarn, as No 830.529 and in Class 25, clothing, as No 830.530.

Application No 830.530 was not opposed, either by the owner of the PHILDON trademark or by the owner of the PHILDORA trademark. Sirdar Ltd raised no objections either, as it had no priority rights in this class. The registration certificate was issued on 1 April 1963.

When the SIRDAR trademark was entered in the French register of trademarks on 6 September 1965, as No 883.910 in Class 25, clothing, following an application by Sirdar Ltd, Les Fils de Louis Mulliez SA raised no objections.

- (b) Sirdar Ltd did, however, oppose Application No 830.529 for Class 23, on the grounds that the PHILDAR trademark were likely to be confused with the SIRDAR trademark, which had been registered in 1898. Concerning this Class too, the owner of the PHILDORA trademark did not oppose registration, in spite of being expressly notified at the request of the United Kingdom Registrar.

4. Although Les Fils de Louis Mulliez SA contested the view that the PHILDAR and SIRDAR trademarks were likely to be confused, on 15 September 1964 it concluded the Agreement which is outlined below (with Harrap Bros (Sirdar Wools) Ltd, as it was then called) because of its fears for the continued existence of its French trademark PHILDAR over which the French trademark SIRDAR, of Sirdar Ltd, had priority in Class 23.

- (a) Les Fils de Louis Mulliez SA agreed not to use its trademark PHILDAR for knitting yarns in the United Kingdom (paragraph 1 of the Agreement); Harrap Bros (Sirdar Wools) Ltd agreed not to use

its trademark SIRDAR for knitting yarns in France (paragraph 2 of the Agreement).

- (b) Les Fils de Louis Mulliez SA agreed not to oppose any applications for registrations or renewal of any existing registrations of the trademark SIRDAR in the United Kingdom or any other country in the world other than France for knitting yarns (paragraph 3 of the Agreement); by the same token Harrap Bros (Sirdar Wools) Ltd agreed not to oppose any applications for registrations or renewal of the trademark PHILDAR in France or in any other country in the world other than in the United Kingdom for knitting yarns (paragraph 4 of the Agreement).
- (c) Les Fils de Louis Mulliez SA undertook to use in the United Kingdom as their trademark for knitting yarns a mark which would not be in any way confused with the trademark SIRDAR and which would not include the termination 'DAR' or any other termination likely to be confused with the termination 'DAR' (paragraph 5 of the Agreement). Harrap Bros (Sirdar Wools) Ltd gave a similar undertaking for the protection of the PHILDAR trademark in France (paragraph 6 of the Agreement).
- (d) The parties undertook not to authorize or permit any third person, firm or company to use or register trademarks which resemble the trademarks SIRDAR and PHILDAR, in any territory throughout the world, without the authorization of the other party given in writing (paragraph 7 of the Agreement).

5. In all Member States of the Community, apart from the United Kingdom, and in some non-member countries the trademarks PHILDAR and SIRDAR coexist without being challenged. In France, on the basis of its international registration as No 162.191, Sirdar Ltd has had the SIRDAR trademark entered with effect, from 12 November 1973, in the trademark register in Class 23 as No 888.844; this was unopposed by Les Fils de Louis Mulliez SA. There is as yet no information, however, on whether Sirdar Ltd also uses the SIRDAR trademark for knitting yarn in France.

6. As Les Fils de Louis Mulliez SA considered the Agreement of 15 September 1964 to have been void since the accession of the United Kingdom to the European Economic Community, on the grounds that it infringed Article 85 and Articles 30 to 36 of the EEC Treaty, this firm made an application in 1973 (No 1.010.736) to have the PHILDAR trademark registered in Class 23 in the United Kingdom. This was opposed by Sirdar Ltd.

Les Fils de Louis Mulliez SA began, moreover, in 1974, to sell knitting yarn under the PHILDAR trademark in the United Kingdom. The goods in question bear the words 'Made in France, Roubaix, Paris'.

In respect of those sales Sirdar Ltd has brought an action in the Chancery Division of the High Court. The writ of summons specifies three grounds of complaint — infringement of the registered trademarks of Sirdar Ltd, passing off by Mulliez of its goods as Sirdar goods, and breach of the Agreement of 15 September 1964.

II. Preliminary examination under Article 85 (1) of the EEC Treaty

Article 85 (1) prohibits as incompatible with the common market all Agreements between undertakings which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market.

