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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 405/76

of 23 February 1976

extending certain interim provisions concerning trade with the African, Caribbean and Pacific States and the overseas countries and territories associated with the European Economic Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 113 and 136 thereof,

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

Whereas the ACP-EEC Convention of Lomé⁽²⁾, hereinafter called the 'Convention', between the African, Caribbean and Pacific States, hereinafter called the 'ACP States', and the Community, was signed on 28 February 1975;

Whereas when the Convention was signed the Community and the ACP States agreed in an exchange of letters to apply autonomously certain provisions of the Convention from 1 July 1975 until the entry into force of the Convention or until 29 February 1976 at the latest;

Whereas in order to give effect to the abovementioned exchange of letters the Council adopted on 24 June 1975, *inter alia*, Regulation (EEC) No 1598/75 on the advance implementation of certain provisions of the ACP-EEC Convention of Lomé relating to trade in goods⁽³⁾ and 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⁽⁴⁾;

Whereas the Community and the ACP States have decided to extend the application of that exchange of letters beyond 29 February 1976;

Whereas by its Regulation (EEC) No 1957/75 on the interim trade arrangements with the overseas countries and territories associated with the European Economic Community⁽⁵⁾ and its Regulation (EEC) No 1599/75, the Council established arrangements for the overseas countries and territories similar to those laid down for the ACP States;

Whereas the period of validity of Regulations (EEC) No 1598/75, (EEC) No 1599/75 and (EEC) No 1957/75 should therefore be extended beyond 29 February 1976,

HAS ADOPTED THIS REGULATION:

Article 1

In the first paragraph of Article 9 of Regulation (EEC) No 1598/75, the second paragraph of Article 24 of Regulation (EEC) No 1599/75 and the first paragraph of Article 9 of Regulation (EEC) No 1957/75, the date '29 February 1976' shall be replaced by the date '31 July 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, 23 February 1976.

For the Council

The President

G. THORN

⁽¹⁾ Opinion delivered 12. 2. 1976 (not yet published in the Official Journal).

⁽²⁾ OJ No L 25, 30. 1. 1976, p. 2.

⁽³⁾ OJ No L 166, 28. 6. 1975, p. 1.

⁽⁴⁾ OJ No L 166, 28. 6. 1975, p. 67.

⁽⁵⁾ OJ No L 201, 31. 7. 1975, p. 5.

COMMISSION REGULATION (EEC) No 406/76

of 25 February 1976

fixing the import levies on cereals and on wheat or rye flour groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as amended by
Regulation (EEC) No 3058/75⁽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 38/76⁽³⁾ and subsequent amending
Regulations ;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 38/76, to the offer

prices and today's quotations known 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 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 26 February
1976.

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

Done at Brussels, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 6, 13. 1. 1976, p. 1.

ANNEX

to the Commission Regulation of 25 February 1976 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	24.01
10.01 B	Durum wheat	50.05 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	53.02 ⁽⁶⁾
10.03	Barley	22.52
10.04	Oats	14.89
10.05 B	Maize other than hybrid maize for sowing	33.71 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	2.31
10.07 B	Millet	15.38 ⁽⁴⁾
10.07 C	Grain sorghum	31.91 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	45.19
11.01 B	Rye flour	85.83
11.02 A I a	Durum wheat groats and meal	88.19
11.02 A I b	Common wheat groats and meal	47.80

⁽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.

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

⁽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.

COMMISSION REGULATION (EEC) No 407/76**of 25 February 1976****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as amended by
Regulation (EEC) No 3058/75⁽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
2832/75⁽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 (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 26 February
1976.

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

Done at Brussels, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 283, 1. 11. 1975, p. 4.

ANNEX

to the Commission Regulation of 25 February 1976 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.d. / metric ton)

CCT heading No	Description of goods	Current 2	1st period 3	2nd period 4	3rd period 5
10.01 A	Common wheat and meslin	0	0.80	0.80	0
10.01 B	Durum wheat	0	0	0	10.48
10.02	Rye	0	0	0	2.42
10.03	Barley	0	0	0	2.98
10.04	Oats	0	1.21	1.21	9.07
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	2.42
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	1.11	1.11	0

B. Malt

(u.d. / metric ton)

CCT heading No	Description of goods	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	1.42	1.42	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	1.06	1.06	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	5.30	5.30
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	3.96	3.96
11.07 B	Roasted malt	0	0	0	4.62	4.62

COMMISSION REGULATION (EEC) No 408/76

of 23 February 1976

amending, as regards the net weight of raw tobacco, Regulation (EEC) No 1726/70 on the procedure for granting the premium for leaf tobacco and Regulation (EEC) No 1727/70 on intervention procedure for raw tobacco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco⁽¹⁾, as last amended by the Act of Accession⁽²⁾, and in particular the first subparagraph of Article 3 (3) and Articles 5 (6), 6 (10) and 15 thereof,

Whereas Commission Regulation (EEC) No 1726/70 of 25 August 1970 on the procedure for granting the premium for leaf tobacco⁽³⁾, as last amended by Regulation (EEC) No 1353/75⁽⁴⁾, provides that the premium for leaf tobacco is to be paid for a quantity of tobacco expressed in terms of net weight; whereas such net weight is established in respect of the reference moisture contents laid down in Annex IV to Commission Regulation (EEC) No 1727/70 of 25 August 1970 on intervention procedure for raw tobacco⁽⁵⁾, as last amended by Regulation (EEC) No 1354/75⁽⁶⁾; whereas, in addition, Article 5 of Regulation (EEC) No 1727/70 provides that the price paid by the intervention agency is to be calculated on the net weight of the tobacco;

