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I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2424/75 OF THE COMMISSION**of 24 September 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 organiza-
tion of the market in cereals, as last amended by Regu-
lation (EEC) No 665/75⁽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 Regula-
tion (EEC) No 1976/75⁽³⁾ and subsequent amending
Regulations;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1976/75 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 25
September 1975.

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

Done at Brussels, 24 September 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 72, 20. 3. 1975, p. 14.

⁽³⁾ OJ No L 202, 1. 8. 1975, p. 1.

ANNEX

to the Commission Regulation of 24 September 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	7.29
10.01 B	Durum wheat	0 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	16.27 ⁽⁶⁾
10.03	Barley	0
10.04	Oats	6.44
10.05 B	Maize other than hybrid maize for sowing	9.53 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	1.61 ⁽⁴⁾
10.07 C	Grain sorghum	13.82 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	29.09
11.01 B	Rye flour	41.68
11.02 A I a	Durum wheat groats and meal	18.01
11.02 A I b	Common wheat groats and meal	31.25

⁽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 originated in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./metric ton as provided for in Regulation (EEC) No 1599/75.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./metric ton subject to the application of the provisions of Article 22 of Regulation (EEC) No 1599/75.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 % subject to the application of the provisions of Article 22 of Regulation (EEC) No 1599/75.

⁽⁵⁾ 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.

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

REGULATION (EEC) No 2425/75 OF THE COMMISSION
of 24 September 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 665/75 ⁽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
1977/75 ⁽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 25
September 1975.

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

Done at Brussels, 24 September 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 72, 20. 3. 1975, p. 14.

⁽³⁾ OJ No L 202, 1. 8. 1975, p. 4.

ANNEX

to the Commission Regulation of 24 September 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 9	1st period 10	2nd period 11	3rd period 12
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	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	3.19	3.19	3.26
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

⁽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./metric ton)

CCT heading No	Description of goods	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

REGULATION (EEC) No 2426/75 OF THE COMMISSION
of 24 September 1975
altering the export levy on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3330/74⁽¹⁾ of 19 December 1974 on the common organization of the market in sugar, and in particular Article 17 (6) thereof;

Having regard to Council Regulation (EEC) No 608/72⁽²⁾ of 23 March 1972 laying down rules to be applied in cases of considerable price rises on the world sugar market, and in particular Article 1 (2) thereof;

Whereas, pursuant to Article 17 (1) of Regulation (EEC) No 3330/74, where the Community or any region thereof cannot be supplied with sugar at prices within the limit of the threshold price, provision may be made for charging a special export levy on sugar;

Whereas the threshold price for white sugar and raw sugar was fixed by Regulation (EEC) No 660/75⁽³⁾;

Whereas the list of products subject to the special levy is given in Commission Regulation (EEC) No

825/75⁽⁴⁾ of 25 March 1975 laying down detailed rules for applying export levies on sugar;

Whereas the export levy on white sugar and raw sugar was fixed by Regulation (EEC) No 1702/75⁽⁵⁾, as last amended by Regulation (EEC) No 2374/75⁽⁶⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in the Regulation (EEC) No 1702/75 to the information at present available to the Commission, that the export levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export levy on sugar provided for in the first subparagraph of Article 17 (1) of Regulation (EEC) No 3330/74 is fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 September 1975.

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

Done at Brussels, 24 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽³⁾ OJ No L 72, 20. 3. 1975, p. 7.

⁽⁴⁾ OJ No L 79, 28. 3. 1975, p. 17.

⁽⁵⁾ OJ No L 172, 3. 7. 1975, p. 15.

⁽⁶⁾ OJ No L 244, 18. 9. 1975, p. 9.

ANNEX

to the Commission Regulation of 24 September 1975 altering the export levy on white sugar and raw sugar

(u.a./100 kg)		
CCT heading No	Description of goods	Amount of the special export levy
17.01	Beet sugar and cane sugar, solid :	
	A. Denatured :	
	I. White sugar	0.70
	II. Raw sugar	2.40 ⁽¹⁾
	B. Undenatured :	
	I. White sugar	0.70
	ex II. Raw sugar other than candy sugar	2.40 ⁽¹⁾

⁽¹⁾ This amount applies to raw sugar with a 92 % yield. If the yield of the exported raw sugar is different from 92 % the levy to be applied shall be calculated in conformity with Article 2 of Regulation (EEC) No 1076/72.

REGULATION (EEC) No 2427/75 OF THE COMMISSION
of 24 September 1975

re-establishing the levying of customs duties on gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, of cotton, falling within heading No ex 60.02, originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3046/74 of 2 December 1974 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3046/74⁽¹⁾ of 2 December 1974 establishing preferential tariffs in respect of certain cotton textile and like products originating in developing countries, and in particular Article 4 (2) thereof;

Whereas Article 1 (3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling equal to 157.5 % of the sum arrived at by adding together the value of the products in question, in metric tons, imported into the Community in 1968 and coming from countries listed in Annex B to that Regulation, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 metric tonnage of such imports coming from other countries and from countries already covered by such arrangements; whereas, having regard to that ceiling, the amounts for products originating in any one of the countries listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A to that Regulation; whereas, for those products, this reduced percentage will be 30 %;

Whereas Article 2 (2) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries once the relevant Community maximum amount has been reached;

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

Done at Brussels, 24 September 1975.

For the Commission

F. O. GUNDELACH

Member of the Commission

Whereas, in respect of gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, of cotton, the ceiling, calculated as indicated above, should be 48 metric tons, and therefore the maximum amount 14.40 metric tons; whereas on 19 September 1975 the amounts of imports into the Community of gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, of cotton, originating in Pakistan, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 3046/74 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to Pakistan,

HAS ADOPTED THIS REGULATION:

Article 1

As from 28 September 1975, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3046/74 of 2 December 1974, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

CCT heading No	Description of goods
ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, of cotton

Article 2

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

⁽¹⁾ OJ No L 329, 9. 12. 1974, p. 9.

REGULATION (EEC) No 2428/75 OF THE COMMISSION
of 24 September 1975

re-establishing the levying of customs duties on outer garments and other articles, knitted or crocheted, not elastic or rubberized, of cotton, falling within subheading 60.05 A ex II and ex B, originating in developing countries to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3046/74 of 2 December 1974 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 3046/74 ⁽¹⁾ of 2 December 1974 establishing preferential tariffs in respect of certain cotton textile and like products originating in developing countries, and in particular Article 4 (2) thereof ;

Whereas Article 1 (3) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling equal to 157.5 % of the sum arrived at by adding together the metric tonnage of the products in question, imported into the Community in 1968 and coming from countries listed in Annex B to that Regulation, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 metric tonnage of such arrangements ; whereas Article 2 (1) of that Regulation provides that the levying of customs duties may be re-established at any time once the Community ceiling has been reached ;

Whereas, in respect of outer garments and other articles, knitted or crocheted, not elastic or rubberized, of cotton, the ceiling, calculated as indicated above, should be 158 metric tons ; whereas on 22 September 1975, the amounts of imports into the Community of the products in question, originating in countries covered by preferential tariff arrangements, reached that ceiling ; whereas, bearing in mind the objectives

of Regulation (EEC) No 3046/74, which provides that the ceiling should not be exceeded, customs duties should be re-established in respect of the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

As from 28 September 1975, customs duties, suspended in pursuance of Council Regulation (EEC) No 3046/74 of 2 December 1974 shall be re-established in respect of the following products, imported into the Community :

CCT heading No	Description of goods
60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : A. Outer garments and clothing accessories ; ex II. Other, of cotton ex B. Other, of cotton

Article 2

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

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

Done at Brussels, 24 September 1975.

For the Commission

F. O. GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 329, 9. 12. 1974, p. 9.

REGULATION (EEC) No 2429/75 OF THE COMMISSION

of 24 September 1975

fixing the adjustments to be made to refunds fixed in advance for milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 740/75 ⁽²⁾, and in particular Article 17 ⁽⁴⁾ thereof ;

Whereas, under the third subparagraph of Article 5 ⁽³⁾ of Council Regulation (EEC) No 876/68 ⁽³⁾ of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 2429/72 ⁽⁴⁾, refunds fixed in advance may be adjusted where there is a change in the intervention prices and in the amount of certain aids ;

Whereas, in pursuance of Council Regulation (EEC) No 469/75 ⁽⁵⁾ of 27 February 1975, the intervention prices for butter are to be increased with effect from 16 September 1975 ; whereas the effect of the new prices on the level of market prices is such that a general adjustment of refunds fixed in advance for products containing butterfat seems justified ;

Whereas, in accordance with the fifth subparagraph of Article 5 ⁽²⁾ of Council Regulation (EEC) No 2682/72 ⁽⁶⁾ of 12 December 1972 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds, refunds fixed in advance for the products specified in Annex A to the said Regulation are to be adjusted in accordance with

rules identical to those applicable in the case of refunds fixed in advance for the relevant basic products exported in their natural state ; whereas it is therefore appropriate to provide that refunds fixed in advance for the said products may also be adjusted ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Refunds fixed in advance before 16 September 1975 in respect of products as specified in Annexes I and II hereof exported on or after that date shall at the request of the party concerned be adjusted by the amounts fixed in those Annexes.

