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I

(Acts whose publication is obligatory)

**REGULATION (EEC) No 3327/75 OF THE COUNCIL
of 18 December 1975**

on the conclusion of the Agreement between the European Economic Community and Australia, negotiated under Article XXVIII of the General Agreement on tariffs and trade, and modifying the Common Customs Tariff on lead and zinc

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof;

Having regard to the proposal from the Commission;

Whereas in accordance with Article XXVIII of the General Agreement on tariffs and trade the Community has negotiated with Australia an Agreement modifying or withdrawing certain concessions of Schedule LXXII — EEC which affect that country;

Whereas this Agreement should be concluded and the Common Customs Tariff should be modified accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and Australia negotiated under Article XXVIII of the General Agreement on tariffs and trade is hereby concluded on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The Contracting Parties to the General Agreement on tariffs and trade shall be notified of the conclusion of the Agreement.

Article 3

From 1 January 1976, the Common Customs Tariff duties for unwrought lead falling within subheading 78.01 A II and unwrought zinc falling within subheading 79.01 A shall be as follows:

CCT heading No	Description	Rate of duty	
		autonomous %	conventional %
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap : A. Unwrought : II. Other	4.5 with a min. of 1.1 u.a. per 100 kg net weight	3.5
79.01	Unwrought zinc ; zinc waste and scrap : A. Unwrought	4.5 with a min. of 1.1 u.a. per 100 kg net weight	3.5

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

Done at Brussels, 18 December 1975.

For the Council

The President

M. TOROS

NEGOTIATIONS RELATING TO SCHEDULE LXXII—EEC

The delegations of the Commission of the European Communities and of Australia have concluded their negotiations under Article XXVIII (1) for the modification or withdrawal of the concessions provided for in Schedule LXXII—EEC which are set out in the attached note.

*For the delegation
of the Commission
of the European Communities*

For the delegation of Australia

**RESULTS OF THE NEGOTIATIONS WITH AUSTRALIA UNDER ARTICLE XXVIII (1)
FOR THE MODIFICATION OR WITHDRAWAL OF CONCESSIONS PROVIDED FOR
IN THE SCHEDULE OF THE EUROPEAN ECONOMIC COMMUNITIES**

SCHEDULE LXXII—EEC

Concessions to be modified :

CCT heading No	Description	Rate of duty bound in existing schedule
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap : A. Unwrought : II. Other	1.32 u.a. per 100 kg net weight
79.01	Unwrought zinc ; zinc waste and scrap : A. Unwrought	1.32 u.a. per 100 kg net weight

New concessions :

CCT heading No	Description	Rate of duty to be bound
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap : A. Unwrought : II. Other	3.5%
79.01	Unwrought zinc ; zinc waste and scrap : A. Unwrought	3.5%

REGULATION (EEC) No 3328/75 OF THE COUNCIL

of 18 December 1975

renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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

Having regard to the proposal from the Commission ;

Having regard to the Opinion of the European Parliament ⁽¹⁾ ;

Whereas Article 2 (2) and (3) of Council Regulation (EEC) No 1599/75 ⁽²⁾ of 24 June 1975 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories provides, as partial compensation for the import charges leviable by reason of the current trend of the world market, for a reduction in the charges, other than customs duties, on imports of the products originating in the ACP States, referred to in Article 1 (a) of Council Regulation (EEC) No 805/68 ⁽³⁾ of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74 ⁽⁴⁾, provided that an export tax of a corresponding amount has been applied by the exporting country ; whereas these special arrangements are to apply only until 31 December 1975 ;

Whereas this reduction in import charges applies only to those quantities for which importation is authorized under the provisions adopted pursuant to Article 21 of Regulation (EEC) No 805/68 ;

Whereas the conditions which led to the application of these measures have not altered since ; whereas, in order to enable the countries involved to maintain traditional trade flows, under the current market price situation obtaining in those countries and in the Community, it is necessary to continue to apply exceptional arrangements for the first half of 1976, while allowing for such arrangements to be revised, particularly in the event of a change in import conditions,

Article 1

1. The charges on imports of the products originating in the ACP States referred to in Article 1 (a) of Regulation (EEC) No 805/68 shall be reduced, within the limits of the quantities specified in Article 2, by an amount to be fixed quarterly by the Commission and corresponding to 90 % of the average of the import charges applicable during a reference period.

2. Paragraph 1 shall apply only to imports for which the importer proves that an export tax of an amount corresponding to the reduction provided for in that paragraph has been charged by the exporting country.

Article 2

The reduction provided for in Article 1 shall be subject to an overall maximum, expressed in terms of boned meat, of 13 766 metric tons, allocated as follows :

Botswana	8 680 metric tons,
Kenya	65 metric tons,
Madagascar	3 478 metric tons,
Swaziland	1 543 metric tons.

Article 3

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure provided for in Article 27 of Regulation (EEC) No 805/68.

These detailed rules shall concern in particular :

- (a) the basis for calculation and the period of reference to be taken into consideration for the purpose of fixing the amount by which the import charges are to be reduced ;
- (b) rules for fixing the corresponding amount to be charged by the exporting country ;
- (c) the issue of import licences ;
- (d) admissible proof and inspection measures.

⁽¹⁾ Opinion delivered on 15. 12. 1975 (not yet published in the Official Journal).

⁽²⁾ OJ No L 166, 28. 6. 1975, p. 67.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁴⁾ OJ No L 195, 18. 7. 1974, p. 14.

2. Under the same procedure derogation may be made from the principle of quarterly fixing and from the rules concerning the reference period, if a change in the representative rate of the currency of a Member State or the transition from one marketing year to the next so requires.

3. The Council, acting by a qualified majority on a proposal from the Commission, may, in the light of changes in the beef and veal market or in the factors

governing imports into the Community of the products in question originating in the ACP States, modify or abrogate the arrangements provided for in this Regulation.

Article 4

This Regulation shall enter into force on 1 January 1976.

It shall remain applicable until 30 June 1976.

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

Done at Brussels, 18 December 1975.

For the Council

The President

M. TOROS

REGULATION (EEC) No 3329/75 OF THE COUNCIL
of 18 December 1975

amending Regulation (EEC) No 1599/75 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament⁽¹⁾;

Whereas Article 19 of Council Regulation (EEC) No 1599/75⁽²⁾ of 24 June 1975 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, lays down that the products referred to in Regulation (EEC) No 234/68 are to be imported free of customs duties, with the exception of products falling within heading No 06.03 or 06.04 of the Common Customs Tariff;

Whereas the exemption of those products from customs duties was deferred until it was possible to settle the problems relating to the unification of the import arrangements applied by each Member State with regard to third countries in respect of live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage;

Whereas Regulation (EEC) No 3328/75⁽³⁾ has established common import arrangements; whereas, consequently, products falling within heading No 06.03 or 06.04 and originating in the African, Caribbean and Pacific States or the overseas countries and territories should be exempted from customs duties;

Whereas Regulation (EEC) No 1599/75 lays down, in respect of the products subject to levies or variable components, total or partial exemption from such charges; whereas deflections of trade should be prevented during the period of application of accession compensatory amounts in trade in those products

between the Community as originally constituted and the new Member States; whereas appropriate provision should be made to enable measures to be taken in cases where there is a danger of deflection of trade,

HAS ADOPTED THIS REGULATION:

Article 1

Article 19 of Regulation (EEC) No 1599/75 is amended to read as follows:

'The products referred to in Regulations (EEC) No 234/68, (EEC) No 827/68, (EEC) No 1308/70, (EEC) No 1696/71, (EEC) No 2358/71 and (EEC) No 1067/74 shall be imported free of customs duties.'

