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I

(Acts whose publication is obligatory)

COMMISSION RECOMMENDATION No 1715/78/ECSC

of 20 July 1978

**imposing a definitive anti-dumping duty on certain galvanized sheets and plates
originating in Japan**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

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

Having regard to Commission recommendation
77/329/ECSC of 15 April 1977 on protection against
dumping or the granting of bounties or subsidies by
countries which are not members of the European
Coal and Steel Community⁽¹⁾, as amended by recom-
mendation No 3004/77/ECSC⁽²⁾, and in particular
Articles 17 and 19 thereof,

Having heard the opinions expressed within the advi-
sory committee provided for by recommendation
77/329/ECSC,

Whereas the Commission has received a complaint,
submitted in the name of the relevant Community
industry, setting out evidence as to the existence of
dumping of certain galvanized sheets and plates, origi-
nating in Japan and certain other countries, and mate-
rial injury resulting therefrom;

Whereas, since the information received indicated
that the complaint was admissible and that defensive
measures might be necessary, the Commission offi-
cially informed the importers and exporters known to
be concerned, published in the *Official Journal of
the European Communities* a notice of the initiation
of an inquiry concerning the imports in question⁽³⁾
and commenced an examination of the matter in
cooperation with the Member States;

Whereas, since preliminary examination of the matter
showed that there was dumping and sufficient
evidence of injury and the interests of the Community
called for immediate intervention, the Commission,

by recommendation No 359/78/ECSC⁽⁴⁾, imposed a
provisional anti-dumping duty on the imports in ques-
tion;

Whereas the said provisional duty has been
extended⁽⁵⁾ and suspended⁽⁶⁾;

Whereas, in the course of the examination of the
matter, completed after the imposition of the provi-
sional anti-dumping duty, the Commission gave inte-
rested parties the opportunity to make known their
views in writing and gave the parties directly
concerned who so requested the opportunity orally to
develop their views;

Whereas, however, in so far as interested parties did
not avail themselves of the opportunity to make
known their views or present their arguments, the
Commission had to base its findings on the facts avail-
able;

Whereas in view of the particular situation prevailing
on national and international markets for steel, it
appeared to the Commission that sales on the
domestic market of Japan were not made in the ordi-
nary course of trade and did not permit a proper
comparison for the purposes of establishing dumping
margins;

Whereas, for these reasons, the Commission has
decided to base its dumping calculations on the cost
of production in a country considered to be one of the
most efficient producers of the product in question, as
established by means of the latest publicly available
data;

Whereas such cost of production has been calculated
taking into consideration *inter alia* the following
elements: raw materials (covering iron ore, sinter,
pellets, scrap, ferro alloys and other iron-bearing mate-
rials and fluxes), energy costs (coke, fuel oil, electri-

⁽¹⁾ OJ No L 114, 5. 5. 1977, p. 6.

⁽²⁾ OJ No L 352, 31. 12. 1977, p. 13.

⁽³⁾ OJ No C 19, 24. 1. 1978, p. 7.

⁽⁴⁾ OJ No L 50, 22. 2. 1978, p. 13.

⁽⁵⁾ OJ No L 106, 20. 4. 1978, p. 20.

⁽⁶⁾ OJ No L 94, 8. 4. 1978, p. 21.

city), labour costs including social costs other operating costs (including maintenance costs and transport costs) and capital costs, to which was added a reasonable amount for administration, selling and any other costs and for profits;

Whereas the aforementioned calculation has confirmed the reasonableness of the basic prices as published by the Commission ⁽¹⁾;

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

Whereas this price comparison was made on a free-at-Community-frontier duty-paid basis;

Whereas this examination of the matter has shown that the products in question were offered for import within the Community at prices lower than the basic prices and that dumping has taken place, the margin of which is constituted by this undercutting;

Whereas, with regard to injury to the industry concerned, the evidence available to the Commission shows that imports into the Community of the products concerned increased overall from 61 000 tonnes in 1974 to 237 000 tonnes in 1977, while those originating in Japan rose from 31 000 to 57 000 tonnes over the same period, the market shares thus achieved being 7 % for all imports and 5 % for those originating in Japan together with those from Austria, Australia, Czechoslovakia, Finland, the German Democratic Republic, Poland, South Africa, Spain and Sweden, which are also subject to defensive measures in the Community or to steel arrangements concluded with the ECSC;

Whereas, on the other hand, the Community steel industry is in a state of crisis; whereas during the period 1974 to 1977, production of the products concerned stagnated, while the number employed fell from 780 000 to 720 000, short time working became necessary and most of the firms concerned showed reduced profits or serious losses;

Whereas the import prices into the Community of products originating in Japan have depressed the already low prices of Community producers;

⁽¹⁾ Commission communication of 31 December 1977 concerning basic prices of certain iron and steel products (OJ No L 353, 31. 12. 1977, p. 1), as amended by the communication of 5 July 1978 (OJ No L 183, 5. 7. 1978, p. 3.)