Whereas, to ensure uniform application of Community rules, the moisture contents should be determined by a Community method at the time of checking weight when the tobacco leaves the place in which it came under supervision having undergone first processing and market preparation and again at the time when it is bought in for intervention purposes;

Whereas Regulations (EEC) No 1726/70 and (EEC) No 1727/70 should be amended accordingly;

Whereas, however, during other operations to determine the net weight, Member States should be authorized to use other methods to determine the moisture content provided they inform the Commission thereof; whereas, when this happens, the advance paid on the total amount of the premium should be limited;

Whereas, if the actual moisture contents of the tobacco in respect of which the premium is applied for differs by more than 1 % from the reference moisture contents, a corresponding adjustment should be made in the net weight;

Whereas to clarify Community rules the net weight of the tobacco in respect of which a premium is applied for should be distinguished from the net weight of the tobacco offered for intervention;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is hereby added to Regulation (EEC) No 1726/70:

'Article 1a

1. In accordance with the procedure laid down in Article 17 of Regulation (EEC) No 727/70, the Commission shall lay down one or more Community methods of determining the moisture contents of the tobacco.
2. The use of one of these methods shall be compulsory for the check referred to in Article 1 (2) (b).
3. For the checks referred to in Article 1 (2) (a) and (c), a Member State may use a method other than the Community methods to determine the moisture content of the tobacco. In that event, the Member State must inform the Commission of the method used.'

Article 2

The following paragraph is hereby added to Article 7 of Regulation (EEC) No 1726/70:

- '5. Where, for the purposes of the checks referred to in Article 1 (2) (a) and (c), the net weight is not determined by means of one of the Community methods provided for in Article 1a (1), the advance on the total amount of the premium shall be limited to 95 %.'

(1) OJ No L 94, 28. 4. 1970, p. 1.

(2) OJ No L 73, 27. 3. 1972, p. 14.

(3) OJ No L 191, 27. 8. 1970, p. 1.

(4) OJ No L 138, 29. 5. 1975, p. 12.

(5) OJ No L 191, 27. 8. 1970, p. 5.

(6) OJ No L 138, 29. 5. 1975, p. 13.

Article 3

Article 11 of Regulation (EEC) No 1726/70 is hereby amended to read as follows:

'1. When determining the net weight of leaf tobacco, no account shall be taken of:

- (a) the weight of tobacco which does not correspond to the minimum quality characteristics;
- (b) the weight of extraneous matter.

2. The net weight shall be established for the reference moisture contents laid down in Annex IV to Regulation (EEC) No 1727/70.

If the actual moisture content noted differs by more than 1 % from the reference moisture content, a corresponding adjustment shall be made.

3. The tobacco shall correspond to the minimum quality characteristics referred to in

Council Regulation (EEC) No 1467/70 of 20 July 1970 fixing certain general rules governing intervention on the market in raw tobacco ⁽¹⁾ unless it has one or more of the characteristics specified in items (a) to (l) inclusive of Annex III to Regulation (EEC) No 1727/70.'

Article 4

The following sentence is hereby added to Article 5 of Regulation (EEC) No 1727/70:

'For the purpose of ascertaining the net weight, the moisture contents shall be determined by means of one of the Community methods provided for in Article 1a (1) of Regulation (EEC) No 1726/70.'

Article 5

This Regulation shall apply with effect from the 1976 harvest.

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

Done at Brussels, 23 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 164, 27. 7. 1970, p. 32.

COMMISSION REGULATION (EEC) No 409/76
of 23 February 1976
establishing Community methods for the determination of the moisture content
of raw tobacco

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
727/70 of 21 April 1970 on the common organization
of the market in raw tobacco⁽¹⁾, as last amended by
the Act of Accession⁽²⁾, and in particular the first
subparagraph of Article 3 (3) and Article 7 (4) thereof,

Whereas Commission Regulation (EEC) No 1727/70
of 25 August 1970 on intervention procedure for raw
tobacco⁽³⁾, as last amended by Regulation (EEC) No
408/76⁽⁴⁾, fixes the moisture content to be taken into
consideration for determining the net weight of leaf
tobacco and of baled tobacco ;

Whereas Commission Regulation (EEC) No 1726/70
of 25 August 1970 on the procedure for granting the
premium for leaf tobacco⁽⁵⁾, as last amended by Regu-
lation (EEC) No 408/76, refers to the same moisture
content as a basis for determining the net weight of
tobacco in respect of which a premium has been
applied for ;

Whereas, in order to ensure the uniform application
of the rules relating to the common organization of
the market in tobacco, Article 1a(1) of Commission
Regulation (EEC) No 1726/70 provides that the
Commission shall establish one or more Community
methods for the determination of the moisture
content of raw tobacco ;

Whereas two such methods which have so far been
the subject of scientific studies at Community level
have very similar qualities and provide valid results
which are comparable ; whereas these two methods
should therefore be adopted, without prejudice to the
future adoption of other methods which are the
subject of similar studies and which give comparable
results ;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Manage-
ment Committee for Raw Tobacco,

HAS ADOPTED THIS REGULATION :

Article 1

1. Determination of the moisture content of
tobacco for the purpose of calculating the net weight
as referred to in Article 11 of Regulation (EEC) No
1726/70 and in Article 6 (1) of Regulation (EEC) No
1727/70 and which is fixed in Annex IV to the latter
Regulation shall be carried out in accordance with one
or other of the two methods now accepted and
described in Annex I to this Regulation.