2. The day to be taken into account in determining :

- the date of advance fixing, shall be the day within the meaning of Article 6 ⁽¹⁾ of Regulation (EEC) No 193/75 ⁽⁷⁾ on which the application for the export licence was lodged,
- the date of exportation, shall be the day on which customs formalities as referred to in Article 9 ⁽³⁾ (b) of Regulation (EEC) No 193/75 are completed.

Article 2

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

It shall apply with effect from 16 September 1975.

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

Done at Brussels, 24 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 74, 22. 3. 1975, p. 1.

⁽³⁾ OJ No L 155, 30. 6. 1968, p. 1.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 52, 28. 2. 1975, p. 17.

⁽⁶⁾ OJ No L 289, 27. 12. 1972, p. 13.

⁽⁷⁾ OJ No L 25, 31. 1. 1975, p. 10.

ANNEX I

List of the adjustments applicable to refunds fixed in advance before 16 September 1975 for the products specified in Article 1 of Regulation (EEC) No 804/68, exported in their natural state on or after that date

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.01 A I a)	Other than whey	+ 0.45
ex 04.01 A II	Other than whey, of a fat content, by weight:	
	— Not exceeding 1.5 %	—
	— Exceeding 1.5 % but not exceeding 3 %	+ 0.23
	— Exceeding 3 % but not exceeding 4 %	+ 0.45
	— Exceeding 4 %	+ 0.60
ex 04.01 B I	Other than whey, of a fat content, by weight:	
	— Not exceeding 10 %	+ 1.20
	— Exceeding 10 % but not exceeding 17 %	+ 1.66
	— Exceeding 17 %	+ 2.71
ex 04.01 B II	Other than whey, of a fat content, by weight:	
	— Not exceeding 35 %	+ 3.31
	— Exceeding 35 % but not exceeding 39 %	+ 5.42
	— Exceeding 39 %	+ 6.02
ex 04.01 B III	Other than whey, of a fat content, by weight:	
	— Not exceeding 68 %	+ 6.93
	— Exceeding 68 %	+ 10.39
04.02 A II	Of a fat content, by weight:	
	— Not exceeding 1.5 %	—
	— Exceeding 1.5 % but not exceeding 11 %	—
	— Exceeding 11 % but not exceeding 17 %	+ 1.89
	— Exceeding 17 % but not exceeding 25 %	+ 2.91
	— Exceeding 25 % but not exceeding 27 %	+ 4.07
	— Exceeding 27 % but not exceeding 29 %	+ 4.37
	— Exceeding 29 % but not exceeding 41 %	+ 4.64
	— Exceeding 41 %	+ 6.51

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.02 A III	Of a fat content, by weight:	
	— Exceeding 3 % but not exceeding 7.4 %	+ 0.48
	-- Exceeding 7.4 % but not exceeding 8.9 %	+ 1.15
	— Exceeding 8.9 % but not exceeding 11 %	+ 1.37
	— Exceeding 11 % but not exceeding 21 %	+ 1.66
	— Exceeding 21 % but not exceeding 39 %	+ 3.31
	-- Exceeding 39 % but not exceeding 45 %	+ 6.02
	— Exceeding 45 %	+ 6.93
ex 04.02 B I b)	Other than whey, of a fat content, by weight:	
	— Not exceeding 1.5 %	— ⁽¹⁾ kg
	— Exceeding 1.5 % but not exceeding 11 %	— ⁽¹⁾ kg
	-- Exceeding 11 % but not exceeding 17 %	+ 0.0189 ⁽¹⁾ kg
	— Exceeding 17 % but not exceeding 25 %	+ 0.0291 ⁽¹⁾ kg
	— Exceeding 25 % but not exceeding 27 %	+ 0.0407 ⁽¹⁾ kg
	— Exceeding 27 % but not exceeding 41 %	+ 0.0437 ⁽¹⁾ kg
	— Exceeding 41 %	+ 0.0651 ⁽¹⁾ kg
ex 04.02 B II	Other than whey, of a fat content, by weight:	
	-- Not exceeding 6.9 % and of a lactic dry matter content, by weight, of 15 % or more	— ⁽²⁾
	— Exceeding 6.9 % but not exceeding 9.5 % and of a lactic dry matter content, by weight, of 15 % or more	+ 1.37 ⁽²⁾
	— Exceeding 9.5 % but not exceeding 21 % and of a lactic dry matter content, by weight, less than 15 %	+ 0.0166 ⁽¹⁾ kg
	— Exceeding 21 % but not exceeding 39 %	+ 0.0331 ⁽¹⁾ kg
	— Exceeding 39 % but not exceeding 45 %	+ 0.0602 ⁽¹⁾ kg
	— Exceeding 45 %	+ 0.0693 ⁽¹⁾ kg

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.03	Of a fat content, by weight: — Of 62 % or more, but less than 78 % — Of 78 % or more, but less than 80 % — Of 80 % or more, but less than 82 % — Of 82 % or more, but less than 99.5 % — Exceeding 99.5 %	+ 9.34 + 11.75 + 12.05 + 12.35 + 14.99
ex 04.04 A II	Emmentaler and Gruyère	+ 5.54
ex 04.04 C	Other than Roquefort	+ 4.97
ex 04.04 D II a) 1	Of a dry matter content, by weight: — Of 33 % or more, but less than 38 % — Of 38 % or more, but less than 43 % and of a fat content, by weight, in the dry matter: — Less than 20 % — Of 20 % or more — Of 43 % or more and of a fat content, by weight, in the dry matter: — Less than 20 % — Of 20 % or more but less than 40 % — Of 40 % or more	+ 1.73 + 1.73 + 2.64 + 1.73 + 2.64 + 3.97
ex 04.04 D II a) 2	Of a dry matter content, by weight: — Of 33 % or more but less than 38 % — Of 38 % or more but less than 43 % — Of 43 % or more but less than 46 % — Of 46 % or more and of a fat content, by weight, in the dry matter: — Less than 55 % — Of 55 % or more	+ 1.73 + 2.64 + 3.97 + 3.97 + 4.71
04.04 D II b)		+ 4.71
ex 04.04 E I a)	Of a fat content, by weight, in the dry matter of 30 % or more	+ 5.27

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.04 E I b) 1 bb)	Of a fat content, by weight, in the dry matter of 48 % or more	+ 5.55
ex 04.04 E I b) 5	Of a fat content, by weight, in the dry matter: — Less than 5 % and of a content, by weight, in the dry matter of 32 % or more — Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more — Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 % — Of 39 % or more: — Asiago, Caciocavallo, Provolone, Ragusano — Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit — Butterkäse, Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio — Cantal, Colby, Monterey — Salted Ricotta, of a fat content, by weight, of 30 % or more — Feta, of a water content, calculated by weight, of the non-fatty matter exceeding 62 % but not exceeding 72 %, in containers holding brine — Colby, Monterey — Other, of a water content, calculated by weight, of the non-fatty matter: — Exceeding 47 % but not exceeding 52 % — Exceeding 52 % but not exceeding 62 %	— + 1.13 + 2.83 + 5.81 + 4.64 + 4.01 + 5.19 + 3.71 + 4.14 + 5.19 + 5.81 + 4.64
04.04 E I c)	— Of a fat content, by weight, in the dry matter exceeding 70 % — Cottage cheese	+ 4.78 —
ex 04.04 E II a)	Of a fat content, by weight, exceeding 20 %, of a lactose content by weight less than 5 % and of a dry matter content, by weight: — Of 80 % or more but less than 85 % — Of 85 % or more but less than 95 % — Of 95 % or more	+ 3.40 + 4.30 + 5 —
ex 23.07 B I a) 3	Of a content, by weight, of milk powder of a fat content by weight of or less than 11 % excluding whey powder — 30 % or more but less than 40 % — 40 % or more but less than 50 %	— —

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 23.07 B I a) 3 (cont'd)	— 50 % or more but less than 60 % — 60 % or more but less than 70 % — 70 % or more	— — —
ex 23.07 B I a) 4	Of a content, by weight, of milk powder of a fat content by weight of or less than 11 % excluding whey powder — 30 % or more but less than 40 % — 40 % or more but less than 50 % — 50 % or more but less than 60 % — 60 % or more but less than 70 % — 70 % or more but less than 75 % — 75 % or more but less than 80 % — 80 % or more	 — — — — — — —
ex 23.07 B II	Of a content, by weight, of milk powder of a fat content by weight of or less than 11 % excluding whey powder — 50 % or more but less than 60 % — 60 % or more but less than 70 % — 70 % or more but less than 80 % — 80 % or more	 — — — —

(¹) The weight of added non-lactic matter and lactose should be disregarded for the purpose of calculating fat content. The refund on 100 kg of product falling within this subheading is equal to the sum of the following components:
(a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product;
(b) a component established in application of the provisions of Regulation (EEC) No 766/68.

