

Official Journal

of the European Communities

Volume 20 No L 17

20 January 1977

English Edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 96/77 of 19 January 1977 fixing the import levies on cereals and on wheat or rye flour groats and meal	1
Commission Regulation (EEC) No 97/77 of 19 January 1977 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 98/77 of 19 January 1977 fixing the import levies on rice and broken rice	5
Commission Regulation (EEC) No 99/77 of 19 January 1977 fixing the premiums to be added to the import levies on rice and broken rice	7
Commission Regulation (EEC) No 100/77 of 18 January 1977 establishing the standard average values for customs purposes of citrus fruits and apples and pears	9
Commission Regulation (EEC) No 101/77 of 19 January 1977 amending Regulation (EEC) No 572/76 fixing monetary compensatory amounts, with special reference to sugar	11
Commission Regulation (EEC) No 102/77 of 19 January 1977 determining the world market price for colza and rape seed	12
Commission Regulation (EEC) No 103/77 of 19 January 1977 altering the amount of the subsidy on colza and rape seed	14
Commission Regulation (EEC) No 104/77 of 19 January 1977 fixing the import levies on white sugar and raw sugar	16
Commission Regulation (EEC) No 105/77 of 19 January 1977 altering the export refunds on oil seeds	17

II *Acts whose publication is not obligatory***Commission**

77/70/EEC :

- ★ Commission Decision of 8 October 1976 authorizing the French Republic not to apply Community treatment to tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian) or of kinds of pottery other than common pottery or stoneware, falling within heading No 69.11 or subheading 69.12 C or D of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States 19

77/71/EEC :

- ★ Commission Decision of 21 October 1976 authorizing the French Republic not to apply Community treatment to radio receivers, whether or not combined with a sound recorder or reproducer, falling within subheading 85.15 A III of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States 21

77/72/EEC :

- ★ Commission Decision of 3 November 1976 authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to women's, girls' and infants' coats, jackets, dresses and skirts, falling within heading No ex 61.02 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States 22

77/73/EEC :

- ★ Commission Decision of 29 November 1976 authorizing the Federal Republic of Germany not to apply Community treatment to certain under garments, knitted or crocheted, not elastic or rubberized, of cotton or of other textile materials — men's and boys' pyjamas, women's, girls' and infants' pyjamas and nightdresses, falling within heading No ex 60.04 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the Netherlands 23

77/74/EEC :

- ★ Commission Decision of 30 November 1976 authorizing the Federal Republic of Germany not to apply Community treatment to certain women's, girls' and infants' outer garments : shirts and blouses, falling within subheading ex 61.02 B of the Common Customs Tariff, originating in the Republic of Korea and in free circulation in the Netherlands and the United Kingdom 24

77/75/EEC :

- ★ Commission Decision of 22 December 1976 relating to the granting of aid for horticulture under glass in the Netherlands in order to offset the increase in fuel oil prices 25

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 96/77**of 19 January 1977****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 3138/76⁽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 20 January 1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 62.

ANNEX

to the Commission Regulation of 19 January 1977 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./tonne)

CCT heading No	Description of goods	Levies
10.01 A	Common wheat and meslin	81.96
10.01 B	Durum wheat	138.76 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	62.59 ⁽⁶⁾
10.03	Barley	42.66
10.04	Oats	44.64
10.05 B	Maize other than hybrid maize for sowing	49.23 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	54.78 ⁽⁴⁾
10.07 C	Grain sorghum	56.66 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	126.20
11.01 B	Rye flour	99.07
11.02 A I a	Durum wheat groats and meal	225.70
11.02 A I b	Common wheat groats and meal	135.45

⁽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./tonne.

⁽²⁾ Where maize originating in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./tonne 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./tonne.

⁽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./tonne.

⁽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 97/77**of 19 January 1977****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 3138/76⁽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 20 January
1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 64.

