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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 99/78**of 19 January 1978****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 2560/77⁽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 20 January
1978.

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

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 19 January 1978 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	87.29
10.01 B	Durum wheat	115.68 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	74.00 ⁽⁶⁾
10.03	Barley	77.35
10.04	Oats	68.56
10.05 B	Maize, other than hybrid maize for sowing	76.68 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	73.79 ⁽⁴⁾
10.07 C	Grain sorghum	79.81 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	133.70
11.01 B	Rye flour	115.46
11.02 A I a)	Durum wheat groats and meal	190.27
11.02 A I b)	Common wheat groats and meal	143.52

⁽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 100/78

of 19 January 1978

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 2560/77 ⁽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 20 January
1978.

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

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 19 January 1978 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	Current 1	1st period 2	2nd period 3	3rd period 4
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	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	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 101/78

of 19 January 1978

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 2560/77⁽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⁾, as amended by Regulation (EEC) No 2361/77⁽⁵⁾, 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⁽⁶⁾, as amended by Regulation (EEC) No 2361/77, 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⁽⁷⁾, 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⁽⁸⁾, 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⁽⁹⁾, 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⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Whereas, in Regulation (EEC) No 1362/76 of 14 June 1976⁽¹¹⁾, 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⁽¹²⁾, as last amended by Regulation (EEC) No 2413/77⁽¹³⁾, 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 16 and 17 January 1978 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 20 January 1978.

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

⁽¹³⁾ OJ No L 279, 1. 11. 1977, p. 55.

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

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

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

⁽⁴⁾ OJ No L 327, 26. 11. 1976, p. 4.

⁽⁵⁾ OJ No L 277, 29. 10. 1977, p. 2.

⁽⁶⁾ OJ No L 327, 26. 11. 1976, p. 6.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁸⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁹⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽¹⁰⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹¹⁾ OJ No L 154, 15. 6. 1976, p. 13.

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

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 19 January 1978 fixing the minimum import levies on olive oil

(u.a./100 kg)

CCT heading No	Greece	Non-member countries
07.01 N II	6.00	10.00
07.03 A II	6.00	10.00
15.07 A I a)	30.00 ⁽³⁾	56.00 ⁽³⁾
15.07 A I b)	30.00 ⁽³⁾	54.00 ⁽³⁾
15.07 A I c)	30.00 ⁽³⁾	54.00 ⁽³⁾
15.07 A II a)	31.00	58.00 ⁽¹⁾
15.07 A II b)	45.00	84.00 ⁽²⁾
15.17 B I a)	14.00	25.00
15.17 B I b)	22.00	40.00
23.04 A	2.00 ⁽⁴⁾	4.00 ⁽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 REGULATION (EEC) No 102/78**of 18 January 1978****laying down special conditions for exports of certain cheeses to Austria**

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 2560/77⁽²⁾, and in particular the first subparagraph of Article 17 (4) thereof,

Whereas the Austrian Government applies to imports of certain cheeses a system of levies which covers the difference between the prices of imported products and the prices established for its own market, in order to ensure that such cheeses do not enter Austria at a lower price than Austrian produce;

Whereas, as regards cheeses other than those listed in Annex I to this Regulation, a minimum free-at-Austrian-frontier price has been fixed; whereas, in order to ensure that the abovementioned minimum price is observed, the special certificate should be issued subject to an undertaking by the person concerned not to export the cheese in question at a free-at-Austrian-frontier price lower than the minimum price;

Whereas, so that products exported from the Community may reach Austria at that price, the Community will have to fix a refund on exports to Austria of the cheeses in question at a lower level than that fixed for other destinations; whereas, to guarantee such prices, appropriate control arrangements should be laid down under paragraphs 2 and 3 of Annex II to Council Regulation (EEC) No 2042/77 of 13 September 1977 on the conclusion of the Agreement between Austria and the European Economic Community concerning certain types of cheese negotiated under Article XXVIII of GATT⁽³⁾;

Whereas the cheeses listed in Annex I to this Regulation are not subject to the minimum price, provided that on importation into Austria they are accompanied by a Community quality certificate;

Whereas to that end a refund on cheese exports to Austria should be subject to the issue of a special certificate;

Whereas a procedure must be laid down for supervising the use of the certificates; whereas to that end a customs control must be established in respect of cheese exported to Austria;

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. The grant of a refund on cheese exported to Austria shall be subject to the issue of a special certificate.
2. In respect of the cheeses listed in Annex I, the certificate to be issued on application by the exporter shall correspond to the specimen shown in Annex II.
3. In respect of cheeses other than those listed in Annex I, the certificate to be issued on application by the exporter shall correspond to the specimen shown in Annex III.

