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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 241/78**of 6 February 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 7 February
1978.

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

Done at Brussels, 6 February 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 6 February 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	89.74
10.01 B	Durum wheat	115.20 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	75.72 ⁽⁶⁾
10.03	Barley	79.66
10.04	Oats	72.25
10.05 B	Maize, other than hybrid maize for sowing	75.13 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	77.79 ⁽⁴⁾
10.07 C	Grain sorghum	80.81 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	137.27
11.01 B	Rye flour	117.63
11.02 A I a)	Durum wheat groats and meal	189.57
11.02 A I b)	Common wheat groats and meal	147.20

⁽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 242/78**of 6 February 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 7 February
1978.

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

Done at Brussels, 6 February 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 6 February 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 2	1st period 3	2nd period 4	3rd period 5
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	15.08	15.08	12.17
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	2.11
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.67	0.67	1.68
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0.67	0.67	3.02
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 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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	3.76	3.76
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	2.81	2.81
11.07 B	Roasted malt	0	0	0	3.27	3.27

COMMISSION REGULATION (EEC) No 243/78

of 1 February 1978

providing for the advance fixing of monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽³⁾, as last amended by
Regulation (EEC) No 2560/77⁽⁴⁾ and in particular
Articles 12 (2), 15 (5) and 16 (6) thereof, and also to
the relevant provisions of the other Regulations on
the common organization of the markets in agricul-
tural products,

Whereas Regulation (EEC) No 974/71 introduced a
system of monetary compensatory amounts applicable
to trade between Member States and with non-
member countries; whereas those amounts are calcu-
lated on the basis of the difference between the repre-
sentative rate of a currency and its actual exchange
rate; whereas, in Member States for whose currencies
no central rate has been fixed, the actual rate is that
regularly recorded on the exchange market; whereas
in the other Member States the central rate is regarded
as the actual exchange rate; whereas the system of
monetary compensatory amounts is therefore subject
to instability; whereas, for that reason and in view of
the method of calculation, which takes into account
the movement of floating currencies in relation to
other Community currencies, the monetary compensa-
tory amount does not always correspond to the rate on
which commercial contracts are based; whereas that is
particularly true of trade with non-member countries;

Whereas these conditions cause difficulty for traders,
who when concluding a contract need to be able to
assess the economic conditions under which that

contract will be performed; whereas only by
providing for the advance fixing of monetary compen-
satory amounts can this difficulty be overcome;

Whereas, however, the advance fixing of any amount,
and in particular of monetary compensatory amounts,
may lead to abuses for speculative ends; whereas it is
therefore necessary to proceed cautiously and to intro-
duce this facility only for monetary compensatory
amounts applying to trade with non-member coun-
tries and to products for which the levy or refund may
be fixed in advance; whereas the economic justifica-
tion for advance fixing, namely the degree of certainty
that traders require, implies that the advance fixing of
the monetary compensatory amount should be
allowed only where the levy or refund for the same
operation has been fixed in advance;

Whereas it follows that the period of validity of a
compensatory amount fixed in advance should be the
same as that of the levy or refund to which it is
linked; whereas, however, in order not to put at risk
the proper operation of the common organization of
the market, the period of validity should in no case
exceed six months; whereas appropriate technical
provision must therefore be made for cases in which
the validity of the import or export licences or the
advance fixing certificates normally exceeds this
period;

Whereas divergent movements of monetary compensa-
tory amounts as between Member States may
encourage speculation; whereas the validity of a
licence in respect of which an application for advance
fixing of the monetary compensatory amount has
been lodged must therefore be limited to the territory
of the Member State in which the applicant states that
he wished to effect the import or export operation;

Whereas the monetary compensatory amount in trade
with non-member countries is composed of two
elements, namely the amount fixed for the Member
State and for the product concerned in national
currency, and the monetary coefficient applying to the
levy or refund;

(1) OJ No L 106, 12. 5. 1971, p. 1.

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

(3) OJ No L 281, 1. 11. 1975, p. 1.