ANNEX

to the Commission Regulation of 19 January 1977 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./tonne)

CCT heading No	Description of goods	Current 1	1st period 2	2nd period 3	3rd period 4
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize other than hybrid maize for sowing	0	0	0	2.26
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0.74
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a./tonne)

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

COMMISSION REGULATION (EEC) No 98/77**of 19 January 1977****fixing the import levies on rice and broken rice**

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 organiza-
tion of the market in rice ⁽¹⁾, and in particular Article
11 (2) thereof,

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2137/76 ⁽²⁾, as last
amended by Regulation (EEC) No 44/77 ⁽³⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 2137/76
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 table annexed to
this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 20 January
1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 240, 1. 9. 1976, p. 5.

⁽³⁾ OJ No L 10, 13. 1. 1977, p. 5.

(2) In accordance with Regulation (EEC) No 706/76, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

COMMISSION REGULATION (EEC) No 99/77**of 19 January 1977****fixing the premiums to be added to the import levies on rice and broken rice**

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 organiza-
tion of the market in rice ⁽¹⁾, and in particular Article
13 (6) thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2138/76 ⁽²⁾, as last amended by Regulation (EEC)
No 45/77 ⁽³⁾;

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 table annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice are
hereby fixed as shown in the table annexed to this
Regulation.

Article 2

This Regulation shall enter into force on 20 January
1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 240, 1. 9. 1976, p. 8.

⁽³⁾ OJ No L 10, 13. 1. 1977, p. 7.

ANNEX

to the Commission Regulation of 19 January 1977 fixing the premiums to be added to the import levies on rice and broken rice

(u.a. / tonne)

CCT heading No	Description of goods	Current 1	1st period 2	2nd period 3	3rd period 4
10.06	Rice :				
	A. Paddy rice ; husked rice :				
	I. Paddy rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	II. Husked rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	B. Semi-milled or wholly milled rice :				
	I. Semi-milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	II. Wholly milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	C. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 100/77**of 18 January 1977****establishing the standard average values for customs purposes of citrus fruits
and apples and pears**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Commission Regulation (EEC) No
1570/70 of 3 August 1970 establishing a system of
standard average values for citrus fruits⁽¹⁾, as last
amended by Regulation (EEC) No 1937/74 of 24 July
1974⁽²⁾, and in particular Article 2 thereof,

Having regard to Commission Regulation (EEC) No
1641/75 of 27 June 1975 establishing a system of
standard average values for the determination of the
value for customs purposes of apples and pears⁽³⁾, and
in particular Articles 2 and 8 thereof,

Whereas it follows from the application of the notes
and criteria laid down by Regulations (EEC) No
1570/70 and (EEC) No 1641/75 to the elements

communicated to the Commission in accordance with
Article 4 (1) of Regulation (EEC) No 1570/70 and
Article 4 (1) of Regulation (EEC) No 1641/75 that the
standard average values should be fixed as shown in
the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The standard average values provided for in Article 2
(1) of Regulation (EEC) No 1570/70 and in Article 2
(1) of Regulation (EEC) No 1641/75 shall be as shown
in the tables in the Annex.

Article 2

This Regulation shall enter into force on 21 January
1977.

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

Done at Brussels, 18 January 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 171, 4. 8. 1970, p. 10.

⁽²⁾ OJ No L 203, 25. 7. 1974, p. 25.

⁽³⁾ OJ No L 165, 28. 6. 1975, p. 45.

