

Official Journal

of the European Communities

Volume 19 No L 233
24 August 1976

English Edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2071/76

of 23 August 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1143/76⁽²⁾, and in particular Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 1882/76⁽³⁾ and subsequent amending Regulations;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 1882/76, to the

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on 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 24 August 1976.

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 62.

ANNEX

to the Commission Regulation of 23 August 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	51.27
10.01 B	Durum wheat	99.14 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	41.08 ⁽⁶⁾
10.03	Barley	23.29
10.04	Oats	17.44
10.05 B	Maize other than hybrid maize for sowing	34.01 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	35.61 ⁽⁴⁾
10.07 C	Grain sorghum	39.60 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	82.53
11.01 B	Rye flour	68.24
11.02 A I a	Durum wheat groats and meal	164.42
11.02 A I b	Common wheat groats and meal	89.14

⁽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 tons as provided for in Regulation (EEC) No 706/76.

⁽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 2072/76
of 23 August 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 last amended by
Regulation (EEC) No 1143/76 ⁽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
1883/76 ⁽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 24 August
1976.

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 64.

ANNEX

to the Commission Regulation of 23 August 1976 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a. / metric ton)

CCT heading No	Description of goods	Current 8	1st period 9	2nd period 10	3rd period 11
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	1.20
10.03	Barley	0	0.80	0.80	0
10.04	Oats	0	0	0	0.20
10.05 B	Maize other than hybrid maize for sowing	0	0.60	0.60	3.59
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0.40	0.40	0
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a. / metric ton)

CCT heading No	Description of goods	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	1.42	1.42	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	1.06	1.06	0	0
11.07 B	Roasted malt	0	1.24	1.24	0	0

COMMISSION REGULATION (EEC) No 2073/76
of 20 August 1976

concerning the issue of an invitation to tender for the supply to the Office of the United Nations High Commissioner for Refugees for the benefit of the people of Vietnam for use as food aid of vitaminized skimmed-milk powder to be purchased on the Community market

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 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1347/75 of 26 May 1975 laying down the general rules for the supply of skimmed-milk powder under the 1975 food-aid programme to certain developing countries and certain international organizations⁽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 1528/76 of 21 June 1976 on the supply, as a matter of urgency, of skimmed-milk powder to the International Committee of the Red Cross, to the United Nations Commissioner for the benefit of refugees, and to the United Nations Funds for Children, for the benefit of the people of Vietnam, as food aid, pursuant to Regulation (EEC) No 1348/75⁽⁵⁾, 300 metric tons from this reserve shall be allocated to the Office of the United Nations High Commissioner for Refugees (UNHCR) for the benefit of the people of Vietnam; whereas this organization has requested the delivery of the abovementioned quantity of vitaminized skimmed-milk powder for this destination;

Whereas Article 2 (2) of Council Regulation (EEC) No 1347/75 provides that, if there is not enough skimmed-milk powder available in public stocks with the characteristics necessary for the particular destination where this requires, in particular, the addition of vitamins, supplies shall be obtained by purchase of skimmed-milk powder on the Community market;

Whereas Article 5 of Regulation (EEC) No 1347/75 provides that for the purposes of the supply and shipment of skimmed-milk powder invitations to tender are to be issued;

Whereas the procedure to be adopted for this tendering should in the main be the procedure used hitherto in similar cases;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited in accordance with Regulations (EEC) No 1347/75, (EEC) No 1348/75 and (EEC) No 1528/76 for the costs of delivering to the UNHCR a lot of 300 metric tons of vitaminized skimmed-milk powder for Vietnam.

2. Delivery shall be effected cif Ho-Chi-Minh-Ville.

The shipping shall take place as soon as possible and not later than 10 October 1976.

3. The skimmed-milk powder shall meet the requirements as to quality and packaging set out in the Annex to this Regulation.

4. The successful tenderer shall supply a further 5 % of empty bags identical to those containing the goods. He undertakes to have these bags mentioned on the bill of lading.

Article 2

1. The intervention agencies shall frame a notice of invitation to tender which shall be published in the *Official Journal of the European Communities* not less than 10 days before the closing date for the submission of tenders.

⁽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 170, 29. 6. 1976, p. 2.

2. The closing date for the submission of tenders shall be 7 September 1976 at 12 noon.

Article 3

1. Tenders, which shall be in writing, shall be submitted either by delivery by hand to an intervention agency against acknowledgement of receipt or by registered letter addressed to an intervention agency.

Intervention agencies may also authorize the use of telex.

2. The tender shall indicate *inter alia*:

- (a) the name and address of the tenderer;
- (b) the port or ports of loading, chosen from among Community ports;
- (c) the price, exclusive of taxes, expressed in the currency of the Member State in which the tender is presented, at which the tenderer undertakes to supply, in accordance with the specifications laid down in the Annex, the entire quantity of the lot put out to tender.

Such price shall be inclusive of transport insurance costs to the stage referred to in Article 1 (2) for delivery.

3. A tender shall be valid only if:

- (a) it relates to the entire quantity of the lot put out to tender;
- (b) proof is given before expiry of the period set for the submission of tenders that the security referred to in Article 4 has been provided.

4. No tender may be withdrawn.

Article 4

1. The tendering security shall be 20 units of account per metric ton of skimmed-milk powder.

2. It shall take the form, at the discretion of the Member State concerned, either of a cheque made out in favour of the intervention agency, or of a bank guarantee which satisfies the criteria fixed by the Member State.

