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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2211/77

of 27 September 1977

amending Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine and Regulation (EEC) No 817/70 laying down special provisions relating to quality wines produced in specified regions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas experience shows that certain amendments should be made to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine⁽³⁾, as last amended by Regulation (EEC) No 1679/77⁽⁴⁾;

Whereas it appears that the weighted average prices as fixed pursuant to Article 4 of Council Regulation (EEC) No 816/70 do not always show sufficiently quickly that there is an imbalance on the Community wine market, thereby upsetting the arrangements for putting intervention measures into operation; whereas, therefore, for table wines of types R III, A II and A III, the weighting should no longer be limited to the lowest average prices; whereas, in addition, for the other table wines produced in the greatest quantity in the Community, in order to monitor more closely the development of producer prices in the Community so as to take effective action on the market at the appropriate time, a representative Community price should be established on the basis of a number of quotation centres, rather than a

weighted average price on the basis of the single criterion of volume; whereas, in order to avoid confusion, the term 'weighted average price' should be replaced by 'representative price';

Whereas, in the event of exceptional climatic conditions, it would appear necessary to permit acidification, during limited periods of the year, in wine zones C I (a) and C I (b) in the same conditions and within the same limits as those laid down for zones C II and C III and to permit, in certain installations only, additional acidification of wines from zones C II and C III and partial deacidification of wines from zones A, B, C I (a), C I (b) and C II;

Whereas Annex IIa to Council Regulation (EEC) No 816/70 and Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions⁽⁵⁾, as last amended by Regulation (EEC) No 529/77⁽⁶⁾, should consequently be adapted,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 (1) of Regulation (EEC) No 816/70 shall be replaced by the following:

'1. For each type of wine for which a guide price is fixed, the Commission shall, on the basis of all the facts available to it, establish each week and publish in the 'C' series of the *Official Journal of the European Communities*:

(a) an average producer price (hereinafter called the "average price") for each representative market for the relevant type of table wine;

⁽¹⁾ OJ No C 163, 11. 7. 1977, p. 78.

⁽²⁾ OJ No C 180, 28. 7. 1977, p. 27.

⁽³⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽⁴⁾ OJ No L 187, 27. 7. 1977, p. 15.

⁽⁵⁾ OJ No L 99, 5. 5. 1970, p. 20.

⁽⁶⁾ OJ No L 69, 16. 3. 1977, p. 2.

- (b) for table wines of types R III, A II and A III, a representative Community price (hereinafter called the "representative price"), corresponding to the weighted average of all the average prices established;
- (c) for table wine of types R I, R II and A I, a representative Community price (hereinafter called the "representative price") corresponding to the weighted average of half the average prices established. This half shall be constituted by the lowest average prices. Where the number of average prices to be used is not a whole number, it shall be rounded up to the whole number immediately above.

Where the application of the aforementioned rules results in the number of average prices to be used being less than five in the case of table wine of type R I and less than three in the case of table wines of types R II and A I, the five lowest prices and the three lowest prices respectively shall be used. However, if the total number of average prices established is lower than the said figures, all the average prices established shall be used.

The weighted averages referred to in (b) and (c) shall be calculated on the basis of the volumes to which the average prices used refer.'

Article 2

The term 'weighted average price' in Articles 5 (2), 6 (3) and 6c (1) of Regulation (EEC) No 816/70 shall be replaced by the term 'representative price'.

Article 3

Article 20 of Regulation (EEC) No 816/70 shall be replaced by the following:

'Article 20

1. Fresh grapes, grape must, grape must in fermentation and new wine still in fermentation may be the subject of:

- partial deacidification in wine-growing zones A, B, C I (a) and C I (b),
- acidification and deacidification in wine-growing zone C II, without prejudice to paragraph 3,
- acidification in wine-growing zone C III.

Acidification may only be carried out within an upper limit of 1.50 g/l expressed in tartaric acid, or 20 milliequivalents.

Moreover, grape must intended for concentration may be the subject of partial deacidification.

2. In years when climatic conditions have been exceptional:

- additional acidification may be authorized up to a limit of 1.50 g/l expressed in tartaric acid, or 20 milliequivalents:

- for the products referred to in paragraph 1 originating from zones C II and C III,
- or for wine from the same wine-growing zones provided that acidification is carried out in the installations of the person who used the grapes and grape must from which the wine originated;
- acidification of the products referred to in paragraph 1 may be authorized in wine-growing zones C I (a) and C I (b) in the conditions referred to in paragraph 1 in the case of zones C II and C III;
- partial deacidification of wine from wine-growing zones A, B, C I (a), C I (b) and C II may be authorized provided that the deacidification is carried out in the installations of the person who used the grapes and grape must from which the wine originated.

3. Acidification and enrichment, except by way of derogation to be decided case by case, and acidification and deacidification of one and the same product are mutually exclusive processes.

4. The authorizations pursuant to paragraph 2, the derogations referred to in paragraph 3 and the other detailed rules for the application of this Article and in particular the conditions under which the operations referred to in paragraph 2 may be carried out shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 4

Article 22 of Regulation (EEC) No 816/70 shall be replaced by the following:

'Article 22

1. None of the processes mentioned in Articles 19 and 20 shall be authorized unless carried out as a single operation at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine suitable for yielding table wine or into table wine, and in the wine-growing zone where the fresh grapes used have been harvested. The same shall apply to the concentration, acidification and deacidification of wines suitable for yielding table wines and of table wines.

Each of the processes referred to in the first subparagraph must be notified to the competent authorities. The same shall apply in respect of the quantities of sucrose or concentrated grape must held in the exercise of their profession by natural or legal persons, in particular producers, bottlers, processors and merchants to be determined, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however,

be replaced by entry in a goods inwards and stock utilization register.

2. Except by way of derogation justified by exceptional climatic conditions and except where the process is one of those referred to in Article 20 (2), first and third indents, those processes may only be carried out:

- before 1 January, in wine-growing zones C I (a) and C I (b);
- before 16 March, in wine-growing zones A and B,

and only for products of the wine harvest immediately preceding those dates.

However:

- concentration by cooling may be practised throughout the year;
- the processes referred to in the first indent of Article 20 (2) may be carried out only before 16 May and only on products of the wine harvest immediately preceding that date;
- the processes referred to in the third indent of Article 20 (2) may be carried out only before 16 June, and only on products of the wine harvest immediately preceding that date.

3. Detailed rules for the application of this Article, and in particular the exemptions from the obligation contained in paragraph 1, second subparagraph, and the derogations from the closing dates laid down in paragraph 2, first subparagraph, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

Article 5

Annex IIa to Regulation (EEC) No 816/70 shall be replaced by the following:

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

Done at Brussels, 27 September 1977.

1. In paragraph 1:

- the words 'paragraph 1 and paragraph 2' in (l) are deleted;
- the words 'paragraph 1' in (m) are deleted.

2. The following points shall be added to paragraph 2:

- '(k) use of tartaric acid for acidification purposes under the conditions referred to in Articles 20 and 22;
- (l) use of one of the following substances for deacidification purposes under the conditions referred to in Articles 20 and 22:
 - neutral potassium tartrate,
 - potassium bicarbonate,
 - calcium carbonate which may contain small quantities of double salt of calcium of L (+) tartaric and L (—) malic acids.'

Article 6

The first subparagraph of Article 8 (1) of Regulation (EEC) No 817/70 shall be replaced by the following:

- '1. Conditions and limits for the acidification and deacidification of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine, and the procedure for granting authorizations and derogations shall be those laid down in Article 20 of Regulation (EEC) No 816/70.'

Article 7

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

Articles 1 and 2 shall apply as from 16 December 1977.

