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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1636/78

of 13 July 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 organization 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 Regulation (EEC) No 1729/77⁽³⁾ and subsequent amending Regulations;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 1729/77 to the

offer prices and today's quotations known to the Commission that the levies at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 are hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 14 July 1978.

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

Done at Brussels, 13 July 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 13 July 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	90.85
10.01 B	Durum wheat	136.93 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	89.82 ⁽⁶⁾
10.03	Barley	85.36
10.04	Oats	78.21
10.05 B	Maize, other than hybrid maize for sowing	85.09 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	80.76 ⁽⁴⁾
10.07 C	Grain sorghum	85.36 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	139.41
11.01 B	Rye flour	137.96
11.02 A I a)	Durum wheat groats and meal	223.42
11.02 A I b)	Common wheat groats and meal	148.81

⁽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 1637/78**of 13 July 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 14 July
1978.

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

Done at Brussels, 13 July 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 13 July 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 7	1st period 8	2nd period 9	3rd period 10
10.01 A	Common wheat, and meslin	0	0.49	0.49	0
10.01 B	Durum wheat	0	0.33	0.33	0.33
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	0.69	0.69	0

B. Malt

(u.a./tonne)

CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0.87	0.87	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0.65	0.65	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 1638/78

of 13 July 1978

fixing the minimum import levies on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1419/78⁽²⁾,

Having regard to Council Regulation No 162/66/EEC of 27 October 1966 on trade in oils and fats between the Community and Greece⁽³⁾,

Having regard to Council Regulation (EEC) No 2843/76 of 23 November 1976 laying down special measures in particular for the determination of the offers of olive oil on the world market⁽⁴⁾, as amended by Regulation (EEC) No 2361/77⁽⁵⁾, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 2844/76 of 23 November 1976 laying down special measures in particular for the determination of the offers of olive oil on the Greek market⁽⁶⁾, as amended by Regulation (EEC) No 2361/77, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil from Algeria⁽⁷⁾, as amended by Regulation (EEC) No 2388/77⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil from Morocco⁽⁹⁾, as amended by Regulation (EEC) No 2388/77, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil from Tunisia⁽¹⁰⁾, as amended by Regulation (EEC) No 2388/77, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽¹¹⁾, as amended by Regulation (EEC) No 2387/77⁽¹²⁾, and in particular Article 10 (2) thereof,

Whereas, in Regulation (EEC) No 1362/76 of 14 June 1976⁽¹³⁾, the Commission decided to use the tendering procedure to fix the levies on olive oil;

Whereas Article 4 of Commission Regulation (EEC) No 3188/76 of 23 December 1976 on detailed rules for the implementation of the special measures for the determination of offers of olive oil on the world market and the Greek market⁽¹⁴⁾, as last amended by Regulation (EEC) No 2413/77⁽¹⁵⁾, lays down the criteria for fixing the rate of the minimum levy;

Whereas that rate must be fixed for each of the products concerned on the basis of an examination of the world or Greek markets and of the Community market, and also of the levy rates indicated by the tenderers;

Whereas account should be taken of the oil content of products other than olive oil; whereas, however, no levies are applied to imports of oil-cake and other residues falling within subheading 23.04 A of the Common Customs Tariff and having an oil content of not more than 3 %;

Whereas account should be taken in applying the levy of the provisions of the agreements between the Community and certain non-member countries; whereas, in particular, the levy must be calculated on the basis of the levy to be collected on imports from non-member countries;

Whereas the application of the rules described above to the levy rates submitted by tenderers on 10 and 11 July 1978 results in the fixing of the minimum levies as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on imports of olive oil shall be as shown in the Annex.

Article 2

This Regulation shall enter into force on 14 July 1978.

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

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 8.

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

⁽⁴⁾ OJ No L 327, 26. 11. 1976, p. 4.

⁽⁵⁾ OJ No L 277, 29. 10. 1977, p. 2.

⁽⁶⁾ OJ No L 327, 26. 11. 1976, p. 6.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁸⁾ OJ No L 278, 29. 10. 1977, p. 14.

⁽⁹⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽¹⁰⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽¹¹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹²⁾ OJ No L 278, 29. 10. 1977, p. 13.

⁽¹³⁾ OJ No L 154, 15. 6. 1976, p. 13.

⁽¹⁴⁾ OJ No L 359, 30. 12. 1976, p. 26.

⁽¹⁵⁾ OJ No L 279, 1. 11. 1977, p. 55.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 13 July 1978 fixing the minimum import levies on olive oil

(u.a. / 100 kg)

CCT heading No	Greece	Non-member countries
07.01 N II	6.00	10.00
07.03 A II	6.00	10.00
15.07 A I a)	30.00 ⁽³⁾	56.00 ⁽³⁾
15.07 A I b)	27.00 ⁽³⁾	49.00 ⁽³⁾
15.07 A I c)	30.00 ⁽³⁾	54.00 ⁽³⁾
15.07 A II a)	31.00	58.00 ⁽¹⁾
15.07 A II b)	45.00	84.00 ⁽²⁾
15.17 B I a)	14.00	25.00
15.17 B I b)	22.00	40.00
23.04 A	2.00 ⁽⁴⁾	4.00 ⁽⁴⁾

⁽¹⁾ For imports of oil falling within this tariff subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3.20 u.a./100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 2.56 u.a./100 kg.

⁽²⁾ For imports of oil falling within this tariff subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 6 u.a./100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 4.80 u.a./100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Greece and Spain : 0.50 u.a./100 kg ;
- (b) Turkey : 18.50 u.a./100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria, Morocco, Tunisia : 20.50 u.a./100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries ; however, the repayment may not exceed the amount of the tax in force.

⁽⁴⁾ Pursuant in Article 3 of Regulations (EEC) No 2843/76 and (EEC) No 2844/76, no import levy is collected on oil-cake and other residues falling within subheading 23.04 A of the Common Customs Tariff and having an oil content of not more than 3 %.

COMMISSION REGULATION (EEC) No 1639/78
of 13 July 1978
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
804/68 of 27 June 1968 on the common organization
of the market in milk and milk products ⁽¹⁾, as last
amended by Regulation (EEC) No 1421/78 ⁽²⁾, and in
particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products
were fixed by Regulation (EEC) No 1017/78 ⁽³⁾, as last
amended by Regulation (EEC) No 1472/78 ⁽⁴⁾;

Whereas it follows from applying the rules contained
in Regulation (EEC) No 1017/78 to the prices known

to the Commission 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 levies referred to in Article 14 (2) of Regulation
(EEC) No 804/68 are hereby fixed as shown in the
Annex.

Article 2

This Regulation shall enter into force on 16 July
1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 12.

⁽³⁾ OJ No L 132, 20. 5. 1978, p. 13.

⁽⁴⁾ OJ No L 176, 30. 6. 1978, p. 21.

ANNEX

to the Commission Regulation of 13 July 1978 fixing the import levies on milk and milk products

(u.a./100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.01 A I a)	0110	21.45
04.01 A I b)	0120	19.45
04.01 A II a) 1	0130	19.45
04.01 A II a) 2	0140	23.98
04.01 A II b) 1	0150	18.45
04.01 A II b) 2	0160	22.98
04.01 B I	0200	49.44
04.01 B II	0300	104.59
04.01 B III	0400	161.64
04.02 A I	0500	5.56
04.02 A II a) 1	0620	91.81
04.02 A II a) 2	0720	126.95
04.02 A II a) 3	0820	128.95
04.02 A II a) 4	0920	139.44
04.02 A II b) 1	1020	85.81
04.02 A II b) 2	1120	120.95
04.02 A II b) 3	1220	122.95
04.02 A II b) 4	1320	133.44
04.02 A III a) 1	1420	21.51
04.02 A III a) 2	1520	29.04
04.02 A III b) 1	1620	104.59
04.02 A III b) 2	1720	161.64
04.02 B I a)	1820	30.00
04.02 B I b) 1 aa)	2220	per kg 0.8581 ⁽⁹⁾
04.02 B I b) 1 bb)	2320	per kg 1.2095 ⁽⁹⁾
04.02 B I b) 1 cc)	2420	per kg 1.3344 ⁽⁹⁾
04.02 B I b) 2 aa)	2520	per kg 0.8581 ⁽¹⁰⁾
04.02 B I b) 2 bb)	2620	per kg 1.2095 ⁽¹⁰⁾
04.02 B I b) 2 cc)	2720	per kg 1.3344 ⁽¹⁰⁾
04.02 B II a)	2820	34.18
04.02 B II b) 1	2910	per kg 1.0459 ⁽¹⁰⁾
04.02 B II b) 2	3010	per kg 1.6164 ⁽¹⁰⁾
04.03 A	3110	190.17
04.03 B	3210	232.01
04.04 A I a) 1	3321	15.00
04.04 A I a) 2	3420	139.95 ⁽¹¹⁾
04.04 A I b) 1 aa)	3521	15.00
04.04 A I b) 1 bb)	3619	139.95 ⁽¹¹⁾
04.04 A I b) 2	3719	139.95 ⁽¹¹⁾
04.04 A II	3800	139.95
04.04 B	3900	165.60 ⁽¹²⁾
04.04 C	4000	131.07
04.04 D I	4120	30.00
04.04 D II a) 1	4410	122.70
04.04 D II a) 2	4510	133.03
04.04 D II b)	4610	213.03
04.04 E I a)	4710	165.60
04.04 E I b) 1 aa)	4834	15.00
04.04 E I b) 1 bb)	4850	170.79

CCT heading No	Code	Import levy
04.04 E I b) 2 aa)	4922	128.99 ⁽¹³⁾
04.04 E I b) 2 bb)	5022	128.99 ⁽¹⁴⁾
04.04 E I b) 3	5030	128.99 ⁽¹⁵⁾
04.04 E I b) 4	5060	128.99 ⁽¹⁵⁾
04.04 E I b) 5	5120	128.99
04.04 E I c) 1	5210	96.74
04.04 E I c) 2	5250	208.99
04.04 E II a)	5310	165.60
04.04 E II b)	5410	208.99
17.02 A II ⁽¹⁶⁾	5500	18.95
21.07 F I	5600	18.95
23.07 B I a) 3	5700	66.36
23.07 B I a) 4	5800	86.09
23.07 B I b) 3	5900	80.44
23.07 B I c) 3	6000	65.85
23.07 B II	6100	86.09

For notes ⁽¹⁾ to ⁽⁸⁾, see notes ⁽¹⁾ to ⁽⁸⁾ of Council Regulation (EEC) No 823/68 (OJ No L 151, 30. 6. 1968).