Article 2

Article 22 of Regulation (EEC) No 1599/75 is amended to read as follows:

'The reductions provided for by this Regulation shall be calculated by reference to:

- the variable components of levies where the levies contain such components,
- the levies in other cases,

applicable to imports from third countries into the Community as originally constituted.

However, during the period of application of accession compensatory amounts in trade between the Community as originally constituted and the new Member States, measures to prevent deflections of trade shall be taken in accordance with the procedure referred to in Article 23, if this proves necessary.'

Article 3

This Regulation shall enter into force on 1 January 1976.

⁽¹⁾ Opinion delivered on 15. 12. 1975 (not yet published in the Official Journal).

⁽²⁾ OJ No L 166, 28. 6. 1975, p. 67.

⁽³⁾ See page 4 of this Official Journal.

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

Done at Brussels, 18 December 1975.

For the Council

The President

M. TOROS

REGULATION (EEC) No 3330/75 OF THE COUNCIL
of 18 December 1975

amending Regulation (EEC) No 3255/74 extending and amending Regulation (EEC) No 1174/68 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament⁽¹⁾;

Having regard to the Opinion of the Economic and Social Committee⁽²⁾;

Whereas, by virtue of Article 1 of Regulation (EEC) No 3255/74⁽³⁾, Council Regulation (EEC) No 1174/68⁽⁴⁾ of 30 July 1968 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States, expires on 31 December 1975;

Whereas the Commission has submitted to the Council proposals regarding the operation of the goods transport markets in which the system of rates

for the international carriage of goods by road forms an essential element; whereas this system is closely connected with the proposals concerning the fixing of rates in other goods transport markets and access to the market;

Whereas the time required for the examination of all these proposals necessitates the continuation for a further period of one year of the tariff system introduced by Regulation (EEC) No 1174/68,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 3255/74, '31 December 1976' shall be substituted for '31 December 1975'.

Article 2

This Regulation shall enter into force on 1 January 1976.

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

Done at Brussels, 18 December 1975.

For the Council

The President

M. TOROS

⁽¹⁾ OJ No C 280, 8. 12. 1975, p. 46.

⁽²⁾ Opinion delivered on 26. 11. 1975 (not yet published in the Official Journal).

⁽³⁾ OJ No L 349, 28. 12. 1974, p. 3.

⁽⁴⁾ OJ No L 194, 6. 8. 1968, p. 1.

REGULATION (EEC) No 3331/75 OF THE COUNCIL**of 18 December 1975****extending the term of validity of Regulation (EEC) No 2829/72 on the Community quota for the carriage of goods by road between Member States**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament⁽¹⁾;

Having regard to the Opinion of the Economic and Social Committee⁽²⁾;

Whereas the introduction of a common transport policy entails *inter alia* the establishment of common rules for the international carriage of goods by road;

Whereas a definitive system cannot be adopted in good time and before the expiry of Council Regula-

tion (EEC) No 2829/72⁽³⁾ of 28 December 1972 on the Community quota for the carriage of goods by road between Member States, as last amended by Regulation (EEC) No 3256/74⁽⁴⁾; whereas, accordingly, the term of validity of Regulation (EEC) No 2829/72, which expires on 31 December 1975, should be extended by one year,

HAS ADOPTED THIS REGULATION:

Article 1

In Articles 3, 4 and 9 of Regulation (EEC) No 2829/72, '1976' shall be substituted for '1975'.

Article 2

This Regulation shall enter into force on 1 January 1976.

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

Done at Brussels, 18 December 1975.

For the Council

The President

M. TOROS

⁽¹⁾ OJ No C 280, 8. 12. 1975, p. 47.

⁽²⁾ Opinion delivered on 26. 11. 1975 (not yet published in the Official Journal).

⁽³⁾ OJ No L 298, 31. 12. 1972, p. 16.

⁽⁴⁾ OJ No L 349, 28. 12. 1974, p. 5.

REGULATION (EEC) No 3332/75 OF THE COMMISSION

of 22 December 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 (EEC) No
2727/75 ⁽¹⁾ of 29 October 1975 on the common organ-
ization of the market in cereals, 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 2831/75 ⁽²⁾ and subsequent amending
Regulations ;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 2831/75 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 (EEC) No
2727/75 are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 23
December 1975.

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

Done at Brussels, 22 December 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 283, 1. 11. 1975, p. 1.

ANNEX

to the Commission Regulation of 22 December 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	36.12
10.01 B	Durum wheat	51.89 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	51.83 ⁽⁶⁾
10.03	Barley	23.51
10.04	Oats	17.18
10.05 B	Maize other than hybrid maize for sowing	33.74 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	22.26 ⁽⁴⁾
10.07 C	Grain sorghum	32.34 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	69.87
11.01 B	Rye flour	91.88
11.02 A I a	Durum wheat groats and meal	99.10
11.02 A I b	Common wheat groats and meal	74.16

⁽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 2754/75 and Commission Regulation (EEC) No 2622/71.

REGULATION (EEC) No 3333/75 OF THE COMMISSION**of 22 December 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 (EEC) No
2727/75 ⁽¹⁾ of 29 October 1975 on the common organ-
ization of the market in cereals, 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
2832/75 ⁽²⁾ 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 (EEC) No 2727/75, 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 23
December 1975.

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

Done at Brussels, 22 December 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 283, 1. 11. 1975, p. 4.

ANNEX

to the Commission Regulation of 22 December 1975 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./metric ton)

CCT heading No	Description of goods	Current 12	1st period 1	2nd period 2	3rd period 3
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	0	0	0
10.07 A	Buckwheat	0	1.20	1.20	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

B. Malt

(u.a./metric ton)

CCT heading No	Description of goods	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 3334/75 OF THE COMMISSION
of 22 December 1975

fixing the export refunds on syrups and certain other sugar products exported in the natural state

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, as last amended by Regulation (EEC) No 3058/74⁽²⁾, and in particular the first sentence of the last subparagraph of Article 19 (2) thereof ;

Having regard to the Opinion of the Monetary Committee ;

Whereas Article 19 of Regulation (EEC) No 3330/74 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas Article 8 of Council Regulation (EEC) No 766/68⁽³⁾ of 18 June 1968 laying down general rules for granting export refunds on sugar, as last amended by Regulation (EEC) No 1102/75⁽⁴⁾, provides the export refund on 100 kilogrammes of the products listed in Article 1 (1) (d) of Regulation (EEC) No 3330/74 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose ; whereas the sucrose content of the product in question is determined in accordance with the provisions of Article 13 of Commission Regulation (EEC) No 394/70⁽⁵⁾ of 2 March 1970 on detailed rules for granting export refunds on sugar ;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable pursuant to Council Regulation (EEC) No 765/68⁽⁶⁾ of 18 June 1968 laying down general rules for the production refund on sugar used in the chemical industry, as last amended by Regulation (EEC) No 2477/74⁽⁷⁾, to the products listed in Annex I to the last mentioned Regulation ;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 3330/74, exported in the natural state must be equal to one hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community area with the largest surplus for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements ;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 3340/74 ;

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

- in the case 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 the refunds referred to above must be fixed every month ; whereas they may be altered in the intervening period ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The refund to be granted on the products listed in Article 1 (1) (d) of Regulation (EEC) No 3330/74, exported in the natural state, is hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1976.