(²) The refund on 100 kg of product falling within this subheading is equal to the sum of the following components:
(a) the amount per 100 kg shown; and
(b) a component established in application of the provisions of Regulation (EEC) No 766/68.

The weight of non-milk fat should be disregarded for the purposes of calculating fat content.

ANNEX II

List of adjustments applicable to refunds fixed in advance before 16 September 1975 for the products indicated in Annex A to Regulation (EEC) No 2682/72 and specified in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods included in the Annex to the latter Regulation on or after 16 September 1975

CCT heading No	Description of goods	Adjustment in u.a./100 kg net weight (unless otherwise indicated)
ex 04.02 A II	Milk powder, obtained by the Spray process, of a fat content, by weight, less than 1.5%, and of a water content by weight less than 5% (PG 2)	—
ex 04.02 A II	Milk powder, obtained by the Spray process of a fat content by weight, of 26% and of a water content by weight less than 5% (PG 3)	+ 4.07
ex 04.02 A III	Condensed milk, of a fat content, by weight, of 7.5% and of a weight referred to dry matter of 25% (PG 4)	+ 1.15
ex 04.03	Butter, of a fat content, by weight, of 82% (PG 6)	+ 12.35

REGULATION (EEC) No 2430/75 OF THE COMMISSION**of 24 September 1975****amending the amounts applicable as compensatory amounts for cereals and rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to the Treaty of Accession ⁽¹⁾;

Having regard to Council Regulation (EEC) No
229/73 ⁽²⁾ of 31 January 1973 laying down general
rules for a system of compensatory amounts for
cereals and fixing these amounts for certain products,
as last amended by Regulation (EEC) No 1602/75 ⁽³⁾,
and in particular Article 7 thereof;

Having regard to Council Regulation (EEC) No
243/73 ⁽⁴⁾ of 31 January 1973 laying down general
rules for a system of compensatory amounts for rice
and fixing these amounts for certain products, as
amended by Regulation (EEC) No 1999/74 ⁽⁵⁾, and in
particular Article 5 thereof;

Whereas compensatory amounts for cereals and rice
have been fixed pursuant to Regulation (EEC) No

2235/75 ⁽⁶⁾, as last amended by Regulation (EEC) No
2416/75 ⁽⁷⁾;

Whereas the application of the rules referred to in
Regulation (EEC) No 2235/75 requires that the
amounts at present in force should be amended as
shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts applicable as compensatory amounts
shown in the Annex to amended Regulation (EEC)
No 2235/75 are amended as shown in the Annex to
this Regulation.

Article 2

This Regulation shall enter into force on 25
September 1975.

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

Done at Brussels, 24 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 27, 1. 2. 1973, p. 25.

⁽³⁾ OJ No L 164, 27. 6. 1975, p. 2.

⁽⁴⁾ OJ No L 29, 1. 2. 1973, p. 26.

⁽⁵⁾ OJ No L 209, 31. 7. 1974, p. 5.

⁽⁶⁾ OJ No L 229, 30. 8. 1975, p. 17.

⁽⁷⁾ OJ No L 247, 23. 9. 1975, p. 23.

ANNEXE A — BILAG A — ANHANG A — ALLEGATO A — BIJLAGE A — ANNEX A

Montants applicables au titre des montants compensatoires pour les céréales

Beløb, der skal anvendes som udligningsbeløb for korn

Für Getreide als Ausgleichsbeträge anzuwendende Beträge

Importi applicabili a titolo di importi di compensazione per i cereali

Als compenserende bedragen toe te passen bedragen voor granen

Amounts applicable as compensatory amounts for cereals

(RE/UC/u.a./1 000 kg)

N° du tarif douanier commun Position i den fælles toldtarif Nr. des Gemeinsamen Zoltarifs N. della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief CCT heading No	DK	IRL	UK
10.01 A ⁽¹⁾	6,00	4.50	6.00
10.01 B	0	0	0
10.07 C	—	11.70	14.00

⁽¹⁾ Le montant applicable pour le froment tendre ayant été rendu impropre à la consommation humaine par la dénaturation visée à l'article 7 du règlement n° 120/67/CEE est celui applicable pour l'orge.

⁽¹⁾ Der Betrag für Weichweizen, der durch Denaturierung im Sinne des Artikels 7 der Verordnung Nr. 120/67/EWG für die menschliche Ernährung ungeeignet gemacht wurde, ist der für Gerste anwendbare Ausgleichsbetrag.

⁽¹⁾ L'importo applicabile al frumento tenero reso inadatto al consumo umano in seguito alla denaturazione di cui all'articolo 7 del regolamento n. 120/67/CEE è quello applicabile all'orzo.

⁽¹⁾ Voor zachte tarwe die voor menselijke consumptie ongeschikt is gemaakt door de denaturering als bedoeld in artikel 7 van Verordening nr. 120/67/EEG is het bedrag voor gerst van toepassing.

⁽¹⁾ The amount for common wheat rendered unfit for human consumption by denaturing as specified in Article 7 of Regulation No 120/67/EEC shall be that applicable to barley.

⁽¹⁾ Beløbet for blød hvede, der efter bestemmelserne i artikel 7 i forordning nr. 120/67/EØF ved denaturering er blevet gjort uegnet til menneskeføde, er det, der anvendes for byg.

ANNEXE C — BILAG C — ANHANG C — ALLEGATO C — BIJLAGE C — ANNEX C

Montants applicables au titre des montants compensatoires pour les produits transformés à base de céréales et de riz

Beløb, der skal anvendes som udligningsbeløb for produkter, der er forarbejdet på basis af korn og ris

Für Getreide- und Reisverarbeitungserzeugnisse als Ausgleichsbeträge anzuwendende Beträge

Importi applicabili a titolo di importi di compensazione per i prodotti trasformati dei cereali e del riso

Als compenserende bedragen toe te passen bedragen voor op basis van granen en rijst verwerkte produkten

Amounts applicable as compensatory amounts for products processed from cereals or rice

(RE/UC/u.a./1 000 kg)

N° du tarif douanier commun Position i den fælles toldtarif Nr. des Gemeinsamen Zolldarifs N. della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief CCT heading No	DK	IRL	UK
11.01 A ⁽¹⁾	8,07	5.57	10.00
11.01 B ⁽¹⁾	—	12.78	22.00
11.01 K ⁽¹⁾	—	11.93	14.28
11.02 A I a) ⁽¹⁾	0	0	0
11.02 A I b) ⁽¹⁾	8,72	6.02	14.00
11.02 A IX ⁽¹⁾	—	11.93	14.28
11.02 B II a) ⁽¹⁾	7,98	5.99	7.98
11.02 B II d) ⁽¹⁾	—	16.38	19.60
11.02 C I ⁽¹⁾	8,40	6.30	8.40
11.02 C VIII ⁽¹⁾	—	16.38	19.60
11.02 D I ⁽¹⁾	6,12	4.59	6.12
11.02 D VIII ⁽¹⁾	—	11.93	14.28
11.02 E II a) ⁽¹⁾	8,40	6.30	8.40
11.02 E II d) ⁽¹⁾	—	16.38	19.60
11.02 F I ⁽¹⁾	6,12	4.59	6.12
11.02 F IX ⁽¹⁾	—	11.93	14.28
11.02 G I	1,50	1.13	1.50
11.07 A I a)	10,68	8.01	10.68
11.07 A I b)	7,98	5.99	7.98
23.02 A I a)	0,48	1.25	1.28
23.02 A I b) 1	0,48	1.25	1.28
23.02 A I b) 2	0,48	1.25	1.28
23.02 A II a)	0,48	1.25	1.28
23.02 A II b)	0,48	1.25	1.28

⁽¹⁾ Pour la distinction entre les produits des n°s 11.01 et 11.02, d'une part, et ceux de la sous-position 23.02 A d'autre part, sont considérés comme relevant des n°s 11.01 et 11.02 les produits ayant simultanément :

- une teneur en amidon (déterminée d'après la méthode polarimétrique Ewers modifiée) supérieure à 45 % (en poids) sur matière sèche,
- une teneur en cendres (en poids) sur matière sèche (déduction faite des matières minérales ayant pu être ajoutées) inférieure ou égale à 1,6 % pour le riz, 2,5 % pour le froment et le seigle, 3 % pour l'orge, 4 % pour le sarrasin, 5 % pour l'avoine et 2 % pour les autres céréales.