For the Council

The President

A. HUMBLET

**COUNCIL REGULATION (EEC) No 2212/77
of 6 October 1977**

**on the granting of aid to certain producers of wine grapes intended for the
production of table wines in certain wine-growing regions affected by natural
disasters**

THE COUNCIL 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 provi-
sions for the common organization of the market in
wine ⁽¹⁾, as last amended by Regulation (EEC) No
1679/77 ⁽²⁾, and in particular Article 38 thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas Article 38 of Regulation (EEC) No 816/70
provides that measures of derogation may be decided
upon to remedy an exceptional situation resulting
from natural disasters;

Whereas in certain regions of the Community there
were severe frosts during the months of March and
April and, during the summer, exceptional rainfall
and reduced sunshine;

Whereas good weather during these months is essen-
tial for a good harvest; whereas, in consequence, the
abnormal climatic conditions referred to accordingly
constitute a natural disaster; whereas it follows from
this that the wines produced from grapes harvested in
these disaster-affected regions will not naturally reach
the minimum alcoholic strength laid down for table
wines;

Whereas the Member States may, under Article 18 of
Regulation (EEC) No 816/70, authorize the natural
alcoholic strength to be increased; whereas, in the
regions in question, this increase is effected by the
addition of concentrated grape must to the basis
products;

Whereas, in order to encourage producers who are
threatened by heavy losses to use concentrated grape
must in the interests of quality, it appears necessary to

grant them aid for this purpose; whereas such a
measure avoids the risk of non-enriched wines of
mediocre quality finding their way, at excessively low
prices, into the table wines market to the detriment of
the stability of that market; whereas, furthermore, this
measure may bring about an increase in the volume of
grape must which will be concentrated and hence a
drop in the total volume of production supplied to the
market; whereas, in consequence, this measure serves
to regularize the table wines market;

Whereas, in order to give preference to those
producers most severely affected, it is appropriate to
limit the granting of this aid to producers who are
able to furnish proof of a yield lower than 50 hecto-
litres per hectare;

Whereas it is necessary to fix the aid at an amount
which takes account of the market price for concen-
trated grape must;

Whereas the application of the measures provided for
in this Regulation extends beyond 15 December
1977; whereas it is necessary, in order to avoid any
discrimination among the producers concerned, to
provide for the application of a single representative
rate for the payments effected pursuant to this Regula-
tion; whereas it is appropriate to use the representa-
tive rate applicable in the wine sector for the 1977/78
wine-growing year;

Whereas the Monetary Committee will be consulted;
whereas, in view of the urgency, it is appropriate to
adopt the measures envisaged in accordance with
Article 3 (2) of Regulation No 129,

HAS ADOPTED THIS REGULATION:

Article 1

Aid shall be granted on the terms laid down in this
Regulation to producers of wine grapes intended for
the production of table wines who are able to furnish
proof of a yield lower than 50 hectolitres per hectare
from the 1977 harvest and whose holdings are situated
in certain yet to be defined parts:

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 187, 27. 7. 1977, p. 15.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

(a) of the following French departments :

— Alpes de	— Gironde
Haute-Provence	— Haute-Garonne
— Alpes maritimes	— Hérault
— Ardèche	— Landes
— Ariège	— Lot
— Aude	— Lot-et-Garonne
— Aveyron	— Lozère
— Bouches-du-Rhône	— Pyrénées-Atlantiques
— Charente	— Hautes-Pyrénées
— Corse du Sud	— Pyrénées-Orientales
— Haute-Corse	— Tarn
— Dordogne	— Tarn-et-Garonne
— Gard	— Var
— Gers	— Vaucluse ;

(b) of Northern Italy

whose 1977 harvest was affected by natural disasters.

Article 2

1. The amount of the aid provided for in Article 1 is hereby fixed, for concentrated must used in the operations described in Articles 18 and 19 of Regulation (EEC) No 816/70, at 0.87 unit of account per degree of potential alcoholic strength per hectolitre.

2. The conversion into national currency of the aid referred to in paragraph 1 shall be effected by means of the representative rate applicable in the wine sector during the 1977/78 wine-growing year.

Article 3

1. Producers wishing to take advantage of the aid provided for in Article 1 must apply to the competent intervention agency at the latest by 15 November 1977.

2. Before granting the aid, the intervention agencies must satisfy themselves that the conditions laid down in Article 1 are fulfilled.

Article 4

The Member States shall communicate to the Commission at the latest by 15 June 1978 the number of producers who have received aid, the quantities of wine subjected to enrichment, and the quantities of concentrated must used to do so expressed in degrees of alcoholic strength per hectolitre.

Article 5

1. The Member States shall appoint an intervention agency responsible for applying this Regulation.

2. The competent body shall be the intervention agency of the Member State in whose territory the grapes have been harvested.

Article 6

Rules for the application of this Regulation, and in particular the determination of the parts of French departments and of Northern Italy referred to in Article 1, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24⁽¹⁾.

Article 7

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

It shall be applicable from 15 September 1977.

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

Done at Brussels, 6 October 1977.

For the Council

The President

A. HUMBLET

⁽¹⁾ OJ No 30, 20. 4. 1962, p. 989/62.

COMMISSION REGULATION (EEC) No 2213/77**of 6 October 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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1386/77⁽²⁾, and in particular
Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1729/77⁽³⁾ and subsequent amending
Regulations;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1729/77 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 7 October
1977.

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

Done at Brussels, 6 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 6 October 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	86.82
10.01 B	Durum wheat	119.76 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	81.43 ⁽⁶⁾
10.03	Barley	75.29
10.04	Oats	66.36
10.05 B	Maize, other than hybrid maize for sowing	79.53 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	62.52 ⁽⁴⁾
10.07 C	Grain sorghum	77.83 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	131.94
11.01 B	Rye flour	125.04
11.02 A I a)	Durum wheat groats and meal	196.47
11.02 A I b)	Common wheat groats and meal	142.15

⁽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 durum 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 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 2214/77**of 6 October 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 1386/77 ⁽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
1730/77 ⁽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 7 October
1977.

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

Done at Brussels, 6 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 6 October 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 10	1st period 11	2nd period 12	3rd period 1
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	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 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 2215/77

of 6 October 1977

fixing the minimum import levies on olive oil

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 (EEC) No 2843/76 of 23 November 1976 laying down special measures in particular for the determination of the offers of olive oil on the world market⁽⁴⁾, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 2844/76 of 23 November 1976 laying down special measures in particular for the determination of the offers of olive oil on the Greek market⁽⁵⁾, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil from Algeria⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil from Morocco⁽⁷⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil from Tunisia⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, and in particular Article 10 (2) thereof,

Whereas, in Regulation (EEC) No 1362/76 of 14 June 1976⁽¹⁰⁾, the Commission decided to use the tendering procedure to fix the levies on olive oil;

Whereas Article 4 of Commission Regulation (EEC) No 3188/76 of 23 December 1976 on detailed rules for the implementation of the special measures for the determination of offers of olive oil on the world market and the Greek market⁽¹¹⁾, as last amended by Regulation (EEC) No 983/77⁽¹²⁾, lays down the criteria for fixing the rate of the minimum levy;

Whereas that rate must be fixed for each of the products concerned on the basis of an examination of the world or Greek markets and of the Community market, and also of the levy rates indicated by the tenderers;

Whereas account should be taken of the oil content of products other than olive oil; whereas, however, no levies are applied to imports of oil-cake and other residues falling within subheading 23.04 A of the Common Customs Tariff and having an oil content of not more than 3 %;

Whereas account should be taken in applying the levy of the provisions of the agreements between the Community and certain non-member countries; whereas, in particular, the levy must be calculated on the basis of the levy to be collected on imports from non-member countries;

Whereas the application of the rules described above to the levy rates submitted by tenderers on 3 and 4 October 1977 results in the fixing of the minimum levies as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on imports of olive oil shall be as shown in the Annex.

Article 2

This Regulation shall enter into force on 7 October 1977.

(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 L 327, 26. 11. 1976, p. 4.

(5) OJ No L 327, 26. 11. 1976, p. 6.

(6) OJ No L 169, 28. 6. 1976, p. 24.

(7) OJ No L 169, 28. 6. 1976, p. 43.

(8) OJ No L 169, 28. 6. 1976, p. 9.

(9) OJ No L 142, 9. 6. 1977, p. 10.

(10) OJ No L 154, 15. 6. 1976, p. 13.

(11) OJ No L 359, 30. 12. 1976, p. 26.

(12) OJ No L 118, 11. 5. 1977, p. 7.

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

Done at Brussels, 6 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 6 October 1977 fixing the minimum import levies on olive oil

(u.a. / 100 kg)

CCT heading No	Greece	Non-member countries
07.01 N II	7-00	9-00
07.03 A II	7-00	8-00
15.07 A I a)	36-00 ⁽²⁾	57-00 ⁽²⁾
15.07 A I b)	37-00 ⁽²⁾	58-00 ⁽²⁾
15.07 A I c)	38-00 ⁽²⁾	59-00 ⁽²⁾
15.07 A II a)	41-00	67-00 ⁽¹⁾
15.07 A II b)	56-00	110-50 ⁽²⁾
15.17 A I	16-00	21-00
15.17 A II	26-00	34-00
23.04 A	3-00 ⁽⁴⁾	3-00 ⁽⁴⁾

⁽¹⁾ For imports of oil falling within this tariff subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3-20 u.a./100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 2-50 u.a./100 kg.