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 110, 30. 4. 1975, p. 1.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 143, 25. 6. 1968, p. 1.

⁽⁷⁾ OJ No L 264, 1. 10. 1974, p. 71.

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

Done at Brussels, 22 December 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

to the Commission Regulation of 22 December 1975 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(u.a./100 kg)		
CCT heading No	Description of goods	Basic amount per percentage point of sucrose content ⁽¹⁾
17.02	Other sugars ; sugar syrups ; artificial honey (whether or not mixed with natural honey) ; caramel :	
	ex D. Other sugars and syrups, excluding sorbose	0.0150
	E. Artificial honey (whether or not mixed with natural honey)	0.0150
	ex F. Caramel made from sugar falling within heading No 17.01	0.0150
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion :	
	ex C. Other, excluding flavoured or coloured molasses	0.0150

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

REGULATION (EEC) No 3335/75 OF THE COMMISSION
of 22 December 1975

**on an invitation to tender for the levy and/or the refund for the export of
common wheat to the countries of Zones VI and VII**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation (EEC) No
2727/75 ⁽¹⁾ of 29 October 1975 on the common organ-
ization of the market in cereals;

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

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

Whereas, having regard to the current situation on the
cereals market, there should be opened in respect of
common wheat an invitation to tender for the export
levy provided for in the first indent of Article 2 (1) of
Regulation (EEC) No 2747/75 and for the export
refund provided for in Article 5 of Regulation (EEC)
No 2746/75; whereas, in order to safeguard Commu-
nity supplies whilst at the same time participating in
the supply of certain markets, the invitation to tender
for export should be limited to the markets
concerned, which are situated in Zones VI and VII as
defined in the Annex to Commission Regulation
(EEC) No 941/72 ⁽⁴⁾ of 5 May 1972 redefining the
destination zones for export refunds on cereals and
rice;

Whereas the detailed rules governing invitations to
tender are as regards the export levy contained in
Commission Regulation (EEC) No 3130/73 ⁽⁵⁾ of 16
November 1973 establishing the conditions for the
application of the system of tendering for export
levies on cereals, as last amended by Regulation (EEC)
No 771/75 ⁽⁶⁾, and as regards the export refund in
Commission Regulation (EEC) No 279/75 ⁽⁷⁾ of 4
February 1975 laying down detailed rules for the appli-
cation of the system of tendering for export refunds
on cereals;

Whereas the objective of the tendering procedure can
be attained only if every successful tenderer fulfils all

the commitments entered into by him when submit-
ting his tender; whereas these commitments include
an obligation to lodge an application for an export
licence; whereas compliance with this obligation may
be ensured by requiring the tenderer to give security
when submitting his tender;

Whereas, in order to ensure equal treatment to all
concerned, it is necessary to make provision such that
the effective period of validity of licences issued to
successful tenderers in connection with the invitation
to tender is identical;

Whereas provision must be made to ensure the
smooth operation of the procedure for tendering for
export levies and refunds; whereas to this end it is
appropriate to prescribe a minimum quantity to be
tendered for and a time limit and form for the
communication of tenders submitted to the compe-
tent authorities;

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

1. Tenders shall be invited for the export levy
provided for in the first indent of Article 2 (1) of
Council Regulation (EEC) No 2747/75 and/or the
export refund provided for in Article 5 of Regulation
(EEC) No 2746/75.
2. The invitation to tender shall relate to common
wheat for export to countries of Zones VI and VII as
defined in the Annex to Regulation (EEC) No 941/72.
3. The invitation shall remain open until 20 May
1976. During this period weekly awards shall be
made, the time limits for the submission of tenders to
be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount
of not less than 5 000 metric tons.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 82.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 107, 6. 5. 1972, p. 10.

⁽⁵⁾ OJ No L 319, 20. 11. 1973, p. 10.

⁽⁶⁾ OJ No L 77, 26. 3. 1975, p. 13.

⁽⁷⁾ OJ No L 31, 5. 2. 1975, p. 8.

Article 3

1. The security referred to in Article 3 of Regulation (EEC) No 3130/73 and of Regulation (EEC) No 279/75 shall be 20 units of account per metric ton.

2. By way of derogation from Article 7 (1) of Regulations (EEC) No 3130/73 and (EEC) No 279/75, the security provided for in paragraph 1 shall subject to *force majeure* be released only in respect of any quantity for which the tender was not accepted or for which the tenderer furnishes proof of arrival at its destination, such proof to be furnished as provided in the second, third and fourth subparagraphs of Article 11 (1) of Regulation (EEC) No 192/75⁽¹⁾.

Article 4

The zone of destination as specified in Article 1 (2) shall be indicated in section 13 of the licence application and of the licence itself. The issue of a licence shall carry with it the obligation to export to that destination.

Article 5

If a tenderer fails to comply with the undertaking given by him pursuant to Article 2 (3) (b) of Regulations (EEC) No 3130/73 and (EEC) No 279/75, no export licence shall be issued and the security lodged pursuant to Article 3 (1) of those Regulations shall accordingly be forfeit.

Article 6

1. By way of derogation from the provisions of Article 9 (1) of Regulation (EEC) No 193/75⁽²⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 3130/73 or under the like provision of Regulation (EEC) No 279/75 shall for the purpose of determining their period of validity be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in the previous paragraph until the end of the fourth month following that of issue.

Article 7

1. If the obligation to export is not fulfilled, the security mentioned in Article 3 of Regulations (EEC) No 3130/73 and (EEC) No 279/75 shall be forfeit in respect of a quantity equal to the difference between 93 % of the net quantity indicated on the export licence and the net quantity actually exported.

⁽¹⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽²⁾ OJ No L 25, 31. 1. 1975, p. 10.

2. However, if the quantity exported is less than 7 % of the net quantity indicated on the licence, the security shall be forfeit in its entirety.

3. On request by the titular holder of the licence, Member States may release the security by instalments in proportion to the quantities of product for which proof of exportation as referred to in Article 7 (1) of Regulations (EEC) No 3130/73 and (EEC) No 279/75 has been furnished, provided that such proof establishes that a quantity equal to at least 7 % of the net quantity indicated on the licence has been exported.

Article 8

The tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 9

During the period in which summer time applies in Italy, the times fixed for the submission of tenders shall be regarded in that Member State as extended by one hour. During the period during which summer time does not apply in the United Kingdom and in Ireland, the times fixed for the submission of tenders shall be regarded in those Member States as brought forward by one hour.

Article 10

1. By way of derogation from Article 5 of Regulations (EEC) No 3130/73 and (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75,
- 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 2747/75,
- to make no award.

2. Where a maximum export refund is fixed a contract shall be awarded 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.

Where a minimum export levy is fixed a contract shall be awarded to any tenderer whose tender indicates a rate of levy equal to or greater than such minimum export levy.

Article 11

This Regulation shall enter into force on the 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, 22 December 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Weekly tender for the levy/refund for the export of common wheat to the countries of
Zones VI and VII

Expiry of the period for the submission of tenders (date/time)

I

1	2	3
Number of tender	Quantity in metric tons	Amount of export levy in national currency per metric ton
1		
2		
3		
4		
5		
etc.		