2. The method to be used for taking samples for
use in one or other of the two said methods shall be
that described in Annex II hereto.

Article 2

This Regulation shall apply with effect from the 1976
harvest.

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

Done at Brussels, 23 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 191, 27. 8. 1970, p. 5.

⁽⁴⁾ See page 6 of this Official Journal.

⁽⁵⁾ OJ No L 191, 27. 8. 1970, p. 1.

ANNEX I

COMMUNITY METHODS FOR THE DETERMINATION OF THE MOISTURE CONTENT OF RAW TOBACCO

A. Beaudesson method

1. *Apparatus*

Beaudessen EM 10 drying oven : a warm air electric drier in which the air is passed over the sample to be dried by forced convection by means of a special ventilation fan. The moisture content is determined by weighing before and after drying, the balance being calibrated in such a way that the reading given by the 10 g quantity used corresponds directly to the moisture content value in % (per cent).

2. *Procedure*

A 10 g quantity is weighed out in a pan with a perforated base and then put into the drying column, where it is supported by a spiral ring. The oven is turned on for five minutes, during which time the warm air causes the sample to dry at a temperature of about 100 °C. At the end of five minutes, an automatic timer stops the process. The temperature of the air at the end of the drying process is recorded from a built-in thermometer. The sample is weighed, and its moisture content is read directly and corrected if necessary by the addition or subtraction of tenths of a per cent according to the temperature reading, using the scale provided with the apparatus.

B. Brabender method

1. *Apparatus*

Brabender oven : an electric drier consisting of a thermostated cylindrical chamber, ventilated by forced convection, into which are simultaneously placed 10 metal pans, each containing 10 g of tobacco. These pans are put onto a table, which can be rotated by means of a central handwheel into 10 different positions, allowing each of the pans, after drying, to be placed in a position where it can be weighed within the apparatus : a system of levers allows each of the pans to be placed successively on the arm of a built-in balance, without the necessity of removing the samples from the chamber. The balance has an optical read-out scale, and gives a direct reading for the moisture content. A second balance is attached to the apparatus, this being used only to weigh out the initial quantities.

2. *Procedure*

The thermostat is set at 110 °C.

The chamber is set to preheat : minimum period 15 minutes.

Ten 10 g quantities are weighed out.

The oven is filled.

The samples are dried for 50 minutes.

Weights for determination of the gross moisture contents are read.

ANNEX II**SAMPLING**

The following is the procedure to be followed for the sampling of leaf tobacco for determination of their moisture content :

1. Selection of samples

Select from each bale, a number of leaves proportional to its weight.

The number of leaves selected should be sufficient to be properly representative of the bale as a whole.

The sample must include equal quantities of leaf from the outside of the bale, leaf from the centre, and leaf from a position intermediate between these.

2. Homogenization

All the leaves selected are mixed together in a plastic bag, and several kilogrammes of them are chopped up (cutting width 0.4/2 mm).

3. Sub-sampling

After chopping, mix the chopped leaves thoroughly and withdraw a *representative* sample.

4. Measurement

Measurements must be carried out on the whole of this reduced sample, and precautions should be taken to ensure that :

- no variations in moisture content occur (air- and water-tight bag or container),
 - the homogeneity of the sample is not affected by loss of fragments during removal from the bag or chopping.
-

COMMISSION REGULATION (EEC) No 410/76**of 23 February 1976****fixing the maximum permissible weight losses in connection with the supervision of the first processing and market preparation of tobacco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco⁽¹⁾, as last amended by the Act of Accession⁽²⁾, and in particular the first subparagraph of Article 3 (3) and Article 7 (4) thereof,

Whereas Commission Regulation (EEC) No 1726/70 of 25 August 1970 on the procedure for granting the premium for leaf tobacco⁽³⁾, as last amended by Regulation (EEC) No 408/76⁽⁴⁾, instituted a system of administrative supervision of the processing of tobacco in respect of which a premium has been applied for; whereas the purpose of such supervision is to assess whether a given quantity of baled tobacco corresponds to the quantity of leaf tobacco from which it was obtained, having regard to the weight losses which occur during first processing and market preparation and which are considered to be normal;

Whereas losses result mainly from a decrease in moisture content and from losses of matter which take place during first processing and market preparation; whereas those weight losses differ according to variety, and in particular according to the methods of drying and preparing the leaves;

Whereas these losses must also be assessed for the purpose of supervision of leaf tobacco which has been bought in by intervention agencies and which has undergone first processing and marketing preparation under contracts, the detailed rules whereof are laid down in Regulation (EEC) No 2603/71⁽⁵⁾, as last amended by Regulation (EEC) No 773/75⁽⁶⁾;

Whereas these weight losses must be assessed on the basis of the net weight of leaf tobacco and of baled tobacco as defined in Article 11 of Regulation (EEC)

No 1726/70 and in Article 6 of Regulation (EEC) No 1727/70 of 25 August 1970 on intervention procedure for raw tobacco⁽⁷⁾, as last amended by Regulation (EEC) No 408/76;

Whereas, to ensure the uniform application of the provisions relating to first processing and market preparation, a maximum permissible weight loss during such operations should be fixed for each variety of Community tobacco;

Whereas, in view of the additional losses caused by stripping, this maximum loss should be increased by a suitable amount for tobacco which has been stripped;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. When checking whether the quantities of tobacco released from the supervision provided for in Regulation (EEC) No 1726/70 correspond with the quantities which came under supervision the maximum permissible weight losses expressed as percentages of the net weight of leaf tobacco which came under supervision, shall be those shown in column 3 of the Annex hereto.

