

Official Journal

of the European Communities

Volume 19 No L 231

21 August 1976

English Edition

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(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 July 1976

amending the Decision of 28 June 1976 on a temporary derogation as regards the denaturation of skimmed-milk powder pursuant to Regulation (EEC) No 753/76

(Only the English text is authentic)

(76/670/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies and for use in feedingstuffs⁽¹⁾, and in particular Article 9 (1) thereof,

Whereas the Commission Decision of 28 June 1976 on a temporary derogation as regards the denaturation of skimmed-milk powder pursuant to Regulation (EEC) No 753/76⁽²⁾, has authorized the United Kingdom to allow on a trial basis, until 10 July 1976, a supplementary denaturing formula; whereas the examination of this formula, in view of its general admittance, makes a short additional period necessary; whereas it is therefore necessary to extend the derogation in question;

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

Article 1 of the Decision of 28 June 1976 is amended as follows:

1. in paragraph 1, the quantity '1 000 metric tons' is replaced by '1 500 metric tons';
2. in paragraph 2, the date '10 July 1976' is replaced by '24 July 1976'.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 14 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 18.

⁽²⁾ OJ No L 192, 16. 7. 1976, p. 34.

COMMISSION DECISION

of 16 July 1976

authorizing the Grand Duchy of Luxembourg to waive the provisions relating to
the wrapping of beef quarters subject to intervention measures

(Only the French text is authentic)

(76/671/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
805/68 of 27 June 1968 on the common organization
of the market in beef and veal⁽¹⁾, as last amended by
Regulation (EEC) No 568/76⁽²⁾, and in particular
Article 6 (5) thereof,

Whereas the second subparagraph of Article 4 (2) of
Commission Regulation (EEC) No 1896/73 of 13 July
1973 on detailed rules for the application of interven-
tion measures on the market in beef⁽³⁾, as last
amended by Regulation (EEC) No 1333/76⁽⁴⁾, lays
down the wrapping requirements for meat in quarters
subject to intervention measures; whereas the same
subparagraph provides that Member States may be
authorized to use wrappings other than polythene and
cotton (stockinette) coverings where necessary;

Whereas the Grand Duchy of Luxembourg has
requested authorization to use a wrapping comprising
two cotton (stockinette) coverings; whereas that wrap-
ping may be considered as equivalent to the normal
wrapping provided for in Regulation (EEC) No
1896/73; whereas the Grand Duchy of Luxembourg
should therefore be authorized to waive the provisions
of the first sentence of the second subparagraph of
Article 4 (2) of Regulation (EEC) No 1896/73;

Whereas the measures provided for in this Decision
are in accordance with the opinion of the Manage-
ment Committee for Beef and Veal,

HAS ADOPTED THIS DECISION:

Article 1

Beef quarters held in intervention storage in the
Grand Duchy of Luxembourg may be wrapped in two
cotton (stockinette) coverings which meet the
following requirements:

(a) for forequarters the dimensions shall be:

- nominal width: 60 cm,
- nominal length: 160 cm;

for hindquarters the dimensions shall be:

- nominal width: 46 cm,
- nominal length: 190 cm;

(b) quality of yarn: 40 000 m per kg.

Article 2

This Decision is addressed to the Grand Duchy of
Luxembourg.

Done at Brussels, 16 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 28.

⁽³⁾ OJ No L 193, 14. 7. 1973, p. 18.

⁽⁴⁾ OJ No L 151, 10. 6. 1976, p. 7.

COMMISSION DECISION

of 16 July 1976

fixing the maximum export refund for milled long grain rice under the invitation to tender issued in Regulation (EEC) No 358/76

(76/672/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EEC) No 358/76 of 19 February 1976 on an invitation to tender for the levy and/or refund for the export of milled long grain rice to certain third countries⁽³⁾, as amended by Regulation (EEC) No 1458/76⁽⁴⁾, and in particular Articles 10 (1) and 11 thereof,

Whereas an invitation to tender for the export levy and/or refund on milled long grain rice was issued in Regulation (EEC) No 358/76; whereas the notice of invitation to tender⁽⁵⁾, as last amended 25 June 1976⁽⁶⁾, associated with this Regulation specified that the total tonnage for which the export levy and/or refund could be fixed was approximately 45 000 metric tons;

Whereas Article 10 (1) of Regulation (EEC) No 358/76 allows the Commission in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76, 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 (EEC) No 1431/76; whereas Article 10 (2) of Regulation (EEC) No 358/76 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 1 100 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 15 July 1976 is hereby fixed at 106.22 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, 16 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽³⁾ OJ No L 44, 20. 2. 1976, p. 13.

⁽⁴⁾ OJ No L 163, 24. 6. 1976, p. 15.

⁽⁵⁾ OJ No C 41, 21. 2. 1976, p. 5.

⁽⁶⁾ OJ No C 144, 25. 6. 1976, p. 8.

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	= 0.170552	u.a.
1 £	= 1.45164	u.a.
100 Lit	= 0.0965573	u.a.

COMMISSION DECISION

of 16 July 1976

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

(Only the French text is authentic)

(76/673/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

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 559/76⁽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* for 3 000 metric tons of skimmed-milk powder to be made available to the International Committee of the Red Cross (ICRC); whereas the ICRC has requested the supply of 30 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 the case of emergency actions the forwarding costs may be determined by a procedure of mutual agreement;

Whereas, in view of the need for quick aid it is apparent that mutual agreement must be sought in respect of this delivery for the forwarding of skimmed-milk powder by air to the airport of destination;

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

1. In accordance with Regulations (EEC) No 1826/74 and (EEC) No 1827/74, 30 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 be collected from the Luxembourg intervention agency. This delivery shall be accompanied with a supplementary 2 % of empty bags.

3. The skimmed-milk powder shall, as regards quality and packaging, satisfy 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 × 10 cm and be marked in letters at least 1 cm 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. Delivery shall be effected at Larnaca airport (Cyprus).

2. The recipient organization shall bear all costs incurred after delivery including the costs of unloading.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 190, 13. 7. 1974, p. 22.

⁽⁴⁾ OJ No L 190, 13. 7. 1974, p. 20.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁶⁾ OJ No L 145, 6. 6. 1975, p. 17.

3. Delivery shall be completed as soon as possible.

Article 5

4. A certificate proving the taking of the goods shall be delivered on delivery by the receiving agent designated by the recipient organization.

This Decision is addressed to the Grand Duchy of Luxembourg.

Article 3

1. Private contract or contracts shall be negotiated on the best terms possible by the Luxembourg intervention agency for the costs of transport relating to the delivery in question.

2. The intervention agency shall send immediately to the Commission a copy of the private contract or contracts.

Done at Brussels, 16 July 1976.

Article 4

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

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION DECISION

of 19 July 1976

derogating from High Authority recommendation 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community

(81st derogation)

(76/674/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to High Authority recommendation 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, and in particular Article 3 thereof,

Whereas by the Decisions of 29 June 1976, the representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council decided in agreement with the Commission to suspend autonomously, for a period commencing on 1 July 1976 and continuing until 30 June 1977 at the latest, the import duties on products covered by the Treaty originating in the People's Democratic Republic of Algeria, in the Kingdom of Morocco, and in the Republic of Tunisia;

Whereas Agreements between the Member States of the European Coal and Steel Community and the countries mentioned above were signed on 26 April 1976, 27 April 1976, and 25 April 1976 respectively;

Whereas the purpose of the Decisions mentioned above was to implement with effect from the date originally envisaged the tariff suspensions resulting from these Agreements;

Whereas notification of completion of the procedures required to bring these Agreements into force has in fact not yet been made;

Whereas the products affected include pig-iron, high carbon ferro-manganese and the iron and steel products falling within Chapter 73 of the Customs Tariff, for which minimum duties were established by High Authority recommendation 1/64 and by the instruments amending it; whereas, however, in respect of special cases, such as where commercial policy or customs procedure so requires, Article 3 of the recommendation makes provision for derogations

from the minimum rates, such derogations to be made by a Commission Decision; whereas such a special commercial policy situation arises from the conclusion of trade agreements or from the adoption of autonomous decisions implementing on the prescribed date the provisions thereof relating to tariffs,

HAS ADOPTED THIS DECISION:

Article 1

The Member States are authorized to derogate from the obligations arising under High Authority recommendation 1/64 to the extent necessary for the application of the suspension, pursuant to the Decisions of 29 June 1976 of the representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council, of the duties on imported iron and steel products originating in the People's Democratic Republic of Algeria, in the Kingdom of Morocco, and in the Republic of Tunisia, as specified in the Agreements signed with these countries on 26 April 1976, 27 April 1976 and 25 April 1976 respectively.