Article 5

In the light of the tenders received and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68 a maximum price, expressed in units of account, shall be fixed or alternatively a decision shall be taken to make no award.

Article 6

1. A tender shall be refused if the price proposed, converted into units of account, is more than the maximum price fixed for the lot in question.

2. Subject as provided in paragraph 1, the successful tenderer shall be the one whose offer, converted into units of account, is the lowest. Where two or more valid offers specifying identical amounts, as converted into units of account, are received by a given intervention agency, the award shall be made by drawing lots. Where such offers are made to different intervention agencies, the award shall be made by the intervention agency selected in accordance with the procedure referred to in Article 5.

3. The intervention agency shall immediately inform each tenderer whether he has been awarded the contract.

4. Rights and obligations arising in connection with the invitation to tender shall not be transferable.

5. The intervention agencies shall immediately inform the Commission of the successful tenderer's name and address.

Article 7

1. The successful tenderer shall deliver a quantity of skimmed-milk powder satisfying the requirements as to quality and packaging laid down in the Annex.

2. Delivery *cif* shall be completed when the goods are actually deposited on the quayside or on board a lighter at the port of unloading.

3. The recipient organization shall bear all expenditure incurred after delivery, including acceptance costs.

Article 8

Any demurrage costs at the port of unloading attributable to the recipient shall be borne by it. The rates and other details concerning such costs shall be laid down in the contract between the successful tenderer and the carrier and must have been previously agreed upon by the successful tenderer acting as Community agent and the recipient's delivery agent.

Article 9

1. The intervention agency concerned shall as soon as possible notify the recipient body of the name of the vessel, the date of loading, the quantity and the quality of the goods as recorded at the time of loading and the port of unloading.

2. The successful tenderer shall inform the recipient at least 10 clear days in advance of the expected date of arrival of the ship in the port of unloading. The successful tenderer shall have included in the terms of the charter-party a provision stipulating that the ship's captain shall inform the recipient at least 72 hours in advance of the ship's probable date of arrival in port.

Article 10

1. The competent agency of the Member State in which the contract is awarded shall check that the skimmed-milk powder in question satisfies requirements as to quality and packaging laid down in the Annex.

2. If the goods are found to satisfy those requirements, the agency shall, before completion of the customs formalities referred to in Article 11 (1), provide the successful tenderer with a certificate to that effect.

3. On delivery the recipient organization shall issue a certificate proving taking delivery of the goods, stating that delivery of that quantity of skimmed-milk powder has been taken at the stage specified in Article 1 (2).

Article 11

1. Customs export formalities shall be carried out in the Member State in which the award of contract is made.

2. If the port of loading specified in the tender is situated in a Member State other than that in which the customs export formalities are carried out, the goods shall, on completion of such formalities, be placed under customs control with the object of ensuring that they are loaded at the port specified in the tender.

Proof of loading can be furnished only by production of the control copy referred to in Article 1 of Commission Regulation (EEC) No 2315/69 of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods⁽¹⁾, as amended by Regulation (EEC) No 690/73⁽²⁾.

Sections 101, 103 and 104 of the control copy shall be completed.

Section 104 shall be completed by deleting as necessary and entering against the second indent one of the following endorsements:

⁽¹⁾ OJ No L 295, 24. 11. 1969, p. 14.

⁽²⁾ OJ No L 66, 13. 3. 1973, p. 23.

— 'Delivery of skimmed-milk powder as food aid (Regulation (EEC) No 2073/76) to be shipped from the port of ...',

— 'Livraison de lait écrémé en poudre à titre d'aide alimentaire (règlement (CEE) n° 2073/76) destinée à être embarquée au port de ...',

— 'Lieferung von Magermilchpulver als Nahrungsmittelhilfe (Verordnung (EWG) Nr. 2073/76) zur Verschiffung im Hafen von ... bestimmt',

— 'Fornitura di latte scremato in polvere a titolo di aiuto alimentare (regolamento (CEE) n. 2073/76) destinata ad essere imbarcata nel porto di ...',

— 'Levering van magere-melkpoeder als voedselhulp (Verordening (EEG) nr. 2073/76) bestemd om te worden verscheept in de haven van ...',

— 'Levering af skummetmælkspulver som fødevarerhælp (forordning (EØF) nr. 2073/76) bestemt til lastning i havnen i ...'.

Article 12

1. Except in cases of *force majeure*, the tendering security shall be released only if:

(a) the tender has not been accepted;

(b) the tenderer:

— has not withdrawn his tender before the contract is awarded,

— has furnished the certificates provided for in Article 10 (2) and (3).

2. Release of the security shall take place immediately.

3. In cases of *force majeure*, the intervention agency shall decide on the measures to be taken having regard to the circumstances invoked.

Article 13

The amount referred to in Article 3 (2)(c) shall be paid only on production of the certificates provided for in Article 10 (2) and (3).

Article 14

Except in cases of *force majeure*, the successful tenderer shall accept all financial liability devolving upon the Community by reason of failure to load the skimmed-milk powder by the date specified in Article 1 (2).

Costs incurred by reason of failure to deliver the skimmed-milk powder as a result of *force majeure* shall be borne by the competent agency of the Member State in which the award of contract is made.

Article 15

No refund or compensatory amount (whether monetary or accession) shall be applicable in respect of skimmed-milk powder supplied under this Regulation.