Whereas, therefore, the facts as finally established show that material injury has been caused to the Community industry, or that such injury would have been caused if provisional action had not been taken, by imports originating in Japan together with those from Austria, Australia, Czechoslovakia, Finland, the German Democratic Republic, Poland, South Africa, Spain and Sweden, which are also subject to defensive measures or covered by steel arrangements concluded with the Community;

Whereas, in the serious conditions being experienced by the Community steel industry, the interests of the Community require the imposition of a definitive anti-dumping duty and the definitive collection of the amount secured by way of provisional duty;

Whereas the amount of such definitive duty should correspond to the difference between the basic price published by the Commission for the products in question and their price on importation into the Community, due consideration being given to any reduction in value claimed by the importers and established to the satisfaction of the competent national authorities;

Whereas, however, certain arrangements have been made between the Community and Japan, with respect to trade in steel products;

Whereas these arrangements, which the Commission considers satisfactory, allow the definitive duty under this recommendation to be suspended and to exclude certain transactions from the definitive collection of duty,

HAS ADOPTED THIS RECOMMENDATION:

Article 1

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

- zinc-coated (other than electrolytically) steel sheets and plates (galvanized);
- Common Customs Tariff subheading 73.13 B IV c);
- NIMEXE codes 73.13-68, 72.

2. The amount of this duty shall be equal to the amount by which the effective price (basic price plus extra) established by contract, free-at-Community frontier duty-paid, is lower than the effective price (basic price plus extra) last published by the Commission for this product at the time of its entry for Community consumption.

3. The amount of the duty shall however be reduced to the extent that the importer establishes to the satisfaction of the competent national authorities that the price differential referred to in paragraph 2 above is due to a reduction in value resulting from the quality of the goods being inferior to the lowest quality described in the last publication of basic prices by the Commission.

4. This duty shall be collected on the same basis as customs duties.

Article 2

The amounts secured by way of provisional duty under the provisions of recommendation No 359/78/ECSC, in respect of products originating in Japan, shall be definitively collected to the extent that they do not exceed the rate of duty fixed in this recommendation.

Article 3

1. The application of the definitive anti-dumping duty imposed under Article 1 above is hereby suspended.

Article 4

In derogation from Article 2, the amounts secured by way of provisional duty shall not be definitively

collected but shall be refunded upon request of the importer concerned, as regards :

- (a) galvanized sheets and plates of qualities other than BS 2989, grades Z1 or Z2, or of a thickness of less than 1 mm ;
- (b) deliveries made under contracts concluded before 20 December 1977, which contain no price revision clause permitting an adaptation of the contract prices to the basic prices applied in the Community ;
- (c) deliveries made under the contracts referred to under (b) above and destined for shipbuilding yards within the Community.

Article 5

This recommendation shall be notified to the Member States.

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

Done at Brussels, 20 July 1978.

For the Commission

Wilhelm HAERKAMP

Vice-President

COMMISSION RECOMMENDATION No 1716/78/ECSC

of 20 July 1978

providing for the suspension of the provisional anti-dumping duty established in relation to imports of iron or steel coils for re-rolling originating in Australia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission recommendation 77/329/ECSC of 15 April 1977 on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Coal and Steel Community⁽¹⁾, as amended by recommendation No 3004/77/ECSC⁽²⁾, and in particular Articles 15 and 19 thereof,

Having heard the opinions expressed within the advisory committee provided for by recommendation 77/329/ECSC,

Whereas the Commission has established, by recommendation No 307/78/ECSC⁽³⁾, a provisional anti-dumping duty in relation to imports of iron or steel coils for re-rolling originating in Australia;

Whereas since that time certain arrangements have been made between the Community and Australia with respect to trade in steel products;

Whereas these arrangements, which the Commission deems reasonable, allow the further application of provisional anti-dumping duties to be suspended, without prejudice however to the subsequent decision of the Commission with respect to the treatment to be accorded to the amounts guaranteed by way of provisional duty.