Article 2

This Decision shall apply in respect of products originating in each of the abovementioned third countries until the entry into force of the Agreement signed with that country, or until 30 June 1977, whichever is the sooner.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 July 1976.

For the Commission

Christopher SOAMES

Vice-President

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

COMMISSION DECISION

of 19 July 1976

recognizing the scientific character of the apparatus known as 'Sounding Rocket Super ARCAS type 1, Marc 60 A2'

(76/675/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75⁽²⁾, and in particular Article 5 thereof,

Whereas by letter dated 10 March 1976 the French Government requested the Commission to determine whether or not the apparatus known as 'Sounding Rocket Super ARCAS type 1, Marc 60 A2' should be considered to be a scientific apparatus;

Whereas, in accordance with Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 12 July 1976 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the sounding rocket concerned is not used for weather forecasting, but is exclusively used in the study of phenomena

taking place in the high atmosphere, in particular wind direction, thermic exchanges and solar rays, with a view to the investigation of the possible influence of these phenomena on variations in the weather; whereas the characteristics of this sounding rocket and the use for which it is intended make it an item of equipment specially adapted to scientific research for meteorological purposes; whereas therefore it possesses the character of a scientific apparatus,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus known as 'Sounding Rocket Super ARCAS type 1, Marc 60 A2' is hereby considered to be a scientific apparatus.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 July 1976.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

COMMISSION DECISION**of 20 July 1976****on the reform of agricultural structures in Belgium pursuant to Council Directive 72/159/EEC****(Only the French and Dutch texts are authentic)****(76/676/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms⁽¹⁾, and in particular Article 18 (3) thereof,

Whereas on 26 April 1976 the Belgian Government, pursuant to Article 17 (4) of Directive 72/159/EEC, notified a ministerial decree of 24 February 1976 on the modernization of farms specifying comparable income, rate of income growth and average rate of interest on investments in Belgium for 1976;

Whereas Article 18 (3) of Directive 72/159/EEC requires the Commission to determine whether, having regard to the abovementioned ministerial decree, the existing provisions for the implementation in Belgium of the Directive, which form the subject of Commission Decision 75/6/EEC of 27 November 1974 on the reform of agricultural structures in Belgium pursuant to Directives 72/159/EEC and 72/160/EEC⁽²⁾, continue to satisfy the conditions for financial contribution by the Community to common measures within the meaning of Article 15 of Directive 72/159/EEC;

Whereas the provisions of the ministerial decree specifying the comparable income, rate of income growth and average interest rates on Belgian investments for 1976 correspond to the objectives of Article 4 of Directive 72/159/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

The provisions for the implementation of Directive 72/159/EEC notified by the Belgian Government on 16 July 1974, as now applicable in the light of the ministerial decree of 24 February 1976 on the modernization of farms notified on 26 April 1976, continue to satisfy the conditions for financial contribution by the Community to common measures within the meaning of Article 15 of Directive 72/159/EEC.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 20 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 2, 4. 1. 1975, p. 30.

COMMISSION DECISION

of 20 July 1976

derogation from High Authority recommendation 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community

(80th derogation)

(76/677/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to High Authority recommendation 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, and in particular Article 3 thereof,

Whereas by the Decision of 26 June 1975, the representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council decided in agreement with the Commission, to suspend autonomously, for a period commencing on 1 July 1975 and continuing until 30 June 1976 at the latest, the import duties or the levying thereof on products covered by the Treaty originating in the State of Israel;

Whereas by the Decision of 29 June 1976, the representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council decided in agreement with the Commission to continue the application of that Decision until the entry into force of the Agreement signed on 11 May 1975 between the State of Israel and the Member States of the Community, hereinafter called 'the Agreement', and at the latest until 31 December 1976;

Whereas Commission Decision 75/429/ECSC of 8 July 1975⁽²⁾ authorized the implementation of the measures set out in the Decision of 26 June 1975 for the period until 30 June 1976;

Whereas the application of the Decision of 8 July 1975 should continue until the entry into force of the Agreement and at the latest until 31 December 1976,

HAS ADOPTED THIS DECISION:

Article 1

The application of Commission Decision 75/429/ECSC of 8 July 1975 is extended until the entry into force of the Agreement and at the latest until 31 December 1976.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1976.

For the Commission

Christopher SOAMES

Vice-President

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

⁽²⁾ OJ No L 186, 17. 7. 1975, p. 33.

COMMISSION RECOMMENDATION

of 20 July 1976

**addressed to the Government of the Kingdom of Denmark on certain provisions
of a draft law on road passenger transport operations**

(76/678/EEC)

In its recommendation of 16 March 1976⁽¹⁾ addressed to the Government of the Kingdom of Denmark, the Commission noted among other things that the draft law submitted to it for prior consultation, pursuant to the Council Decision of 21 March 1962⁽²⁾, as amended by the Council Decision of 22 November 1973⁽³⁾, also included measures intended to implement the Council Directive of 12 November 1974 on admission to the occupation of road passenger transport operator in national and international transport operations⁽⁴⁾. The Commission stated that the Articles particularly concerned were Articles 12, 13, 14, 15 and 16 and that on these provisions, which were to be submitted to the Commission for purposes of consultation pursuant to Article 6 of the abovementioned Directive, it proposed to deliver its opinion at a later date.

In the meantime, the Permanent Representative of the Kingdom of Denmark to the European Communities has requested that the submission to the Commission of the abovementioned Articles of the draft law should be taken as constituting prior consultation with the Commission within the meaning of Article 6 of the Directive of 12 November 1974.

As regards the content of the abovementioned Articles of the Danish draft law, the Commission recommends as follows:

1. Just as in paragraph 1 of its recommendation of 16 March 1976 the Commission expressed the opinion that the other provisions of the draft law submitted to it for prior consultation pursuant to the aforesaid Council Decision concern the carriage of passengers by road in national transport operations, the Commission considers that Articles 12, 13, 14, 15 and 16 of the said draft law cover the carriage of passengers by road in national transport and aim particularly to lay down certain conditions for access to the occupation of transport operator.

In this connection, the Commission reminds the Danish Government that the provisions to be made by Member States to implement the Directive of 12 November 1974 should also cover the conditions of access to the occupation of road passenger transport operator in international transport operations.

2. The Commission observes that, under Article 12 (1) of the Danish draft law, the Ministry of Public Works will lay down the conditions regarding qualifications which an applicant must fulfil in order to obtain a licence. In this connection the Commission would remind the Danish Government that pursuant to Article 2 (1) of the said Council Directive these conditions must relate to the good repute, financial standing and professional competence of the applicant and that, pursuant to the provisions of Article 6 (1) of that Directive, the relevant measures must be adopted after consulting the Commission and before 1 January 1977.

The Commission would draw the attention of the Danish Government to the fact that, in view of the foregoing, provision should be made for refusal of a licence — to which Article 12 (2) of the draft law refers — not merely where the condition as to good repute is not fulfilled but also where any one of the three conditions listed above is not fulfilled.

The Commission also observes that the same provision of the draft law providing for the refusal of a licence to an applicant not fulfilling the condition as to good repute does not mention the obligation of the competent authority to state the reasons for its decision, as required by Article 5 (1) of the Directive of 22 November 1974.

The Commission therefore recommends that the Danish Government add to its draft law what is necessary to make good this deficiency.

3. The Commission notes that Article 13 of the draft law makes provision for the withdrawal of a licence only where an operator no longer fulfils the condition as to good repute. Referring to the first subparagraph of paragraph 2 above, the Commission reminds the Danish Government that it is also necessary to make provision for the withdrawal of licences where operators no longer fulfil the conditions as to financial standing and/or professional competence.

4. The Commission notes that Article 14 of the draft sets out the remedies available to an operator if he has been served with a decision withdrawing his licence in a specific case.

⁽¹⁾ OJ No L 84, 31. 3. 1976, p. 57.

⁽²⁾ OJ No 23, 3. 4. 1962, p. 720/62.

⁽³⁾ OJ No L 347, 17. 12. 1973, p. 48.

⁽⁴⁾ OJ No L 308, 19. 11. 1974, p. 23.

