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Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 2669/77 of 28 November 1977 opening, allocating and providing for the administration of Community tariff quotas for port wines falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (1978) 1
- ★ Council Regulation (EEC) No 2670/77 of 28 November 1977 opening, allocating and providing for the administration of Community tariff quotas for Madeira wines falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (1978) 5
- ★ Council Regulation (EEC) No 2671/77 of 28 November 1977 opening, allocating and providing for the administration of Community tariff quotas for Setubal muscatel wines falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (1978) 9
- Commission Regulation (EEC) No 2672/77 of 2 December 1977 fixing the import levies on cereals and on wheat or rye flour groats and meal 13
- Commission Regulation (EEC) No 2673/77 of 2 December 1977 fixing the premiums to be added to the import levies on cereals, flour and malt 15
- Commission Regulation (EEC) No 2674/77 of 2 December 1977 altering the components used to calculate the differential amounts for colza and rape seed 17
- Commission Regulation (EEC) No 2675/77 of 2 December 1977 fixing the world market price for colza and rape seed 20
- Commission Regulation (EEC) No 2676/77 of 2 December 1977 opening an invitation to tender for the mobilization of common wheat flour as food aid for the Democratic Republic of Madagascar 22
- Commission Regulation (EEC) No 2677/77 of 2 December 1977 abolishing the countervailing charge on tomatoes originating in Romania 25

II Acts whose publication is not obligatory

Council

77/740/EEC :

- ★ Council Decision of 28 November 1977 concerning the conclusion of the Agreement in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic 26

Agreement in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic 27

Commission

77/741/EEC :

Commission Decision of 16 November 1977 fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2270/77, the maximum amounts for the delivery of butteroil as food aid 28

77/742/EEC :

Commission Decision of 16 November 1977 fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2328/77, the maximum amounts for the delivery of butteroil as food aid 29

77/743/EEC :

Commission Decision of 16 November 1977 fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2329/77, the maximum amount for the costs of delivery of skimmed-milk powder as food aid 30

77/744/EEC :

Commission Decision of 16 November 1977 fixing the minimum selling prices for butter for the 63rd individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 232/75 31

77/745/EEC :

Commission Decision of 16 November 1977 fixing the minimum selling prices for skimmed-milk powder for the ninth individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 368/77 33

77/746/EEC :

Commission Decision of 16 November 1977 fixing the maximum amount of special aid for skimmed-milk powder for the third individual invitation to tender issued under Regulation (EEC) No 1844/77 34

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2669/77

of 28 November 1977

opening, allocating and providing for the administration of Community tariff quotas for port wines falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (1978)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal, shall be reduced:

- by 60 % in the case of the duties applicable to port wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff up to a total annual tariff quota of 35 000 hl, and
- by 50 % in the case of the duties applicable to port wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 280 000 hl;

whereas these wines will remain subject to the provisions governing the common organization of the market in wine;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the principles mentioned above, the Community nature of the quotas can be respected by

allocating the Community tariff quota among the Member States;

Whereas, in order to reflect most accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Portugal over a representative period and to the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of port wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past three years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States for the past three years represent the following percentages of the imports into the Community from Portugal of the products concerned:

	1974	1975	1976
Port wines:			
— in receptacles containing two litres or less:			
— Benelux	13.4	18.8	17.8
— Denmark	4.1	6.0	6.2
— Germany	7.2	15.3	11.0
— France	27.9	29.0	36.0
— Ireland	0.6	0.4	0.2
— Italy	29.9	16.1	18.3
— United Kingdom	16.9	14.4	10.5
— in receptacles containing more than two litres:			
— Benelux	14.0	13.4	15.7
— Denmark	4.5	5.5	7.0
— Germany	11.0	10.4	6.4
— France	41.0	39.4	46.5
— Ireland	1.5	1.2	0.6
— Italy	—	—	0.0
— United Kingdom	28.0	30.1	23.8

⁽¹⁾ OJ No C 241, 10. 10. 1977, p. 46.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages :

	Port wines in receptacles containing :	
	two litres or less	more than two litres
Benelux	16.6	14.6
Denmark	5.7	6.6
Germany	14.9	8.7
France	29.7	42.5
Ireland	0.8	0.2
Italy	18.6	0.1
United Kingdom	13.7	27.3

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of the quota amounts should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares ; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 90 % of each of the quota amounts ;