(4) OJ No L 303, 28. 11. 1977, p. 1.

Whereas certain technical problems arise in the calculation of the monetary compensatory amount for certain goods covered by Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as last amended by Regulation (EEC) No 152/78⁽²⁾; whereas those amounts are in fact calculated on the basis of the standard quantities of basic agricultural products used to calculate the import duty; whereas if those amounts are fixed in advance a relationship will have to be established with the refund payable on the basic agricultural products exported in the form of the goods concerned; whereas these problems may be resolved by a system whereby the whole of one of the basic products must be covered by the advance fixing of the refund;

Whereas price changes may occur during the period of validity of certificates fixing the monetary compensatory amount in advance, either in terms of the unit of account or because of a change in representative rates; whereas this should be taken into account by a provision for the adjustment of compensatory amounts fixed in advance;

Whereas market developments may render advance fixing of monetary compensatory amounts inadvisable; whereas it is therefore necessary to make provision for suspension of advance fixing of these amounts, where necessary, at short notice;

Whereas a trader who does not apply for advance fixing of the monetary compensatory amount where this is possible should not be allowed recourse to Commission Regulation (EEC) No 1608/74 of 26 June 1974 on special provisions in respect of monetary compensatory amounts⁽³⁾, since he has failed to take the precautions which were available to him;

Whereas transitional measures permitting some variation from the normal rules should be introduced to prevent distortion of competition between the holders of certificates at the time when this Regulation enters into force and later applicants;

Whereas Commission Regulation (EEC) No 837/72 of 24 April 1972 laying down special provisions in respect of levies and refunds fixed in advance for cereals⁽⁴⁾ provides that, in the event of a monetary crisis leading to a reduction in monetary compensa-

tory amounts, where the refund or levy has been fixed in advance the monetary compensatory amount in force on the day of such advance fixing is valid for the transaction in question; whereas the introduction of advance fixing of monetary compensatory amounts makes that provision unnecessary; whereas it is therefore appropriate that it be repealed;

Whereas the provisions of this Regulation refer to certain provisions of Commission Regulation (EEC) No 192/75 of 17 January 1975 laying down detailed rules for the application of export refunds⁽⁵⁾, as last amended by Regulation (EEC) No 1469/77⁽⁶⁾, and also to those of Commission Regulation (EEC) No 193/75 of 17 January 1975 laying down common rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁷⁾, as last amended by Regulation (EEC) No 1470/77⁽⁸⁾;

Whereas the management committees concerned have not delivered an opinion within the time limit set by their respective chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

1. In trade with non-member countries, monetary compensatory amounts may be fixed in advance. Such advance fixing shall be effected in accordance with this Regulation.
2. For the purposes of this Regulation, a monetary compensatory amount comprises the following elements:
 - (a) the amount obtained, for the product in question, from the application of Annex I to the Regulations fixing the monetary compensatory amounts;
 - (b) — the coefficient specified in Annex II to the Regulations fixing the monetary compensatory amounts, and
— the representative rate to be applied for the conversion into national currency of the amounts fixed in units of account;

in the case of certain processed products, the two latter elements may where necessary vary according to the basic agricultural products for which the export refund is fixed in advance.

⁽¹⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽²⁾ OJ No L 23, 28. 1. 1978, p. 1.

⁽³⁾ OJ No L 170, 27. 6. 1974, p. 38.

⁽⁴⁾ OJ No L 98, 24. 4. 1972, p. 10.

⁽⁵⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽⁶⁾ OJ No L 162, 1. 7. 1977, p. 9.

⁽⁷⁾ OJ No L 25, 31. 1. 1975, p. 10.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 11.

3. For the purposes of this Regulation, the supplies referred to in Article 3 of Regulation (EEC) No 192/75 shall be considered as trade with non-member countries.

4. For the purposes of this Regulation the Benelux Member States shall be regarded as a single Member State.

Article 2

1. The monetary compensatory amount shall be fixed in advance on application.

The monetary compensatory amount may be fixed in advance only in the case of certificates under which the import or export levy or export refund is fixed in advance.