Article 16

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

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

Done at Brussels, 20 August 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 maximum)
(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 packaging of the skimmed-milk powder shall bear, in letters at least 1 cm high, the following inscription :

'Lait écrémé en poudre vitaminé / Don de la Communauté économique européenne à l'UNHCR en faveur du peuple du Vietnam.'
-

COMMISSION REGULATION (EEC) No 2074/76

of 20 August 1976

concerning an invitation to tender for the supply of butteroil as food aid to Mauritius

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,

Whereas Council Regulation (EEC) No 695/76 of 25 March 1976, on the supply of milk fats under the 1976 food-aid programme to certain developing countries and to certain international organizations⁽³⁾, provides *inter alia* for the supply to Mauritius of 200 metric tons of butteroil obtained from butter held by the intervention agencies; whereas this country has requested the supply of the quantity abovementioned;

Whereas Article 5 of Council Regulation (EEC) No 694/76 of 25 March 1976 laying down general rules for the supply of milk fats under the 1976 food-aid programme to certain developing countries and to certain international organizations⁽⁴⁾, requires tenders to be invited for such supplies;

Whereas the tendering procedure is effected following the provisions of Commission Regulation (EEC) No 2247/75 of 29 August 1975 concerning 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⁽⁵⁾, as amended by Regulation (EEC) No 578/76⁽⁶⁾; whereas it is still necessary to add a number of details, particularly as regards the time limit for the submission of tenders and the terms of supply;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited pursuant to Regulations (EEC) No 694/76 and (EEC) No 695/76, for the

manufacture and delivery of a lot of 200 metric tons of butteroil to Mauritius.

2. Subject to the special provisions contained hereinafter, the provisions of Regulation (EEC) No 2247/75 shall apply by analogy to the tendering procedure and to the terms for manufacture and delivery of the butteroil.

Article 2

1. The butter which is to be manufactured into butteroil shall be removed from the premises of the French intervention agency.

2. The quality and packaging of the butteroil shall satisfy the requirements laid down in the Annex to Regulation (EEC) No 2247/75; it shall be put exclusively in 5 kg canisters.

3. The words to be printed on the packaging, as provided in Chapter II 2 (b) of the abovementioned Annex, shall be the following:

'Butteroil / Don de la Communauté économique européenne / À l'île Maurice / Pour distribution gratuite.'

4. The time limit for the submission of tenders shall be 7 September 1976.

Article 3

1. Delivery shall be effected from a French port, indicated in the tender, accessible for ocean-going ships having a regular service with the recipient country.

2. Delivery to the port of loading shall take place on a date to be fixed by the intervention agency concerned and which must be later than 30 September and earlier than 16 October 1976.

Article 4

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 83, 30. 3. 1976, p. 6.

⁽⁴⁾ OJ No L 83, 30. 3. 1976, p. 4.

⁽⁵⁾ OJ No L 229, 30. 8. 1975, p. 60.

⁽⁶⁾ OJ No L 69, 15. 3. 1976, p. 16.

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

Done at Brussels, 20 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION REGULATION (EEC) No 2075/76

of 20 August 1976

concerning the invitation to tender for the supply of butteroil to the Office of the United Nations High Commissioner for Refugees as food aid for the people of Vietnam

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,

Whereas Council Regulation (EEC) No 1542/75 of 16 June 1975 on the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme⁽³⁾, provides for a reserve of 4 550 metric tons of butteroil obtained from butter held by intervention agencies; whereas, according to Council Regulation (EEC) No 1527/76 of 21 June 1976 on the emergency supply of butteroil to the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund as food aid for the people of Vietnam under Regulation (EEC) No 1542/75⁽⁴⁾, 600 metric tons to be set aside from this reserve shall be allocated to the Office of the United Nations High Commissioner for Refugees (UNHCR) for the benefit of the people of Vietnam; whereas UNHCR has requested the delivery of the abovementioned quantity for this destination;

Whereas Article 5 of Council Regulation (EEC) No 1541/75 of 16 June 1975 laying down general rules for the supply of milk fats as food aid to certain developing countries and international organizations under the 1975 food-aid programme⁽⁵⁾, requires tenders to be invited for such supplies;

Whereas the tendering procedure is effected following the provisions of Commission Regulation (EEC) No 2247/75 of 29 August 1975 concerning 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⁽⁶⁾, as amended by

Regulation (EEC) No 578/76⁽⁷⁾; whereas it is still necessary to add a number of details, particularly as regards the time limit for the submission of tenders and the terms of supply;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited pursuant to Regulations (EEC) No 1541/75, (EEC) No 1542/75 and (EEC) No 1527/76, for the manufacture and delivery of 600 metric tons of butteroil to UNHCR for Vietnam and divided into two lots of 300 metric tons.
2. Subject to the special provisions contained hereinafter, the provisions of Regulation (EEC) No 2247/75 shall apply by analogy to the tendering procedure and to the terms for manufacture and delivery of the butteroil.

Article 2

1. The butter which is to be manufactured into butteroil shall be removed from the premises of the German intervention agency.
2. The quality and packaging of the butteroil shall satisfy the requirements laid down in the Annex to Regulation (EEC) No 2247/75; it shall be put exclusively in 5 kg canisters.
3. The words to be printed on the packaging, as provided in Chapter II 2 (b) of the abovementioned Annex, shall be the following:
'Butteroil / Don de la Communauté économique européenne à l'UNHCR en faveur du peuple du Vietnam.'
4. The time limit for the submission of tenders shall be 7 September 1976.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 157, 19. 6. 1975, p. 6.

⁽⁴⁾ OJ No L 170, 29. 6. 1976, p. 1.

⁽⁵⁾ OJ No L 157, 19. 6. 1975, p. 4.