2. Weight losses shall be determined by reference to the net weight of leaf tobacco and baled tobacco as defined in Article 11 of Regulation (EEC) No 1726/70 and in Article 6 of Regulation (EEC) No 1727/70.

Article 2

This Regulation shall apply with effect from the 1976 harvest.

⁽¹⁾ OJ No L 94, 21. 4. 1970, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 191, 27. 8. 1970, p. 1.

⁽⁴⁾ See page 6 of this Official Journal.

⁽⁵⁾ OJ No L 269, 8. 12. 1971, p. 11.

⁽⁶⁾ OJ No L 77, 26. 3. 1975, p. 15.

⁽⁷⁾ OJ No 191, 27. 8. 1970, p. 5.

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

Done at Brussels, 23 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Serial No	Variety	Maximum weight losses as a percentage of the net weight of leaf tobacco ⁽¹⁾
1	a) Badischer Geudertheimer b) Forchheimer Havanna II c)	22
2	Badischer Burley E	19
3	Virgin SCR	13
4	a) Paraguay b) Dragon vert and hybrids thereof	19
5	Nijkerk	19
6	Burley (Burley × Bel)	16
7	a) Misionero and hybrids thereof b) Rio Grande and hybrids thereof	17
8	a) Philippin b) Petit Grammont (Flobecq) c) Burley (Ergo × 6410 and Ergo × Bursana)	17
9	a) Semois b) Appelterre	17
10	Bright	14
11a	Burley I	15
11b	Maryland	15
12	a) Kentucky and hybrids thereof b) Moro di Cori c) Salento	15
13	a) Nostrano and hybrids thereof b) Resistente 142 c) Gojano	15
14	Beneventano	15
15	Xanti-Yakà	17
16	Perustitza	17
17	Erzegovina and hybrids thereof	17
18	a) Round Tip b) Scafati c) Sumatra I	16
19	a) Brasile Selvaggio b) Other varieties	11

⁽¹⁾ These maxima are increased by four points for tobacco which has been stripped.

COMMISSION REGULATION (EEC) No 411/76

of 25 February 1976

fixing the refunds on white sugar and raw sugar 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 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 3058/75⁽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) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1102/75⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾;

Whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal means;

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

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

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be fixed at the amounts shown in the Annex to this Regulation;

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 refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 3330/74, undenatured and exported in the natural state, are hereby fixed at the amounts shown in the Annex.

Article 2

This Regulation shall enter into force on 26 February 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 89, 10. 4. 1968, p. 3.

(6) OJ No L 50, 4. 3. 1970, p. 1.

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

Done at Brussels, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

to the Commission Regulation of 25 February 1976 fixing the refunds on white sugar and raw sugar exported in the natural state

(u.a./100 kg)

CCT heading No	Description of goods	Refund
17.01	Beet sugar and cane sugar, solid : B. Undenatured : I. White sugar II. Raw sugar : (a) Candy sugar (b) Other raw sugar	 2.50 2.30 ⁽¹⁾ 2.30 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

COMMISSION REGULATION (EEC) No 412/76

of 25 February 1976

opening an invitation to tender for Parmigiano Reggiano cheeses held by the
Italian intervention agency for exportation

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European
Economic Community,

Article 1

Having regard to Council Regulation (EEC) No
804/68 of 27 June 1968 on the common organization
of the market in milk and milk products⁽¹⁾, as last
amended by Regulation (EEC) No 740/75⁽²⁾, and in
particular Article 8 (5) thereof,

Tenders are invited for a quantity of 2 000 metric tons
of fully matured Parmigiano Reggiano cheeses held by
the Italian intervention agency for the purpose of
exportation to the countries mentioned in Article 2.

Article 2

Whereas substantial stocks of Parmigiano Reggiano
cheeses are held by the Italian intervention agency;
whereas, in view of the market situation, and to avoid
the costs of prolonged storage, certain quantities of
Parmigiano Reggiano cheeses which have reached the
proper age for consumption should be sold; whereas
the world market now offers the prospect of additional
sales and a sale for export to certain third countries
should be arranged;

The cheeses in question shall be exported to one of
the following countries :

- Zone A
- Zone B
- Zone C
- countries of the Arabian Peninsula
- European countries except Zone D, Switzerland,
Liechtenstein, Austria, Scandinavia, Finland and
Greece.

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 also by limiting the destina-
tions and the quantities to be released on to the
market; whereas, in order to ensure equal access to
cheeses for prospective purchasers, the procedure of
an invitation to tender should be used, the detailed
rules for which are specified in Articles 6 to 15 of
Commission Regulation (EEC) No 1107/68 of 27 July
1968 on detailed rules of application for intervention
on the market in Grana Padano and Parmigiano
Reggiano cheeses⁽³⁾, as last amended by Regulation
(EEC) No 250/76⁽⁴⁾;

Article 3

Whereas it is appropriate to provide an advance fixing
certificate for the quantities awarded so that the level
of the refund is related to the selling price;

1. The refund shall be fixed in advance.
2. Section 13 of the certificate shall state the
country or countries of destination; the issue of the
certificate shall carry with it the obligation to export
to that country or to those countries.
3. The refund fixed in advance shall not be subject
to any adjustment as provided for in Article 5 of Regu-
lation (EEC) No 876/68.
4. Without prejudice to Article 14 of Regulation
(EEC) No 1107/68, the removal of the goods shall be
subject to the presentation of the certificate referred to
in paragraph 2 for the quantities concerned.