The monetary compensatory amount may not be fixed in advance in respect of products falling within subheading 04.02 B of the Common Customs Tariff unless the export refund is fixed in advance for all the constituents of the product in question.

2. Levies or refunds fixed under a tendering procedure shall be considered to be fixed in advance.

3. Where the monetary compensatory amount is fixed in advance the certificate and, in the case of application of Article 4 (6), extracts therefrom, shall be valid only in one Member State to be designated by the applicant on submission of the application for the advance fixing of the monetary compensatory amount.

Article 3

1. Where a certificate of advance fixing of the levy or refund is to be valid for not more than six months, applications for the advance fixing of the monetary compensatory amount must be lodged at the same time as the application for such certificate.

In such case :

(a) the application for the certificate and the certificate itself shall contain one of the following entries in section 12 :

'Advance fixing of the monetary compensatory amount',

'fixation à l'avance du montant compensatoire monétaire',

'Forudfastsættelse af det monetære udligningsbeløb',

'Vorausfestsetzung des Währungsausgleichsbetrags',

'Fissazione anticipata dell'importo compensativo monetario',

'Vaststelling vooraf van het monetaire compenserende bedrag';

(b) Section 20 of the certificate in the case of imports and section 18 in the case of exports, shall contain

the following entries in one of the official languages of the Community :

— 'Monetary compensatory amount fixed in advance on (date of advance fixing), to be adjusted as appropriate
certificate valid in ... (Member State designated by the applicant)';

— 'Montant compensatoire monétaire fixé à l'avance le (date de préfixation), à ajuster éventuellement
certificat valable en ... (État membre désigné par le demandeur)';

— 'Monetært udligningsbeløb forudfastsat den (dato for forudfastsættelsen) justeres i påkommende tilfælde
Licens gyldig i ... (den medlemsstat, der er angivet af ansøgeren)';

— 'Am ... (Vorausfestsetzungsdatum) im voraus festgesetzter Währungsausgleichsbetrag; muß gegebenenfalls angepaßt werden
Lizenz gilt in ... (vom Antragsteller angegebener Mitgliedstaat)';

— 'Importo compensativo monetario fissato in anticipo il (data della fissazione anticipata), da modificarsi se del caso
Titolo valido in ... (Stato membro designato dal richiedente)';

— 'Monetair compenserend bedrag vooraf vastgesteld op (datum van de vaststelling vooraf), eventueel aan te passen
Certificaat geldig in ... (door de aanvrager aangegeven Lid-Staat)';

2. For information purposes the competent bodies in the Member States may, in the case of certificates to be used in their territory, enter in section 20 of the certificate in the case of imports and in section 18 in the case of exports additional data for the calculation of the monetary compensatory amount.

Article 4

1. The provisions of this Article shall apply where the certificate of advance fixing of the levy or refund is valid for more than six months.

2. The advance fixing of the monetary compensatory amount shall be valid for six months from the date on which the application for advance fixing was lodged.

3. An application for advance fixing of the monetary compensatory amount may be lodged during the period beginning on the day on which the application for the certificate of advance fixing of the levy or refund is lodged and ending on the first day of the final six months of validity of that certificate.

4. Where a certificate of advance fixing of the levy or refund also fixes the monetary compensatory amount in advance, the certificate shall expire on the last day of validity of the advance fixing of the monetary compensatory amount.

5. Where the application for the advance fixing of the monetary compensatory amount is lodged at the same time as the application for the certificate, the application for the certificate and the certificate itself shall contain one of the entries set out in Article 3 (1).

Section 21 of the import licence or advance-fixing certificate or, as the case may be, section 19 of the export licence or advance-fixing certificate shall indicate the last date of validity of the advance fixing of the monetary compensatory amount.

6. Where the applicant for the certificate of advance fixing of the levy or refund has not made use of the provisions of paragraph 5, and where he lodges an application for advance fixing of the monetary compensatory amount during the period referred to in paragraph 3, this application must be lodged with the authority with which the application for the certificate was lodged. The provisions of Articles 5 (1) and (3), 6 and 7 of Regulation (EEC) No 193/75 shall apply to the application for advance fixing of the monetary compensatory amount.