⁽⁶⁾ OJ No L 229, 30. 8. 1975, p. 60.

⁽⁷⁾ OJ No L 69, 15. 3. 1976, p. 16.

Article 3

1. Delivery shall be cif Ho-Chi-Minh-Ville.
2. Shipment shall take place as soon as possible and not later than 10 October 1976.
3. Delivery cif shall be deemed to take place when the goods are actually set down on the quayside at the port of unloading or on lighters where the latter method is used.
4. On cif delivery, the destined organization shall issue to the successful tenderer a taking over letter which replaces the certificate specified in Article 15 of Regulation (EEC) No 2247/75.
5. The recipient organization shall be responsible for all expenditure incurred after delivery, including acceptance costs.

Any demurrage costs at the port of unloading due to delays for which the recipient organization is responsible shall be borne by that country.

The rates and conditions of such demurrage to be laid down in the contract between the successful tenderer and the carrier must be agreed in advance between the successful tenderer acting as agent for the Community and the receiving agent of the recipient organization.

Article 4

1. The intervention agency concerned shall notify the recipient organization of the date of loading, the quantity and quality of the goods as recorded at the time of loading and the port of unloading.
2. The successful tenderer shall inform the recipient organization at least 10 clear days in advance of the expected date of arrival at the port of ship's unloading.

The successful tenderer shall include in the terms of the charter-party a provision stipulating that the ship's captain shall, at least 72 hours in advance, notify the country of destination of the ship's probable date of arrival in port.

Article 5

By way of derogation from Article 4 (2) of Regulation (EEC) No 2247/75, the tenderer shall indicate if his tender is valid for one or both lots put up for tender.

Article 6

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

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

Done at Brussels, 20 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION REGULATION (EEC) No 2076/76

of 23 August 1976

concerning the repetition of the issue of an invitation to tender for the supply to Somalia for use as food aid of vitaminized skimmed-milk powder to be purchased on the Community market

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 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1826/74 of 11 July 1974 laying down the general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations⁽³⁾, and in particular Article 6 thereof,

Whereas Council Regulation (EEC) No 410/75 of 17 February 1975 on the supply of skimmed-milk powder as food aid to Somalia under Regulation (EEC) No 1826/74⁽⁴⁾, makes provision for 710 metric tons of skimmed-milk powder to be made available to this country and to be taken from the 6 000 metric tons to be kept in reserve pursuant to 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⁽⁵⁾; whereas Somalia has applied for the supply of the abovementioned quantity of vitaminized skimmed-milk powder;

Whereas, further to the request of Somalia, the delivery of the abovementioned quantity of vitaminized skimmed-milk powder has been the subject of the invitation to tender provided for in Commission Regulation (EEC) No 917/75 of 2 April 1975 concerning the issue of an invitation to tender for the supply to Somalia for use as food aid of skimmed-milk powder to be purchased on the Community market⁽⁶⁾; whereas, however, the vitaminized skimmed-milk powder to which this invitation to tender relates, was definitively lost before its arrival at destination and acceptance by the recipient country at the stage designated for delivery;

Whereas Somalia has introduced a new request for the supply of the quantity in question; whereas it is therefore necessary to issue a new invitation to tender for this delivery of skimmed-milk powder and its forwarding by applying the rules provided for in Regulation (EEC) No 917/75;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited in accordance with Regulation (EEC) No 1827/74 for the cost of a lot of 710 metric tons of vitaminized skimmed-milk powder to be delivered cif Mogadishu.
2. The skimmed-milk powder shall meet the requirements as to quality and packaging set out in the Annex to this Regulation.
3. Loading shall take place as soon as possible and at all events by 10 October 1976.

Article 2

1. The intervention agencies shall frame a notice of invitation to tender which shall be published in the *Official Journal of the European Communities* not less than 10 days before the closing date for the submission of tenders.
2. The closing date for the submission of tenders shall be 7 September 1976 at 12 noon.

Article 3

1. Tenders, which shall be in writing, shall be submitted either by delivery by hand to an intervention agency against acknowledgement of receipt or by registered letter addressed to an intervention agency. Intervention agencies may also authorize the use of telex.

⁽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. 20.

⁽⁴⁾ OJ No L 47, 21. 2. 1975, p. 4.

⁽⁵⁾ OJ No L 190, 13. 7. 1974, p. 22.

⁽⁶⁾ OJ No L 89, 10. 4. 1975, p. 9.

2. The tender shall indicate *inter alia* :

- (a) the name and address of the tenderer ;
- (b) the port or ports of loading, chosen from among Community ports ;
- (c) the price, exclusive of taxes, expressed in the currency of the Member State in which the tender is presented at which the tenderer undertakes to supply in accordance with the specifications laid down in the Annex, the entire quantity of skimmed-milk powder to which the invitation to tender relates.

Such price shall be inclusive of transport insurance costs to the stage stipulated in Article 1 (1).

3. A tender shall be valid only if :

- (a) it relates to the entire quantity put out to tender ;
- (b) proof is given before expiry of the period set for the submission of tenders that the security referred to in Article 4 has been provided.

4. No tender may be withdrawn.

Article 4

1. The tendering security shall be 20 units of account per metric ton of skimmed-milk powder.

2. It shall take the form, at the discretion of the Member State concerned, either of a cheque made out in favour of the intervention agency, or of a bank guarantee which satisfies the criteria fixed by the Member State.