⁽²⁾ For imports of oil falling within this tariff subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 6 u.a./100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 4-80 u.a./100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Greece and Spain : 0-50 u.a./100 kg ;
- (b) Turkey : 18-50 u.a./100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria, Morocco, Tunisia : 20-50 u.a./100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries ; however, the repayment may not exceed the amount of the tax in force.

⁽⁴⁾ Pursuant in Article 3 of Regulations (EEC) No 2843/76 and (EEC) No 2844/76, no import levy is collected on oil-cake and other residues falling within subheading 23.04 A of the Common Customs Tariff and having an oil content of not more than 3 %.

COMMISSION DECISION No 2216/77/ECSC

of 5 October 1977

amending Decision No 3544/73/ECSC implementing Decision 73/287/ECSC on coking coal and coke

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Commission Decision 73/287/ECSC of 25 July 1973 concerning coal and coke for the iron and steel industry in the Community ⁽¹⁾, and in particular Article 12 thereof,

Having regard to the opinion of the Consultative Committee,

Having regard to the opinion of the Council,

Whereas Commission Decision 73/287/ECSC of 25 July 1973, as last amended by Decision No 1613/77/ECSC ⁽²⁾, expires on 31 December 1981; whereas Article 2 (1) (c) of that Decision provides that aids for coking coal and blast-furnace coke may be paid only where deliveries are made under a long-term contract; whereas rebates may only be granted by coal undertakings for such deliveries in accordance with the provisions of Article 3 of the said Decision;

Whereas Article 3 of Decision No 3544/73/ECSC implementing the above Decision ⁽³⁾ lays down the requirements which a contract must meet in order to be regarded as a long-term contract and accordingly give entitlement to the aids and alignment rebates mentioned above; whereas, in particular, a fixed-tonnage contract may provide for variations above or below this tonnage within the limits laid down by Article 3 (2) (a) and (b) of that Decision;

Whereas the Commission introduced measures in 1977 to establish a better balance between the supply of and demand for iron and steel products; whereas these measures consisted, *inter alia*, in a commitment by Community iron and steel undertakings to observe the individual delivery objectives set by the Commission is normally required to reduce substantially its steel and pig iron production in relation to the selected reference period and, consequently, to reduce its consumption of blast-furnace coke, and hence of coking coal, of flexibility provided for in its long-term contract or contracts for coking coal or coke;

Whereas this situation affects a large number of iron and steel undertakings, which, for the year 1977, need to be able to obtain their supplies of coking coal and blast furnace coke on cheaper terms while at the same time adhering to their individual delivery

programmes; whereas an appropriate method would be to relax temporarily the criteria for entitlement to aids and alignment rebates for long-term commitments in respect of a fixed tonnage, without, however, altering either the limits laid down by Article 3 (2) (a) and (b) of Decision No 3544/73/ECSC or the rights and obligations under private law arising from existing contracts; whereas this may be done by providing that such aids and alignment rebates may be granted on condition that the actual tonnage delivered under contract in 1977 does not deviate downwards from the basic tonnage by a percentage greater than that by which the purchaser's iron production differs from that for the reference period in respect of his delivery objectives for iron and steel products;

Whereas the same reasoning applied to undertakings which only produce pig iron for sale to third parties, since their orders from customers who have undertaken to observe delivery objectives for iron and steel products are falling and they are in the same situation as the latter *vis-à-vis* their Community suppliers of coking coal and coke;

Whereas, in view of the temporary nature of this measure, coal undertakings must continue to maintain production capacity to meet all their contracts; whereas, in these circumstances, each must be able to count on achieving at least the minimum tonnage level defined above for each of its contracts; whereas to that end it is necessary to provide that every purchaser with long-term contracts with two or more Community coal undertakings must carry out each one to at least this minimum level, and that failing this, all its drawings of Community coal undertakings must carry out each one to at least this minimum level, and that failing this, all its drawings of Community coal and coke for 1977 would cease to be eligible for aid and alignment rebates,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 (2) of Decision No 3544/73/ECSC is supplemented as follows:

'(c) For the year 1977 in respect of the supplying of an iron and steel undertaking which is

⁽¹⁾ OJ No L 259, 15. 9. 1973, p. 36.

⁽²⁾ OJ No L 180, 20. 7. 1977, p. 8.

⁽³⁾ OJ No L 361, 29. 12. 1973, p. 18.

committed to observing the delivery objectives for iron and steel products set by the Commission fulfilment of a commitment for a fixed tonnage of coking coal or coke may fall short of this tonnage by an amount not exceeding the percentage reduction in production of pig iron by the undertaking in 1977 compared with the period serving as a reference for its delivery objectives of iron and steel products.

If such an undertaking buys in pig iron the reduction in pig iron deliveries by the supplier during 1977 in relation to the period serving as a reference for his customer's delivery objectives of iron and steel products shall justify a

proportionate variation in meeting any commitment to a fixed tonnage of coking coal or coke by the pig iron supplier under Decision 73/287/ECSC.

If an iron and steel undertaking is supplied under two or more long-term fixed tonnage contracts, each of them shall be fulfilled at least to the extent specified above'.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities* and shall be applied with effect from 1 January 1977.

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

Done at Brussels, 5 October 1977.

For the Commission

Guido BRUNNER

Member of the Commission

COMMISSION REGULATION (EEC) No 2217/77

of 5 October 1977

opening an invitation to tender to determine amounts of private storage aid in respect of beef carcasses, half carcasses and compensated quarters

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 425/77⁽²⁾, and in particular Articles 6 (5) and 8 (2) thereof,

Whereas Article 6 (3) of Regulation (EEC) No 805/68 provides that intervention measures shall be taken for the whole of the Community when the price for adult bovine animals, recorded on representative Community markets in accordance with Article 12 (6) of that Regulation, is lower than the intervention price; whereas this condition is at present met;

Whereas market trends for beef and especially for beef from cows indicate that private storage aid should be granted for carcasses, half-carcasses and compensated quarters;

Whereas the amount of such aid should be established by means of a tendering procedure in accordance with Commission Regulation (EEC) No 275/74 of 31 January 1974 laying down detailed rules for the granting by tender of private storage aid for beef and veal⁽³⁾;

Whereas it should be ensured that the animals concerned are slaughtered solely in slaughterhouses approved and supervised in accordance with Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat⁽⁴⁾, as last amended by Directive 77/99/EEC⁽⁵⁾;

Whereas provision should be made for the possibility of reducing the storage period where the meat which has left the store is intended for export; whereas proof that the meat has been exported must be given in the same way as in the case of refunds, Commission Regulation (EEC) No 192/75 of 17 January 1975⁽⁶⁾ laying down detailed rules for the application of export refunds in respect of agricultural products, as last amended by Regulation (EEC) No 1633/77⁽⁷⁾;

Whereas Article 4 (2) of Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy⁽⁸⁾, provides that, for transactions carried out under the common agricultural policy, the sums owed by a Member State or a duly authorized body, expressed in national currency and representing amounts fixed in units of account, shall be paid on the basis of the relationship between the unit of account and the national currency which obtained at the time when the transaction or port transaction was carried out;

Whereas Article 6 provides that the time when a transaction is carried out is to be considered as being the date on which occurs the event, as defined by Community rules or, in the absence of and pending adoption of such rules, by the rules of the Member States concerned, on which the amount involved in the transaction becomes due and payable;

Whereas, in the case of private storage aid for beef and veal, the rate of exchange for calculating the amount of this aid in national currency should be that obtaining at the time of the conclusion of the contract for private storage aid;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. With effect from 10 October 1977 an invitation to tender shall be opened to determine amounts of private storage aid, in accordance with Regulation (EEC) No 275/74; this invitation to tender shall relate to a maximum quantity of about 20 000 tonnes of fresh or chilled carcasses, half carcasses and compensated quarters from adult bovine animals.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 5. 3. 1977, p. 1.