ANNEX

Table I: Citrus fruits

Code	Description of goods	Amount of standard average values/100 kg gross							
		Bfrs/Lfrs	Dkr	DM	FF	£ Irish	Lit	Fl	£ sterling
1.	Lemons :								
1.1	— Spain	1 031	164.35	66.79	139	16.25	23 318	70.02	16.25
1.2	— Tunisia, Morocco, Algeria	—	—	—	—	—	—	—	—
1.3	— Countries in southern Africa	—	—	—	—	—	—	—	—
1.4	— Other African countries and countries on the Mediterranean	990	157.82	64.13	133.48	15.60	22 391	67.24	15.60
1.5	— USA	1 171	186.61	75.83	157.82	18.45	26 476	79.51	18.45
1.6	— Other countries	—	—	—	—	—	—	—	—
2.	Sweet oranges :								
2.1	— Countries on the Mediterranean :								
2.1.1	— Navels (with the exception of Navel sanguines), Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese blondes, Shamoutis, Ovalis, Trovita, Hamlins	809	128.92	52.39	109.03	12.75	18 291	54.93	12.75
2.1.2	— Sanguines and semi-sanguines, including Navel sanguines and Maltese sanguines	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾
2.1.3	— Other	753	119.96	48.74	101.45	11.86	17 019	51.11	11.86
2.2	— Countries in southern Africa	—	—	—	—	—	—	—	—
2.3	— USA	991	158.00	64.20	133.62	15.62	22 416	67.32	15.62
2.4	— Brazil	—	—	—	—	—	—	—	—
2.5	— Other countries	812	129.43	52.60	109.47	12.80	18 364	55.15	12.80
3.	Grapefruit and pomelos :								
3.1	— Tunisia, Morocco, Algeria	—	—	—	—	—	—	—	—
3.2	— Cyprus, Israel, Gaza, Egypt, Turkey	794	126.49	51.40	106.98	12.51	17 946	53.89	12.51
3.3	— Countries in southern Africa	—	—	—	—	—	—	—	—
3.4	— USA	660	105.26	42.77	89.03	10.41	14 935	44.85	10.41
3.5	— Other American countries	569	90.66	36.84	76.68	8.96	12 863	38.63	8.96
3.6	— Other countries	615	97.97	39.81	82.86	9.69	13 899	41.74	9.69
4.	Clementines	1 422	226.58	92.07	191.63	22.41	32 146	96.54	22.41
5.	Mandarines including wilkings	923	147.04	59.75	124.36	14.54	20 861	62.65	14.54
6.	Monreales and satsumas	1 086	173.07	70.33	146.37	17.11	24 554	73.74	17.11
7.	Tangerines	1 060	168.84	68.61	142.79	16.69	23 954	71.94	16.69

⁽¹⁾ The standard average value for this code number is established by Regulation (EEC) No 2352/76 of 28 September 1976 (OJ No L 267, 30. 9. 1976).

Table II: Apples and pears

8.	Apples :								
8.1	— Countries of the southern hemisphere	—	—	—	—	26.39	—	—	—
8.2	— European third countries	778	—	50.39	104.87	16.95	17 592	52.83	16.95
8.3	— Countries of the northern hemisphere other than European countries	—	—	—	—	29.12	—	—	29.12
9.	Pears :								
9.1	— Countries of the southern hemisphere	—	—	—	—	—	—	—	—
9.2	— European third countries	—	—	—	—	—	—	—	—
9.3	— Countries of the northern hemisphere other than European countries	— ⁽¹⁾	—	— ⁽¹⁾	— ⁽¹⁾	—	— ⁽¹⁾	— ⁽¹⁾	—

⁽¹⁾ The standard average value for this code number is established by Regulation (EEC) No 2352/76 of 28 September 1976 (OJ No L 267, 30. 9. 1976).

COMMISSION REGULATION (EEC) No 101/77
of 19 January 1977
amending Regulation (EEC) No 572/76 fixing monetary compensatory amounts,
with special reference to sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States⁽¹⁾, as last amended by Regulation (EEC) No 557/76⁽²⁾, and in particular Article 6 thereof,

Whereas it is laid down in Part 7 of Annex I to Commission Regulation (EEC) No 572/76 of 15 March 1976 fixing the monetary compensatory amounts and certain rates for their application⁽³⁾, as last amended by Regulation (EEC) No 81/77⁽⁴⁾, that no monetary compensatory amount is to be applied to sugar exported pursuant to Article 26 of Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽⁵⁾, as last amended by Regulation (EEC) No 3138/76⁽⁶⁾;

Whereas the exportation of such sugar, produced during a given sugar marketing year in excess of the maximum quota of the undertaking, may give rise to deflections of trade since it may be replaced in intra-Community trade by sugar which has been produced within the limits of the quota and is thus subject to the application of compensatory amounts; whereas an operator who engages in such deflections benefits therefrom unfairly;