However, Member States may align the 'gross weight' box with the 'gross weight' box of their export declarations.

Article 2

1. The certificates shall be printed on white paper. Their size shall be 210 × 297 mm. Each certificate shall be given a serial number by the issuing agency.
2. The certificate set out in Annex II shall be made out in one original and at least one copy. The certificate set out in Annex III shall be made out in one original and at least three copies. The copies shall bear the same serial number as the original. The original and copies shall be completed either in typescript or in manuscript; in the latter case, they shall be completed in block letters and in ink.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 237, 16. 9. 1977, p. 1.

Article 3

1. The certificate and copies thereof shall be issued by the issuing agency designated by each Member State.
2. The issuing agency shall keep one copy of the certificate.
3. The exporter shall produce to the competent customs office referred to in Article 4:
 - the original in the case of the certificate set out in Annex II,
 - the original and two copies in the case of the certificate set out in Annex III.
4. The competent customs office referred to in Article 4 shall complete the box reserved for its use on the original and the copies produced to it and return them to the exporter, who must produce them to the Austrian customs authorities.
5. In the case of the certificate set out in Annex III, the exporter shall return to the issuing agency or to the agency granting the refunds one copy duly endorsed by the Austrian customs authorities in the box reserved for that purpose.

Article 4

1. Where, under the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit, consignments of cheese are sent to Austria under cover either of a community transit document or on International Consignment Note or an International Express Parcels Consignment Note equivalent to a Community transit document, the exporter shall produce the certificates referred to in Article 3 (3) to the customs office of departure of the Community transit operation.

Where an International Consignment Note or an International Express Parcels Consignment Note equivalent to a Community transit document is used, the office of departure may not authorize the contract

of carriage to be varied so that the carriage operation ends outside Austria.

2. Where the consignment of cheese to Austria is not effected in accordance with the provisions of the preceding paragraph, the exporter shall produce the certificates referred to in Article 3 (3) to the customs office at the point of exit from the Community.

Article 5

1. In the case of the certificate set out in Annex III, the customs offices referred to in Article 4 shall endorse only those certificates which are produced within 60 days of the day following their date of issue.
2. The certificate shall be valid only for the quantity indicated thereon. However, a quantity exceeding by not more than 5 % the quantity indicated on the certificate shall be considered as corresponding to that quantity.

Article 6

In the case of cheeses other than those listed in Annex I, the special certificate may be issued only on production to the issuing agency of a declaration signed by the applicant and conforming to the specimen set out in Annex IV.

Article 7

1. Member States shall adopt any provisions necessary for the control of the origin, composition and quality of the products in respect of which the certificates are issued.
2. Member States shall adopt appropriate provisions to ensure that the declaration referred to in Article 6 is fulfilled.

Article 8

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

It shall apply with effect from 1 February 1978.

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

Done at Brussels, 18 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

*ANNEX I***(a) Cheeses :**

Roquefort	Carré de l'Est
Parmigiano Reggiano	Reblochon
Grana	Pont-l'Évêque
Pecorino	Livarot
Fiore sardo	Münster
Provolone	Neufchâtel
Asiago	Limburger
Caciocavallo	Romadour
Fontina	Herve
St. Marcellin	Fromage de Bruxelles
Camembert	Stracchino
Brie	Crescenza
Maroilles	Mozzarella
Coulommiers	

- (b) Other cheeses made from cow's milk, with a water weight content of the non-fatty matter exceeding 62 %.
- (c) Cheeses made exclusively from milk other than cow's in immediate packings of a net weight of 300 g or less.
-

1. Exporter	2. CERTIFICATE No	ORIGINAL
3. Consignee	CERTIFICATE OF QUALITY AND ORIGIN FOR EXPORT OF CERTAIN CHEESES TO AUSTRIA	

NOTES

A. This certificate must be made out in one original and at least one copy.

B. The description of the cheeses must include the type in addition to any brand or trade name and the water content in the non-fatty matter in respect of cheeses referred to under (b) of Annex I of Regulation (EEC) No 102/78.

C. The original must be produced for endorsement

— to the customs office at which the cheeses are placed under the Community transit procedure for consignment to Austria,

— or, where that is not the case, to the Community customs office of exit.