⁽⁹⁾ The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
b) 6 u.a. ; and
c) 13.15 u.a.

⁽¹⁰⁾ The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
and
b) 13.15 u.a.

⁽¹¹⁾ The levy is limited to 7.50 u.a. per 100 kg net weight.

⁽¹²⁾ The levy is limited to 6% of the value for customs purposes.

⁽¹³⁾ The levy is limited to 53.16 u.a. per 100 kg net weight for imports from Austria, Finland, Romania and Switzerland (Regulation (EEC) No 1054/68 as amended).

⁽¹⁴⁾ The levy is limited to 73.16 u.a. per 100 kg net weight for imports from Austria, Finland, Romania and Switzerland (Regulation (EEC) No 1054/68 as amended).

⁽¹⁵⁾ The levy is limited to 73.16 u.a. per 100 kg net weight for imports from Bulgaria, Hungary, Romania and Turkey (Regulation (EEC) No 1054/68 as amended).

⁽¹⁶⁾ Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.

NB : For the purposes of heading No 04.04, the exchange rate to be applied in converting into national currencies the unit of account referred to in the subdivisions of this heading shall, notwithstanding general rule C 3 contained in Part I, Section I of the Common Customs Tariff be the representative rate, if such a rate is fixed pursuant to 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 (OJ No 106, 30. 10. 1962, p. 2553/62).

COMMISSION REGULATION (EEC) No 1640/78

of 13 July 1978

fixing the export refunds on eggs for the period beginning 15 August 1978

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as amended by Regulation (EEC) No 368/76 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75 of 29 October 1975 ⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

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 eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products for which the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 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 15 August 1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 2.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

ANNEX

to the Commission Regulation of 13 July 1978 fixing the export refunds on eggs for the period beginning 15 August 1978

CCT heading No	Description	Refund
		u.a./100 kg
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not :	
	A. Eggs in shell, fresh or preserved :	
	I. Poultry eggs :	
	b) Other	18.00
	B. Eggs, not in shell, egg yolks :	
	I. Suitable for human consumption :	
	a) Eggs, not in shell :	
	1. Dried	40.00
	2. Other	10.00
	b) Egg yolks :	
	1. Liquid	18.00
	2. Frozen	20.00
	3. Dried	42.00

COMMISSION REGULATION (EEC) No 1641/78

of 13 July 1978

fixing the export refunds on poultrymeat for the period beginning 15 August 1978

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as amended by Regulation (EEC) No 369/76⁽²⁾, in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products in the Community may be covered by an export refund ;

Whereas Council Regulation (EEC) No 2779/75 of 29 October 1975⁽³⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds ;

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

Whereas, for the other products listed in the Annex to this Regulation, the refund should be limited to an amount which, while permitting of Community participation in international trade, takes account of the nature of these exports and their importance at the present time ;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The list of products for which the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund, are hereby fixed as shown in the Annex.

2. No refund is fixed for any of the products listed in Article 1 (1) of Regulation (EEC) No 2777/75 not included in the Annex.

Article 2

This Regulation shall enter into force on 15 August 1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

ANNEX

to the Commission Regulation of 13 July 1978 fixing the export refunds on poultrymeat for the period beginning 15 August 1978

CCT heading No	Description	Refund
		u.a./100 kg
02.02	Dead poultry (that is to say fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen : A. Whole poultry : For export to European third countries (including the Canary Islands) ⁽¹⁾, to Jordan, to third countries of Africa and to other third countries on the Mediterranean or on the Persian Gulf, to third countries of the Arabian Peninsula ⁽²⁾ and Cuba : I. Fowls : a) Plucked and gutted, with heads and feet, known as '83 % chickens' b) Plucked and drawn, without heads and feet but with hearts, livers and gizzards, known as '70 % chickens' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens'	22.00 22.00 22.00

⁽¹⁾ As European third countries are to be understood in the sense of this Regulation also the destinations mentioned in Article 3 of Regulation (EEC) No 192/75.

⁽²⁾ As 'countries of the Arabian Peninsula' are to be understood in the sense of this Regulation the following countries situated in the Peninsula and the territories connected: Saudi Arabia, Bahrain, Qatar, Kuwait, Sultanate of Oman, Union of Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Quaiwain, Fujairah, Ras al Kaimah), Republic of Yemen (Yemen North) and Democratic Popular Republic of Yemen (Yemen South).

COMMISSION REGULATION (EEC) No 1642/78

of 13 July 1978

on the sale at prices fixed at a standard rate in advance of certain boned beef
held by the intervention agencies

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
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 7 (3) thereof,

Whereas Commission Regulation (EEC) No 79/75 of
14 January 1975⁽³⁾, as last amended by Regulation
(EEC) No 2770/77⁽⁴⁾, provides for the sale by
monthly tender of boned beef held by the interven-
tion agencies; whereas not all the meat offered for
tender has been allocated;

Whereas certain quantities of meat, boned in accor-
dance with Commission Regulation (EEC) No
2630/75 of 16 October 1975 on the boning of beef
bought in by the intervention agencies⁽⁵⁾, should be
put up for sale;

Whereas, having regard to developments on the
market and in intervention stocks, the cuts and prices
set out in Annex I to Commission Regulation (EEC)
No 2765/76⁽⁶⁾, as last amended by Regulation (EEC)
No 556/78⁽⁷⁾, should be adopted;

Whereas certain boned beef should be put up for sale
at prices fixed in advance in accordance with Articles
2 to 5 of Commission Regulation (EEC) No 216/69 of
4 February 1969 on detailed rules of application for
the disposal of frozen beef and veal bought in by inter-
vention agencies⁽⁸⁾, and at the same time certain
necessary derogations should be provided for, particu-
larly as regards payment for the goods;

Whereas removal from storage may be interrupted by
force majeure; whereas the intervention agencies
should therefore be permitted to take the necessary
action in such cases;

Whereas Council Regulation (EEC) No 1055/77 of 17
May 1977 on the storage and movement of products
bought in by an intervention agency⁽⁹⁾ provides that,
in the case of products stored by an intervention
agency outside the territory of the Member State
within whose jurisdiction it falls, a different selling
price from that for products stored on that territory
may be fixed; whereas Commission Regulation (EEC)
No 1805/77 of 4 August 1977 laying down in respect
of the beef and veal sector special rules for the applica-
tion of Regulation (EEC) No 1055/77 on the storage
and movement of products bought in by an interven-
tion agency⁽¹⁰⁾ fixed the method for calculating the
selling prices for such products; whereas to avoid all
confusion it should be expressly stated that the prices
fixed by this Regulation are subject to adjustment in
the case of those products;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 17 July to 4 August 1978, the
German intervention agency shall offer for sale up to
1 000 tonnes, the Danish intervention agency up to
3 000 tonnes, the Irish intervention agency up to
3 500 tonnes and the United Kingdom intervention
agency up to 500 tonnes of beef boned in accordance
with Regulation (EEC) No 2630/75.

2. The cuts and prices of such meat shall be as set
out in Annex I hereto.

3. (a) Annex I to Regulation (EEC) No 2765/76 is
hereby replaced by Annex II hereto.

(b) Information concerning the quantities available
and the places where the products are stored
are set out in Annex III hereto.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 5. 3. 1977, p. 1.

⁽³⁾ OJ No L 10, 15. 1. 1975, p. 9.

⁽⁴⁾ OJ No L 320, 15. 12. 1977, p. 16.

⁽⁵⁾ OJ No L 268, 17. 10. 1975, p. 16.

⁽⁶⁾ OJ No L 316, 16. 11. 1976, p. 5.

⁽⁷⁾ OJ No L 76, 18. 3. 1978, p. 14.

⁽⁸⁾ OJ No L 28, 5. 2. 1969, p. 10.

⁽⁹⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽¹⁰⁾ OJ No L 198, 5. 8. 1977, p. 19.

4. The sales shall be conducted in accordance with Articles 2 to 5 of Regulation (EEC) No 216/69 and with the provisions of this Regulation.

5. Information concerning the quantities available and the places where the products are stored may be obtained by prospective purchasers from the addresses listed in Annex IV hereto.