Whereas, in order to prevent such practices, compensatory amounts should therefore be applied to such sugar where it is exported from a Member State other than that in which it was produced and that such

application should be restricted to cases where a compensatory amount is levied on exportation;

Whereas Regulation (EEC) No 572/76 also provides for the non-application of monetary compensatory amounts for certain exports of sugar; whereas the arrangements applicable to those exports have expired; whereas references to them should therefore be omitted from the Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Footnote (1) to Part 7 of Annex I to Regulation (EEC) No 572/76 is amended to read as follows:

- (1) No monetary compensatory amount shall be applied to sugar exported to non-member countries pursuant to Article 26 of Regulation (EEC) No 3330/74. It shall be levied, however, where the customs export formalities are completed in a Member State other than that in which the export licence was issued.

Article 2

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

However, it shall not apply to exports effected on the basis of licences issued before the date of entry into force of this Regulation.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 1.

⁽³⁾ OJ No L 68, 15. 3. 1976, p. 5.

⁽⁴⁾ OJ No L 14, 17. 1. 1977, p. 5.

⁽⁵⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽⁶⁾ OJ No L 354, 24. 12. 1976, p. 1.

COMMISSION REGULATION (EEC) No 102/77
of 19 January 1977
determining the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 3477/73⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 632/75⁽⁶⁾, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 9 (4) of Regulation (EEC) No 2300/73, the Commission must determine the world market price for colza and rape seed;

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1713/76 of 15 July 1976 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 103/77⁽⁸⁾;

Whereas to enable the price system to operate normally, the world market price should be calculated on the following basis:

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

Whereas, applying all these provisions, the world market price for colza and rape seed should be fixed as shown in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The world market price referred to in Article 9 (4) of Regulation (EEC) No 2300/73 and the rates to be used for converting them into national currencies shall be as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 20 January 1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 66, 13. 3. 1975, p. 11.

⁽⁷⁾ OJ No L 192, 16. 7. 1976, p. 17.

⁽⁸⁾ See page 14 of this Official Journal.

ANNEX

World market price applicable from 20 January 1977 for colza and rape seed (CCT heading No ex 12.01)

	u.a./100 kg ⁽¹⁾
World market price	22.195
World market price where the subsidy is fixed in advance :	
— for the month of January 1977	22.195
— for the month of February 1977	22.195
— for the month of March 1977	22.195
— for the month of April 1977	21.744
— for the month of May 1977	21.744
— for the month of June 1977	21.744

⁽¹⁾ The conversion rates from units of account into national currency as foreseen by Article 9 (5) (a) of Regulation (EEC) No 2300/73 are the following :

1 u.a. =	DM	3.15665
1 u.a. =	Fl	3.35507
1 u.a. =	Bfr/Lfr	48.6572
1 u.a. =	FF	6.69985
1 u.a. =	Dkr	7.89407
1 u.a. =	£	0.788112
1 u.a. =	I £	0.788112
1 u.a. =	Lit	1 178.59

COMMISSION REGULATION (EEC) No 103/77
of 19 January 1977
altering the amount of the subsidy on colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 1713/76⁽³⁾, as last amended by Regulation (EEC) No 75/77⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1713/76

to the information at present available to the Commission that the amount of the subsidy at present in force for colza and rape seed should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC is hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 20 January 1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 192, 16. 7. 1976, p. 17.

⁽⁴⁾ OJ No L 12, 15. 1. 1977, p. 29.

ANNEX

Subsidy applicable from 20 January 1977 to colza and rape seed (CCT heading No ex 12.01)
(u.a./100 kg)

	<i>Colza and rape seed</i>
Subsidy	6.895
Subsidy in the case of advance fixing :	
— for the month of January 1977	6.895
— for the month of February 1977	7.199
— for the month of March 1977	7.503
— for the month of April 1977	7.954
— for the month of May 1977	7.954
— for the month of June 1977	7.954

COMMISSION REGULATION (EEC) No 104/77

of 19 January 1977

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 organ-
ization of the market in sugar⁽¹⁾, as last amended by
Regulation (EEC) No 3138/76⁽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 95/77⁽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 20 January
1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 172, 1. 7. 1976, p. 31.