D. The original must be produced to the Austrian customs authorities.

1	4. Marks, numbers, number and kind of packages ; description of goods	5. Gross weight	6. Invoices Nos
		7. Net weight	
2	4. Marks, numbers, number and kind of packages ; description of goods	5. Gross weight	6. Invoices Nos
		7. Net weight	

8. THE UNDERSIGNED COMPETENT AUTHORITY hereby certifies that the abovementioned cheeses

— were produced in the Community,

— are of sound and fair marketable quality,

— and conform to the provisions on composition applicable to exports

(Place) (Date)

9. Issuing agency	(Signature)	(Stamp)
-------------------	-------------------	---------------

10. AUTHENTICATION BY THE COMPETENT CUSTOMS OFFICE

The cheeses covered by this certificate

— have been consigned to Austria under the Community transit procedure ⁽¹⁾,

— have left the geographical territory of the Community ⁽¹⁾

(Place) (Date)

(Signature) (Stamp)

⁽¹⁾ Delete as appropriate.

1. Exporter		2. CERTIFICATE No	ORIGINAL
3. Consignee		CERTIFICATE FOR EXPORT OF CERTAIN CHEESES TO AUSTRIA	
NOTES			
A. This certificate must be made out in one original and at least three copies. B. The description of the cheeses must include the type in addition to any brand or trade name and, in respect of processed cheeses, the fat content, by weight, of the dry matter must be given. C. The original and two copies must be produced for authentication within 60 days of the day following their date of issue : — to the customs office at which the cheeses are placed under the Community transit procedure for consignment to Austria, — or, if that is not the case, to the Community customs office of departure. D. The original and two copies must be produced to the Austrian customs authorities. E. One copy, duly authenticated by the Austrian customs authorities, must be returned by the exporter to the issuing agency or to the agency granting the refunds.			
1	4. Marks, numbers, number and kind of packages ; description of goods	5. Gross weight	6. Invoices Nos
		7. Net weight	
2	4. Marks, numbers, number and kind of packages ; description of goods	5. Gross weight	6. Invoices Nos
		7. Net weight	
8. THE UNDERSIGNED COMPETENT AUTHORITY			
— CERTIFIES that the abovementioned cheeses were produced in (producing Member State) in accordance with the provisions governing the composition of goods intended for export and are of sound and fair marketable quality, — DECLARES that provided that the other conditions are satisfied the cheeses in question will qualify for payment of the refund applicable to exports to Austria on the day on which the customs authorities accept the declaration by the exporter that he will export the cheeses to Austria and — that the exporter has submitted the declaration provided for in Article 6 of Regulation (EEC) No 102/78 ⁽¹⁾			
9. Issuing agency		(Place)	(Date)
		(Signature)	(Stamp)
10. AUTHENTICATION BY THE COMPETENT CUSTOMS OFFICE		11. SICHTVERMERK DER ÖSTERREICHISCHEN BEHÖRDEN	
The cheeses covered by this certificate		Die in dieser Bescheinigung genannten Käse sind	
— have been consigned to Austria under the Community transit procedure ⁽²⁾ ,		zum freien Verkehr abgefertigt worden.	
— have left the geographical territory of the Community ⁽²⁾		(Ort), den	
(Place) (Date)		(Unterschrift) (Stempel der Zollbehörde)	
(Signature) (Stamp)			

2) Delete as appropriate.

ANNEX IV

I, the undersigned ⁽¹⁾

.....

hereby declare that the price of the consignment weighing kilograms of

cheese ⁽²⁾ which is covered by invoice number of

for export to Austria will not be lower than ⁽³⁾ Austrian schillings
per 100 kilograms net weight free-at-Austrian-frontier, and declare, moreover, that no refund or
premium or other form of rebate which may make the value less than that indicated above has been
or will be granted on the export of the cheeses in question.

Place and date :

.....

(Signature)

⁽¹⁾ Full name or business name and full address of exporter.

⁽²⁾ State the type of cheese in addition to any brand or trade name.