HAS ADOPTED THIS RECOMMENDATION:

Article 1

The application of the provisional anti-dumping duty established by Commission recommendation No 307/78/ECSC, in relation to imports of iron or steel coils for re-rolling originating in Australia, is suspended from the date of the entry into force of this recommendation.

This recommendation does not prejudice the decision which the Commission may take subsequently with respect to the treatment to be accorded to the sums guaranteed up to this date by way of provisional duties.

No other anti-dumping duty or other similar measures will be applied to imports of steel products falling under the ECSC Treaty and originating in Australia unless a counter-recommendation is made by the Commission.

Article 2

This recommendation is addressed to the Member States. It will enter into force in respect of each Member State from the date of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 20 July 1978.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 114, 5. 5. 1977, p. 6.

⁽²⁾ OJ No L 352, 31. 12. 1977, p. 13.

⁽³⁾ OJ No L 45, 16. 2. 1978, p. 17.

COMMISSION REGULATION (EEC) No 1717/78**of 20 July 1978****altering the components used to calculate the differential amounts for colza and rape seed**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 852/78⁽⁴⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973⁽⁵⁾, as last amended by Regulation (EEC) No 1234/77⁽⁶⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72; whereas the components used to calculate the differential amounts were fixed by Regulation (EEC) No 1511/78⁽⁷⁾, as last amended by Regulation (EEC) No

1585/78⁽⁸⁾; whereas, in the case of the pound sterling and the Irish pound, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 for the period 12 to 18 July 1978 has changed, by reference to the representative rate valid on 24 July 1978, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when fixing the components used to calculate the differential amounts for colza and rape seed where those components are already applied in respect of the Member State concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1511/78 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 July 1978.

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

Done at Brussels, 20 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 8.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 178, 1. 7. 1978, p. 54.

⁽⁸⁾ OJ No L 186, 8. 7. 1978, p. 6.

ANNEX

to the Commission Regulation of 20 July 1978 altering the components used to calculate the differential amounts for colza and rape seed

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.0720	— 0.0720	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0591
— harvested in France			—	0.1510
— harvested in Denmark			—	0.0720
— harvested in Ireland			—	0.0926
— harvested in the United Kingdom			—	0.2687
— harvested in Italy			—	0.1691
2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0140	— 0.0140	+	—
-- harvested in Germany			0.0628	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.0977
— harvested in Denmark			—	0.0140
— harvested in Ireland			—	0.0357
— harvested in the United Kingdom			—	0.2228
— harvested in Italy			—	0.1170
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.0778	—
— harvested in the BLEU or in the Netherlands			0.0142	—
— harvested in France			—	0.0849
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0220
— harvested in the United Kingdom			—	0.2118
-- harvested in Italy			—	0.1045
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.0927	+ 0.0927	+	—
— harvested in Germany			0.1778	—
-- harvested in the BLEU or in the Netherlands			0.1083	—
-- harvested in France			—	—
— harvested in Denmark			0.0927	—
— harvested in Ireland			0.0687	—
— harvested in the United Kingdom			—	0.1387
— harvested in Italy			—	0.0214

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	— 0.2687	+ 0.2687	+	—
— harvested in Germany			0.3674	—
— harvested in the BLEU or in the Netherlands			0.2867	—
— harvested in France			0.1610	—
— harvested in Denmark			0.2687	—
— harvested in Ireland			0.2408	—
— harvested in the United Kingdom			—	—
— harvested in Italy			0.1361	—
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.0225	+ 0.0225	+	—
— harvested in Germany			0.1021	—
— harvested in the BLEU or in the Netherlands			0.0370	—
— harvested in France			—	0.0643
— harvested in Denmark			0.0225	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			—	0.1941
— harvested in Italy			—	0.0844
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.1166	+ 0.1166	+	—
— harvested in Germany			0.2036	—
— harvested in the BLEU or in the Netherlands			0.1325	—
— harvested in France			0.0219	—
— harvested in Denmark			0.1166	—
— harvested in Ireland			0.0922	—
— harvested in the United Kingdom			—	0.1198
— harvested in Italy			—	—

COMMISSION REGULATION (EEC) No 1718/78

of 20 July 1978

fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 852/78⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

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

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1500/78 of 30 June 1978 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 1692/78⁽⁸⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 July 1978.

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

Done at Brussels, 20 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 8.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 178, 1. 7. 1978, p. 32.

⁽⁸⁾ OJ No L 194, 19. 7. 1978, p. 10.