Whereas the initial quota shares of the Member States may be used up at different times ; whereas, in order to take this fact into account and avoid any break in continuity, any Member State having used up almost the whole of any one of its initial quota shares should draw an additional quota share from the corresponding reserve ; whereas this must be done by each Member State when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows ; whereas the initial and additional quota shares must be available for use until the end of the quota period ; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof ;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial quota shares remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of one or other of the Community quotas remaining unused in one Member State when it could be used in others ;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of

Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1978, Community tariff quotas shall be opened for products originating in Portugal, within the limits listed below :

CCT heading No	Description	Quota amount
ex 22.05 C III a) 1 ex 22.05 C IV a) 1	} Port wines	35 000 hl
ex 22.05 C III b) 1 ex 22.05 C IV b) 1	} Port wines	280 000 hl

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates listed below :

CCT heading No	Rate of duty
ex 22.05 C III a) 1	5.4 u.a./hl
ex 22.05 C IV a) 1	5.8 u.a./hl
ex 22.05 C III b) 1	5.5 u.a./hl
ex 22.05 C IV b) 1	6.0 u.a./hl

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each quota shall be shared among the Member States ; the shares which, subject to Article 5, shall be valid until 31 December 1978 shall consist of the following amounts :

(hectolitres)

	Port wines under subheadings :	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	5 250	36 790
Denmark	1 800	16 630
Germany	4 690	22 000
France	9 350	107 100
Ireland	250	500
Italy	5 870	100
United Kingdom	4 290	68 880
Total	31 500	252 000

3. The second instalment of each quota, 3 500 and 28 000 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of the initial shares of a Member State, as laid down in Article 2 (2) or 90 % or more of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after one or other of its initial shares has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after one of its second shares has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is any reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of

the products concerned effected up to 15 September 1978 inclusive and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978, notify Member States of the amount in each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made, without interruption, against their accumulated shares of the Community tariff quotas.

2. The Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports originating in Portugal as and when the goods are entered with customs authorities for home use.

Article 8

At the Commission's request Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 28 November 1977.

For the Council

The President

L. OUTERS

COUNCIL REGULATION (EEC) No 2670/77

of 28 November 1977

opening, allocating and providing for the administration of Community tariff quotas for Madeira wines falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (1978)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal, shall be reduced:

- by 60 % in the case of the duties applicable to Madeira wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff up to a total annual tariff quota of 1 500 hl, and
- by 50 % in the case of the duties applicable to Madeira wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 14 500 hl;

whereas these wines will remain subject to the provisions governing the common organization of the market in wine;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the principles mentioned above, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States;

Whereas in order to reflect most accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Portugal over a representative period and to the economic outlook for the quota period concerned;

⁽¹⁾ OJ No C 241, 10. 10. 1977, p. 46.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

Whereas available Community statistics give no information on the situation of Madeira wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past three years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States for the past three years represent the following percentages of the imports into the Community from Portugal of the products concerned:

	1974	1975	1976
Madeira wines:			
— in receptacles containing two litres or less:			
— Benelux	15.8	28.7	14.2
— Denmark	22.5	31.5	24.6
— Germany	8.7	9.0	7.7
— France	3.4	2.5	36.1
— Ireland	0.8	1.0	1.0
— Italy	35.4	17.3	6.9
— United Kingdom	13.4	10.0	9.5
— in receptacles containing more than two litres:			
— Benelux	14.8	13.6	12.4
— Denmark	16.0	10.6	14.8
— Germany	18.1	21.4	17.5
— France	40.8	46.7	43.4
— Ireland	0.1	—	0.1
— Italy	—	—	—
— United Kingdom	10.2	7.7	11.8

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

	Madeira wines in receptacles containing:	
	two litres or less	more than two litres
Benelux	18.4	14.0
Denmark	22.9	16.5
Germany	13.1	19.1
France	3.6	40.8
Ireland	1.1	0.1
Italy	25.8	0.1
United Kingdom	15.1	9.4

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of the quota amounts should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 90 % of each of the quota amounts;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State having used up almost the whole of any one of its initial quota shares should draw an additional quota share from the corresponding reserve; whereas this must be done by each Member State when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial quota shares remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of one or other of the Community quotas remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1978, Community tariff quotas shall be opened for products originating in Portugal, within the limits listed below:

CCT heading No	Description	Quota amount
ex 22.05 C III a) 1 ex 22.05 C IV a) 1	} Madeira wines	1 500 hl
ex 22.05 C III b) 1 ex 22.05 C IV b) 1	} Madeira wines	14 500 hl

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates listed below:

CCT heading No	Rate of duty
ex 22.05 C III a) 1	5.4 u.a./hl
ex 22.05 C IV a) 1	5.8 u.a./hl
ex 22.05 C III b) 1	5.5 u.a./hl
ex 22.05 C IV b) 1	6.0 u.a./hl