⁽³⁾ The price per 100 kilograms net weight free-at-Austrian frontier must not be lower than :

(a) for processed cheese of a fat content, by weight, in the dry matter :

— of less than 26 %	Sch. 3 705
— of 26 % or more but less than 46 %	Sch. 3 940
— of 46 % or more but less than 56 %	Sch. 4 038
— of 56 % or more	Sch. 4 162

(b) for Emmentaler or Gruyère Sch. 3 702

(c) for blue-veined cheese (excluding Roquefort) Sch. 3 937

(d) for Danbo, Edam, Elbo, Fynbo, Fontal, Gouda, Havarti, Malbo, Maribo, Mimolette, Samsø, Tilsit, Tybo Sch. 3 417

(e) for Butterkäse, Esrom, Italico, Kernhem, St. Nectaire, St. Paulin, Taleggio Sch. 3 594

(f) for Cheddar and other types of cheese made from cow's milk and not mentioned above other than those listed
in Annex I to Regulation (EEC) No 102/78 Sch. 3 511.

COMMISSION REGULATION (EEC) No 103/78

of 19 January 1978

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 organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 2560/77⁽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 equi-
librium 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 Commu-
nity 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 quanti-
ties 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 neces-
sary 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 Manage-
ment 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 20 January
1978.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 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, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 19 January 1978 fixing the refunds applicable to cereals and wheat or rye flour groats and meal

CCT heading No	Description	Refund (u.a. / tonne)
10.01 A	Common wheat and meslin	0
10.01 B	Durum wheat	0
10.02	Rye :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	55.00
	— other third countries	65.00
10.03	Barley :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	45.00
	— Iberian Peninsula	60.00
	— Zones I, II, III, IV and V	0
	— other third countries	65.00
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	80.00
	— of an ash content of 521 to 600	80.00
	— of an ash content of 601 to 900	70.00
	— of an ash content of 901 to 1 100	70.00
	— of an ash content of 1 101 to 1 650	60.00
	— of an ash content of 1 651 to 1 900	60.00
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	80.00

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

COMMISSION REGULATION (EEC) No 104/78

of 19 January 1978

fixing the corrective amount applicable to the refund on cereals

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 2560/77⁽²⁾, and in particular the third sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (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⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, the corrective amount must be applied to the refund;

Whereas 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⁾, as last amended by Regulation (EEC) No 2560/77, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁵⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Commu-

nity 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 for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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 preceding subparagraph;

Whereas it follows from applying the provisions referred to above that the corrective amount must be fixed as shown in the table annexed to this Regulation;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION :

hereby fixed as shown in the table annexed to this Regulation.

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals is

Article 2

This Regulation shall enter into force on 20 January 1978.

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

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 19 January 1978 fixing the corrective amount applicable to the refund on cereals

(u.a. / tonne)

CCT heading No	Description of goods	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
10.01 A	Common wheat, and meslin	0	0	0	—	—	—	—
10.01 B	Durum wheat	0	0	0	—	—	—	—
10.02	Rye	0	0	0	—	—	—	—
10.03	Barley	0	0	0	0	+ 5.00	—	—
10.04	Oats	0	0	0	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

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)

COUNCIL

COUNCIL DIRECTIVE

of 19 December 1977

laying down additional provisions relating to the statistical surveys to be carried out by Member States on bovine livestock

(78/53/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 209 thereof,

Having regard to Council Directive 73/132/EEC of 15 May 1973 on the statistical surveys to be carried out by the Member States on bovine livestock, on forecasts on the availability of bovine animals for slaughter and on statistics on slaughtered bovine animals⁽¹⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas, in order to promote the approximation of survey methods and the harmonization of statistics on the cattle sector, certain provisions of Directive 73/132/EEC must be clarified or supplemented;

Whereas, for technical reasons, Italy has not been able to update the sampling base during the period covered by Directive 73/132/EEC in order to comply with the Community margins of error, and therefore desires the extension of the term of validity of the derogation provided for in Article 4 of the said Directive;

Whereas an annual survey in December has proved inadequate for the purposes of periodically adjusting short-term forecasts of the potential supply of cattle;

Whereas certain provisions of Directive 73/132/EEC are applicable to the execution of an intermediate survey; whereas special rules relating to the time limits for submission of the results and the period for making the forecasts have to be laid down in this respect;

Whereas the financial contribution of the Community towards the expenditure incurred by the Member States in carrying out the surveys provided for under this Directive must be specified,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The term of validity of the derogation provided for in Article 4 (3) of Directive 73/132/EEC shall be extended to 1980 for Italy.

2. Article 4 (4) of Directive 73/132/EEC shall be replaced by the following:

‘4. The Member States shall, if necessary, take appropriate measures to assess errors of observation.’