II

1	2	3
Number of tender	Quantity in metric tons	Amount of export refund in national currency per metric ton
1		
2		
3		
4		
5		
etc.		

REGULATION (EEC) No 3336/75 OF THE COMMISSION**of 22 December 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, III, IV and VI**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation (EEC) No
2727/75⁽¹⁾ of 29 October 1975 on the common organ-
ization of the market in cereals;

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

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

Whereas, having regard to the current situation on the
cereals market, there should be opened in respect of
barley an invitation to tender for the export levy
provided for in the first indent of Article 2 (1) of Regu-
lation (EEC) No 2747/75 and for the export refund
provided for in Article 5 of Regulation (EEC) No
2746/75; whereas, in order to safeguard Community
supplies whilst at the same time participating in the
supply of certain markets, the invitation to tender for
export should be limited to the markets concerned,
which are situated in Zones I, II, III, IV and VI as
defined in the Annex to Commission Regulation
(EEC) No 941/72⁽⁴⁾ of 5 May 1972 redefining the
destination zones for export refunds on cereals and
rice;

Whereas the detailed rules governing invitations to
tender are as regards the export levy contained in
Commission Regulation (EEC) No 3130/73⁽⁵⁾ of 16
November 1973 establishing the conditions for the
application of the system of tendering for export
levies on cereals, as last amended by Regulation (EEC)
No 771/75⁽⁶⁾, and as regards the export refund in
Commission Regulation (EEC) No 279/75⁽⁷⁾ of 4
February 1975 laying down detailed rules for the appli-
cation of the system of tendering for export refunds
on cereals;

Whereas the objective of the tendering procedure can
be attained only if every successful tenderer fulfils all

the commitments entered into by him when submit-
ting his tender; whereas these commitments include
an obligation to lodge an application for an export
licence; whereas compliance with this obligation may
be ensured by requiring the tenderer to give security
when submitting his tender;

Whereas, in order to ensure equal treatment to all
concerned, it is necessary to make provision such that
the effective period of validity of licences issued to
successful tenderers in connection with the invitation
to tender is identical;

- Whereas provision must be made to ensure the
smooth operation of the procedure for tendering for
export levies and refunds; whereas to this end it is
appropriate to prescribe a minimum quantity to be
tendered for and a time limit and form for the
communication of tenders submitted to the compe-
tent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export levy
provided for in the first indent of Article 2 (1) of
Council Regulation (EEC) No 2747/75 and/or the
export refund provided for in Article 5 of Regulation
(EEC) No 2746/75.
2. The invitation to tender shall relate to barley for
export to countries of Zones I, II, III, IV and VI as
defined in the Annex to Regulation (EEC) No 941/72.
3. The invitation shall remain open until 20 May
1976. During this period weekly awards shall be
made, the time limits for the submission of tenders to
be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount
of not less than 1 000 metric tons.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 82.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 107, 6. 5. 1972, p. 10.

⁽⁵⁾ OJ No L 319, 20. 11. 1973, p. 10.

⁽⁶⁾ OJ No L 77, 26. 3. 1975, p. 13.

⁽⁷⁾ OJ No L 31, 5. 2. 1975, p. 8.

Article 3

1. The security referred to in Article 3 of Regulation (EEC) No 3130/73 and of Regulation (EEC) No 279/75 shall be 20 units of account per metric ton.

2. By way of derogation from Article 7 (1) of Regulations (EEC) No 3130/73 and (EEC) No 279/75, the security provided for in paragraph 1 shall subject to *force majeure* be released only in respect of any quantity for which the tender was not accepted or for which the tenderer furnishes proof of arrival at its destination, such proof to be furnished as provided in the second, third and fourth subparagraphs of Article 11 (1) of Regulation (EEC) No 192/75 ⁽¹⁾.

Article 4

The zone of destination as specified in Article 1 (2) shall be indicated in section 13 of the licence application and of the licence itself. The issue of a licence shall carry with it the obligation to export to that destination.

Article 5

If a tenderer fails to comply with the undertaking given by him pursuant to Article 2 (3) (b) of Regulations (EEC) No 3130/73 and (EEC) No 279/75, no export licence shall be issued and the security lodged pursuant to Article 3 of those Regulations shall accordingly be forfeit.

Article 6

1. By way of derogation from the provisions of Article 9 (1) of Regulation (EEC) No 193/75 ⁽²⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 3130/73 or under the like provision of Regulation (EEC) No 279/75 shall for the purpose of determining their period of validity be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in the previous paragraph until the end of the fourth month following that of issue.

Article 7

1. If the obligation to export is not fulfilled, the security mentioned in Article 3 of Regulations (EEC) No 3130/73 and (EEC) No 279/75 shall be forfeit in respect of a quantity equal to the difference between 93 % of the net quantity indicated on the export licence and the net quantity actually exported.

⁽¹⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽²⁾ OJ No L 25, 31. 1. 1975, p. 10.

2. However, if the quantity exported is less than 7 % of the net quantity indicated on the licence, the security shall be forfeit in its entirety.

3. On request by the titular holder of the licence, Member States may release the security by instalments in proportion to the quantities of product for which proof of exportation as referred to in Article 7 (1) of Regulations (EEC) No 3130/73 and (EEC) No 279/75 has been furnished, provided that such proof establishes that a quantity equal to at least 7 % of the net quantity indicated on the licence has been exported.

Article 8

The tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 9

During the period in which summer time applies in Italy, the times fixed for the submission of tenders shall be regarded in that Member State as extended by one hour. During the period during which summer time does not apply in the United Kingdom and in Ireland, the times fixed for the submission of tenders shall be regarded in those Member States as brought forward by one hour.

Article 10

1. By way of derogation from Article 5 of Regulations (EEC) No 3130/73 and (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 :

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75,
- 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 2747/75,
- to make no award.

2. Where a maximum export refund is fixed a contract shall be awarded 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.

Where a minimum export levy is fixed a contract shall be awarded to any tenderer whose tender indicates a rate of levy equal to or greater than such minimum export levy.

Article 11

This Regulation shall enter into force on the 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, 22 December 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Weekly tender for the levy/refund for the export of barley to the countries of Zones I, II, III, IV and VI

Expiry of the period for the submission of tenders (date/time)

I

1	2	3
Number of tender	Quantity in metric tons	Amount of export levy in national currency per metric ton
1		
2		
3		
4		
5		
etc.		

II

1	2	3
Number of tender	Quantity in metric tons	Amount of export refund in national currency per metric ton
1		
2		
3		
4		
5		
etc.		