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each quota shall be shared among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1978 shall consist of the following amounts:

(hectolitres)

	Madeira wines under subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	248	1 820
Denmark	309	2 150
Germany	177	2 480
France	50	5 300
Ireland	15	15
Italy	347	15
United Kingdom	204	1 220
Total	1 350	13 000

3. The second instalment of each quota, 150 and 1 500 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of the initial shares of a Member State, as laid down in Article 2 (2) or 90 % or more of that share less the amount returned into the

reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % or its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after one or other of its initial shares has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after one of its second shares has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is any reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected up to 15 September 1978 inclusive and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978, notify Member States of the amount in each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made, without interruption, against their accumulated shares of the Community tariff quotas.

2. The Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports originating in Portugal as and when the goods are entered with customs authorities for home use.

Article 8

At the Commission's request Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 28 November 1977.

For the Council

The President

L. OUTERS

COUNCIL REGULATION (EEC) No 2671/77

of 28 November 1977

opening, allocating and providing for the administration of Community tariff quotas for Setubal muscatel wines falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (1978)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal, shall be reduced:

- by 60 % in the case of the duties applicable to Setubal muscatel wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff up to a total annual tariff quota of 1 000 hl, and
- by 50 % in the case of the duties applicable to Setubal muscatel wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 2 000 hl;

whereas these wines will remain subject to the provisions governing the common organization of the market in wine;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the principles mentioned above, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States;

Whereas, in order to reflect most accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Portugal over a representative period and to the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of Setubal muscatel wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past three years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States for the past three years represent the following percentages of the imports into the Community from Portugal of the products concerned:

	1974	1975	1976
Setubal muscatel wines:			
— in receptacles containing two litres or less:			
— Benelux	30	—	—
— Denmark	—	20	83
— Germany	50	80	—
— France	—	—	—
— Ireland	—	—	—
— Italy	20	—	17
— United Kingdom	—	—	—
— in receptacles containing more than two litres:			
— Benelux	70	—	—
— Denmark	—	—	—
— Germany	—	—	—
— France	—	—	—
— Ireland	—	—	—
— Italy	—	—	—
— United Kingdom	30	—	—

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

	Setubal muscatel wines in receptacles containing:	
	two litres or less	more than two litres
Benelux	20	20
Denmark	5	5
Germany	20	20
France	20	20
Ireland	5	5
Italy	10	10
United Kingdom	20	20

⁽¹⁾ OJ No C 241, 10. 10. 1977, p. 46.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of the quota amounts should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 90 % of each of the quota amounts;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State having used up almost the whole of any one of its initial quota shares should draw an additional quota share from the corresponding reserve; whereas this must be done by each Member State when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close co-operation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial quota shares remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of one or other of the Community quotas remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1978, Community tariff quotas shall be opened for products originating in Portugal, within the limits listed below:

CCT heading No	Description	Quota amount
ex 22.05 C III a) 1 ex 22.05 C IV a) 1	Setubal muscatel wines	1 000 hl
ex 22.05 C III b) 1 ex 22.05 C IV b) 1	Setubal muscatel wines	2 000 hl

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates listed below:

CCT heading No	Rate of duty
ex 22.05 C III a) 1	5.4 u.a./hl
ex 22.05 C IV a) 1	5.8 u.a./hl
ex 22.05 C III b) 1	5.5 u.a./hl
ex 22.05 C IV b) 1	6.0 u.a./hl

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each quota shall be shared among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1978 shall consist of the following amounts:

(hectolitres)

	Setubal muscatel wines under subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	180	360
Denmark	45	90
Germany	180	360
France	180	360
Ireland	45	90
Italy	90	180
United Kingdom	180	360
Total	900	1 800

3. The second instalment of each quota, 100 and 200 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of the initial shares of a Member State, as laid down in Article 2 (2) or 90 % or

more of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after one or other of its initial shares has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after one of its second shares has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is any reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected up to 15 September 1978 inclusive and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978, notify Member States of the amount in each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made, without interruption, against their accumulated shares of the Community tariff quotas.

2. The Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports originating in Portugal as and when the goods are entered with customs authorities for home use.

Article 8

At the Commission's request Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 28 November 1977.

For the Council

The President

L. OUTERS

COMMISSION REGULATION (EEC) No 2672/77**of 2 December 1977****fixing the import levies on cereals and on wheat or rye flour groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 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 Regulation (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 3 December 1977.