Article 2

By way of derogation from Article 5 (1) of Regulation (EEC) No 216/69, the prices shall be paid as and when the goods are removed from store, in proportion to the quantities removed and not later than the day preceding each removal.

Article 3

By way of derogation from Article 4 (5) of Regulation (EEC) No 216/69, if the quantities available from an

intervention agency are less than those for which offers are received on the first day of the period referred to in Article 1 (1), all such offers shall be considered to have been lodged at the same time.

Article 4

If by reason of *force majeure* the purchaser is unable to comply with the time limit set for delivery, the intervention agency shall take such action as it considers necessary having regard to the circumstances invoked.

Article 5

This Regulation shall enter into force on 17 July 1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEXE I — ANHANG I — ALLEGATO I — BIJLAGE I — ANNEX I — BILAG I

Prix de vente exprimés en unités de compte par tonne ⁽¹⁾ — Verkaufspreise, ausgedrückt in RE/Tonne ⁽¹⁾ — Prezzi di vendita espressi in unità di conto per tonnellata ⁽¹⁾ — Verkoop-prijzen, uitgedrukt in rekeneenheden per ton ⁽¹⁾ — Selling prices, expressed in units of account per tonne ⁽¹⁾ — Salgspriser udtrykt i RE/ton ⁽¹⁾

1. BUNDESREPUBLIK
DEUTSCHLAND

	<i>Bullen A</i>	<i>Ochsen A</i>
Filets	6 981	6 981
Roastbeef	4 026	4 000
Oberschalen	2 750	2 608
Unterschalen	2 625	2 575
Kugeln	2 460	2 460
Hüften	2 411	2 378
Kniekehlfleisch	1 899	1 861
Hessen	1 680	1 680
Dünnungen	1 500	1 400

2. DANMARK

	<i>Ungtyre 1. kvalitet</i>	<i>Tyre prima</i>	<i>Stude 1. kvalitet</i>	<i>Kvier 1. kvalitet</i>	<i>Køer</i>
Mørbrad	6 000	5 500	5 500	—	—
Fileter	3 300	2 550	2 900	—	—
Kød af bagfjerdinger (med undtagelse af fileter og mørbrad)	1 972	1 900	2 055	—	—
Udbenede forfjerdinger	1 728	1 700	1 629	—	—
Slag og bryst	1 250	1 200	1 150	1 100	—

3. IRELAND

	<i>Steers 1, 2 and Heifers 2</i>
Fillets	6 670
Striploins	3 940
Insides	2 670
Outsides	2 579
Knuckles	2 534
Rumps	2 950
Cube rolls	3 590
Forequarters (excluding cube rolls)	1 690
Plates and flanks	1 160
Brisket	1 480
Shins and shanks	1 600

⁽¹⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽¹⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽¹⁾ Qualora i prodotti siano immagazzinati fuori dello Stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

⁽¹⁾ In geval dat de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

⁽¹⁾ In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.

⁽¹⁾ I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

4. UNITED KINGDOM

Steers and Heifers

Fillets	7 286
Striploins	3 990
Topsides	2 765
Silversides	2 607
Thick flanks	2 541
Rumps	3 030
Clod and sticking	1 531
Forerib	2 190
Pony	1 768
Shins and shanks	1 597
Thin flanks	995
Flank (plate)	995
Briskets	1 356

ANNEXE II — ANHANG II — ALLEGATO II — BIJLAGE II — ANNEX II — BILAG II

Prix de vente exprimés en unités de compte par tonne ⁽¹⁾ — Verkaufspreise, ausgedrückt in RE/Tonne ⁽¹⁾ — Prezzi di vendita espressi in unità di conto per tonnellata ⁽¹⁾ — Verkoop-prijzen, uitgedrukt in rekeneenheden per ton ⁽¹⁾ — Selling prices, expressed in units of account per tonne ⁽¹⁾ — Salgspriser udtrykt i RE/ton ⁽¹⁾

1. DANMARK

Køer 1. kvalitet

Kød af bagfjerdinger (med undtagelse af fileter og mørbrad)

1 350

2. IRELAND

*Steer/Heifer**Cow*

Filets

—

2 000

Plates and Flanks

700

—

⁽¹⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽¹⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽¹⁾ Qualora i prodotti siano immagazzinati fuori dello Stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

⁽¹⁾ In geval dat de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

⁽¹⁾ In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.

⁽¹⁾ I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

ANNEXE III — ANHANG III — ALLEGATO III — BIJLAGE III — ANNEX III — BILAG III

Liste des lots de viande bovine désossée, congelée, stockée au Danemark, en Irlande, aux Pays-Bas et au Royaume-Uni dans les entrepôts frigorifiques suivants

Aufstellung des gefrorenen Rindfleischs ohne Knochen, das in den nachfolgenden Kühllhäusern in Dänemark, Irland, in den Niederlanden und im Vereinigten Königreich gelagert ist

Elenco delle partite di carni bovine disossate e congelate, immagazzinate in Danimarca, Irlanda, Paesi Bassi e Regno Unito nei depositi frigoriferi sotto indicati

Lijst van de partijen bevroren rundvlees zonder been die in de onderstaande vrieshuizen van Denemarken, Ierland, Nederland en het Verenigd Koninkrijk zijn opgeslagen

List of lots of frozen boned beef stored in cold stores in Denmark, Ireland, the Netherlands and the United Kingdom

Fortegnelse over partier af frosset udbenet oksekød, der er oplagret i kølehuse i Danmark, Irland, Nederlandene og Det Forenede Kongerige

(Les quantités sont exprimées en tonnes au moment de la mise en stock / Die Mengen sind in Tonnen Einlagerungsgewicht angegeben / I quantitativi sono espressi in tonnellate all'atto dell'immagazzinamento / Het gewicht bij inslag van de partijen is aangegeven in tonnen / Quantities are expressed in tonnes at the time of placing in stock / Mængderne udtrykkes i tons på oplagringstidspunktet)

1. DANMARK

Kød af bagfjerdinger (med undtagelse af fileter og mørbrad)	Thy Hanstholm Danmark	± 4
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2. IRELAND

a) Stored in Ireland:		
— Plates and flanks	Frigoscandia Cold Store Belgard Road Tallaght Dublin	± 5

b) Stored in the Netherlands:		
— Fillets	Pakvries BV 59 Gelijsendorfferweg Rotterdam Holland	± 2

c) Stored in the United Kingdom:		
— Plates and flanks	Western Ice & Cold Store St. Andrews Road Avonmouth Bristol	± 1
	Exeter Cold Store Chancel Lane Pinhoe Devon	± 2
	Union Cold Store Droitwich Industrial Estate Droitwich	± 2

ANNEXE IV — ANHANG IV — ALLEGATO IV — BIJLAGE IV — ANNEX IV — BILAG IV

Adresses des organismes — Anschriften der Interventionsstellen — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Addresses of the intervention agencies — Interventionsorganernes adresser

BUNDESREPUBLIK DEUTSCHLAND :	Bundesanstalt für landwirtschaftliche Marktordnung (BALM) Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse) Postfach 180 107 — Adickesallee 40 D 6000 Frankfurt am Main 18 (Tel. (06 11) 55 04 61/55 05 41, Telex : 04 11 156
DANMARK :	Direktoratet for markedsordningerne EF-Direktoratet Frederiksborggade 48, 1360 København K, Tfl. (01) 15 41 30, Telex 15 137 DK.
IRELAND :	Department of Agriculture, Agriculture House, Kildare Street, Dublin 2, Tel. (01) 78 90 11, ext. 23 24, Telex 4280 and 5118.
UNITED KINGDOM :	Intervention Board for Agricultural Produce, Fountain House, 2 West Mall, Reading RG1 7QW, Berks. Telex : 848 302. Tel : 07 34 — 58 36 26.

COMMISSION REGULATION (EEC) No 1643/78

of 13 July 1978

amending Regulation (EEC) No 1634/77 on a standing invitation to tender for exports of white sugar during 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 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1396/78⁽²⁾, and in particular Articles 12 (2), 19 (4), and 34 thereof,

Whereas, pursuant to Commission Regulation (EEC) No 1634/77 of 19 July 1977 on a standing invitation to tender in order to determine export refunds for white sugar⁽³⁾, as amended by Regulation (EEC) No 1182/78⁽⁴⁾, the Member States have, since 3 August 1977, been issuing partial invitations to tender for exports of white sugar; whereas, having regard to the current state and the foreseeable development of the Community sugar market and of the world market, it is possible to continue to issue such invitations; whereas Regulation (EEC) No 1634/77 should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 (3) of Regulation (EEC) No 1634/77 is amended to read as follows:

'3. By way of derogation from paragraph 2 (b), the period for the submission of tenders:

- (a) due to expire on Wednesday, 1 November 1978 shall expire on Tuesday, 31 October 1978 at 10 a.m.;

- (b) due to expire on Wednesday, 15 November 1978 shall expire on Tuesday, 14 November 1978 at 10 a.m.;

- (c) due to expire on Wednesday, 22 November 1978 shall expire on Tuesday, 21 November 1978 at 10 a.m.

By way of derogation from paragraph 2, no partial invitation to tender will take place on Wednesdays, 19 July and 27 December 1978.'