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

Article 4

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 74, 22. 3. 1975, p. 1.

⁽³⁾ OJ No L 184, 29. 7. 1968, p. 29.

⁽⁴⁾ OJ No L 30, 5. 2. 1976, p. 11.

Articles 6 to 15 of Regulation (EEC) No 1107/68 shall
apply to this invitation to tender.

Article 5

1. At the time of fixing the minimum price in accordance with Article 11 of Regulation (EEC) No 1107/68, an exportation security shall be fixed taking into account the difference between the market price of the product and the minimum price.

2. The security shall be lodged with the selling intervention agency prior to removal of the goods.

It shall be paid, at the option of the Member State concerned, either by a cheque made out to the intervention agency, or in the form of a guarantee satisfying criteria laid down by that Member State.

3. The exportation security shall be released when proof is given of importation to the prescribed third

country of destination or to one of them ; the proof of importation shall be provided as in the case of export refunds.

Article 6

The time limit for submission of tenders shall expire on 16 March 1976 at 12 noon.

Article 7

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, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION REGULATION (EEC) No 413/76

of 25 February 1976

on the reduction of the time limit during which certain cereal products may remain under customs control while awaiting advance payment of refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 3058/75 ⁽²⁾, and in particular Article 16 (6) thereof,

For products falling within Common Customs Tariff heading Nos 10.01 A and 10.03 which are to be processed into products falling under Common Customs Tariff heading No 11.07, the first indent of the last subparagraph of Article 3 (3) of Regulation (EEC) No 1957/69 shall not apply.

However, where application of Article 3 (3) (a) would involve the products specified in the preceding subparagraph being subject to customs control for less than one month, that period shall be increased to one month.

Whereas Articles 3 (3) and 4 (2) of Commission Regulation (EEC) No 1957/69 of 30 September 1969 on additional detailed rules for granting export refunds on products subject to a single price system ⁽³⁾ fix the time limits during which products may remain under the systems laid down by Articles 2 and 3 of Council Regulation (EEC) No 441/69 of 4 March 1969 laying down additional general rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty ⁽⁴⁾, as last amended by Regulation (EEC) No 1181/72 ⁽⁵⁾; whereas, pursuant to Article 5 of Regulation (EEC) No 1957/69, the time limits may be reduced in order to prevent difficulties arising on markets on account of the characteristics of the products or goods;

Article 2

1. By way of derogation from Article 4 (2) of Regulation (EEC) No 1957/69 the period therein referred to shall, in the case of products falling within Common Customs Tariff heading No 11.07, be reduced to the period of validity of the export licence which is outstanding on the date on which the products become subject to the customs control in question when such period of validity is less than six months.

2. Where the application of the preceding paragraph leads to a period under customs control of less than one month, such period shall be increased to one month.

Whereas experience has shown that the time limits at present applied may cause difficulties in respect of the cereal products falling within Common Customs Tariff heading No 11.07; whereas, therefore, the time limits for these products should be reduced so that they correspond to the period of validity of the export licence which is outstanding on the date on which the products became subject to one of the systems of customs control instituted by Articles 2 and 3 of Regulation (EEC) No 441/69;

Article 3

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

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

However, this Regulation shall not apply to products which, before its entry into force, were placed under one of the systems for advance payment of refunds instituted by Regulation (EEC) No 441/69.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 250, 4. 10. 1969, p. 1.

⁽⁴⁾ OJ No L 59, 10. 3. 1969, p. 1.

⁽⁵⁾ OJ No L 130, 7. 6. 1972, p. 15.

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

Done at Brussels, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION REGULATION (EEC) No 414/76

of 25 February 1976

amending Regulation (EEC) No 271/76 in respect of the monetary compensatory amounts for wine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States⁽¹⁾, as last amended by Regulation (EEC) No 475/75⁽²⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 271/76 of 6 February 1976 changing the monetary compensatory amounts following changes in exchange rates for the Italian lira⁽³⁾, stipulated that in the wine sector the monetary compensatory amounts will apply in Italy only until 29 February 1976; whereas in view of the present situation in the wine sector and pending

decisions to be taken by the Council on agricultural prices for the 1976/77 season, this date should be extended until 14 March 1976;

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

HAS ADOPTED THIS REGULATION:

Article 1

The date 29 February 1976 given in Article 3 of Regulation (EEC) No 271/76 shall be replaced by the date 14 March 1976.

Article 2

This Regulation shall enter into force on 29 February 1976.

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

Done at Brussels, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 28.

⁽³⁾ OJ No L 34, 9. 2. 1976, p. 1.

COMMISSION REGULATION (EEC) No 415/76
of 25 February 1976
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 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 3058/75⁽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 402/76⁽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 26 February 1976.

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

Done at Brussels, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 168, 1. 7. 1975, p. 61.

⁽⁴⁾ OJ No L 49, 25. 2. 1976, p. 16.

ANNEX

to the Commission Regulation of 25 February 1976 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	5.62
	II. Raw sugar	4.17 ⁽¹⁾
	B. Undenatured:	
	I. White sugar	5.62
	II. Raw sugar	4.17 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 416/76

of 25 February 1976

altering 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 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 3058/75⁽²⁾, 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 207/76⁽³⁾, as last amended by Regulation (EEC) No 403/76⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 207/76

to the information at present available to the Commission 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 0.0562 unit of account per percentage point of sucrose content.

Article 2

This Regulation shall enter into force on 26 February 1976.

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

Done at Brussels, 25 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 26, 31. 1. 1976, p. 23.