Article 5

In the light of the tenders received and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68 a maximum price, expressed in units of account, shall be fixed or alternatively a decision shall be taken to make no award.

Article 6

1. A tender shall be refused if the price proposed converted into units of account, is more than the maximum price fixed for the purposes of the invitation to tender.

2. Subject as provided in paragraph 1, the successful tenderer shall be the one whose offer, converted into units of account, is the lowest. Where two or more valid offers specifying identical amounts,

as converted into units of account, are received by a given intervention agency, the award shall be made by drawing lots. Where such offers are made to different intervention agencies, the award shall be made by the intervention agency selected in accordance with the procedure referred to in Article 5.

3. The intervention agency shall immediately inform each tenderer whether he has been awarded the contract.

4. Rights and obligations arising in connection with the invitation to tender shall not be transferable.

Article 7

1. The successful tenderer, acting in accordance with the provisions of Article 1, shall deliver a quantity of skimmed-milk powder as specified in the contract awarded.

The successful tenderer shall also supply a further 5 % of empty bags identical to those containing the goods. He undertakes to have these bags mentioned on the bill of lading.

2. Delivery *cif* shall be completed when the goods are actually deposited on the quayside or on board a lighter.

Article 8

Any demurrage costs at the port of unloading attributable to the recipient country shall be borne by it. The rates and other details concerning such costs shall be laid down in the contract between the Community agent and the carrier and must have been previously agreed upon by that agent and the delivery agent of the recipient country.

Article 9

1. The intervention agency concerned shall as soon as possible notify the recipient country of the name of the vessel, the date of loading, the quantity and the quality of the goods as recorded at the time of loading and the port of unloading.

2. The successful tenderer shall inform the recipient country at least 10 clear days in advance of the expected date of arrival of the ship in the port of unloading. The successful tenderer shall have included in the terms of the charter party a provision stipulating that the ship's captain shall inform the recipient country at least 72 hours in advance of the ship's probable date of arrival in port.

Article 10

1. The competent agency of the Member State in which the contract is awarded shall check that the skimmed-milk powder in question satisfies the requirements as to quality and packaging laid down in the Annex.

2. If the goods are found to satisfy those requirements, the agency shall, before completion of the customs formalities referred to in Article 11 (1), provide the successful tenderer with a certificate to that effect.

3. On delivery, the recipient country shall issue a certificate stating that delivery of that quantity of skimmed-milk powder has been taken at the stage specified in Article 1 (1).

Article 11

1. Customs export formalities shall be carried out in the Member State in which the award of contract is made.

2. If the port of loading specified in the tender is situated in a Member State other than that in which the customs export formalities are carried out, the goods shall, on completion of such formalities, be placed under customs control with the object of ensuring that they are loaded at the port specified in the tender.

Proof of loading can be furnished only by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed.

Section 104 shall be completed by deleting as necessary and entering against the second indent one of the following endorsements:

- 'Delivery of skimmed-milk powder as food aid (Regulation (EEC) No 2076/76) to be shipped from the port of ...',
- 'Livraison de lait écrémé en poudre à titre d'aide alimentaire (règlement (CEE) n° 2076/76) destinée à être embarquée au port de ...',
- 'Lieferung von Magermilchpulver als Nahrungsmittelhilfe (Verordnung (EWG) Nr. 2076/76) zur Verschiffung im Hafen von ... bestimmt',
- 'Fornitura di latte scremato in polvere a titolo di aiuto alimentare (regolamento (CEE) n. 2076/76) destinata ad essere imbarcata nel porto di ...',
- 'Levering van magere-melkpoeder als voedselhulp (Verordening (EEG) nr. 2076/76) bestemd om te worden verscheept in de haven van ...',

— 'Levering af skummetmælkspulver som fødevarerhælp (forordning (EØF) nr. 2076/76) bestemt til lastning i havnen i ...'.

Article 12

1. Except in cases of *force majeure*, the tendering security shall be released only if:

(a) the tender has not been accepted;

(b) the tenderer:

- has not withdrawn his tender before the contract is awarded,
- has furnished the proof, as in refunds matter, of the exit out of the geographical area of the Community.

2. Release of the security shall take place immediately.

Article 13

In cases of *force majeure*, the intervention agency shall decide on the measures to be taken having regard to the circumstances invoked.

Article 14

The amount referred to in Article 3 (2)(c) shall be paid only on production of the certificates provided for in Article 10 (2) and (3).

Article 15

Except in cases of *force majeure*, the successful tenderer shall accept all financial liability devolving upon the Community by reason of failure to load the skimmed-milk powder by the date specified in Article 1 (3).

Costs incurred by reason of failure to deliver the skimmed-milk powder as a result of *force majeure* shall be borne by the competent agency of the Member State in which the award of contract is made.

Article 16

On request of the Commission nominating a port other than that provided for in Article 1 (1), the intervention agency in question may in agreement with the successful tenderer have the skimmed-milk powder delivered to the new nominated port.

In such case the intervention agency in question is to agree with the successful tenderer any cost reduction or increase against the costs originally agreed.

The intervention agency shall forthwith communicate to the Commission the agreed new amount of costs.

Article 17

No refund or compensatory amount (whether monetary or accession) shall be applicable in respect of skimmed-milk powder supplied under this Regulation.

Article 18

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

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

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 : vitamin A :	2 500 i.u. per 100 g.