⁽⁴⁾ OJ No L 16, 19. 1. 1977, p. 7.

ANNEX

to the Commission Regulation of 19 January 1977 fixing the import levies on white sugar
and raw sugar

(u.a./100 kg)		
CCT heading No	Description of goods	Levy
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar	18.02
	B. Raw sugar	16.69 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 105/77

of 19 January 1977

altering the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/66/EEC
of 22 September 1966 on the establishment of a
common organization of the market in oils and
fats⁽¹⁾, as last amended by Regulation (EEC) No
1707/73⁽²⁾,

Having regard to Council Regulation No 162/66/EEC
of 27 October 1966 on trade in oils and fats between
the Community and Greece⁽³⁾,

Having regard to Council Regulation No 142/67/EEC
of 21 June 1967 on export refunds on colza, rape and
sunflower seeds⁽⁴⁾, as last amended by Regulation
(EEC) No 2429/72⁽⁵⁾, and in particular the second
sentence of Article 2 (3) thereof,

Whereas the export refunds on oil seeds were fixed by
Regulation (EEC) No 3213/76⁽⁶⁾;

Whereas it follows from applying the rules, criteria
and other provisions contained in Regulation (EEC)
No 3213/76 to the information at present available to
the Commission that the export refunds at present in
force should be altered as shown in the Annex to this
Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The refunds on the products referred to in Article 21
of Regulation No 136/66/EEC, exported to third coun-
tries and Greece, as fixed in the Annex to Regulation
(EEC) No 3213/76, are hereby altered as shown in the
Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 January
1977.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No 197, 29. 10. 1966, p. 3393/66.

⁽⁴⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁵⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁶⁾ OJ No L 362, 31. 12. 1976, p. 23.

*ANNEX***to the Commission Regulation of 19 January 1977 altering the export refunds on oil seeds***(u.a. / 100 kg)*

CCT heading No	Description of goods	Refund
ex 12.01	Colza and rape seed, other than for sowing	6.00
ex 12.01	Sunflower seed, other than for sowing	—

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 October 1976

authorizing the French Republic not to apply Community treatment to tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian) or of kinds of pottery other than common pottery or stoneware, falling within heading No 69.11 or subheading 69.12 C or D of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States

(Only the French text is authentic)

(77/70/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 4 October 1976 by the French Government to the European Communities for authorization not to apply Community treatment to tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian) or of kinds of pottery other than common pottery or stoneware, falling within heading No 69.11 or subheading 69.12 C or D of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States,

Whereas for the products in question France, in accordance with the Council Decision of 18 December 1975⁽¹⁾ on import arrangements in respect of State-

trading countries, has opened for 1976, in respect of the People's Republic China, an annual quota of FF 575 000 which is wholly taken up ;

Whereas the indirect imports in question, which would be in addition to those already effected, would be likely to prevent the execution of the commercial policy measures adopted by France because of the economic difficulties in the sector concerned ;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States ;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971⁽²⁾, and in particular Article 1 thereof ;

Whereas the request for an import licence which gave rise to the application under Article 115 need not be covered by this authorization in view of the small amount involved,

⁽¹⁾ OJ No L 332, 31. 12. 1975.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to imports of the following products :

CCT heading No	Description of goods
69.11	Tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian)
69.12	Tableware and other articles of a kind commonly used for domestic and toilet purposes, of other kinds of pottery : C. Earthenware of fine pottery D. Other

where they originate in the People's Republic of China and are in free circulation in the other Member

States, and in respect of which applications for import licences were lodged after the date of this Decision.

Article 2

This Decision shall apply until new opportunities arise in France for the importation of the products in question from the People's Republic of China, and in any case not later than 31 December 1976.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 8 October 1976.