⁽³⁾ OJ No L 28, 1. 2. 1974, p. 61.

⁽⁴⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁵⁾ OJ No L 26, 31. 1. 1977, p. 85.

⁽⁶⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽⁷⁾ OJ No L 181, 21. 7. 1977, p. 33.

⁽⁸⁾ OJ No L 188, 1. 8. 1968, p. 1.

The time limit for the submission of tenders shall be 21 October 1977, at 1 p.m. This time limit shall be one hour earlier in Ireland and the United Kingdom outside the period known as summer time in those Member States.

2. Private storage aid may be granted only in respect of meat produced in accordance with Article 3 (1) A (a) to (e) of Council Directive 64/433/EEC.

Article 2

1. The contractor may, before placing them in store, cut and bone the products referred to in Article 1, in whole or in part, provided that all the meat resulting from such cutting or boning operations is placed in store.

2. The authorization for cutting and boning in part the quantity for which the contract is concluded may only cover the cutting and the boning either of all the forequarters or of the same number of fore- and hind-quarters.

3. For the purposes of this Regulation, 100 kilograms of the unboned meat referred to in Article 1 shall be equivalent to:

(a) 77 kilograms of boned meat in the case of cutting and boning the total quantity for which the contract is concluded, or in the case of cutting and boning the same number of fore- and hind-quarters;

(b) 70 kilograms of boned meat in the case of cutting and boning all the forequarters.

4. In the case of meat stored in the unaltered state, if the quantity stored is less than the quantity for which the contract was concluded and

(a) not less than 90 % of that quantity, the amount of private storage aid shall be reduced proportionally, or

(b) less than 90 % of that quantity, private storage aid shall not be paid.

5. In the case of boned meat, the percentage referred in paragraph 4 (a) and (b) and the lower percentage indicated in the second subparagraph of Article 10 (1) of Regulation (EEC) No 275/74 shall be 85 %.

No aid shall be granted for any quantity placed in store in excess of the quantity for which the contract was concluded.

Article 3

1. At the request of the storer submitted when lodging his tender, the period of storage for the products referred to in Article 1 shall be 4, 5 or 6 months.

2. By way of derogation from Article 5 (3) (b) (cc) of Regulation (EEC) No 275/74, after a storage period of two months, the contractor may withdraw from store all or part of the meat for which he has contracted, subject to a minimum withdrawal of five tonnes, provided that it is exported from the Community within 10 working days of such withdrawal.

In this event, the aid shall be reduced by one unit of account per day and per tonne of unboned meat, the day of withdrawal from store being regarded as the last day of storage.

The contractor shall inform the intervention agency not less than two working days before starting to withdraw the meat from store, indicating the products and quantities which he intends to export.

3. In the case of exportation in accordance with paragraph 2, the contractor shall furnish proof that the meat has left the geographical territory of the Community or has been delivered within the meaning of Article 3 of Regulation (EEC) No 192/75. The proof shall be furnished in the same way as in the case of refunds.

Article 4

By way of derogation from Regulation (EEC) No 275/74,

(a) the period of storage after slaughter referred to in Article 5 (3) (b) (aa) thereof shall be 10 days;

(b) the minimum quantity referred to in Article 5 (3) (c) thereof shall be 40 tonnes;

(c) the amount of the security referred to in Article 6 (1) thereof shall be 100 units of account per tonne.

Article 5

Within the meaning of Article 6 of Regulation (EEC) No 1134/68, the event giving entitlement to private storage aid shall be considered as occurring on the day of the acceptance of the contract.

Article 6

This Regulation shall enter into force on 10 October 1977.

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

Done at Brussels, 5 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 2218/77

of 5 October 1977

adopting temporary measures concerning the storage and movement of beef products bought in by an 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 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1722/77 of 28 July 1977 laying down common detailed rules for the application of Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency⁽²⁾ applies to products in respect of which an authorization under Article 1 of Regulation (EEC) No 1055/77 is issued on or after 1 August 1977;

Whereas Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destinations of products from intervention⁽³⁾, as last amended by Regulation (EEC) No 2182/77⁽⁴⁾, lays down certain provisions to be respected for products which pursuant to Regulation (EEC) No 1055/77 are stocked in a Member State other than that where the selling intervention agency is situated;

Whereas Commission Regulation (EEC) No 1805/77 of 4 August 1977 laying down, in respect of the beef and veal sector, special rules for the application of Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency⁽⁵⁾ applies to products stored outside the territory of the Member State within whose jurisdiction the intervention agency which holds those products falls, irrespective of the date on which their storage commenced;

Whereas Regulation (EEC) No 1805/77 provides for the fixing of selling prices for products stored before 1 August 1977; whereas such fixing presupposes that no monetary compensatory amounts are applied at the time of export, that the products are released for

home use in the Member State of storage and that no monetary and accession compensatory amount are applied when the products are released;

Whereas it is necessary to exempt such products from such amounts and to apply certain provisions of Regulations (EEC) No 1722/77 and (EEC) No 1687/77;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Beef products which were held on 1 August 1977 by an intervention agency and stored on the territory of a Member State other than the Member State within whose jurisdiction that agency falls shall not be subject to

- monetary compensatory amounts in respect of exportation for storage or
- monetary and accession compensatory amounts when they are released for home use in the Member State of storage.

2. Regulation (EEC) No 1687/76 and Article 5 (2) of Regulation (EEC) No 1722/77 shall apply to products for which the selling price is fixed in accordance with Regulation (EEC) No 1805/77, irrespective of the date on which their storage commenced.

Article 2

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

On request of any person concerned, the second indent of Article 1 shall apply to products for which the selling price is fixed in accordance with Regulation (EEC) No 1805/77 and which are released for home use before the entry into force of this Regulation.

⁽¹⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽²⁾ OJ No L 189, 29. 7. 1977, p. 36.

⁽³⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁴⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁵⁾ OJ No L 198, 5. 8. 1977 p. 19.

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

Done at Brussels, 5 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 2219/77

of 6 October 1977

making special provision for the application of accession compensatory amounts on certain milk products in trade with the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty of Accession ⁽¹⁾,

Having regard to Council Regulation (EEC) No 233/73 of 31 January 1973 laying down general rules for the system of compensatory amounts for milk and milk products ⁽²⁾, and in particular Article 6 (1) thereof,

Whereas the last alignment of prices with effect from 1 January 1978 in pursuance of Article 52 (2) and (4) of the Act of Accession ⁽³⁾ will result in the discontinuance of the compensatory amounts laid down in Commission Regulation (EEC) No 918/77 of 29 April 1977 ⁽⁴⁾;

Whereas, because of the relatively high level of compensatory amounts currently applicable to certain dairy products in trade between the United Kingdom and the other Member States there is a risk of deflection of trade, as a result of speculative transactions, with regard to products imported into the United Kingdom before 1 January 1978 and to home-produced products which can be substituted for the said products;

Whereas in order to avoid such deflection it is necessary to provide that an amount equal to the compensatory amount currently in operation shall apply after 31 December 1977 in the case of exports from the United Kingdom where the product concerned cannot be shown to have been produced in or exported to the United Kingdom on or after 1 January 1978;

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. With regard to products falling within heading Nos 04.02, 04.03 and 04.04 of the Common Customs

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 28, 1. 2. 1973, p. 37.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽⁴⁾ OJ No L 116, 7. 5. 1977, p. 23.

Tariff exported from the United Kingdom on or after 1 January 1978 to other Member States or to third countries, the United Kingdom shall charge an amount equal to the compensatory amount fixed in the Annex to Regulation (EEC) No 918/77.

2. However, paragraph 1 shall not apply to products in respect of which proof is furnished that, on or after 1 January 1978, they were:

- (a) produced in the United Kingdom, or
- (b) exported from other Member States to the United Kingdom on or after 1 January 1978.

3. The United Kingdom shall take the necessary measures with regard to the documents to be produced as evidence for the purposes of paragraph 2. Such measures shall include a provision for the verification of such documents.

Article 2

With regard to products falling within heading Nos 04.02, 04.03 and 04.04 of the Common Customs Tariff exported from the United Kingdom before 1 January 1978 and imported into another Member State on or after that date, the United Kingdom shall charge an amount equal to the compensatory amount fixed in the Annex to Regulation (EEC) No 918/77.

Article 3

The day to be regarded as the operative date in determining the date of exportation shall be the day on which the customs accept the document in which the declarant states his intention to export a product.