Les germes de céréales, même en farines, relèvent en tout cas du n° 11.02.

(¹) Für die Abgrenzung der Erzeugnisse der Tarifnummern 11.01 und 11.02 von denen der Tarifstelle 23.02 A gelten als Erzeugnisse der Tarifnummern 11.01 und 11.02 Erzeugnisse, die gleichzeitig folgendes aufweisen :

- einen auf den Trockenstoff bezogenen Stärkegehalt (bestimmt nach dem abgeänderten polarimetrischen Ewers-Verfahren) von mehr als 45 Gewichtshundertteilen,
- einen auf den Trockenstoff bezogenen Aschegehalt (abzüglich etwa zugesetzter Mineralstoffe), der bei Reis 1,6 Gewichtshundertteile oder weniger, bei Weizen und Roggen 2,5 Gewichtshundertteile oder weniger, bei Gerste 3 Gewichtshundertteile oder weniger, bei Buchweizen 4 Gewichtshundertteile oder weniger, bei Hafer 5 Gewichtshundertteile oder weniger und bei anderen Getreidearten 2 Gewichtshundertteile oder weniger beträgt.

Getreidekeime, auch gemahlen, gehören auf jeden Fall zur Tarifnummer 11.02.

(²) Per la distinzione tra i prodotti delle voci nn. 11.01 e 11.02 da un lato, e quelli della sottovoce 23.02 A dall'altro, si considerano come appartenenti alle voci nn. 11.01 e 11.02 i prodotti che abbiano simultaneamente :

- un tenore in amido (determinato in base al metodo polarimetrico Ewers modificato), calcolato sulla materia secca, superiore al 45 % (in peso),
- un tenore in ceneri (in peso), calcolato sulla materia secca (dedotte le sostanze minerali che possono essere state aggiunte), inferiore o pari all'1,6 % per il riso, al 2,5 % per il frumento e la segala, al 3 % per l'orzo, al 4 % per il grano saraceno, al 5 % per l'avena e al 2 % per gli altri cereali.

I germi di cereali, anche sfarinati, rientrano comunque nella voce n. 11.02.

(³) Voor het onderscheid tussen de produkten van de nummers 11.01 en 11.02 enerzijds en die van de onderverdeling 23.02 A anderzijds, worden geacht onder de nummers 11.01 en 11.02 te vallen de produkten die tegelijkertijd :

- een zetmeelgehalte hebben (bepaald volgens de gewijzigde polarimetrische methode van Ewers) van meer dan 45 gewichtspersenten, berekend op de droge stof, en
- een asgehalte hebben (onder aftrek van eventueel toegevoegde minerale stoffen), berekend op de droge stof, van ten hoogste : 1,6 gewichtspersent voor rijst, 2,5 gewichtspersenten voor tarwe en rogge, 3 gewichtspersenten voor gerst, 4 gewichtspersenten voor boekweit, 5 gewichtspersenten voor haver en 2 gewichtspersenten voor andere graanen.

Graankiemen ook indien gemalen, vallen in elk geval onder nummer 11.02.

(⁴) For the purpose of distinguishing between products falling within headings Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within headings Nos 11.01 and 11.02 shall be those meeting the following specifications :

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals) not exceeding 1.6 % for rice, 2.5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

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

(⁵) Med henblik på sondringen mellem varer tariferet under pos. 11.01 og 11.02 på den ene side og under pos. 23.02 A på den anden side anses som tariferet under pos. 11.01 og 11.02 varer, der samtidig har :

- et indhold af stivelse (bestemt ved Ewers modificerede polarimetriske metode) på over 45 vægtprocent, beregnet på grundlag af tørsubstansen,
- et askeindhold (efter fradrag af eventuelle tilsatte mineralske stoffer) på 1,6 vægtprocent eller derunder for ris, 2,5 vægtprocent eller derunder for hvede og rug, 3 vægtprocent eller derunder for byg, 4 vægtprocent eller derunder for boghvede, 5 vægtprocent eller derunder for havre og 2 vægtprocent eller derunder for de øvrige kornsorter, beregnet på grundlag af tørsubstansen.

Kim af korn samt mel deraf tariferes under alle omstændigheder under pos. 11.02.

fixing the import levies on white sugar and raw sugar

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

REGULATION (EEC) No 2432/75 OF THE COMMISSION**of 24 September 1975****fixing the basic amount of the import levy on syrups and certain other sugar products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3330/74⁽¹⁾ of 19 December 1974 on the common organization of the market in sugar, and in particular Article 15 (7) thereof;

Whereas the basic amount of the import levy on syrups and certain other sugar products was fixed by Regulation (EEC) No 2250/75⁽²⁾, as last amended by Regulation (EEC) No 2349/75⁽³⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2250/75 to the information at present available to the Commis-

sion that the basic amount of the levy at present in force should be altered as shown in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amount of the import levy on the products listed in Article 1 (1) d) of Regulation (EEC) No 3330/74 is hereby fixed, per 100 kilogrammes of product, at 0.0323 unit of account per percentage point of sucrose content.

Article 2

This Regulation shall enter into force on 25 September 1975.

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

Done at Brussels, 24 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 229, 30. 8. 1975, p. 72.

⁽³⁾ OJ No L 241, 13. 9. 1975, p. 47.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 July 1975

authorizing an agreement between several steel industry undertakings
concerning the joint buying of prereduced iron ore

(Only the French text is authentic)

(75/569/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof;

Having regard to the application submitted by the undertakings concerned on 10 December 1974,

WHEREAS :

I

1. On 10 December 1974, several French undertakings engaged in the production of steel within the meaning of Article 80 of the Treaty applied to the Commission for authorization of an agreement concerning, *inter alia*, the joint buying of prereduced iron ore through the Société Française des Minerais Préréduits S.A., Paris (SFMP), a company with a share capital of FF 1 000 000.

The undertakings concerned are the following :

Undertaking	Registered Office	Capital (FF)
USINOR — Union Sidérurgique du Nord et de l'Est de la France S.A.	Paris	1 429 171 875
SACILOR — Aciéries et Laminoirs de Lorraine S.A.	Hayange	401 335 500
Châtillon-Commentry-Biache S.A.	Paris	175 218 750
S.A. des hauts fourneaux de la Chiers	Longwy-Bas	173 250 000
Creusot-Loire S.A.	Paris	291 701 300
Ugine Aciers S.A.	Paris	225 000 000
Société des aciéries et tréfileries de Neuves-Maisons, Châtillon S.A.	Neuves-Maisons	61 044 300

Undertaking	Registered Office	Capital (FF)
Forges d'Allevard	Paris	21 450 000
S.A. Cockerill Ougrée-Providence et Espérance-Longdoz	Seraing	7 756 850 000 (Bfrs)
S.A. Fabrique de fer de Maubeuge	Louvroil	13 500 500
S.A. Marrel Frères	Les Etaings-Châteauneuf (Loire)	19 200 000
Société nouvelle des aciéries de Pompey S.A.	Neuilly-sur-Seine	71 000 000
Société des aciers fins de l'Est (SAFE)	Paris	57 000 000
Hauts fourneaux réunis de Saulnes et Uckange	Paris	60 000 000
Société métallurgique de Normandie S.A.	Paris	81 000 000
Société lorraine de laminage continu Sollac S.A.	Paris	927 000 000
Société lorraine et méridionale de laminage continu (Solmer)	Paris	750 000 000
Vallourec S.A.	Paris	322 600 000
Pont-à-Mousson S.A.	Paris	369 220 000

2. SFMP will have the following objects :

- (1) *Studies* : to keep its shareholders informed of current studies and research on the direct reduction of iron ore ;
- (2) *Supplies* : to negotiate, whether in its own name or in the name and for the account of its shareholders or of other firms, medium and long-term supply contracts for prereduced iron ore ;
- (3) *Representation* : to represent its shareholders in dealings with foreign undertakings interested in participating in setting up direct reduction plants ;
- (4) *Setting up plants* : to study and possibly set up and operate direct reduction plants in its own name, or for account of all or some of its shareholders, acting either alone or with third parties.