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

Done at Brussels, 2 December 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 2 December 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	82.93
10.01 B	Durum wheat	113.05 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	65.94 ⁽⁶⁾
10.03	Barley	73.63
10.04	Oats	58.95
10.05 B	Maize, other than hybrid maize for sowing	70.28 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	51.45 ⁽⁴⁾
10.07 C	Grain sorghum	71.43 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	128.20
11.01 B	Rye flour	103.65
11.02 A I a)	Durum wheat groats and meal	186.15
11.02 A I b)	Common wheat groats and meal	137.76

⁽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 2673/77**of 2 December 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 3 December
1977.

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

Done at Brussels, 2 December 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 2 December 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 12	1st period 1	2nd period 2	3rd period 3
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	7.49	7.49	7.14
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 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 2674/77

of 2 December 1977

altering the components used to calculate the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973⁽⁵⁾, as last amended by Regulation (EEC) No 1234/77⁽⁶⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72; whereas the components used to calculate the differential amounts were fixed by Regulation (EEC) No 1423/77⁽⁷⁾, as last amended by Regulation (EEC) No

2545/77⁽⁸⁾; whereas, in the case of the Italian lira, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 for the period 23 to 29 November 1977 has changed, by reference to the representative rate valid on 5 December 1977, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when fixing the components used to calculate the differential amounts for colza and rape seed where those components are already applied in respect of the Member State concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 1423/77 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 5 December 1977.

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

Done at Brussels, 2 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 160, 30. 6. 1977, p. 33.

⁽⁸⁾ OJ No L 296, 19. 11. 1977, p. 5.

ANNEX

to the Commission Regulation of 2 December 1977 altering the components used to calculate the differential amounts for colza and rape seed

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price) (*)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.0750	— 0.0750	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0619
— harvested in France			—	0.2095
— harvested in Denmark			—	0.0750
— harvested in Ireland			—	0.1057
— harvested in the United Kingdom			—	0.2908
— harvested in Italy			—	0.2249
2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0140	— 0.0140	+	—
-- harvested in Germany			0.0659	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.1574
— harvested in Denmark			—	0.0140
— harvested in Ireland			—	0.0468
— harvested in the United Kingdom			—	0.2440
— harvested in Italy			—	0.1737
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.0811	—
— harvested in the BLEU or in the Netherlands			0.0142	—
— harvested in France			—	0.1454
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0332
— harvested in the United Kingdom			—	0.2333
-- harvested in Italy			—	0.1620
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.1702	+ 0.1702	+	—
— harvested in Germany			0.2651	—
-- harvested in the BLEU or in the Netherlands			0.1868	—
-- harvested in France			—	—
— harvested in Denmark			0.1702	—
— harvested in Ireland			0.1313	—
— harvested in the United Kingdom			—	0.1028
— harvested in Italy			—	0.0194

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price) (*)	
5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	— 0.3043	+ 0.3043	+	—
— harvested in Germany			0.4100	—
— harvested in the BLEU or in the Netherlands			0.3228	—
— harvested in France			0.1146	—
— harvested in Denmark			0.3043	—
— harvested in Ireland			0.2609	—
— harvested in the United Kingdom			—	—
— harvested in Italy			0.0930	—
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.0343	+ 0.0343	+	—
— harvested in Germany			0.1182	—
— harvested in the BLEU or in the Netherlands			0.0491	—
— harvested in France			—	0.1161
— harvested in Denmark			0.0343	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			—	0.2069
— harvested in Italy			—	0.1332
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.1933	+ 0.1933	+	—
— harvested in Germany			0.2900	—
— harvested in the BLEU or in the Netherlands			0.2103	—
— harvested in France			0.0197	—
— harvested in Denmark			0.1933	—
— harvested in Ireland			0.1536	—
— harvested in the United Kingdom			—	0.0851
— harvested in Italy			—	—

(*) For seed harvested in the United Kingdom, the accession compensatory amount shall be deducted from the target price.

COMMISSION REGULATION (EEC) No 2675/77
of 2 December 1977
fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73 ⁽⁵⁾, as last amended by Regulation (EEC) No 1234/77 ⁽⁶⁾, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1443/77 of 30 June 1977 fixing the amount of the subsidy on

oil seeds ⁽⁷⁾, as last amended by Regulation (EEC) No 2648/77 ⁽⁸⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 December 1977.

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

Done at Brussels, 2 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 161, 1. 7. 1977, p. 31.

⁽⁸⁾ OJ No L 308, 1. 12. 1977, p. 30.