The Commission reminds the Danish Government that, under Article 5 (3) of the Directive of 12 November 1974, Member States must provide the parties concerned with the opportunity to defend their interests in all cases where a licence is withdrawn or an application for access to the occupation of road passenger transport operator is rejected. The Commission therefore recommends that the Danish Government supplement accordingly Article 14 of its draft law.

5. The Commission notes that Article 15 of the draft law regulates only the conditions under which an undertaking may continue to operate provisionally after the death of the operator. In this connection the Commission points out that under Article 3 (1) of the Directive of 12 November 1974, the Member States must also determine the circumstances in which an undertaking may be operated on a temporary basis in the event of the physical or legal incapacity of the

natural person engaged in the occupation of transport operator, or of the natural person who satisfies the provisions of Article 2 (1) (a) (c) of the said Directive.

The Commission therefore recommends that the Danish Government supplement accordingly Article 15 of its draft law.

6. The Commission observes that the draft law does not include any provisions for checking compliance with the Articles concerned and accordingly recommends that the Danish Government, after consulting the Commission, make good this deficiency.

Done at Brussels, 20 July 1976.

For the Commission

Carlo SCARASCIA MUGNOZZA

Vice-President

COMMISSION DECISION

of 20 July 1976

concerning the issue of import licences for beef and veal products originating in
Botswana, Kenya, Madagascar and Swaziland

(76/679/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3328/75 of 18 December 1975 renewing the arrange-
ments for the reduction of import charges on beef and
veal products originating in the African, Caribbean
and Pacific States⁽¹⁾, as last amended by Regulation
(EEC) No 1466/76⁽²⁾, and in particular Article 3
thereof,

Whereas Regulation (EEC) No 3328/75 provides that :
import licences may be issued for beef and veal
products ; whereas, however, the quantities imported
must remain within the limits laid down for each for
the exporting non-member countries in question ;

Whereas the quantities covered by the licence applica-
tions submitted from 1 to 10 July 1976, expressed in
terms of boned meat, in accordance with Article 1 of
Commission Regulation (EEC) No 3376/75 of 23
December 1975 laying down rules for the application
of Council Regulation (EEC) No 3328/75⁽³⁾, as
amended by Regulation (EEC) No 1501/76⁽⁴⁾, are
lower for products originating in Botswana, Kenya
and Swaziland than the quantities available for those
States ; whereas it is possible, therefore, to issue
import licences for all the quantities applied for and
at the same time to specify the quantities outstanding,
in respect of which applications may be submitted
from 1 August 1976,

HAS ADOPTED THIS DECISION :

Article 1

Import licences as provided for in Regulation (EEC)
No 3376/75 shall be issued for all the quantities for
which applications for licences were submitted from 1
to 10 July 1976 in respect of products from Botswana,
Kenya and Swaziland.

Article 2

Applications for licences may be submitted, in accor-
dance with Article 2 (3) of Regulation (EEC) No
3376/75, during the first 10 days of August 1976 for
the following quantities of beef and veal expressed in
terms of boned meat :

— Botswana	4 166.6 metric tons,
— Kenya	130.0 metric tons,
— Madagascar	2 203.5 metric tons,
— Swaziland	1 019.7 metric tons.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No L 329, 23. 12. 1975, p. 4.

(2) OJ No L 165, 25. 6. 1976, p. 9.

(3) OJ No L 333, 30. 12. 1975, p. 44.

(4) OJ No L 167, 26. 6. 1976, p. 35.

COMMISSION DECISION

of 20 July 1976

fixing the minimum selling price for butter for the 32nd individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 232/75

(76/680/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 559/76⁽²⁾, and in particular Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream⁽³⁾, as last amended by Regulation (EEC) No 2714/72⁽⁴⁾, and in particular Article 7a thereof,

Whereas, pursuant to Commission Regulation (EEC) No 232/75 of 30 January 1975 on the sale of butter at reduced prices for use in the manufacture of pastry products and ice cream⁽⁵⁾, as last amended by Regulation (EEC) No 1724/76⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

Whereas Article 9 of that Regulation provides that, in the light of the tenders received, a minimum selling price must be fixed which may vary according to the use to which the butter is to be put and according to the fat content of the butter; whereas alternatively a decision may be taken not to proceed with the invita-

tion to tender; whereas the amount of the processing security must be fixed in the light of the difference between the minimum selling price and the market price of the butter;

Whereas Commission Regulation (EEC) No 777/76 of 5 April 1976⁽⁷⁾, reduces the scope of Regulation (EEC) No 232/75 to the butter to be used when processed into pastry products (formula A);

Whereas, in the light of the tenders received in response to the 32nd individual invitation to tender, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly;

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

For the 32nd individual invitation to tender under Regulation (EEC) No 232/75, in respect of which the time limit for the submission of tenders expired on 13 July 1976, the minimum selling price and, without prejudice to the provisions of the second subparagraph of Article 12 (1) of the said Regulation, the processing security shall be as follows:

Fat content of the butter	Use to which the butter is to be put (Article 6 (1) (c) of Regulation (EEC) No 232/75)	Minimum selling price in u.a. per 100 kg butter	Processing security in u.a. per 100 kg butter
82 % or more	Formula A	85	154

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 July 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 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 24, 31. 1. 1975, p. 45.

⁽⁶⁾ OJ No L 193, 17. 7. 1976, p. 17.

⁽⁷⁾ OJ No L 91, 6. 4. 1976, p. 13.

COUNCIL DIRECTIVE

of 22 July 1976

amending the Directive of 1 February 1972 fixing standard rates of yield for certain inward processing operations

(76/681/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Council Directive of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing ⁽¹⁾, as last amended by the Directive of 18 December 1975 ⁽²⁾, and in particular Article 12 thereof,

Whereas Annex I to the Commission Directive of 1 February 1972 fixing standard rates of yield for certain inward processing operations ⁽³⁾, fixes, in particular, standard rates of yield for the processing of certain agricultural products into sorbitol as part of the inward arrangements;

Whereas certain varieties of sorbitol have been excluded from subheading 29.04 C III of the Common Customs Tariff and have been classified under subheading 38.19 T by Council Regulation No 3058/75 of 24 November 1975 amending Regulations (EEC) No 1059/69, (EEC) No 1060/69, (EEC) No 2682/72, (EEC) No 2727/75, (EEC) No 3330/74, (EEC) No 765/68 and (EEC) No 950/68 as regards the classification in the Common Customs Tariff of certain types of sorbitol ⁽⁴⁾;

Whereas subheading 38.19 T should be included in Annex I to the Directive of 1 February 1972, while maintaining the standard rates of yield which have applied so far to these goods;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for Customs Processing Systems,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Anex I to the Commission Directive of 1 February 1972 is hereby replaced by the Annex hereto.

Article 2

1. Member States shall bring into force the measures required to comply with this Directive not later than 30 September 1976 and shall notify the Commission thereof immediately.

2. The Commission shall communicate the information to the other Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 22 July 1976.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 58, 8. 3. 1969, p. 1.

⁽²⁾ OJ No L 24, 30. 1. 1976, p. 58.

⁽³⁾ OJ No L 45, 21. 2. 1972, p. 10.

⁽⁴⁾ OJ No L 306, 26. 11. 1975, p. 3.

ANNEX I

INWARD PROCESSING ARRANGEMENTS

GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL
PRODUCTS AND NOT COVERED BY ANNEX II TO THE TREATY

(Regulation (EEC) No 2682/72)

Standard rates of yield

Description and quantity of imported products		Compensating products		Quantity of compensating products
1		2		3
10.01 B	Durum wheat and meslin (100 kg)	19.03 B I	Other pasta containing no common wheat flour or meal, with an ash content in the dry matter : — <i>Not exceeding 0.95 % :</i> (a) <i>Pasta</i> (b) Coarse flour (c) Bran or bran flour	60 kg 15 kg 20 kg
			— <i>0.95 % or more but not exceeding 1.30 % :</i> (a) <i>Pasta</i> (b) Coarse flour (c) Bran or bran flour	66.6 kg 8 kg 20 kg
10.05 B	Other maize (100 kg)	29.04 C III a) 1 or a) 2 or 38.19 T	— <i>1.30 % or more :</i> (a) <i>Pasta</i> (b) Bran or bran flour	75 kg 19 kg
			<i>Sorbitol in aqueous solution :</i> Sorbitol NC 70 % Draff or draff gluten Maize oil Maize meal or <i>Sorbitol in aqueous solution :</i> Sorbitol C 70 % Draff or draff gluten Maize oil Maize meal or	65.9 kg ⁽¹⁾ 24 kg 19.5 kg 4.5 kg 2.9 kg 3.2 kg 57.9 kg ⁽²⁾ 24 kg 19.5 kg 4.5 kg 2.9 kg 3.2 kg

⁽¹⁾ For sorbitol NC of a concentration other than 70 %, the quantity to be shown is 46.1 kg of sorbitol anhydrate per 100 kg of maize.⁽²⁾ For sorbitol C of a concentration other than 70 %, the quantity to be shown is 40.5 kg of sorbitol anhydrate per 100 kg of maize.