3. Article 5 (4) of Directive 73/132/EEC shall be replaced by the following:

‘4. The survey results to be used in accordance with paragraphs 2 and 3 may be obtained from one of the two Community surveys carried out during the reference year.’

⁽¹⁾ OJ No L 153, 9. 6. 1973, p. 25.

⁽²⁾ OJ No C 163, 11. 7. 1977, p. 73.

4. Article 6 (1) of Directive 73/132/EEC shall be replaced by the following :

'1. The Member States shall, on the basis of the results of the surveys and of other available data, estimate the gross indigenous cattle production for the two six-month periods beginning on 1 January and 1 July respectively.

The gross indigenous cattle production shall include all slaughterings of cattle of native and foreign origin, together with the foreign trade balance of live cattle.'

5. The first two lines of Article 6 (2) of Directive 73/132/EEC shall be replaced by the following :

'The estimate of gross indigenous cattle production shall be drawn up for the following categories :'

Article 2

1. The Member States shall carry out each year an intermediate survey of the bovine livestock, using any day in May or June as the reference date.

2. The first intermediate survey shall take place in 1978.

3. The provisions of Directive 73/132/EEC relating to the December survey shall be applicable to the intermediate survey, except for Article 5 (1) and (2) of the said Directive.

However, Member States who experience difficulty in including in the questionnaire for the intermediate

survey of all the categories referred to in Article 3 of Directive 73/132/EEC may estimate, on the basis of the results of their national surveys, the numbers in the various categories of cattle intended for slaughter, and of heifers of one year and over.

The foregoing derogation shall be valid until 1980, unless the Council, acting on a proposal from the Commission, decides to extend the term of validity.

4. Member States shall notify the Commission of the provisional results of the intermediate survey, without a breakdown by regions, by 30 September at the latest. The final results shall be notified as soon as possible.

Article 3

The necessary expenditure for carrying out during 1978, 1979 and 1980 the surveys provided for in this Directive shall be charged as a fixed sum to the budget of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1977.

For the Council

The President

H. SIMONET

COUNCIL DIRECTIVE
of 19 December 1977
extending the derogations granted in respect of protection against swine fever to
Denmark, Ireland and the United Kingdom

(78/54/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Articles 43
and 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parlia-
ment⁽¹⁾,

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

Whereas Denmark, Ireland and the United Kingdom
enjoy derogations permitting them to retain until 31
December 1977 their national rules on protection
against swine fever upon introduction into their terri-
tory of swine for breeding, store and slaughter and of
fresh pigmeat; whereas those derogations are
contained in Article 104 (1) of the Act of Accession
and Article 13 of Council Directive 72/461/EEC of 12
December 1972 on health problems affecting intra-
Community trade in fresh meat⁽³⁾, as last amended by
Directive 77/98/EEC⁽⁴⁾;

Whereas the period within which the technical diffi-
culties were to be resolved and Community standards
laid down as regards swine fever has proved
inadequate; whereas the solutions to be adopted are
to some extent linked to the swine fever eradication
measures for which the Council has requested the
Commission to submit proposals; whereas such propo-
sals have not yet been submitted;

Whereas it is therefore necessary to extend by one
year the derogations granted to the three Member
States concerned,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Until 31 December 1978, Denmark, Ireland and the
United Kingdom shall be authorized to retain their
national rules relating to protection against swine
fever upon introduction into their territory of swine
for breeding, store and slaughter, subject to compli-
ance with the general provisions of the Treaty.

Article 2

In Article 13 of Directive 72/461/EEC the date '31
December 1977' shall be replaced by '31 December
1978'.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1977.

For the Council

The President

H. SIMONET

⁽¹⁾ OJ No C 6, 9. 1. 1978, p. 117.

⁽²⁾ Opinion delivered on 14 December 1977 (not yet
published in the Official Journal).

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 26, 31. 1. 1977, p. 81.