ANNEX

World market price applicable from 5 December 1977 for colza and rape seed (CCT heading No ex 12.01)

	<i>u.a./100 kg⁽¹⁾</i>
World market price	20·836
World market price where the subsidy is fixed in advance :	
— for the month of December 1977	20·836
— for the month of January 1978	20·836
— for the month of February 1978	20·943
— for the month of March 1978	20·979
— for the month of April 1978	19·825
— for the month of May 1978	19·825

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

1 u.a. = DM	3·15665
1 u.a. = Fl	3·35507
1 u.a. = Bfr/Lfr	48·6572
1 u.a. = FF	6·76438
1 u.a. = Dkr	8·56656
1 u.a. = £	0·765134
1 u.a. = I £	0·765134
1 u.a. = Lit	1 229·10

COMMISSION REGULATION (EEC) No 2676/77

of 2 December 1977

opening an invitation to tender for the mobilization of common wheat flour as food aid for the Democratic Republic of Madagascar

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⁾,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid⁽³⁾, and in particular Article 6 thereof,

Whereas on 8 February 1977, the Council of the European Communities declared that it proposed, by way of Community action, to grant the equivalent of 5 000 tonnes of common wheat (in other words 3 311 tonnes of common wheat flour) to the Democratic Republic of Madagascar under its 1976/77 food-aid programme;

Whereas pursuant to Article 3(3) of Council Regulation (EEC) No 2750/75 the goods may be purchased anywhere on the Community market;

Whereas the proposed invitation to tender should be for supply of the products delivered in the ship's hold at the port of unloading;

Whereas tenders may be submitted by tenderers established in any Member State of the Community and may relate to products mobilized anywhere within those Member States; whereas, in view of the currency situation in the Member States and in order to ensure that the tenders are as comparable as possible, account should be taken of the effect on each tender of the currency situation in the Member State in which the customs export formalities will be completed;

Whereas the award under the invitation to tender must be made in favour of the tenderer offering the best terms;

Whereas, should *force majeure* make it impossible to complete the operation in question within the time limits specified, it must be made clear who is to bear the liability for any resulting costs;

Whereas provision should be made for security to be given for the purpose of guaranteeing that the obligations arising by virtue of participation in the invitation to tender will be fulfilled;

Whereas the Belgian intervention agency should be made responsible for the tendering procedure;

Whereas the Commission must be informed quickly of the tenders submitted in response to the invitation and of those accepted by the intervention agency;

Whereas the Monetary Committee will be consulted; whereas, in view of the urgency, the measures envisaged should be adopted in accordance with the conditions laid down in Article 3(2) of 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 agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2543/73⁽⁵⁾, and in particular Article 3 thereof;

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

1. Tenders are hereby invited for the supply to the Democratic Republic of Madagascar, by way of Community action, of 3 311 tonnes of common wheat flour.

2. The tendering procedure shall take place in Belgium in one lot. The product shall be mobilized on the Community market. The product shall be loaded for departure from any Community port.

3. The invitation to tender provided for in paragraph 1 is for supply of products delivered in the ship's hold at the ports of unloading, Diego Suarez 300 tonnes, Tulear 250 tonnes, Majunga 500 tonnes, Tamatave 2 261 tonnes. The recipient country shall bear all costs subsequent to delivery of the goods including unloading costs (such as unstowing, hoisting and reception) and any lighterage costs.

Any demurrage costs or dispatch money at the port of unloading shall be a charge on or for the benefit of the recipient country.

4. The successful tenderer shall deliver the products in new cotton sacks lined with three ply kraft paper, having a net capacity of 50 kilograms.

⁽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. 89.

⁽⁴⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

The following shall be printed on the sacks :

'Farine de froment / Don de la Communauté économique européenne à Madagascar.'

To allow for the possibility of re-bagging, the successful tenderer shall supply 2 % of new empty sacks, of the same quality as those containing the goods but with the printing followed by a capital letter 'R'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 16 December 1977.
2. The closing date for the submission of tenders shall be 16 December 1977 at 12 noon.
3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for the submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.
2. Tenders must in particular mention the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs expert formalities for the products concerned.
3. For the purpose of rendering the tenders comparable, the prices shall, where appropriate, be corrected by the monetary compensatory amount and the accession compensatory amount applicable on the closing date for submission of tenders to exports from the Member State mentioned in the tender pursuant to paragraph 2.

Such correction shall be made by :

- increasing prices which mention a Member State whose currency has depreciated or a new Member State,
- reducing prices which mention a Member State whose currency has been revalued.

The monetary compensatory amount shall, where appropriate, be converted into the currency of the Member State in which the invitation to tender is issued using :

- in the case when the currencies concerned are kept at any given moment within a band of 2.25 %, a conversion rate resulting from their central rate,
- in the other cases, the average of the spot rates of the currencies concerned recorded in the Member State in which the invitation to tender is issued during a period from the Wednesday of one week

to the Tuesday of the following week being the period immediately preceding the closing date for submission of tenders.