II. Packing

- (a) New bags of a net weight content of 2.5 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 a polyethylene lining of a strength representing at least 70 g + 15 g/m² ;
 - one polyethylene inner bag at least 0.08 mm thick, welded or double-bound.
 - (c) The packaging of the skimmed-milk powder shall bear, in letters at least 1 cm high, the following inscription :

'Skimmed-milk powder with vitamin A 2 500 i.u./100 g — Gift of the European Economic Community to Somalia — For free distribution.'
-

COMMISSION REGULATION (EEC) No 2077/76**of 23 August 1976****on transitional measures concerning the holding for sale and putting into circulation of certain wines produced before 1 September 1976**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 1167/76⁽²⁾, and in particular Article 37 thereof,

Whereas Council Regulation (EEC) No 1160/76 of 17 May 1976⁽³⁾ amends, with effect from 1 September 1976, the definition of table wine appearing under point 10 of Annex II to Regulation (EEC) No 816/70; whereas, as a consequence, certain wines produced before 1 September 1976 will no longer correspond after this date to the definition in question; whereas it is necessary, in order to enable such wines to be disposed of, to provide that they may be held for sale and put into circulation until stocks are exhausted;

Whereas the measures laid down in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Table wines produced before 1 September 1976 which comply with the definition appearing under point 10 of Annex II to Regulation (EEC) No 816/70 as applicable before that date, and which no longer comply with this definition as applicable after that date, may be held for sale and put into circulation until stocks are exhausted, on condition that all consignments exceeding 10 hectolitres which have not been put into circulation by 31 December 1976 be declared to the authorities designated by the Member State concerned.

Article 2

This Regulation shall enter into force on 1 September 1976.

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 135, 24. 5. 1976, p. 42.

⁽³⁾ OJ No L 135, 24. 5. 1976, p. 1.

COMMISSION REGULATION (EEC) No 2078/76

of 23 August 1976

laying down for the wine-growing year 1976/77 rules for the distillation pursuant to Article 24b of Regulation (EEC) No 816/70 of wine made from table grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 1167/76⁽²⁾, and in particular Article 24b (4) thereof,

Having regard to Council Regulation (EEC) No 557/76 of 15 March 1976 on the exchange rates to be applied in agriculture and repealing Regulation (EEC) No 475/75⁽³⁾, as amended by Regulation (EEC) No 1020/76⁽⁴⁾, and in particular Article 3 (1) thereof,

Whereas it is necessary, in order to facilitate the control measures, to lay down time limits for the lodging of applications for approval in accordance with the second subparagraph of Article 1 (1) of Council Regulation (EEC) No 1931/76 of 20 July 1976 laying down general rules relating to the wine distillation operations provided for in Articles 6b, 6c, 24a and 24b of Regulation (EEC) No 816/70⁽⁵⁾, for the approval itself and for the distillation in question ;

Whereas parties who have applied to enter into a distillation contract must be informed in good time of the outcome of their applications ;

Whereas the information to be given in distillation contracts should be specified ;

Whereas, under the procedure for payment of aid laid down in Article 3 of the above Regulation, the producer receives the aid in two instalments ; whereas, in order to ensure that the producer ultimately receives the entire amount of the aid, a time limit should be laid down for the payment of the second instalment ; whereas it should therefore be provided that this should be paid not later than 30 days after distillation ;

Whereas the prices of wines intended for distillation are such that it is not possible, under normal conditions, to market the products obtained following such

distillation ; whereas it is therefore necessary to pay aid and to fix the amount thereof on the basis of normal costs at a level which will permit the marketing of the products obtained ;

Whereas technical criteria for the approval of distillers should be laid down ; whereas it is also necessary to provide for cases in which approval should in principle be withdrawn from the distiller in the event of default by the latter, with the exception of cases of *force majeure* or accident ;

Whereas the intervention agencies referred to in Article 6 of Regulation (EEC) No 1931/76 and the Commission must be informed of the progress of the distillation operations and must know in particular the quantities of table wine distilled and the quantities of alcohol obtained ;

Whereas a method should be laid down for determining the proportion of wine obtained from table grapes to be distilled pursuant to the second subparagraph of Article 24b (4) of Regulation (EEC) No 816/70 ;

Whereas Article 3 of Commission Regulation (EEC) No 571/76 of 15 March 1976 laying down detailed rules for the application of Council Regulation (EEC) No 557/76 on the exchange rates to be applied in agriculture and repealing Regulation (EEC) No 475/75⁽⁶⁾, as last amended by Regulation (EEC) No 1026/76⁽⁷⁾, provides that, with regard to the distillation of the by-products of wine-making, a coefficient is to be applied in Italy from 1 September until 15 December 1976 to ensure that the amounts paid in connection with that operation remain the same for one harvest ; whereas the amendments to Regulation (EEC) No 816/70 which enter into force on 1 September 1976 require that provision to be adjusted ; whereas the provision in question should also be extended to apply to the other distillation operations provided for in Articles 24a and 24b of the said Regulation which are carried out under similar economic conditions ;

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

(1) OJ No L 99, 5. 5. 1970, p. 1.

(2) OJ No L 135, 24. 5. 1976, p. 42.

(3) OJ No L 67, 15. 3. 1976, p. 1.

(4) OJ No L 115, 1. 5. 1976, p. 66.

(5) OJ No L 211, 5. 8. 1976, p. 5.

(6) OJ No L 68, 15. 3. 1976, p. 1.

(7) OJ No L 116, 3. 5. 1976, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down for the wine-growing year 1976/77 detailed rules for the distillation pursuant to Article 24b of Regulation (EEC) No 816/70 of wine made from table grapes.