On the facts at present available, a final ruling on the Agreement of 15 September 1964 is not yet possible, but the following points may be made after a preliminary examination :

1. Les Fils de Louis Mulliez SA and Sirdar Ltd are undertakings for the purposes of Article 85.
2. The Agreement of 15 September 1964 is an Agreement between undertakings for the purposes of Article 85.
3. The object of the Agreement is to restrict competition in the common market, since it reflects the stated intent of the parties to prevent Sirdar Ltd and other firms, particularly dealers and importers, from selling knitting yarn in France under the SIRDAR trademark, and to prevent Les Fils de Louis Mulliez SA and other firms from selling knitting yarn in the United Kingdom under the PHILDAR trademark. The significance of this bar to imports from France to the United Kingdom is underlined by the fact that Sirdar Ltd is seeking through the courts, on the grounds of the Agreement in question, to oblige Les Fils de Louis Mulliez SA to cease importing.
4. It cannot be said that because, under the Agreement, Les Fils de Louis Mulliez SA may import knitting yarn to the United Kingdom under a trademark other than PHILDAR, there is in effect no restriction of competition; the use of a different trademark would deprive Les Fils de Louis Mulliez SA of the impact of the advertising under its trademark.

It would in any case be financially impossible for other undertakings (for example dealers, importers or mail-order firms) to separate the 50-gramme packs of knitting yarn from the larger packages in which they are put up and to replace each indi-

vidual wrapper bearing the PHILDAR trademark with a different wrapper.

5. Nor can the existence of a restriction of competition be denied on the ground that the trademarks SIRDAR and PHILDAR are similar and therefore likely to be confused. Even if this were the case, it would not justify market sharing between the parties.
6. As the Agreement raises barriers to trade between France and the United Kingdom, it is liable to affect trade between Member States.
7. On a preliminary examination, therefore, the Agreement of 15 September 1964 is caught by Article 85 (1) of the Treaty establishing the European Economic Community.
8. The Commission leaves aside for the moment the question whether the Agreement has as its object further restrictions of competition; this concerns paragraph 7 in particular, which limits the parties' freedom to grant licences in respect of trademarks. The answer to this question will depend on the final decision in this case.

III. Preliminary examination under Article 85 (3) of the EEC Treaty

Under Article 85 (3) of the Treaty, Article 85 (1) may be declared inapplicable in the case of any Agreement which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not :

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

1. As the object of the Agreement is to prevent knitting yarn trademarked SIRDAR and PHILDAR being imported into France and the United Kingdom respectively, it does not contribute to improving the distribution of goods, but in fact hinders this.

2. The Agreement also harms consumers, for knitting yarn manufactured in the United Kingdom is virtually denied to French consumers as is likewise knitting yarn made in France to British consumers.

3. On a preliminary examination, therefore, the agreement does not satisfy the tests of Article 85 (3) of the Treaty establishing the European Economic Community.

IV. Application of Article 25 of Regulation No 17

Even in 1964 the Agreement restricted competition in the common market, for it was intended to prevent SIRDAR knitting yarn from being imported into France, either direct from the United Kingdom or via other Member States. Consequently, the Agreement should have been notified to the Commission in 1964 pursuant to Article 4 (1) of Regulation No 17.

The Agreement is therefore not covered by Article 25 of Regulation No 17, as amended by Article 29 of the Act concerning the conditions of accession and the adjustments to the Treaties read in conjunction with Annex I (Section V. Competition) thereto, since it does not fall within the scope of Article 85 by virtue of accession but was in fact covered by this Article even before accession.

V. Application of Article 15 (6) of Regulation No 17

As Sirdar Ltd is attempting to have the Agreement of 15 September 1964 enforced by the courts, a Commission notice pursuant to Article 15 (6) is appropriate. Such notice cancels immunity from fines on the basis of notification under Article 15 (5), and removes any possibility of having the Agreement enforced on the basis of its being provisionally treated as valid,

HAS ADOPTED THIS DECISION :

Article 1

After preliminary examination, the Commission considers that, on the grounds of the following provi-

sions of the Agreement of 15 September 1964 concluded by the undertakings named in Article 2, Article 85 (1) of the EEC Treaty applies, and application of Article 85 (3) is not justified :

1. the undertaking by Les Fils de Louis Mulliez SA not to sell knitting yarn in the United Kingdom under the PHILDAR trademark or under any similar trademark (paragraphs 1 and 5); and
2. the undertaking by Sirdar Ltd not to sell knitting yarn in France under the SIRDAR trademark or under any similar trademark (paragraphs 2 and 6).

Article 2

This Decision is addressed to the following undertakings :

1. Sirdar Limited,
Bective Mills,
Alverthorpe,
Wakefield, Yorkshire,
England,
United Kingdom.
2. Les Fils de Louis Mulliez SA,
112, rue du Collège,
F-59061 Roubaix,
France.

Done at Brussels, 5 March 1975.

For the Commission

The President

François-Xavier ORTOLI