Article 4

The contract shall be awarded to the tenderer offering the best terms, taking into consideration the adjustment referred to in Article 3 (3).

However, if the tenders submitted do not appear to reflect normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 5

1. The tenderer shall give security in an amount of 10 units of account per tonne of goods.

It shall be released :

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
 - in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
 - in the case of the successful tenderer for quantities not supplied by reason of *force majeure*.
2. The security required under paragraph 1 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by each Member State.

Article 6

1. The common wheat flour referred to in Article 1 to be supplied to the Democratic Republic of Madagascar must meet the following requirements :

- moisture : 14 % maximum,
- protein content : 10.5 % minimum (N × 6.25 on dry matter),
- ash content : 0.52 % maximum referred to dry matter.

Flour not meeting these requirements shall be refused.

2. Tenders for supply to the Democratic Republic of Madagascar of the common wheat flour referred to in Article 1 must relate to a product with the following characteristics :

- moisture : 14 % maximum,
- protein content : 10.5 % minimum (N × 6.25 on dry matter),
- ash content : 0.52 % maximum referred to dry matter.

Article 7

1. The Belgian intervention agency shall be responsible for the operations relating to the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to the Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

3. Where the customs export formalities for the mobilized product are completed in a Member State other than that in which the invitation to tender is issued, the intervention agency of the latter Member State shall be responsible for the operations following tendering, including payment to the successful tenderer.

In such case, the intervention agency choosing the successful tenderer shall immediately inform the intervention agency of the Member State concerned and shall supply it with all the information which it may require.

Furthermore, the amount of the successful tender shall be paid after it has been converted using the average of the spot rates referred to in the second subparagraph of Article 3 (3) to the tenderer in the currency of the Member State in which the operations relating to the tendering are completed.

4. The intervention agency shall ask that the tenderer specifies the following information :

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and their packaging ;
- (b) the date of the departure of the ships ; the expected date of arrival of the products at their destination ;
- (c) all possible contingencies which might occur during transportation of the products.

The intervention agency shall transmit the information provided for the Commission as soon as it is received.

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

Article 8

As regards this tender the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

Article 9

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

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

Done at Brussels, 2 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 2677/77

of 2 December 1977

abolishing the countervailing charge on tomatoes originating in Romania

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1034/77⁽²⁾, and in
particular Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2537/77
of 17 November 1977⁽³⁾, introduced countervailing
charges on tomatoes originating in Romania;

Whereas for this product originating in Romania,
there were no prices for six consecutive working days;

whereas the conditions specified in Article 26 (1) of
Regulation (EEC) No 1035/72 are therefore fulfilled,
and the countervailing charge on imports of these
products originating in Romania can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2537/77 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 December
1977.

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

Done at Brussels, 2 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 125, 19. 5. 1977, p. 1.

⁽³⁾ OJ No L 294, 18. 11. 1977, p. 20.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 November 1977

concerning the conclusion of the Agreement in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic

(77/740/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the Trade Agreement between the European Economic Community and the Argentine Republic⁽¹⁾ should be extended for one year as provided for in Article 9 (2) thereof,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement and to confer on them the powers required in order to bind the Community.

Done at Brussels, 28 November 1977.

For the Council

The President

L. OUTERS

⁽¹⁾ OJ No L 249, 10. 11. 1971, p. 19.

AGREEMENT

in the form of an exchange of letters extending the Trade Agreement between the European Economic Community and the Argentine Republic

A. Letter to the Argentine authorities

Sir,

With reference to Article 9 (2) of the Trade Agreement between the European Economic Community and the Argentine Republic signed in Brussels on 8 November 1971, I am pleased to inform you that the European Economic Community agrees to the extension of the above Agreement for a period of one year from 1 January 1978.

Please accept, Sir, the assurance of my highest consideration.

*For the Council of the
European Communities*

B. Letter to the President of the Council of the European Communities

Sir,

In your letter of, you informed me as follows :

'With reference to Article 9 (2) of the Trade Agreement between the European Economic Community and the Argentine Republic signed in Brussels on 8 November 1971, I am pleased to inform you that the European Economic Community agrees to the extension of the above Agreement for a period of one year from 1 January 1978.'

I am pleased to inform you, on behalf of the Government of the Argentine Republic, that my Government also agrees to the extension of the above Agreement for a period of one year from 1 January 1978.

Please accept, Sir, the assurance of my highest consideration.