Article 2

1. The intervention agency referred to in Article 6 of Regulation (EEC) No 1931/76 shall inform the contracting parties, not later than two weeks after receipt of the application for approval of a distillation contract, of the result of the application.

2. Every contract shall state:

- (a) the quantity, colour and actual alcoholic strength of the wines to be distilled;
- (b) the name and address of the producer;
- (c) the place where the wine is stored;
- (d) the name of the distiller or the business name of the distillery;
- (e) the address of the distillery.

3. 'Distiller' means the person on whose account distillation is carried out.

Article 3

1. The buying-in price, as determined in accordance with the second subparagraph of Article 24b (2) of Regulation (EEC) No 816/70, shall be 1.16 units of account per degree per hectolitre.

2. The amount of the aid provided for in Article 2 of Regulation (EEC) No 1931/76 shall be:

- 0.62 unit of account per degree per hectolitre if the wine has been processed into a product specified in the first indent of Article 2 (3) of the said Regulation,
- 0.54 unit of account per degree per hectolitre if the wine has been processed into a product specified in the second indent of Article 2 (3) of the said Regulation.

3. The payments required under Article 3 (2) and (3) of Regulation (EEC) No 1931/76 shall be effected not later than 30 days after fulfilment of the conditions.

4. In the case referred to in Article 3 (5) of Regulation (EEC) No 1931/76, payment of the minimum buying-in price shall be effected not later than 30 days after the total quantity of wine indicated in the contract has entered the distillery.

5. In the case referred to in Article 3 (6) of Regulation (EEC) No 1931/76, payment of the minimum

buying-in price shall be effected not later than 30 days after the total quantity of wine indicated in the contract has been distilled. Where the relevant intervention agency of a Member State has not decided to give general application to the provision contained in the said Article 3 (6), the distiller may apply that provision only after ascertaining that the producer is in agreement.

Article 4

1. In order to be approved within the meaning of Article 5 of Regulation (EEC) No 1931/76, distillers must be capable of processing the wine into a product of an alcoholic strength of 86° or over, or into a product of an alcoholic strength of 85° or less.

2. Approval shall be withdrawn, except in cases of *force majeure* or unavoidable accident, if the distiller does not pay the producer the buying-in price or if he does not fulfil his obligations under Community provisions.

Article 5

For the purposes of the second subparagraph of Article 24b (4) of Regulation (EEC) No 816/70, Member States shall determine, on the basis of the results of the last six wine-growing years prior to the year 1976/77, the proportion to be distilled in respect of wines produced from varieties listed in the classification for a particular administrative unit both as wine grapes and table grapes.

Article 6

Member States shall take such measures as are necessary to ensure that the provisions of this Regulation are applied and in particular shall institute controls to prevent wine made from table grapes from being used for purposes other than distillation. Member States may to this end provide that such wine-making be carried out separately and that an indicator be used.

Article 7

Article 3 of Regulation (EEC) No 571/76 is amended to read as follows:

'The amounts to be paid under Articles 24, 24a and 24b of Regulation (EEC) No 816/70 shall, from 1 September until 15 December 1976, in respect of Italy, be multiplied by the coefficient 1.12369.'

Article 8

1. Member States shall inform the Commission, by 30 November 1976 at the latest, of the quantities of wine indicated in approved distillation contracts.

2. Distillers shall send to the intervention agency, not later than the 10th of each month, a return of the quantities of table wine distilled during the previous month, indicating the quantities, expressed as pure alcohol, and products obtained by them, distinguishing those referred to in the first indent of Article 2 (3) of Regulation (EEC) No 1931/76 from those referred to in the second indent of that paragraph.

3. Member States shall inform the Commission by telex, not later than the 20th of each month in respect of the previous month, of the quantities of wine

distilled and of the quantities, expressed as pure alcohol, of products so obtained, distinguishing between them as provided in paragraph 2 hereof.

4. Member States shall before 1 July 1977 inform the Commission of any cases in which distillers have not fulfilled their obligations and of the measures taken as a result.

Article 9

This Regulation shall enter into force on 1 September 1976.

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

COMMISSION REGULATION (EEC) No 2079/76**of 23 August 1976****amending Regulation (EEC) No 1948/76 with regard to the quantities and dates fixed for deliveries of skimmed-milk powder to the Italian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 1948/76 of 5 August 1976 on the supply of a first lot of skimmed-milk powder to the Italian intervention agency for use in accordance with Regulation (EEC) No 563/76 and amending Regulation (EEC) No 789/76⁽²⁾, provides that the German and French intervention agencies shall deliver to the Italian intervention agency 5 700 metric tons of skimmed-milk powder between 16 August and 3 September 1976; whereas (i) the deadline set for delivery has proved too short and should be extended, and (ii) a partial delivery of 500 metric tons cannot be taken over by the Italian intervention agency at the storage depot intended and this must therefore be deducted from the total amount of the first lot;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1948/76 is amended as follows:

1. in Article 1, the quantity '5 700 metric tons' is replaced by '5 200 metric tons';
2. in Article 2 (1) the expression 'between 16 August and 3 September 1976' is replaced by 'between 16 August and 17 September 1976';
3. in the Annex, as regards the EVSt-F, the first line is amended as follows:
 - (a) the figure '2 600' is replaced by '2 100',
 - (b) the line '500 — Sorpoma Italy Spa, Padova (Veneto)' is deleted.

Article 2

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

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 18.

⁽²⁾ OJ No L 213, 6. 8. 1976, p. 16.