Article 2

The second subparagraph of Article 9 (2) of Regulation (EEC) No 1634/77 is amended to read as follows:

'However:

- (a) export licences issued pursuant to partial invitations to tender held:

- (aa) between 26 July 1978 and 15 September 1978:

- may be used only from 15 September 1978, and
- shall be valid only until 31 December 1978;

- (bb) between 16 September 1978 and 30 September 1978, shall be valid only until 31 December 1978.

- (b) export licences issued pursuant to a partial invitation to tender held after 25 April 1979 shall be valid only until 30 September 1979.'

Article 3

This Regulation shall enter into force on 14 July 1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 181, 21. 7. 1977, p. 35.

⁽⁴⁾ OJ No L 145, 1. 6. 1978, p. 46.

COMMISSION REGULATION (EEC) No 1644/78**of 13 July 1978****interrupting the standing invitation to tender on the export of raw beet sugar
under Regulation (EEC) No 1790/77**

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 organi-
zation of the market in sugar⁽¹⁾, as last amended by
Regulation (EEC) No 1396/78⁽²⁾, and in particular
Articles 12 (2) and 19 (4) thereof,

Whereas Commission Regulation (EEC) No 1790/77
of 2 August 1977 on a standing invitation to tender to
determine the export refund for raw beet sugar⁽³⁾, as
amended by Regulation (EEC) No 1182/78⁽⁴⁾,
provides that the Member States are to issue partial
invitations to tender for the export of this sugar ;

Whereas, taking into account the situation of the
marketing of sugar surpluses, this standing invitation

to tender should be interrupted until a date to be
determined at a later stage ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The standing invitation to tender provided for in
Regulation (EEC) No 1790/77 is hereby interrupted.

Article 2

This Regulation shall enter into force on 14 July
1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 197, 4. 8. 1977, p. 11.

⁽⁴⁾ OJ No L 145, 1. 6. 1978, p. 46.

COMMISSION REGULATION (EEC) No 1645/78

of 13 July 1978

amending Regulation (EEC) No 1105/68 on detailed rules for granting aid for skimmed milk for use as feed

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
804/68 of 27 June 1968 on the common organization
of the market in milk and milk products⁽¹⁾, as last
amended by Regulation (EEC) No 1421/78⁽²⁾, and in
particular Articles 10 (3) and 28 thereof,

Whereas Article 1 (4) of Commission Regulation
(EEC) No 1105/68 on detailed rules for granting aid
for skimmed milk for use as feed⁽³⁾, as last amended
by Regulation (EEC) No 541/76⁽⁴⁾, provides that to
qualify for aid skimmed milk and buttermilk intended
for use as feed may not be diluted in any way which is
not normally part of the production methods used;
whereas, in the absence of sufficiently precise data,
compliance with this provision has so far and for a
transitional period been ensured by the Member
States;

Whereas, in view of the experience acquired in the
application of Regulation (EEC) No 1105/68, the
existing provisions should be supplemented by stand-
ards concerning the minimum defatted dry matter
content applicable within the Community to
skimmed milk and buttermilk qualifying for aid,
account being taken of the *de facto* situation in
certain regions during certain periods of the year;
whereas account should also be taken of the special
circumstances covered by Article 2 (1) (b) of Council
Regulation (EEC) No 986/68 of 15 July 1968 laying
down general rules for granting aid for skimmed milk
and skimmed-milk powder for use in feed⁽⁵⁾, as last
amended by Regulation (EEC) No 1042/78⁽⁶⁾, of
producers who use their skimmed milk solely for
feeding the animals on their own farms;

Whereas in order to ensure uniform application of the
aid scheme it is necessary to fix conversion rates to be
used when the quantity of skimmed milk concerned
is expressed in litres rather than kilograms;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 1105/68 is amended
as follows:

1. In paragraph 3 the following subparagraph is
added:

'For the purposes of this Regulation, 100 litres of
skimmed milk shall be equivalent to 103 kilo-
grams of skimmed milk.'

2. Paragraphs 5 and 6 are replaced by paragraphs 5 to
9 as follows:

'5. The granting of aid shall be subject to the
following conditions being met:

- (a) in the case of skimmed milk the defatted dry
matter content must be at least 8.75 % or its
specific weight at least equal to an equivalent
value;
- (b) in the case of buttermilk the defatted dry
matter content must be at least 8.00 %.

6. However, these minimum values shall not apply
in the following cases:

- (a) when the average of the minimum values for
the product in a Member State or in a region of
a Member State exceeds the limit fixed in the
preceding paragraph, this limit shall be
replaced by the average value for the Member
State or region concerned; this replacement
may be limited to the portion of the year
during which the minimum value is used;
- (b) when in the case of skimmed milk the dry
matter content is below the minimum value
specified and an additional test shows that it
has not been abnormally diluted. This test must
be additional to that specified in paragraph 7
(a) and may in particular consist of determina-
tion of the freezing point.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 12.

⁽³⁾ OJ No L 184, 29. 7. 1968, p. 24.

⁽⁴⁾ OJ No L 64, 12. 3. 1976, p. 11.

⁽⁵⁾ OJ No L 169, 28. 7. 1968, p. 4.

⁽⁶⁾ OJ No L 134, 22. 5. 1978, p. 11.

(c) when in the case of buttermilk the dry matter content is for justified technological reasons not less than 4 % but less than the minimum specified defatted dry matter content. In such cases the aid which may be granted shall be reduced proportionately to the reduction in the dry matter content.

7. Without prejudice to Article 5, Member States shall take all the necessary measures to ensure compliance with paragraph 4. For this purpose :

(a) they shall check the defatted dry matter content of the constituents referred to in paragraph 4. The reference method of analysis shall be that given in international standard FIL-IDF 21 : 1962 ;

(b) they may make provision for additional tests.

8. Member States shall notify the Commission every three months :

— of the average values obtained each month during the previous quarter for the defatted dry matter content referred to in paragraphs 5 to 7, indicating the minimum and maximum values recorded for the month and specifying the method of analysis used ;

— of the analytical test used if changes in the minimum value have been made under Article 6 (b).

9. The provisions of paragraphs 4 to 8 shall not apply to the skimmed milk referred to in Article 2 (1) (b) of Regulation (EEC) No 986/78.'

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, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1646/78

of 13 July 1978

laying down detailed rules on the checking of minimum marketing requirements for hops imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops⁽¹⁾, as last amended by Regulation (EEC) No 1170/77⁽²⁾, and in particular Article 5 (3) thereof,

Whereas Article 5 (1) thereof provides that the products referred to in Article 1 thereof may be imported into the Community, with effect from 1 August 1978, only if they meet the minimum marketing requirements for like products harvested within the Community or their derivatives; whereas, under paragraph 2 of the said Article, products imported from non-member countries accompanied by an attestation issued by the authorities of the country of origin and recognized as equivalent to the certificate are considered to meet the requirements referred to;

Whereas the minimum marketing requirements for hops were adopted by Commission Regulation (EEC) No 890/78 of 28 April 1978 laying down detailed rules for the certification of hops⁽³⁾;

Whereas it is necessary to lay down detailed rules on the checking of these requirements for hops imported from third countries without an attestation recognized as equivalent;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The entry into free circulation in the Community of hop cones falling within heading No ex 12.06 of the Common Customs Tariff, imported from third countries, without the attestation referred to in Article 5 (2) of Regulation (EEC) No 1696/71, shall be subject to a check by the competent authorities of the Member States. This check shall relate to the observance of the minimum marketing requirements set

out in the Annex to Regulation (EEC) No 890/78 in accordance with the methods referred to in Article 3 (2) and (3) of the said Regulation.

2. Member States shall forward to the Commission the name and address of the authorities referred to in paragraph 1 together with the model of the attestation and impressions of the official stamps and, where appropriate, the embossing presses of the authorities empowered to act.

Article 2

1. After this check, the authorities referred to in Article 1 shall issue an attestation in three copies, of which the first copy shall accompany the product while it is in circulation in its original state in the Community, the second copy shall be given to the customs office at which the product enters into free circulation and the third copy shall be kept by the competent authority.

2. The attestation shall contain:

(a) one of the following endorsements:

'Hops imported from third countries, presenting the characteristics set out in the Annex to Commission Regulation (EEC) No 890/78 of 28 April 1978';

'Humble, der er indført fra tredjelande, og som frembyder de egenskaber, der er nævnt i bilaget til Kommissionens forordning (EØF) nr. 890/78 af 28. april 1978';

'Aus Drittländern eingeführter Hopfen mit den im Anhang zur Verordnung (EWG) Nr. 890/78 der Kommission vom 28. April 1978 aufgeführten Merkmalen';

'Houblon importé de pays tiers et présentant les caractéristiques visées à l'annexe du règlement (CEE) n° 890/78 de la Commission du 28 avril 1978';

'Luppolo importato da paesi terzi che presenta le caratteristiche previste nell'allegato del regolamento (CEE) n. 890/78 della Commissione del 28 aprile 1978';

'Uit derde landen ingevoerde hop die de kenmerken heeft als bedoeld in de bijlage van Verordening (EEG) nr. 890/78 van de Commissie van 28 april 1978';

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ No L 137, 3. 6. 1977, p. 7.

⁽³⁾ OJ No L 117, 29. 4. 1978, p. 43.

- (b) the number, type and identification marks and numbers of the packages;
- (c) the gross weight and/or the net weight;
- (d) the name, address, seal and signature of the issuing authority and the date of issue of the attestation.