REGULATION (EEC) No 3337/75 OF THE COMMISSION

of 22 December 1975

amending for the eighth time Regulation (EEC) No 1770/72 on detailed rules of application relating to the additional conditions with which imported wines for direct human consumption have to comply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 816/70⁽¹⁾ of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 1932/75⁽²⁾, and in particular Article 28 (5) thereof ;

Whereas Council Regulation (EEC) No 1599/71⁽³⁾ of 20 July 1971 laying down additional conditions with which imported wines for direct human consumption have to comply, as last amended by Regulation (EEC) No 679/75⁽⁴⁾, provides in Article 3a that wines which originate in and come from a non-member State whose exports to the Community of these wines for direct human consumption, other than sparkling wines and liqueur wines, do not exceed 1 000 hl per year, may be exempted from the requirements relating to the certificate and analysis report provided for in Article 2 of that Regulation ;

Whereas Article 9 (1) of Commission Regulation (EEC) No 1770/72⁽⁵⁾ of 3 August 1972 amending the detailed rules of application for additional conditions with which imported wines for direct human consumption have to comply, as last amended by Regulation (EEC) No 1670/75⁽⁶⁾, had already exempted imports of wines from regular third country

suppliers to the Community, the volume of whose exports did not exceed 500 hl per year, from the requirements relating to the certificate and analysis report ; whereas such imports also fulfil the conditions laid down in Article 3a of Regulation (EEC) No 1599/71 ; whereas the provisions of Article 9 (1) (c) of Regulation (EEC) No 1770/72 should therefore be extended beyond 31 December 1975 ;

Whereas, however, exports from certain of the third countries in question increase regularly ; whereas this extension should therefore be until 31 March 1976 only ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In Article 9 (1) (c) of Regulation (EEC) No 1770/72 the date '31 December 1975' is replaced by '31 March 1976'.

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, 22 December 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 198, 29. 7. 1975, p. 19.

⁽³⁾ OJ No L 168, 27. 7. 1971, p. 3.

⁽⁴⁾ OJ No L 72, 20. 3. 1975, p. 45.

⁽⁵⁾ OJ No L 191, 21. 8. 1972, p. 31.

⁽⁶⁾ OJ No L 168, 1. 7. 1975, p. 54.

REGULATION (EEC) No 3338/75 OF THE COMMISSION**of 22 December 1975****opening a second invitation to tender for Grana Padano cheeses held by the Italian intervention agency**

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 8 (5) thereof ;

Whereas substantial stocks of Grana Padano and Parmigiano-Reggiano cheeses are held by the Italian intervention agency ; whereas, having regard to the market position, and in order to avoid costs resulting from prolonged storage, the marketing of certain quantities of Grana Padano cheeses having reached the proper age for consumption should go on, further to the sale effected according to Commission Regulation (EEC) No 3086/75 ⁽³⁾ of 27 November 1975 opening an invitation to tender for Grana Padano cheeses held by the Italian intervention agency ;

Whereas, pursuant to the first subparagraph of Article 8 (2) of Regulation (EEC) No 804/68, the terms of disposal should be fixed in such a way as to avoid disturbing the balance of the market ; whereas this aim may be achieved through the level at which the selling price is fixed and by limiting the quantities to be released on the market ; whereas, in order to ensure equal access to prospective purchasers, recourse should again be had to an invitation to tender, the detailed rules for which are specified in Articles 6 to

15 of Commission Regulation (EEC) No 1107/68 ⁽⁴⁾ of 27 July 1968 on detailed rules of application for intervention on the market in Grana Padano and Parmigiano-Reggiano cheeses, as last amended by Regulation (EEC) No 1093/75 ⁽⁵⁾ ;

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

Tenders are invited for a quantity of 2 300 metric tons of fully matured Grana Padano cheeses held by the Italian intervention agency.

Article 2

This invitation to tender shall be governed by Articles 6 to 15 of Regulation (EEC) No 1107/68.

Article 3

The closing date for the submission of tenders shall be 6 February 1976 at 12 noon.

Article 4

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, 22 December 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 308, 28. 11. 1975, p. 16.

⁽⁴⁾ OJ No L 184, 29. 7. 1968, p. 29.

⁽⁵⁾ OJ No L 109, 29. 4. 1975, p. 5.

REGULATION (EEC) No 3339/75 OF THE COMMISSION
of 22 December 1975

establishing interim protective measures with regard to imports into the United Kingdom of cotton yarn and of certain fabrics originating in Spain and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Regulation (EEC) No 1525/70⁽¹⁾ on protective measures provided for in the Agreement between the European Economic Community and Spain;

Having regard to Regulation (EEC) No 2845/72⁽²⁾ on protective measures provided for in the Agreement between the European Economic Community and the Portuguese Republic;

Having consulted the Advisory Committees set up under the said Regulations;

Whereas imports into the United Kingdom of cotton yarn and of certain fabrics originating in Spain and in Portugal have increased sharply and substantially over the past few years;

Whereas the said products are generally offered for sale, on the market affected, at prices which are below those prevailing for similar goods produced by Community producers;

Whereas such imports, added to those from other third countries which are generally subject to limitation, represent a substantial and growing share of the market in the region of the Community concerned;

Whereas this development has taken place to the detriment of the British industry where production has declined considerably over the past few years and where a large proportion of the work-force have become unemployed;

Whereas all these factors involve a disruption of the market and cause substantial injury to Community producers;

Whereas, therefore, the British Government have established quantitative restrictions, with effect from 18 December 1975, on imports of these products and have notified the Commission of the measures taken;

Whereas it appears justified to maintain these measures in effect, on an interim basis, until the application by the exporting countries concerned of appropriate autolimitation measures or until 30 June 1976 whichever is the sooner,

HAS ADOPTED THIS REGULATION:

Article 1

1. The importation into the United Kingdom of cotton yarn, not put up for retail sale (CCT heading No 55.05) originating in Spain, shall be subject to the production of an import authorization issued by the competent authorities in the United Kingdom.

2. The total quantity of such products for which import authorizations shall be issued during the period from 18 December 1975 to 30 June 1976 shall not exceed 1 413 metric tons.

Article 2

1. The importation into the United Kingdom of cotton yarn, not put up for retail sale (CCT heading No 55.05) and of woven fabrics of man-made fibres (discontinuous or waste) (CCT heading No 56.07) originating in Portugal, shall be subject to the production of an import authorization issued by the competent authorities in the United Kingdom.

2. The total quantity of such products for which import authorizations shall be issued during the period from 18 December 1975 to 30 June 1976 shall not exceed 2 540 metric tons in the case of cotton yarn of heading No 55.05 and 1 149 metric tons in the case of fabrics of heading No 56.07.

Article 3

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

It shall apply until 30 June 1976 at the latest.

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

Done at Brussels, 22 December 1975.

For the Commission
The President
François-Xavier ORTOLI

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 175.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 368.

REGULATION (EEC) No 3340/75 OF THE COMMISSION
of 22 December 1975
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3330/74⁽¹⁾ of 19 December 1974 on the common organization of the market in sugar, as amended by Regulation (EEC) No 2623/75⁽²⁾, and in particular Article 15 (7) thereof;

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1675/75⁽³⁾, as last amended by Regulation (EEC) No 3300/75⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1675/75 to the information at present available to the Commis-

sion 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 levies referred to in Article 15 (1) of Regulation (EEC) No 3330/74 are, in respect of white sugar and standard quality raw sugar, hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 December 1975.

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

Done at Brussels, 22 December 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 268, 17. 10. 1975, p. 1.

⁽³⁾ OJ No L 168, 1. 7. 1975, p. 61.

⁽⁴⁾ OJ No L 327, 19. 12. 1975, p. 26.