COMMISSION

COMMISSION DECISION

of 16 November 1977

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2270/77, the maximum amounts for the delivery of butteroil as food aid

(Only the Dutch and German texts are authentic)

(77/741/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2270/77 of 13 October 1977 on the delivery of various consignments of butteroil as food aid⁽³⁾, the German and Dutch intervention agencies have invited tenders for the manufacture and delivery of 3 200 tonnes of butteroil, of which 2 500 tonnes are destined for the World Food Programme and 700 tonnes for the Arab Republic of Yemen;

Whereas Article 16 of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, provides that in the light of the tenders received a maximum amount for each lot put up for tender is to be fixed or the tendering procedure is to be cancelled;

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

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purpose of awarding a contract pursuant to Regulation (EEC) No 2270/77 shall be fixed as follows (in units of account):

- Lot A : 1 488 185,
- Lot B : 1 486 383,
- Lot C : 1 488 185,
- Lot D : 1 488 185,
- Lot E : 1 488 185,
- Lot F : 1 040 671,
- Lot G : 1 040 671.

Article 2

This Decision is addressed to the Federal Republic of Germany and the Kingdom of the Netherlands.

Done at Brussels, 16 November 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 262, 15. 10. 1977, p. 19.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

COMMISSION DECISION

of 16 November 1977

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2328/77, the maximum amounts for the delivery of butteroil as food aid

(Only the Dutch, French and German texts are authentic)

(77/742/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 6 (7) thereof,Whereas, pursuant to Commission Regulation (EEC) No 2328/77 of 25 October 1977 on the delivery of various consignments of butteroil as food aid⁽³⁾, the German, French and Dutch intervention agencies have invited tenders for the manufacture and delivery of 7 204 tonnes of butteroil, destined for certain developing countries and the World Food Programme;Whereas Article 16 of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, provides that in the light of the tenders received a maximum amount for each lot put out to tender is to be fixed or the tendering procedure is to be cancelled;

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

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purpose of awarding a contract pursuant to Regulation (EEC) No 2328/77 shall be fixed as follows (in units of account):

- Lot A : 1 698 380,
- Lot B : 891 052,
- Lot C : 1 490 699,
- Lot D : 1 490 699,
- Lot E : 1 486 383,
- Lot F : 1 490 553,
- Lot G : 1 490 553,
- Lot H : 1 502 342,
- Lot I : 1 649 885,
- Lot K : 1 051 639,
- Lot L : 1 111 733,
- Lot M : 1 811 591,
- Lot N : 1 397 597,
- Lot O : 1 489 929,
- Lot P : 1 504 027.

Article 2

This Decision is addressed to the Federal Republic of Germany, the Republic of France and the Kingdom of the Netherlands.

Done at Brussels, 16 November 1977.

For the Commission

Finn GUNDELACH

Vice-President⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.⁽³⁾ OJ No L 274, 26. 10. 1977, p. 1.⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

COMMISSION DECISION

of 16 November 1977

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2329/77, the maximum amount for the costs of delivery of skimmed-milk powder as food aid

(77/743/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2329/77 of 25 October 1977 on the delivery of various consignments of skimmed-milk powder as food aid⁽³⁾, the intervention agencies of the Member States have invited tenders for the costs of delivery as food aid of 23 450 tonnes of skimmed-milk powder, of which 8 700 tonnes are vitaminized, destined for certain developing countries;

Whereas, in pursuance of Article 14 (2) of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, the tenders introduced for Lots L, M and P may be a part quantity of 500 tonnes or a multiple of 500 tonnes of the whole of the lot concerned;

Whereas, Article 16 of the aforementioned Regulation lays down that, on the basis of tenders received, a maximum amount shall be fixed for each lot put up for tender or it shall be decided not to proceed with the tender;

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

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 2329/77 shall be fixed as follows (in units of account):

- Lot A: 11 148,
- Lot B: 11 000,
- Lot C: 9 307,
- Lot D: 8 801,
- Lot E: 22 490,
- Lot F: 39 789,
- Lot G: 31 754,
- Lot H: 29 302,
- Lot K: 315 905,
- Lot L: 525 805 for each part quantity of 500 tonnes,
- Lot M: 527 387 for each part quantity of 500 tonnes,
- Lot N: 534 684,
- Lot O: 428 052,
- Lot P: 483 139 for each part quantity of 500 tonnes.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 274, 26. 10. 1977, p. 7.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

COMMISSION DECISION

of 16 November 1977

fixing the minimum selling prices for butter for the 63rd individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 232/75