Article 3

This Regulation shall enter into force on 1 August 1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1647/78**of 13 July 1978****amending Regulation (EEC) No 1573/78 introducing a countervailing charge on imports of certain varieties of prunes originating in Spain**

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 Regulation (EEC) No 1573/78⁽³⁾ introduced a countervailing charge on certain varieties of prunes originating in Spain ;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that

Regulation is amended ; whereas, if these conditions are taken into consideration the countervailing charge on the import of certain varieties of prunes originating in Spain must be amended,

HAS ADOPTED THIS REGULATION :

Article 1

The amount '1.11 units of account' appearing in Article 1 of Regulation (EEC) No 1573/78 is replaced by the amount '3.84 units of account'.

Article 2

This Regulation shall enter into force on 14 July 1978.

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

Done at Brussels, 13 July 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 185, 7. 7. 1978, p. 29.

COMMISSION REGULATION (EEC) No 1648/78

of 13 July 1978

fixing the export refunds on 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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1254/78⁽²⁾, and in particular the
fourth subparagraph of Article 16 (2) thereof;

Having regard to the opinion of the Monetary
Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of those Regulations and prices for those
products within the Community may be covered by
an export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general
rules for granting export refunds on cereals and
criteria for fixing the amount of such refunds⁽³⁾,
provides that when refunds are being fixed account
must be taken of the existing situation and the future
trend with regard to prices and availabilities of cereals
on the Community market on the one hand and
prices for cereals on the world market on the other;
whereas the same Article provides that it is also impor-
tant to ensure equilibrium and the natural develop-
ment of prices and trade on the markets in cereals
and, furthermore, to take into account the economic
aspect of the proposed exports, and the need to avoid
disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice⁽⁴⁾, as
last amended by Regulation (EEC) No 1603/78⁽⁵⁾,
defines the specific criteria to be taken into account
when the refund on these products is being calcu-
lated;

Whereas it follows from applying these rules and
criteria to the present situation on the market in
products processed from cereals and rice that the
export refund should be fixed at an amount which
will cover the difference between Community prices
and world market prices;

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

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 export refunds on malt listed in Article 1 (d) of
Regulation (EEC) No 2727/75 subject to Regulation
(EEC) No 2744/75 are hereby fixed as shown in the
Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 July
1978.

⁽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. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 188, 11. 7. 1978, p. 1.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 13 July 1978 fixing the export refunds on malt

<i>(u.a. / tonne)</i>	
CCT heading No	Refund
11.07 A I b)	0
11.07 A II b)	79.05
11.07 B	92.13

COMMISSION REGULATION (EEC) No 1649/78

of 13 July 1978

fixing the corrective amount applicable to the refund on 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1254/78⁽²⁾, and in particular the third sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1603/78⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for making malt, the economic aspect

of exports and the need to prevent disturbances on the Community market;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

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

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

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 corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt is hereby fixed as shown in the tables annexed to this Regulation.

Article 2

This Regulation shall enter into force on 14 July 1978.

⁽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. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 188, 11. 7. 1978, p. 1.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 13 July 1978 fixing the corrective amount applicable to the refund on malt

(u.s. tonne)

CCT heading No	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
11.07 A I a)	0	0	0	0	0	—
11.07 A I b)	0	0	0	0	0	—
11.07 A II a)	0	0	0	0	0	—
11.07 A II b)	0	+ 16.43	+ 16.43	+ 16.43	+ 16.43	+ 16.43
11.07 B	0	+ 19.14	+ 19.14	+ 19.14	+ 19.14	+ 19.14

(u.s. tonne)

CCT heading No	6th period 1	7th period 2	8th period 3	9th period 4	10th period 5	11th period 6
11.07 A I a)	—	—	—	—	—	—
11.07 A I b)	—	—	—	—	—	—
11.07 A II a)	—	—	—	—	—	—
11.07 A II b)	+ 16.43	+ 16.43	+ 16.43	+ 16.43	+ 16.43	+ 16.43
11.07 B	+ 19.14	+ 19.14	+ 19.14	+ 19.14	+ 19.14	+ 19.14

COMMISSION REGULATION (EEC) No 1650/78

of 13 July 1978

fixing the refunds 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 organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1254/78⁽²⁾, and in particular the
first sentence of the fourth subparagraph of Article 16
(2) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of that Regulation and prices for those
products in the Community may be covered by an
export refund;

Whereas Article 2 of Council Regulation No (EEC)
No 2746/75 of 29 October 1975 laying down general
rules for granting export refunds on cereals and
criteria for fixing the amount of such refunds⁽³⁾,
provides that when refunds are being fixed account
must be taken of the existing situation and the future
trend with regard to prices and availabilities of cereals
on the Community market on the one hand and
prices for cereals and cereal products on the world
market on the other; whereas the same article
provides that it is also important to ensure equi-
librium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports
and the need to avoid disturbances on the Commu-
nity market;

Whereas Article 3 of Regulation (EEC) No 2746/75
defines the specific criteria to be taken into account
when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as
wheat and rye flour, groats and meal are concerned, in
Article 4 of Regulation (EEC) No 2746/75; whereas,
furthermore, when the refund on these products is
being calculated, account must be taken of the quanti-
ties of cereals required for their manufacture; whereas

these quantities were fixed in Regulation No 162/
67/EEC⁽⁴⁾, as amended by Regulation (EEC) No
1607/71⁽⁵⁾;

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

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

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

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

Whereas it follows from applying the rules outlined
above to the present situation on the market in
cereals, and in particular to quotations or prices for
these products within the Community and on the
world market, that the refunds should be fixed as
shown in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products listed in Article 1 (a), (b)
and (c) of Regulation (EEC) No 2727/75, exported in
the natural state, are hereby fixed as shown in the
Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 July
1978.

⁽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. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 13 July 1978 fixing the refunds on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (u.a. / tonne)
10.01 A	Common wheat and meslin	0
10.01 B	Durum wheat	0
10.02	Rye :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	55.00
	— other third countries	65.00
10.03	Barley :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	61.00
	— other third countries	0
10.04	Oats	0
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour :	
	— of an ash content of 0 to 520	100.00
	— of an ash content of 521 to 600	100.00
	— of an ash content of 601 to 900	90.00
	— of an ash content of 901 to 1 100	90.00
	— of an ash content of 1 101 to 1 650	80.00
	— of an ash content of 1 651 to 1 900	80.00
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	80.00
	— of an ash content of 701 to 1 150	80.00
	— of an ash content of 1 151 to 1 600	80.00
	— of an ash content of 1 601 to 2 000	80.00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 950	155.00
	— of an ash content of 951 to 1 300	155.00
	— of an ash content of 1 301 to 1 500	155.00
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	100.00

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

COMMISSION REGULATION (EEC) No 1651/78

of 13 July 1978

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1254/78⁽²⁾, and in particular the third sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1603/78⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

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

nity market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

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

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

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

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

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

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

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

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

(2) OJ No L 156, 14. 6. 1978, p. 1.

(3) OJ No L 281, 1. 11. 1975, p. 78.

(4) OJ No L 281, 1. 11. 1975, p. 65.

(5) OJ No L 188, 11. 7. 1978, p. 1.

(6) OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION:

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

Article 1

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

Article 2

This Regulation shall enter into force on 14 July 1978.

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

Done at Brussels, 13 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 13 July 1978 fixing the corrective amount applicable to the refund on cereals

(u.a. / tonne)

CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
10.01 A	Common wheat, and meslin	0	0	0	—	—	—	—
10.01 B	Durum wheat	0	0	0	—	—	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	+ 6.00	+ 6.00	—	—	—	—
10.04	Oats	0	0	0	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 June 1978

replacing a member of the Advisory Committee of the Euratom Supply Agency

(78/568/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Statutes of the Euratom Supply Agency ⁽¹⁾, as amended by Decision 73/45/Euratom ⁽²⁾, and in particular Article X thereof,

Having regard to the Council Decision of 29 March 1977 replacing the members of the Advisory Committee of the Euratom Supply Agency,

Having regard to the opinion of the Commission,

Whereas a seat has become vacant on the Advisory Committee of the Euratom Supply Agency following the resignation of Mr F. Dierkens, and the Government of Belgium has proposed that he be replaced by Mr P. Goldschmidt,

HAS DECIDED AS FOLLOWS:

Article 1

Mr P. Goldschmidt is hereby appointed a member of the Advisory Committee of the Euratom Supply Agency in place of Mr F. Dierkens, who has resigned, for the remainder of the latter's term of office, which runs until 28 March 1979.

Article 2

This appointment shall take effect on the date of this Decision.

Done at Luxembourg, 26 June 1978.

For the Council

The President

K. B. ANDERSEN

⁽¹⁾ OJ No 27, 6. 12. 1958, p. 534/58.

⁽²⁾ OJ No L 83, 30. 3. 1973, p. 20.

COUNCIL DECISION**of 26 June 1978****replacing a member of the Advisory Committee of the Euratom Supply Agency****(78/569/Euratom)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Statutes of the Euratom Supply Agency ⁽¹⁾, as amended by Decision 73/45/Euratom ⁽²⁾, and in particular Article X thereof,

Having regard to the Council Decision of 29 March 1977 replacing the members of the Advisory Committee of the Euratom Supply Agency,

Having regard to the opinion of the Commission,

Whereas a seat has become vacant on the Advisory Committee of the Euratom Supply Agency following the resignation of Mr H. Struck, and the Government of the Federal Republic of Germany has proposed that he be replaced by Mr A. Gerlach,

HAS DECIDED AS FOLLOWS:

Article 1

Mr A. Gerlach is hereby appointed a member of the Advisory Committee of the Euratom Supply Agency in place of Mr H. Struck, who has resigned, for the remainder of the latter's term of office, which runs until 28 March 1979.