COUNCIL DIRECTIVE

of 19 December 1977

amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 68/193/EEC, 69/208/EEC, 70/458/EEC and 70/457/EEC on the marketing of beet seed, fodder plant seed, cereal seed, material for the vegetative propagation of the vine, seed of oil and fibre plants, vegetable seed and on the common catalogue of varieties of agricultural plant species

(78/55/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 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, for the reasons given below, certain Directives on the marketing of seeds and propagating material should be amended;

Whereas the present provisions of those Directives relating to the marking of seeds and propagating material do not take into account technical progress in respect of methods of labelling; whereas they should therefore be amended;

Whereas in the case of certain Directives an accelerated procedure should be provided for amending the list of species with regard to descriptions and hybrids resulting from the crossing of species;

Whereas, in principle, seed which is intended for certification as 'certified seed' must have been produced from basic seed; whereas, however, by way of derogation, the said Directives permit, in the case of seed of certain species, certification as 'certified seed' where the seed has been produced from pre-basic seed which has been subject to official examination; whereas this latter facility is not sufficient for some species, particularly as regards the species for which certification as 'certified seed of the second generation' is permitted; whereas, therefore, this facility should be extended provided that sufficient guarantees are laid down;

Whereas experience with regard to supplies of fibre flax seed shows that it is necessary to retain the cate-

gory of 'certified seeds of the third generation' for a further four years; whereas this extension should also allow Member States to take all necessary steps to ensure in the near future adequate supplies of fibre flax seed of the categories 'certified seed of the first generation' and 'certified seed of the second generation';

Whereas Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽³⁾, as last amended by Directive 73/438/EEC⁽⁴⁾, and Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed⁽⁵⁾, as last amended by Directive 76/307/EEC⁽⁶⁾, provide that from 1 July 1977 the equivalence of the official examination of varieties and the checks on practices for the maintenance of varieties carried out in third countries can no longer be established nationally by Member States; whereas Directive 70/458/EEC provides that from 1 July 1977 the equivalence of seeds harvested in third countries can no longer be established nationally by Member States;

Whereas, however, it is likely that examinations concerning the granting of these equivalences on a Community basis will not be completed within the abovementioned periods in all those cases where national equivalences have been granted; whereas it should therefore be possible to decide by an accelerated procedure on a possible extension of these periods in certain cases in order to avoid disturbing traditional trade patterns,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed⁽⁷⁾, as last amended by Directive 76/331/EEC⁽⁸⁾, shall be amended as follows:

⁽¹⁾ OJ No L 183, 1. 8. 1977, p. 64.

⁽²⁾ OJ No C 180, 28. 7. 1977, p. 29.

⁽³⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽⁴⁾ OJ No L 356, 27. 12. 1973, p. 79.

⁽⁵⁾ OJ No L 225, 12. 10. 1970, p. 7.

⁽⁶⁾ OJ No L 72, 18. 3. 1976, p. 16.

⁽⁷⁾ OJ No 125, 11. 7. 1966, p. 2290/66.

⁽⁸⁾ OJ No L 83, 30. 3. 1976, p. 34.

1. The following shall be substituted for Article 11 :

'Article 11

1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EEC packages :

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex III (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed and blue for certified seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (a), the basic seed does not satisfy the conditions laid down in Annex I in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21 the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized ;

(b) contain an official document, in the same colour as the label, giving at least the information required under Annex III, (A) (I) (3), (4), (5), (10) and (11). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked : "passed for marketing in ... (Member State concerned) only".

2. In Article 11b, the following shall be substituted for 'officially sealed and marked' : 'closed and marked officially or under official supervision'.

3. In the first indent of Article 14 (1), the following shall be substituted for 'officially marked and sealed' : 'marked and closed officially or under official supervision'.

4. In Annex III (A) (I), the following shall be added :

'12. Where at least germination has been retested, the words "retested ... (month and year)" and

the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

Article 2

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 75/444/EEC ⁽²⁾, shall be amended as follows :

1. In Article 2, the following paragraphs shall be added :

'1a. Amendments to be made to the list of species referred to in paragraph 1 (A) in the light of the development of scientific or technical knowledge concerning the descriptions and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 21.

1b. Member States may be authorized in accordance with the procedure laid down in Article 21 to permit, by way of derogation from paragraph 1 (C) (a), to be certified as certified seed seeds of self-pollinating or apomictic species which have been entered for certification as basic seed and which have been produced directly from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may only occur if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seeds shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 21.

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked : "passed for marketing in ... (Member State concerned) only" ; in addition Member States may require in this case that the official labels also be marked : "intended for further multiplication only".

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 196, 26. 7. 1975, p. 6.

2. The following shall be substituted for Article 10 :

Article 10

1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the last two categories takes the form of small EEC B packages :

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations and brown for commercial seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (a), the basic seed or certified seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21, the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized ;

(b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (I) (a) (3), (4) and (5) and, in the case of commercial seed, under (b) (2), (4) and (5). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked : "passed for marketing in : ... (Member State concerned) only".