Description and quantity of imported products		Compensating products		Quantity of compensating products
1		2		3
10.05 B (cont'd)		29.04 C III b) 1 or b) 2 or 38.19 T	Other sorbitol: Sorbitol in powder Draff or draff gluten Maize oil Maize meal	40.7 kg 24 kg 19.5 kg 4.5 kg 2.9 kg 3.2 kg
10.06 A II b)	Long grain husked rice (100 kg)	ex 21.07 A II	Pre-cooked rice ⁽¹⁾	57.47 kg
10.06 B II a)	Round grain bleached rice (100 kg)	ex 19.05 B	'Puffed rice'	60.6 kg
10.06 B II b)	Long grain bleached rice (100 kg)	ex 21.07 A II	Pre-cooked rice ⁽¹⁾	84 kg
11.08 A IV	Potato starch (100 kg)	29.04 C III a) 1 or a) 2 or 38.19 T 29.04 C III a) 1 or a) 2 or 38.19 T 29.04 C III b) 1 or b) 2 or 38.19 T	Sorbitol in aqueous solution: Sorbitol NC 70 % or Sorbitol in aqueous solution: Sorbitol C 70 % or Other Sorbitol: Sorbitol in powder	98.72 kg ⁽²⁾ 86.73 kg ⁽³⁾ 60.97 kg
ex 11.08 A V	Sago starch (100 kg)	29.04 C III a) 1 or a) 2 or 38.19 T 29.04 C III a) 1 or a) 2 or 38.19 T 29.04 C III b) 1 or b) 2 or 38.19 T	Sorbitol in aqueous solution: Sorbitol NC 70 % or Sorbitol in aqueous solution: Sorbitol C 70 % or Other Sorbitol Sorbitol in powder	95.53 kg ⁽⁴⁾ 83.94 kg ⁽⁵⁾ 59 kg
ex 11.08 A V	Manioc starch (100 kg)	29.04 C III a) 1 or a) 2 or 38.19 T 29.04 C III a) 1 or a) 2 or 38.19 T	Sorbitol in aqueous solution: Sorbitol NC 70 % or Sorbitol in aqueous solution: Sorbitol C 70 % or	106.12 kg ⁽⁶⁾ 93.24 kg ⁽⁷⁾

⁽¹⁾ Pre-cooked rice is constituted by bleached rice in grains undergoing a pre-cooking and partial dehydration intended to facilitate final cooking.

⁽²⁾ For sorbitol NC of a concentration other than 70 %, the quantity shown is 69.1 kg of sorbitol anhydrate per 100 kg of potato starch.

⁽³⁾ For sorbitol C of a concentration other than 70 %, the quantity to be shown is 60.7 kg of sorbitol anhydrate per 100 kg of potato starch.

⁽⁴⁾ For sorbitol NC of a concentration other than 70 %, the quantity to be shown is 66.9 kg of sorbitol anhydrate per 100 kg of sago starch.

⁽⁵⁾ For sorbitol C of a concentration other than 70 %, the quantity to be shown is 58.8 kg of sorbitol anhydrate per 100 kg of sago starch.

⁽⁶⁾ For sorbitol NC of a concentration other than 70 %, the quantity to be shown is 74.3 kg of sorbitol anhydrate per 100 kg of manioc starch.

⁽⁷⁾ For sorbitol C of a concentration other than 70 %, the quantity to be shown is 65.3 kg of sorbitol anhydrate per 100 kg of manioc starch.

Description and quantity of imported products		Compensating products		Quantity of compensating products
1		2		3
ex 11.08 A V (cont'd)		29.04 C III b) 1 or b) 2 or 38.19 T	<i>Other Sorbitol:</i> Sorbitol in powder	65.54 kg
ex 17.01	White sugar (100 kg)	29.04 C II 29.04 C III a) 2 or 38.19 T 29.04 C II 29.04 C III b) 2 or 38.19 T	<i>Mannitol and Sorbitol:</i> Mannitol Sorbitol C 70 % or Mannitol Sorbitol in powder	16 kg 111.4 kg ⁽¹⁾ 16 kg 78 kg
17.03	Molasses, whether or not decolorized (100 kg)	21.06 A II a) 21.06 A II b)	Dried baker's yeasts Other baker's yeasts	23.5 kg ⁽²⁾ 80 kg ⁽³⁾

⁽¹⁾ For sorbitol C of a concentration other than 70 %, the quantity to be shown is 78 kg of sorbitol anhydrate per 100 kg of white sugar.

⁽²⁾ Yield fixed for baker's yeast with a content in the dry matter of 95 % obtained from sugar beet molasses brought to 48 % of total sugar, or of cane molasses brought to 52 % total sugar. For baker's yeasts with a different content in the dry matter, the quantity to be shown is 22.4 kg of yeast anhydrate per 100 kg of beet molasses brought to 48 % of total sugar, or of cane molasses brought to 52 % of total sugar.

⁽³⁾ Yield fixed for baker's yeast content in the dry matter of 28 % obtained from beet molasses brought to 48 % of total sugar, or of cane molasses brought to 52 % of total sugar. For baker's yeasts with a different content in the dry matter, the quantity to be shown is 22.4 kg of yeast anhydrate per 100 kg of beet molasses brought to 48 % of total sugar, or of cane molasses brought to 52 % of total sugar.

COMMISSION DECISION

of 23 July 1976

on the supply of vitaminized skimmed-milk powder bought on the Community market for Zaire as emergency food aid

(Only the French and Dutch texts are authentic)

(76/682/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 559/76 ⁽²⁾, and in particular Articles 7 (5) and 28 thereof,

Having regard to Council Regulation (EEC) No 1347/75 of 26 May 1975 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1975 programme ⁽³⁾, and in particular Article 6 thereof,

Whereas Council Regulation (EEC) No 1348/75 of 26 May 1975 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1975 programme ⁽⁴⁾, provides for a reserve stock of 3 800 metric tons of skimmed-milk powder; whereas, according to Council Regulation (EEC) No 1436/76 of 18 June 1976 on the supply of skimmed-milk powder as food aid to the Republic of Zaire for the population of the Lake Kivu area under Regulation (EEC) No 1348/75 ⁽⁵⁾, six metric tons of this reserve stock shall be allocated to the Republic of Zaire for the people of the Lake Kivu area; whereas the Republic of Zaire has requested the delivery of the abovementioned quantity of vitaminized skimmed-milk powder;

Whereas Article 2 (2) of Regulation (EEC) No 1347/75 provides that, if the quantities of skimmed-milk powder in public stocks do not have the characteristics necessary for their particular destination where this requires, in particular, the addition of vitamins, the supply shall be ensured by the buying-in of skimmed-milk powder on the Community market;

Whereas Article 5 of Regulation (EEC) No 1347/75 provides that the forwarding costs may be determined

by a procedure of mutual agreement in the case of emergency actions;

Whereas, in view of the need to provide immediate help, a contract by mutual agreement should be negotiated for this supply;

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

1. In accordance with the provisions of Regulations (EEC) No 1347/75, (EEC) No 1348/75 and (EEC) No 1436/76, the Belgian intervention agency shall proceed to the delivery at the airport of Bukavu of a lot of six metric tons of vitaminized skimmed-milk powder bought on the Community market for Zaire.
2. The skimmed-milk powder shall meet the requirements laid down in the Annex to this Decision for quality and packaging.
3. The supplier appointed by the private contract specified in Article 3 shall supply 5 % extra empty bags identical to those containing the goods.

Article 2

1. Delivery 'at airport' shall be completed when the goods are actually deposited at the airport of destination.
2. The country of destination shall bear all costs incurred after delivery, including acceptance costs. Any costs resulting from delays in taking over the goods attributable to the country of destination shall be borne by the latter.
3. An acceptance certificate shall be issued on delivery by the recipient agent appointed by the country of destination.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 138, 29. 5. 1975, p. 1.

