

Official Journal

of the European Communities

ISSN 0378-6978

L 54

Volume 21

25 February 1978

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 382/78 of 24 February 1978 fixing the import levies on cereals and on wheat or rye flour groats and meal 1

Commission Regulation (EEC) No 383/78 of 24 February 1978 fixing the premiums to be added to the import levies on cereals, flour and malt 3

Commission Regulation (EEC) No 384/78 of 24 February 1978 altering the components used to calculate the differential amounts for colza and rape seed 5

Commission Regulation (EEC) No 385/78 of 24 February 1978 opening an invitation to tender for the mobilization of round-grain semi-milled rice as food aid for the United Nations High Commission for Refugees 8

★ Commission Regulation (EEC) No 386/78 of 24 February 1978 amending Regulation (EEC) No 2104/75 as regards certain special rules for the application of the system of import licences for products processed from fruit and vegetables 11

★ Commission Regulation (EEC) No 387/78 of 24 February 1978 on the special sale of certain frozen beef transferred to the Italian intervention agency pursuant to Regulation (EEC) No 2453/76 12

Commission Regulation (EEC) No 388/78 of 24 February 1978 fixing the world market price for colza and rape seed 13

Commission Regulation (EEC) No 389/78 of 24 February 1978 fixing the import levies on white sugar and raw sugar 15

Contents (continued)

II *Acts whose publication is not obligatory*

Council

78/174/EEC :

- ★ Council Decision of 20 February 1978 instituting a consultation procedure and setting up a committee in the field of transport infrastructure 16

78/175/EEC :

- ★ Council Directive of 20 February 1978 amending the First Directive on the establishment of common rules for certain types of carriage of goods by road between Member States 18

78/176/EEC :

- ★ Council Directive of 20 February 1978 on waste from the titanium dioxide industry 19

78/177/EEC :

- ★ Council Decision of 20 February 1978 adopting a concerted action project of the European Economic Community on the effect of processing on the physical properties of foodstuffs 25

78/178/ECSC :

- ★ Council Decision of 20 February 1978 appointing a member of the Consultative Committee of the European Coal and Steel Community 29

78/179/ECSC :

- ★ Council Decision of 20 February 1978 appointing a member of the Consultative Committee of the European Coal and Steel Community 30

78/180/Euratom, EEC :

- ★ Council Decision of 20 February 1978 appointing a member of the Economic and Social Committee 31

78/181/Euratom, EEC :

- ★ Council Decision of 20 February 1978 appointing a member of the Economic and Social Committee 32

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 382/78**of 24 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 25 February
1978.

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

Done at Brussels, 24 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 24 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	89.49
10.01 B	Durum wheat	116.94 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	77.22 ⁽⁶⁾
10.03	Barley	80.91
10.04	Oats	75.51
10.05 B	Maize, other than hybrid maize for sowing	76.62 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	80.68 ⁽⁴⁾
10.07 C	Grain sorghum	82.66 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	136.92
11.01 B	Rye flour	119.73
11.02 A I a)	Durum wheat groats and meal	192.26
11.02 A I b)	Common wheat groats and meal	146.82

⁽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 383/78**of 24 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 25 February
1978.

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

Done at Brussels, 24 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 24 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	2.41
10.01 B	Durum wheat	0	0	0	12.88
10.02	Rye	0	0	0	1.34
10.03	Barley	0	0	0	0
10.04	Oats	0	1.98	1.98	1.98
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0.99
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	3.62	3.62	2.97
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	3.36

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	4.29	4.29
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	3.21	3.21
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 384/78

of 24 February 1978

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2560/77⁽²⁾,

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

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

331/78⁽⁸⁾; whereas, in the case of the pound sterling and the Irish pound, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 for the period 15 to 21 February 1978 has changed, by reference to the representative rate valid on 27 February 1978, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when fixing the components used to calculate the differential amounts for colza and rape seed where those components are already applied in respect of the Member State concerned,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 February 1978.

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

Done at Brussels, 24 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 160, 30. 6. 1977, p. 33.

⁽⁸⁾ OJ No L 47, 18. 2. 1978, p. 5.

ANNEX

to the Commission Regulation of 24 February 1978 altering the components used to calculate the differential amounts for colza and rape seed

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.0750	— 0.0750	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0619
— harvested in France			—	0.2477
— harvested in Denmark			—	0.0750
— harvested in Ireland			—	0.1247
— harvested in the United Kingdom			—	0.3058
— harvested in Italy			—	0.2630
2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0140	— 0.0140	+	—
-- harvested in Germany			0.0659	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.1981
— harvested in Denmark			—	0.0140
— harvested in Ireland			—	0.0670
— harvested in the United Kingdom			—	0.2600
— harvested in Italy			—	0.2144
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.0811	—
— harvested in the BLEU or in the Netherlands			0.0142	—
— harvested in France			—	0.1867
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0538
— harvested in the United Kingdom			—	0.2496
-- harvested in Italy			—	0.2033
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.2296	+ 0.2296	+	—
— harvested in Germany			0.3293	—
-- harvested in the BLEU or in the Netherlands			0.2471	—
-- harvested in France			—	—
— harvested in Denmark			0.2296	—
— harvested in Ireland			0.1635	—
— harvested in the United Kingdom			—	0.0773
— harvested in Italy			—	0.0203

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	— 0.3326 (a) — 0.2326 (b)	+ 0.3326 (a) + 0.2326 (b)	+	—
— harvested in Germany			0.4405	—
— harvested in the BLEU or in the Netherlands			0.3515	—
— harvested in France			0.0837	—
— harvested in Denmark			0.3326	—
— harvested in Ireland			0.2609	—
— harvested in the United Kingdom			—	—
— harvested in Italy			0.0617	—
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.0568	+ 0.0568	+	—
— harvested in Germany			0.1425	—
— harvested in the BLEU or in the Netherlands			0.0718	—
— harvested in France			—	0.1405
— harvested in Denmark			0.0568	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			—	0.2069
— harvested in Italy			—	0.1580
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.2552 (a) — 0.1796 (b)	+ 0.2552 (a) + 0.1796 (b)	+	—
— harvested in Germany			0.3569	—
— harvested in the BLEU or in the Netherlands			0.2730	—
— harvested in France			0.0208	—
— harvested in Denmark			0.2552	—
— harvested in Ireland			0.1877	—
— harvested in the United Kingdom			—	0.0581
— harvested in Italy			—	—

(a) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and for putting under control or for export up to 30 June 1978.

(b) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and for putting under control or for export from 1 July 1978.

COMMISSION REGULATION (EEC) No 385/78

of 24 February 1978

opening an invitation to tender for the mobilization of round grain semi-milled rice as food aid for the United Nations High Commission for Refugees

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EEC) No 1158/77 ⁽²⁾,

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

Whereas on 8 February 1977 the Council of the European Communities declared that it proposed, by way of Community action, to grant the equivalent of 2 500 tonnes of husked rice (in other words, 2 070 tonnes of round grain semi-milled rice) to the United Nations High Commission for Refugees under its 1976/77 food-aid programme ;

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

Whereas the proposed invitation to tender should be for supply of the products delivered to Vientiane via Bangkok ;

Whereas, in view of the different monetary circumstances in the Member States, the observation of these conditions is not guaranteed by the application of exchange rates applicable in the framework of the common agricultural policy since monetary compensatory amounts do not apply in the rice sector ; whereas it is advisable to take account of the monetary situation as regards different offers ;

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

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

Whereas provision should be made for security to be given to guarantee fulfilment of the obligations arising by virtue of participation in the invitation to tender ;

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

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

Whereas the Monetary Committee will be consulted ; whereas, in view of the urgency, the measures envisaged should be adopted in accordance with the conditions laid down in Article 3 (2) of Council Regulation No 129 ⁽⁴⁾ on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy, as last amended by Regulation (EEC) No 2543/73 ⁽⁵⁾, and in particular Article 3 thereof ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Tenders are hereby invited for the supply to the United Nations High Commission for Refugees, by way of Community action, of 2 070 tonnes of round grain semi-milled rice.

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

3. The invitation to tender provided for in paragraph 1 is for supply of the products delivered to Vientiane via Bangkok.

4. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks lined with cotton sacks of a net capacity of 50 kilograms.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 136, 2. 6. 1977, p. 13.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

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

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

The following shall be printed on the sacks:

'Riz semi-blanchi / Don de la Communauté économique européenne / Action humanitaire de l'UNHCR au Laos'.

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

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 13 March 1978.

2. The closing date for the submission of tenders shall be 13 March 1978 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for the submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.

2. For the purpose of rendering the tenders comparable, the prices shall, where appropriate, be corrected by the accession compensatory amount applicable on the closing date for submission of tenders to exports from the Member State mentioned in the tender.

3. The rates used for converting into units of account those offers made in national currencies shall be:

- the central rate in cases where the relevant currency is held at any given moment within a band of 2.25 %,
- in other cases the average spot exchange rate during the period from Wednesday of one week to Tuesday of the following week and which immediately precedes the time limit for the submission of offers.

Article 4

The contract shall be awarded to the tenderer offering the best terms.

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

Article 5

1. The successful tenderer shall give security of a value of 10 units of account per tonne; the security is

intended to guarantee that the operations specified in Article 1 are duly completed. The security shall be forfeit if those operations are not carried out within the prescribed time limit, save as regards quantities not delivered owing to *force majeure*.

2. The security provided for in paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution conforming to the criteria laid down by the Member State.

Article 6

1. The round grain semi-milled rice referred to in Article 1 to be supplied to the United Nations High Commission for Refugees must meet the following requirements:

- moisture: 15 %,
- broken rice: 10 % maximum,
- chalky grains: 5 % maximum,
- grains striated with red: 3 % maximum,
- spotted grains: 1.5 % maximum,
- stained grains: 1 % maximum,
- yellow grains: 0.050 % maximum,
- amber grains: 0.20 % maximum.

Rice not meeting these requirements shall be refused.

2. Tenders for supply to the United Nations High Commission for Refugees of the round grain semi-milled rice referred to in Article 1 must relate to a product with the following characteristics:

- moisture: 15 %,
- broken rice: 10 % maximum,
- chalky grains: 5 % maximum,
- grains striated with red: 3 % maximum,
- spotted grains: 1.5 % maximum,
- stained grains: 1 % maximum,
- yellow grains: 0.050 % maximum,
- amber grains: 0.20 % maximum.

Article 7

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

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

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

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

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

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

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

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

Done at Brussels, 24 February 1978.

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

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

Article 8

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

Article 9

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

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 386/78

of 24 February 1978

amending Regulation (EEC) No 2104/75 as regards certain special rules for the application of the system of import licences for products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, and in particular the second subparagraph of Article 10 (3) thereof,

Whereas Article 7 (1) of Commission Regulation (EEC) No 2104/75 of 31 July 1975 amending Regulation (EEC) No 193/75 and laying down specific detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 213/78⁽³⁾, provides for the lodging of an additional security to guarantee that the minimum import price for tomato concentrates is observed; whereas the price of powder concentrates having a very high dry extract content is appreciably higher than that of the concentrates marketed normally; whereas the amount of the additional security, as calculated on the basis of the price of the product, is therefore inadequate in the case of powder concentrate; whereas a special rate of security should therefore be fixed for powder concentrate;

Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 (1) of Regulation (EEC) No 2104/75 is amended to read as follows:

- '1. The rate of the additional security referred to in the second indent of Article 10 (2) of Regulation (EEC) No 516/77 shall be:
- for tomato concentrates having a dry extract content of not less than 12 % but less than 93 %, 10 units of account per 100 kilograms, including immediate packing,
 - for tomato concentrates having a dry extract content of not less than 93 % but less than 100 %, 30 units of account per 100 kilograms including immediate packing.'

Article 2

This Regulation shall enter into force on the eighth 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, 24 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 214, 12. 8. 1975, p. 20.

⁽³⁾ OJ No L 31, 2. 2. 1978, p. 11.

COMMISSION REGULATION (EEC) No 387/78**of 24 February 1978****on the special sale of certain frozen beef transferred to the Italian intervention agency pursuant to Regulation (EEC) No 2453/76**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2453/76 of 5 October 1976 on the transfer to the Italian intervention agency of frozen beef held by the intervention agencies of other Member States⁽¹⁾, as last amended by Regulation (EEC) No 2584/77⁽²⁾, and in particular Article 1 (2) thereof,

Whereas certain of the meat transferred to the Italian intervention agency pursuant to Regulation (EEC) No 2453/76 declined in quality during transport; whereas it is therefore necessary to allow the Italian intervention agency to sell this meat at prices lower than those fixed by Commission Regulations (EEC) No 2793/76 of 18 November 1976 on detailed arrangements for the disposal on the Italian market of frozen beef made available to the Italian intervention agency under Regulation (EEC) No 2453/76⁽³⁾, as last amended by Regulation (EEC) No 2310/77⁽⁴⁾, (EEC) No 560/77 of 17 March 1977 fixing the selling prices of frozen beef made available to the Italian intervention agency under Regulation (EEC) No 2453/76⁽⁵⁾, as amended by Regulation (EEC) No 809/77⁽⁶⁾, and (EEC) No 2633/77 of 29 November 1977 fixing the selling prices for certain types of frozen beef made available to the Italian intervention agency under Regulation (EEC) No 2453/76 and amending Regulations (EEC) No 2875/76 and (EEC) No 35/77⁽⁷⁾;

Whereas it follows from the financial rules governing relations between the Community and the Member States that the latter are responsible for all quantity

and quality losses; whereas, in view of the unusual nature of the situation, provision should be made for the difference between the prices fixed by the said Regulations and the prices which will actually be charged by the Italian intervention agency to be borne by that Member State;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Italian intervention agency is hereby authorized to sell by private contract, at prices lower than those fixed in Regulations (EEC) No 2793/76, (EEC) No 560/77 and (EEC) No 2633/77, approximately 80 tonnes of frozen boned beef, representing part of the quantity made available to it by the Danish intervention agency pursuant to Regulation (EEC) No 2453/76.

2. The account referred to in Article 2 (1) of Regulation (EEC) No 2305/70 shall be credited by the Italian intervention agency with the amount resulting from the prices fixed by Regulations (EEC) No 2793/76, (EEC) No 560/77 and (EEC) No 2633/77, multiplied by the quantity actually sold pursuant to paragraph 1.

Article 2

This Regulation shall enter into force on 27 February 1978.

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

Done at Brussels, 24 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 279, 9. 10. 1976, p. 3.

(2) OJ No L 301, 25. 11. 1977, p. 6.

(3) OJ No L 319, 19. 11. 1976, p. 24.

(4) OJ No L 269, 21. 10. 1977, p. 25.

(5) OJ No L 71, 18. 3. 1977, p. 27.

(6) OJ No L 98, 22. 4. 1977, p. 10.

(7) OJ No L 306, 30. 11. 1977, p. 22.

COMMISSION REGULATION (EEC) No 388/78

of 24 February 1978

fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/
66/EEC of 22 September 1966 on the establishment
of a common organization of the markets in oils and
fats⁽¹⁾, as last amended by Regulation (EEC) No
2560/77⁽²⁾,

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

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

Having regard to the opinion of the Monetary
Committee,

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

Whereas the world market price should be deter-
mined in accordance with the rules and the criteria
set out in Commission Regulation (EEC) No 190/78
of 31 January 1978 fixing the amount of the subsidy

on oil seeds⁽⁷⁾, as last amended by Regulation (EEC)
No 374/78⁽⁸⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 February
1978.

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

Done at Brussels, 24 February 1978.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 27, 1. 2. 1978, p. 24.

⁽⁸⁾ OJ No L 53, 24. 2. 1978, p. 9.

ANNEX

World market price applicable from 27 February 1978 for colza and rape seed (CCT heading No ex 12.01)

	u.a./100 kg ⁽¹⁾
World market price	19.164
World market price where the subsidy is fixed in advance :	
— for the month of February 1978	19.164
— for the month of March 1978	19.091
— for the month of April 1978	19.351
— for the month of May 1978	19.351
— for the month of June 1978	19.351
— for the month of July 1978	19.351

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

1 u.a. = DM	3.15665
1 u.a. = Fl	3.35507
1 u.a. = Bfr/Lfr	48.6572
1 u.a. = FF	7.29012
1 u.a. = Dkr	8.56656
1 u.a. = £	0.781732
1 u.a. = I £	0.781732
1 u.a. = Lit	1 292.81

COMMISSION REGULATION (EEC) No 389/78

of 24 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 379/78⁽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 25 February
1978.

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

Done at Brussels, 24 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 53, 24. 2. 1978, p. 18.

ANNEX

to the Commission Regulation of 24 February 1978 fixing the import levies on white sugar
and raw sugar

(u.d. / 100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar; flavoured or coloured sugar	24.72
	B. Raw sugar	20.63 ⁽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)

COUNCIL

COUNCIL DECISION

of 20 February 1978

instituting a consultation procedure and setting up a committee in the field of transport infrastructure

(78/174/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 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 the implementation of the common transport policy involves the establishment of Community measures aimed at the coordinated development of links within the Community;

Whereas these measures must be based on information concerning plans and programmes for developing transport infrastructures and also concerning projects of Community interest; whereas such measures must take into account all the factors relevant to the assessment of infrastructure requirements;

Whereas it is desirable that projects of Community interest should be subject to a consultation procedure;

Whereas a clear definition of 'infrastructure plans and programmes' and of 'project of Community interest' should be established;

Whereas an organizational framework should be created to guarantee the effectiveness, consistency and continuity of these measures;

Whereas a report should be compiled at regular intervals on the various aspects of these measures and guidelines should be determined for the guidance of the Member States,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of this Decision:

1. plans and programmes for the development of transport infrastructures are defined as any overall framework for major future work in the field of transport infrastructure serving as a guide for action by the Governments of the Member States;
2. a project of Community interest is defined as any major project which is designed to:
 - create new transport links,
 - remove a bottleneck, or
 - appreciably increase the capacity of existing transport links,

and which belongs to one of the following categories:

- (a) projects concerning cross-frontier routes;
- (b) projects of a Member State having a significant effect on traffic between Member States or with third countries;

⁽¹⁾ OJ No C 183, 1. 8. 1977, p. 10.

⁽²⁾ OJ No C 56, 5. 3. 1977, p. 83.

- (c) projects affecting a Community policy and in particular the regional policy;
- (d) projects which make use of new transport technologies which could be used for long-distance interurban transport.

Article 2

1. The Member States shall notify the Commission of projects of Community interest prior to their implementation, and of the plans and programmes which they have drawn up for developing transport infrastructures.

2. This notification may concern both projects which have been given construction approval by the competent authorities and, if Member States consider it appropriate, draft projects concerning the implementation of which only declarations of intent have been made.

3. Information concerning a project notified at a preliminary preparation stage shall be given in further reports as and when the project progresses.

Article 3

Where it considers such action appropriate, or where requested to do so by a Member State, the Commission shall enter into consultation with the Member States as provided for under Article 5 (1) on a project or projects of Community interest of which it has been notified in accordance with Article 2. It shall inform the Member States of the outcome of the consultations.

Article 4

A Committee on Transport Infrastructures, hereinafter called 'the Committee', shall be set up under the auspices of the Commission, consisting of representatives of the Member States and chaired by a Commission representative.

The Commission shall provide the Committee's secretariat and prepare its proceedings.

At the request of a Member State, any information supplied, the Committee's deliberations, and the outcome of the discussions shall be treated as confidential.

Article 5

In order to contribute to the harmonious development of a transport network of interest to the Community, the Committee shall undertake the following tasks:

1. it shall provide a forum for the consultation referred to in Article 3 on a project or projects of interest to the Community;
2. at the request of the Commission, it shall organize, taking into account any views in relation to its tasks expressed by other Community bodies:
 - (a) exchanges of information on the notifications of the plans and programmes referred to in Article 2;
 - (b) examination of any question concerning the development of a transport network of interest to the Community;
3. it shall be consulted on the report referred to in Article 6.

Article 6

Subject to the third subparagraph of Article 4, the Commission shall forward at least every three years to the Council and to the European Parliament a report on the information it has received in accordance with this Decision and on the Committee's activities. Where appropriate, this report shall include observations aimed at informing the Member States of the Community's transport infrastructure requirements.

Article 7

Council Decision 66/161/EEC of 28 February 1966 instituting a procedure for consultation in respect of transport infrastructure investment⁽¹⁾ is hereby repealed.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 20 February 1978.

For the Council

The President

Per HÆKKERUP

⁽¹⁾ OJ No 42, 8. 3. 1966, p. 583/66.

COUNCIL DIRECTIVE

of 20 February 1978

amending the First Directive on the establishment of common rules for certain types of carriage of goods by road between Member States

(78/175/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 (1) 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 more flexible demarcation of frontier areas referred to in the First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road between Member States⁽³⁾, as last amended by Council Directive 77/158/EEC⁽⁴⁾, should be allowed, in the light of the administrative organization, geographical characteristics or economic structure of the Member States; whereas in order to promote the opening up of these areas, carriage in them should be liberalized for longer distances than hitherto;

Whereas certain other types of carriage may be exempted from any quota system,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Annex I to the First Directive of 23 July 1962 shall be amended as follows:

(a) The first subparagraph of point 1 shall be replaced by the following:

'1. Frontier traffic in an area extending for a distance of 25 kilometres as the crow flies on each side of the frontier, provided that the total distance covered does not exceed 100 kilometres as the crow flies.'

Each Member State may increase this area in view of the administrative organization, geographical characteristics or economic structure of its territory.'

(b) Point 5 shall be replaced by the following:

'5. Carriage of vehicles which have suffered damage or breakdown.'

2. Annex II to the First Directive of 23 July 1962 shall be amended as follows:

(a) Point 1 shall be replaced by the following:

'1. Carriage from a Member State into the frontier zone of an adjacent Member State and vice versa; the frontier zone shall be demarcated as laid down in paragraph 1 of Annex I.'

(b) Point 6 shall be replaced by the following:

'6. Carriage of spare parts for sea-going vessels and aircraft.'

Article 2

Member States shall take the measures necessary to comply with this Directive as soon as possible and in any case not later than 1 July 1978. They shall inform the Commission thereof before 1 May 1978.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 February 1978.

For the Council

The President

Per HÆKKERUP

⁽¹⁾ OJ No C 293, 13. 12. 1976, p. 50.

⁽²⁾ OJ No C 281, 22. 11. 1976, p. 2.

⁽³⁾ OJ No 70, 6. 8. 1962, p. 2005/62.

⁽⁴⁾ OJ No L 48, 19. 2. 1977, p. 30.

COUNCIL DIRECTIVE
of 20 February 1978
on waste from the titanium dioxide industry

(78/176/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 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 waste from the titanium dioxide industry is liable to be harmful to human health and the environment; whereas it is therefore necessary to prevent and gradually reduce pollution caused by such waste with a view to eliminating it;

Whereas the 1973 ⁽³⁾ and 1977 ⁽⁴⁾ European Communities' Programmes of Action on the Environment refer to the need to undertake Community action against waste from the titanium dioxide industry;

Whereas any disparity between the provisions on waste from the titanium dioxide industry already applicable or in preparation in the various Member States may create unequal conditions of competition and thus directly affect the functioning of the common market; whereas it is therefore necessary to approximate laws in this field, as provided for in Article 100 of the Treaty;

Whereas it seems necessary for this approximation of laws to be accompanied by Community action so that one of the aims of the Community in the sphere of protection of the environment and improvement of the quality of life can be achieved by more extensive rules; whereas certain specific provisions to this effect should therefore be laid down; whereas Article 235 of the Treaty should be invoked as the powers required for this purpose have not been provided for by the Treaty;

Whereas Directive 75/442/EEC ⁽⁵⁾, concerns waste disposal in general; whereas for waste from the titanium dioxide industry it is advisable to lay down a special system which will ensure that human health and the environment are protected against the harmful effects caused by the uncontrolled discharge, dumping or tipping of such waste;

Whereas in order to attain these objectives there should be a system of prior authorization as regards the discharge, dumping, storage, tipping or injecting of waste; whereas the issue of this authorization should be made subject to specific conditions;

Whereas discharge, dumping, storage, tipping and injecting of waste must be accompanied both by monitoring of the waste and monitoring and surveillance of the environment concerned;

Whereas for existing industrial establishments Member States must, by 1 July 1980, draw up programmes for the progressive reduction of pollution caused by such waste with a view to its elimination; whereas these programmes must fix the general reduction targets to be attained by 1 July 1987 at the latest and indicate the measures to be taken for each establishment;

Whereas for new industrial establishments Member States must issue a prior authorization; whereas such authorization must be preceded by an environmental impact study and may be granted only to firms which undertake to use only those materials, processes and techniques available on the market that are least damaging to the environment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The aim of this Directive is the prevention and progressive reduction, with a view to its elimination, of pollution caused by waste from the titanium dioxide industry.

⁽¹⁾ OJ No C 28, 9. 2. 1976, p. 16.

⁽²⁾ OJ No C 131, 12. 6. 1976, p. 18.

⁽³⁾ OJ No C 112, 20. 12. 1973, p. 3.

⁽⁴⁾ OJ No C 139, 13. 6. 1977, p. 3.

⁽⁵⁾ OJ No L 194, 25. 7. 1975, p. 39.

2. For the purpose of this Directive :

(a) 'pollution' means the discharge by man, directly or indirectly, of any residue from the titanium dioxide manufacturing process into the environment, the results of which are such as to cause hazards to human health, harm to living resources and to ecosystems, damage to amenities or interference with other legitimate uses of the environment concerned ;

(b) 'waste' means :

- any residue from the titanium dioxide manufacturing process of which the holder disposes or is obliged to dispose under current national legislation ;
- any residue from a treatment process of a residue referred to in the first indent ;

(c) 'disposal' means :

- the collection, sorting, transport and treatment of waste as well as its storage and tipping above ground or underground and its injection into the ground ;
- the discharge thereof into surface water, ground water and the sea, and dumping at sea ;
- the transformation operations necessary for its re-use, recovery or recycling ;

(d) 'existing industrial establishments' means those industrial establishments already set up on the date of notification of this Directive ;

(e) 'new industrial establishments' means those industrial establishments which are in the process of being set up on the date of entry into force of this Directive or which are set up after that date. Extensions to existing industrial establishments leading to an increase of 15 000 tonnes per year or more in the titanium dioxide on-site production capacity of the establishment concerned shall be treated as new industrial establishments.

Article 2

Member States shall take the necessary measures to ensure that waste is disposed of without endangering human health and without harming the environment, and in particular :

- without risk to water, air, soil and plants and animals ;
- without deleteriously affecting beauty-spots or the countryside.

Article 3

Member States shall take appropriate measures to encourage the prevention, recycling and processing of

waste, the extraction of raw materials and any other process for the re-use of waste.

Article 4

1. The discharge, dumping, storage, tipping and injection of waste are prohibited unless prior authorization is issued by the competent authority of the Member State in whose territory the waste is produced. Prior authorization must also be issued by the competent authority of the Member State

- in whose territory the waste is discharged, stored, tipped or injected ;
- from whose territory it is discharged or dumped.

2. Authorization may be granted for a limited period only. It may be renewed.

Article 5

In the case of discharge or dumping, the competent authority may, in accordance with Article 2 and on the basis of the information supplied in accordance with Annex I, grant the authorization referred to in Article 4 provided that :

- (a) the waste cannot be disposed of by more appropriate means ;
- (b) an assessment carried out in the light of available scientific and technical knowledge shows that there will be no deleterious effect, either immediate or delayed, on the aquatic environment ;
- (c) there is no deleterious effect on boating, fishing, leisure activities, the extraction of raw materials, desalination, fish and shellfish breeding, on regions of special scientific importance or on other legitimate uses of the waters in question.

Article 6

In the case of storage, tipping or injection, the competent authority may, in accordance with Article 2, and on the basis of the information supplied in accordance with Annex I, grant the authorization referred to in Article 4, provided that :

- (a) the waste cannot be disposed of by more appropriate means ;
- (b) an assessment carried out in the light of available scientific and technical knowledge shows that there will be no detrimental effect, either immediate or delayed, on underground waters, the soil or the atmosphere ;
- (c) there is no deleterious effect on leisure activities, the extraction of raw materials, plants, animals, on regions of special scientific importance or on other legitimate uses of the environment in question.

Article 7

1. Irrespective of the method and extent of treatment of the waste in question, its discharge, dumping, storage, tipping and injection shall be accompanied by the monitoring referred to in Annex II of the waste and of the environment concerned having regard to its physical, chemical, biological and ecological aspects.

2. The monitoring operations shall be carried out periodically by one or more bodies appointed by the Member State the competent authority of which has issued the authorization provided for in Article 4. In the case of cross-frontier pollution between Member States, the body in question shall be appointed jointly by the parties concerned.

3. Within one year of notification of this Directive, the Commission shall submit to the Council a proposal on the procedures for the surveillance and monitoring of the environments concerned. The Council shall act on this proposal within six months of the publication of the opinion of the European Parliament and that of the Economic and Social Committee in the *Official Journal of the European Communities*.

Article 8

1. The competent authority in the Member State concerned shall take all appropriate steps to remedy one of the following situations and, if necessary, shall require the suspension of discharge, dumping, storage, tipping or injection operations:

- (a) if the results of the monitoring provided for in Annex II (A) (1) show that the conditions for the prior authorization referred to in Articles 4, 5 and 6 have not been fulfilled, or
- (b) if the results of the acute toxicity tests referred to in Annex II (A) (2) show that the limits laid down therein have been exceeded, or
- (c) if the results of the monitoring provided for in Annex II (B) reveal a deterioration in the environment concerned in the area under consideration, or
- (d) if discharge or dumping produces a deleterious effect on boating, fishing, leisure activities, the extraction of raw materials, desalination, fish and shellfish breeding, on regions of special scientific importance or on other legitimate uses of the waters in question, or
- (e) if storage, tipping or injection produces a deleterious effect on leisure activities, the extraction of raw materials, plants, animals, on regions of special scientific importance or on other legitimate uses of the environments in question.

2. If several Member States are concerned, the measures shall be taken after consultation.

Article 9

1. Member States shall draw up programmes for the progressive reduction and eventual elimination of pollution caused by waste from existing industrial establishments.

2. The programmes mentioned in paragraph 1 shall set general targets for the reduction of pollution from liquid, solid and gaseous waste, to be achieved by 1 July 1987 at the latest. The programmes shall also contain intermediate objectives. They shall, moreover, contain information on the state of the environment concerned, on measures for reducing pollution and on methods for treating waste that is directly caused by the manufacturing processes.

3. The programmes referred to in paragraph 1 shall be sent to the Commission by 1 July 1980 at the latest so that it may, within a period of six months after receipt of all the national programmes, submit suitable proposals to the Council for the harmonization of these programmes in regard to the reduction and eventual elimination of pollution and the improvement of the conditions of competition in the titanium dioxide industry. The Council shall act on these proposals within six months of the publication of the opinion of the European Parliament and that of the Economic and Social Committee in the *Official Journal of the European Communities*.

4. Member States shall introduce a programme by 1 January 1982 at the latest.

Article 10

1. The programmes referred to in Article 9 (1) must cover all existing industrial establishments and must set out the measures to be taken in respect of each of them.

2. Where, in particular circumstances, a Member State considers that, in the case of an individual establishment, no additional measures are necessary to fulfil the requirements of this Directive, it shall, within six months of notification of this Directive, provide the Commission with the evidence which has led it to that conclusion.

3. After conducting any independent verification of the evidence that may be necessary, the Commission may agree with the Member State that it is not necessary to take additional measures in respect of the individual establishment concerned. The Commission must give its agreement, with reasons, within six months.

4. If the Commission does not agree with the Member State, additional measures in respect of that establishment shall be included in the programme of the Member State concerned.

5. If the Commission does agree, its agreement will be periodically reviewed in the light of the results of the monitoring carried out pursuant to this Directive and in the light of any significant change in the manufacturing processes or in environmental policy objectives.

Article 11

New industrial establishments shall be subject to applications for prior authorization made to the competent authorities of the Member State on whose territory it is proposed to build the establishments. Such authorizations must be preceded by environmental impact surveys. They may be granted only to firms which give an undertaking to use only such of the materials, processes and techniques available on the market as are least damaging to the environment.

Article 12

Without prejudice to this Directive, Member States may adopt more stringent regulations.

Article 13

1. For the purposes of this Directive, Member States shall supply the Commission with all the necessary information relating to:

- the authorizations issued pursuant to Articles 4, 5 and 6,
- the results of the monitoring of the environment concerned carried out pursuant to Article 7,
- the measures taken pursuant to Article 8.

They shall also supply the Commission with general information concerning the materials, processes and techniques notified to them pursuant to Article 11.

2. Information acquired as a result of the application of this Article may be used only for the purposes of this Directive.

3. The Commission and the competent authorities of the Member States, their officials and other servants shall not disclose information acquired by them pursuant to this Directive and of a kind covered by the obligation of professional secrecy.

4. Paragraphs 2 and 3 shall not prevent publication of general information or surveys which do not contain information relating to particular undertakings or associations of undertakings.

Article 14

Every three years the Member States shall prepare a report on the prevention and progressive reduction of pollution caused by waste from the titanium dioxide industry and shall forward it to the Commission, which shall communicate it to the other Member States.

The Commission shall report every three years to the Council and the European Parliament on the application of this Directive.

Article 15

1. Member States shall bring into force the measures needed to comply with this Directive within 12 months, of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the national laws which they adopt in the field covered by this Directive.

Article 16

This Directive is addressed to the Member States.

Done at Brussels, 20 February 1978.

For the Council

The President

Per HÆKKERUP

ANNEX I**PARTICULARS WHICH MUST BE SUPPLIED IN ORDER TO OBTAIN THE PRIOR AUTHORIZATION REFERRED TO IN ARTICLES 4, 5 AND 6****A. Characteristics and composition of the matter :**

1. total amount and average compositions of matter dumped (e.g. per year);
2. form (e.g. solid, sludge, liquid or gaseous);
3. properties : physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand) and biological;
4. toxicity;
5. persistence : physical, chemical and biological;
6. accumulation and biotransformation in biological materials or sediments;
7. susceptibility to physical, chemical and biochemical changes and interaction in the environment concerned with other organic and inorganic materials;
8. probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B. Characteristics of dumping or discharge site and methods of disposal :

1. location (e.g. coordinates of the dumping or discharge area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources);
2. rate of disposal per specific period (e.g. quantity per day, per week, per month);
3. methods of packaging and containment, if any;
4. initial dilution achieved by proposed method of release, particularly the speed of the ship;
5. dispersal characteristics (e.g. effects of currents, tides, and wind on horizontal transport and vertical mixing);
6. water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution — dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD), nitrogen present in organic and inorganic form, including ammonia, suspended matter, other nutrients and productivity);
7. bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity);
8. existence and effects of other dumpings or discharges which have been made in the area concerned (e.g. heavy metal background reading and organic carbon content).

C. Characteristics of the tipping, storage or injection area and disposal methods :

1. geographical situation;
2. characteristics of adjacent areas;
3. methods of packaging and containment, if any;
4. characteristics of the methods of tipping, storage and injection, including an assessment of precautions taken to avoid the pollution of waters, the soil and the atmosphere.

*ANNEX II***SURVEILLANCE AND MONITORING OF DISPOSAL****A. Monitoring of waste**

Disposal operations shall be accompanied by :

1. checks on the quantity, composition and toxicity of the waste to ensure that the conditions for prior authorization referred to in Articles 4, 5 and 6 are fulfilled ;
2. tests for acute toxicity on certain species of molluscs, crustaceans, fish and plankton, preferably species commonly found in the discharge areas. In addition, tests shall be carried out on samples of the brine shrimp species (*Artemia salina*).

Over a period of 36 hours and at an effluent dilution of 1/5 000, these tests must not reveal :

- more than 20 % mortality for adult forms of the species tested,
- and for larval forms, mortality exceeding that of a control group.

B. Surveillance and monitoring of the environment concerned

- I. In The case of discharge into fresh water or into the sea or in the case of dumping, such checks shall relate to the three following items : water column, living matter and sediments. Periodic checks on the state of the area affected by the discharges will make it possible to follow the development of the environments concerned.

Monitoring shall include the determination of :

1. pH ;
2. dissolved oxygen ;
3. turbidity ;
4. hydrated iron oxides and hydroxides in suspension ;
5. toxic metals in water, suspended solids, sediments and in accumulation in selected benthic and pelagic organisms ;
6. the diversity and the relative and absolute abundance of flora and fauna.

- II. In the case of storage, tipping or injection the monitoring shall include :

1. tests to ensure that surface waters and ground waters are not contaminated. These tests shall include the measurement of :
 - acidity,
 - iron content (soluble and particulate),
 - calcium content,
 - toxic metal content (soluble and particulate) if any ;
 2. where necessary, tests to determine any adverse effects on the structure of the subsoils ;
 3. a general assessment of the ecology of the area in the vicinity of the tipping, storage or injection point.
-

COUNCIL DECISION

of 20 February 1978

adopting a concerted action project of the European Economic Community on the effect of processing on the physical properties of foodstuffs

(78/177/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 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 pursuant to Article 2 of the Treaty the Community was assigned the task of promoting throughout the Community a harmonious development of economic activities, a continuous and balanced expansion and an accelerated raising of the standard of living;

Whereas in its resolution of 14 January 1974 on an initial outline programme of the European Communities in the field of science and technology ⁽³⁾, the Council emphasized that an appropriate approach should be adopted towards the whole range of available ways and means, including joint projects, and that whenever it proves desirable that third States, particularly European ones, should be associated in these projects, steps should be taken to make this possible;

Whereas in its resolution of 14 January 1974 relating in particular to the coordination of national policies in the field of science and technology ⁽⁴⁾, the Council entrusted the Community institutions with the task of ensuring, with the assistance of the Scientific and Technical Research Committee (CREST) the gradual coordination of national policies in the field of science and technology;

Whereas a programme of research in the field of food technology has been proposed by the Swedish delegation to European Cooperation in the field of Scientific and Technical Research (COST); whereas the Council, in its Decision of 16 June 1975, has recognized the interest to the Community of such a programme;

Whereas a concerted action project for Community research in the field of industrial food technology is likely to contribute effectively to the achievement of the abovementioned objectives, and in particular to a more economic use of national resources;

Whereas the Member States intend, as part of the rules and procedures applicable to their national programmes, to carry out the research described in Annex I and are prepared to integrate it into a process of coordination at Community level over a period of three years;

Whereas the execution of the research work as described in Annex I calls for a financial outlay of some 7.5 million European units of account in the Member States taking part therein;

Whereas the Community is empowered to conclude agreements with third States in the fields covered by this Decision; whereas it may prove advisable to extend the coordination established by this Decision to the States participating in COST; whereas, on the one hand, procedural conditions should be determined so as to lead to a rapid conclusion of these agreements, and on the other, negotiations should be opened with the States referred to, as soon as this Decision is adopted;

Whereas the Treaty does not provide the specific powers necessary for this purpose;

Whereas CREST has given its opinion on the Commission proposal,

HAS DECIDED AS FOLLOWS:

Article 1

The Community shall implement for a period of three years a concerted action project on the effect of processing on the physical properties of foodstuffs (hereinafter called 'the project').

The project shall consist of the coordination at Community level of the research work specified in Annex I, which shall form part of the research programmes of the Member States.

⁽¹⁾ OJ No C 36, 13. 2. 1978, p. 52.

⁽²⁾ Opinion delivered on 15 December 1977 (not yet published in the Official Journal).

⁽³⁾ OJ No C 7, 29. 1. 1974, p. 6.

⁽⁴⁾ OJ No C 7, 29. 1. 1974, p. 2.

Article 2

The Commission shall be responsible for such coordination.

Article 3

The maximum financial contribution by the Community towards coordination shall be fixed at 250 000 European units of account, the European unit of account being defined by the Financial Regulations applicable.

Article 4

To facilitate the execution of the project a Concerted Action Committee on the Effect of Processing on the Physical Properties of Foodstuffs (hereinafter called 'the Committee') shall be established.

A project leader shall be appointed by the Commission in agreement with the Committee. He shall, in particular, assist the Commission in its task of coordination.

The terms of reference and composition of this Committee are laid down in Annex II.

The Committee shall draw up its own rules of procedure. Its secretariat will be provided by the Commission.

Article 5

1. In accordance with a procedure to be adopted by the Commission in agreement with the Committee, the Member States participating shall regularly exchange all relevant information concerning the performance of the research covered by the project and forward to the Commission all information that may be useful for coordination purposes.

They shall in addition endeavour to provide the Commission with information relating to the research planned or performed by bodies which are not under their authority.

This information shall be treated as confidential if the Member State which communicates it so requests.

2. The Commission shall prepare yearly progress reports on the basis of the information provided and shall send them to the Member States.

3. At the end of the coordination period, the Commission shall, in agreement with the Committee, send to the Member States and to the European Parliament a succinct report on the performance and result of the project. The Commission shall publish this report six months after it has been sent to the Member States, except where a Member State objects. In this event, the report shall be distributed upon request only to the institutions and undertakings whose research activities justify access to the results of the research carried out under the project. The Commission may make provision that the report remains confidential and is not disclosed to third parties.

Article 6

1. In accordance with Article 228 of the Treaty, the Community may conclude agreements with other States participating in COST with a view to extending the coordination which is the subject of this Decision to research undertaken in these States.

2. The Commission is hereby authorized to open negotiations for agreements of the type referred to in paragraph 1.

Article 7

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

Done at Brussels, 20 February 1978.

For the Council

The President

Per HÆKKERUP

ANNEX I

RESEARCH WORK REFERRED TO IN ARTICLE 1

Choice of themes	Apportionment of the research work among the Member States						
	Germany	Belgium	France	Ireland	Italy	Netherlands	United Kingdom
1. <i>Rheology of liquid foods (viscosity):</i>							
1.0. no particular product	X	X	X				X
1.1. milk products	X	X	X	X	X	X	
1.2. sugar products	X	X	X		X	X	
1.3. cereal products	X	X	X		X	X	
1.4. fruit products				X	X	X	
2. <i>Sorption (water activity):</i>							
2.0. no particular product	X		X				
2.2. sugar products	X						
2.4. fruit products					X		
2.6. meat products	X	X	X				
3. <i>Thermal properties:</i>							
3.0. no particular product	X	X				X	X
3.4. fruit products					X	X	
3.5. vegetable products					X	X	
3.6. meat products	X	X	X		X		
3.7. fish products							

*ANNEX II***TERMS OF REFERENCE AND COMPOSITION OF THE COMMITTEE REFERRED TO
IN ARTICLE 4**

1. The Committee shall :
 - 1.1. contribute to the optimum execution of the project by giving its opinion in all aspects of its progress ;
 - 1.2. evaluate the results and draw conclusions regarding their application ;
 - 1.3. be responsible for the exchange of information provided for in Article 5 (1) ;
 - 1.4. keep abreast of national research work being done in the fields covered by the project, in particular by keeping abreast of scientific and technical developments likely to affect the execution of the project ;
 - 1.5. suggest guidelines to the project leader ;
 - 1.6. have the right to set up, in respect of each of the three physical properties defined in Annex I, a subcommittee to ensure that the programme is properly implemented.
 2. The reports and the opinions of the Committee shall be communicated to the Commission and the Member States participating. The Commission shall forward these opinions to CREST and to the Standing Committee on Agricultural Research (SCAR).
 3. The Committee shall consist of the project leader and the persons responsible for the coordination of the national programmes appointed by the Member States participating. Members may for the duration of the project be accompanied by experts, subject to a maximum of two experts per Member State participating. A member's term of office may be terminated prematurely by his death or resignation or if the Government of the participating Member State which appointed him requests that he be replaced. His successor shall be appointed for the unexpired period of the original term.
-

COUNCIL DECISION**of 20 February 1978****appointing a member of the Consultative Committee of the European Coal and Steel Community****(78/178/ECSC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 18 thereof,

Having regard to the Council Decisions of 1 June 1976 and 10 July 1976 designating the representative organizations responsible for drawing up lists of candidates for the Consultative Committee of the European Coal and Steel Community,

Having regard to the Council Decision of 10 July 1976 appointing the members of the Consultative Committee of the European Coal and Steel Community for the period ending 9 July 1978,

Whereas the Council was informed on 31 January 1978 that a seat as member of the above Committee in the producers' representatives category has become vacant as a result of the resignation of Mr Peeters,

Having regard to the nominations submitted by the Fédération Charbonnière de Belgique on 31 January 1978,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Pierre Urbain is hereby appointed a member of the Consultative Committee of the European Coal and Steel Community in place of Mr Peeters of the remainder of the latter's term of office, which runs until 9 July 1978.

Done at Brussels, 20 February 1978.

*For the Council**The President*

Per HÆKKERUP

COUNCIL DECISION**of 20 February 1978****appointing a member of the Consultative Committee of the European Coal and Steel Community****(78/179/ECSC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 18 thereof,

Having regard to the Council Decisions of 1 June 1976 and 10 July 1976 designating the representative organizations responsible for drawing up lists of candidates for the Consultative Committee of the European Coal and Steel Community,

Having regard to the Council Decision of 10 July 1976 appointing the members of the Consultative Committee of the European Coal and Steel Community for the period ending 9 July 1978,

Whereas the Council was informed on 30 November 1977 that a seat on the above Committee in the consumers' and dealers' representatives category had become vacant as a result of the death of Commander Hamer,

Having regard to the nomination submitted by the United Kingdom Government on 9 February 1978,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Gordon Kennedy is hereby appointed member of the Consultative Committee of the European Coal and Steel Community in place of Commander Hamer for the remainder of the latter's term of office, which runs until 9 July 1978.

Done at Brussels, 20 February 1978.

*For the Council**The President*

Per HÆKKERUP

COUNCIL DECISION**of 20 February 1978****appointing a member of the Economic and Social Committee****(78/180/Euratom, EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 17 September 1974 appointing members of the Economic and Social Committee for the period ending 16 September 1978,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Mrs Bennedsen, which was notified to the Council on 3 January 1978,

Having regard to the candidatures submitted to the Council by the Danish Government on 2 February 1978,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mrs Karen Gredal is hereby appointed member of the Economic and Social Committee in place of Mrs Bennedsen, for the remainder of the latter's term of office, which runs until 16 September 1978.

Done at Brussels, 20 February 1978.

*For the Council**The President*

Per HÆKKERUP

COUNCIL DECISION
of 20 February 1978
appointing a member of the Economic and Social Committee
(78/181/Euratom, EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 17 September 1974 appointing members of the Economic and Social Committee for the period ending 16 September 1978,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Drs de Vries Reilingh, which was notified to the Council on 15 December 1977,

Having regard to the candidatures submitted to the Council by the Dutch Government on 2 February 1978,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Drs T. Etty is hereby appointed member of the Economic and Social Committee in place of Drs de Vries Reilingh, for the remainder of the latter's term of office, which runs until 16 September 1978.

Done at Brussels, 20 February 1978.

For the Council

The President

Per HÆKKERUP