ANNEX

World market price applicable from 24 July 1978 for colza and rape seed (CCT heading No ex 12.01)

	u.a./100 kg ⁽¹⁾
World market price	18.476
World market price where the subsidy is fixed in advance :	
— for the month of July 1978	18.476
— for the month of August 1978	18.476
— for the month of September 1978	18.476
— for the month of October 1978	17.046
— for the month of November 1978	16.471
— for the month of December 1978	16.471

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

1 u.a. = DM	3.15665
1 u.a. = Fl	3.35507
1 u.a. = Bfr/Lfr	48.6572
1 u.a. = FF	6.80249
1 u.a. = Dkr	8.56656
1 u.a. = £	0.804589
1 u.a. = I £	0.804589
1 u.a. = Lit	1 288.60

II

(Acts whose publication is not obligatory)

COMMISSION

TWENTY-THIRD COMMISSION DIRECTIVE

of 23 June 1978

amending the Annexes to Council Directive 70/524/EEC concerning the additives in feedingstuffs

(78/613/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by twenty-second Commission Directive 78/522/EEC ⁽²⁾, and in particular Article 6 thereof,

Whereas the abovementioned Directive stipulates that the content of the Annexes is to be constantly adapted to keep pace with scientific and technical knowledge;

Whereas it appears that the use of sulphaquinoxaline allowed under Annex II still requires further testing;

whereas the period during which the Member States may authorize its use should therefore be extended subject to certain conditions;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Annex II to Directive 70/524/EEC, under Part B 'Coccidiostats and other medicinal substances', Item No 8 'Sulphaquinoxaline' is hereby amended to read as follows:

No	Additives	Chemical name, description	Animal species	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorization
					ppm of complete feedingstuff			
8	Sulphaquinoxaline	2-p-aminobenzene sulphonamido quinoxaline	Rabbits	—	125	250	Use prohibited at least seven days before slaughter	31 December 1978

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.⁽²⁾ OJ No L 159, 17. 6. 1978, p. 43.

COMMISSION OPINION

of 23 June 1978

addressed to the Government of the United Kingdom concerning the provisions relating to certain measures in the field of working conditions in road transport

(78/614/EEC)

1. By letter dated 3 April 1978 from the office of its Permanent Representative to the European Communities and registered by the Secretariat-General of the Commission on 5 April 1978, the United Kingdom Government presented to the Commission for consultation a draft regulation concerning working conditions in road transport.

The United Kingdom Government consulted the Commission in accordance with the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations or administrative provisions concerning transport proposed in Member States⁽¹⁾. However, since much of what is dealt with in the proposed regulation concerns in particular the means of implementation of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social conditions relating to road transport⁽²⁾, the Commission is of the opinion that the consultation essentially falls within the scope of the procedure provided for in Article 18 of that Regulation.

2. The Commission shares the United Kingdom Government's concern to create a clear legal situation as regards the rules on working conditions for the crews of vehicles engaged in road transport.

3. Regulation 4 (4) of the text sent to the Commission, only mentions as an obligatory interruption to the activity of driving a break of half an hour which may be divided up in the manner laid down in Article 8 (2) of Regulation (EEC) No 543/69, whereas Article

8 (1) thereof imposes a break of one hour which may be replaced by two breaks of 30 minutes each, for drivers of the vehicles referred to in Article 6 of Regulation (EEC) No 543/69. The Commission requests the United Kingdom Government to modify its proposed legislation accordingly.

4. Article 13 (1) of Regulation (EEC) No 543/69 allows the Member States to apply higher minima or lower maxima than those laid down in the said Regulation. Moreover, the attention of the United Kingdom Government is drawn to the provisions of Article 2 (2) of Regulation (EEC) No 2827/77⁽³⁾ under which the Commission must 'take care to ensure that there is no regression by comparison with what has already been achieved in practice in terms of social protection and road safety under the [existing] rules.'

Since the relevant Community legislation cannot be used as a basis for the adoption of provisions which are socially regressive by comparison with the existing national legislation, the Commission requests the United Kingdom Government to review, in the light of these provisions, the measures which it proposes to take under regulation 4 (3) (5) and (6).

Done at Brussels, 23 June 1978.

For the Commission

Richard BURKE

Member of the Commission

⁽¹⁾ OJ No 23, 3. 4. 1962, p. 720/62.

⁽²⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽³⁾ OJ No L 334, 24. 12. 1977, p. 1.