3. As regards supplies (object (2) above) SFMP will purchase prereduced material to the order and for the account of its members on a brokerage basis, the commission charged by SFMP going to cover its own costs. SFMP will not have the exclusive right to make such purchases, but any member undertakings intending to obtain supplies direct will inform SFMP's Chairman in advance.

4. In principle, direct reduction plants (object (4) above) would be set up and operated in conjunction

with SFMP by undertakings specially formed for the purpose.

5. Subject to the possibility of earlier dissolution, reduction or extension, SFMP will be formed for a period of 99 years running from its incorporation.

6. SFMP will be run by a Board of not less than three and not more than 12 Directors appointed for a maximum term of office of six years by the shareholders in General Meeting.

II

7. The agreement restricts the normal play of competition between the undertakings involved in that they agree :

- to share products and sources of supply by coordinating their purchases of prereduced iron ore through SFMP ; and
- to control investment in and production of prereduced iron ore through SFMP, either alone or together with third parties.

8. Accordingly, the agreement is caught by the prohibition in Article 65 (1), even if to some extent it only constitutes a declaration of intent to be clarified

subsequently as regards the terms on which direct reduction plants will be set up and operated.

9. Article 65 (2) empowers the Commission to authorize specialization agreements or joint buying or joint selling agreements and certain agreements strictly analogous in nature and effect, where it finds that the tests of that Article are satisfied.

10. The coordination envisaged by the firms, in obtaining supplies of prereduced iron ore through SFMP, is strictly analogous to a joint buying agreement; while coordination of investments and plant operation can be regarded as strictly analogous to specialization.

11. The agreement may thus be authorized under Article 65 (2) if and to the extent that it makes for a substantial improvement in the production or distribution of the products in question, if it is essential in order to achieve these results and if it is not more restrictive than is necessary for that purpose. It must also be shown that the agreement is not liable to give the undertakings concerned the power to determine the prices or to control or to restrict the production or marketing of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings within the common market.

III

12. The undertakings which are party to the agreement account for some 95 % of crude steel production in France.

13. Prereduced iron ore constitutes a high quality substitute for scrap for all purposes, but particularly in electrical steel furnaces. Prereduction processes have been developed to an important extent only in recent times, with a number of projects being carried out or studied throughout the world, particularly in non-Community countries which are rich in iron ore and/or in hydrocarbons.

14. So far the only Community country in which prereduction of iron ore has reached the stage of industrial production is the Federal Republic of Germany, although a number of major projects are being considered elsewhere in the Community.

15. World production of prereduced iron ore is running at an annual rate of some six million metric tons; of this total, only half a million metric tons are produced in the Community, where total crude steel

production in 1973 was 150 million metric tons, using 100 million metric tons of pig iron and about 63 million metric tons of scrap. Consumption of prereduced iron ore in the Community has hitherto been insignificant as compared with total steel production.

16. Taking account of the plants already planned in other Community countries, world prereduced iron ore production could reach some 30 million metric tons by 1980, although a major part of this production will probably be used in steel melting shops downstream from the direct reduction plants themselves. Hence the tonnages available for export to Community countries are likely to remain relatively low.

17. Both in the Community and elsewhere electrical steel melting shops and the continuous casting process are showing a particularly strong upsurge in popularity at a time when, as can be seen from 'Report on Investment in the Community coal-mining and iron and steel industries' published by the Commission in September 1974, the decline of the open hearth process is slowing down. As the continuous casting process is adopted by more and more steel works, the quantity of scrap arising in the works will fall noticeably. Both the electrical and open hearth processes are based primarily on scrap. These trends 'will not fail to influence the demand for scrap, a raw material for which supply is not particularly elastic. In addition, the direct reduction of iron ore does not seem likely to supply substitute products in appreciable quantities in the medium term' (op. cit.).

18. Accordingly, although economic pressures are lower in the present time of reduced business activity, it must be assumed that in the medium term there will be a serious shortage of scrap. It is therefore desirable for the largest possible quantities of prereduced iron ore to become available either from non-Community countries or from plants to be set up within the Community, to take the place of some of this scrap.

IV

19. The joint buying of prereduced iron ore envisaged by the parties to this agreement will enable them to order larger tonnages and thus to claim higher bulk discounts and reduce their transport costs; this will permit a cut in supply costs. Medium-term contracts will enable them to guarantee stability both of supplies and of prices, particularly at times of shortage.

20. In view of the circumstances described above, the joint buying agreement must be regarded as

making for a substantial improvement in the production of crude steel and steel products.

21. The agreement is essential in order to achieve these results, for comparable improvements would be out of the question if each individual undertaking purchased prereduced iron ore separately.

22. The joint buying agreement does not give SFMP exclusive control over such purchases. The fact that the member undertakings undertake to inform SFMP's Chairman in advance when they propose to make direct purchases does not give the Chairman any right of veto but simply assists the coordination which is necessary to ensure the improvements referred to in paragraph 19.

23. In these circumstances, the joint buying agreement is no more restrictive than is required for its purpose and it satisfies the tests of Article 65 (2) (a) and (b).

24. The joint buying agreement will not give the undertakings concerned the power to determine the general level of prices or production of prereduced iron ore, for this will be determined rather by the world supply and demand situation and by the current actual and relative prices for scrap and for pig iron (which in many cases can be replaced by scrap and prereduced iron). Joint buying does not give the undertakings concerned the power to determine the prices or to control or restrict the production or marketing of a substantial part of the products in question within the common market; accordingly, as regards joint buying, the agreement satisfies the tests of Article 65 (2) (c).

V

25. As regards the building and operating of prereduction plants, the agreement provides only a framework and the details will have to be filled in before a final decision can be given as to its compatibility with Article 65 (2) or, as the case may be, Article 66 (2). Among other things, it will have to be established with certainty that no proposals to cooperate on such plants would give the undertakings concerned the power to determine the prices or to control or restrict the production or marketing of a substantial part of prereduced iron ore in the common market.

26. Consequently, SFMP and the member undertakings will be required to inform the Commission of any proposal for building or operating a direct reduction plant within the Community. Such a proposal may not become operational until the Commission has granted an authorization under Article 65 or 66 of the Treaty.

VI

27. The objects of the studies and the representation function to be carried out by SFMP (objects (1)

and (3) referred to in paragraph 2 above) will be to keep abreast of developments in the various prereduction processes, to study the technical and economic possibilities for siting plants, either in France or in other countries, to assess processes and products and to provide the necessary contacts with third parties for the attainment of these objects. On these points the agreement is not restrictive of competition.

VII

28. The Commission needs to be in a position to monitor the development of cooperation between steel undertakings regarding the joint supply of prereduced iron ore. SFMP and the undertakings concerned will therefore have to notify the Commission without delay of any change in the number of shareholders of SFMP and of any change or addition to the agreement or to the Memorandum and Articles of Association of SFMP and to refrain from operating them until the Commission has stated that they are acceptable, or, as the case may be, has authorized them under Article 65 of the Treaty.

29. Having regard to the conditions imposed above the agreement is compatible with Article 65 (2) of the Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The agreement between the following undertakings :

USINOR — Union Sidérurgique du Nord et de l'Est de la France S.A., Paris,
 SACILOR — Aciéries et Laminoirs de Lorraine S.A., Hayange, Châtillon-Commentry-Biache, S.A., Paris,
 S.A. des hauts fourneaux de la Chiers, Longwy-Bas, Creusot-Loire S.A., Paris,
 Ugine Aciers S.A., Paris,
 Société des aciéries et tréfileries de Neuves-Maisons, Châtillon S.A., Neuves-Maisons,
 Forges d'Alleverd, Paris,
 S.A. Cockerill Ougrée-Providence et Espérance-Longdoz, Seraing,
 S.A. Fabrique de fer de Maubeuge, Louvroil,
 S.A. Marrel Frères, Les Étaings-Chateaufort (Loire),
 Société nouvelle des aciéries de Pompey S.A., Neuilly-sur-Seine,
 Société des aciers fins de l'Est (SAFE), Paris,
 Hauts fourneaux réunis de Saulnes et Uckange, Paris,
 Société métallurgique de Normandie S.A., Paris,
 Société lorraine de laminage continu Sollac S.A., Paris,
 Société lorraine et méridionale de laminage continu (Solmer), Paris,
 Vallourec S.A., Paris,
 Pont-à-Mousson S.A., Paris,

notified to the Commission by letter of 10 December 1974 and concerning the joint buying of prereduced iron ore is hereby authorized.