Article 4

This Regulation shall enter into force on 1 January 1978.

It shall apply until 30 June 1978.

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

Done at Brussels, 6 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 2220/77

of 6 October 1977

fixing the amounts by which the variable component of the levy on bran and sharps originating in Egypt is to be reduced

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1030/77 of 17 May 1977 concluding the Interim Agreement between the European Economic Community and the Arab Republic of Egypt⁽¹⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters on Article 13 of the Agreement;

Whereas the exchange of letters annexed to Regulation (EEC) No 1030/77 provides that the variable component of the levy calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽²⁾ is to be reduced by an amount fixed by the Commission each quarter; whereas this amount must be equal to 60 % of the average of the levies in force during the three months proceeding the month during which the amount is fixed;

Whereas the variable components applicable during the months of July, August and September 1977 to the products falling within subheading 23.02 A of the Common Customs Tariff are to be taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts referred to in the second subparagraph of paragraph 3 of the exchange of letters annexed to Regulation (EEC) No 1030/77 to be deducted from the variable component applicable to bran and sharps originating in Egypt shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1977.

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

Done at Brussels, 6 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 126, 23. 5. 1977, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 65.

ANNEX

CCT heading No	u.a/tonne
23.02 A I a)	14.90
23.02 A I b)	47.69
23.02 A II a)	11.92
23.02 A II b)	47.69

COMMISSION REGULATION (EEC) No 2221/77**of 6 October 1977****fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia is to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1512/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia⁽¹⁾, and in particular the second subparagraph of paragraph 3 of the letters exchanged,

Having regard to Council Regulation (EEC) No 1518/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria⁽²⁾, and in particular the second subparagraph of paragraph 3 of the letters exchanged,

Having regard to Council Regulation (EEC) No 1525/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco⁽³⁾, and in particular the second subparagraph of paragraph 3 of the letters exchanged,

Whereas the Agreement in the form of an exchange of letters annexed to Regulations (EEC) No 1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 provides that the variable component of the levy calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, is to be reduced by an amount fixed by the Commission each quarter; whereas this amount must be equal to 60 % of the average of the variable components of the levies in force during the three months preceding the month during which the amount is fixed;

Whereas the variable components applicable to the products falling within subheading 23.02 A II of the Common Customs Tariff during the months of July, August and September 1977 are to be taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in the second subparagraph of paragraph 3 of the letters forming the Agreement annexed to Regulations (EEC) No 1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 and which must be deducted from the variable component applicable to bran and sharps originating in Tunisia, Algeria and Morocco respectively, shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1977.

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

Done at Brussels, 6 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 169, 28. 6. 1976, p. 19.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 37.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 53.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

ANNEX

CCT heading No	ua./tonne
23.02 A II a)	11.92
23.02 A II b)	47.69

COMMISSION REGULATION (EEC) No 2222/77

of 6 October 1977

fixing the refunds applicable to cereals and 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 1386/77 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 ⁽²⁾ thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation No (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas, furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas

these quantities were fixed in Regulation No 162/67/EEC ⁽⁴⁾, as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

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

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

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

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

Whereas it follows from applying the rules outlined above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds, should be fixed as shown in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 7 October 1977.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 6 October 1977.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 6 October 1977 fixing the refunds applicable to cereals and wheat or rye flour groats and meal

CCT heading No	Description of products	(u.a. / tonne) Refund
10.01 A	Common wheat and meslin :	0
10.01 B	Durum wheat	0
10.02	Rye	0
10.03	Barley :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	50-00
	— Iberian Peninsula	60-00
	— other third countries	0
10.04	Oats	0
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour :	
	— of an ash content of 0 to 520	107-50
	— of an ash content of 521 to 600	107-50
	— of an ash content of 601 to 900	97-50
	— of an ash content of 901 to 1 100	97-50
	— of an ash content of 1 101 to 1 650	87-50
	— of an ash content of 1 651 to 1 900	87-50
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	45-00
	— of an ash content of 701 to 1 150	45-00
	— of an ash content of 1 151 to 1 600	45-00
	— of an ash content of 1 601 to 2 000	45-00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 950	155-00
	— of an ash content of 951 to 1 300	155-00
	— of an ash content of 1 301 to 1 500	155-00
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	107-50

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 September 1977

approving aids from the French Republic to the coal-mining industry during the year 1976

(Only the French text is authentic)

(77/621/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof,

Having regard to Commission Decision No 528/76/ECSC of 25 February 1976 regarding the Community system of measures taken by the Member States to assist the coal-mining industry⁽¹⁾,

Having consulted the Council,

Whereas the French Government has informed the Commission, pursuant to Article 2 of the above Decision, of the financial measures which it intends to implement directly or indirectly for the benefit of the coal industry during 1976; whereas of these measures the following may be approved pursuant to that Decision;

Whereas the French Government has provided for the grant to Charbonnages de France in 1976 of aid amounting to FF 1 405 800 000, to permit the economic restructuring of the coalfields to proceed in an appropriate manner;

Whereas the French Government also proposes to grant to Charbonnages de France in 1976 additional aid amounting to FF 185 500 000 to cover outstanding or fresh financial losses; whereas this aid is paid not to the coalfields but only to the central administration

of Charbonnages de France to cover outstanding losses incurred by the central administration and/or to prevent such losses increasing as a result of expenditure on interest on new loans;

Whereas the abovementioned aids meet the criteria laid down in the Decision for the admissibility of such state assistance;

Whereas the aid of FF 1 591 300 000 proposed by the French Government for 1976 to cover losses (of which FF 1 405 800 000 is to cover the coalfields' losses on mining and FF 185 500 000 to cover the losses sustained by the central administration of Charbonnages de France) will be substantially less than the likely operating losses of Charbonnages de France;

Whereas, as regards the individual coalfields, the Nord/Pas-de-Calais and Centre-Midi coalfields are to receive aid of FF 743 100 000 and FF 410 500 000 respectively to cover losses in respect of 1976; whereas this aid will be far from covering losses on mining in these fields, since they will still incur relatively high real-asset losses even with the aid; whereas these real-asset losses are the result of pit closures; whereas in 1976 two pits were closed in the coalfields, affecting some 2 000 employees; whereas planning for production in these fields calls for further cutbacks combined with measures to re-deploy redundant miners, in order to avoid severe economic and social disturbances in these areas where the provisions of other jobs is still inadequate; whereas the aids for

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

these coalfields therefore comply with Article 12 (1) (1) and Article 12 (2) of the Decision ;

Whereas the aid to cover losses in the Lorraine field amounts to FF 252 200 000 ; whereas this does not fully cover losses incurred on mining but will largely do so ; whereas production from this field should as far as possible be kept up, since coking coal is important for supplying the steel industry ; whereas consequently the amount and purpose of the aid comply with Article 12 (1) (2) of the Decision ;

Whereas, in accordance with Article 3 (2) of the Decision, the examination of the compatibility of the proposed aids with the proper functioning of the common market must also extend to all other financial measures to support current production in 1976 ;

Whereas the sum of all these aids to support current production by the French coal industry is FF 312 200 000, or 14.19 European units of account per tonne, for 1976 ; whereas this is higher than corresponding German and British aids but lower than Belgian aid ;

Whereas the following points must be made about the compatibility of the proposed aid with the proper functioning of the common market :

- there were no supply difficulties on the French coal market in 1976 ;
- French coal exports to other Community countries fell in 1976 compared with 1975 ;
- hardly any price alignment agreements were entered into for French coal in 1976 ;
- industrial consumers of coal were not indirectly aided in 1976 through the prices of French coking coal and steam coal ;
- the closure of two marginal pits results in rationalization and the concentration of production on pits where productivity is highest ;

Whereas it may accordingly be concluded that the aids proposed in 1976 for current production by the French coal industry are compatible with the proper functioning of the common market ;

Whereas this holds good even when account is taken of aids to coal mines under Decision 73/287/ECSC ;

Whereas, pursuant to Article 14 (1) of the Decision, the Commission must satisfy itself that the approved aids are used exclusively for the purposes set out in Articles 7 to 12 of that Decision ; whereas consequently the Commission is to be notified in particular of the amount of the aid and the manner in which it is apportioned,

HAS ADOPTED THIS DECISION :

Article 1

The Government of the French Republic is authorized to grant to the coal industry the following aids for 1976 :

- (a) an amount not exceeding FF 1 405 800 000 to cover losses on mining ;
- (b) an amount not exceeding FF 185 500 000 to cover the financial losses sustained by the central administration of Charbonnages de France.