3. In Article 10b, the following shall be substituted for 'officially sealed and marked' : 'closed and marked officially or under official supervision'.

4. In the first and second indents of Article 14 (1), the following shall be substituted for 'officially marked and sealed' : 'marked and closed officially or under official supervision'.

5. In Annex IV (A) (I), the following shall be added under (a) :

'12. Where at least germination has been retested, the words "retested ... (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

6. In Annex IV (A) (I), the following shall be added under (b) :

'9. Where at least germination has been retested, the words "retested ... (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

7. In Annex IV (A) (I), the following is added under (c) :

'7. Where at least germination of all the components of the mixture has been retested, the words "retested ... (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

Article 3

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽¹⁾, as last amended by Directive 75/444/EEC, shall be amended as follows :

1. In Article 2, the following paragraphs shall be added :

'1a. Amendments to be made to the list of species referred to in paragraph 1 (A) in the light of the development of scientific or technical knowledge concerning the descriptions and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 21.

1b. Member States may be authorized in accordance with the procedure laid down in Article 21 to permit, by way of derogation from paragraph 1 under F (a) or G (a), to be certified as certified seed of the first generation or certified seed of the second generation seeds of self-pollinating species which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may only occur if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

taken officially and carried out at the latest during the growing season of the entered seed shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seeds of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 21.

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked: "passed for marketing in ... (Member State concerned) only"; in addition Member States may require in this case that the official labels also be marked "intended for further multiplication only".

2. The following shall be substituted for Article 10:

Article 10

1. Member States shall require that packages of basic seed and certified seed of all kinds:

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed and for certified seed of the first generation and red for certified seed of the second generation. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (1) (a) and (2), the basic seed or maize seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21, the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized;

(b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (a) (3), (4) and (5). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance

with the provisions under (a), an adhesive label or a label of non-tear material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages where they are marked: "passed for marketing in ... (Member State concerned) only".

3. In accordance with the procedure laid down in Article 21, Member States may be authorized to retain until 30 June 1980 provisions allowing the marketing of cereal seeds the packaging of which includes the prescribed information but in a different layout from that provided for in the sixth sentence of paragraph 1 (a).'

3. In Article 14 (1), the following shall be substituted for 'officially marked and sealed': 'marked and closed officially or under official supervision'.

4. In Annex IV (A), the following shall be added under (a):

'10. Where at least germination has been retested, the words "retested ... (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

5. In Annex IV (A), the following shall be added under (b):

'7. Where at least germination of all the components of the mixture has been retested, the words "retested ... (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

Article 4

The following paragraph 1a shall be added to Article 10 of Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine⁽¹⁾, as last amended by Directive 74/648/EEC⁽²⁾:

'1a. Nevertheless Member States may permit that 10 packages or bundles of rooted grafts of the same characteristics, or five packages or bundles of rooted cuttings of the same characteristics are marked with only one label conforming to the specifications in Annex IV. In this case, the packages or bundles shall be tied together in such a way that, when they are separated, the tie is damaged and cannot be re-used. The label shall be attached with this tie. Reclosing shall not be authorized.'

⁽¹⁾ OJ No L 93, 17. 4. 1968, p. 15.

⁽²⁾ OJ No L 352, 28. 12. 1974, p. 43.

Article 5

Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽¹⁾, as last amended by Directive 75/444/EEC, shall be amended as follows:

1. In Article 2, the following paragraphs shall be added:

'1a. Amendments to be made to the list of species referred to in paragraph 1 (A) in the light of the development of scientific or technical knowledge concerning the descriptions and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 20.

1b. Member States may be authorized in accordance with the procedure laid down in Article 20 to permit, by way of derogation from paragraph 1 D (a) or E (a), to be certified as certified seed of the first generation or certified seed of the second generation seeds of self-pollinating species which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may only occur if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seed shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seed of the previous generation. These conditions may be amended in the light of the development of scientific or technical knowledge in accordance with the procedure laid down in Article 20.

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked: "passed for marketing in ... (Member State concerned) only"; in addition, Member States may require in this case that the official labels also be marked "intended for further multiplication only".

2. In Article 2 (2) (c) '30 June 1982' shall be substituted for '30 June 1978'.

3. In Article 10 the following shall be substituted for paragraphs 1 and 2:

'1. Member States shall require that packages of basic seed, certified seed of all kinds and commercial seed:

- (a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations and brown for commercial seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (a), the basic seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 20 the indelible printing under official supervision of the information on the package according to the label's model may be authorized;
- (b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV, (A) (a), (4), (5) and (6) and, in the case of commercial seed, under (b), (2), (5) and (6). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages where they are marked: "passed for marketing in ... (Member State concerned) only".