ANNEX

to the Commission Regulation of 22 December 1975 fixing the import levies on white sugar and raw sugar

CCT heading No	Description of goods	Levy (u.a./100 kg)
17.01	Beet sugar and cane sugar, solid : A. Denatured : I. White sugar II. Raw sugar B. Undenatured : I. White sugar II. Raw sugar	6.28 5.29 ⁽¹⁾ 6.28 5.29 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COMMISSION

COOPERATION AGREEMENT BETWEEN THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

(75/780/Euratom)

Article I

Cooperation and consultation

The International Atomic Energy Agency (hereinafter referred to as 'the Agency') and the European Atomic Energy Community (hereinafter referred to as 'the Community'), with a view to promoting the attainment of the objectives laid down by the Statute of the Agency and the Treaty establishing the Community, agree to act in close cooperation. The Contracting Parties shall consult each other regularly on matters of mutual interest with a view to harmonizing their efforts, as far as possible, having due regard to their respective characters and objectives.

Article II

Representation

1. The Community shall be invited to be represented at the regular annual sessions of the General Conference of the Agency and its representatives may participate, without the right to vote, in the deliberations of that body and, where appropriate, of its committees with respect to items on their agenda in which the Community has an interest.

2. The Agency and the Community shall also make any necessary arrangements for ensuring reciprocal representation at appropriate meetings convened under their respective auspices.

Article III

Exchange of information and documents

The Agency and the Community shall undertake a full exchange of information and documents, subject to such restrictions and arrangements as may be considered necessary by either Contracting Party to preserve the confidential nature of certain information and documents.

Article IV

Administrative and technical cooperation

If the cooperation proposed by one of the Contracting Parties to the other in accordance with this Agreement entails expenditure beyond the ordinary running expenses, consultations shall be held between the Agency and the Community to determine the most equitable way of meeting this expenditure.

Article V

Implementation of the Agreement

The Director General of the Agency and the Commission of the European Communities may make the arrangements necessary for ensuring satisfactory implementation of this Agreement.

*Article VI***Notification to the United Nations and filing and recording**

1. In accordance with its Agreement with the United Nations, the Agency shall inform the United Nations forthwith of the terms of this Agreement.
2. On the coming into force of this Agreement in accordance with the provisions of Article VIII, the Agency shall communicate it to the Secretary-General of the United Nations for filing and recording.

*Article VII***Termination of the Agreement**

Either Contracting Party may terminate this Agreement, subject to six months' notice.

*Article VIII***Entry into force**

This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties shall have notified each other that the internal procedures necessary to this end have been completed ⁽¹⁾.

*Article IX***Languages**

This Agreement has been drawn up in duplicate, in English and French, both texts being equally authentic.

In view of the respective needs of the Contracting Parties, the Agency shall prepare official translations of this Agreement into Russian and Spanish, and the Community shall prepare official translations into Danish, Dutch, German and Italian.

Done at Vienna, 1 December 1975.

For the European Atomic Energy Community

Guido BRUNNER

For the International Atomic Energy Agency

Sigvard EKLUND

⁽¹⁾ Such notification having taken place on 1 December 1975, the Agreement will enter into force on 1 January 1976.

COMMISSION DECISION

of 21 November 1975

relating to a proceeding under Article 85 of the EEC Treaty
(IV/256—Bomée—Stichting)

(Only the Dutch text is authentic)

(75/781/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 Article 3 thereof;

Having regard to the notification to the Commission of 31 October 1962 by Messrs Van Bentum and Van Dam respectively Chairman and Secretary of Bomée-Stichting, The Hague, with a view to obtaining negative clearance in relation to Article 85(1) of the EEC Treaty, accompanied by an application for exemption under Article 85(3), in respect of the Statutes of the Association and the conditions of sale for Bomée products;

Having regard to the application pursuant to Article 3 of Regulation No 17 made on 7 July 1975 by Maxis BV, Muiden, the Netherlands;

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

Having regard to the Opinion of the Advisory Committee on Restrictive Practices and Dominant Positions delivered pursuant to Article 10 of Regulation No 17 on 25 September 1975,

WHEREAS:

I. The facts

The Bomée-Stichting is a trade association, with legal status under Dutch law, formed in The Hague on 17 November 1937 for an indeterminate period. Its object is to promote the orderly marketing of branded

goods of this description in the interests both of manufacturers and importers and of wholesalers, retailers and consumers. The association seeks to attain this objective by all legal means; in particular by facilitating concerted practices by the firms in this sector, by fixing the Bomée conditions, by collaborating in the drafting and enforcement of individual sales conditions and by setting up a special tribunal for the sector (Article 3 of the Bomée Statutes).

Its members are Dutch manufacturers and importers of perfumes, toiletry articles and cosmetics, of which most, about 60, belong to the association. They sell Bomée articles through approximately eight wholesalers whom they appoint. Several thousand retailers controlling approximately 6 500 sales-points supply the consumer. The Bomée members are also grouped in three other associations: Mepacos (importers and manufacturers), Vegrocos (wholesalers) and SPD (retailers). Representatives of these associations are on the Bomée Board of Directors. They deal in most of the main brands, Balmain, Dior, Chanel, Rubinstein, Ricci, Nivea, Pond's Valdélis, 4711, Revlon, Lanvin, Lancôme and Rochas; roughly half of all Bomée articles are imported into the Netherlands from other EEC Member States. In 1974, Bomée's share of the Dutch market was about 70 % in cosmetics, about 40 % in toiletries and about 90 % for perfumes.

The members of the association have adopted uniform conditions for the sale of Bomée articles. The association ensures that they are complied with strictly, both by its members (who also undertake to require their customers to comply) and by wholesalers and retailers who accept them. Acceptance becomes effective when a member has a brand added to the published list Bomée articles. Eight days after publication, compliance with the Bomée conditions for goods bearing that brand become compulsory (Clauses 2 and 3 of the 1972 Bomée conditions).

As a rule, any wholesaler or retailer who buys an article which is subject to the Bomée conditions must thereafter comply with the Bomée conditions and, where appropriate, require his customers to comply with them, in respect of all such articles which he acquires thereafter by whatever means (Clause 3(2)).

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

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

As they stood when notified in October 1962, the 1953 Bomée-Stichting conditions had the main aim of enforcing resale price maintenance and ancillary measures, such as those regulating the supply of dealers through recognized distribution channels.

After the Dutch authorities had rejected Bomée-Stichting's application under Dutch law for exemption from the prohibition on resale price maintenance agreements⁽¹⁾, the association had to delete all RPM clauses from its conditions of sale. Individually, however, several members have RPM clauses in their own conditions of sale.

On 5 May 1972 Bomée-Stichting notified the Commission of the text of the new conditions which became operative on 3 January 1972.

Although the RPM clauses had been deleted, together with the clauses which, in the 1953 edition, banned all members other than manufacturers or importers from importing the relevant articles into the Netherlands without the consent of the appropriate manufacturer or importer, the 1972 conditions (Bomée-voorwaarden 1972) still contained the following clauses :

- wholesalers may supply Bomée articles only to retailers (Clause 10 (3));
- retailers may sell Bomée articles only to the consumer (Clause 10 (5));
- wholesalers may obtain Bomée articles only from manufacturers or importers who are members of the association (Clause 11 (1));
- retailers may obtain Bomée articles only from manufacturers or importers who are members of the association or from wholesalers appointed by such manufacturers or importers (Clauses 11 (2));
- any dealer other than a manufacturer or importer who imports a Bomée article must inform the association, specifying the country of origin (Clause 11 (3));
- wholesalers and retailers may be obliged to return their stocks of Bomée articles to the manufacturer or importer if the latter lodges a request with the association's tribunal (Rechtspraakcommissie) (Clause 19 (1)).