The aids referred to in (a) and (b) above shall not exceed actual losses.

Article 2

The French Republic shall notify the Commission by 30 November 1977 of details of the aids granted pursuant to this Decision and in particular of the amounts paid and the manner in which they are apportioned.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 23 September 1977.

For the Commission

Guido BRUNNER

Member of the Commission

COMMISSION DECISION

of 23 September 1977

approving aids from the United Kingdom to the coal-mining industry during the coal marketing year 1976/77

(Only the English text is authentic)

(77/622/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 2, 3, 4 and 5 thereof,

Having regard to Commission Decision No 528/76/ECSC of 25 February 1976 regarding the Community system of measures taken by the Member States to assist the coal-mining industry⁽¹⁾,

Having consulted the Council,

Whereas the British Government has informed the Commission, pursuant to Article 2 of the above Decision, of the financial measures which it intends to implement directly or indirectly for the benefit of the coal industry during the coal marketing year 1976/77⁽²⁾; whereas the following of these measures may be approved pursuant to that Decision :

- for the retraining and retention of personnel £ 2.4 million,
- aid for stocks £ 11.1 million.

Whereas these aids meet the criteria laid down in the Decision for the admissibility of such state assistance ;

Whereas the aid for the retraining and retention of personnel is a grant from the British Government towards the costs incurred by the National Coal Board ('NCB') in 1976/77 for the relocation of personnel under its production rationalization programme ; whereas, in order to ensure that skilled workers are retained, the costs incurred by relocated miners must be reimbursed by the NCB ; whereas such costs include removal costs, resettlement costs, travel expenses and compensation for temporary loss of income ;

Whereas the British Government is to contribute £ 2.4 million towards such costs borne by the NCB in 1976/77 ;

Whereas the purpose and form of the aid show that it meets the criteria set out in Article 8 of the Decision ;

Whereas the £ 11.1 million aid to cover the cost of stocks of coal and coke is based on total producers' stocks, and additional stocks held by consumers financed directly or indirectly by the producers, amounting to some 17 million tonnes ; whereas, with monthly production of around 10.5 million tonnes, stocks eligible for aid under Article 9 (2) amount to 6.5 million tonnes ; whereas the amount of aid per tonne is accordingly £ 1.70 ; whereas the actual cost of stocks (including depreciation and interest) is substantially higher than the amount of aid ;

Whereas the purpose and form of the aid show that it meets the criteria set out in Article 9 of the Decision ;

Whereas, in accordance with Article 3 (2) of the Decision, the examination of the compatibility of the abovementioned aids with the proper functioning of the common market must also extend to all other financial measures to support current production in 1976 ;

Whereas aids for current production in the United Kingdom will amount to 26.0 million European units of account or 0.21 European unit of account per tonne for the coal marketing year 1976/77 ; whereas the British coal industry therefore receives the lowest subsidy of all coal-producing Member States ;

Whereas the examination of the compatibility of the British aid with the proper functioning of the common market requires no detailed information or investigations :

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

⁽²⁾ The coal marketing year 1976/77 runs from the beginning of April 1976 to the end of March 1977.

— there were no supply difficulties on the British market in 1976 ;

- progress with rationalization, together with new investment projects, brought a reduction in production costs and stabilized production in 1976;
- there was no disruption of competition as a consequence of the British aids in 1976;

Whereas it can therefore be stated that the aids for the British coal industry for current production in the coal marketing year 1976/77 are compatible with the proper functioning of the common market;

Whereas this also applies when account is taken of aids to the coal industry pursuant to Decision 73/287/ECSC;

Whereas, pursuant to Article 14 (1) of the Decision, the Commission must ascertain that the aids authorized are used exclusively for the purposes set out in Articles 7 to 12 of that Decision; whereas the Commission must be informed in particular of the amount of these aids and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

Article 1

The Government of the United Kingdom is hereby authorized in respect of the coal marketing year 1976/77 to grant aids totalling £ 13 500 000 to the

British coal-mining industry. The said aids are made up as follows:

1. Grant to cover the costs incurred by the National Coal Board in respect of relocation of personnel under the production rationalization programme, up to a maximum of £ 2.4 million;
2. Aid towards stocking costs in respect of coal and coke up to a maximum of £ 11.1 million.

Article 2

The British Government shall notify the Commission by 30 November 1977 of the details of the aids granted pursuant to this Decision, and in particular of the amounts paid and the manner in which they are apportioned.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 23 September 1977.

For the Commission

Guido BRUNNER

Member of the Commission

COMMISSION DECISION

of 23 September 1977

approving aids from the Federal Republic of Germany to the coal-mining industry during the year 1976

(Only the German text is authentic)

(77/623/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof,

Having regard to Commission Decision No 528/76/ECSC of 25 February 1976 regarding the Community system of measures taken by the Member States to assist the coal-mining industry⁽¹⁾,

Having consulted the Council,

Whereas the Government of the Federal Republic of Germany has informed the Commission, pursuant to Article 2 of the Decision, of the financial measures which it intends to implement directly or indirectly for the benefit of the coal industry in 1976; whereas of these measures the following may be approved pursuant to that Decision:

	<i>million DM</i>
Investment aids to individual projects under an investment programme	273.0
Premiums to shift-paid workers and piece workers for each shift worked underground	115.0
Aid for development and innovation (testing and trial of new equipment) in the coal-mining industry	32.8
Aid for the building of long-term stockpiles	80.0
Payment of the instalments owed by RAG in respect of State-guaranteed compensation to the former mine-owning companies	67.2

Whereas these aids meet the criteria laid down in the Decision for the admissibility of such state assistance;

Whereas the investment of DM 273 000 000 is proposed for investment projects for mines, coking plants, briquette works and pit-head power stations; whereas the percentage of all investment covered by investment aid is between 25 and 30 %;

Whereas the investment aid can be assessed favourably in the framework of the Community's new coal-policy, for it promotes the long-term stabilization of production in German coalfields; whereas the aid is in accordance with Article 7 (1) of the Decision;

Whereas, having regard to the purpose and amount of the aid in question, it is clear that, pursuant to Article 7 (5) of the Decision, the Federal Government must notify the Commission at least once a year, in respect of each project in the programme which it has decided to carry out, of the aims pursued, the sums invested and the amounts of the aid;

Whereas the aid towards the payment of the coal-winning premium helps the coal industry to secure a stable skilled workforce, which is imperative if its productivity is to increase; whereas the undertakings moreover incur expenditure on the necessary recruitment, training, retraining and retention of workers which is several times the amount of aid in the form of this premium;

Whereas the purpose and amount of the coal-winning premium show that this measure is compatible with Article 8 of the Decision;

Whereas the aid of DM 32 800 000 to encourage innovation should ensure that research results are used in the production process as soon as possible; whereas the aid covers just half of the costs incurred by the undertakings and is granted for individual projects which promise to be of tangible economic benefit to the coal-mining industry in the medium term; whereas the purpose and amount of the aid show that this measure is compatible with Article 7 (2) of the Decision;

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

Whereas the aid of DM 80 000 000 for the build-up of long-term stockpiles of coal and coke is a new measure by the Federal Government; whereas the Government has decided that a coke and coal reserve of 10 million tonnes is to be built up to increase the long-term security of energy supply; whereas, to this end, the emergency association of German mining industries has purchased 10 million tonnes of coal and coke; whereas the aid proposed by the German Government for this purpose only covers storage and depreciation costs up to a maximum of 30 %;

Whereas the purpose and amount of the aid show that this measure is compatible with Article 10 of the Decision;

Whereas provision has been made for 1976 for the public authorities to pay DM 67 200 000 in instalments as compensation to the former pit owners, who have a State-guaranteed claim to compensation against Ruhrkohle AG (RAG); whereas the public authorities have been called upon to meet this guarantee, as the financial position of RAG precludes its paying of DM 67 200 000; whereas statistics on the costs and revenue in respect of RAG mining operations in 1976 show that costs were slightly higher than revenue after adding in depreciation and interest on own invested capital; whereas the resulting operating losses are higher than the amount of aid;