⁽⁴⁾ OJ No L 138, 29. 5. 1975, p. 3.

⁽⁵⁾ OJ No L 160, 22. 6. 1976, p. 1.

4. Loading shall take place as soon as possible.

Article 3

1. The amount covering the costs of delivery at airport of Bukavu as specified in Article 1 (1), including insurance costs, shall be determined by the intervention agency concerned by a procedure of mutual agreement on the least onerous terms possible.

2. The intervention agency shall send immediately to the Commission a duplicate of the private contract.

Article 4

The Belgian Government:

1. shall make sure that the agent designated in the private contract communicates to the country of destination, as soon as possible, a notice indicating the date and the place of loading, the quantity and quality of the goods as recorded on shipment, and the unloading airport;

2. shall provide the Commission, as soon as possible, with the information specified in paragraph 1.

Article 5

No refund or compensatory amount (whether monetary or accession) shall be applied to the skimmed-milk powder specified in this Decision.

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 23 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX**I. Skimmed-milk powder requirements**

(a) fat content :	1.5 % maximum
(b) water content :	4.0 % maximum
(c) total acidity in lactic acid :	0.15 % maximum (18° Dornic)
(d) test for neutralization agents :	negative
(e) authorized additives :	none
(f) phosphatase test :	negative
(g) solubility :	0.5 ml maximum (99 % minimum)
(h) degree of purity :	disc B (15.0 mg minimum)
(i) germ content :	50 000 per g maximum
(k) colon bacillus titer :	negative in 0.1 g
(l) taste and smell :	clean
(m) appearance :	white or slightly yellowish colour, free from impurities or coloured particles
(n) vitamin enrichment	
(aa) vitamin A :	5 000 i.u. per 100 g
(bb) vitamin D :	500 i.u. per 100 g.

II. Packing

- (a) New bags of a net weight content of 25 kg (5 % empty bags).
- (b) Composition :
 - four Kraft paper bags of a strength representing at least 70 g/m² ;
 - one interposed tar-lined paper bag, of a strength representing at least 140 g/m² or one Kraft paper bag with polyethylene layer, of a strength representing at least 70 g + 15 g/m² ;
 - one polyethylene inner bag at least 0.08 mm thick double bound.
- (c) The following marking to appear on the packaging in letters at least 1 cm high :

'Lait écrémé en poudre enrichi de vitamines A et D — Don de la Communauté économique européenne à la republique du Zaïre — À distribuer gratuitement.'

COMMISSION DECISION

of 23 July 1976

fixing the maximum export refund for milled long grain rice under the invitation to tender issued in Regulation (EEC) No 358/76

(76/683/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EEC) No 358/76 of 19 February 1976 on invitation to tender for the levy and/or the refund for the export of milled long grain rice to certain third countries⁽³⁾, as amended by Regulation (EEC) No 1458/76⁽⁴⁾, and in particular Articles 10 (1) and 11 thereof,

Whereas an invitation to tender for the export levy and/or refund on milled long grain rice was issued in Regulation (EEC) No 358/76; whereas the notice of invitation to tender⁽⁵⁾, as last amended 25 June 1976⁽⁶⁾, associated with this Regulation specified that the total tonnage for which the export levy and/or refund could be fixed was approximately 45 000 metric tons;

Whereas Article 10 (1) of Regulation (EEC) No 358/76 allows the Commission in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76, 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 (EEC) No 1431/76; whereas Article 10 (2) of Regulation (EEC) No 358/76 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 2 535 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 22 July 1976 is hereby fixed at 108.15 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, 23 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽³⁾ OJ No L 44, 20. 2. 1976, p. 13.

⁽⁴⁾ OJ No L 163, 24. 6. 1976, p. 15.

⁽⁵⁾ OJ No C 41, 21. 2. 1976, p. 5.

⁽⁶⁾ OJ No C 144, 25. 6. 1976, p. 8.

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	= 0.166227	u.a.
1 £	= 1.45164	u.a.
100 Lit	= 0.0965573	u.a.

COMMISSION DECISION

of 26 July 1976

relating to a proceeding under Article 85 of the EEC Treaty

(IV/28.980 — Pabst & Richarz/BNIA)

(Only the French text is authentic)

(76/684/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 of 6 February 1962⁽¹⁾, and in particular Articles 1 and 3 thereof,

Having regard to the application pursuant to Article 3 (2) (b) of Regulation No 17 made on 9 December 1974 by Pabst & Richarz KG, Elsfleth, Germany, concerning the prohibition on bulk deliveries of certain qualities of Armagnac imposed by the Bureau national interprofessionnel de l'armagnac (BNIA), Eauze, France.

Having heard the parties in accordance with Article 19 (1) of Regulation No 17, and with Commission Regulation No 99/63/EEC of 28 July 1963⁽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 30 June 1976,

Whereas :

I

The facts may be summarized as follows :

1. Armagnac is the grape brandy manufactured in the region of Armagnac, France, as defined by the decree of the French Government of 25 May 1907. Brandies produced there are entitled to the registered designation 'Armagnac'.

There are three stages in the production of Armagnac : vinification and distillation, maturing in a particular type of oak cask, and blending and reduction to an alcoholic strength fit for consumption. Armagnac is either bottled by the producer, cooperative or distiller and marketed under their label or else sold in bulk. When sold in bulk, it is bottled by the purchaser and resold under his label.

Armagnac is graded by age in years from 0 to 5. Armagnac of grades 1 to 3 is sold as three star, grade 4 is sold as VO and grade 5 as VSOP ; Armagnac described as 'Napoleon' must be at least five years old.

2. The total volume of Armagnac delivered in a given year varies between 35 000 and 45 000 hectolitres of pure alcohol. In recent years, some 40 % of the total has been sold in France and the remaining 60 % exported. More than two-thirds of all exports are made to Germany ; in 1972/73 the quantity exported to this country was over 50 % more than for 1971/72.

Bottled and bulk sales account for roughly half each of the sales in France. In contrast some three-quarters of export are made in bulk.

3. Armagnac producers and cooperatives and wholesalers, distillers and brokers are represented by the BNIA, which was established in 1951. Decree 62/20 of 8 January 1962⁽³⁾ recognized BNIA as a legal person with the following functions :

- to conduct research into the production and marketing of Armagnac brandies, to be available for consultation by public authorities on all questions relating thereto, and to submit to those authorities proposals concerning the organization of the market,
- to ensure that local customs be fairly, consistently and strictly applied in the manufacture and sale of Armagnac, to regulate the quality of brandies produced or offered for sale by wine growers and dealers in the area officially defined as Armagnac and, having made such regulation, to refuse entitlement to the registered designation 'Armagnac' to brandies not conforming to the rules in the decree of 6 August 1936 (as amended) laying down conditions governing the production of these brandies,

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

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

⁽³⁾ JO de la RF, 12. 1. 1962, p. 393.

- to provide harvesters, cooperatives and dealers with such technical and practical assistance as they may require in order to improve the quality of Armagnac and to safeguard its reputation,
- to centralize statistics and such economic, technical and practical information as it may need for its own purposes.

Decree 62/20 further provides that BNIA shall consist of a chairman, 12 delegates representing producers and cooperatives and 12 delegates representing wholesalers, distillers and brokers. The delegates are proposed by the trade associations and unions and appointed by the Minister of Agriculture. The chairman is appointed by the Minister of Agriculture after consultation with the delegates and may not be a member of the trade.

A standing committee consisting of the chairman, the two vice-chairmen and two other members (a producer and a dealer) is responsible for routine matters. All other matters are dealt with by the chairman and 24 delegates in general meeting.

No decision can be taken unless voted by an absolute majority of those present at the general meeting, in the presence of a government representative who either immediately endorses the decisions or refers them to the minister. BNIA notifies its decisions by circular to all producers and cooperatives, wholesalers and distillers, and these decisions are in practice observed. For bulk Armagnac sales, producers' and dealers' associations have agreed on each sale of Armagnac of grades 0 to 5 to submit the invoice to the BNIA and to authorize it to verify that each transaction actually conforms to the particulars given on the invoice and to carry out an inspection of quality on any Armagnac sold in bulk (see the agreement on market organization dated 16 October 1972, approved by the Minister of Agriculture on 12 February 1973⁽¹⁾).

For bulk exports of Armagnac, a decree of 25 August 1952⁽²⁾ confers upon the BNIA the sole right to issue certificates of age.