Article 2

The following conditions are attached to the authorization :

1. Société Française des Minerais Prérédits S.A. and its member undertakings shall without delay inform the Commission of :
 - (a) any proposal for building or operating a direct reduction plant within the Community ;
 - (b) any change in the number of shareholders of Société Française des Minerais Prérédits S.A. ;
 - (c) any change or addition to their agreement or to the Memorandum and Articles of Association of Société Française des Minerais Prérédits S.A.
2. The proposals, changes and additions to be notified pursuant to paragraph 1 may not become opera-

tional until the Commission has confirmed that they are within the terms of the authorization given by this Decision or has authorized them under Article 65 (2) or, as the case may be, Article 66 (2) of the Treaty.

Article 3

This Decision is addressed to the undertakings named in Article 1 and to Société Française des Minerais Prérédits S.A.

Done at Brussels, 3 July 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 25 July 1975

relating to a proceeding under Article 85 of the Treaty establishing the EEC
(IV/28.967 — Bronbemaling V., Heidemaatschappij)

(Only the Dutch text is authentic)

(75/570/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, 3, 4 and 15 (6) thereof;

Having regard to the notification dated 6 August 1974 by the Dutch undertakings Heidemaatschappij Beheer NV, Grondboorbedrijf J. Mos BV, Reinders-Wessemius Grondboorbedrijven BV, De Ruiter Boringen en Bemalingen BV and Lareco BV, of the agreements whereby Heidemaatschappij granted each of the other four undertakings a licence over its Dutch Patent No 128.766;

Having regard to the complaint filed pursuant to Article 3 of Regulation No 17 by the Dutch undertaking Zuid-Nederlandsche Bronbemaling en Grondboringen BV on 21 October 1974;

Having heard the undertakings concerned in accordance with Article 19 (1) of Regulation No 17 and with Regulation No 99/63⁽²⁾,

WHEREAS:

1. The facts

On 18 June 1965 and 2 August 1967 Heidemaatschappij Beheer NV (hereinafter called 'Heidemaatschappij'), Arnhem, Netherlands, lodged two patent applications in respect of a process for the installation of a well-point drainage system consisting of filter tubes connected to pumps and of a well-point drainage system installed in this way.

In the course of the administrative procedure preceding the grant of the patents, three undertakings — A.H. Steenbergen BV, Klaaswaal, De Ruiter BV, Halfweg-Haarlemmerliede, and Grondboorbedrijf J.

Mos BV, Rhoon — opposed the grant of the patents applied for by Heidemaatschappij on the ground that the patents would confer on Heidemaatschappij monopoly rights to operate a process which the opposing firms regarded as being no longer patentable, which they were all using and for which one of them — Steenbergen — was manufacturing special equipment. The three opponents were supported in their action by Reinders-Hagendoorn and Wessemius.

The record of the evidence given before the Arnhem District Court (arrondissementsrechtbank) on 9 May and 20 June 1974 in the action brought by Zuid-Nederlandsche Bronbemaling en Grondboringen (hereinafter 'ZN Bronbemaling') shows that an agreement was concluded between Heidemaatschappij, the patent applicant, and the opposing firms whereby the latter withdrew their opposition to the patent in consideration of Heidemaatschappij's granting each of them a licence. In their comments on the Commission's statement of objections the firms in question allege that this is not a true account of the facts. However this issue can be reserved for the administrative procedure in connection with the final decision as, whatever else may not be certain, there can be no doubt that Heidemaatschappij undertook not to grant licences to other firms in the Netherlands without the consent of a majority of the firms party to the agreement.

A clause to this effect is contained in the licensing agreements concluded by Heidemaatschappij with Grondboorbedrijf J. Mos BV, De Ruiter Boringen en Bemalingen BV and Lareco BV, on 17 June 1971, and with Grondboorbedrijf Wessemius NV and Reinders Grondboorbedrijf NV, on 17 July 1971; the latter two firms subsequently merged into a single enterprise — Reinders-Wessemius Grondboorbedrijven BV — and the original licensing agreements with them were replaced by a new agreement concluded on 3 July 1974 with retroactive effect to 1 January 1974.

The agreements are identical. The second subparagraph of Clause 11 (1) stipulates that: 'Heidemaatschappij will not grant identical or similar licences to

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

other firms in the Netherlands without the consent of a majority of the parties to this agreement and the other legal persons named in the preamble (i.e. each of the other firms with whom Heidemaatschappij had concluded an agreement). The parties state that the reason for this is that they have gone to the trouble and expense of improving the patented invention.

When these firms withdrew their opposition, the Dutch Patent Office on 15 June 1972, granted Patent No 128.766, entitled 'process for the installation of a well-point drainage system consisting of filter tubes connected to pumps, and a well-point drainage system installed in this way'.

On 30 August 1971 and 19 January 1973 two Dutch firms — Grondboorbedrijf H. Haitjema en Zn BV, Dedemsvaart, and ZN Bronbemaling already mentioned — separately applied to Heidemaatschappij for a licence to exploit the horizontal drainage process specified in its patent.

As required by the second subparagraph of Clause 11 (1) of the licensing agreements, Heidemaatschappij consulted the licensee firms on these two applications, and it was decided that licences should not be granted.

In its letter to Haitjema dated 19 October 1971, Heidemaatschappij stated its view that there was no pressing need to increase production of machines of this type, and on 29 November 1972, in response to new approaches by Haitjema, it restated its refusal to grant a licence for the exploitation of the process in the Netherlands in the light, notably, of market forecasts for 1973 and of the opinion of the existing licensees.

Heidemaatschappij's letter to ZN Bronbemaling dated 9 February 1973 addresses the same grounds — reiterated in November of the same year — for refusing to grant a licence for the exploitation of the process in the Benelux countries.

In February 1974 ZN Bronbemaling consequently brought an action in the Arnhem District Court, requesting the Court to summon and hear witnesses so as to establish the circumstances of fact surrounding the grant of Patent No 128.766 to Heidemaatschappij, the grant by Heidemaatschappij of licences to the firms which had withdrawn their opposition and the refusal to grant a licence to the plaintiff, and seeking a declaration that by refusing to grant a licence to the plaintiff and by exercising the

monopoly rights conferred by the patent in concert with its licensees in order to prevent the plaintiff from exploiting the horizontal drainage method in the Netherlands under the patented process, Heidemaatschappij was in breach of Article 85 and, possibly, Article 86 of the Treaty establishing the EEC.

This action having been brought and witnesses having been heard by the Court on 9 May and 20 June 1974, Heidemaatschappij notified the licensing agreements to the Commission on 6 August 1974.

II. Provisional appraisal in the light of 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.

A final appraisal of the agreements is not yet possible. However, after preliminary examination, the following conclusions can be reached :

- (a) Heidemaatschappij, holder of Dutch Patent No 128.766 dated 15 June 1972, and its licensees — Grondboorbedrijf J. Mos BV, Reinders-Wessemius Grondboorbedrijven BV, De Ruiter Boringen en Bemalingen BV and Landdevelopment and Reclamation Company (Lareco) BV — are all undertakings for purposes of Article 85 of the EEC Treaty.
- (b) The separate licensing agreements between Heidemaatschappij and each of the above four licensee firms are agreements for purposes of Article 85.
- (c) The decisions taken jointly by Heidemaatschappij and its licensees under the second subparagraph of Clause 11 (1) of the agreements are also agreements for purposes of Article 85.
- (d) These agreements do have as their object or effect the restriction of competition within the common market in that they prevent Heidemaatschappij from freely granting licenses under its patent to other firms in the Netherlands. These are substantial restrictions of competition in that, in numerous cases of contracts awarded for major projects by public authorities or large firms, the specifications of the work to be performed stipulate that the horizontal drainage process be used or at least impose such conditions for performance of the work that there is very little alternative.