(77/744/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 6 (7) thereof,

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

Whereas, pursuant to Commission Regulation (EEC) No 232/75 of 30 January 1975 on the sale of butter at reduced prices for use in the manufacture of pastry products and ice-cream⁽⁵⁾, as last amended by Regulation (EEC) No 2379/77⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

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

between the minimum selling prices and the market prices of the butter;

Whereas Commission Regulation (EEC) No 2379/77 of 28 October 1977 has reintroduced the application of Regulation (EEC) No 232/75 on butter for use in the manufacture of ice-cream (formula B) by repealing Commission Regulation (EEC) No 777/76 of 5 April 1976⁽⁷⁾;

Whereas, in the light of the tenders received in response to the 63rd individual invitation to tender, the minimum selling prices should be fixed at the level specified below and the processing securities determined accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

For the 63rd individual invitation to tender under Regulation (EEC) No 232/75, in respect of which the time limit for the submission of tenders is 8 November 1977, the minimum selling prices and, without prejudice to the provisions of the second subparagraph of Article 12 (1) of the said Regulation, the processing securities shall be as follows:

Use to which the butter is to be put (Article 6 (1) (c) of Regulation (EEC) No 232/75)	Fat content of the butter	Minimum selling price in u.a. per 100 kg butter	Processing security in u.a. per 100 kg butter
Formula A	82 % or more	88.00	162.00
	Less than 82 %	85.85	158.00
Formula B	82 % or more	130.00	120.00
	Less than 82 %	—	—

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 24, 31. 1. 1975, p. 45.

⁽⁶⁾ OJ No L 277, 29. 10. 1977, p. 37.

⁽⁷⁾ OJ No L 91, 6. 4. 1976, p. 13.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1977.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION DECISION

of 16 November 1977

fixing the minimum selling prices for skimmed-milk powder for the ninth individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 368/77

(77/745/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 368/77 of 23 February 1977 on the sale by tender of skimmed-milk powder for use in feed for pigs and poultry⁽³⁾, as last amended by Regulation (EEC) No 2378/77⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them;

Whereas, according to Article 11 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award; whereas the amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum price fixed;

Whereas, under Article 2 (1) of Regulation (EEC) No 2378/77, the minimum selling price for the ninth individual invitation to tender may be varied according to the date of entry into storage of the skimmed-milk powder;

Whereas, in the light of the tenders received in response to the ninth individual invitation to tender, the minimum selling prices should be fixed at the levels specified below and the processing securities determined accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

For the ninth individual invitation to tender under Regulation (EEC) No 368/77, in respect of which the time limit for the submission of tenders is 8 November 1977, the minimum selling prices and processing securities are fixed as follows:

	Minimum selling price in u.a. per 100 kg	Processing security in u.a. per 100 kg
Skimmed-milk powder put into storage before 1 January 1975	11.50	85
Skimmed-milk powder put into storage after 1 January 1975	12.75	84

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 52, 24. 2. 1977, p. 19.

⁽⁴⁾ OJ No L 277, 29. 10. 1977, p. 35.

COMMISSION DECISION**of 16 November 1977****fixing the maximum amount of special aid for skimmed-milk powder for the third individual invitation to tender issued under Regulation (EEC) No 1844/77**

(77/746/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 10 (3) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 1844/77 of 10 August 1977 on the granting by tender of special aid for skimmed-milk powder intended as feed for animals other than young calves⁽³⁾, intervention agencies have opened a standing invitation to tender for the amount of this special aid;

Whereas, according to Article 6 of the said Regulation, for each individual invitation to tender a maximum amount of aid shall be fixed or a decision shall be taken not to proceed with the tender;

Whereas, account being taken of the minimum price valid pursuant to Regulation (EEC) No 368/77 for the individual invitation to tender of the month concerned, of the situation on the skimmed-milk powder and soya markets and of the quantities offered, a maximum amount of special aid for the

third individual invitation to tender shall be fixed at the level specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

For the third individual invitation to tender under Regulation (EEC) No 1844/77, in respect of which the time limit for the submission of tenders is 8 November 1977, the maximum amount of special aid shall be fixed at 76.50 units of account per 100 kilograms of skimmed-milk powder.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 205, 11. 8. 1977, p. 11.

NOTICE TO READERS

As from 1 January 1978 a Supplement to the *Official Journal of the European Communities* will be published.

This Supplement will appear daily and will contain public works contracts notices and invitations to tender of the European Development Fund (EDF), which until now have been published in edition C of the Official Journal. At a later date public supplies contracts notices will also be published in this new Supplement.

Payment is to be made by a subscription of Bfrs 1 500 (£ 24), which is separate from the subscription to the Official Journal. The amount involved may be paid forthwith to the

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