⁽¹⁾ Decision of 27 July 1966, upheld on appeal by the College van Beroep voor het Bedrijfsleven on 22 May 1968.

In response to a statement of objections addressed to it by the Commission on 22 June 1973 stating that these clauses were incompatible with the rules on competition in the European Community, Bomée-Stichting amended its conditions of sale with effect from 19 December 1974 (Bomée-voorwaarden 1974).

This new version contains the following stipulations :

- member manufacturers and importers are prohibited from supplying Bomée articles to firms other than wholesalers and retailers who have accepted the Bomée conditions (Clause 10 (1));
- wholesalers who have accepted the Bomée conditions are prohibited from supplying Bomée articles to firms other than retailers who have accepted the Bomée conditions (Clause 10 (3a));
- retailers who have accepted the Bomée conditions are prohibited from supplying Bomée articles to other firms, being confined to consumer sales (Clause 10 (5a)).

However, Clause 10 (3a) and (5a) is supplemented by paragraphs (3b) and (5b), which provide that these conditions do not apply to deliveries to firms established outside the Netherlands.

The conditions of sale contain the following further stipulations :

- wholesalers who have accepted the Bomée conditions may obtain Bomée articles only from manufacturers or importers who are members of the association (Clause 11 (1));
- retailers who have accepted the Bomée conditions may obtain Bomée articles only from manufacturers or importers who are members of the association or from wholesalers appointed by such manufacturers or importers (Clause 11 (2)).

However, Clause 11 is supplemented by a new paragraph (3) to the effect that the obligations imposed by paragraphs (1) and (2) do not apply where the goods are obtained from firms established outside the Netherlands.

The association's tribunal may order disciplinary measures against any person who does not comply with these mandatory provisions (Clause 20).

On 8 July 1975 Bomée-Stichting wrote to inform the Commission that it was amending Clause 1 (2) so that the definition of Bomée articles would extend only to products marketed 'in the Netherlands'. This modification became effective on 25 August 1975.

On 7 July 1975 the firm Maxis BV of Muiden lodged a complaint with the Commission in respect of the Bomée conditions. As the firm was unwilling to comply with the Bomée conditions, it had experienced difficulties in obtaining Bomée products.

II. Applicability of Article 85(1) of the EEC Treaty

Article 85(1) of the EEC Treaty prohibits, as incompatible with the common market, all agreements between undertakings, decisions by associations of undertakings and concerted practices 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.

The conditions of sale jointly framed and applied by all the members of Bomée-Stichting constitute a decision by an association of undertakings within the meaning of Article 85(1).

Clause 10(1), (3) and (5) and Clause 11 of this decision of the trade association have as their object and effect the restriction of competition within the common market since they are designed to ensure that all trade passes exclusively through the distribution channels collectively recognized by the parties. The resulting restrictions have noticeable effects on the relevant markets in view of the number and size of the firms involved and of the large range of world-renowned articles and products on the Bomée list. Furthermore, these are standard conditions to which an unlimited number of firms may become party.

Clause 10(1) of the 1974 Bomée conditions, whereby manufacturers and importers who are members of the association may supply Bomée articles in the Netherlands only to wholesalers and retailers who have accepted the Bomée conditions, means that other dealers are unable to obtain Bomée articles from the manufacturers or importers and that the manufacturers and importers are prevented from supplying dealers who have not accepted the Bomée conditions. The effect of this is to restrict the business freedom of manufacturers, of importers and of dealers who have not accepted the Bomée conditions.

Clause 10(3) of the 1974 Bomée conditions, under which wholesalers who have accepted the Bomée conditions may supply Bomée articles in the Netherlands only to retailers who have accepted the Bomée conditions, and Clause 10(5), under which these retailers may sell Bomée articles in the Netherlands only to the consumer, prevent wholesalers and retailers from supplying other Dutch dealers at the same stage of distribution as themselves, who would be free to resell the products on terms that might be better for the consumer. Similarly they cannot supply other Bomée wholesalers, and wholesalers cannot supply the consumer.

Clause 11 of the 1974 Bomée conditions, under which wholesalers must obtain Bomée articles only from member manufacturers and importers and under which retailers may only obtain them from manufacturers or importers or their appointed wholesalers, restricts the freedom of wholesalers and retailers to buy from other Dutch suppliers.

The investigation of this case discloses that these restrictions on competition form a coherent and carefully adjusted system which is collectively applied and imposed by the members on wholesalers and retailers, and which clearly has as its object and effect the elimination of competition between the market participants concerned and other dealers and to ensure that as far as possible trade in Bomée articles in the Netherlands is channelled through the manufacturers, importers, wholesalers and retailers participating in the Bomée system. The effect of these restrictions is to consolidate existing distribution structures and the positions of the undertakings concerned on the relevant markets in such a way that new market entrants and firms which refuse to accept the Bomée conditions, such as Maxis BV, find it difficult to penetrate the market. The Bomée system makes it particularly difficult for market positions to be modified by the free play of competition.

The scope of the appraisal is not affected by the consideration that the Bomée conditions have been modified since 19 December 1974 in order to permit the parties to purchase the products concerned in other Member States for resale. The amendment of the Bomée product description which came into force on 25 August 1975 and which limited this description to those products marketed in the Netherlands, served only to clarify the initial easing of the conditions. Neither modification takes the 1974 Bomée conditions out of the scope of the prohibition contained in Article 85(1). Serious obstacles still exist, particularly with regard to the marketing in the Netherlands of those products which are imported by the members themselves. These products may not be distributed freely by importers, wholesalers and retailers (the traders on the relevant market), but only through the

prescribed distribution channels. Importers are not free to deliver to any wholesaler or retailer and neither the member wholesalers nor retailers may sell their merchandise within their respective groups. Therefore the means by which imported products penetrate the Dutch market are not the result of individual decisions by the parties on the different distribution levels, but are influenced by the restrictive agreements which the parties have concluded with their competitors.

The restrictive clauses referred to above may substantially affect trade between Member States within the meaning of Article 85 (1) of the Treaty in that they apply to goods which are mainly imported from other Member States and sold in the Netherlands. Trade flows may therefore be deflected from their natural course and trade between Member States affected⁽¹⁾.

They further have the effect of consolidating the division of the common market into national markets, which goes against the economic interpenetration aimed at by the Treaty, in that they make it difficult for manufacturers and dealers in other Member States to do business on the Dutch market⁽²⁾.

In view of the size and number of the firms which belong to Bomée-Stichting, of the large number of dealers who accept the Bomée conditions, and of the range and reputation of the branded articles to which the conditions apply, the restrictive clauses discussed above have a substantial effect on trade between Member States in a manner detrimental to the creation of a single market.

Although the adverse effect upon trade between Member States is mitigated by the opportunity, first given on 19 December 1974 and later confirmed on 25 August 1975, for the wholesalers and retailers concerned to obtain supplies direct from other Member States, this relaxation of the rules does not compensate for the collective and cumulative effect of the restrictions referred to above, to which the admission of the products imported into the Netherlands by the members themselves remained subject.

Clause 10 (1), (3) and (5) and Clause 11 of the 1974 Bomée conditions accordingly fall within the scope of Article 85 (1) of the Treaty establishing the EEC.

⁽¹⁾ See decision by the European Court of Justice on 15 May 1975 in Case No 71/74, FRUBO.