The application for advance fixing of the monetary compensatory amount may relate to a certificate or to an extract therefrom where such extract has been issued.

The applicant must, when applying for the advance fixing of the monetary compensatory amount, present to the competent body the relevant certificate or extract.

The certificate or extract shall be kept by the competent authority, which shall issue a replacement certificate or extract. Where application is made for an extract from a certificate fixing the levy or refund in advance, an application for the advance fixing of the compensatory amount may be lodged in respect of such extract, and this latter shall be regarded as a replacement extract.

7. The replacement certificate or extract in respect of which the monetary compensatory amount is fixed in advance shall be issued for a quantity of products which, increased by the relevant tolerance corresponds to the quantity available indicated on the document which it replaces.

The replacement certificate or extract thereof shall be valid for six months from the date of submission of the application for advance fixing of the monetary compensatory amount.

Without prejudice to the special provisions of this paragraph, the replacement certificate or extract shall contain any entries made on the document which it replaces. It shall also contain the entries listed in Article 3 (1) and a reference to the number of the document which it replaces.

8. The provisions of Article 3 (2) shall apply to the certificates referred to in this Article.

Article 5

1. Where a certificate of advance fixing of the refund relates to a basic product exported in the form of goods covered by Regulation (EEC) No 1059/69 and fixes the monetary compensatory amount in advance, such advance fixing shall relate to the monetary compensatory amount applicable to the goods in question.

2. The monetary compensatory amount may not be fixed in advance in respect of the goods unless the total quantity of at least one of the basic products eligible for the export refund is covered by one or more certificates as referred to in paragraph 1.

For the purposes of the preceding subparagraph, only basic products making up 10 % or more by weight of the goods shall be taken into account.

3. Where more than one certificate as referred to in paragraph 1 is presented at the time of completion of customs formalities, account shall be taken only of the first certificate issued as regards the date to be taken into account for the calculation of the monetary compensatory amount.

For purposes of the preceding subparagraph, only certificates relating to the basic product or products the total quantity of which is covered shall be taken into account.

4. Where one or more certificates referred to in paragraph 1 are presented at the time of completion of the customs formalities and where the goods do not qualify for the fixing in advance of the monetary compensatory amount because the conditions laid down in paragraph 2 are not fulfilled, such certificate(s) shall not be accepted on the completion of the customs formalities in respect of the goods in question.

Article 6

1. The monetary compensatory amount in effect on the day on which the application for advance fixing of the monetary compensatory amount is lodged shall be applicable to the operations carried out during the period of validity of the certificate.

2. However, where the levy or refund is fixed in advance under a tendering procedure, the monetary compensatory amount applicable shall be that in effect on the last day for the submission of tenders.

Paragraph 1 shall remain applicable, however, where the applicant for a certificate relating to a levy or refund fixed in advance under a tendering procedure places himself in the situation referred to in Article 4 (6).

Article 7

1. The monetary compensatory amounts fixed in advance shall be adjusted if, during the period of validity of the certificate, a new representative rate, decided on before the application for advance fixing was lodged, comes into effect.

2. A decision to adjust the monetary compensatory amounts fixed in advance may be taken :

- where the import levy or export refund is adjusted during the period of validity of the certificate following a change in prices,
- or when a new representative rate comes into force.

3. Detailed provisions governing the adjustments and the amounts thereof shall be determined in accordance with the procedure laid down in Article 6 of Regulation (EEC) No 974/71.

4. Where a rate in national currency entered on the certificate under the provisions of Article 3 (2) has to be adjusted, the competent authorities of the Member States shall take the administrative measures they consider necessary to affect that adjustment. They may to this end provide for additional entries on the certificates.

Article 8

1. Where, in a given Member State, monetary compensatory amounts are not fixed in respect of one or more products but are applied in other Member States, the monetary compensatory amount for that Member State shall be considered to be nil and the coefficient to be 1.

2. In the Member State referred to in paragraph 1, advance fixing of monetary compensatory amounts may be applied for in the same way as in the other Member States.

Article 9

1. Where examination of the monetary or market situation reveals difficulties due to application of the

provisions relating to the advance fixing of monetary compensatory amounts, or where such difficulties are likely to arise, application of the said provisions in respect of the product or products concerned may be suspended.

2. In extremely urgent cases, after examination of the situation on the basis of all the information available, the Commission may decide to suspend advance fixing of monetary compensatory amounts for not more than three working days.

3. During the period of suspension of the advance fixing of monetary compensatory amounts, applications for the advance fixing of monetary compensatory amounts shall be inadmissible.

4. Where applications for a certificate are accompanied by an application for the advance fixing of the monetary compensatory amount and such applications are being examined when the advance fixing of monetary compensatory amounts is suspended, the application for the advance fixing of the monetary compensatory amount shall be refused.

5. The provisions of paragraphs 3 and 4 shall be without prejudice to applications for certificates of advance fixing of the levy or the refund.

Article 10

1. An application for advance fixing of the monetary compensatory amount may be made in respect of certificates or extracts from certificates of advance fixing of the levy or the refund which were applied for, within the meaning of Article 6 of Regulation (EEC) No 193/75, before the date on which this Regulation enters into force and which are still valid at that date.

Such application must be lodged within two weeks from the entry into force of this Regulation. However, in the case of certificates or extracts of certificates which on the date of entry into force of this Regulation are still valid for a period exceeding six months, application for advance fixing of the monetary compensatory amount may be lodged until the first day of the last six months of validity of the certificate or extract thereof.

2. Applications for the advance fixing of the monetary compensatory amount shall be made in accordance with the provisions of Article 4 (6) and shall entail the issue of a replacement certificate or extract.

3. The replacement certificate or extract referred to in paragraph 2 shall be issued in accordance with Article 4 (7). However, the date of expiry of the replacement certificate or extract may not be later than that of the document which it replaces.

Article 11

1. The following Article is added to Regulation (EEC) No 1608/74:

'Article 5a

1. The provisions of this Regulation shall not apply in cases where advance fixing of the monetary compensatory amount is possible.'

2. Regulation (EEC) No 837/72, as amended by Regulation (EEC) No 199/73, is hereby repealed.

Article 12

This Regulation shall enter into force on 3 April 1978.

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

Done at Brussels, 1 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 244/78

of 6 February 1978

fixing for the months of February to April 1978 the reference prices for cucumbers

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 markets in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1034/77⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas cucumbers are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas cucumbers harvested during a given crop year are marketed from January to December; whereas, for the present marketing year, on the information currently available it is not possible to fix reference prices beyond the month of April; whereas the quantities harvested in January and during the first 10 days of February are so small that there is no need to fix reference prices for that period of the year; whereas reference prices should therefore be fixed only for the period from 11 February;

Whereas pursuant to Article 23 (2) of Regulation (EEC) No 1035/72 the reference prices are to be equal to the arithmetic mean of producer prices in each Member State plus an amount representing the costs of transporting Community products from the production areas to Community marketing centres; whereas the trend of average basic prices and buying-in prices must also be taken into account;

Whereas, to take seasonal variations into account, the reference prices should be fixed by 10-day period for February and by month for March and April;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a

substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas during February to April Community-produced cucumbers are grown mainly under glass; whereas the reference prices for these months must therefore be fixed for a product of that type; whereas cucumbers imported from certain third countries will have been grown in the open; whereas, although such cucumbers may be classed in Class I, their quality and price are not comparable with those of products grown under glass; whereas the prices for cucumbers not grown under glass should therefore be adjusted by a conversion factor;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the months of February to April 1978, the reference prices for cucumbers (subheading ex 07.01 P of the Common Customs Tariff), expressed in units of account per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows:

— February (11 to 20):	74.17
(21 to 28):	62.63
— March:	62.63
— April:	50.47

2. For the purpose of calculating entry prices, the prices for cucumbers, not being products grown under glass, imported from third countries shall, after deduction of customs duties, be multiplied by a conversion factor of 1.30.

Article 2

This Regulation shall enter into force on 11 February 1978.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 125, 19. 5. 1977, p. 1.

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

Done at Brussels, 6 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION RECOMMENDATION No 245/78/ECSC**of 2 February 1978****imposing a provisional anti-dumping duty on imports of iron or steel coils for re-rolling originating in Japan and Bulgaria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 74 and 86 thereof,

Having regard to Commission recommendation 77/329/ECSC on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Coal and Steel Community⁽¹⁾, as amended by recommendation No 3004/77/ECSC⁽²⁾, and in particular Articles 15 and 19 thereof,

Having heard the opinions expressed within the Advisory Committee provided for by recommendation 77/329/ECSC;

Whereas the Commission has received a complaint, submitted in the name of the relevant Community industry, setting out evidence as to the existence of dumping of iron or steel coils for re-rolling originating in Japan and Bulgaria and certain other countries and material injury resulting therefrom;

Whereas the Commission has published basis prices⁽³⁾ based on the lowest normal prices or costs of production in the supplying countries where normal conditions of competition prevail, including the costs of transport, insurance and customs duties;

Whereas the prices of imports into the Community of the products which are the subject of the complaint have been compared with these basis prices;

Whereas a preliminary examination of the matter based on this comparison shows that these products, originating in Japan and Bulgaria are offered for import within the Community (the Belgian and United Kingdom markets) at prices lower than the basis prices and that dumping has taken place, the margin of which is constituted by this undercutting;

Whereas, with regard to injury to the industry concerned, the evidence submitted to the Commission shows that, on the one hand, imports into the Community of the products increased globally from

1 012 000 tonnes in 1974 to 1 015 000 tonnes in the first six months of 1977, imports originating in Japan having risen from 349 000 tonnes in 1974 to 266 000 tonnes in the first six months of 1977 and imports from Bulgaria having risen from 68 000 tonnes in 1974 to 81 000 tonnes in the first six months of 1977 and that, as a result, they have been able to acquire a share of the Community market of 16 % in total and 7 % for imports originating in Japan and Bulgaria, together with those from Czechoslovakia and South Korea, which are already subject to a provisional anti-dumping duty in the Community, and that, on the other hand, the Community steel industry is in a crisis situation characterized by a reduction in the number employed from 780 000 to 720 000 between 1974 and 1977 and by short time working and that, as a result, the Community steel industry recorded serious losses in most of the firms concerned;

Whereas, in order to remedy this situation, the Commission has introduced, in particular, a system of minimum prices⁽⁴⁾, for sales within the Community of certain steel products produced by the European steel industry;

Whereas, the import prices into the Community of products originating in Japan and Bulgaria are considerably lower than these minimum prices and that such undercutting jeopardizes the equilibrium of the entire pricing system and causes or threatens to cause material injury to the Community industry or to a major part of it;

Whereas immediate action has been requested by certain Member States;

Whereas, in the serious conditions being experienced by the Community steel industry, the interests of the Community require immediate action;

Whereas it is for the Commission, without prejudice to the results of the investigation opened in accordance with Article 11 of recommendation 77/329/ECSC, to decide promptly to apply provisional measures consisting of the imposition of a provisional anti-dumping duty on imports of the products concerned originating in Japan and Bulgaria, the rate

⁽¹⁾ OJ No L 114, 5. 5. 1977, p. 6.

⁽²⁾ OJ No L 352, 31. 12. 1977, p. 13.

⁽³⁾ Communication from the Commission of 31 December 1977 concerning the basis prices of certain steel products (OJ No L 353, 31. 12. 1977, p. 1).

⁽⁴⁾ OJ No L 114, 5. 5. 1977, p. 1 and OJ No L 352, 31. 12. 1977, p. 17.

of which corresponds to the difference between the basis price published by the Commission for this product and its price on importation into the Community,

HAS ADOPTED THIS RECOMMENDATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on the following products originating in Japan and Bulgaria :

- iron or steel coils for re-rolling,
- Common Customs Tariff heading No 73.08,
- NIMEXE code 73.08-01 to 49.

2. The amount of this duty shall be equal to the amount by which the effective price (basic price plus extras) established by contract, free frontier duty-paid, is lower than the effective price (basic price plus extras) published by the Commission for this product.

3. The provisions in force for the collection of customs duty shall apply to the collection of this duty.

Article 2

The entry of the products described in Article 1 for consumption within the Community shall be condi-

tional upon the deposit of security for the amount of the provisional duty.

Article 3

This recommendation shall be notified to the Member States.

It shall enter into force for each Member State on the date of its publication in the *Official Journal of the European Communities*.

Without prejudice to the provisions of Article 18 of recommendation 77/329/ECSC, it shall apply until the entry into force of an Act of the Commission either adopting definitive measures or extending the provisional duty, and in any event for a maximum period of three months.

Done at Brussels, 2 February 1978.

For the Commission

Wilhelm HAFFERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 246/78

of 6 February 1978

re-establishing the levying of customs duties on woven fabrics of regenerated textile fibres falling within subheading 56.07 B, originating in South Korea to which the preferential tariff arrangements set out in Council Regulation (EEC) No 2706/77 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2706/77 of 28 November 1977 opening, allocating and providing for the administration of Community tariff preferences for textile products originating in developing countries and territories⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 (1) to (3) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling which is indicated, for each of the products listed in Annex B, under (a) in column 5; whereas, only the products originating in the countries and territories listed in Annex D to the Regulation in question, other than those specified under (b) in column 4 of Annex B, in respect of the corresponding products, may be charged against that ceiling; whereas, having regard to that ceiling, the amounts for products originating in any one of the countries listed in Annex D should be within a maximum amount representing 50 % of that ceiling;

Whereas Article 3 (2) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries and territories, with exception of countries listed in Annex E thereto, once the relevant Community maximum amount has been reached;

Whereas, in respect of woven fabrics of regenerated textile fibres falling within subheading 56.07 B, the ceiling, calculated as indicated above, should be 230

tonnes, and therefore the maximum amount is 115 tonnes; whereas on 1 February 1978 the amounts of imports into the Community of woven fabrics of regenerated textile fibres falling within subheading 56.07 B, originating in South Korea, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 2706/77 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 10 February 1978, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 2706/77, shall be re-established in respect of the following products, imported into the Community and originating in South Korea:

CCT heading No	Description
56.07	Woven fabrics of man-made fibres (discontinuous or waste): B. Of regenerated textile fibres

Article 2

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

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

Done at Brussels, 6 February 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 324, 19. 12. 1977, p. 67.

COMMISSION REGULATION (EEC) No 247/78

of 6 February 1978

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3330/74 of 19 December 1974 on the common organ-
ization of the market in sugar⁽¹⁾, as last amended by
Regulation (EEC) No 2560/77⁽²⁾, and in particular
Article 15 (7) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1436/77⁽³⁾,
as last amended by Regulation (EEC) No 240/78⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1436/77
to the information at present available to the Commis-

sion that the levies at present in force should be
altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The levies referred to in Article 15 (1) of Regulation
(EEC) No 3330/74 are, in respect of white sugar and
standard quality raw sugar, hereby fixed as shown in
the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 7 February
1978.

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

Done at Brussels, 6 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

(¹) OJ No L 359, 31. 12. 1974, p. 1.

(²) OJ No L 303, 28. 11. 1977, p. 1.

(³) OJ No L 161, 1. 7. 1977, p. 9.

(⁴) OJ No L 34, 4. 2. 1978, p. 18.

ANNEX

to the Commission Regulation of 6 February 1978 fixing the import levies on white sugar
and raw sugar

(u.a. / 100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar ; flavoured or coloured sugar	23.68
	B. Raw sugar	19.97 (¹)

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