4. In practice, an importer of bulk Armagnac is obliged to supply the customs authorities regulating the bottling operations in the country of destination with an invoice countersigned by

BNIA in accordance with the arrangements referred to above or with the customs permit. The latter, of a yellow colour, is valid as a certificate of the registered designation 'Armagnac' and is issued by the French indirect taxation authorities. It specifies the quantity and alcoholic strength of the Armagnac supplied, and records the number of a sales coupon prepared by the BNIA after examination of the documents supplied by the French exporter showing that the transaction has been 'examined for conformity' by the BNIA.

In 1973/74, the BNIA issued certificates of age for exports only in those rare cases where the purchaser expressly asked for the same. On occasions, however, the seller would himself enter the age of the Armagnac on the customs permit without any verification or certification either by BNIA or by the tax authorities. In some cases, however, this has been interpreted by the buyer as a certificate of age, and has facilitated the resale of the Armagnac under a particular denomination, such as 'Napoleon' in the case of Armagnac with an age grade 5.

The BNIA further prepares a dispatch note for every movement of bulk Armagnac other than movements within an undertaking. By this means, at any moment the BNIA is fully informed of the stocks of Armagnac of the various age grades held by producers and wholesalers.

5. On 28 May 1974 a general meeting of BNIA was convened 'to consider the situation as to age grades of brandies and probable developments in the light of the quantities of wine distilled in the past'. In the presence of the government representative the general meeting, as reported in circular 8/74 dated 29 May 1974, decided that from 1 June 1974 until further notice no dispatch of bulk armagnac with an age grade 4 or higher would be authorized. This did not apply:

- to transfers within a single firm,
- to the bulk delivery of quantities of less than 10 hectolitres,
- to deliveries under contracts entered into before 28 May 1974.

Circular 8/74 invited undertakings to apply without delay to the BNIA should the application of this decision cause them particular difficulties.

⁽¹⁾ JO de la RF, 1. 3. 1973.

⁽²⁾ JO de la RF, 27. 8. 1952.

Like all other BNIA circulars, this circular was addressed to all Armagnac producers, distillers and dealers, who, according to the complainant and the BNIA, all complied with its provisions.

From 1 June 1974 French exporters have no longer been able to deliver bulk Armagnac with an age of grade 4 or 5 under new contracts with producers, particularly in Germany, whereas it remained possible, and indeed became more frequent, to enter into contracts for the supply and export of bottled Armagnac of the same age grades.

For arrangements made before 28 May 1974 the BNIA exercised its powers to control qualities and decided that it would issue its export authorization only after samples had been submitted for tasting by an *ad hoc* committee and on production of an analysis by an official laboratory (see letter dated 17 June 1974 from the BNIA to Ducouret & Cie, a French firm exporting to Germany). It was in accordance with these conditions that during the months following relatively large quantities of Armagnac of age grade 5 were exported under existing agreements.

Circular 16/74 dated 9 December 1974 recorded the BNIA's decision generally to extend its inspection of quality to all movements of Armagnac in bulk.

The exception for supplies of less than 10 hl in practice concerned exports to Belgium, where consignments tend to be of such quantities. It did not extend to exports to Germany, where major importers tend to buy quantities of 25 hl or more.

6. On 9 December 1974 Pabst & Richarz KG, one of the largest German importers of all grades of Armagnac (particularly in bulk), made an application to the EC Commission requesting a finding that the prohibition on deliveries imposed by circular 8/74 was unlawful and ordering its termination.

After the Commission had twice written to the BNIA stressing the likelihood of an infringement of Article 85 of the EEC Treaty, the BNIA replied by letter dated 13 February 1975 that, notwithstanding the fact that the BNIA could not be considered to be an association of undertakings for the purposes of Article 85 and that the measure impugned was essential to the exercise of its function of controlling quality, it had that day issued circular 5/75 revoking the prohibition on deliveries.

The complainant asked that a finding that the BNIA had infringed Article 85 be issued neverthe-

less — on the grounds that the BNIA, having expressed its reservations as to the Commission's jurisdiction, might at any time introduce similar measures and thus jeopardize the complainant's regular supplies of Armagnac.

The BNIA had asserted, in particular, that the measure had been adopted in the presence and with the assent of a government representative in accordance with the usual procedure laid down in its statutes. The BNIA could therefore not be held liable since the measure could not be described as a private commercial decision; in other words, it was not therefore a decision of an association of undertakings within the meaning of Article 85 (1).

The BNIA further alleged that the purpose of its decision was to restore fair competition through the regulation of quality as intended by decree 62/20. In October 1973 the German customs authorities reported their suspicions that certain importers in southern Germany had imported Armagnac bearing a false indication of age and had then sold the same as Napoleon Armagnac at abnormally low prices. Other suspected cases had been reported in May 1974.

The BNIA stated that the general meeting of 28 May 1974 had these cases in mind when deciding to suspend deliveries of age grades 4 and 5, that since circular 16/74 dated 9 December 1974 had achieved its purpose of regulating qualities, the measure impugned had been revoked, and that the measure in any event had had no effect for the following reasons. Circular 8/74 had provided for major exceptions, namely deliveries of less than 10 hl, deliveries under existing agreements and the possibility of special cases being recognized and treated accordingly; secondly, the complainant had not approached the BNIA on any of these counts. Furthermore, the complainant's interests could not have been affected, since it had bought only grade 1 since the prohibition was revoked. However, the BNIA did concede that large quantities of age grade 5, in excess of 30 000 hl on 30 June 1975, were available.

The complainant's rejoinder was that he did approach BNIA member with a view to concluding new agreements but was told that there was no likelihood at all of such agreements being made. This is borne out by the fact that no exceptions were ever granted by the BNIA.

The prohibition imposed by all Armagnac producers and dealers reduced supply artificially and raised prices so appreciably that the purchase of age grade 5 was no longer a profitable venture for the complainant.

II

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

These provisions are applicable in the present case for the following reasons :

1. The prohibition on deliveries of bulk Armagnac of age grades 4 and 5 imposed by the BNIA circular 8/74 dated 29 May 1974 is the result of a decision by an association of undertakings. The Armagnac producers, cooperatives, distillers and dealers who are represented through their trade associations in the BNIA are undertakings for the purposes of Article 85 (1). The fact that the BNIA is entrusted with certain functions by decree 62/20 to control quality does not mean that it cannot be considered to be an association of undertakings for the purposes of Article 85 (1). The measure impugned exceeds the scope of measures necessary for the performance of functions assigned to the BNIA by the decree. It concerns the commercial sales policy of the undertakings BNIA represents Armagnac producers, cooperatives, distillers and dealers. This policy is not provided for in the decree. It originated with a motion put to the general meeting of 28 May 1974 by delegates attending that meeting ; the motion was carried by a majority vote and the decision was addressed and notified to all producers, cooperatives, distillers and dealers in Armagnac. These undertakings had agreed to use the services of the BNIA in the performance of their bulk sales agreements and to allow the BNIA to make inspections. Approval by the BNIA was essential for any bulk sale, particularly for export. The circular therefore bound those to whom it was addressed, such persons being no longer able to enter into any business transaction without complying with the rules which it prescribed.

The decision was not imposed by the administrative authorities. Nor was it based on any other intervention by the administrative authorities. The fact that the chairman of the BNIA and its 24 delegates are appointed by the Minister of Agriculture and that a government representative attends its meetings and concurred in the decision in question in

no way rebuts the conclusion that this decision was a private commercial decision taken by the BNIA on behalf of the undertakings which it represents.

2. The object of circular 8/74 was to restrict competition within the common market and it has had this effect.

The fact from 1 June 1974 producers, cooperatives, distillers and dealers were no longer able to enter freely into new contracts for the supply in bulk of Armagnac of age grades 4 and 5 in quantities exceeding 10 hl was the direct result of the decision in question. The statement that individual cases would be considered does not deprive the circular of its restrictive nature, for it implied that firms would have to consult the BNIA before entering into new agreements. In this way the BNIA was in a position to ensure a better quality control and to promote what it considered to be the common interests of all those whom it represented, thus restricting competition on the market.