- (e) These agreements may affect trade between Member States in that they restrict the availability of horizontal drainage to the Netherlands, thus preventing the process being used in work extending beyond Dutch frontiers. The process is capital intensive and is consequently used only in major projects. The restriction is therefore appreciable.
- (f) Preliminary examination of these facts suggests that the agreements are caught by Article 85 (1) of the Treaty.

III. Provisional appraisal in the light of Article 85 (3) of the EEC Treaty

Under Article 85 (3), the provisions of Article 85 (1) may be declared inapplicable in the case of any agreement between undertakings 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 impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives and does not afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

The firms concerned supported their application for exemption under Article 85 (3) by the following arguments :

- (a) The licensing agreements ensure that the patented process can be exploited more widely and technical progress is promoted in that the licensee firms pool their experiences, thus enabling improvements to be made both to the process itself and to the machinery used to work it.
- (b) The users of the process benefit by improvements made as a result of cooperation on know-how between licensees and by the favourable influence on prices of competition between licensees.
- (c) In the absence of the agreements only Lareco — a Heidemaatschappij subsidiary — would have worked the process; the beneficial effects would have been smaller and there would have been no exchange of know-how and no competition between the licensees.
- (d) The licensees are in competition with each other, and there are other competing processes.

The first point to be made is that what is objected to is not the patent licensing agreements themselves but

only the anticompetitive provisions in the second subparagraph of Clause 11 (1) and the decisions taken jointly under that subparagraph. These therefore are the only provisions requiring appraisal in the light of Article 85 (3).

An undertaking by a patentholder to restrict his own freedom to grant licences is not of the essence of his rights as patentholder, even where the licensees have gone to the trouble and expense of improving the invention. There might be justification for differences in royalties, but there is none for a restriction of capacity.

The provisions objected to do not contribute to improving the production or distribution of goods or to promoting technical or economic progress. On the contrary, by allowing the number of firms authorized to exploit the patented process to be restricted they hinder wider use of the process and prevent know-how from being enriched by a broader range of experience. This process is already well known and widely used in the Netherlands; confining its exploitation to a limited number of licensees has no beneficial economic effect such as might be expected of an exclusive licence having the prime purpose of facilitating penetration of a new market.

As the first test of Article 85 (3) is not satisfied, there is no need for the Commission to consider the others. In point of fact, however, the agreements fail the other tests too. Far from allowing consumers a fair share of the benefit derived by the firms concerned from the agreements, the agreements hinder the development of competition and prevent users from being supplied on more favourable terms. The agreements do not contribute to attaining the economic objectives in the first subparagraph of Article 85 (3), so the question of their indispensability does not arise. Despite the assertions of the undertakings concerned, the clause objected to enables them to eliminate competition from all other Dutch or foreign firms in installing drainage systems in the Netherlands by the patented process. In many cases vertical and horizontal drainage processes are not interchangeable. Selection of one or other of the processes depends on a number of circumstances, particularly the configuration of the soil and subsoil, the depth of the water table, and whether buildings are already standing on the land to be drained or are to be put up during the operation. Moreover, contracts for major projects frequently stipulate that the horizontal process must

be used while in other cases the specification as regards, for instance, the maximum width of the trench to be dug means that no other process can be used and that undertakings which are not licensed to exploit the patented process cannot tender. Even if, as the firms concerned argue, there are a large number of drainage firms in business in the Netherlands, the fact remains that very few of them have the material or financial resources needed to carry out large projects; consequently competition, already considerably reduced, is virtually eliminated by the agreements in question.

Preliminary examination has shown, then, that the agreements do not satisfy the tests of Article 85 (3) of the Treaty establishing the EEC.

IV. Application of Article 15 (6) of Council Regulation No 17

The infringement of Article 85 began on the day on which the agreements between Heidemaatschappij and its licensees were concluded, that is to say on 17 June 1971 for the agreements with Lareco, Mos and De Ruiter and on 17 July 1971 for the agreements with Reinders and Wessemius, which merged into a single firm in March 1973.

The firms did not notify the agreements until 6 August 1974, and then only in anticipation of the possible liability as a result of the action brought against them before the Arnhem District Court for breach of Articles 85 and 86 of the EEC Treaty and from the filing of a complaint with the Commission.

In their reply to the statement of objections against them the firms in question offered to call witnesses in support of their arguments. These witnesses need not be heard until the administrative procedure in connection with a final decision, for with the additional material obtained from the reply there is now enough evidence for a provisional Decision to be taken.

The effect of this Decision will be to remove the immunity given by notification of the agreements from the imposition of fines under Article 15 (2) (a) of Regulation No 17,

HAS ADOPTED THIS DECISION:

Article 1

After preliminary examination the Commission is of the opinion that the second subparagraph of Clause

11 (1) of each of the patent licensing agreements concluded by Heidemaatschappij Beheer NV with Grondboorbedrijf J. Mos BV, Reinders-Wessemius Grondboorbedrijven BV, De Ruiter Boringen en Bemalingen BV and Landdevelopment and Reclamation Company (Lareco) BV, whereby Heidemaatschappij as patentholder undertakes not to issue identical or similar licences to other firms in the Netherlands without the consent of the parties to each agreement and the other licensees, and the decisions taken jointly by Heidemaatschappij and its licensees in pursuance of the second subparagraph of Clause 11 (1), satisfy the tests of Article 85 (1) of the EEC Treaty and that there are no grounds for granting exemption under Article 85 (3).

Article 2

This Decision is addressed to the following undertakings:

1. NV Heidemaatschappij Beheer,
Lovinklaan 1,
Arnhem;
2. Landdevelopment and Reclamation Company (Lareco) BV,
Zijpendaalseweg 87,
Arnhem;
3. BV Grondboorbedrijf J. Mos,
Kleidijk,
Rhooen;
4. De Ruiter Boringen en Bemalingen BV,
Haarlemmerstraatweg 79,
Halfweg-Haarlemmerliede;
5. Reinders-Wessemius Grondboorbedrijven BV,
Kanaal ANZ 133-1,
Emmer-Compascuum.

Done at Brussels, 25 July 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 8 September 1975

on the supply of skimmed-milk powder as emergency food aid to Somalia

(Only the French text is authentic)

(75/571/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation (EEC) No
804/68⁽¹⁾ of 27 June 1968 on the common organiza-
tion of the market in milk and milk products, as last
amended by Regulation (EEC) No 740/75⁽²⁾, and in
particular Articles 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 713/75⁽³⁾ of
18 March 1975 laying down general rules for the
supply of skimmed-milk powder as food aid to
Somalia provides for a reserve stock of 2 000 metric
tons of skimmed-milk powder to be supplied to that
country according to its needs; whereas Somalia has
requested that 500 metric tons of skimmed-milk
powder be supplied as a matter of urgency;

Whereas Article 5 of Regulation (EEC) No 713/75
lays down that procedures other than the tendering
procedure may be adopted to determine the transport
costs;

Whereas, in view of the need to supply aid rapidly, it
is necessary in this case to use a mutual agreement
procedure;

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the Manage-
ment Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with the provisions of Regulation
(EEC) No 713/75, a quantity of 500 metric tons of
skimmed-milk powder which has been the subject of
the intervention measures referred to in Article 7 of

Regulation (EEC) No 804/68 shall be supplied to
Somalia as a matter of urgency.

2. The skimmed-milk powder shall be obtained
from the French intervention agency.

3. The skimmed-milk powder shall comply, as
regards quality and packaging, with the conditions
laid down in Annex I to Commission Regulation
(EEC) No 1108/68⁽⁴⁾ of 27 July 1968 on detailed
rules of application for public storage of skimmed-
milk powder, as last amended by Regulation (EEC)
No 1457/75⁽⁵⁾.

The packaging of the skimmed-milk powder shall
bear the following words in letters at least 1 cm high:
'Skimmed-milk powder/Gift of the European
Economic Community to the Somali Democratic
Republic/to be distributed free of charge.'

Article 2

1. Delivery shall be made cif Mogadishu, Somalia.

Delivery cif shall be deemed to take place when the
goods are actually set down on the quayside in the
port of unloading or on lighters where the latter
method is used.

2. The country of destination shall bear all costs
after delivery, including acceptance costs.

Any demurrage at the port of unloading due to delays
for which the country of destination is responsible
shall be on charge to that country. The rates and
conditions of such demurrage to be laid down in the
contract between the Community's agent (designated
in the mutual agreement contract referred to in
Article 3) and the carrier must be agreed in advance
between the said agent and the receiving agent of the
country of destination.