Article 2

This appointment shall take effect on the date of this Decision.

Done at Luxembourg, 26 June 1978.

*For the Council**The President*

K. B. ANDERSEN

⁽¹⁾ OJ No 27, 6. 12. 1958, p. 534/58.⁽²⁾ OJ No L 83, 30. 3. 1973, p. 20.

COMMISSION

COMMISSION DECISION

of 7 June 1978

authorizing Ruhrkohle Handel GmbH, Düsseldorf, to acquire a 12.5 % interest in Bayerischer Brennstoffhandel GmbH & Co. KG, coal wholesalers of Munich

(Only the German text is authentic)

(78/570/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 66 and 80 thereof,

Having regard to Decision No 24-54 of 6 May 1954 laying down in implementation of Article 66 (1) of the Treaty a regulation on what constitutes control of an undertaking⁽¹⁾,

Having regard to the application made by Ruhrkohle Handel GmbH, Düsseldorf on 26 October 1976 and 15 April 1977 for authorization to acquire a 12.5 % interest in Bayerischer Brennstoffhandel GmbH & Co. KG, Munich,

Having obtained the views of the Government of the Federal Republic of Germany,

Whereas :

Bayerischer Brennstoffhandel GmbH & Co. KG (hereinafter referred to as 'Bayerischer Brennstoffhandel') is a joint venture in which the coal wholesale enterprises :

Klöckner & Co., Duisburg,
Harpen-Gruppe, Essen,
Rheinstahl Handel und Verkehr GmbH, Duisburg,
VEBA, Düsseldorf,

have shareholdings of between 20 and 35 % each.

In 1972 these wholesalers transferred to Bayerischer Brennstoffhandel part of their solid fuels business in Bavaria and now carry on this business jointly. Bayerische Brennstoffhandel is accordingly an undertaking covered by Article 80 and is jointly controlled by the

founder companies, which thus act as a group in the pursuit of their common business interests. The merger between the founder companies and Bayerischer Brennstoffhandel was authorized by Commission Decision of 17 May 1972. In 1975 Bayerischer Brennstoffhandel sold 325 000 tonnes of Community coal and 110 000 tonnes of imported coal.

Ruhrkohle Handel GmbH is proposing to merge with Bayerischer Brennstoffhandel a solid fuels business carried on in the Munich area, with 1975 sales of 12 000 tonnes.

The proposed entry of Ruhrkohle Handel GmbH will change the constitution of the controlling group and thence the distribution of voting rights within the group. It will involve a concentration within the meaning of Article 66 (1) of Ruhrkohle Handel GmbH with Bayerischer Brennstoffhandel. The effects of control by Ruhrkohle Handel GmbH of Bayerischer Brennstoffhandel on competition in the wholesale business must therefore be examined.

The Federal German Government, consulted under the fourth subparagraph of Article 66 (2), recommends that the entry of Ruhrkohle Handel into Bayerischer Brennstoffhandel should be authorized only on condition that VEBA divests itself of its holding in Bayerischer Brennstoffhandel. The reasons given are that competition would be affected at the solid fuels distributive level and that the market share of Bayerischer Brennstoffhandel would be expanded at the expense of independent local dealers, while at the same time an interlocking relationship would be created between VEBA and Ruhrkohle, both of whom are solid fuel dealers, which would tend to lessen competition between them generally.

⁽¹⁾ OJ ECSC No 9, 11. 5. 1954, p. 345.

Ruhrkohle Handel GmbH is a wholly owned subsidiary of Ruhrkohle AG. Like the other subsidiaries of Ruhrkohle AG, with which it is linked through the parent company, it does business in solid fuels and is therefore an undertaking covered by Article 80 of the Treaty. The share of the German solid fuels wholesale market accounted for by Ruhrkohle AG and its subsidiaries can be estimated at approximately 52 %. But this figure alone is not sufficiently indicative of Ruhrkohle's market position. The bulk of former users of solid fuels have converted their facilities to fuel oil consumption, or use convertible facilities which enable them to go over to liquid fuels if they so wish. Sales of solid fuels for domestic consumption and other industries have fallen by 70 % since 1962. Tonne for tonne, then, less than 30 % of the sales of coal wholesale merchants are now of solid fuels, for they are doing far more business in fuel oil. Ruhrkohle's share of this market, where solid and liquid fuels compete with each other, is therefore no more than 20 %. These circumstances should be taken into consideration in the assessment of the state of competition on this market.

Since the prices for solid fuels tend to follow the prices of light and heavy fuel oils, Ruhrkohle is not in a position to determine prices for the purpose of Article 66 (2). Nor can it control distribution, for in the circumstances prevailing on the solid fuels market under the competitive pressure exerted by fuel oil for nearly 20 years now, Ruhrkohle does not have adequate power over the distribution market to determine where sales will go, how much of what product will be sold or how the market will be shared, nor to create artificial shortages of supply.

Nor is there anything to suggest that the planned transaction would give Ruhrkohle AG the power to evade the rules of competition instituted under the Treaty. With sales of only 325 000 tonnes of Community coal in 1975, over 60 % being Ruhrkohle AG products already, Bayerischer Brennstoffhandel will not give Ruhrkohle AG any substantial advantage in access to outlets.

Ruhrkohle Handel's proposed participation in Bayerischer Brennstoffhandel is linked to its transfer to the latter of a wholesale business with annual sales of only some 12 000 tonnes.

The market position of Bayerischer Brennstoffhandel in relation to its competitors will thus not be altered

to such an extent as to exclude authorization under Article 66 (2). This follows from the fact that the relevant market for the purposes of Bayerischer Brennstoffhandel cannot be regarded as a substantial part of the market in the relevant products, while the planned merger would not give Bayerischer Brennstoffhandel the power to evade the rules of competition instituted under the Treaty. The same conclusion applies to the question of the weakening of independent trade in the relevant area. Bayerischer Brennstoffhandel sells virtually nothing but solid fuels in a regionally confined territory of the common market where substitute competition is particularly keen, and all the customers it supplies have the technical capacity to convert their facilities to other sources of energy. Accordingly it is exposed to competition not only from other companies that deal primarily in fuel oil, but also from the oil companies themselves. Since it was formed in 1972, Bayerischer Brennstoffhandel's solid fuel sales have approximately halved. Its market share in Bavaria following the entry of Ruhrkohle AG's wholesale firm will still amount to less than 27 % and less than 15 % if fuel oil is taken into consideration as a substitute source of energy.

The merger will have no anti-competitive effects on the other solid fuel business done by the firms involved in Bayerischer Brennstoffhandel. The main aim of the operation is to strengthen the position of merchants dealing with solid fuels in a particular geographical area where there is substantial competition from liquid and gas fuels because of distance from the collieries and the resulting high transport costs. The joint sales activity in Bayerischer Brennstoffhandel exercised by the controlling firms therefore extends to no more than a fraction of their aggregate solid fuels sales business. No group effect can therefore be expected to result. Nor is there any reason for expecting effects on competition between the firms that control Bayerischer Brennstoffhandel as regards their non-article 80 business in shipping, cooking by-products, petrochemicals and electricity generation.

The objections expressed by the Federal German Government consequently do not provide sufficient grounds on which to base a decision either to withhold approval or to grant approval subject to conditions. The planned operation satisfies the tests for authorization in Article 66 (2) and may be authorized,

HAS ADOPTED THIS DECISION:

Article 1

Ruhrkohle Handel GmbH, Düsseldorf, is authorized to acquire 12.5 % of the shares in Bayerischer Brennstoffhandel GmbH & Co. KG, coal wholesalers of Munich.

Article 2

This Decision is addressed to Ruhrkohle Handel GmbH, Düsseldorf.

Done at Brussels, 7 June 1978.

For the Commission

Raymond VOUEL

Member of the Commission

COMMISSION DECISION

of 12 June 1978

relating to a proceeding under Article 85 of the EEC Treaty (IV/29.453 — SNPE-LEL)

(Only the English and French texts are authentic)

(78/571/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof,

Having regard to Council No 17 of 6 February 1962⁽¹⁾, and in particular Articles 1, 4 and 15 (6) thereof,

Having regard to the notification made on 31 May 1977 by Société nationale des poudres et explosifs of Paris, and Leafields Engineering Limited of Leafield, United Kingdom, relating to the cooperation agreement entered into on 23 February 1977 between these two undertakings,

Having heard the undertakings concerned in accordance with Article 19 (1) of Regulation No 17 and with Regulation No 99/63/EEC⁽²⁾,

Whereas :

I. THE FACTS

A. The parties

1. Société nationale des poudres et explosifs (hereinafter referred to as 'SNPE') is a company incorporated in France in which the French State holds 99.82 % of the capital. Its activities are divided between Department A, autopropulsion, Department B, powder and explosives, and Department C, chemicals. A fourth department for engineering was transferred to a subsidiary company, SNPE Chimie Expansion, on 1 January 1976.

During the year 1976 SNPE and SNPE Chimie Expansion employed some 6 000 persons and had a turnover of approximately FF 876 million.