For the Commission

Christopher SOAMES

Vice-President

COMMISSION DECISION

of 21 October 1976

authorizing the French Republic not to apply Community treatment to radio receivers, whether or not combined with a sound recorder or reproducer, falling within subheading 85.15 A III of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States

(Only the French text is authentic)

(77/71/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 14 October 1976 by the French Government to the Commission by telex from the office of its permanent representative to the European Communities, for authorization not to apply Community treatment to radio receivers, whether or not combined with a sound recorder or reproducer, falling within subheading 85.15 A III of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States,

Whereas according to this application there are no opportunities at present for the direct importation into France of the products in question from Taiwan;

Whereas according to information supplied by the French authorities there are serious economic difficulties in the industrial sector concerned, resulting in particular in a progressive decline of production;

Whereas differences in the commercial policy measures applied in connection with these products by France and by the other Member States as regards Taiwan are giving rise to deflection of trade;

Whereas this deflection of trade is preventing the execution of the commercial policy measures currently being applied by France as regards Taiwan and is likely to aggravate the economic difficulties mentioned above;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas, in order to ensure that the execution of the above commercial policy measures is not obstructed, authorization should be given, for a limited period, for

the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to imports of the following products:

CCT heading No	Description of goods
85.15 A III	Radio receivers, whether or not combined with a sound recorder or reproducer

where they originate in Taiwan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 5 October 1976.

Article 2

This Decision shall apply until opportunities arise in the French Republic for the direct importation of the products in question from Taiwan and in any case not later than 31 March 1977.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 21 October 1976.

For the Commission

Christopher SOAMES

Vice-President

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 3 November 1976

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to women's, girls' and infants' coats, jackets, dresses and skirts, falling within heading No ex 61.02 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States

(Only the French and Dutch texts are authentic)

(77/72/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 28 October 1976 by the Governments of the Benelux countries to the Commission by telex from the Office of the Permanent Representative of the Kingdom of the Netherlands to the European Communities, for authorization not to apply Community treatment to women's, girls' and infants' coats, jackets, dresses and skirts, falling within heading No ex 61.02 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States,

Whereas for the products in question, the Benelux countries, in accordance with the Council Decision of 10 July 1975⁽¹⁾, have opened in respect of Taiwan an annual quota of 34 tonnes which has been almost wholly taken up;

Whereas, according to information supplied by the Governments of the Benelux countries, there are serious economic difficulties in the ready-made clothing sector, resulting in a decline of production and a constant reduction of the number of workers in that sector;

Whereas these economic difficulties are caused largely by unequal conditions of competition with certain countries (including Taiwan), whereby such countries are enabled to export at prices lower than those of producers in the Benelux countries;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the

first paragraph of Article 115, subject to the conditions specified in the Commission Decision of 12 May 1971⁽²⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are authorized not to apply Community treatment to imports of women's, girls' and infants' coats, jackets, dresses and skirts, falling within heading No ex 61.02 of the Common Customs Tariff, where they originate in Taiwan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 17 October 1976.

Article 2

This Decision shall apply until new opportunities arise in the Benelux countries for the importation of the products in question from Taiwan and in any case not later than 31 December 1976.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 3 November 1976.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 182, 12. 7. 1975, p. 2.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 29 November 1976

authorizing the Federal Republic of Germany not to apply Community treatment to certain under garments, knitted or crocheted, not elastic or rubberized, of cotton or of other textile materials — men's and boys' pyjamas, women's, girls' and infants' pyjamas and nightdresses, falling within heading No ex 60.04 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the Netherlands

(Only the German text is authentic)

(77/73/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 22 November 1976 by the Government of the Federal Republic of Germany to the Commission by telex from the office of its permanent representative to the European Communities, for authorization not to apply Community treatment to certain under garments, knitted or crocheted, not elastic or rubberized, of cotton or of other textile materials — men's and boys' pyjamas, women's, girls' and infants' pyjamas and nightdresses, falling within heading No ex 60.04 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the Netherlands,

Whereas, under the Agreement concluded on 8 April 1976 between the Community and Hong Kong following Article 4 of the Arrangement regarding international trade in textiles, Hong Kong has undertaken to limit its exports of the products in question to the Federal Republic of Germany to a certain ceiling;

Whereas further indirect imports would be likely to aggravate the serious economic difficulties in the branch of the textile industry concerned, which are resulting in particular in a progressive decline of production;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the Netherlands and the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is authorized not to apply Community treatment to the following products:

CCT heading No	Description of goods
ex 60.04	Certain under garments, knitted or crocheted, not elastic or rubberized: — Of cotton or of other textile materials: — Men's and boys' pyjamas — Women's, girls' and infants' pyjamas and nightdresses

where they originate in Hong Kong and are in free circulation in the Netherlands, and in respect of which applications for import licences were lodged after 9 November 1976.