Whereas, in Community terms, the Ruhr coalfield may be considered highly productive; whereas the aid, which is intended to prevent production losses reaching a level which could endanger undertakings, accordingly meets the criteria laid down in Article 12 (1) (2) of the Decision;

Whereas, in accordance with Article 3 (2) of the Decision the examination of the compatibility of the above-mentioned aids with the proper functioning of the common market must also extend to all other financial measures to support current production in 1976;

Whereas on this basis the total cost of the proposed measures amounts to 223 500 000 European units of account i.e. 2.38 European units of account per tonne produced; whereas, compared with other Member States, current production in the Federal Republic of Germany is more heavily subsidized (per tonne) than in the United Kingdom and substantially less than in France and Belgium;

Whereas the following remarks can be made on the compatibility of these aids for current production with the proper functioning of the common market:

- owing to the large stocks of coal and coke on hand there have been no supply difficulties;
- exports of German coal to the other Member States fell slightly compared with 1975, as cyclic conditions in the steel industry improved only marginally;
- no price alignment agreements were entered into in 1976;
- industrial consumers of coal received no indirect aid in 1976 as a result of the prices of German coking coal and steam coal;
- rationalization of production in 1976 took the form of heavy investment and the closure of two unprofitable pits;

Whereas, it may therefore be concluded that the German aids for current production in the coal industry are compatible with the proper functioning of the common market;

Whereas this applies even when account is taken of aids to the coal mines under Decision 73/287/ECSC;

Whereas, pursuant to Article 14 (1) of the Decision, the Commission must ensure that the aids authorized are used for the purposes set out in Articles 7 to 12 of that Decision; whereas the Commission must be informed in particular of the amount of the aids and of the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

Article 1

The Government of the Federal Republic of Germany is hereby given approval for the following aids to the coal industry during the calendar year 1976:

1. grant of investment aid in an amount not exceeding DM 273 000 000 to undertakings in the coal industry in order to increase investment;
2. payment of premiums to shift-paid workers and piece workers for each shift worked underground, up to a maximum of DM 115 000 000;
3. promotion of development and innovation up to a maximum of DM 32 800 000;

4. assumption of responsibility for instalments owed by RAG in respect of State-guaranteed compensation to the former mine-owning companies, up to a maximum of 67 200 000 DM;
5. aid in an amount not exceeding DM 80 000 000 for the build-up of long-term stockpiles.

Article 2

The Federal Government shall notify the Commission by 30 November 1977 of details of the aids granted pursuant to this Decision, and in particular of the amounts paid and the manner in which they are apportioned.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 September 1977.

For the Commission

Guido BRUNNER

Member of the Commission

COMMISSION DECISION**of 23 September 1977****approving aids from the Kingdom of Belgium to the coal-mining industry
during the year 1976****(Only the French and Dutch texts are authentic)****(77/624/ECSC)**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Coal and Steel Community, and in particular Articles
2, 3, 4 and 5 thereof,

Having regard to Commission Decision No 528/76/
ECSC of 25 February 1976 regarding the Community
system of measures taken by the Member States to
assist the coal-mining industry ⁽¹⁾,

Having consulted the Council,

Whereas the Belgian Government has informed the
Commission, pursuant to Article 2 of Decision No
528/76/ECSC, of the financial measures which it
intends to take during the year 1976 in order to give
direct or indirect support to the coal-mining industry ;
whereas, of these measures, the following aids qualify
for approval pursuant to that Decision ;

Whereas in 1976 the Belgian Government intends to
grant aids totalling Bfrs 241 300 000 for investment
financing, comprising Bfrs 230 000 000 for the
Campine coalfield and Bfrs 11 300 000 for the Sud
coalfield ; whereas the aid for the Campine coalfield is
intended to cover depreciation, thereby enabling the
coalfield to maintain production of coking coal, which
is important to the Belgian steel industry ; whereas the
investment aid for the Sud coalfield will enable this
coalfield to effect only such repairs as are most
needed if the technical safety of the pits is not to be
endangered ;

Whereas the investment aid is therefore compatible
with Article 7 (1) of the Decision ;

Whereas the Belgian Government has also made provi-
sion for stockpiling aid totalling Bfrs 467 500 000 for
the Campine coalfield ; whereas in 1976 the stocks
held by this coalfield reached some 1 300 000 tonnes,
of which 800 000 tonnes are to be regarded as quali-

fyng for aid (Article 9 (2) of the Decision) ; whereas
the rate of aid per tonne is therefore Bfrs 584 ;
whereas costs (including depreciation and interest) can
be estimated at Bfrs 640 per tonne ; whereas the stock-
piling aid is therefore in accordance with Article 9 of
the Decision ;

Whereas, lastly, the Belgian Government intends to
grant aid totalling Bfrs 4 979 400 000 to cover the pit
operating losses of the Belgian coal-mining industry ;
whereas the Campine coalfield should receive aid in
order to offset part of the difference between costs and
returns, coking coal aid of Bfrs 1 606 000 000 having
been taken into consideration (Article 12 (5) of the
Decision) ; whereas it is necessary for the difference
between costs and returns to be covered almost
completely because the coalfield helps to guarantee
the supply of coking coal to the Community steel
industry and must therefore maintain its production ;
whereas the purpose and amount of the aid to cover
the pit operating losses of the Campine coalfield are
therefore in accordance with Article 12 (1) (2) of the
Decision ;

Whereas, on the other hand, the Sud coalfield should
be granted aid in respect of pit operating losses to
cover about 80 % of the difference between costs and
returns, so that the proposed closure of this coalfield
by 1980 can take place without serious economic and
social disturbances in the redeployment of the
redundant miners ; whereas in 1976 two pits were
closed in the Sud coalfield, affecting some 1 500
miners ; whereas the purpose and type of the aids to
cover pit operating losses of the Sud coalfield are
therefore compatible with Article 12 (1) (2) ;

Whereas, pursuant to Article 3 (2) of the Decision, all
other measures to assist current production in 1976
must be taken into consideration for an examination
of the compatibility of the proposed aids with the
proper functioning of the common market ;

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

Whereas, on this basis of assessment, the total amount of aid proposed is 177 600 000 European units of account, i.e. 23.68 European units of account per tonne; whereas this figure is exceptionally high compared with that for the other Member States of the Community;

Whereas the following observations can be made on the compatibility of the proposed current production aids with the proper functioning of the common market:

- owing to the large stockpiles, there were no supply difficulties in 1976;
- there was no adverse effect on trade in coal between Belgium and the other Member States in 1976;
- the closure of two unprofitable pits will result in rationalization and the concentration of production on pits where productivity is highest;
- the prices of Belgian boiler coal in 1976 did not result in indirect aid to industrial consumers of coal;
- in the first half of 1976 the prices of Belgian coking coal matched the prices of US coking coal under long-term contracts;

Whereas there was a development in July 1976 which did not reflect the price trend for US coking coal imported under long-term contracts; whereas the rebates on the prices of Belgian coking coal granted to the Belgian steel industry were raised in the summer of 1976, although there had been little change in the prices of US coking coal imported under long-term contracts;

Whereas, as a result of the increase in the price rebates in the summer, in the second half of the year the Belgian steel industry paid prices lower than the guide cif price of Bfrs 2 335 per tonne set by the Commission;

Whereas, an application having been made for the Campine coalfield (coking coal supplier) for 1976 for investment aid totalling Bfrs 230 000 000, stockpiling aid totalling Bfrs 467 500 000 and loss-covering aid totalling Bfrs 2 250 200 000 pursuant to Decision No 528/76/ECSC and for coking coal aid totalling Bfrs 1 606 000 000 pursuant to Decision 73/287/ECSC, the aids applied for pursuant to Decision No 528/76/ECSC can be approved, this in no way prejudging the

examination now in progress under Decision 73/287/ECSC of pricing problems concerning coking coal;

Whereas, pursuant to Article 14 (1) of Decision No 528/76/ECSC, the Commission has to ensure that any aid it approves is used exclusively for the purposes set out in Articles 7 to 12 thereof; whereas the Commission must therefore be informed in particular of the amount of the payments and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

Article 1

The Government of the Kingdom of Belgium is hereby authorized in respect of the calendar year 1976 to grant the following aids to the Belgian coal-mining industry:

- (a) for the financing of investment projects:
 - Campine coalfield, up to Bfrs 230 000 000,
 - Sud coalfield, up to Bfrs 11 300 000;
- (b) for the covering of costs of stocks of coal and coke:
 - Campine coalfield, up to Bfrs 467 500 000;
- (c) for the covering of pit operating losses:
 - Campine coalfield, up to Bfrs 2 250 200 000,
 - Sud coalfield, up to Bfrs 2 729 200 000.