⁽⁴⁾ OJ No L 49, 25. 2. 1976, p. 17.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY
MEETING WITHIN THE COUNCIL**

of 23 February 1976

**extending Decision 75/371/ECSC opening tariff preferences for products within
the province of that Community originating in the African, Caribbean and
Pacific States and in the overseas countries and territories associated with the
Community**

(76/250/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COAL
AND STEEL COMMUNITY, MEETING WITHIN THE
COUNCIL,

Whereas the Member States have concluded among
themselves the Treaty establishing the European Coal
and Steel Community;

Whereas the Agreement on products within the
province of the European Coal and Steel Commu-
nity⁽¹⁾, hereinafter called the 'Agreement', between
the Member States of that Community and the
African, Caribbean and Pacific States, hereinafter
called the 'ACP States', was signed on 28 February
1975 at the same time as the ACP-EEC Convention
of Lomé and whereas that Agreement is subject to rati-
fication;

Whereas when the Agreement was signed the Euro-
pean Economic Community, its Member States and
the ACP States agreed in an exchange of letters to
apply autonomously, from 1 July 1975 and until the
entry into force of the Convention or until 29
February 1976 at the latest certain provisions of the
Convention relating to trade in goods;

Whereas by virtue of Decision 75/371/ECSC of the
representatives of the Governments of the Member
States of the European Coal and Steel Community,
meeting within the Council, of 24 June 1975 opening
tariff preferences for products within the province of
that Community originating in the African, Caribbean

and Pacific States and the overseas countries and terri-
tories associated with the Community⁽²⁾, the tariff
suspensions contained in the Agreement have been
applied autonomously;

Whereas this Decision also applies to the overseas
countries and territories;

Whereas, since the Agreement will not enter into
force on 1 March 1976, the Community and the ACP
States have decided to continue autonomously to
apply certain provisions thereof beyond 29 February
1976;

Whereas the tariff suspensions in favour of the over-
seas countries and territories should also continue to
be applied autonomously;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Sole Article

In the first paragraph of Article 4 of Decision 75/371/
ECSC the date '29 February 1976' shall be replaced by
the date '31 July 1976'.

Done at Brussels, 23 February 1976.

The President

G. THORN

⁽¹⁾ OJ No L 25, 30. 1. 1976, p. 144.

⁽²⁾ OJ No L 166, 28. 6. 1975, p. 83.

COMMISSION

COMMISSION DECISION

of 13 February 1976

fixing the maximum export refund for milled long grain rice under the invitation to tender issued in Regulation (EEC) No 2454/75

(76/251/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 359/67/EEC of 25 July 1967 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 668/75⁽²⁾,

Having regard to Council Regulation No 366/67/EEC of 25 July 1967 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 478/75⁽⁴⁾, and in particular Article 3a thereof,

Having regard to Commission Regulation (EEC) No 2454/75 of 26 September 1975 on an invitation to tender for the levy and/or the refund for the export of milled long grain rice to third countries⁽⁵⁾, amended by Regulation (EEC) No 3252/75⁽⁶⁾, and in particular Article 9 (1) and (10) thereof,

Whereas an invitation to tender for the export levy and/or refund on milled long grain rice was issued under Regulation (EEC) No 2454/75; whereas the notice of invitation to tender⁽⁷⁾, amended 3 February 1976⁽⁸⁾, associated with this Regulation specified that the total tonnage for which the export levy and/or refund could be fixed was approximately 40 000 metric tons;

Whereas Article 9 (1) of Regulation (EEC) No 2454/75 allows the Commission in accordance with the procedure laid down in Article 26 of Regulation No 359/67/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 366/67/EEC; whereas Article 9

(2) of Regulation (EEC) No 2454/75 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 rice in question that the maximum export refund should be fixed as shown in Article 1; whereas the tonnage to which this maximum applies is 2 071 metric tons;

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

The maximum export refund for milled long grain rice fixed on the basis of tenders submitted for 12 February 1976 is hereby fixed at 91.00 units of account per metric ton. The rates to be used for conversion to national currencies are those given in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No 174, 31. 7. 1967, p. 1.

(2) OJ No L 72, 20. 3. 1975, p. 18.

(3) OJ No 174, 31. 7. 1967, p. 34.

(4) OJ No L 52, 28. 2. 1975, p. 34.

(5) OJ No L 251, 27. 9. 1975, p. 5.

(6) OJ No L 322, 13. 12. 1975, p. 28.

(7) OJ No C 221, 27. 9. 1975, p. 14.

(8) OJ No C 23, 3. 2. 1976, p. 16.

ANNEX

The rates to be used for the conversion to national currencies of the export refund given in
Article 1

1 Bfr	= 0.0205519	u.a.
1 Dkr	= 0.131956	u.a.
1 DM	= 0.310580	u.a.
1 Fl	= 0.298056	u.a.
1 FF	= 0.180044	u.a.
1 £	= 1.63047	u.a.
1 Lit	= 0.00106902	u.a.

COMMISSION OPINION

of 16 February 1976

addressed to the Government of the Kingdom of the Netherlands on a draft law
to protect the environment against nuisance by noise

(76/252/EEC)

In accordance with Article 1 of the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States⁽¹⁾, as amended by the Council Decision of 22 November 1973⁽²⁾, the Netherlands Government sent the text of a draft law to protect the environment against nuisance by noise to the Commission under cover of a letter of 27 October 1975 from the Office of its Permanent Representative to the European Communities.