On 21 November 1977 SNPE acquired a controlling interest of 70 % in Pyromeca, Toulon, a company specializing in the development and manufacture of pyrotechnic units.

2. Leafields Engineering Limited (hereinafter referred to as 'LEL') is a company incorporated in the

United Kingdom. Its business is to design, develop and manufacture high-quality precision devices for the armed services and the offshore oil industry, such as major components for weapons systems, devices to inflate inflatable equipment, pyromechanisms, gas generators and hydraulic pumps.

In 1976 LEL employed some 158 persons and had a turnover of £1.2 million.

In 1974 LEL concluded an agreement with Pyromeca, Toulon (and its subsidiary in the United Kingdom, Pyromeca (UK) Ltd of Windsor) under which each party obtained *inter alia* the right to sell in its territory certain products manufactured by the other party. LEL acquired an 11 % share in Pyromeca when the latter was taken over by SNPE.

3. (a) Both SNPE and LEL are firmly established in the market for their respective products and both have specialized and partly complementary activities: SNPE in the fields of autopropulsion and chemical products, LEL in the fields of electronics and precision mechanics. Both have common and competitive interests in these fields as a whole and in particular products which incorporate their own respective specialist skills.

(b) A substantial number of the parties' products which are covered by the notified agreement are currently still under development and are likely to amount to a growing share in each party's total turnover.

B. The agreement

4. After discussing the conditions under which the 1974 agreement between LEL and Pyromeca could be replaced by a wider agreement between SNPE and LEL, the latter two undertakings agreed on 23 February 1977 to cooperate in the fields of pyromechanisms, tracers and submarine technologies. Depending on the products concerned, this cooperation was to take the form of commercial representation by one party of the other, subcontracting between

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

the parties, the reciprocal granting of licences or of rights of reproduction, or of joint manufacture. For certain specific products the parties could become each other's exclusive distributors in their respective countries.

5. Clause 2.2 of the agreement, which was duly notified to the Commission on 31 May 1977, provides that 'this agreement is limited to France and Great Britain. This being so and except for provisions to the contrary listed under point 6, SNPE is forbidden, subject to the procedures specified in the various articles of chapter 3 and with the exclusion of current business, to grant a manufacturing licence or right of reproduction in Great Britain, or to produce or sell there directly the products listed in Annex 1 to this agreement; LEL is likewise forbidden under the same circumstances to operate in France'.

Clause 6 of the agreement provides for possible relief from the obligations contained in the notified agreement where these obligations are contrary to provisions in contracts between either party and its Ministry of Defence.

6. Clause 3 of the agreement which relates to the intended forms of collaboration between the parties for the products mentioned in Annex 1 to the agreement provides *inter alia* for:

- (a) the grant of preferential rights by each party to the other of subcontracts for the latter's country (Clause 3.2);
- (b) the grant of preferential rights by each party to the other of licences or rights of reproduction for the latter's country (Clause 3.3);
- (c) joint production of certain products or parts thereof, the allocation of tasks to be proportional to the financial contribution of each party in the development of the product concerned (Clause 3.4);
- (d) joint exploitation and promotion of the products (Clause 3.5);

7. Under Clause 4 of the agreement, the two parties undertake *inter alia*:

- (a) to advise each other of negotiations pending from time to time and of commercial contracts which they intend to enter into with third parties, concerning the products mentioned in the agreement (Clause 4.1);
- (b) to hold in confidence and not to disclose nor use without written agreement from the other party any information received from the other party relating to the products covered by the agreement or relating to their methods of manufacture or development (Clause 4.2);
- (c) not to engage without the approval of the other party in negotiations for the manufacture or deve-

lopment by a third party of products listed in the agreement and which have been studied, developed or manufactured by the other party (Clause 4.4).

8. Under Clause 5 of the agreement, LEL undertakes:

- (a) to waive its right of pre-emption in respect of shares in Pyromeca and to cancel the 1974 contract binding it to Pyromeca;
- (b) to cancel another agreement, entered into in 1972, with Société d'études de réalisation et d'applications techniques (SERAT), Paris, concerning cooperation in fields of armaments and defence procurement.

9. Clause 9 of the agreement provides that if the notification of the agreement to the Commission of the European Communities results in an unfavourable response, the parties will jointly take remedial steps.

10. (a) The products covered by the agreement are listed in two annexes to the agreement:

(i) Annex 1 lists products for which a special agreement for collaboration is to be drawn up; namely, for pyrotechnic tracers, explosive attachments, pyromechanisms, gas generators for devices to inflate inflatable equipment and for lifting submerged objects, cutting lines and charges, cartridges and submarine products in lightened material. Concerning the latter submarine products, it is specified that, while awaiting a market study to be supplied by LEL, SNPE 'remains completely free to act directly in Great Britain'.

(ii) Annex 2 lists different other products which, initially, are merely to be subject to an exchange of information according to the provisions of Clauses 4.1 and 4.2 (see paragraph 7).

(b) For various reasons, it is not possible, and the information given by the parties confirms this, to give estimates of market shares for the products concerned, as between the parties and third-party competitors. First, the position varies in respect of the different products covered by the agreement; secondly, the products are at different stages of development and, thirdly, a number of the products need to be custom-built for their intended specific different uses by particular different customers. The parties have indicated, however, that, taking the products as a whole, there is no substantial competition to them within the Community from other producers.

11. Following a statement of objections made after a preliminary examination of the notified agreement, so far as this relates to the sharing of markets arising from Clause 2.2 (see paragraph 5), the undertakings concerned contested the Commission's objections in letters dated 20 December 1977 and requested the Commission to reconsider its views. They also stated that they would for the meantime and pending the grant of an exemption suspend the application of the agreement.

II. PRELIMINARY ASSESSMENT UNDER ARTICLE 85 (1) OF THE EEC TREATY

Article 85 (1) of the EEC Treaty prohibits as incompatible with the common market all agreements between undertakings which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market, and in particular those which share markets or sources of supply.

On the facts at present available, the Commission does not make a final ruling on the notified agreement but has reached the following conclusions on preliminary examination.

12. Both Société nationale des poudres et explosifs (SNPE) and Leafields Engineering Limited (LEL) are undertakings and their agreement of 23 February 1977 is an agreement between undertakings, within the meaning of Article 85 (1).

13. The agreement has as its object and effect the restriction of competition within the common market:

- (a) The undertakings concerned are actual competitors, particularly in the field of pyromechanisms, and at least potential competitors in other areas. Each party is of significant importance in its respective country as regards civilian and military uses of its respective products.
- (b) In respect of the products listed in Annex 1 to the agreement (see paragraph 10), Clause 2.2 of the agreement prohibits all manufacturing or trading activity of SNPE in the United Kingdom and of LEL in France (see paragraph 5). These provisions impose territorial limitations on the activities of the parties and amount to a sharing of the market in their products.

(c) The isolation of national markets is a particularly grave restriction as it runs counter to the principal objective of the Treaty to establish a single market comparable to a home market. Such restrictions of competition are in opposition to principles of free trade in goods and services established by the Treaty. The sharing of markets is explicitly cited in Article 85 (1) (c) of the Treaty as a particular example of a restrictive trade practice which is prohibited and has been condemned in a number of Commission Decisions which have been upheld by the Court of Justice⁽¹⁾.

(d) Certain other provisions of the notified agreement, in particular those referred to under paragraph 6, 7 and 8, will be subject to a separate assessment by the Commission. Some of these appear to bind the parties to cooperate in such a manner that in important areas they no longer make independent decisions in their future business activities. These provisions also appear to prevent the parties *inter alia* from freely granting subcontracts or licences to third-party undertakings in the other party's country.

(e) Although, according to the parties, the products listed in Annex 1 to the agreement represent only a minimal or not significant part of their output (less than 2 % for SNPE, 10 % for LEL), the restrictions of competition referred to in paragraph 13 (b) are appreciable because the products are highly specialized in their particular applications, are offered on the European market only by a very limited number of manufacturers apart from SNPE, LEL and Pyromeca and there is no substantial competition to the parties within the Community from other producers.

14. For these reasons and also because the agreement brings about a territorial sharing of the parties' manufacturing and selling activities, the agreement may appreciably affect trade between Member States.

15. In respect of Clause 2.2 of the agreement (see paragraph 13 (b) and (c)), SNPE have stated *inter alia* that this clause 'did not aim at a market sharing with an absolute territorial protection. The leading idea behind this clause was that the technical complexity of the products concerned and the necessary exchange of information thereon would require that the parties be bound to maintain a close confidentiality, to provide the preconditions for a joint exploitation which could achieve a reliable cooperation between

⁽¹⁾ Judgments in re 'Grundig-Consten' of 13 July 1966 (1966) ECR 299; 'Quinine' of 15 July 1970 (1970) ECR 661, 733, 769; 'Sugar' of 16 December 1975 (1975) ECR 1663; 'Frubo' of 15 May 1975 (1975) ECR 563.

technical teams, thus promoting the communication of knowhow between the parties concerned. The two parties, as they each supply their own complementary technological skills for the realization of a complete product, recognize it as legitimate that they should not offer the same product to third-party users in the other party's country' (SNPE letter of 20 December 1977).