COMMISSION REGULATION (EEC) No 2080/76

of 23 August 1976

re-establishing the levying of customs duties on other outer garments, clothing accessories, etc., of cotton, falling within subheadings 60.05 A ex II and ex B, originating in India, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3002/75 of 17 November 1975 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3002/75 of 17 November 1975 establishing preferential tariffs in respect of certain cotton textile and like products originating in developing countries⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling equal to 166 % of the sum arrived at by adding together the value of the products in question, metric tons, imported into the Community in 1968 and coming from countries listed in Annex B to that Regulation, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 metric tonnage of such imports coming from other countries and from countries already covered by such arrangements; whereas, having regard to that ceiling, the amounts for products originating in any one of the countries listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A to that Regulation; whereas, for those products, this reduced percentage will be 30 %;

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

Whereas, in respect of other outer garments, clothing accessories, etc., of cotton, falling within subheadings 60.05 A ex II and ex B, the ceiling, calculated as indi-

cated above, should be 166 metric tons, and therefore the maximum amount is 49.80 metric tons; whereas on 20 August 1976 the amounts of imports into the Community of other outer garments, clothing accessories, etc., of cotton, falling within subheadings 60.05 A ex II and ex B, originating in India, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 3002/75, which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 August 1976, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3002/75 of 17 November 1975, shall be re-established in respect of the following products, imported into the Community and originating in India:

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

Article 2

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

⁽¹⁾ OJ NO L 310, 29. 11. 1975, p. 9.

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

Done at Brussels, 23 August 1976.

For the Commission

Finn GUNDELACH

Member of the Commission

COMMISSION REGULATION (EEC) No 2081/76
of 23 August 1976
amending Regulation (EEC) No 1667/76 relating to protective measures appli-
cable to exports of fodder products and straw

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty⁽¹⁾, as last amended by Regulation (EEC) No 1067/74⁽²⁾, and in particular Article 3 (2) thereof,

Whereas Commission Regulation (EEC) No 1667/76 of 8 July 1976⁽³⁾, as last amended by Regulation (EEC) No 1840/76⁽⁴⁾, introduced protective measures in the form of charges to be applied to exports of fodder products and straw;

Whereas, for straw in particular, supply in certain regions of the Community exceeds demand;

Whereas some of these surpluses are to be found in regions close to the frontiers of the Community; whereas, because of the specific structure of the market in this product, the only outlets for these surpluses are in the adjacent regions of certain non-member countries; whereas this situation may moreover be considered traditional, this trade having been recorded in previous years; whereas, moreover, the surpluses in these regions cannot be used to alleviate the supply situation in regions of the Community where straw is scarce;

Whereas transport costs, which are extremely high compared to the value of the product, are an obstacle to market fluidity;

Whereas, therefore, it does not seem advisable to apply the export charges to this trade; whereas, moreover, the only effect of maintaining these charges would be to deprive producers in the regions concerned of a supplementary income capable of compensating to some extent for the loss of income caused by the drought;

Whereas the Commission does not at present have sufficient information to judge which are the regions which fall within the above definition or what amounts could be exported;

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

Done at Brussels, 23 August 1976.

Whereas the Commission must nevertheless maintain overall control of the situation;

Whereas, from this standpoint in particular, it is now necessary to provide that the quantities of straw exported by any applicant Member State shall not exceed the quantities of straw exported in the preceding year,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 1a is hereby inserted in Regulation (EEC) No 1667/76:

Article 1a

1. By way of derogation from the first indent of the second paragraph of Article 1, Member States may be authorized not to levy the export charge on products listed under heading No 12.09 of the Common Customs Tariff, provided the quantities do not exceed the quantities exported to non-member countries to which these products have traditionally been exported during the past three years.

2. For the application of paragraph 1, Member States wishing to obtain authorization, shall apply to the Commission stating the quantities to be exported.

If within 48 hours of receiving the application the Commission has not rejected it by notifying its decision to the Member State concerned, the application shall be deemed to have been accepted.

When assessing applications submitted by the Member States the Commission shall bear in mind the effect which the exports would have on the supply situation in the Community if they took place.

Article 2

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

For the Commission

Henri SIMONET

Vice-President

⁽¹⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽²⁾ OJ No L 120, 1. 5. 1974, p. 2.

⁽³⁾ OJ No L 185, 9. 7. 1976, p. 26.

⁽⁴⁾ OJ No L 203, 29. 7. 1976, p. 36.

COMMISSION REGULATION (EEC) No 2082/76**of 23 August 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 1487/76⁽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 1873/76⁽³⁾, as last amended by Regulation (EEC) No 2068/76⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1873/76

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 0.1561 unit of account per percentage point of sucrose content.

Article 2

This Regulation shall enter into force on 24 August 1976.

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1976, p. 9.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 32.

⁽⁴⁾ OJ No L 230, 21. 8. 1976, p. 10.

COMMISSION REGULATION (EEC) No 2083/76
of 23 August 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 1487/76⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1564/76⁽³⁾, as last amended by Regulation (EEC) No 2069/76⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1564/76 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 24 August 1976.

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

Done at Brussels, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1976, p. 9.

⁽³⁾ OJ No L 172, 1. 7. 1976, p. 31.

⁽⁴⁾ OJ No L 230, 21. 8. 1976, p. 11.

ANNEX

to the Commission Regulation of 23 August 1976 fixing the import levies on white sugar and raw sugar

<i>(mt/100 kg)</i>		
CCT heading No	Description of goods	Levy
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar	15.61
	B. Raw sugar	15.20 ⁽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.