4. In Article 13 (1), the following shall be substituted for 'officially marked and sealed': 'marked and closed officially or under official supervision'.

⁽¹⁾ OJ No L 169, 10. 7. 1969, p. 3.

5. In Annex IV (A), the following is added under (a) :

'11. Where at least germination has been retested, the words "retested ... (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

6. In Annex IV (A), the following is added under (b) :

'10. Where at least germination has been retested, the words "retested ... (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.'

Article 6

The following sentence shall be added to Article 21 (2) of Directive 70/457/EEC :

'In accordance with the procedure laid down in Article 23, this period may be extended for third countries if the available information does not permit a determination according to paragraph 1 and for as long as it does not permit such a determination.'

Article 7

Council Directive 70/458/EEC shall be amended as follows :

1. In Article 2, the following paragraphs shall be added :

'1a. Amendments to be made to the list of species referred to in paragraph A in the light of the development of scientific or technical knowledge concerning the descriptions and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 40.

1b. Member States may be authorized in accordance with the procedure laid down in Article 40 to permit, by way of derogation from paragraph 1 (C) (a), to be certified as certificated seed seeds of self-pollinating species which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may only occur if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seed shows that the seeds from the previous

generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 40.

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked : "passed for marketing in ... (Member State concerned) only" ; in addition Member States may require in this case that the official labels also be marked : "intended for further multiplication only".'

2. The following shall be substituted for Article 26 (1) :

'1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small packages :

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV (A) and on which the information is given in one of the official languages of the Community. The label may be placed inside transparent packages provided it can be read. The colour of the label shall be white for basic seed and blue for certified seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If in cases under Article 21, the basic seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 40 the indelible printing under official control of the prescribed information on the package according to the label's model may be authorized ;

(b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (a) (4), (5), (6) and (7). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), the label is inside a transparent package or an adhesive label or a label of non-tear material is used.'

3. In Article 26, the following paragraph shall be added:

'1a. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked: "passed for marketing in ... (Member State concerned) only".'

4. In Article 30 (1), the following shall be substituted for 'officially marked and sealed': 'marked and closed officially or under official supervision'.

5. The following sentence shall be added to Article 32 (2):

'In accordance with the procedure laid down in Article 40 this period may be extended for third countries if the available information does not permit a determination according to paragraph 1 and for as long as it does not permit such a determination.'

Article 8

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply:

— with Article 6 and Article 7 (5) on 1 July 1977,

— with Article 5 (2) on 1 July 1978,

— with the other provisions of this Directive not later than 1 July 1979.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1977.

For the Council

The President

H. SIMONET

COUNCIL DECISION**of 19 December 1977****appointing a member of the Advisory Committee on Safety, Hygiene and Health Protection at Work****(78/56/EEC)**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Council Decision of 27 June
1974 on the setting up of an Advisory Committee on
Safety, Hygiene and Health Protection at Work ⁽¹⁾,
and in particular Article 4 thereof,

Having regard to the Council Decision of 5 May 1975
appointing the members and alternate members of
the Advisory Committee on Safety, Hygiene and
Health Protection at Work for the period ending on 4
May 1978,

Whereas a seat as member in the Government repre-
sentatives category of the Advisory Committee on
Safety, Hygiene and Health Protection at Work has
fallen vacant following the resignation of Mr
O'Riordan, notified to the Council on 12 December
1977;

Having regard to the candidate proposed by the Irish
Government on 12 December 1977,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr M. Cashell is hereby appointed a member of the
Advisory Committee on Safety, Hygiene and Health
Protection at Work in place of Mr O'Riordan for the
remainder of the latter's term of office, which runs
until 4 May 1978.

Done at Brussels, 19 December 1977.

For the Council

The President

H. SIMONET

⁽¹⁾ OJ No L 185, 9. 7. 1974, p. 15.

**Notification of the entry into force in respect of the Community of the Protocol
extending the Arrangement regarding international trade in textiles**

On 29 December 1977 the Community accepted the Protocol extending the Arrangement regarding international trade in textiles; the Protocol therefore came into force in respect of the Community on 1 January 1978 in accordance with paragraph 3 thereof.