Article 2

This Decision shall apply until new opportunities arise in the Federal Republic of Germany for the importation of the products in question from Hong Kong and in any case not later than 31 December 1976.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 November 1976.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 30 November 1976

authorizing the Federal Republic of Germany not to apply Community treatment to certain women's, girls' and infants' outer garments : shirts and blouses, falling within subheading ex 61.02 B of the Common Customs Tariff, originating in the Republic of Korea and in free circulation in the Netherlands and the United Kingdom

(Only the German text is authentic)

(77/74/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 24 November 1976 by the Government of the Federal Republic of Germany to the Commission by telex from the office of its permanent representative to the European Communities, for authorization not to apply Community treatment to certain women's, girls' and infants' outer garments: shirts and blouses, falling within subheading ex 61.02 B of the Common Customs Tariff, originating in the Republic of Korea and in free circulation in the Netherlands and the United Kingdom,

Whereas the importation into the Community of the products in question originating in the Republic of Korea is the subject of an Agreement negotiated between the Community and that country signed on 28 November 1975;

Whereas, under that Agreement, the Republic of Korea has undertaken to take all necessary steps to limit its exports of certain textile products to the Community to certain ceilings allocated among the Member States;

Whereas according to information supplied by the Government of the Federal Republic of Germany, there are serious economic difficulties in the ready-made clothing sector concerned, resulting in particular in a progressive decline of production;

Whereas indirect imports, which would be in addition to those already effected, would be likely to aggravate these economic difficulties;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the Netherlands, the United Kingdom and the other Member States;

Whereas authorization should accordingly be given, for a limited period, for the application of protective measures under the first paragraph of Article 115,

subject to the conditions specified in the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is authorized not to apply Community treatment to imports of the following products:

CCT heading No	Description of goods
ex 61.02 B	Women's, girls' and infants' outer garments — Shirts and blouses

where they originate in the Republic of Korea and are in free circulation in the Netherlands and the United Kingdom, and in respect of which applications for import licences were lodged after 10 November 1976.

Article 2

This Decision shall apply until new opportunities arise in the Federal Republic of Germany for the importation of the products in question from the Republic of Korea and in any case not later than 31 December 1976.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 November 1976.

For the Commission

Finn GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 22 December 1976

relating to the granting of aid for horticulture under glass in the Netherlands in order to offset the increase in fuel oil prices

(Only the Dutch text is authentic)

(77/75/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, and in particular Article 31 thereof,

Having regard to Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage ⁽²⁾, and in particular Article 11 thereof,

Having regard to the comments submitted by the parties concerned,

Whereas by letter of 15 July 1975 from the office of its permanent representative, the Netherlands Government communicated to the Commission under Article 93 (3) of the Treaty a proposal for aid comprising the granting of subsidies for horticulture under glass amounting to Fl 34.50 per tonne of heavy fuel oil and Fl 37.00 per 1 000 litres of light fuel oil, in order to offset the increase in the price of oil products, and the raising of the rate of reimbursement of excise duties on heavy and light fuel oil from 75 to 100 %; whereas the abovementioned subsidies amounted to about one-third of the price increase for oil products between 1 September 1973 and 1 July 1975, i.e. Fl 34.54 per tonne of heavy fuel oil and Fl 37.05 per 1 000 litres of light fuel oil;

Whereas in the 'guidelines for the granting of any national aid with a view to the adaptation of horticulture under glass and inshore fisheries to developments on the energy market', communicated to the Member States by letter of 25 June 1974 and amended by letter of 30 April 1975, the Commission decided to consider as compatible with the common market aid intended to offset the increase in the price of oil products used in horticulture between 1 July 1975 and 30 June 1976, provided that it did not exceed one-third of the price increase for these products

recorded between 1 September 1973 and the date on which any such aid measure was adopted; whereas these guidelines also state that this compensation may be granted only if the price of natural gas is equal to the price of heavy fuel oil less the amount of the aid granted, these prices being understood as being based on an equal calorific value;