⁽²⁾ See decision by the European Court of Justice of 17 October 1972 in the Case No 8/72, Vereeniging van Cementhandelaren.

III. Applicability 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 or any decision by associations of 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:

- (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.

The 1974 Bomée conditions cannot be exempted under Article 85 (3) as they do not satisfy these tests.

First, they do not contribute in any way to improving the production or distribution of goods or to promoting technical or economic progress. Analysis of the restrictive clauses and the explanation supplied by representatives of the association have made it clear that the principal aim of the Bomée system is to give the member firms, through a set of collective measures, the assurance that the largest possible share of sales of the relevant products in the Netherlands will be handled by them. The restrictions consisting of exclusive sale and purchasing commitments do not contribute to improving the distribution of the relevant product. These restrictions, on the contrary, provide a market protection arrangement so that other dealers are excluded from a distribution network which helps to ensure that as far as possible the production and import of Bomée articles in the Netherlands is reserved for Bomée members.

Furthermore, virtually all licensed manufacturers and concessionaire importers of well-known branded products in the Netherlands belong to Bomée-Stichting. Outsiders are too few and too small to exert any real influence on the market, especially as the products they are offering are not so widely distributed as Bomée articles. In any event competition should exist not only between member and non-member dealers selling articles under different brands, but also between different dealers in articles of the same brand, and, as has been seen, it is this latter form of competition that the Bomée system sets out to eliminate.

Accordingly, the restrictive clauses in the 1974 version of the Bomée conditions of sale do not qualify for exemption under Article 85 (3) of the EEC Treaty.

IV. Applicability of Article 3 (1) of Council Regulation No 17

Article 3 (1) of Regulation No 17/62 provides that where the Commission, upon application or upon its own initiative, finds that there is infringement of Article 85 of the EEC Treaty, it may by decision require the undertaking or associations of undertakings concerned to bring the infringement to an end.

As it is clear from the facts set out herein that Bomée-Stichting is in infringement of Article 85 of the EEC Treaty, it should accordingly be required to bring the infringement to an end without further delay,

HAS ADOPTED THIS DECISION :

Article 1

Clause 10 (1), (3) and (5) and Clause 11 of the 1974 Bomée conditions as contained in the final version dated 25 August 1975 constitute an infringement of

Article 85 (1) of the Treaty establishing the European Economic Community.

Article 2

The application to Bomée-Stichting for extension under Article 85 (3) is refused.

Article 3

Bomée-Stichting shall bring the infringement to an end forthwith by ceasing to apply the offending clause referred to in Article 1.

Article 4

This Decision is addressed to Bomée-Stichting, Bezuidenhoutseweg 193, PO Box 2185, 's Gravenhage, the Netherlands.

Done at Brussels, 21 November 1975.

For the Commission

A. BORSCHETTE

Member of the Commission

COMMISSION DECISION

of 24 November 1975

**relating to the Mixed Committee on the harmonization of working conditions
in the coal industry**

(75/782/ECSC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Coal and Steel Community ;Whereas a Mixed Committee for the harmonization of
working conditions in the coal industry was created
by the High Authority in 1955 pursuant to a resolu-
tion of the Consultative Committee of 20 December
1954 ;Whereas it is considered desirable that such compre-
hensive rules should now be formally laid down ;Whereas both sides of the coal industry have been
consulted on the following provisions and have
expressed their agreement to them,

HAS DECIDED AS FOLLOWS :

Article 1

1. The Mixed Committee for the harmonization of
working conditions in the coal industry ('the Mixed
Committee') shall assist the Commission of the Euro-
pean Communities ('the Commission') in formulating
and implementing Community social policy as
provided for in the European Coal and Steel Treaty, in
order to promote improved working conditions and
an improved standard of living for the workers in the
coal industry so as to make possible their harmoniza-
tion while the improvement is being maintained.

2. The Mixed Committee shall constitute a forum
for discussion, for the exchange of information and
for consultations between the two sides of the
industry.

3. It shall carry out the studies required for the
fulfilment of its mission, organize, as appropriate,
conferences or seminars on social problems, draw up
reports and formulate opinions or recommendations
either at the request of the Commission or on its own
initiative.

If an opinion is not unanimous, the Mixed
Committee shall report the differing opinions to the
Commission.

Article 2

1. The Mixed Committee shall consist of representa-
tives of :

- workers' associations,
- employers' associations.

2. The members of the mixed Committee shall be
appointed by the Commission from these two groups
on a proposal from the following organizations :

workers' association :

- set up at Community level :
 - Inter-trade Union Committee of Miners' and
Metalworkers' Free Trade Unions in the Euro-
pean Communities,
 - International Federation of Christian Miners
Unions ;
- set up at national level with the status of observer :
 - Fédération Nationale des Travailleurs du
Sous-sol ;

employers' associations :

- set up at Community level :
 - Association of the Coal Producers of the Euro-
pean Community.

3. The number of representatives in the workers'
and employers' groups shall not be higher than 20 in
each case.

4. Representatives of the Governments of the
Member States may participate in the work of the
Mixed Committee in an advisory capacity or as obser-
vers.

Article 3

1. Members of the Mixed Committee shall hold
office for a term of four years ; appointments shall be
renewable. Members whose term has expired shall
remain in office until they have been replaced or their
term of office has been renewed.

2. The term of office may cease before the expira-
tion of the period of four years upon the resignation
or death of the member or if the association which
nominated him for appointment requests that he be
replaced.

3. A member of the Mixed Committee may be replaced at a meeting which he is unable to attend, or at which special problems are to be discussed by another representative of his association.

Article 4

1. The chairmanship of the Mixed Committee shall be held for periods of one year alternately by a representative of the workers' and by a representative of the employers' groups, appointed on a proposal of the group concerned.

2. A vice-chairman, not belonging to the same group as the chairman, shall be appointed in the same manner.

3. A chairman or vice-chairman whose term of office has expired shall remain in office until he has been replaced.

4. Should the chairman or vice-chairman cease to hold office before expiry of its term, he shall be replaced for the remainder of the term on a proposal from the group to which he belonged.

5. Should both the chairman and the vice-chairman be unable to attend a particular meeting, then in respect of that meeting the chair shall be taken by a member of the Mixed Committee designated by the group to whom the chairman belongs.

6. The group to provide the chairman in the first instance shall be chosen by drawing lots.

Article 5

The Commission shall provide secretarial services for the Mixed Committee.

Article 6

1. Meetings of the Mixed Committee shall be convened by its chairman and vice-chairman either at

the request of the Commission or at the joint request of the workers' and employers' groups. The convocation shall be sent by the secretariate.

2. A representative of each of the organizations, set up at Community level, referred to in Article 2 may attend the meetings of the Mixed Committee as an observer.

3. The representatives of the Commission departments concerned shall attend the meetings of the Mixed Committee.

Article 7

The Mixed Committee may set up working groups to assist it. It may ask the Commission to appoint experts to assist it in specific tasks.

Article 8

The members of the Mixed Committee and the persons entitled to be present at its meetings shall be bound not to disclose any information acquired at such meetings should the Commission or the Mixed Committee consider such information to be of a confidential nature.

Article 9

This Decision shall have effect from 24 November 1975.

Done at Brussels, 24 November 1975.

For the Commission

Vice-President

Patrick J. HILLERY

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