Furthermore, the circular did indeed have an effect. The complainant and similar firms were unable to enter into new contracts to secure regular supplies, although it is clear from BNIA's own statistics that substantial quantities of grade 5 Armagnac were available. Even if the complainant did not formally seek an exemption on the terms the circular announced — without specifying the conditions thereof — this does not detract from the circular's restrictive effect because, and this is not disputed, there was in fact little likelihood of obtaining an exemption. Indeed it is a fact that no exemptions were granted for deliveries to Germany. Only those quantities which had already been contracted for could be supplied. Finally, the fact that, even after the prohibition was revoked, the complainant bought only grade 1 Armagnac is explained on the ground that he was obliged to change his arrangements for supply in the light of the new market situation. This does not reduce the restrictive effect which the measure in question had while it was in force.

BNIA's assertion that the measure in question was justified by the aim of improving the regulation of quality and of ensuring that Armagnac was no longer supplied under false designations cannot be accepted. It is clear that any fraudulent dealings in respect of the quality of a product can be adequately dealt with by application to administrative authorities or through the courts, and proceed-

ings of this nature have in fact been instituted. The measure in question went so far beyond what was necessary for the attainment of these two objectives that its deleterious effects on competition and trade between Member States cannot be considered to have been unforeseeable or involuntary.

Firstly, it did not apply to old contracts or to deliveries of less than 10 hl. By virtue of these exceptions, large quantities of grade 5 Armagnac were supplied, the specified quality apparently being correct since the BNIA required the submission of samples and the production of analyses. The BNIA was thereby achieving the control of quality even in respect of those deliveries to which the measure in question did not apply. It is therefore difficult to see why the conclusion of new agreements for the supply of grade 4 and 5 Armagnac was prohibited.

Secondly, the formalities concerning the production of a dispatch note were rendered generally more stringent by the BNIA circular 16/74 dated 9 December 1974. This confirms the impression that the obligation to suspend deliveries was far in excess of what was required for the purpose of adequately controlling quality.

Consequently, it was not necessary to take the measure impugned in order to improve quality control and to prevent false designations of quality. The aim of this measure, for purely commercial reasons was artificially to reduce the supply on the market. Such a reduction inevitably has the effect of distorting competition.

3. The prohibition on deliveries particularly affected exports to other Member States of bulk Armagnac of grades 4 and 5 with the consequent effect that, apart from a number of small deliveries of quantities of less than 10 hl, no new export agreements could be concluded. The prohibition on deliveries was therefore likely directly to affect trade between Member States.
4. The restrictive measure complained of has affected trade between Member States and competition to a considerable extent. The volume of stocks available at the time demonstrates that, in the absence of the measure, French exporters could have entered into new agreements for bulk deliveries of grade 5 Armagnac, exports of which to other Member States, particularly Germany, represent a major proportion of total sales.
5. Council Regulation No 26⁽¹⁾, which provides for certain exceptions to the rules of competition with

respect to agricultural products, is not applicable in this case since Armagnac, being an industrial product, is not among the agricultural products listed in Annex II to the Treaty.

III

Under Article 85 (3), the provisions of Article 85 (1) may be declared inapplicable in the case of any agreement or decision which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives or afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

The measure in question was not notified to the Commission. It is an agreement of the kind referred to in Article 4 (1) of Regulation No 17 and, until it has been notified, no decision in application of Article 85 (3) may be taken.

In any event, the Commission is unable to conclude that a prohibition on deliveries was indispensable to the attainment of the objectives of the control of quality by the BNIA.

IV

Under Article 90 (2), undertakings entrusted with the operation of services of general economic interest are subject to the rules on competition contained in the Treaty in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Community.

Even if the Commission accepted that the BNIA was an undertaking which, in respect of the control of quality, was entrusted by decree 62/20 with the operation of services of general economic interest, the prohibition in question would still constitute a quantitative restriction on trade between Member States which was not necessary to the performance of the BNIA's duties and effected the development of trade within the Community to an extent contrary to the interests of the Community. To ensure that measures of this kind are not introduced in the future, a Decision is adopted under Article 3 of Regulation No 17 that the offending measure infringed Article 85 (1),

⁽¹⁾ OJ No 30, 20. 4. 19762, p. 993/62.

HAS ADOPTED THIS DECISION :

Article 1

The prohibition on deliveries of bulk Armagnac of age grades 4 and 5 decided upon by the Bureau national interprofessionnel de l'armagnac by circular 8/74 dated 29 May 1974 and revoked, in response to representations by the Commission, on 8 February 1975 constituted an infringement of Article 85 (1) of the Treaty establishing the European Economic Community.

Article 2

This Decision is addressed to the Bureau national interprofessionnel de l'armagnac, 13 place Félix Soulès, 32 800 Eauze, France.

Done at Brussels, 26 July 1976.

For the Commission

G. M. THOMSON

Member of the Commission

COMMISSION DECISION

of 27 July 1976

on the adjustment of the boundaries of less-favoured areas in the United Kingdom pursuant to Council Directive 75/268/EEC of 28 April 1975

(Only the English text is authentic)

(76/685/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 75/268/EEC of 28 August 1975 on mountain and hill farming and farming in certain less-favoured areas ⁽¹⁾, and in particular Article 2 (3) thereof,

Whereas Council Directive 75/276/EEC of 28 April 1975 concerning the Community list of less-favoured areas within the meaning of Directive 75/268/EEC (United Kingdom) ⁽²⁾, indicates the areas of the United Kingdom which are included in the Community list of less-favoured areas pursuant to Article 3 (4) of Directive 75/268/EEC;

Whereas the Government of the United Kingdom has applied, under Article 2 (1) of Directive 75/268/EEC, to have the boundaries of the areas listed in the Annex to Directive 75/268/EEC adjusted as shown in the Annexes to this Decision;

Whereas the proposed adjustments meet the criteria applied by Directive 75/276/EEC when the list of less-favoured areas was originally drawn up pursuant to Article 3 (4) of Directive 75/268/EEC;

Whereas the adjustments requested by the Government of the United Kingdom do not increase the effective area of agricultural land within the less-

favoured areas of that Member State by more than 0.5 % of the total utilized agricultural area of that Member State;

Whereas the EAGGF Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structures,

HAS ADOPTED THIS DECISION:

Article 1

The list of less-favoured areas in the United Kingdom contained in the Annex to Directive 75/276/EEC is amended as shown in the Annexes to this Decision.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 27 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 128, 19. 5. 1975, p. 231.

ANNEX I

Proposed net area changes in the less-favoured areas of England and Wales by administrative region

<i>(in hectares)</i>	
Region	Net area change
West Midland	— 2 005
East Midland	+ 968
Yorkshire and Lancashire	+ 1 403
Wales	+ 929
South Western	+ 1 523
Nothern	+ 7 481
Total	+ 10 299

*ANNEX II***NORTHERN REGION****A. Additions (wholly or partly within less-favoured areas)****NORTHUMBERLAND**

Tritlington (partly)
Humshaugh (partly)

CUMBRIA

Kirkandrews (partly)
Cockermouth (partly)
Moresby (partly)
Arthuret (partly)
Skelsmergh (partly)
Natland (partly)
Stainton (partly)
Hesket (partly)
Lazonby (partly)
Great Salkeld (partly)
Penrith (Eden District) (partly)
Beetham (partly)
Burton (partly)
Holme (partly)

DURHAM

Cockfield (partly)

NORTH YORKSHIRE

Gilling with Hartforth and Sedbury (partly)
Aislaby (Scarborough District) (partly)

B. Promotions from 'partly' to 'wholly' within less-favoured areas**CUMBRIA**

Eskdale
Dunnerdale with Seathwaite
Crook
Ennerdale with Kinniside
Matterdale
Mungrisedale
Caldbeck
Loweswater
Waterhead
Stainmore
Helbeck
Firbank

C. Exclusions from parish list**NORTH YORKSHIRE**

Ingleby Arncliffe

NORTHUMBERLAND

Hartburn

D. Demotions from 'wholly' to 'partly' within less-favoured areas

CUMBRIA

Lakes

NORTH YORKS

Westerdale

E. Administrative name changes

Amended name	Listed name
CUMBRIA	
Dalton-In-Furness (Barrow in Furness District)	Barrow in Furness District
Alston Moor	Alston with Carrigill
Helbeck	Hillbeck
DURHAM	
Crook and Willington (Wear Valley District)	Wear Valley (Part)
CLEVELAND	
Moorsholm and Stranghow (Langbaurch District)	Langbaurch (B) (Part)
NORTH YORKSHIRE	
Barden (Richmondshire District)	Barden
Borrowby (Scarborough District)	Borrowby
Brompton (Scarborough District)	Brompton
Carlton (Hambleton District)	Carlton
Dalton (Richmondshire District)	Dalton
Easby (Hambleton District)	Easby
Kirby Hill (Richmondshire District)	Kirby Hill
Melmerby (Richmondshire District)	Melmerby
Murton (Nr Dale Town — Ryedale District)	Murton