Whereas the total amount of the aid proposed by the Netherlands Government (subsidies and increase in the rate of reimbursement of exercise duties) exceeded the amounts which could be authorized for fuel oil prices obtaining on the date on which the measures were proposed;

Whereas the Commission therefore initiated on 15 September 1975 the procedure provided for in the first sentence of Article 93 (2) of the EEC Treaty in respect of these measures exceeding the maximum of one-third of the price increase; whereas, under the said procedure, it gave the Netherlands Government, the other Member States and any other parties concerned, notice to submit their comments ⁽³⁾;

Whereas the Netherlands Government submitted its comments to the Commission by letter of 23 December 1975, in which it did not contest the fact that the reimbursement of excise duties fell within the field of application of Articles 92 to 94 of the EEC Treaty, but did not accept the view that the increase in the rate of reimbursement of excise duties would be covered by the guidelines;

Whereas, in reply to a letter of 11 June 1976 from the Member of the Commission responsible for agriculture, the Netherlands authorities submitted to the Commission by letter of 2 August 1976, certain comments which did not contain any points such as to alter the Commission's assessment;

Whereas two Member States and certain parties concerned other than the Member States submitted comments to the Commission in which they stated that they regarded exceeding the maximum of one-third as incompatible with the common market since, in their view, a distortion of competition had already been created by the fact that those engaged in horticulture in the other Member States did not receive aid

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽³⁾ OJ No C 217, 23. 9. 1975.

during the period in question to offset the increase in the price of fuel ;

Whereas there is a very large volume of trade between the Member States in the agricultural products concerned ; whereas, consequently, the granting of national aid is likely to affect this trade between Member States and to distort competition within the meaning of Article 92 (1) of the EEC Treaty ;

Whereas the guidelines covered any aid intended to offset the increase in the cost of energy products, without any exception, and therefore also included aid in the form of the reimbursement of excise duties ;

Whereas the aid for the operation of undertakings provided for in the guidelines was intended to alleviate the effects of the increase in the price of oil products and to enable undertakings engaged in horticulture under glass to remain operative during a certain period of adjustment to the new situation, likely to be a lasting one, created by this increase, in order to avoid social and regional problems ; whereas the maximum rate fixed by the guidelines constituted the limit within which such aid could be considered as intended to facilitate the development of horticulture within the meaning of Article 92 (3) (c) of the EEC Treaty, since this maximum rate enabled Member States to grant sufficient aid to ensure the adjustment of healthy and viable undertakings to the increase in the price of oil products while at the same time maintaining the need for an effort on the part of the undertakings themselves to cover two-thirds of this increase ; whereas aid in excess of this limit would reduce the effort required of the undertakings, would enable less profitable undertakings to remain operative and would impair trade patterns to a degree contrary to the common interest ;

Whereas exceeding the rate of aid provided for in the guidelines would distort competition and would impair trade between the Member States to a degree

contrary to the common interest ; whereas it is therefore covered by the prohibition contained in Article 92 (1) of the Treaty without qualifying for exceptional treatment under paragraph 3 (c) of that Article ;

Whereas, furthermore it is obvious that the aid in question does not fulfil the conditions which would enable it to qualify for a derogation as provided for in Article 92 (2) and (3) (b) of the EEC Treaty ; whereas the aid is not of a regional nature within the meaning of Article 92 (3) (a) ;

Whereas, consequently, this aid is incompatible with the common market under the terms of Article 92 of the Treaty, in so far as it exceeds the aforementioned maximum rate,

HAS ADOPTED THIS DECISION :

Article 1

The Kingdom of the Netherlands shall not adopt the proposed aid measures communicated to the Commission by letter of 15 July 1975, to the extent that the total amount of the aid exceeds Fl 34.54 per tonne of heavy fuel oil and Fl 37.05 per 1 000 litres of light fuel oil.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 22 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission