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Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 1374/78 of 20 June 1978 on the opening, allocation and administration of the Community tariff quota of 38 000 head of heifers and cows other than those intended for slaughter, of certain mountain breeds, falling within subheading ex 01.02 A II b) of the Common Customs Tariff 1
- ★ Council Regulation (EEC) No 1375/78 of 20 June 1978 on the opening, allocation and administration of the Community tariff quota of 5 000 head of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds falling within subheading ex 01.02 A II b) of the Common Customs Tariff 5
- ★ Council Regulation (EEC) No 1376/78 of 21 June 1978 extending certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain, to 31 July 1978 9
- Commission Regulation (EEC) No 1377/78 of 23 June 1978 fixing the import levies on cereals and on wheat or rye flour, groats and meal 11
- Commission Regulation (EEC) No 1378/78 of 23 June 1978 fixing the premiums to be added to the import levies on cereals, flour and malt 13
- Commission Regulation (EEC) No 1379/78 of 23 June 1978 altering the export levies on starch products manufactured from rice 15
- Commission Regulation (EEC) No 1380/78 of 23 June 1978 fixing the export refunds on rice and broken rice 16
- Commission Regulation (EEC) No 1381/78 of 23 June 1978 fixing the corrective amount applicable to the refund on rice and broken rice 18

NOTICE TO READERS

The delivery of Official Journal of the European Communities No L 168 of 26 June 1978 will be delayed owing to technical difficulties.

Contents (continued)

Commission Regulation (EEC) No 1382/78 of 23 June 1978 opening an invitation to tender for the mobilization of milled long grain rice as food aid for the Republic of Guinea	20
Commission Regulation (EEC) No 1383/78 of 23 June 1978 opening an invitation to tender for the mobilization of durum wheat as food aid for the People's Republic of Mozambique	23
Commission Regulation (EEC) No 1384/78 of 23 June 1978 opening an invitation to tender for the mobilization of rolled oats as food aid for the United Nations Children's Fund (UNICEF)	26
Commission Regulation (EEC) No 1385/78 of 23 June 1978 opening an invitation to tender for the mobilization of maize as food aid for Guinea Bissau	30
Commission Regulation (EEC) No 1386/78 of 23 June 1978 opening an invitation to tender for the mobilization of common wheat as food aid for the People's Republic of Mozambique	33
★ Commission Regulation (EEC) No 1387/78 of 23 June 1978 laying down the method for determining the minimum bread-making quality of common wheat	36
★ Commission Regulation (EEC) No 1388/78 of 23 June 1978 applying a special intervention measure for common wheat of bread-making quality at the start of the 1978/79 marketing year	42
Commission Regulation (EEC) No 1389/78 of 22 June 1978 re-establishing intervention buying-in of beef in the United Kingdom	43
★ Commission Regulation (EEC) No 1390/78 of 23 June 1978 amending Regulation (EEC) No 2835/77 laying down detailed rules with respect to aid for durum wheat	44
★ Commission Regulation (EEC) No 1391/78 of 23 June 1978 laying down amended rules for the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds	45
★ Commission Regulation (EEC) No 1392/78 of 23 June 1978 amending Regulation (EEC) No 1380/75 laying down detailed rules for the application of monetary compensatory amounts	53
Commission Regulation (EEC) No 1393/78 of 23 June 1978 abolishing the countervailing charge on cucumbers originating in Romania	55
Commission Regulation (EEC) No 1394/78 of 23 June 1978 fixing the export refunds on pigmeat for the period beginning 3 July 1978	56
★ Commission Decision No 1395/78/ECSC of 23 June 1978 amending Decision No 3002/77/ECSC requiring dealers in iron and steel products to comply with pricing rules	60

I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 1374/78****of 20 June 1978**

on the opening, allocation and administration of the Community tariff quota of 38 000 head of heifers and cows other than those intended for slaughter, of certain mountain breeds, falling within subheading ex 01.02 A II b) of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas the European Economic Community undertook within the framework of the GATT to open an annual Community tariff quota of 20 000 head at a duty of 6 % for heifers and cows other than those intended for slaughter of certain mountain breeds falling within subheading ex 01.02 A II b) of the Common Customs Tariff; whereas eligibility for such quota is subject to conditions to be determined by the competent authorities of the Member State of destination; whereas, in an exchange of letters with Austria dated 21 July 1972, the Community has undertaken unilaterally to increase the size of the tariff quota from 20 000 to 30 000 head and to lower the quota duty from 6 % to 4 %; whereas subsequently this quota was increased unilaterally to 38 000 head; whereas the abovementioned tariff quota for the period 1 July 1978 to 30 June 1979 should therefore be opened at a duty of 4 % in relation to a quantity of 38 000 head;

Whereas it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted; whereas, having regard to the principles defined above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas possibilities for the use of such mountain breeds are, however, limited

by special factors, both geographical and zootechnical; whereas Denmark does not have regions suitable for breeding this kind of cattle; whereas, however, in view of such special factors, the Community nature of the tariff quota in question should be preserved by making provisions for requirements which may arise in this Member State; whereas, to this end, this Member State may proceed to draw adequate shares from the Community reserve which has been set up; whereas, in order to reflect as closely as possible the actual trend of the market in question, the initial allocation must be made in proportion to the requirements of each of the Member States concerned, calculated in accordance with statistical data concerning imports from third countries during a representative reference period and with economic prospects for the quota period in question;

Whereas, since the animals in question belong to certain specific breeds which are not specified as such in the statistical nomenclatures of the Member States, no data on imports provided by the Member States could be considered to be sufficiently accurate and representative to be used as a basis for the allocation in question; whereas the extent to which Community tariff quotas for those animals in the Community as originally constituted have been exhausted, and the estimates made by certain Member States enable the requirements of each of them as regards imports from third countries for the quota period envisaged to be assessed as follows:

Benelux	1 500 head,
Germany	10 000 head,
France	3 900 head,
Italy	6 100 head;

whereas, in the absence of precise information the needs of the United Kingdom and Ireland may be assessed at 300 and 200 head;

⁽¹⁾ Opinion delivered on 17. 6. 1978 (not yet published in the Official Journal).

Whereas, in order to take into account the possible trend of imports of the aforementioned animals into the said Member States, the quota amount of 38 000 head should be divided into two parts, the first being allocated among certain Member States, the second forming a reserve intended subsequently to cover the requirements of those Member States when their initial shares are exhausted and requirements which may arise within other Member States; whereas in order to ensure a certain degree of security for importers in the aforementioned Member States, the first part of the Community quota should be determined at a level which, under the present circumstances, may be approximately 50 % of the quota amount;

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

Whereas, if, at a specified date within the quota period, a considerable balance of the initial share of one or other of the Member States is left over, it is essential that that State should return a considerable part of such balance to the reserve in order that part of the Community tariff quota should not remain unused in one Member State while it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 July 1978 to 30 June 1979, a Community tariff quota of 38 000 head shall be opened within the European Economic Community in respect of the imports from third countries of cows and heifers, other than those intended for slaughter, of the following mountain breeds: grey,

brown, yellow and mottled Simmental breed and mottled Pinzgau breed, falling within subheading ex 01.02 A II b) of the Common Customs Tariff.

2. For the purposes of this Regulation, the above-mentioned cows and heifers shall be considered not intended for slaughter if they are not slaughtered within four months following the date of their importation.

Derogations may, however, be granted in the event of an act of God (disease, accident) duly attested by a local authority certificate setting out the reasons for the slaughter.

3. The said quota shall be administered in accordance with the following Articles.

4. For the purpose of applying this Regulation, the levy fixed in accordance with Article 12 of Regulation (EEC) No 805/68⁽¹⁾ shall, as regards imports effected under the conditions laid down in Article 2 (4) of Regulation (EEC) No 193/75⁽²⁾, be applied to any quantities exceeding those indicated in the import licence.

Article 2

Within the framework of the quota referred to in Article 1 (1), the Common Customs Tariff duty for the animals referred to in the said paragraph shall be suspended at 4 %.

Article 3

1. A first part of 19 000 head shall be allocated among the Member States listed below. The shares shall apply from 1 July 1978 to 30 June 1979, subject to Article 7, and shall be as follows:

Benelux	1 000 head,
Germany	8 800 head,
France	3 400 head,
Ireland	200 head,
Italy	5 300 head,
United Kingdom	300 head.

2. The second part of 19 000 head shall be held as a Community reserve.

3. Imports of the animals concerned shall be subject to the provisions adopted under Regulation (EEC) No 974/71⁽³⁾, as last amended by Regulation (EEC) No 557/76⁽⁴⁾, as regards the fluctuation of the currencies of certain Member States.

Article 4

If requirements arise in Denmark for cattle referred to in Article 1 (1), this Member State shall draw an adequate share from the reserve, in so far as the reserve permits.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 25, 31. 1. 1975, p. 10.

⁽³⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁴⁾ OJ No L 67, 15. 3. 1976, p. 1.

Article 5

1. If 90 % or more of the initial quota share of one of the Member States referred to in Article 3, or of that share less the amount returned to the reserve, where Article 7 has been applied, has been used up, that Member State shall immediately, by notifying the Commission, draw a second share, in so far as the reserve permits, equal to 15 % of its initial share, rounded off upwards, if necessary, to the next unit.

2. If, after the initial share has been exhausted, 90 % or more of the second share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, immediately draw a third share equal to 7.5 % of its initial share, rounded off upwards, if necessary, to the next unit.

3. If, after the second share has been exhausted, 90 % or more of the third share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share equal to the third.

The same method shall be applied until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, each of these Member States may draw shares lower than those fixed in these paragraphs if there are reasons to consider that such shares might not be exhausted. They shall inform the Commission of the grounds which led them to apply this paragraph.

Article 6

The additional shares drawn in pursuance of Article 5 shall apply until 30 June 1979.

Article 7

Member States shall return to the reserve, not later than 25 March 1979, the unused portion of their initial share in excess, on 5 March 1979, of 20 % of the initial amount. They may return a larger quantity if there are reasons to consider that such quantity may not be used.

However, amounts for which import certificates have been issued but not used shall not be returned to the reserve.

The Member States shall, not later than 25 March 1979, notify the Commission of the total imports of the animals in question effected up to 5 March 1979 inclusive and charged against the tariff quota, the amounts referred to in the second subparagraph and, where appropriate, the proportion of their initial share that they return to the reserve.

Article 8

The Commission shall keep account of the amounts of the shares opened by Member States in accordance with Articles 3, 4 and 5 and shall inform each of them of the extent to which the reserve has been exhausted as soon as it receives the notifications.

The Commission shall, not later than 1 April 1979, notify Member States of the amount in the reserve after the return of shares pursuant to Article 7.

The Commission shall ensure that any drawing which exhausts the reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State making the last drawing.

Article 9

Member States shall take all measures necessary to ensure that when additional shares are drawn pursuant to Article 4 or 5 it is possible for imports to be counted without interruption against their accumulated shares of the Community quota.

Article 10

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1) and (2).

2. They shall ensure free access to the shares allocated to them for importers established in their territory.

3. The extent to which the shares of the Member States have been used up shall be recorded on the basis of imports submitted for customs clearance under cover of declarations that they have been made available for consumption.

Article 11

On request by the Commission, Member States shall inform it of imports actually charged against their shares.

Article 12

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

Article 13

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 20 June 1978.

For the Council

The President

P. DALSAGER

COUNCIL REGULATION (EEC) No 1375/78

of 20 June 1978

on the opening, allocation and administration of the Community tariff quota of 5 000 head of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds falling within subheading ex 01.02 A II b) of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas the European Economic Community undertook within the framework of the GATT to open an annual Community tariff quota of 5 000 head at a duty of 4 % for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds falling within subheading ex 01.02 A II b) of the Common Customs Tariff; whereas eligibility for such quota is subject to submission of the following documents:

- bulls: pedigree certificate;
- female animals: pedigree certificate or certificate of registration in the herdbook, certifying purity of breed;

Whereas the abovementioned tariff quota for the period 1 July 1978 to 30 June 1979 should, therefore, be opened at a duty of 4 %;

Whereas it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties to all imports of the animals in question until the quota is exhausted; whereas, having regard to the principles defined above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas possibilities for the use of such mountain breeds are, however, limited by special factors, both geographical and zootechnical; whereas the Benelux countries and Denmark do not have regions suitable for breeding this kind of cattle; whereas, however, in view of such special factors, the Community nature of the tariff quota in question should be preserved by making provision for

requirements which may arise in these Member States; whereas, to this end, these Member States may proceed to draw adequate shares from the Community reserve which has been set up; whereas, in order to reflect as closely as possible the actual trend of the market in question, the initial allocation must be made in proportion to the requirements of each of the Member States concerned, calculated in accordance with statistical data concerning imports from third countries during a representative reference period and with economic prospects for the quota period in question;

Whereas, since the animals in question belong to certain specific breeds which are not specified as such in the statistical nomenclatures of the Member States, no data on imports provided by the Member States could be considered to be sufficiently accurate and representative to be used as a basis for the allocation in question; whereas the extent to which Community tariff quotas for those animals, in the Community as originally constituted, have been exhausted, and the estimates made by certain Member States, enable the requirements of each of them as regards imports from third countries for the quota period envisaged to be assessed as follows:

Germany	250 head,
France	120 head,
Italy	4 630 head;

whereas the needs of the United Kingdom and of Ireland may, in the absence of precise information, be assessed at 75 and 25 head respectively;

Whereas, in order to take into account the possible trend of imports of the aforementioned animals into the said Member States, the quota amount of 5 000 head should be divided into two parts, the first part being allocated among certain Member States, the second forming a reserve intended subsequently to cover the requirements of these Member States when their initial shares are exhausted and requirements which may arise within other Member States; whereas in order to ensure a certain degree of security for importers in the aforementioned Member States, the first part of the Community quota should be deter-

¹⁾ Opinion delivered on 17. 6. 1978 (not yet published in the Official Journal).

mined at a comparatively high level which under the present circumstances may be about 70 % of the quota amount ;

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

Whereas, if, at a specified date within the quota period, a considerable balance of the initial share of one or other of the Member States is left over, it is essential that that State should return a considerable part of such balance to the reserve in order that part of the Community quota should not remain unused in one Member State while it could be used in others ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. During the period 1 July 1978 to 30 June 1979, a Community tariff quota of 5 000 head shall be opened within the European Economic Community in respect of the imports from third countries of bulls, cows and heifers, other than those intended for slaughter, of the following mountain breeds: the mottled Simmental breed and the Schwyz and Fribourg breeds, falling within subheading ex 01.02 A II b) of the Common Customs Tariff.

2. Eligibility for this tariff quota shall be subject to the submission :

— in the case of
bulls : of a pedigree certificate ;

— in the case of
female animals : of a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed.

3. The said quota shall be administered in accordance with the following Articles.

4. For the purpose of applying this Regulation, the levy fixed in accordance with Article 12 of Regulation (EEC) No 805/68 ⁽¹⁾ shall, as regards imports effected under the conditions laid down in Article 2 (4) of Regulation (EEC) No 193/75 ⁽²⁾, be applied to any quantities exceeding those indicated in the import licence.

Article 2

Within the framework of the quota referred to in Article 1 (1), the Common Customs Tariff duty for the animals referred to in the said paragraph shall be suspended at 4 %.

Article 3

1. A first part of 3 500 head shall be allocated among the Member States listed below. The shares shall apply from 1 July 1978 to 30 June 1979, subject to Article 7, and shall be as follows :

Germany	150 head,
France	100 head,
Ireland	25 head,
Italy	3 150 head,
United Kingdom	75 head.

2. The second part of 1 500 head shall be held as a Community reserve.

3. Imports of the animals concerned shall be subject to the provisions adopted under Regulation (EEC) No 974/71 ⁽³⁾, as last amended by Regulation (EEC) No 557/76 ⁽⁴⁾, as regards the fluctuation of the currencies of certain Member States.

Article 4

If requirements arise in countries of the Benelux Economic Union or in Denmark for cattle referred to in Article 1 (1), these Member States shall draw an adequate share from the reserve, in so far as the reserve permits.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 25, 31. 1. 1975, p. 10.

⁽³⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁴⁾ OJ No L 67, 15. 3. 1976, p. 1.

Article 5

1. If 90 % or more of the initial share of one of the Member States referred to in Article 3, or of that share less the amount returned to the reserve, where Article 7 has been applied, has been used up, that Member State shall immediately, by notifying the Commission, draw a second share, in so far as the reserve permits, equal to 15 % of its initial share, rounded off upwards, if necessary, to the next unit.

2. If, after the initial share has been exhausted, 90 % or more of the second share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, immediately draw a third share equal to 7.5 % of its initial share, rounded off upwards, if necessary, to the next unit.

3. If, after the second share has been exhausted, 90 % or more of the third share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share equal to the third.

The same method shall be applied until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, each of these Member States may draw shares lower than those fixed in these paragraphs if there are reasons to consider that such shares might not be exhausted. They shall inform the Commission of the grounds which led them to apply this paragraph.

Article 6

Additional shares drawn in pursuance of Article 5 shall apply until 30 June 1979.

Article 7

Member States shall return to the reserve, not later than 25 March 1979, the unused portion of their initial share in excess, on 5 March 1979, of 20 % of the initial amount. They may return a larger quantity if there are reasons to consider that such quantity may not be used.

However, amounts for which import certificates have been issued but not used shall not be returned to the reserve.

The Member States shall, not later than 25 March 1979, notify the Commission of the total imports of the animals in question effected up to 5 March 1979 inclusive and charged against the tariff quota, the amounts referred to in the second subparagraph and, where appropriate, the proportion of their initial share that they return to the reserve.

Article 8

The Commission shall keep account of the amounts of the shares opened by Member States in accordance with Articles 3, 4 and 5 and shall inform each of them of the extent to which the reserve has been exhausted as soon as it receives the notification.

The Commission shall, not later than 1 April 1979, notify Member States of the amount in the reserve after the return of shares pursuant to Article 7.

The Commission shall ensure that any drawing which exhausts the reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State making the last drawing.

Article 9

The Member States shall take all measures necessary to ensure that when additional shares are drawn pursuant to Article 4 or 5 it is possible for imports to be counted without interruption against their accumulated shares of the Community quota.

Article 10

1. Member States shall take all measures necessary to ensure that the access to the tariff quota in question is restricted to cattle as specified in Article 1 (1).

2. They shall ensure free access to the shares allocated to them for importers established in their territory.

3. The extent to which the shares of the Member States have been used up shall be recorded on the basis of imports submitted for customs clearance under cover of declarations that they have been made available for consumption.

Article 11

On request by the Commission, Member States shall inform it of imports actually charged against their shares.

Article 12

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

Article 13

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 20 June 1978.

For the Council

The President

P. DALSAGER

COUNCIL REGULATION (EEC) No 1376/78

of 21 June 1978

extending certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain, to 31 July 1978

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

Having regard to the Act of Accession,

Having regard to the proposal from the Commission,

Whereas the Council adopted, on 3 November 1976, a set of resolutions concerning certain external and internal aspects of the common fisheries policy;

Whereas, by Regulation (EEC) No 1158/78⁽¹⁾, the Council most recently extended until 24 June 1978, as regards vessels flying the flag of Spain, certain provisions of Council Regulation (EEC) No 373/77 of 24 February 1977 laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries⁽²⁾;

Whereas, pending the conclusion in the near future of a framework agreement between the Community and Spain, interim measures should be laid down for still a further period;

Whereas control of fishing can be achieved by means of fishing licences which can be withdrawn in the event of irregularities or the exhausting of the quotas fixed;

Whereas management of the interim rules laid down requires the Commission to be informed of the fishing activity of the vessels concerned;

Whereas the rules provided for in this Regulation have been established taking due account of the provisions currently governing the fisheries sector;

Whereas these measures must be taken without delay and it is therefore necessary to adopt them as interim measures on the basis of Article 103 of the Treaty, subject to their being included at a later date in the common agricultural policy.

HAS ADOPTED THIS REGULATION:

Article 1

The only catches which vessels flying the flag of Spain are authorized to make during the period from 25 June to 31 July 1978 in the 200 nautical mile fishing zones of the Member States situated off the North Sea and Atlantic coasts and covered by Community rules on fisheries are those of the species set out in the Annex, within the quantitative limits laid down therein and caught under the conditions laid down in Articles 2 to 7 of Regulation (EEC) No 341/78⁽³⁾.

Article 2

Notwithstanding the provisions of Article 7 of Regulation (EEC) No 341/78, licences delivered under that Regulation shall remain valid until 31 July 1978.

New requests for licences may be submitted to replace licences returned to the Commission.

Article 3

This Regulation shall enter into force on 25 June 1978.

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

Done at Luxembourg, 21 June 1978.

For the Council

The President

P. DALSAGER

⁽¹⁾ OJ No L 144, 31. 5. 1978, p. 14.

⁽²⁾ OJ No L 53, 25. 2. 1977, p. 1.

⁽³⁾ OJ No L 49, 21. 2. 1978, p. 1.

ANNEX

1. Fishing quotas for the period 25 June to 31 July 1978 :

Species	ICES zone	Quantity (tonnes)
Hake	VI	125
	VII	426
	VIII	515
Other species taken as by-catches of hake fishing in accordance with Article 6 (1) of Regulation (EEC) No 341/78	VI	250
	VII	852
	VIII	1 030
Anchovy	VIII	170

2. Number of standard-vessel (1) licences that may be issued for each ICES zone :

Type of fishing	ICES zone	Number of standard vessels
(a) Hake	VI	14
	VII	50
	VIII	57
(b) Anchovy	VIII	140
(c) Fishing exclusively with rods from vessels not exceeding 50 GRT; these vessels may not carry any other fishing gear on board	VIII	60

(1) A standard vessel is a vessel with a brake horsepower not exceeding 800 bhp. If the brake horsepower is greater than 800 bhp the following conversion factors will be applied :
— vessels exceeding 800 but not exceeding 1 100 bhp : 1.75,
— vessels exceeding 1 100 but not exceeding 1 500 bhp : 2.25.

3. Maximum number of standard vessels (1) which may fish simultaneously in any given zone for which a licence has been obtained :

	Number of standard vessels
Vessels referred to in point 2 (a)	
ICES zone { VI	9
{ VII	32
{ VIII	44
Vessels referred to in point 2 (c)	50

(1) A standard vessel is a vessel with a brake horsepower not exceeding 800 bhp. If the brake horsepower is greater than 800 bhp the following conversion factors will be applied :
— vessels exceeding 800 but not exceeding 1 100 bhp : 1.75,
— vessels exceeding 1 100 but not exceeding 1 500 bhp : 2.25.

COMMISSION REGULATION (EEC) No 1377/78

of 23 June 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 1254/78⁽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 1 June annexed
to this Regulation.

Article 2

This Regulation shall enter into force on 24 June
1978.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 23 June 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	88.51
10.01 B	Durum wheat	133.79 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	87.64 ⁽⁶⁾
10.03	Barley	81.66
10.04	Oats	79.63
10.05 B	Maize, other than hybrid maize for sowing	76.83 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	81.94 ⁽⁴⁾
10.07 C	Grain sorghum	82.97 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	136.13
11.01 B	Rye flour	134.91
11.02 A I a)	Durum wheat groats and meal	218.55
11.02 A I b)	Common wheat groats and meal	145.27

⁽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 1378/78

of 23 June 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 1254/78 ⁽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 24 June
1978.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 23 June 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 6	1st period 7	2nd period 8	3rd period 9
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a./tonne)

CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1379/78

of 23 June 1978

altering the export levies on starch products manufactured from rice

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 organiza-
tion of the market in rice ⁽¹⁾, as last amended by Regu-
lation (EEC) No 1260/78 ⁽²⁾,

Having regard to Council Regulation (EEC) No
2742/75 of 29 October 1975 on production refunds in
the cereals and rice sectors ⁽³⁾, as last amended by
Regulation (EEC) No 1127/78 ⁽⁴⁾, and in particular
Article 6 (2) thereof,

Whereas the export levies on starch products manufac-
tured from rice were fixed by Regulation (EEC) No
1208/78 ⁽⁵⁾, as last amended by Regulation (EEC) No
1322/78 ⁽⁶⁾;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1208/78 to the
prices of broken rice that the levies at present in force
should be altered as shown in the Annex to this Regu-
lation,

HAS ADOPTED THIS REGULATION:

Article 1

The export levies provided for in Article 6 (2) of Regu-
lation (EEC) No 2742/75, fixed in the Annex to
amended Regulation (EEC) No 1208/78, are altered as
shown in the table annexed to this Regulation for the
products listed therein.

Article 2

This Regulation shall enter into force on 24 June
1978.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 11.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽⁴⁾ OJ No L 142, 30. 5. 1978, p. 24.

⁽⁵⁾ OJ No L 147, 3. 6. 1978, p. 32.

⁽⁶⁾ OJ No L 159, 17. 5. 1978, p. 5.

ANNEX

to the Commission Regulation of 23 June 1978 altering the export levies on starch
products manufactured from rice

(u.a./tonne)

CCT heading No	Description	Export levy
11.08 A II	Rice starch	15.17

COMMISSION REGULATION (EEC) No 1380/78

of 23 June 1978

fixing the export refunds on rice and broken rice

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 organiza-
tion of the market in rice ⁽¹⁾, as last amended by Regu-
lation (EEC) No 1260/78 ⁽²⁾, and in particular the first
sentence of the fourth subparagraph of Article 17 (2)
thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of that Regulation and prices for those
products within the Community may be covered by
an export refund;

Whereas Article 2 of Council Regulation (EEC) No
1431/76 of 21 June 1976 laying down general rules
for granting export refunds on rice and criteria for
fixing the amount of such refunds ⁽³⁾, provides that
when refunds are being fixed account must be taken
of the existing situation and the future trend with
regard to prices and availabilities of rice and broken
rice on the Community market on the one hand and
prices for rice and broken rice on the world market
on the other; whereas the same Article provides that
it is also important to ensure equilibrium and the
natural development of prices and trade on the rice
market and, furthermore, to take into account the
economic aspect of the proposed exports and the need
to avoid disturbance of the Community market;

Whereas Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down
the maximum percentage of broken rice allowed in
rice for which an export refund is fixed and specifies
the percentage by which that refund is to be reduced
where the proportion of broken rice in the rice
exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76
defines the specific criteria to be taken into account
when the export refund on rice and broken rice is
being calculated;

Whereas the world market situation or the specific
requirements of certain markets may make it neces-
sary to vary the refund for certain products according
to destination;

Whereas the refund must be fixed at least once a
month; whereas it may be altered in the intervening
period;

Whereas, if the refund system is to operate normally,
refunds should be calculated on the following basis:

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

Whereas it follows from applying these rules and
criteria to the present situation on the market in rice
and in particular to quotations or prices for rice and
broken rice within the Community and on the world
market, that the refund should be fixed as shown in
the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products listed in Article 1 of
Regulation (EEC) No 1418/76 with the exception of
those listed in paragraph 1 (c) of that Article, exported
in the natural state, are hereby fixed as shown in the
Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June
1978.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 11.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

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

COMMISSION REGULATION (EEC) No 1381/78

of 23 June 1978

fixing the corrective amount applicable to the refund on rice and broken rice

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 organiza-
tion of the market in rice ⁽¹⁾, as last amended by Regu-
lation (EEC) No 1260/78 ⁽²⁾, and in particular the
second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the first subparagraph of Article 17 (4) of
Regulation (EEC) No 1418/76 provides that the
export refund applicable to rice and broken rice on
the day on which application for an export licence is
made, adjusted for the threshold price which will be
in force during the month of exportation, must be
applied on request to exports to be effected during the
period of validity of the licence;

Whereas Regulation No 474/67/EEC ⁽³⁾, as amended
by Regulation (EEC) No 1397/68 ⁽⁴⁾, lays down
detailed rules for the advance fixing of the export
refund on rice and broken rice;

Whereas that Regulation provides that the refund
applicable on the day on which application for an
export licence is made must, when it is fixed in
advance, be reduced by an amount no greater than the
difference between the cif forward delivery price and
the cif price, where the former exceeds the latter by
more than 0.25 unit of account per tonne; whereas,
on the other hand, the refund must be increased by
an amount no greater than the difference between the
cif price and the cif forward delivery price, where the
former exceeds the latter by more than 0.25 unit of
account per tonne;

Whereas the cif price is that determined in accor-
dance with Article 16 of Regulation (EEC) No

1418/76; whereas the cif forward delivery price is that
determined in accordance with Article 3 (2) of Regula-
tion (EEC) No 1428/76 ⁽⁵⁾, based, in respect of each
month for which the export licence is valid, on the cif
price calculated on the basis of offers for shipment
during the month of exportation;

Whereas, if the refund system is to operate normally,
refunds should be calculated on the following basis:

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

Whereas it follows from applying all these provisions
that the corrective amount applicable on 24 June
1978 must be fixed as shown in the table annexed to
this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of
Regulation (EEC) No 1418/76 which is applicable to
the export refunds fixed in advance in respect of rice
and broken rice is hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 24 June
1978.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 11.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

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

Done at Brussels, 23 June 1978.

For the Commission
Finn GUNDELACH
Vice-President

ANNEX

to the Commission Regulation of 23 June 1978 altering the corrective amount applicable to the refund on rice and broken rice

23 June (u.a. / tonne)							
CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11
10.06	Rice :						
	A. Paddy rice ; husked rice :						
	I. Paddy rice :						
	a) Round grain	—	—	—	—	—	—
	b) Long grain	—	—	—	—	—	—
	II. Husked rice :						
	a) Round grain	—	—	—	—	—	—
	b) Long grain	0	0	0	0	0	0
	B. Semi-milled or wholly milled rice :						
	I. Semi-milled rice :						
	a) Round grain	—	—	—	—	—	—
	b) Long grain	—	—	—	—	—	—
	II. Wholly milled rice :						
	a) Round grain	—	—	—	—	—	—
	b) Long grain	0	0	0	0	0	0
	C. Broken rice	—	—	—	—	—	—

COMMISSION REGULATION (EEC) No 1382/78

of 23 June 1978

opening an invitation to tender for the mobilization of milled long grain rice as food aid for the Republic of Guinea

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 1126/78⁽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 30 January 1978 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, 1 725 tonnes of milled long grain rice) to the Republic of Guinea under its 1977/78 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 to the dock or in the lighter where applicable at the port of unloading;

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 for the purpose of guaranteeing that the obligations arising by virtue of participation in the invitation to tender for supplies to the Republic of Guinea will be fulfilled;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply to the Republic of Guinea by way of Community food-aid action, of 1 725 tonnes of milled long grain rice.
2. The tendering procedure shall take place in Italy in one lot. The product shall be mobilized on the Community market. The products shall be loaded for departure from any Community port.
3. The invitation to tender provided for in paragraph 1 is for supply of products to the dock, or in the lighter where applicable in the port of Conakry.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 142, 30. 5. 1978, p. 23.

⁽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.

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

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks:

'Riz — Don de la Communauté économique européenne à la République de Guinée'.

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 10 July 1978.

2. The closing date for the submission of tenders shall be 10 July 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. 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 tenders.

Article 4

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

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

Article 5

1. The 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 milled long grain rice referred to in Article 1 to be supplied to the Republic of Guinea must meet the following requirements:

- moisture: 15 %;
- broken rice: 5 % 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 Republic of Guinea of the milled long grain rice referred to in Article 1 must relate to a product with the following characteristics:

- moisture: 15 %;
- broken rice: 5 % 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 (2) to the tenderer in the currency of the Member State in which the operations relating to the tendering are completed.

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

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

The intervention agency shall transmit the information provided for 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*.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1383/78

of 23 June 1978

opening an invitation to tender for the mobilization of durum wheat as food aid
for the People's Republic of Mozambique

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 1125/78⁽²⁾,

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

Whereas on 30 January 1978 the Council of the Euro-
pean Communities declared that by way of Commu-
nity action it proposed to grant the People's Republic
of Mozambique 1 500 tonnes of durum wheat under
its 1976/77 and 1977/78 food-aid programme;

Whereas pursuant to Article 3 (3) of Council Regula-
tion (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 Maputo that is at
the moment when the goods are actually placed on
the dock or in the lighter where applicable;

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

Whereas the contract should be awarded to the
tenderer offering the best terms;

Whereas in case it should be impossible for reasons of
force majeure to complete the operation in question
within the set time limits, it must be made clear who
is to bear any costs resulting therefrom;

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 French intervention agency should be
made responsible for the tendering procedure in ques-
tion;

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 envis-
aged should be adopted in accordance with the condi-
tions laid down in Article 3 (2) of Council Regulation
No 129 on the value of the unit of account and the
exchange rates to be applied for the purposes of the
common agricultural policy⁽⁴⁾, as last amended by
Regulation (EEC) No 2543/73⁽⁵⁾, and in particular
Article 3 thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply, by
way of Community food-aid action, to the People's
Republic of Mozambique of 1 500 tonnes of durum
wheat.

2. The tendering procedure shall take place in
France 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 para-
graph 1 is for supply of products delivered Maputo,
that is at the moment when the goods are actually
placed on the dock or in the lighter where applicable.

4. The product shall be delivered in bulk.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 142, 30. 5. 1978, p. 21.

⁽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.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 7 July 1978.
2. The closing date for submission of tenders shall be 7 July 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 submission of tenders.

Article 3

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

Such correction shall be made by:

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

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

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

Article 4

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

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

Article 5

1. The tenderer shall give security of a value of five units of account per tonne of goods.

It shall be released:

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
- in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
- in the case of the successful tenderer for quantities not supplied by reason of *force majeure*.

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

Article 6

The product referred to in Article 1 must be of fair and sound merchantable quality, be free from odour, and correspond at least to the standard quality for which the intervention price is fixed.

Article 7

1. The French intervention agency shall be responsible for organizing 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 this 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 request the successful tenderer to supply the following information :

- (a) after each shipment, a certificate showing the quantities dispatched and the quality of the products ;
- (b) the date of departure of the vessels.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it

shall send as soon as possible to the latter the information necessary for releasing the security.

Article 8

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

Article 9

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

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1384/78

of 23 June 1978

opening an invitation to tender for the mobilization of rolled oats as food aid
for the United Nations Children's Fund (UNICEF)

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 1125/78⁽²⁾,

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

Whereas on 30 January 1978 the Council of the Euro-
pean Communities declared that it proposed, by way
of Community action, to grant the equivalent of
12 200 tonnes of oats, in the form of 6 100 tonnes of
rolled oats, to UNICEF under its 1977/78 food-aid
programme;

Whereas pursuant to Article 3 (3) of Council Regula-
tion (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 to the dock or in the
lighter where applicable at the port of unloading;

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

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

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

Whereas the Dutch intervention agency should be
made responsible for organizing the invitation to
tender;

Whereas it is important that the Commission be
informed without delay 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 envis-
aged should be adopted in accordance with the condi-
tions laid down in Article 3 (2) of Council Regulation
No 129 on the value of the unit of account and the
exchange rates to be applied for the purposes of the
common agricultural policy⁽⁴⁾, as last amended by
Regulation (EEC) No 2543/73⁽⁵⁾, and in particular
Article 3 thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender shall be issued in respect
of the supply of 6 100 tonnes of rolled oats to
UNICEF by way of Community food-aid action.
2. The tendering procedure shall take place in the
Netherlands in two lots. The product shall be mobi-
lized on the Community market. The product shall be
loaded for departure from a Community port.
3. The invitation to tender provided for in para-
graph 1 is for supply of products to the dock, or in
the lighter where applicable in one of the ports of
unloading listed in the Annex hereto.
4. The successful tenderer shall deliver the
products specified in paragraph 1 in sacks of 25 kilo-
grams net according to the conditions laid down in
the Annex hereto.

Article 2

1. The decision on tenders received in response to
the invitation provided for in Article 1 shall be taken
on 7 July 1978.
2. The closing date for submission of tenders shall
be 7 July 1978 at 12 noon.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 142, 30. 5. 1978, p. 21.

⁽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.

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 submission of tenders.

Article 3

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

2. Tenders must in particular mention the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs export formalities for the products concerned.

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

Such correction shall be made by:

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

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

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

Article 4

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

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

Article 5

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

It shall be released:

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
- in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
- in the case of the successful tenderer for quantities not supplied by reason of *force majeure*.

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

Article 6

1. The rolled oats referred to in Article 1 to be supplied to UNICEF must meet the requirements contained in the Annex hereto.

Oats not meeting these requirements shall be refused.

2. Tenders for supply to UNICEF of the rolled oats referred to in Article 1 must relate to a product with the characteristics contained in the Annex hereto.

Article 7

1. The Dutch intervention agency shall be responsible for 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 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 request the successful tenderer to supply the following information :

- (a) after each shipment a certificate showing the quantities dispatched and the quality of the products ;
- (b) the date of the departure of the vessels, the expected date of arrival of the products at their destination ;
- (c) all possible contingencies which might occur during transportation of the products.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

5. When the intervention agency responsible for the operations relating to tendering is not the interven-

tion agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

Article 8

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

Article 9

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

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

SPECIFICATIONS

Production of quick-cooking oat flakes :

- Raw oats* : First quality high-density oats.
- Cleaning and preparation* : Oats to be cleaned of extraneous matter, debittered and stabilized by treatment with steam.
- Hulling* : Oats to be size-classified and hulled. After separation of husks, oat kernels to be scoured and polished.
- Groats* : Oat kernels to be cut, sorted and air-cleaned. Groats dampened and pre-cooked with steam, then rolled to flakes.
- Oat flakes* : To be packaged in 25 kg bags (2 % empty bags).

Bag composition :

- four bags of Kraft paper, of a strength corresponding to a weight of at least 70 g/m² ;
- one interposed bag made of tarred paper of a strength corresponding to a weight of at least 140 g/m² ;
- one double-bound polyethylene internal pocket at least 0.06 mm thick ;
- top and bottom seals of bag to be pasted ;
- insect repellent to be applied to outside of bag.

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'.

Quality of oat-flakes :

- Humidity : less than 12 %.
- Ash content : less than 2.3 % of dry matter.
- Crude fibre : less than 1.5 % of dry matter.
- Husk content : less than 0.10 % of dry matter.
- Protein content : not less than 14 % of dry matter.

No of lot	Port of unloading	Tonnage cif	Loading period	Inscription on the sacks
1	Haiphong	3 050	1.—30. 9. 1978	Flocons d'avoine / Don de la Communauté économique européenne / Action du Fonds des Nations unies pour l'enfance (UNICEF)
2	Haiphong	3 050	1.—30. 11. 1978	

COMMISSION REGULATION (EEC) No 1385/78

of 23 June 1978

opening an invitation to tender for the mobilization of maize as food aid for
Guinea Bissau

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 1125/78⁽²⁾,

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

Whereas on 30 January 1978 the Council of the Euro-
pean Communities declared that by way of Commu-
nity action it proposed to grant Guinea Bissau 2 500
tonnes of maize under its 1977/78 food-aid
programme ;

Whereas pursuant to Article 3 (3) of Council Regula-
tion (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 Bissau that is at
the moment when the goods are actually placed on
the dock or in the lighter where applicable ;

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

Whereas the contract should be awarded to the
tenderer offering the best terms ;

Whereas in case it should be impossible for reasons of
force majeure to complete the operation in question
within the set time limits, it must be made clear who
is to bear any costs resulting therefrom ;

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 French intervention agency should be
made responsible for the tendering procedure in ques-
tion ;

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 envis-
aged should be adopted in accordance with the condi-
tions laid down in Article 3 (2) of Council Regulation
No 129 on the value of the unit of account and the
exchange rates to be applied for the purposes of the
common agricultural policy⁽⁴⁾, as last amended by
Regulation (EEC) No 2543/73⁽⁵⁾, and in particular
Article 3 thereof ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Tenders are hereby invited for the supply, by
way of Community food-aid action, to Guinea Bissau
of 2 500 tonnes of maize.
2. The tendering procedure shall take place in
France 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 para-
graph 1 is for supply of products delivered Bissau that
is at the moment when the goods are actually placed
on the dock or in the lighter where applicable.
4. The successful tenderer shall deliver the product
specified in paragraph 1 in new jute sacks of a net
capacity of 50 kilograms.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 142, 30. 5. 1978, p. 21.

⁽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.

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks :

'Milho — Dom da comunidade economica europeia'.

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 7 July 1978.

2. The closing date for submission of tenders shall be 7 July 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 submission of tenders.

Article 3

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

2. Tenders must in particular mention the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs export formalities for the products concerned.

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

Such correction shall be made by :

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

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

- in the case when the currencies concerned are kept at any given moment within a band of 2.25 %, a conversion rate resulting from their central rate,

- in the other cases, the average of the spot rates of the currencies concerned recorded in the Member State in which the invitation to tender is issued during a period from the Wednesday of one week to the Tuesday of the following week being the period immediately preceding the closing date for submission of tenders.

Article 4

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

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

Article 5

1. The tenderer shall give security of a value of five units of account per tonne of goods.

It shall be released :

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
- in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
- in the case of the successful tenderer for quantities not supplied by reason of *force majeure*.

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

Article 6

The product referred to in Article 1 must be of fair and sound merchantable quality and correspond at least to the standard for which the intervention price is fixed.

If the product does not meet these requirements it shall be refused.

Article 7

1. The French intervention agency shall be responsible for organizing 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 this 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 request the successful tenderer to supply the following information:

- (a) after each shipment a certificate showing the quantities dispatched and the quality of the products;
- (b) the date of departure of the vessels;
- (c) all possible contingencies which might occur during transportation of the products.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

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

Article 8

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

Article 9

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

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1386/78

of 23 June 1978

opening an invitation to tender for the mobilization of common wheat as food
aid for the People's Republic of Mozambique

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 1125/78⁽²⁾,

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

Whereas on 30 January 1978 the Council of the Euro-
pean Communities declared that by way of Commu-
nity action it proposed to grant the People's Republic
of Mozambique 25 000 tonnes of common wheat
under its 1976/77 and 1977/78 food-aid programme;

Whereas pursuant to Article 3 (3) of Council Regula-
tion (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 placed on the quay at the
port of unloading;

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

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

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

Whereas provisions should be made for security to be
given for the purpose of guaranteeing that the obliga-
tions arising by virtue of participation in the invita-
tion to tender for supplies to the People's Republic of
Mozambique will be fulfilled;

Whereas the French intervention agency should be
made responsible for the tendering procedure in ques-
tion;

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 envis-
aged should be adopted in accordance with the condi-
tions laid down in Article 3 (2) of Council Regulation
No 129 on the value of the unit of account and the
exchange rates to be applied for the purposes of the
common agricultural policy⁽⁴⁾, as last amended by
Regulation (EEC) No 2543/73⁽⁵⁾, and in particular
Article 3 thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply to the
People's Republic of Mozambique by way of Commu-
nity food-aid action of 25 000 tonnes of common
wheat.

2. The tendering procedure shall take place in
France in two lots. The product shall be mobilized on
the Community market. The product shall be loaded
for the departure from any Community port.

3. The invitation to tender provided for in para-
graph 1 is for supply of products delivered on the
quay in one of the ports of unloading listed in the
Annex.

4. The product shall be delivered in bulk.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 142, 30. 5. 1978, p. 21.

⁽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.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 7 July 1978.
2. The closing date for submission of tenders shall be 7 July 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 submission of tenders.

Article 3

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

Such correction shall be made by :

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

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

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

Article 4

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

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

Article 5

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

It shall be released :

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
- in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
- in the case of the successful tenderer for quantities not supplies by reason of *force majeure*.

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

Article 6

The common wheat referred to in Article 1 to be supplied to the People's Republic of Mozambique must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 14 % and that a maximum of 3 % of sprouted grains and 1.5 % of miscellaneous impurities shall be allowed.

Article 7

1. The French intervention agency shall be responsible for organizing 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 request the successful tenderer to supply the following information :

- (a) after each shipment a certificate showing the quantities dispatched and the quality of the products ;
- (b) the date of departure of the ships ;
- (c) all possible contingencies which might occur during transportation of the products.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

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

Article 9

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

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

Done at Brussels, 23 June 1978.

For the Commission
Finn GUNDELACH
Vice-President

ANNEX

Number of lot	Port of unloading	Minimum rate of unloading	Tonnage cif
1	Maputo	} Customs of the port	15 000
2	Beira		10 000

COMMISSION REGULATION (EEC) No 1387/78

of 23 June 1978

laying down the method for determining the minimum bread-making quality of common wheat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1254/78⁽²⁾, and in particular Article 4 (3) thereof,

Having regard to Council Regulation (EEC) No 1256/78 of 12 June 1978 laying down the minimum requirements for common wheat for bread-making⁽³⁾,

Whereas common wheat is considered to be of minimum bread-making quality when its chemical and biochemical properties are satisfactory, and when, after milling the wheat to flour, mechanical handling of the dough obtained from such flour is possible; whereas, in order to assess the behaviour of the dough subjected to mechanical handling for bread-making purposes, it is sufficient to apply only the first part of the European baking test developed at the Commission's request by a group of Community laboratories; 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

Common wheat shall be considered to be of minimum bread-making quality when the amylase activity of the ground grain is acceptable and when, after milling the wheat to flour, the dough obtained from such flour proves to be non-sticky and machinable.

Article 2

The amylase activity of the ground grain shall be considered to be acceptable if the falling number is not less than 160 seconds.

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

Done at Brussels, 23 June 1978.

The falling number shall be determined in accordance with the methods recognized by the International Association for Cereal Chemistry (ICC), the standards of which are laid down under the following heading:

— No 107: determination of the falling number (according to Hagberg-Perten) as a measure of the degree of alpha amylase activity in grain and flour.

Article 3

To be considered as non-sticky and machinable, the dough shall meet the following requirements:

- (a) at the end of the mixing, the dough should form a coherent mass which hardly adheres to the sides of the bowl and spindle of the mixer. It should be possible to collect the dough easily by hand and remove it from the mixing bowl in a single motion without noticeable loss;
- (b) during moulding, the dough should adhere hardly, or not at all, to the sides of the dough moulding chamber so that it can freely rotate around itself and form a regular ball. At the end of the operation the dough should not stick to the sides of the chamber when the lid of the chamber is raised.

These characteristics shall be assessed by applying the first part of the European baking test according to the standard method set out in the Annex hereto.

Article 4

The costs relating to the baking test and the test of amylase activity shall be borne by the offerer. In the event of a dispute, the intervention agency shall submit the common wheat in question to a further baking test, the cost of which shall be borne by the losing party.

Article 5

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 August 1978.

For the Commission
Finn GUNDELACH
Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 156, 14. 6. 1978, p. 4.

ANNEX**PRACTICAL REFERENCE METHOD FOR DETERMINING THE MINIMUM BREAD-MAKING QUALITY OF COMMON WHEAT****1. Title**

Method for test baking of wheat flour.

2. Scope

The method is applicable to flour, experimentally milled from wheat for the production of yeast raised bread (see also 10.3)

3. Principle

A dough is made from flour, water, yeast, salt and sucrose, in a specified mixer. After dividing and rounding, the pieces are given 30 minutes rest; they are moulded, placed on baking sheets and baked after a final proof of fixed duration. Dough handling properties are noted. The loaves are judged by volume and height.

4. Ingredients**4.1. Yeast**

Active dry yeast Engedura (Gist-Brocades NV, Yeast Division) or a product having the same characteristics.

4.2. Water

Tap water.

4.3. Sugar-salt-ascorbic acid solution

Dissolve 30 ± 0.5 g of sodium chloride (commercial grade), 30 ± 0.5 g of sucrose (commercial grade), and 0.040 ± 0.001 g ascorbic acid in 800 ± 5 g of water. Prepare fresh daily.

4.4. Sugar solution

Dissolve 5 ± 0.1 g sucrose (commercial grade) in 95 ± 1 g of water. Prepare fresh daily.

4.5. Enzyme active malt flour

Commercial grade.

5. Equipment and apparatus**5.1. Baking room**

Controlled to maintain a temperature of 22 to 25 °C.

5.2. Refrigerator

For maintaining a temperature of 4 ± 2 °C.

5.3. Balance

Maximum load 2 kg, accuracy 2 g.

5.4. Balance

Maximum load 0.5 kg, accuracy 0.1 g.

5.5. Analytical balance

Accuracy $0.1 \cdot 10^{-3}$ g.

5.6. Mixer

Stephan UMTA 10, with mixing arm model 'Detmold' (A. Stephan Söhne GmbH) or similar equipment having the same characteristics.

5.7. Proving cabinet

Controlled to maintain a temperature of 30 ± 1 °C.

5.8. Open plastic boxes

Made from polymethylmethacrylate (Plexiglas, Perspex). Inside dimensions : $25 \times 25 \times 15$ cm height, wall thickness 0.5 ± 0.05 cm.

5.9. Square plastic sheets

Made from polymethylmethacrylate (Plexiglas, Perspex). At least 30×30 cm, thickness 0.5 ± 0.05 cm.

5.10. Moulder

Brabender ball homogenizer (Brabender OHG) or similar equipment having the same characteristics.

5.11.**5.12.****5.13.****6. Sampling**

According to ICC Standard No 101.

7. Procedure**7.1. Determination of water uptake**

Determine the water absorption according to ICC Standard No 115 (see also 10.1).

7.2. Determination of malt flour addition

Determine the 'falling number' of the flour according to ISO 3093-1974. If the 'falling number' is higher than 250, determine the malt flour addition required to bring the 'falling number' within the range 200 to 250, using a series of mixtures of the flour with increasing quantities of malt flour (4.5). If the 'falling number' is lower than 250, no malt flour is required.

7.3. Reactivation of active dry yeast

Adjust the temperature of the sugar solution (4.4) to 35 ± 1 °C. Pour one part by weight of the active dry yeast into four parts by weight of this tempered sugar solution. Do not stir. Swirl if necessary.

Allow to stand for $10 \pm$ one minutes, then stir until a homogeneous suspension is obtained. Use this suspension within 10 minutes.

7.4. Temperature adjustment of the flour and the dough liquid.

The temperature of the flour and the water must be adjusted to give a dough temperature of 27 ± 1 °C after mixing.

7.5. Dough composition

Weigh, with a precision of 2 g, $10 y/3$ g flour on as-is moisture basis (corresponding to 1 kg flour on a 14 % mb), in which 'y' is the quantity of flour used in the farinograph test (see ICC Standard No 115, clause 9.1).

Weigh, with a precision of 0.2 g, the quantity of malt flour necessary to bring the 'falling number' within the range 200 to 250 (7.2).

Weigh 430 ± 5 g sugar-salt-ascorbic acid solution (4.3) and add water to a total mass of $(x-9) \cdot 10y/3$ g (see 10.2) in which 'x' is the quantity of water used in the farinograph test (see ICC Standard No 115, clause 9.1). This total mass (usually between 450 and 650 g) must be achieved with a precision of 1.5 g.

Weigh 90 ± 1 g yeast suspension (7.3).

Note the total mass of the dough (P), which is the sum of the masses of flour, sugar-salt-ascorbic acid solution plus water, yeast suspension, and malt flour.

7.6. Mixing

Before starting, bring the mixer to a temperature of 27 ± 1 °C by use of a suitable quantity of tempered water.

Place the liquid dough ingredients in the mixer and place the flour plus malt flour on top.

Start the mixer (speed 1, 1 400 rev./min. and allow to run for 60 seconds. 20 seconds after the start of mixing, turn the scraper attached to the lid of the mixing bowl two revolutions.

Measure the temperature of the dough. If it is outside the range 26 to 28 °C, discard the dough and mix a new one after adjustment of ingredient temperatures.

Note dough properties using one of the following terms:

- non-sticky and machinable, or
- sticky and non-machinable.

To be considered as 'non-sticky and machinable' at the end of mixing, the dough should form a coherent mass which hardly adheres to the sides of the bowl and spindle of the mixer. It should be possible to collect the dough by hand and remove it from the mixing bowl in a single motion without noticeable loss.

7.7. Dividing and rounding

Weigh, with precision of 2 g, three pieces of dough according to the formula:

$p = 0.25 P$ where:

p = mass of scaled dough piece;

P = total mass of dough.

Immediately round the pieces for 15 seconds in the moulder (5.10) and place them for 30 ± 2 minutes on the square plastic sheets (5.9), covered by the inverted plastic boxes (5.8) in the proving cabinet (5.7). Do not use dusting flour.

7.8. Moulding

Bring the pieces of dough on the plastic sheets, covered by the inverted boxes, to the moulder (5.10), and re-round each piece for 15 seconds. Do not remove cover from a piece of dough until immediately before rounding. Note dough properties again, using one of the following terms:

- non-sticky and machinable, or
- sticky and non-machinable.

To be considered as 'non-sticky and machinable' the dough should adhere hardly, or not at all, to the sides of the chamber so that it can freely rotate around itself and form a regular ball during the operation of the machine. At the end of the operation the dough should not stick to the sides of the dough-moulding chamber when the lid of the chamber is raised.

7.9.

7.10.

8.

9. Test report

The test report should mention :

- dough handling properties at the end of mixing, and at moulding,
- the 'falling number' of the flour without addition of malt flour,
- any anomalies observed.

It should further include :

- the method used,
- all details required for the identification of the sample.

10. General remarks

10.1. The English version of ICC Standard No 115 is the authentic text. As the French and German versions are not in conformity with this text, they must not be used.

10.2. The formula for the calculation of the quantity of dough liquid is based on the following considerations :

Addition of x ml water to the equivalent of 300 g flour at 14 % moisture produces the required consistency. As in the baking test 1 kg of flour (14 % moisture basis) is used, whereas x is based on 300 g of flour, for the baking test x divided by three and multiplied by 10 g of water is needed, so $10x/3$ g. The 430 g sugar-salt-ascorbic acid solution contains 15 g salt and 15 g sugar. This 430 g solution is included in the dough liquid. So to add $10x/3$ g water to the dough, $(10x/3 + 30)$ g dough liquid composed of the 430 g sugar-salt-ascorbic acid solution and an additional quantity of water must be added. Although part of the water added with the yeast suspension is absorbed by the yeast, this suspension also contains 'free' water. It is arbitrarily supposed that 90 g yeast suspension contains 60 g 'free' water. The quantity of the dough liquid must be corrected for this 60 g of 'free' water in the yeast suspension, so $10x/3$ plus 30 minus 60 g must finally be added. This can be rearranged as follows:

$(10x/3 + 30) - 60 = 10x/3 - 30 = (x/3 - 3) 10 = (x - 9) 10/3$, the formula given in clause 7.5.

If, e.g., a water addition x in the farinograph test was found of 165 ml, this value must be substituted in this formula, so to the 430 g sugar-salt-ascorbic acid solution water must be added to a total mass of :

$(165 - 9) 10/3 = 156 \cdot 10/3 = 520$ g.

10.3. The method is not directly applicable to wheat. The procedure to be followed for characterizing the baking properties of wheat is as follows :

Clean the wheat, and determine the moisture content of the cleaned wheat. If the moisture content is within the range 15 to 16 %, do not temper the wheat. If the moisture content is outside this range, adjust the moisture content to 15.5 ± 0.5 %, at least three hours prior to milling.

Mill the wheat into flour using a Bühler laboratory mill MLU 202 or a Brabender Quadrumat Senior mill or similar equipment having the same characteristics.

Choose a milling procedure that yields a flour of minimum 72 % extraction, with an ash content of 0.50 to 0.60 % on dry matter basis. Determine the ash content of the flour according to the Annex to Regulation No 162/67/EEC of 23 June 1967, and the moisture content according to Annex II to Regulation (EEC) No 2731/75 of 29 October 1975. Calculate the extraction rate by the equation :

$$E = \frac{(100 - f) F}{(100 - w) W} \cdot 100 \%$$

in which :

E = extraction rate ;

f = moisture content of the flour ;

w = moisture content of the wheat ;

F = mass of flour produced with moisture content 'f' ;

W = mass of wheat milled with moisture content 'w'.

Note : Information concerning the ingredients and equipment to be used is published in Document 77/300 of 31 March 1977 from the Instituut voor Graan, Meel en Brood TNO — Wageningen, Postbus 15, Wageningen (Nederland).

COMMISSION REGULATION (EEC) No 1388/78

of 23 June 1978

applying a special intervention measure for common wheat of bread-making quality at the start of the 1978/79 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1254/78 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas provision has been made for supporting the production of common wheat of good bread-making quality at the level of the reference price; whereas provision should also be made for supporting the market prices of common wheat of minimum bread-making quality, where necessary by reference to the said reference price;

Whereas the insufficient gap laid down between the reference price and the target price of maize has led to some concern regarding the behaviour of the market at the start of the marketing year; whereas, therefore, in accordance with Article 8 of Regulation (EEC) No 2727/75, provision should be made to apply special intervention measures by means of buying in any quantities of common wheat of bread-making quality offered to intervention agencies at the start of the 1978/79 marketing year; whereas such purchases should be carried out under the conditions laid down in Articles 1 and 2 of Council Regulation (EEC) No 2738/75 of 29 October 1975 laying down general rules for intervention on the market in cereals ⁽³⁾;

Whereas the conditions laid down in Commission Regulation (EEC) No 1629/77 of 20 July 1977 laying down detailed rules of application for special interven-

tion measures to support the development of the market in common wheat of bread-making quality ⁽⁴⁾ are, for the abovementioned reasons, likely to be satisfied at the start of the 1978/79 marketing year;

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

The intervention agencies of all Member States shall buy in at the reference price, in accordance with Article 5 of Regulation (EEC) No 1629/77, any quantities of common wheat of bread-making quality offered to them during August, September and October of the 1978/79 marketing year.

The delivery of the quantities offered must take place not later than 30 November 1978.

Such purchases shall be made in any of the intervention centres laid down for common wheat, under the conditions laid down in Articles 1 and 2 of Regulation (EEC) No 2738/75.

Where delivery takes place in November 1978, the price payable shall be that for October 1978.

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 August 1978.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 49.

⁽⁴⁾ OJ No L 181, 21. 7. 1977, p. 26.

COMMISSION REGULATION (EEC) No 1389/78

of 22 June 1978

re-establishing intervention buying-in of beef in the United Kingdom

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
805/68 of 27 June 1968 on the common organization
of the market in beef and veal ⁽¹⁾, as last amended by
Regulation (EEC) No 425/77 ⁽²⁾, and in particular
Article 6 (4) (b) thereof,

Whereas in application of Article 3 (1) of Council
Regulation (EEC) No 995/78 of 12 May 1978 fixing
the guide price and the intervention price for adult
bovine animals for the 1978/79 marketing year ⁽³⁾,
intervention buying-in was suspended by Commission
Regulation (EEC) No 1244/78 of 9 June 1978 tempor-
arily suspending intervention buying-in of certain
qualities of meat in certain Member States ⁽⁴⁾;

Whereas the market prices for 'Steers L/M' and 'Steers
T' recorded in Northern Ireland on 8 and 15 June

1978 had returned to a level below the maximum
buying-in price fixed for these qualities; whereas inter-
vention buying-in for these qualities must recom-
mence, in accordance with Article 3 (3) of Regulation
(EEC) No 995/78,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in by the United Kingdom intervention
agency shall recommence on 26 June 1978 for the
following qualities:

Northern Ireland: Steer L/M,
Steers T.

Article 2

This Regulation shall enter into force on 26 June
1978.

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

Done at Brussels, 22 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 5. 3. 1977, p. 1.

⁽³⁾ OJ No L 130, 18. 5. 1978, p. 1.

⁽⁴⁾ OJ No L 154, 10. 6. 1978, p. 13.

COMMISSION REGULATION (EEC) No 1390/78

of 23 June 1978

amending Regulation (EEC) No 2835/77 laying down detailed rules with respect to aid for durum wheat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1254/78⁽²⁾, and in particular Article 10 (5) thereof,

Whereas Council Regulation (EEC) No 1259/78 of 12 June 1978⁽³⁾ grants a production aid for durum wheat in certain French regions and in three Italian regions, for which the Commission has made no proposal, which involves a change in certain detailed rules for granting of this aid laid down in Commission Regulation (EEC) No 2835/77 of 19 December 1977 laying down detailed rules with respect to aid for durum wheat⁽⁴⁾, particularly as regards certain time limits and also the declaration of areas;

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. In Article 4, Regulation (EEC) No 2835/77 is hereby amended as follows: the following paragraph 3 is added:

'3. For the 1978/79 marketing year, the application referred to in paragraph 1 may be submitted up to 15 July 1978. However, in those regions where aid was not granted for the 1977/78 marketing year, the application may be submitted up to 30 September 1978.'

2. In Article 5, the following third paragraph is added:

'For the 1978/79 marketing year, in those regions where aid was not granted for the 1977/78 marketing year, the checks in these regions shall cover the areas harvested.'

3. In Article 6, the following paragraph 3 is added:

'3. For the 1978/79 marketing year, the Member State shall pay the aid not later than 31 July 1979.'

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, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 156, 14. 6. 1978, p. 9.

⁽⁴⁾ OJ No L 327, 20. 12. 1977, p. 9.

COMMISSION REGULATION (EEC) No 1391/78**of 23 June 1978****laying down amended rules for the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds⁽¹⁾, as last amended by Regulation (EEC) No 1041/78⁽²⁾, and in particular Article 7 thereof,

Whereas application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds has been extended; whereas certain conditions laid down in Regulation (EEC) No 1078/77 have been amended; whereas, therefore, Commission Regulation (EEC) No 1307/77 of 15 June 1977 laying down rules for the application of the system of premiums for the non-marketing of milk and milk products and the conversion of dairy herds⁽³⁾, as last amended by Regulation (EEC) No 689/78⁽⁴⁾, should be amended accordingly, whereas experience requires that some of the rules should be clarified so as to assist their application; whereas, for the sake of clarity, it would appear advisable to repeal Regulation (EEC) No 1307/77 and to adopt a new text incorporating the provisions of Commission Regulation (EEC) No 36/78 of 9 January 1978 on certain special cases as regards the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds⁽⁵⁾;

Whereas, in order to ensure that a check can be kept throughout the period to which the obligations under the scheme relate, it is necessary to know not only the numbers of dairy cows but also the numbers of all-female animals suitable for milk production; whereas all such animals must therefore be registered and marked and their particulars entered on an identity card, by means of which it may be checked whether the use of the animal has been in accordance with the

rules; whereas, however, since a system of identity cards is open to abuse in the event of the animals being sold, it is desirable that it be made clear to farmers that they are to be responsible for its return, thus ensuring that they will not sell their animals without making the necessary provisions for the card to be returned to them;

Whereas in order to avoid any extra administrative work, existing national marks and identity cards may be used, cross-frontier trade is not involved;

Whereas, for the purposes of the conversion premium, the number of the various animals which the farmer may keep on his holding must be calculated in terms of a livestock unit equal to one adult bovine animal; whereas, since a change in the herd may be caused by seasonal factors or by the replacement of animals, without affecting the farmer's ability to fulfil his obligation, the number of livestock units should be calculated for each year in such a way that animals kept for a short period and animals whose classification changes in the course of the year as a result of age are counted on a year basis;

Whereas, in order that a check may be kept on compliance with the obligation not to use areas under forage for milk production, all such areas must be registered and, since an unforeseen change of use is possible, all areas belonging to the holding must in fact be registered;

Whereas premiums already paid must be recovered if the obligations under the premium system are not met; whereas, however, in certain cases, and in particular if the recipient is temporarily or permanently unable to fulfil these obligations by reason of circumstances beyond his control and which he cannot remedy save at disproportionate cost to himself⁽⁶⁾, it appears justified to release him temporarily or permanently from those obligations; whereas, however, the obligations under the premium system should continue to apply where the holding is transferred;

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 1.

⁽²⁾ OJ No L 134, 22. 5. 1978, p. 9.

⁽³⁾ OJ No L 150, 18. 6. 1977, p. 24.

⁽⁴⁾ OJ No L 93, 7. 4. 1978, p. 17.

⁽⁵⁾ OJ No L 7, 10. 1. 1978, p. 6.

⁽⁶⁾ ECR 1968, 549 and 1970, 1125.

Whereas regular communications from the Member States as to the number of applications submitted and approved are necessary in order that a check may be kept on the operation of the premium system and its uniform application; whereas such communications are also necessary for purposes of the report to the Council provided for in Article 13 of Regulation (EEC) No 1078/77;

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:

TITLE I

Definitions

Article 1

1. For the purposes of Regulation (EEC) No 1078/77 and this Regulation:

- (a) 'dairy cow' means a female domestic bovine animal suitable for the production of milk for marketing purposes and having calved at least once; this definition shall include in-calf heifers;
- (b) 'dairy herd' means all female domestic bovine animals at least six months old suitable for the production of milk for marketing;
- (c) 'cow of a beef breed' means a female domestic bovine animal having calved at least once and belonging to one of the breeds recognized as fit for meat production by the competent authority of the Member State concerned; the definition shall include in-calf heifers of a beef breed;
- (d) 'area under forage' means the total agricultural area farmed by a producer within the meaning of Article 5 (a) of Regulation (EEC) No 1078/77.

2. Only a heifer in respect of which the recipient has presented proof to the competent authorities that it calved or aborted within nine months after it was counted in for the purposes of the rights and obligations arising under this Regulation shall be recognized as a dairy cow or cow of a beef breed.

3. In determining the quantity of milk on which the premium will be calculated:

- (a) the following equivalences shall be applied to the dairy products disposed of by the producer in the 12 calendar months preceding the date when the application is lodged:

- one kilogram of milk equals one litre of milk,
- one kilogram of butter equals 23 litres of milk,
- one kilogram of cheese equals 10 litres of milk,
- one kilogram of milk fat equals 27 litres of milk;

(b) the quantity of milk arrived at by applying point (a) shall, where appropriate, be reduced proportionally:

- as provided for in Articles 2 (1) and 3 (1) of Regulation (EEC) No 1078/77, where the number of dairy cows kept on the holding as recorded on the date of approval of the application is less than the appropriate number for the quantity of milk in question;
- by a further amount, where it is found that during the period between the day when the application is lodged and the day when it is approved the applicant has not, in respect of all his dairy cows other than those which are the subject of a reduction made under the foregoing indent, observed the undertakings referred to in the second and third indents of Article 2 (2) (b) of Regulation (EEC) No 1078/77; this adjustment shall be calculated on the basis of the number involved of the livestock units referred to in Article 2 (1) (b).

Article 2

1. For the purposes of Article 3 (2) (c) of Regulation (EEC) No 1078/77:

- (a) the reference date shall be the date when the application for the conversion premium is approved;
- (b) the numbers of sheep and cattle shall be converted into livestock units (LU) on the following basis of one livestock unit equalling:
 - one domestic bovine animal at least 12 months old,
 - two domestic bovine animals between six and 12 months old,
 - five sheep at least 12 months old.

2. The required number of livestock units shall be considered to be kept when the producer presents satisfactory proof, for each year of the conversion period, that, having regard to the period for which each animal is kept and to its livestock value in that year as determined in accordance with paragraph 1 (b), the number as calculated on an annual average basis is not less than the number of livestock units at the reference date.

3. For the determination of the number of livestock units kept during the conversion period the following shall also be treated as one livestock unit :

- four domestic bovine animals less than six months old,
- 12 sheep less than 12 months old.

This provision shall apply to these categories only up to the point where they constitute 25 % of the total number of livestock units kept on the holding concerned.

Article 3

1. For the purposes of the premium system, the dates of lodging and approval of the application shall be determined in accordance with national law.

Member States may, however, provide that for the purposes of Articles 1 (3) (b), 2 (1) (a), 5 (1) (c) and 10 (1) (a) the date of approval of the application shall be considered to be the day on which the marking and registration referred to in Article 5 (1) (b) take place.

2. For the purposes of Article 2 (2) of Regulation (EEC) No 1041/78, the day of payment of the premium shall be that on which the paying agency makes out the payment order.

TITLE II

Application and approval procedure

Article 4

1. Applications for premiums for the non-marketing of milk and milk products or for the conversion of dairy herds shall be lodged with the competent authority appointed by the Member States concerned, not later than the date referred to in Article 9 of Regulation (EEC) No 1078/77.

2. For each producer within the meaning of Article 5 (a) of Regulation (EEC) No 1078/77 the application shall include at least the following particulars :

- (a) the type of premium applied for ;
- (b) the total number of bovine animals and sheep kept on the holding within the meaning of Article 5 (b) of Regulation (EEC) No 1078/77 at the time of lodging the application, with separate particulars as follows :
 - (aa) the number of dairy cows as defined in Article 1 (1) (a) ;
 - (bb) the number of other female bovine animals as defined in Article 1 (1) (b) ;

(cc) in the case of the conversion premium, the numbers of other animals classified in accordance with Article 2 (1) (b) ;

- (c) the quantities of milk and milk products supplied in the course of the calendar year preceding the month in which the application was lodged ; in the case of supplies to dairies, such quantities shall be confirmed by the purchasers, or by a competent authority ;
- (d) the area under forage farmed by the producer at the time of lodging of the application ;
- (e) a declaration by the producer stating that he is aware of the rules governing the premium system for the non-marketing of milk and milk products or the conversion of dairy herds to meat production.

Article 5

1. On receipt of the application, the competent authority shall :

- (a) verify the particulars referred to in Article 4 (2) (b) and (c) and register the written undertaking referred to in Article 2 (2) or 3 (2) of Regulation (EEC) No 1078/77 ;
- (b) mark and register the dairy herd kept on the holding within the meaning of Article 5 (b) of Regulation (EEC) No 1078/77 and issue for the herd the identity cards referred to in Article 7 ;
- (c) determine, in the case of the conversion premium, the number of other animals referred to in Article 2 (1) (b) present on the holding when the application is approved ;
- (d) register the area under forage farmed by the applicant at the time of lodging the application ;
- (e) determine the quantity of milk, in kilograms, on which the premium is to be calculated, in accordance with Article 1 (3).

2. The approval of the application for a premium shall state expressly that the recipient of the premium is responsible for returning the identity card provided for in Article 7 and request that, in the event of the animal being sold, he should make appropriate contractual provision to ensure its return.

3. The producer shall notify the competent authority, before the beginning of the non-marketing or conversion period, of the date of its commencement, and this date shall be recorded on each identity card, provided for in Article 7.

Article 6

1. The amount of the premium referred to in Article 4 (1) and (2) of Regulation (EEC) No 1078/77 shall be converted into national currency at the conversion rates applicable on the day of approval of the application.

2. This rule shall also apply to premium amounts adapted under the terms of Article 2 (2) of Regulation (EEC) No 1041/78.

TITLE III

Checks

Article 7

1. For the purposes of checking compliance with the obligations under the premium scheme, an identity card shall be issued in at least one original and one copy for each animal marked and registered in accordance with Article 5 (1) (b). The original shall accompany the animal concerned throughout the non-marketing or conversion period, or until slaughter or export; the copy shall be kept by the issuing authority.

2. The identity card shall conform with the specimen set out in the Annex hereto. The size of the form shall be 210 × 148 mm. The paper used for the original shall be white and weigh at least 85 grams per square metre.

The Member States shall be responsible for printing their own identity cards.

Each identity card shall bear a serial number permitting identification.

3. Each Member State may use on its own territory an identity card issued under national law, provided that such card contains the particulars required under this Regulation.

In the event of slaughter in another Member State on export, the identity card issued under national law may not be used to claim entitlement to the premium. In such cases an identity card in accordance with paragraphs 1 and 2 shall be used.

4. Recipients of aid shall request the marking, registration and issue of an identity card for all bovine animals referred to in Article 1 (1) (a) and (b) in their possession before the expiry of their undertakings under the premium system.

The Member State may however replace this obligation by other control measures of equivalent effectiveness in the case of bovine animals which the recipient undertakes to keep for a maximum period of three months during the non-marketing or conversion period.

5. On each change of ownership the name, address and signature of the new owner shall be inserted on the identity card if the obligations arising under the premium system still apply to the animal concerned.

Article 8

1. In the case of sale, save as provided for in Article 6 of Regulation (EEC) No 1078/77, the animal shall be slaughtered or exported immediately. Slaughtering shall take place in a slaughterhouse approved by the Member State concerned.

2. In case of export, the customs office through which the animal leaves the Community shall stamp and date the identity card in the appropriate place after having checked the identity of the animal. The identity card shall then be returned to the exporter for transmission to the recipient of the premium, or returned direct to the latter.

3. In the event of the slaughter or death of the animal during the non-marketing or reconversion period, the competent authority shall certify the date of slaughter or death on the identity card and after checking the identity of the animal, return the card to the holder for transmission to the recipient.

4. Death or export shall not be regarded as proved until the recipient of the premium returns the original of the identity card stamped or certified in accordance with paragraph 2 or 3.

Article 9

1. Where the producer fails to prove to the satisfaction of the competent authority that he has complied with the obligations laid down in Article 2 or 3 of Regulation (EEC) No 1078/77, the Member State concerned shall take all necessary steps to recover any sums already paid in respect of that premium.

2. The previous paragraph shall also apply to a person who has taken over a holding and given an undertaking to the competent authority to continue to fulfil the obligations entered into by his predecessor in respect of the sums paid to either.

3. Where the applicant fails to provide proof in accordance with Articles 7 and 8 that the animals have been used for the prescribed purposes, entitlement to the premium shall be forfeited in respect of those animals for which such proof is not furnished.

4. Where the producer intends to transfer his holding, or part thereof, to another person, he shall first notify the competent authority and indicate to what extent, if any, the transferee is to take over his obligations under the premium scheme.

The competent authority shall inform the transferee as to the exact scope of the rights and obligations taken over by him. If necessary the competent authority shall recover all sums already paid to the recipient.

5. In the cases referred to in paragraph 4 where only a part of the farm is transferred, the Member States may allow the obligation laid down in the first indent of Article 2 (2) (b) and Article 3 (2) (b) of Regulation (EEC) No 1078/77 to be considered as being fulfilled if the transferee does not keep more than the number of dairy cows he had on the day of the transfer.

Article 10

1. Where the recipient of the premium acquires, during the period to which his undertakings apply, a holding supplying milk or milk products or part of such a holding, this shall not entail the extension of the undertakings to the acquired areas, provided that:

- (a) the holding concerned is inherited or otherwise transferred free, and the holding or part of the holding acquired is totally separate from the existing holding at the time of the approval of the application, or
- (b) the new holding is acquired with a view to changing holdings and the first holding is transferred at the latest at the end of the current vegetation period along with the successor's undertaking pursuant to the first subparagraph of Article 6 (1) of Regulation (EEC) No 1078/77.

2. When an area is acquired by a recipient of the premium after the beginning of the non-marketing or conversion period and is transferred by him during that period, the undertakings shall not apply in respect of that area from the date of its second transfer unless the transferee is himself bound by corresponding undertakings.

TITLE IV

Special cases

Article 11

Where:

- (a) by order of the authorities under a disease eradication programme animals listed pursuant to Article 4 (2) (b) have been slaughtered after the date on which the application for the premium was lodged and within the period prescribed in such order, or
- (b) as a result of *force majeure*, the animals perish or are slaughtered in an emergency after the date on which the application was lodged,

the animals concerned shall be regarded as existing when the applications were approved.

Article 12

1. In cases of *force majeure* occurring after the application has been approved, Member States may provide that the premiums already paid shall not be recoverable even if the obligations under the scheme have not been fulfilled and, if necessary, the non-marketing or reconversion period may be suspended for a specified period and extended accordingly.

2. Provision for non-recovery of the premium may, in particular, be made in the following cases:

- (a) death of the recipient, provided that he farmed his holding himself;
- (b) an extended period of disability such as to prevent the recipient from carrying on his occupation, provided that he farmed his holding himself;
- (c) compulsory purchase of a substantial part of the utilized agricultural area of the holding farmed by the recipient, provided that such compulsory purchase was not foreseeable at the date when the application was approved.

3. Provision for suspension of the relevant period may, in particular, be made in the following cases:

- (a) a serious natural disaster substantially affecting the land farmed by the recipient;
- (b) accidental destruction of buildings normally used by the recipient for cattle or sheep farming purposes;
- (c) an outbreak of epizootic disease affecting all or part of the recipient's cattle or sheep herd.

4. The Member States shall inform the Commission of all cases of *force majeure* accepted as such by them.

TITLE V

Final provisions

Article 13

1. Member States shall, not later than the end of each month, inform the Commission of the number of applications approved by the competent authority during the previous month, and of the quantities of milk and milk products as referred to in Article 5 (1) (e).

2. Applications shall be classified according to the number of dairy cows actually kept on the holdings concerned. Applications made under Article 2 (3) or (4) of Regulation (EEC) No 1078/77 shall be communicated separately.

Article 14

Regulations (EEC) No 1307/77 and (EEC) No 36/78 are hereby repealed.

Article 15

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

It shall apply with effect from 22 May 1978. Article 2 (3), the second subparagraph of Article 7 (4) and Articles 9 (5) and 11 (b) shall also apply, on request of the interested parties, to applications approved before that date.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

(¹) Delete as appropriate.

[Back](#)[illegible]

Important note

ntity card is valid only for such period as the non-marketing or conversion premium scheme under Regulation (EEC) No 1078/77 applies to
vementioned animal.

urn of this identity card to the issuing authority is a condition of entitlement to the premium.

EUROPEAN COMMUNITIES

NON-MARKETING PREMIUM (*) CONVERSION PREMIUM (*)	IDENTITY CARD No COPY
1. Issuing authority :	2. Producer :
3. Exact description of animal : Mark : Breed : External features : 19 (Place) (Date) (Signature and stamp of issuing authority)	4. Beginning of : non-marketing period (*) conversion period (*) 19 (Date) on 19 (Date)

(*) Delete as appropriate.

COMMISSION REGULATION (EEC) No 1392/78

of 23 June 1978

amending Regulation (EEC) No 1380/75 laying down detailed rules for the application of monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 705/78⁽²⁾, and in particular Articles 12 (2), 19 (4) and 34 thereof,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States⁽³⁾, as last amended by Regulation (EEC) No 557/76⁽⁴⁾, and in particular Article 6 thereof,

Whereas Article 4 (3) (b) of Commission Regulation (EEC) No 1380/75 of 29 May 1975 laying down detailed rules for the application of monetary compensatory amounts⁽⁵⁾, as last amended by Regulation (EEC) No 2505/77⁽⁶⁾, provides that, in the application of monetary compensatory amounts in the trade with third countries, import charges as well as export refunds and levies, fixed in units of account and applicable to the products concerned, shall be modified by a coefficient derived from the percentage used for the calculation of the monetary compensatory amount and fixed by the Commission together with that amount;

Whereas in Case 108/77 the Court of Justice of the European Communities has declared that, in its present version, Article 4 (3) of Regulation (EEC) No 1380/75 together with Regulation (EEC) No 2101/75⁽⁷⁾ shall be interpreted in such a way that the export refund on sugar fixed in a national currency on the basis of an invitation to tender shall not be modified by the monetary coefficient fixed by the Commission and derived from the percentage used for the calculation of the monetary compensation;

Whereas, in order that the system of monetary compensatory amounts can be satisfactorily applied

from the economic point of view it is essential that the monetary coefficient be applied equally in the case where, under an invitation to tender concerning trade with third countries, the amounts indicated in the statement of award in respect of a given successful tenderer are fixed in national currency;

Whereas for this reason an addition must be made to Article 4 of Regulation (EEC) No 1380/75 in order to make this rule clear; whereas, by Commission Regulation (EEC) No 1182/78 of 31 May 1978 supplementing Regulations (EEC) No 1634/77 and (EEC) No 1790/77 on standing invitations to tender to determine export refunds on sugar⁽⁸⁾, an identical provision has already been adopted for sugar and entered into force on 1 June 1978;

Whereas these new provisions apply in any case to operations for which the customs formalities were completed on or after 1 June in the case of the sugar sector and on or after the date of entry into force of this Regulation in the case of other sectors; whereas, for offers accepted after the judgment of the Court and before the said dates, statements of award have not been made in the sectors concerned;

Whereas this Regulation is without prejudice to any solution to be adopted in respect of operations carried out before 1 June 1978 and before the entry into force of this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the management committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph hereby is added to Article 4 of Regulation (EEC) No 1380/75:

'5. The coefficient referred to in paragraph 3 shall also be applied to refunds and levies, the amount of which has been set in a national currency in the statement of award following an invitation to tender.'

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 94, 8. 4. 1978, p. 1.

⁽³⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁴⁾ OJ No L 67, 15. 3. 1976, p. 1.

⁽⁵⁾ OJ No L 139, 30. 5. 1975, p. 37.

⁽⁶⁾ OJ No L 291, 15. 11. 1977, p. 15.

⁽⁷⁾ OJ No L 214, 12. 8. 1975, p. 5.

⁽⁸⁾ OJ No L 145, 1. 6. 1978, p. 46.

Article 2

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

2. Article 4 (5) of Regulation (EEC) No 1380/75 shall apply, subject to the existing provisions in the sugar sector and to the provisions to be adopted before 1 August 1978, to operations for which the customs formalities have been completed on or after the date of entry into force of this Regulation.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1393/78

of 23 June 1978

abolishing the countervailing charge on cucumbers originating in Romania

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1154/78⁽²⁾, and in
particular Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1312/78
of 15 June 1978⁽³⁾, introduced a countervailing
charge on cucumbers originating in Romania;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1312/78 is hereby repealed.

Article 2

This Regulation shall enter into force on 24 June
1978.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 144, 31. 5. 1978, p. 5.

⁽³⁾ OJ No L 158, 16. 6. 1978, p. 25.

COMMISSION REGULATION (EEC) No 1394/78

of 23 June 1978

fixing the export refunds on pigmeat for the period beginning 3 July 1978

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as amended by Regulation (EEC) No 367/76 ⁽²⁾, and in particular the first sentence of Article 15 ⁽⁵⁾ thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market and prices within the Community for the products listed in Article 1 (1) of that Regulation may be covered by an export refund;

Whereas Council Regulation (EEC) No 2768/75 of 29 October 1975 ⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas facilities exist at present for the export of live pigs, falling within subheading 01.03 A II b); whereas, a refund should be fixed for that product taking into account conditions of competition of Community exporters to the world market;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as indicated below;

Whereas facilities exist at present for the export of certain products falling within subheading 02.01 A III to destinations referred to in Article 3 of Regulation (EEC) No 192/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 2838/77 ⁽⁵⁾; whereas a refund should be fixed for these products, taking into account in particular conditions of competition of these markets;

Whereas, for products falling within subheadings 02.06 B I b) 3 bb) and 6 bb), the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within this heading and of the foreseeable trend of production costs on the world market;

Whereas, if existing export outlets for products falling within subheadings 02.06 B I b) 3 aa), 4 aa), 5 aa) and

6 aa) are to be available in the future, the refund should be comparable with that fixed for dried or smoked products;

Whereas, for certain typical Italian products falling within subheading 02.06 B I b) 3 bb) and 7 bb) maintaining participation by the Community in international commerce requires a refund of an amount to be established on taking into account conditions of access to the world market;

Whereas, for products falling within subheadings 02.06 B I b) ex 7, the refund should be granted solely in respect of products of a quality comparable with that of products falling within subheadings 02.06 B I b) 3, 4 and 5;

Whereas, because of conditions of competition in certain third countries, which are traditionally major importers of products falling within subheadings ex 16.01 A, ex 16.01 B I and II, ex 16.02 A II, ex 16.02 B III a) 2 aa), 11, 22, 33, bb) and cc), set out in the Annex to this Regulation, the refund for these products should be fixed taking this situation into account;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 15 of Regulation (EEC) No 2759/75 is granted, and the amount of that refund, are hereby fixed as shown in the Annex.

Article 2

This Regulation shall enter into force on 3 July 1978.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 1.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

⁽⁴⁾ OJ No L 25, 31. 1. 1977, p. 1.

⁽⁵⁾ OJ No L 327, 20. 12. 1977, p. 23.

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

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 23 June 1978 fixing the export refunds on pigmeat for the period beginning 3 July 1978

CCT heading No	Description	Refund net weight
01.03	Live swine : A. Domestic species : II. Other : b) Other	10·00
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03, or 01.04, fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 1. Carcases or half carcases, with or without heads, feet or flare fat 2. Hams and cuts of hams, unboned (bone-in) 3. Shoulders (fores) and cuts of shoulders, unboned (bone-in) 4. Loins and cuts of loins, unboned (bone-in) 5. Bellies (streaky) and cuts of bellies 6. Other : ex aa) Boned or boneless and frozen : (11) Hams, shoulders and loins and cuts thereof (a) ex bb) Other : (11) Hams, shoulders and loins and cuts thereof (a)	15·00 15·00 15·00 15·00 10·00 15·00 15·00
02.06	Meat and edible meat offal (except poultry liver), salted, in brine, dried or smoked : B. Meat and edible meat offals of domestic swine : I. Meat : b) Dried or smoked : 2. Bacon sides, spencers, $\frac{3}{4}$ sides or middles : cc) $\frac{3}{4}$ sides or middles 3. Hams and cuts of hams, unboned (bone-in) : aa) Slightly dried or slightly smoked bb) Other : (11) 'Prosciutto di Parma', 'Prosciutto di San Daniele' (b) (22) Other 4. Shoulders (fores) and cuts of shoulders, unboned (bone-in) : aa) Slightly dried or slightly smoked 5. Loins and cuts of loins, unboned (bone-in) : aa) Slightly dried or slightly smoked 6. Bellies (streaky) and cuts of bellies : aa) Slightly dried or slightly smoked bb) Other	13·50 17·00 40·00 24·00 13·50 17·00 11·50 11·50

CCT heading No	Description	(u.a./100 kg)
		Refund
		net weight
02.06 (cont'd)	7. Other :	
	ex aa) Slightly dried or slightly smoked :	
	(11) Hams, shoulders and loins, pieces thereof	17.00
	ex bb) Other :	
	(11) 'Prosciutto di Parma', 'Prosciutto di San Daniele', pieces thereof (b)	40.00
	(22) Hams, shoulders and loins, pieces thereof	24.00
ex 16.01	Sausages and the like, of meat, meat offal, or animal blood, suitable for human consumption :	
	A. Liver sausages	18.00
	B. Other (c) :	
	I. Sausages, dry or for spreading, uncooked (d)	40.00
	II. Other	25.00
ex 16.02	Other prepared or preserved meat or meat offal, suitable for human consumption :	
	A. Liver :	
	II. Other	15.00
	B. Other :	
	III. Other :	
	a) Containing meat or offals of domestic swine :	
	2. Other, containing by weight :	
	aa) 80 % or more of meat or offal, of any kind, including fats of any kind or origin :	
	11. Hams, fillets and loins, pieces thereof :	
	— For export to the United States of America	20.00
	— Other destinations	40.00
	22. Shoulders and pieces thereof :	
	— For export to the United States of America	16.50
	— Other destinations	32.00
	33. Other	20.00
	bb) 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin	11.00
	cc) Less than 40 % of meat or offal, of any kind, including fats of any kind or origin	6.00

(a) The cuts are classified in this subheading only if they can be identified as originating from hams, shoulders or loins of swine.

(b) Only those products for which the name is certified by the competent authorities of the producing Member State can benefit from this refund.

(c) The refund on sausages presented in containers with a preservative liquid is granted on net weight after deduction of weight of this liquid.

(d) The weight of a coating of paraffin corresponding to normal use in the trade is considered as part of the net weight of the sausage.

COMMISSION DECISION No 1395/78/ECSC

of 23 June 1978

amending Decision No 3002/77/ECSC requiring dealers in iron and steel products to comply with pricing rules

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 47, 61, 64, 80, 86 and 95 thereof,

Whereas, under Commission Decision No 3002/77/ECSC of 28 December 1977 ⁽¹⁾, Community iron and steel dealers making sales of concrete reinforcing bars, merchant bars and hot-rolled wide strips are required to charge prices which are not lower than the Community producers' list prices; whereas, the iron and steel dealers are also required to certify in respect of each sale that the prices agreed conform to the prices resulting from this Decision; whereas these obligations have been limited to ex-stock sales by iron and steel dealers;

Whereas, in order to achieve the aim of these measures, these obligations on iron and steel dealers should be extended to cover sales involving the direct delivery of goods from the producer to the customer of the iron and steel dealer (direct transactions);

Having consulted the Consultative Committee and obtained the assent of the Council,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Decision No 3002/77/ECSC is hereby amended to read as follows:

'Article 1

Community iron and steel dealers making direct or ex-stock sales of concrete reinforcing bars,

merchant bars or hot-rolled wide strips in their own name and on their own account shall be required to charge for such products prices which are not lower than the Community producers' list prices, taking account of all reductions and increases included therein and of the conditions of sale.'

Article 2

Article 2 of Decision No 3002/77/ECSC is hereby amended to read as follows:

'Article 2

The obligation under Article 1 shall apply to all direct or ex-stock sales of the products in question within the Community irrespective of their origin.'

Article 3

Article 3 of Decision No 3002/77/ECSC is hereby amended to read as follows:

'Article 3

Iron and steel dealers shall arrange for deliveries of concrete reinforcing bars, merchant bars and hot-rolled wide strip to be accompanied by a certificate testifying that the invoice prices conform to the prices specified in Article 1. Such certificate shall show the origin, destination, tonnage and order number, and shall be drawn up in accordance with the model annexed hereto.'

Article 4

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

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

Done at Brussels, 23 June 1978

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 352, 31. 12. 1977, p. 8.