The letter from the Office of the Netherlands Permanent Representative reached the Commission on 30 October 1975 extended in accordance with Article 1 of the said Council Decision, was also sent to the other Member States.

On the Commission's initiative an information meeting with representatives of the Netherlands Government was held in Brussels on 17 December 1975. In accordance with Article 2 (4) of the Council Decision, and with the agreement of the Netherlands Government, the period of two months within which the Commission has to address its opinion on the recommendation was extended until 30 January 1976.

The Commission did not consider it necessary to consult the other Member States under Article 2 (3) of the Council Decision.

Pursuant to Article 2 (1) of the said Decision the Commission hereby delivers the following opinion:

1. The Commission notes that the measures envisaged by the Netherlands Government are designed to empower the Minister for Public Health and Environmental Protection to enact noise abatement regulations applying, *inter alia*, to transport (except for air transport) and to vehicles.

The provisions concerning transport in the draft Law can be summarized as follows:

(a) It is designed to empower the Minister for Public Health and Environmental Protection to make

noise abatement regulations applying, *inter alia*, to transport (other than by air) and to vehicles. The checks and controls envisaged apply to manufacture, sale and use. They enable noise standards to be established and noise-prevention device characteristics and insulation material properties to be designated. The regulations may provide for charging, licensing and zoning;

(b) The principle that 'the polluter pays' is the basis for the recovery of costs. Those responsible for the principle sources of noise (including vehicles) must pay the cost of administration, grants-in-aid to industry to meet additional expenditure arising from the Bill, preventive measures in noise zones, and research on and development of quieter products;

(c) These overall costs are estimated by the Netherlands Ministry at Fl 200 million annually (at 1975 prices) for the next 10 years;

(d) Charges will be related to the duration and character of noise produced under normal operating conditions; licensing may form part of the procedure. The revenue from charges will be used in the relevant area or sector, e.g. revenue levied on vehicles will go into a Vehicle Noise Fund.

Expenditure incurred in complying with the noise standard for new products will be borne by the manufacturers.

Further charges may be levied, e.g. on vehicles complying with the EEC noise standards but not with the stricter Netherlands standards. Revenue would be used for research on and development of quieter products and such charges would thus be an incentive for producing the latter;

(e) Areas adjacent to noise sources such as existing and projected industrial estates, roads and railways will be defined as noise zones in such a way that the noise outside the zone does not exceed 50 dB(A) in daytime.

(1) OJ No 23, 3. 4. 1962, p. 720/62.

(2) OJ No L 347, 17. 12. 1973, p. 48.

2. The Commission considers that the proposals in the draft law for noise abatement in transport are compatible with the common transport policy and future developments thereof.

The Commission notes in particular that the principle of levying noise pollution charges as envisaged in the draft Law may be considered similar to the identification of and (where applicable) the charging for the cost of noise caused by transport, which is one element of social or external costs in the system of charging for the use of transport infrastructure, as proposed by the Commission in 1971 ⁽¹⁾.

However, the Commission considers that a procedure should be introduced to reconcile the separate charges for noise envisaged by the Netherlands with the all-embracing system at Community level, possibly on the lines of a suggestion already made by the Netherlands representatives during discussion of the draft Directive on the adjustment of national taxation systems for commercial vehicles ⁽²⁾, which is the first step towards general infrastructure charging.

The Commission is very interested in anything affecting transport done under the draft Law and wishes to be kept informed of the progress of implementation and the results.

3. The Commission has noted the declaration of the Netherlands Government, according to which the proposed system would not adversely affect trade between the Member States.

In this connection it wishes to emphasize that this objective can only be attained to the extent that the proposed system in general and the conditions of taxa-

tion in particular will be compatible with the provisions of the EEC Treaty and of the Community Directives on noise emissions. Such compatibility would fail to be observed in those cases in particular where products consistent with Community rules in force would be subjected to stricter national rules (compare e.g. Article 2 of Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles) or to other national provisions liable to restrict trade in such products.

The Commission looks forward to being informed by the Netherlands Government of any developments with regard to the draft Law or to any legislative, regulatory and administrative measures which it envisages adopting for the implementation of the above proposals.

4. In conclusion, and subject to the considerations stated in paragraph 3 above, the Commission raises no objections to the provisions envisaged by the Netherlands Government.

5. The Commission will inform the other Member States of this opinion.

Done at Brussels, 16 February 1976.

For the Commission

Carlo SCARASCIA MUGNOZZA

Vice-President

⁽¹⁾ OJ No C 62, 22. 6. 1971, p. 15.

⁽²⁾ OJ No C 95, 21. 9. 1968, p. 44.

COMMISSION DECISION

of 16 February 1976

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 180/76, the maximum amount for the costs of delivery of skimmed-milk powder as food aid

(Only the English text is authentic)

(76/253/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 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 740/75⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 180/76 of 28 January 1976⁽³⁾, the Irish intervention agency has invited tenders for the delivery to the United Republic of Tanzania of one lot of 2 000 metric tons of skimmed-milk powder;

Whereas Article 5 of Commission Regulation (EEC) No 2557/74 of 4 October 1974 concerning the invitation to tender for the costs of delivery, as food aid, of skimmed-milk powder to certain third countries⁽⁴⁾, provides that in the light of the tenders received the maximum amount is to be fixed or the tendering procedure is to be cancelled;

Whereas, on the basis of the tenders received, the maximum amount should be that specified below;

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

HAS ADOPTED THIS DECISION :

Article 1

The maximum amount to be set for the purpose of awarding a contract pursuant to Regulation (EEC) No 180/76 shall be 6 226 units of account.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 16 February 1976.