3. Shipment shall take place as soon as possible
and not later than 20 September 1975.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 74, 22. 3. 1975, p. 1.

⁽³⁾ OJ No L 71, 20. 3. 1975, p. 4.

⁽⁴⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁵⁾ OJ No L 145, 6. 6. 1975, p. 17.

Article 3

1. The amount to cover the costs of delivery from the warehouse of the intervention agency to the stage referred to in Article 2 (1) shall be determined by the intervention agency concerned by means of a mutual agreement procedure on the least onerous terms possible.
2. The intervention agency shall forward to the Commission forthwith a duplicate of the mutual agreement contract or contracts.

Article 4

The French Government :

1. shall ensure that the firm awarded the mutual agreement contract :
 - (a) notifies the country of destination as soon as possible after the goods have been loaded of the name of the vessel, the date of loading, the quantity and quality of the goods as recorded at the time of loading, the port of unloading and the daily rate of unloading in that port ;
 - (b) informs the country of destination of the anticipated date of arrival in the port of unloading at least 10 days before that date ;

- (c) has inserted in the charter-party a clause obliging the captain to give the country of destination at least 72 hours' notice of the probable date of arrival of the vessel in port ;
2. shall communicate to the Commission as soon as possible the information referred to in (1)(a) and (b).

Article 5

No refund or compensatory amount (monetary or accession) shall be paid in respect of the skimmed-milk powder referred to in this Decision.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 8 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION DECISION

of 11 September 1975

to take no action on tenders submitted for 11 September 1975 in response to the invitation to tender issued in Regulation (EEC) No 1840/75

(75/572/EEC)

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 665/75⁽²⁾;

Having regard to Council Regulation (EEC) No 1968/73⁽³⁾ of 19 July 1973 laying down general rules to be applied in the event of the cereals market being disturbed, as last amended by Regulation (EEC) No 86/75⁽⁴⁾, and in particular Article 4(2) thereof;

Having regard to Council Regulation No 139/67/EEC⁽⁵⁾ 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⁽⁶⁾, and in particular Article 4a thereof;

Having regard to Commission Regulation (EEC) No 1840/75⁽⁷⁾ of 17 July 1975 on an invitation to tender for the levy and/or the refund for the export of common wheat to the countries of Zone VII (a), and in particular Article 10(1) thereof;

Whereas an invitation to tender for the export levy and/or refund on common wheat was issued under Regulation (EEC) No 1840/75;

Whereas Article 10(1) of Regulation (EEC) No 1840/75 allows the Commission to decide, in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC, and on the basis of tenders submitted, either to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation No 139/

67/EEC, or to fix a minimum export levy, taking account in particular of the criteria laid down in Article 3(1)(b) and (d) of Regulation (EEC) No 1968/73, or to discontinue the invitation to tender;

Whereas none of the tenders submitted make it possible, given the present market situation for the cereal in question, to fix a maximum refund in accordance with the criteria laid down in Articles 2 and 3 of Regulation No 139/67/EEC or a minimum levy in accordance with the criteria laid down in Article 3(1)(b) and (d) of Regulation (EEC) No 1968/73; whereas the invitation to tender should therefore be discontinued;

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

HAS ADOPTED THIS DECISION:

Article 1

No action shall be taken on the tenders submitted for 11 September 1975 in response to the invitation to tender for the export levy and/or refund on common wheat referred to in Regulation (EEC) No 1840/75.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 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 72, 20. 3. 1975, p. 14.

(3) OJ No L 201, 21. 7. 1973, p. 10.

(4) OJ No L 11, 16. 1. 1975, p. 2.

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

(6) OJ No L 11, 16. 1. 1975, p. 3.

(7) OJ No L 187, 18. 7. 1975, p. 16.

COMMISSION DECISION

of 11 September 1975

**fixing the minimum export levy for barley under the invitation to tender issued
in Regulation (EEC) No 1916/75**

(75/573/EEC)

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 665/75 ⁽²⁾ ;

Having regard to Council Regulation (EEC) No
1968/73 ⁽³⁾ of 19 July 1973 laying down general rules
to be applied in the event of the cereals market being
disturbed, as last amended by Regulation (EEC) No
86/75 ⁽⁴⁾, and in particular Article 4 (2) thereof ;

Having regard to Council Regulation No 139/
67/EEC ⁽⁵⁾ 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 ⁽⁶⁾, and in particular
Article 4a thereof ;

Having regard to Commission Regulation (EEC) No
1916/75 ⁽⁷⁾ of 25 July 1975 on an invitation to tender
for the levy and/or the refund for the export of barley
to the countries of Zones I, II and III, and in parti-
cular Article 10 (1) thereof ;

Whereas an invitation to tender for the export levy
and/or refund on barley was issued under Regulation
(EEC) No 1916/75 ; whereas the notice of invitation to
tender ⁽⁸⁾ associated with this Regulation specified that
the total tonnage for which the export levy and/or
refund could be fixed was approximately 300 000
metric tons ;

Whereas Article 10 (1) of Regulation (EEC) No
1916/75 allows the Commission, in accordance with
the procedure laid down in Article 26 of Regulation

No 120/67/EEC, to fix a minimum export levy ;
whereas, when this minimum levy is being fixed,
account must be taken of the criteria set out in Article
3 (1) (b) and (d) of Regulation No 1968/73 ;

Whereas Article 10 (2) of Regulation (EEC) No
1916/75 stipulates that the award shall be made to the
tenderer or tenderers whose tenders quote a levy equal
to or higher than the minimum ;

Whereas it follows from applying these rules to the
present situation on the market for the cereal in ques-
tion that the minimum export levy should be fixed as
shown in Article 1 ; whereas the tonnage to which
this minimum applies is 7 000 metric tons ;

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

HAS ADOPTED THIS DECISION :

Article 1

The minimum export levy for barley fixed on the
basis of tenders submitted for 11 September 1975 is
hereby fixed at 0.302 units of account per metric ton.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 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 72, 20. 3. 1975, p. 14.

⁽³⁾ OJ No L 201, 21. 7. 1973, p. 10.

⁽⁴⁾ OJ No L 11, 16. 1. 1975, p. 2.

⁽⁵⁾ OJ No 125, 26. 6. 1967, p. 2453/67.

⁽⁶⁾ OJ No L 11, 16. 1. 1975, p. 3.

⁽⁷⁾ OJ No L 195, 26. 7. 1975, p. 15.

⁽⁸⁾ OJ No C 169, 26. 7. 1975, p. 14.

COMMISSION DECISION

of 11 September 1975

fixing the maximum export refund for common wheat under the invitation to tender issued in Regulation (EEC) No 1841/75

(75/574/EEC)

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 665/75⁽²⁾;

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⁾, and in particular Article 4a thereof;

Having regard to Commission Regulation (EEC) No 1841/75⁽⁵⁾ of 17 July 1975 on an invitation to tender for the levy and/or the refund for the export of common wheat to the countries of Zone I and Portugal, and in particular Article 10(1) thereof;

Whereas an invitation to tender for the export levy and/or refund on common wheat was issued under Regulation (EEC) No 1841/75; whereas the notice of invitation to tender⁽⁶⁾ associated with this Regulation specified that the total tonnage for which the export levy and/or refund could be fixed was approximately 600 000 metric tons;

Whereas Article 10(1) of Regulation (EEC) No 1841/75 allows the Commission, in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC, to fix a maximum export refund; whereas, when this maximum refund is being fixed, account must be taken of the criteria set out in Articles 2 and 3 of Regulation No 139/67/EEC; whereas

Article 10(2) of Regulation (EEC) No 1841/75 stipulates that the award is made to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund and to any tenderer who has tendered for an export levy;

Whereas it follows from applying these rules to the present situation on the market for the cereal in question that the maximum export refund should be fixed as shown in Article 1; whereas the tonnage to which this maximum applies is 25 000 metric tons;

Whereas the Management Committee for Cereals has not issued any opinion within the time allowed for by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund for common wheat fixed on the basis of tenders submitted for 11 September 1975 is hereby fixed at 6.994 units of account per metric ton.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 September 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 72, 20. 3. 1975, p. 14.

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

(4) OJ No L 11, 16. 1. 1975, p. 3.

(5) OJ No L 187, 18. 7. 1975, p. 20.

(6) OJ No C 162, 18. 7. 1975, p. 7.