16. LEL have similarly stated that the objective of Clause 2.2 is 'to ensure the technical interchange takes place to allow a natural and positive development of the products of our joint technologies. The agreement does not limit the opportunities for consumers to purchase the products to which the agreement relates from other sources within the EEC. On the contrary, the agreement enables each party to offer customers a full range of products of both companies which otherwise would not be available within the EEC' (LEL letter of 20 December 1977).

17. These arguments refer in substance to the general purpose of the agreement concerning the sharing between the parties of technical information and do not affect the conclusion that Article 85 (1) applies. Clause 2.2, whether it is considered in isolation or within the general framework of the agreement, has as its object and effect the creation of a territorial partitioning of SNPE's and LEL's respective activities which relate to the products listed in the agreement.

18. On a preliminary examination, therefore, the agreement in this respect infringes Article 85 (1) of the EEC Treaty.

III. PRELIMINARY ASSESSMENT UNDER ARTICLE 85 (3) OF THE EEC TREATY

Under Article 85 (3) of the Treaty, the provisions of Article 85 (1) may be declared inapplicable in the case of any agreement between undertakings which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives, nor (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

19. At this stage of the proceedings, it can be left open whether or not the restrictions on competition which are referred to in paragraph 13 (d) fulfil the requirements for an exemption.

In any event, Clause 2.2 of the notified agreement (paragraphs 5 and 13 (b) and (c)) does not meet the requirements for exemption for the following reasons:

- (a) Even on the assumption that specialization of manufacturing activities and joint research and development of new products are in principle likely to contribute to improving production, the obligations of each party not to grant licences, or to produce or to sell directly in the other's country cannot contribute to such a development. The question whether the provisions contained in Clause 2.2 are indispensable to the attainment of such benefits does not therefore arise.
- (b) In any event, consumers cannot draw any kind of benefit from the territorial allocation of the manufacturing and marketing activities of the parties. The parties themselves are the sole effective beneficiaries of the agreed partitioning of the market.
- (c) Because of the limited number of other manufacturers of the products concerned, SNPE's and LEL's reservation to themselves of their respective home markets affords them the possibility of eliminating competition in respect of a substantial part of the products in question.

20. The relevant arguments of the parties, as outlined in paragraphs 15 and 16, do not displace the Commission's conclusion that the obligations of the parties as contained in Clause 2.2 of the agreement cannot benefit from the exempting provisions of Article 85 (1).

21. On a preliminary examination of the notified agreement, the provisions contained in Clause 2.2 do not satisfy the tests of exemption contained in Article 85 (3).

IV. APPLICATION OF ARTICLE 15 (6) OF REGULATION No 17

22. The infringement of Article 85 began with the conclusion of the agreement between SNPE and LEL on 23 February 1977. The sharing of markets is a particularly grave restriction having regard to the fundamental objectives of the EEC Treaty.

23. In accordance with Article 15 (6) of Regulation No 17 this Decision suspends, in respect of the obligations of the parties arising from Clause 2.2 of the agreement and in respect of like obligations, the immunity against the imposition of fines which normally results from the notification of an agreement,

HAS ADOPTED THIS DECISION:

Article 1

After preliminary examination under Article 15 (6) of Regulation No 17 the Commission considers that Article 85 (1) of the EEC Treaty applies to obligations of the nature contained in Clause 2.2 of the agreement made on 23 February 1977 between Société nationale des poudres et explosifs and Leafields Engineering Limited, to the extent to which each party is prohibited from granting licences in respect of, or to produce or sell directly, specific products in the other party's country, and that the application of Article 85 (3) is not justified.

Article 2

This Decision is addressed to the following undertakings:

1. Société nationale des poudres et explosifs,
12, quai Henri IV,
F-75181 Paris Cedex 04 (France).
2. Leafields Engineering Limited,
Leafield,
Corsham,
Wiltshire SN1 39SS (England).

Done at Brussels, 12 June 1978.

For the Commission

Raymond VOUEL

Member of the Commission

COMMISSION DECISION

of 12 June 1978

on the reimbursement by the Guidance Section of the EAGGF to the Federal Republic of Germany of expenditure incurred during 1976 on aids relating to the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture

(Only the German text is authentic)

(78/572/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/161/EEC of 17 April 1972 concerning the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture⁽¹⁾, as last amended by Directive 73/358/EEC⁽²⁾, and in particular Article 14 (2) thereof,

Whereas the measures taken by the Federal Republic of Germany to implement Directive 72/161/EEC were the subject of a favourable Commission Decision pursuant to Article 11 of the said Directive;

Whereas the Federal Republic of Germany has made an application for reimbursement of expenditure incurred on aids granted during 1976 for the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture; whereas the application is complete and has been submitted in due form and in accordance with the requirements of Commission Decision 74/581/EEC of 16 October 1974 concerning applications for reimbursement in respect of aid granted by the Member States pursuant to Directives 72/159/EEC, 72/160/EEC and 72/161/EEC⁽³⁾, and also with the payments on account which can be agreed;

Whereas an examination of the information provided shows that eligible expenditure of DM 4 406 917.68 broken down as follows:

— under Title I : DM 2 804 635.04,
— under Title II : DM 1 602 282.64,

has been incurred during 1976 under the conditions laid down in Directive 72/161/EEC; whereas the

Guidance Section of the European Agricultural Guidance and Guarantee Fund should therefore reimburse 25 % thereof, i.e. DM 1 101 729.42;

Whereas a payment on account of DM 830 977.46 has been granted in application of Article 14 (3) of Directive 72/161/EEC and of Article 4 (1) of Decision 74/581/EEC; whereas a balance of DM 270 751.96 should therefore be granted to that Member State;

Whereas the EAGGF Committee has been consulted on the financial aspects and in particular as to the funds available,

HAS ADOPTED THIS DECISION:

Article 1

The final contribution by the Guidance Section of the European Agricultural Guidance and Guarantee Fund towards the expenditure incurred by the Federal Republic of Germany during 1976 in respect of aids relating to the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture shall be DM 1 101 729.42.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 12 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 15.

⁽²⁾ OJ No L 326, 27. 11. 1973, p. 17.

⁽³⁾ OJ No L 320, 29. 11. 1974, p. 1.

COMMISSION DECISION

of 12 June 1978

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 1071/78, the maximum amounts for the delivery of butteroil as food aid**(Only the Dutch, French and German texts are authentic)**

(78/573/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No
804/68 of 27 June 1968 on the common organization
of the market in milk and milk products⁽¹⁾, as last
amended by Regulation (EEC) No 1038/78⁽²⁾, and in
particular Article 6 (7) thereof,Whereas, pursuant to Commission Regulation (EEC)
No 1071/78 of 19 May 1978 of the delivery of various
consignments of butteroil as food aid⁽³⁾, the Dutch,
German, Belgian and French intervention agencies
have invited tenders for the manufacture and delivery
of 1 472 tonnes of butteroil, destined to certain third
countries and beneficiary organizations ;Whereas Article 16 of Commission Regulation (EEC)
No 303/77 of 14 February 1977 laying down general
rules for the supply of skimmed-milk powder and
butteroil as food aid⁽⁴⁾ provides that, in the light of
the tenders received, a maximum amount for each lot
put out to tender is to be fixed or the tendering proce-
dure is to be cancelled ;Whereas, on the basis of the tenders received, the
maximum amounts should be those specified below ;Whereas the measures provided for in this Decision
are in accordance with the opinion of the Manage-
ment Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION :

*Article 1*The maximum amounts to be set for the purpose of
awarding a contract pursuant to Regulation (EEC) No
1071/78 shall be fixed in units of account as follows :

- Lot C : 853 676,
- Lot D : 850 515,
- Lot F : 235 426,
- Lot G : 503 515,
- Lot H : 1 703 598,
- Lot I : 484 327.

*Article 2*This Decision is addressed to the Kingdom of the
Netherlands, the Federal Republic of Germany, the
Kingdom of Belgium and the French Republic.

Done at Brussels, 12 June 1978.

For the Commission

Finn GUNDELACH

Vice-President⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 134, 22. 5. 1978, p. 4.⁽³⁾ OJ No L 137, 24. 5. 1978, p. 1.⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

COMMISSION DECISION

of 12 June 1978

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 1072/78, the maximum amounts for the costs of delivery of skimmed-milk powder as food aid

(78/574/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1038/78⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 1072/78 of 19 May 1978 on the delivery of various consignments of skimmed-milk powder as food aid⁽³⁾, the intervention agencies of the Member States have invited tenders for the costs of delivery as food aid of 7 489 tonnes of skimmed-milk powder for certain third countries and beneficiary organizations;

Whereas Article 16 of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾ lays down that, on the basis of tenders received, a maximum amount shall be fixed for each lot put out to tender or it shall be decided not to proceed with the tender;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 1072/78 shall be fixed in units of account as follows:

- Lot B : 423 140,
- Lot C : 461 199,
- Lot D : 460 931,
- Lot F : 255 521,
- Lot G : 275 498,
- Lot H : 276 025,
- Lot I : 526 310,
- Lot K : 526 310,
- Lot L : 526 310,
- Lot M : 496 214,
- Lot N : 531 606,
- Lot O : 529 353,
- Lot R : 239 569,
- Lot S : 313 162,
- Lot T : 409 011,
- Lot U : 422 444,
- Lot V : 104 181,
- Lot W : 33 862.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 134, 22. 5. 1978, p. 4.

⁽³⁾ OJ No L 137, 24. 5. 1978, p. 7.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.