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 21, 29. 1. 1976, p. 5.

⁽⁴⁾ OJ No L 274, 9. 10. 1974, p. 7.

COMMISSION DECISION

of 16 February 1976

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 149/76, the maximum amount for the costs of delivery of butteroil

(Only the German text is authentic)

(76/254/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 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 740/75⁽²⁾, and in particular Article 6 (7) thereof;

Whereas, pursuant to Commission Regulation (EEC) No 149/76 of 23 January 1976⁽³⁾, the German intervention agency has invited tenders for the manufacture and delivery of a lot of 400 metric tons of butteroil for the United Republic of Tanzania, as food aid;

Whereas Article 7 of Commission Regulation (EEC) No 2247/75 of 29 August 1975 on the terms of invitations to tender for the costs of manufacture and delivery of butteroil as food aid to certain developing countries and to the World Food Programme⁽⁴⁾, provides that in the light of the tenders received a maximum amount shall be fixed or alternatively a decision shall be taken to make no award;

Whereas, on the basis of the tenders received, the maximum amount should be that specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 149/76 is fixed at 1 071 450 units of account.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 16 February 1976.

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 15, 24. 1. 1976, p. 14.

⁽⁴⁾ OJ No L 229, 30. 8. 1975, p. 60.

COMMISSION DECISION

of 16 February 1976

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 169/76, the maximum amounts for the costs of delivery of skimmed-milk powder to be purchased on the Community market as food aid

(76/255/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 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 740/75⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 169/76 of 26 January 1976 concerning the issue of an invitation to tender for the supply to UNICEF for use as food aid of skimmed-milk powder to be purchased on the Community market⁽³⁾, the intervention agencies of the Member States have invited tenders for the costs of supplying 665 metric tons of skimmed-milk powder of which 500 metric tons are for Bangladesh and 165 metric tons for the People's Democratic Republic of Yemen ; whereas Article 5 of this Regulation provides that in the light of the tenders received, a maximum amount is to be fixed for each lot put up to tender or the tendering procedure is to be cancelled ;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below ;

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

HAS ADOPTED THIS DECISION :

Article 1

The maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 169/76 shall be as follows :

Lot A :	510 627 units of account,
Lot B :	171 336 units of account.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 February 1976.

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 19, 28. 1. 1976, p. 7.

COMMISSION DECISION

of 16 February 1976

on the supply of skimmed-milk powder to the International Committee of the Red Cross as emergency food aid for Lebanon

(Only the English and the French texts are authentic)

(76/256/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Council Regulation (EEC) No 1827/74 of 11 July 1974 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations⁽³⁾, provides *inter alia* that 3 000 metric tons of skimmed-milk powder shall be made available to the International Committee of the Red Cross (ICRC); whereas the ICRC has requested the supply of 25 metric tons of skimmed-milk powder for Lebanon;

Whereas Article 5 of Council Regulation (EEC) No 1826/74 of 11 July 1974 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations⁽⁴⁾, stipulates that in case of emergency actions the forwarding costs may be determined by a procedure of mutual agreement;

Whereas, in view of the situation in Lebanon and of the need to provide immediate aid, it is necessary to deliver the requested quantity by air; whereas the ICRC shall take in charge the transport by air and shall take delivery of the goods at the airport;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 74, 22. 3. 1975, p. 1.

⁽³⁾ OJ No L 190, 13. 7. 1974, p. 22.

⁽⁴⁾ OJ No L 190, 13. 7. 1974, p. 20.

Article 1

1. In accordance with the provisions of Regulations (EEC) No 1826/74 and (EEC) No 1827/74, 25 metric tons of skimmed-milk powder bought in pursuant to Article 7 of Regulation (EEC) No 804/68 shall be delivered to the ICRC for Lebanon.

2. The skimmed-milk powder shall satisfy, as regards quality and packing, the requirements laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 concerning the methods of public storage of skimmed-milk powder⁽⁵⁾, as last amended by Regulation (EEC) No 1457/75⁽⁶⁾,

The packing of the skimmed-milk powder shall bear a red cross 10 cm × 10 cm and shall be marked with the following words in letters at least one centimetre high: 'Lait écrémé en poudre — Don de la Communauté économique européenne — Action du Comité international de la Croix-Rouge — À distribuer gratuitement'.

Article 2

1. The skimmed-milk powder shall be taken from:

- the intervention agency of the United Kingdom as regards a quantity of 15 metric tons,
- the French intervention agency as regards a quantity of 10 metric tons.

The intervention agency concerned shall supply 2 % extra empty bags.

2. The delivery shall take place as soon as possible:

- for a 15 metric tons quantity at the London airport,
- for a 10 metric tons quantity at the airport in Paris.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁶⁾ OJ No L 145, 6. 6. 1975, p. 17.

Article 3

1. The amount covering the delivery costs from the storage depot of the intervention agency to the stage free airport shall be determined by the intervention agency concerned by mutual agreement on the least onerous terms possible.
2. The intervention agencies shall immediately forward to the Commission a copy of the private contracts.

Article 4

1. The ICRC shall bear all costs subsequent to delivery of the goods including the costs of taking over the goods.
2. A delivery certificate shall be issued on delivery by the receiving agent nominated by the ICRC.

Article 5

No refund or compensatory amount (whether monetary or accession) shall be granted in respect of the skimmed-milk powder delivered pursuant to this Decision.

Article 6

This Decision is addressed to the United Kingdom and to the French Republic.

Done at Brussels, 16 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission
