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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 287/78**of 13 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 14 February
1978.

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

Done at Brussels, 13 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 13 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	87.72
10.01 B	Durum wheat	115.20 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	75.72 ⁽⁶⁾
10.03	Barley	79.66
10.04	Oats	72.92
10.05 B	Maize, other than hybrid maize for sowing	77.65 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	77.79 ⁽⁴⁾
10.07 C	Grain sorghum	81.48 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	134.44
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	144.15

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./tonne.

⁽²⁾ Where maize originating in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./tonne as provided for in Regulation (EEC) No 706/76.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 288/78

of 13 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 14 February
1978.

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

Done at Brussels, 13 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 13 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	1.15
10.01 B	Durum wheat	0	0	0	13.19
10.02	Rye	0	0	0	1.34
10.03	Barley	0	0	0	0.67
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	0.34	0.34	0.34
10.07 C	Grain sorghum	0	2.68	2.68	2.68
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	1.63

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	2.05	2.05
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	1.53	1.53
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	1.19	1.19
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0.89	0.89
11.07 B	Roasted malt	0	0	0	1.04	1.04

COMMISSION REGULATION (EEC) No 289/78
of 10 February 1978
on the delivery of skimmed-milk powder as food aid

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 Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1766/77 of 25 July 1977 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1977 programme⁽³⁾, and in particular Article 6 thereof,

Whereas, under the food-aid programme adopted by the Council Regulations specified in the Annex, Caritas has requested the delivery of the quantity of skimmed-milk powder set out therein;

Whereas, therefore, delivery should be effected in accordance with the rules laid down in Commission Regulation (EEC) No 303/77 of 14 February 1977

laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾; whereas in particular the periods and terms for delivery and the procedure to be followed by the intervention agencies to establish the costs arising therefrom should be laid down;

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

In accordance with the provisions of Regulation (EEC) No 303/77, the intervention agencies as specified in the Annex shall deliver skimmed-milk powder as food aid on the special terms set out therein.

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, 10 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 192, 30. 7. 1977, p. 1.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

ANNEX (1)

- | | |
|---|---|
| 1. Application of Council Regulations : | |
| (a) legal basis | (EEC) No 1766/77 (1977 programme) |
| (b) affectation | (EEC) No 1767/77 |
| 2. Beneficiary | Caritas |
| 3. Country of destination | Uganda |
| 4. Total quantity of the consignment | 500 tonnes |
| 5. Intervention agency responsible for delivery | Will result from the application of the procedure referred to in point 12 |
| 6. Origin of the skimmed-milk powder | Bought on the Community market |
| 7. Special characteristics and/or packaging (2) | { Vitamin A content : 5 000 i.u. per 100 g minimum
Vitamin D content : 500 i.u. per 100 g minimum
Date of manufacture clearly indicated on the bags |
| 8. Markings on the packaging | 'Skimmed-milk powder, enriched with vitamins A and D / Gift of the European Economic Community / Action of Caritas / For free distribution in Uganda/ Kampala via Mombasa' |
| 9. Delivery period | Loading as soon as possible and at the latest 15 April 1978 |
| 10. Stage and place of delivery | Delivered to Kampala (Uganda) via Mombasa (Kenya) |
| 11. Representative of the beneficiary responsible for reception (3) | For 480 tonnes : Uganda Catholic Secretariat, Social Services Department, PO Box 2886, Kampala, Uganda

For 20 tonnes : Secretary, Uganda Protestant Medical Bureau, PO Box 7161, Kampala, Uganda (4) |
| 12. Procedure to be applied to determine the costs of supply | Tender |
| 13. Expiry of the time limit for submission of tenders | 12 noon on 27 February 1978 |

Notes :

- (1) This Annex, together with the notice published in *Official Journal of the European Communities* No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned.
- (2) Other than those set out in the Annex to Regulation (EEC) No 1108/68 ; see Article 6 (2) of Regulation (EEC) No 303/77.
- (3) Only in the case of delivery 'to the port of unloading' and 'free at destination' ; see Article 5 and the last indent of Article 13 (1) of Regulation (EEC) No 303/77.
- (4) For the 20-tonne consignment, the bill of lading must contain the following information : 'Notify : Transocean (U) Limited, PO Box 90471, Mombasa, Kenya'.

COMMISSION REGULATION (EEC) No 290/78

of 13 February 1978

amending Regulation (EEC) No 743/70 fixing the maximum tolerance for quantity losses resulting from the storage of cereals by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 787/69 of 22 April 1969 on the financing of intervention expenditure in respect of the internal market in cereals and rice⁽¹⁾, as last amended by Regulation (EEC) No 496/77⁽²⁾, and in particular Article 4 (2) (c) thereof,

Whereas Regulation (EEC) No 787/69 provides that, above a maximum tolerance, the value of quantity losses over and above a certain tolerance is to be borne by the intervention agencies; whereas quantity losses relate to both the quantities taken over in the relevant marketing year and quantities in stock at the beginning of that year;

Whereas this tolerance has been fixed by Commission Regulation (EEC) No 743/70 of 23 April 1970 fixing the maximum tolerance for quantity losses resulting from the storage of cereals by intervention agencies⁽³⁾;

Whereas, however, account must be taken of the specific conditions which arise following the homogenization and refrigeration of cereals stored in inter-

vention, as such treatments result in additional quantity losses;

Whereas the simplest way to express the maximum tolerance which is to be fixed is as a percentage;

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

HAS ADOPTED THIS REGULATION:

Article 1

A second paragraph as follows is added to the sole Article of Regulation (EEC) No 743/70:

'However, the maximum tolerance referred to in the first paragraph shall be 13 % in the case of cereals treated by refrigeration and at 25 % in the case of treatment by homogenization.'

Article 2

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

It shall apply with effect from 1 January 1973.

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

Done at Brussels, 13 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 105, 2. 5. 1969, p. 4.

⁽²⁾ OJ No L 66, 12. 3. 1977, p. 3.

⁽³⁾ OJ No L 90, 24. 4. 1970, p. 29.

COMMISSION REGULATION (EEC) No 291/78

of 13 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 organization 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 286/78⁽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 14 February 1978.

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

Done at Brussels, 13 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 41, 11. 2. 1978, p. 30.

ANNEX

to the Commission Regulation of 13 February 1978 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy <i>(n.a. / 100 kg)</i>
17.01	Beet sugar and cane sugar, in solid form : A. White sugar ; flavoured or coloured sugar B. Raw sugar	23.68 20.10 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 January 1978

allowing admission free of Common Customs Tariff duties the scientific apparatus described as 'Varian Spectro System 100 MS'

(78/129/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 1 September 1977 the Government of the Federal Republic of Germany requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether or not the apparatus described as 'Varian Spectro System 100 MS' should be considered to be scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value are currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all of the Member States met on 19 December 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus in question is a mass spectrometer data information unit

used in organic chemistry for automatic data processing in the fields of experimental psychiatry and toxicology; whereas, in view of its special characteristics and the use to which it is put, it must be considered to be scientific apparatus;

Whereas, on the basis of information received from Member States, apparatus of scientific value, equivalent to the said apparatus capable of use for the same purpose has been manufactured in the Community since 1 November 1977; whereas, taking into account that at the time of ordering the apparatus in question, the delivery period required by the Community producers and the entering into consideration was considerably longer than that for the delivery of the apparatus which is the subject of this request for duty-free admission; whereas it seems appropriate in these circumstances to allow duty-free admission of the apparatus in question; whereas the granting of this relief shall only be justified for apparatus for which the request for duty-free admission was made before 1 November 1977,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus 'Varian Spectro System 100 MS' must be considered to be scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Regulation (EEC) No 1798/75 for admission free of

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

Common Customs Tariff duties of the scientific apparatus described in paragraph 1 are fulfilled.

Done at Brussels, 3 January 1978.

Article 2

This Decision is restricted to apparatus of this nature for which duty-free admission was requested before 1 November 1977.

Article 3

This Decision is addressed to the Member States.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION DECISION

of 3 January 1978

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Syntex P2₁ Diffractometer, incorporating a miniature computer'

(78/130/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 2 August 1977, the Government of the Federal Republic of Germany requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether or not the apparatus described as 'Syntex P2₁ Diffractometer, incorporating a miniature computer' should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all of the Member States met on 19 December 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus in question is an automatic four-circuit, single-crystal X-ray diffractometer, incorporating a miniature computer, for the analysis of crystal structures of inorganic, organo-metallic and organic compounds;

whereas it is used to obtain data on the mechanism of chemical reactions and on the chemical bond in these compounds; whereas, taking account of its special characteristics and the use to which it is put, it must be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus capable of use for the same purpose is currently manufactured in the Community,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Syntex P2₁ Diffractometer incorporating a miniature computer' must be considered to be a scientific apparatus.
2. The conditions referred to in Article 3 (1) (b) of Regulation (EEC) No 1798/75 for admission free of Common Customs Tariff duties of the scientific apparatus described in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

COMMISSION DECISION

of 4 January 1978

fixing the maximum amount of the export refund for the 22nd partial invitation to tender for white sugar issued in Regulation (EEC) No 1634/77

(78/131/EEC)

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 organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1110/77⁽²⁾, and in particular Article 19 (4) thereof,

Whereas Commission Regulation (EEC) No 1634/77 of 19 July 1977 on a standing invitation to tender to determine export refunds for white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 4 (3) of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽⁴⁾, as last amended by Regulation (EEC) No 1489/76⁽⁵⁾, the maximum amount of the refund is fixed for partial invitations to tender within three working days following the expiry of the time limit for the submission of tenders;

Whereas, when the maximum amount of the refund is being calculated, account must be taken of the supply situation and prices within the Community, prices and potential outlets on the world market and costs incurred in exporting sugar;

Whereas, following an examination of the tenders submitted in response to the 22nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount of the export refund for the 22nd partial invitation to tender for white sugar issued in Regulation (EEC) No 1634/77 is hereby fixed at 21·940 units of account per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1977, p. 1.

⁽³⁾ OJ No L 181, 21. 7. 1977, p. 35.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

COMMISSION DECISION

of 5 January 1978

fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EEC) No 1931/77

(78/132/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1386/77⁽²⁾,

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⁾, and
in particular Article 5 thereof,

Having regard to Commission Regulation (EEC) No
1931/77 of 26 August 1977 on an invitation to tender
for the refund for the export of barley to Zones I, II,
III, IV and VI⁽⁴⁾, as amended by Regulation (EEC) No
2723/77⁽⁵⁾,

Whereas, in Regulation (EEC) No 1931/77, an invita-
tion to tender was issued for the export refund on
barley; whereas, according to the notice of invitation
to tender⁽⁶⁾ accompanying that Regulation, the total
quantity in respect of which the export refund may be
fixed is approximately 1 200 000 tonnes;

Whereas, pursuant to Article 5 of Commission Regula-
tion (EEC) No 279/75 of 4 February 1975 laying
down detailed rules for the application of the system
of tendering for export refunds on cereals⁽⁷⁾, the
Commission, acting under the procedure laid down in
Article 26 of Regulation (EEC) No 2727/75, may
decide to fix a maximum export refund; whereas, in
fixing this maximum, the criteria provided for in Arti-

cles 2 and 3 of Regulation (EEC) No 2746/75 must be
taken into account; whereas a contract is awarded to
any tenderer whose tender is equal to or less than the
maximum export refund;

Whereas the application of the abovementioned
criteria to the current market situation for the cereal
in question results in the maximum export refund
being fixed at the amount specified in Article 1;
whereas the quantities of barley in respect of which
refunds are fixed amount to 72 000 tonnes;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on barley is hereby fixed
on the basis of the tenders submitted by 5 January
1978 at 66.75 units of account per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 219, 27. 8. 1977, p. 5.

⁽⁵⁾ OJ No L 315, 9. 12. 1977, p. 14.

⁽⁶⁾ OJ No C 207, 30. 8. 1977, p. 7.

⁽⁷⁾ OJ No L 31, 5. 2. 1975, p. 8.

COMMISSION OPINION

of 6 January 1978

addressed to the Government of the Kingdom of the Netherlands pursuant to the consultation arrangements laid down in Article 18 of Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport

(78/133/EEC)

1. By letter dated 5 April 1977 from the office of its Permanent Representative, the Netherlands Government forwarded the final version of the draft royal decree which is to replace the 1971 decree on driving periods (Rijtijdenbesluit 1971), together with an explanatory memorandum, pursuant to the consultation procedure laid down in Article 18 of Council Regulation (EEC) No 543/69 of 25 March 1969.

This decree contains the national provisions for the implementation in the Netherlands of the relevant Community Regulations.

2. The Commission finds that, in general, the proposed provisions comply with Community Regulations.

It would, however, make the following remarks:

- (a) Article 10 of the draft royal decree stipulates that one of the prerequisites for authorization to drive a bus, coach or goods vehicle exceeding 7.5 tonnes is that the applicant must hold a certificate, recognized by the competent ministers, stating that its holder has successfully completed appropriate training courses. It would be desirable for such recognition to be extended to cover certificates issued by the other Member States.
- (b) The Commission notes with satisfaction that Article 11 of the draft decree provides for a spread-over system similar to the one put forward in its proposal of 3 March 1976⁽¹⁾.
- (c) Article 14 (a) of the draft royal decree provides for a 30-minute break during a spreadover lasting at least four-and-a-half but less than seven-and-a-half hours. However, Article 7 (1) of Regulation (EEC) No 543/69 stipulates that there must be a break,

after four hours of driving, and Article 8 (1) provides that the break must last one hour, with the possibility of replacing this break by two breaks of 30 minutes each. For certain categories of vehicle the total break may be restricted to 30 minutes (Article 8 (2) of the Regulation). The Netherlands Government is requested to amend its draft accordingly.

- (d) Article 19 (1) of the same draft stipulates that the competent ministers shall determine the format of the work book (werkmap). It is pointed out that the model of the individual control book, an integral part of the work book, has been laid down in Regulation (EEC) No 543/69.

- (e) Chapter 7 of the royal decree confers authority on the competent minister to grant derogations or exemptions. These derogations or exemptions must not be allowed to exceed the limits authorized by Regulation (EEC) No 543/69.

In this respect, the Commission considers that the draft decree should specify that derogations and exemptions are authorized 'with due regard to the provisions of Regulations (EEC) No 543/69 and (EEC) No 1463/70'.

- 3. In conclusion, the Commission delivers a favourable opinion on the draft royal decree, subject to the amendments referred to in points 2 (c) and (e).

Done at Brussels, 6 January 1978.

For the Commission

Richard BURKE

Member of the Commission

⁽¹⁾ OJ No C 103, 6. 5. 1976.

COMMISSION DECISION

of 11 January 1978

on the implementation of the reform of agricultural structures in the Kingdom of Denmark pursuant to Directive 72/159/EEC

(Only the Danish text is authentic)

(78/134/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms⁽¹⁾, as amended by Directive 76/837/EEC⁽²⁾, and in particular Article 18 (3) thereof,

Whereas on 3 November 1977 the Government of the Kingdom of Denmark forwarded, pursuant to Article 17 (4) of Directive 72/159/EEC :

- Ministry of Agriculture Order No 512 of 28 September 1977 amending the order concerning incentives for farm modernization,
- Ministry of Agriculture Order No 511 of 28 September 1977 amending the order concerning aids to encourage the keeping of accounts on farms ;

Whereas, under Article 18 (3) of Directive 72/159/EEC, the Commission has to decide whether, having regard to the abovementioned provisions, the existing provisions in the Kingdom of Denmark for the implementation of Directive 72/159/EEC continue to satisfy the conditions for financial contribution by the Community towards the common measures within the meaning of Article 15 of Directive 72/159/EEC ;

Whereas the abovementioned provisions satisfy the conditions and objectives of Directive 72/159/EEC ;

Whereas the EAGGF Committee has been consulted on the financial aspects ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION :

Article 1

Having regard to Ministry of Agriculture Orders No 511 and No 512 of 28 September 1977, the provisions for the implementation of the reform of agricultural structures in the Kingdom of Denmark pursuant to Directive 72/159/EEC, as set out in Commission Decision 75/316/EEC of 30 April 1975, continue to satisfy the conditions for financial contribution by the Community towards common measures within the meaning of Article 15 of Directive 72/159/EEC.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 11 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 302, 4. 11. 1976, p. 19.

COMMISSION DECISION

of 11 January 1978

on the implementation of the reform of agricultural structures in the United Kingdom pursuant to Directives 72/159/EEC and 75/268/EEC

(Only the English text is authentic)

(78/135/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms⁽¹⁾, as amended by Directive 76/837/EEC⁽²⁾, and in particular Article 18 (3) thereof,

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas⁽³⁾, and in particular Article 13 thereof,

Whereas on 13 and 31 October 1977 the Government of the United Kingdom notified, pursuant to Article 17 (4) of Directive 72/159/EEC and Article 13 of Directive 75/268/EEC, the following statutory instruments :

- 1976, No 2187 : 'Farm and horticultural development (amendments) (No 2) regulations, 1976',
- 1976, No 1870 : 'Farm capital grant (variation) (No 2) scheme, 1976',
- 1976, No 798 : 'Hill and young cattle (compensatory allowances) (Scotland) regulations, 1976',
- 1976, No 1203 : 'Hill livestock (compensatory allowances) (amendments) regulations, 1976',
- memorandum concerning the operation of Article 11 of Directive 75/268/EEC ;

Whereas, under Article 18 (3) of Directive 72/159/EEC, the Commission has to decide whether, having regard to the abovementioned notification, the existing provisions in the United Kingdom for the implementation of Directives 72/159/EEC and 75/268/EEC continue to satisfy the conditions for financial contribution by the Community to common measures within the meaning of Article 15 of Direc-

tive 72/159/EEC and Article 13 of Directive 75/268/EEC ;

Whereas the abovementioned provisions satisfy the conditions and objectives of Directives 72/159/EEC and 75/268/EEC ;

Whereas the EAGGF Committee has been consulted on the financial aspects ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION :

Article 1

The provisions existing in the United Kingdom for the implementation of the reform of agricultural structures pursuant to Directives 72/159/EEC and 75/268/EEC continue, having regard to the provisions notified on 13 and 31 October 1977, to satisfy the conditions for financial contribution by the Community to common measures within the meaning of Article 15 of Directive 72/159/EEC and Article 13 of Directive 75/268/EEC.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 11 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 302, 4. 11. 1976, p. 19.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1.

COMMISSION DECISION

of 11 January 1978

fixing the maximum amount of the export refund for the 23rd partial invitation to tender for white sugar issued in Regulation (EEC) No 1634/77

(78/136/EEC)

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 organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1110/77⁽²⁾, and in particular Article 19 (4) thereof,

Whereas Commission Regulation (EEC) No 1634/77 of 19 July 1977 on a standing invitation to tender to determine export refunds for white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 4 (3) of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽⁴⁾, as last amended by Regulation (EEC) No 1489/76⁽⁵⁾, the maximum amount of the refund is fixed for partial invitations to tender within three working days following the expiry of the time limit for the submission of tenders;

Whereas, when the maximum amount of the refund is being calculated, account must be taken of the supply situation and prices within the Community, prices and potential outlets on the world market and costs incurred in exporting sugar;

Whereas, following an examination of the tenders submitted in response to the 23rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount of the export refund for the 23rd partial invitation to tender for white sugar issued in Regulation (EEC) No 1634/77 is hereby fixed at 21.889 units of account per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1977, p. 1.

⁽³⁾ OJ No L 181, 21. 7. 1977, p. 35.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

COMMISSION DECISION

of 12 January 1978

amending Decision 72/475/EEC authorizing the Federal Republic of Germany to sell butter at a reduced price in the form of concentrated butter

(Only the German text is authentic)

(78/137/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 2560/77⁽²⁾, and in particular Article 6 (7) thereof,

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

Whereas, pursuant to Commission Regulation (EEC) No 349/73 of 31 January 1973 on the sale at reduced prices of intervention butter for direct consumption as concentrated butter⁽⁵⁾, as last amended by Regulation (EEC) No 920/77⁽⁶⁾, which replaced Regulation (EEC) No 2561/72⁽⁷⁾, Commission Decision 72/475/EEC of 22 December 1972 authorizing the Federal Republic of Germany to sell butter at a reduced price in the form of concentrated butter⁽⁸⁾, as last amended by Decision 78/43/EEC⁽⁹⁾, provides in particular that the butter processed shall be put into storage before 1

January 1977; whereas, in view of the development of butter stocks, the said date should be replaced by 1 April 1977;

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Decision 72/475/EEC, the date '1 January 1977' is hereby replaced by '1 April 1977'.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 12 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 40, 13. 2. 1973, p. 1.

⁽⁶⁾ OJ No L 108, 30. 4. 1977, p. 75.

⁽⁷⁾ OJ No L 274, 7. 12. 1972, p. 12.

⁽⁸⁾ OJ No L 303, 31. 12. 1972, p. 41.

⁽⁹⁾ OJ No L 13, 17. 1. 1978, p. 22.

COMMISSION DECISION

of 12 January 1978

fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EEC) No 1931/77

(78/138/EEC)

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⁾,

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⁾, and
in particular Article 5 thereof,

Having regard to Commission Regulation (EEC) No
1931/77 of 26 August 1977 on an invitation to tender
for the refund for the export of barley to Zones I, II,
III, IV and VI⁽⁴⁾, as amended by Regulation (EEC) No
2723/77⁽⁵⁾,

Whereas, in Regulation (EEC) No 1931/77, an invita-
tion to tender was issued for the export refund on
barley; whereas, according to the notice of invitation
to tender⁽⁶⁾ accompanying that Regulation, the total
quantity in respect of which the export refund may be
fixed is approximately 1 200 000 tonnes;

Whereas, pursuant to Article 5 of Commission Regula-
tion (EEC) No 279/75 of 4 February 1975 laying
down detailed rules for the application of the system
of tendering for export refunds on cereals⁽⁷⁾, the
Commission, acting under the procedure laid down in
Article 26 of Regulation (EEC) No 2727/75, may
decide to fix a maximum export refund; whereas, in
fixing this maximum, the criteria provided for in Arti-

cles 2 and 3 of Regulation (EEC) No 2746/75 must be
taken into account; whereas a contract is awarded to
any tenderer whose tender is equal to or less than the
maximum export refund;

Whereas the application of the abovementioned
criteria to the current market situation for the cereal
in question results in the maximum export refund
being fixed at the amount specified in Article 1;
whereas the quantities of barley in respect of which
refunds are fixed amount to 99 500 tonnes;

Whereas the Management Committee for Cereals has
not delivered an opinion within the time limit set by
its chairman,

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on barley is hereby fixed
on the basis of the tenders submitted by 12 January
1978 at 69.60 units of account per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 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 281, 1. 11. 1975, p. 78.

(4) OJ No L 219, 27. 8. 1977, p. 5.

(5) OJ No L 315, 9. 12. 1977, p. 14.

(6) OJ No C 207, 30. 8. 1977, p. 7.

(7) OJ No L 31, 5. 2. 1975, p. 8.