Article 2

The Government of the Kingdom of Belgium shall notify the Commission by 30 November 1977 of details of the aids granted pursuant to this Decision, and in particular of the amount of the payments made and the manner in which they are apportioned.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 23 September 1977.

For the Commission

Guido BRUNNER

Member of the Commission

COMMISSION DECISION

of 23 September 1977

amending Decision 77/571/EEC authorizing Ireland to store outside its territory
beef held by its intervention agency

(Only the English text is authentic)

(77/625/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No
805/68 of 27 June 1968 on the common organization
of the market in beef and veal ⁽¹⁾, as last amended by
Regulation (EEC) No 425/77 ⁽²⁾,Having regard to Council Regulation (EEC) No
1055/77 of 17 May 1977 on the storage and move-
ment of products bought in by an intervention
agency ⁽³⁾, and in particular Article 4 thereof,

Whereas Commission Decision 77/571/EEC of 24
August 1977 ⁽⁴⁾ authorized Ireland to place in storage
between 1 August and 30 September 1977 in the
United Kingdom, in the Benelux countries and in
Northern France 7 500 tonnes of beef held by its inter-
vention agency; whereas Ireland has applied to place
in storage in these same countries a further quantity
of 5 750 tonnes of this meat until 30 September
1977; whereas, however, it appears that the storage of
this further quantity may only be authorized in
Belgium and in Northern France;

Whereas, in view of the storage situation in Ireland
and storage facilities available in Belgium and
Northern France, the above Decision should be
amended;

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

HAS ADOPTED THIS DECISION:

*Article 1*Article 1(1) of Decision 77/571/EEC is hereby
amended as follows:‘1. Ireland is hereby authorized to place in
storage:

(a) between 1 August and 30 September 1977:

— 2 500 tonnes of frozen beef, unboned, in
the United Kingdom,— 3 000 tonnes of frozen beef, boned, in the
United Kingdom,— 2 000 tonnes of frozen beef, unboned, in
the Benelux countries and in Northern
France;

(b) frp, 23 to 30 September 1977:

— 1 250 tonnes of frozen beef, boned, and

— 4 500 tonnes of frozen beef, unboned, in
Belgium and in Northern France.’*Article 2*

This Decision is addressed to Ireland.

Done at Brussels, 23 September 1977.

For the Commission

Finn GUNDELACH

Vice-President⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 61, 5. 3. 1977, p. 1.⁽³⁾ OJ No L 128, 24. 5. 1977, p. 1.⁽⁴⁾ OJ No L 224, 2. 9. 1977, p. 13.

COMMISSION OPINION

of 26 September 1977

addressed to the Government of the Kingdom of the Netherlands on a draft law amending the law on the carriage of goods by road and a draft order amending the order implementing the law on the carriage of goods by road

(77/626/EEC)

In accordance with Article 1 of the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States⁽¹⁾, as amended by the Council Decision of 22 November 1973⁽²⁾, the Government of the Netherlands sent the Commission, under cover of a letter of 26 May 1977 from the Office of its Permanent Representative to the European Communities, the text of a draft law amending the law on the carriage of goods by road and of a draft order amending the order implementing the law on the carriage of goods by road.

The letter from the Office of the Netherlands Permanent Representative reached the Commission on 6 June 1977 and, in accordance with Article 1 of the Council Decision of 1962 referred to above, was also sent to the other Member States.

The Commission convened a meeting with representatives of the Netherlands Government in Brussels on 14 July 1977 to gain further information.

Under Article 2 (1) of the abovementioned Decision the Commission hereby delivers the following opinion :

1. The Government of the Netherlands states that the draft law and draft implementing order are intended to improve compliance with conditions of work, including collective labour agreements in the road transport sector, and to preclude certain forms of hiring which that Government considers adversely affect the transport market.

2. The Commission considers that these measures are compatible with Community law :

- as regards social matters, with Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport⁽³⁾;
- as regards the operation of the transport market, with Council Regulation (EEC) No 3164/76 of 16

December 1976 on the Community quota for the carriage of goods by road between Member States⁽⁴⁾ and the Council Directive of 13 May 1965 concerning the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States⁽⁵⁾, in view of the information supplied verbally by the representatives of the Government of the Netherlands on 14 July 1977, i.e. that the Government of the Netherlands has no intention of requesting any change in the particulars given in the authorizations for the international carriage of goods by road, referred to in Community Regulations.

3. Furthermore, the proposed amendments to current Netherlands law do not conflict the Commission's ideas on the Community aspects of the transport sector.

4. As a result, the Commission has no objections to the proposed draft law and draft order.

However, as the information supplied shows that a number of minor changes may still be made to the wording of the implementing order, the Commission would like the final text to be communicated to it.

5. The Commission does not consider it necessary to institute consultations with the other Member States within the meaning of Article 2 (3) of the Council Decision.

6. The Commission is informing the other Member States of this opinion.

Done at Brussels, 26 September 1977.

For the Commission

Richard BURKE

Member of the Commission

⁽¹⁾ OJ No 23, 3. 4. 1962, p. 720/62.

⁽²⁾ OJ No L 347, 17. 12. 1973, p. 48.

⁽³⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽⁴⁾ OJ No L 357, 29. 12. 1976, p. 1.

⁽⁵⁾ OJ No 88, 24. 5. 1965, p. 1469/65.

COMMISSION DECISION

of 27 September 1977

amending Decision 77/570/EEC authorizing the Federal Republic of Germany to
store outside its territory beef held by its intervention agency

(Only the German text is authentic)

(77/627/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
805/68 of 27 June 1968 on the common organization
of the market in beef and veal ⁽¹⁾, as last amended by
Regulation (EEC) No 425/77 ⁽²⁾,

Having regard to Council Regulation (EEC) No
1055/77 of 17 May 1977 on the storage and move-
ment of products bought in by an intervention
agency ⁽³⁾, and in particular Article 4 thereof,

Whereas Commission Decision 77/570/EEC of 24
August 1977 ⁽⁴⁾ authorized the Federal Republic of
Germany to place in storage between 1 August and 30
September 1977 in Switzerland and Austria 7 500
tonnes of unboned beef held by its intervention
agency; whereas the Federal Republic of Germany
has applied to extend the storage period for the said
quantity until 31 December 1977; whereas the said
Decision should be amended to give effect to this
application;

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

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

In Article 1 of Decision 77/570/EEC '30 September
1977' is hereby amended to read '31 December 1977'.

Article 2

This Decision is addressed to the Federal Republic of
Germany.

Done at Brussels, 27 September 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 5. 3. 1977, p. 1.

⁽³⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽⁴⁾ OJ No L 224, 2. 9. 1977, p. 12.

COMMISSION DECISION**of 27 September 1977****authorizing the Kingdom of the Netherlands to store outside its territory beef held by its intervention agency****(Only the Dutch text is authentic)****(77/628/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 425/77 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency ⁽³⁾, and in particular Article 4 thereof,

Whereas Article 1 (1) of Regulation (EEC) No 1055/77 provides that intervention agencies may not store products they have bought in pursuant to Community provisions outside the territory of the Member State within whose jurisdiction they fall unless they have obtained prior authorization; whereas the Kingdom of the Netherlands has applied for authorization to place in storage during October November and December 1977, in other Member States, a total quantity of 3 000 tonnes of beef held by its intervention agency;

Whereas, having regard to storage capacities in the Netherlands and storage facilities available in Belgium and France, this application should be approved;

Whereas the intervention agency of a Member State in whose territory the storage occurs must be informed of the location and condition of the stocks of products held by another intervention agency therein;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Kingdom of the Netherlands is hereby authorized to place in storage between 1 October and 31 December 1977: 3 000 tonnes of frozen beef, unboned, in Belgium and France.

2. The Dutch intervention agency shall inform the intervention agency of the Member State in whose territory the beef is stored of the location and condition of its stocks therein and of any movements thereof.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 27 September 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 5. 3. 1977, p. 1.

⁽³⁾ OJ No L 128, 24. 5. 1977, p. 1.