WEST MIDLAND REGION**A. Additions (wholly or partly within less-favoured areas)**

SALOP

Ruckley and Langley (partly)

STAFFORDSHIRE

Blore with Swinscoe (partly)

Farley (partly)

B.**C. Exclusions from parish list**

STAFFORDSHIRE

Stanton

SALOP

Ludford

Richard's Castle (Salop)

HEREFORD AND WORCESTER

Leinthall Starkes
Walterstone

D. Demotions from 'wholly' to 'partly' within less-favoured areas

STAFFORDSHIRE

Alstonefield
Fawfieldhead
Longnor
Sheen
Warslow and Elkstones

SALOP

Bettws-y-Crwyn

HEREFORD AND WORCESTER

Michaelchurch Escley

E. Administrative name changes

Amended name	Listed name
CHESHIRE	
Bollington (Nr Macclesfield — Macclesfield District)	Bollington
Macclesfield (Macclesfield District)	Macclesfield (Borough)
Sutton (Macclesfield District)	Sutton
HEREFORD AND WORCESTER	
Newton (South Herefordshire District)	Newton (Nr Dulas)

YORKSHIRE AND LANCASHIRE REGION

A. Additions (wholly or partly within less-favoured areas)

LANCASHIRE

Billington (partly)
Wilpshire (partly)
Barnoldswick (Pendle District) (partly)
Eccleshill (partly)
Dunnockshaw (wholly)

B. Promotions from 'partly' to 'wholly' within less-favoured areas

NORTH YORKSHIRE

Laskill Pasture
Lothersdale

WEST YORKSHIRE

Blackshaw
Erringden
Hebden Royd
Todmorden

C. Exclusions from parish list

LANCASHIRE

Priest Hutton
Warton

D.

E. Administrative name changes

Amended name	Listed name
NORTH YORKSHIRE	
Barden (Craven District)	Barden
Middleton (Harrogate District)	Middleton
WEST YORKSHIRE	
Aireborough (Leeds District)	Leeds Borough District
Baildon, Bingley, Clayton, Keighley, Queensbury, Thornton (Bradford District)	Bradford Borough District
Brighouse, Elland, Halifax, Shelf, Sowerby Bridge (Calderdale District)	Calderdale Borough District
Colne Valley, Huddersfield (Kirklees District)	Kirklees District
SOUTH YORKSHIRE	
Sheffield (Sheffield District)	Sheffield (Pt)
LANCASHIRE	
Accrington, Great Harwood, Oswaldtwistle, Rishton (Hyndburn District)	Hayndburn (Pt)
Blackburn, Darwen (Blackburn District)	Blackburn (Pt)
Bowland Forest High	Bowland High Forest
Bolton-by-Bowland	Bolton by Bowland
Brogden and Det	Brogden
Burnley (Burnley District)	Burnley (Borough)
Claughton (Lancaster District)	Claughton
Colne, Earby, Nelson, Trawden (Pendle District)	Pendle (Pt)
Haslingden, Rawtenstall (Rossendale District)	Rossendale (District)
North Turton	Turton North
GREATER MANCHESTER	
Bolton (Bolton District)	Bolton (Borough)
Crompton, Less, Oldham, (Oldham District)	Oldham (Borough)
Heywood, Littleborough, Milnrow, Rochdale, Wardle (Rochdale District)	Rochdale (Borough)
Longdendale, Mossley, Stalybridge, (Tameside District)	Tameside (Borough)
Marple (Stockport District)	Stockport (Borough)
Ramsbottom (Bury District)	Bury (Borough)

SOUTH WESTERN REGION**A. Additions (wholly or partly within less-favoured areas)****DEVON**

Arlington (partly)
 Ashton (partly)
 Bampton (partly)
 Berrynarbor (partly)
 Doddiscombsleigh (partly)
 Dunsford (partly)
 East Buckland (partly)
 East Down (partly)
 Knowstone (partly)
 Mariansleigh (partly)
 Morebath (partly)
 Oakford (partly)
 Rackenford (partly)
 Rose Ash (partly)
 Stocke Rivers (partly)
 Stoodleigh (partly)
 Swimbridge (partly)
 Sampford Courtenay (partly)

B.

C.

D.

E. Administrative name changes

Amended name	Listed name
SOMERSET	
Minehead (West Somerset District)	West Somerset (District)
DEVON	
Bickleigh (South Hams District)	Bickleigh (Nr Plymouth)
Plymouth (Plymouth District)	Plymouth (Borough)
CORNWALL	
St Austell with Fowey (Restormel District)	Restormel (Borough)

EAST MIDLAND REGION**A. Additions (wholly or partly within less favoured areas)****DERBYSHIRE**

Hassop (partly)
 Rowland (partly)
 Peak Forest (wholly)

B. Promotions from 'partly' to 'wholly' within less-favoured areas**DERBYSHIRE**

Sheldon

C.**D. Demotions from 'wholly' to 'partly' within less-favoured areas****DERBYSHIRE**

Hartington Middle Quarter

E. Administrative name changes

Amended name	Listed name
DERBYSHIRE	
Blackwell (West Derbyshire District)	Blackwell
Burbage, Buxton, Fairfield (High Peak District)	High Peak (Buxton)
Bonsall, Cromford, Darley, Matlock, Matlock Bath, Wensley and Snitterton (West Derbyshire District)	West Derbyshire (District)
Glossop (High Peak District)	High Peak (Borough)

WALES**A. Additions (wholly or partly within less-favoured areas)****DYFED**

Ilandisillio East
 Llanelli Rural
 Llannon

CLWYD

Whitford

GWYNEDD

Llanbedr

B. Promotions from 'partly' to 'wholly' within less-favoured areas**GWYNEDD**

Llanelltyd
 Pistyll

DYFED

Llanfihangel Rhos-y-Corn

MID-GLAMORGAN

Aberdare
Bedlinog
Maesteg
Merthyr Tydfil
Mountain Ash
New Tredegar
Penderyn
Rhigos
Rhondda
Rhymney
Vaynor

WEST GLAMORGAN

Dylais Higher
Glyncorrwg
Llanguicke

GWENT

Abertillery
Bedwellty
Blaenavon
Brynawr
Ebbw Vale
Nantyglo and Blaina
Tredegar

C. Exclusions from parish list**CLWYD**

Llanrhaiadr-yn-Ginmerch

GWYNEDD

Llansantffraid Glyndyfrdwy

MID-GLAMORGAN

Rhydygwern

D. Demotions from 'wholly' to 'partly' within less-favoured areas**GLWYD**

Llansannan

GWYNEDD

Ffestiniog
Maentwrog

POWYS

Alltawr
Beguildy
Bleddfa
Builth Wells
Crickadarn
Gwarafog
Gwenddwr and Det

Llanafanfechan
 Llanddewi 'r cwm
 Llanelwedd
 Llanfaredd
 Llanganten
 Llanynis
 Old Radnor and Burlingjobb
 Pilleth
 Rhosferig

E. Administrative name changes

Amended name	Listed name
CLWYD	
Cefn (Wrexham Maelor District)	Cefn (Nr Wrexham)
POWYS	
Llangymog (Brecknock District)	Llangynog (Nr Buith)
Llangynog (Montgomery District)	Llangynog (Nr Hirnant)

NORTHERN IRELAND

A. Additions (wholly or partly within less-favoured areas)

ARMAGH

Markethill (partly)

ANTRIM

Bushmills (partly)
 Templecorran (partly)
 Dunluce (partly)
 Armoy (partly)
 Broughshane (partly)
 Kells (partly)
 Newtownabbey (partly)
 County Borough of Belfast (partly)

LONDONDERRY

Liberties Lower (partly)
 Tobermore (partly)

FERMANAGH

Irvinestown (wholly)
 Ballinamallard (partly)
 Lisnaskea (partly)

TYRONE

Fivemiletown (partly)
Ballagh (partly)
Castlebane (partly)
Bancran (partly)
Carnkenny (partly)
Dervaghroy (partly)
Glogher (partly)
Ballymagorry (partly)

B.

C. Exclusions from parish list**ANTRIM**

Tullaghgarlay
Billyconnelly

D.

E.