COMMISSION DECISION

of 23 June 1978

amending Commission Decision 76/687/EEC of 30 June 1976 authorizing the Federal Republic of Germany to restrict the marketing of seed of certain varieties of agricultural plant species

(Only the German text is authentic)

(78/615/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽¹⁾, as last amended by Directive 78/55/EEC⁽²⁾, and in particular Article 7 thereof,

Having regard to Commission Decision 76/687/EEC of 30 June 1976 authorizing the Federal Republic of Germany to restrict the marketing of seed of certain varieties of agricultural plant species⁽³⁾, and in particular Article 2 thereof,

Whereas, in accordance with the provisions of Article 15 (1) of the abovementioned Directive, seed or propagating material of these varieties of agricultural species which have been officially approved in at least one of the Member States and which also fulfil the conditions laid down in the said Directive is, after the expiry of a given period, no longer subject to any marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the abovementioned Directive provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas, in accordance with the abovementioned Decision, the Commission has authorized the Federal Republic of Germany *inter alia* to prohibit the marketing of seed of the 'Bastion' (*Triticum aestivum* L.) variety because this variety has not been, in the Federal Republic of Germany, sufficiently uniform in certain characteristics (Article 15 (3) (a));

Whereas, because of the results of new growing trials, it can no longer be maintained that in the Federal Republic of Germany the variety is not sufficiently uniform;

Whereas, therefore, the conditions of Article 15 (3) (a) of the abovementioned Directive are no longer satisfied;

Whereas, therefore, the authorization granted to the Federal Republic of Germany should be withdrawn;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seed and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The authorization for the Federal Republic of Germany granted in Decision 76/687/EEC of 30 June 1976 shall be withdrawn with effect from 20 April 1978 as far as the Bastion (*Triticum aestivum* L.) variety is concerned.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 225, 12. 10. 1970, p. 1.

(2) OJ No L 16, 20. 1. 1978, p. 23.

(3) OJ No L 235, 26. 8. 1976, p. 21.

COMMISSION DECISION**of 23 June 1978****extending Commission Decision 78/200/EEC of 20 January 1978 authorizing Member States to permit temporarily the marketing of forestry reproductive material not complying with requirements of Council Directive 66/404/EEC****(78/616/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material⁽¹⁾, as last amended by Directive 75/445/EEC⁽²⁾, and in particular Article 15 (1) thereof,

Having regard to the request submitted by the Federal Republic of Germany,

Whereas the production of reproductive material of forestry species is at present insufficient in all Member States so that their requirements for reproductive material conforming to the requirements of the above Directive cannot be met;

Whereas third countries are no more in a position to supply sufficient reproductive material of the relevant species which can afford the same guarantees as Community reproductive material and which conforms to the requirements of the above Directive;

Whereas by Decision 78/200/EEC of 20 January 1978⁽³⁾, amended by Decision 78/328/EEC⁽⁴⁾, the Commission has authorized the Member States to permit temporarily the marketing of forestry reproductive material which satisfies less stringent requirements;

Whereas the Federal Republic of Germany could not cover sufficiently its need in the fixed period;

Whereas the Federal Republic of Germany should therefore be authorized temporarily also to permit the marketing of the reproductive material listed in the Annex to this Decision satisfying less stringent requirements;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seed and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

With effect from 1 April 1978, there shall be added to the Annex to Decision 78/200/EEC the entries set out in the Annex hereto for the Federal Republic of Germany.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽²⁾ OJ No L 196 26. 7. 1975, p. 14.

⁽³⁾ OJ No L 62, 4. 3. 1978, p. 27.

⁽⁴⁾ OJ No L 93, 7. 4. 1978, p. 34.

BILAG — ANLAGE — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

Medlemsstat Mitgliedstaat Member State État membre Stato membro Lid-Staat	Abies alba Mill.		Fagus silvatica L.		Larix decidua Mill.	
	kg	Oprindelse Herkunft Provenance Provenienza Herkomst	kg	Oprindelse Herkunft Provenance Provenienza Herkomst	kg	Oprindelse Herkunft Provenance Provenienza Herkomst
D	500	CS, DDR, R	15 000	CH, CS, DDR, R	130	CS

D	Picea abies Karst.		Pinus strobus L.	
	140	CS, DDR, H, PL, R, SU	100	CS, DDR, USA (Apalachians)

D	Quercus borealis Michx.	
	5 000	CS, DDR, USA (Apalachians)

LEGEND

The Member States and the States of provenances are indicated in the order of the abbreviations of the international code used for motor vehicles.

1. Member States

D = Federal Republic of Germany

2. States of provenances

CH = Switzerland

CS = Czechoslovakia

DDR = German Democratic Republic

H = Hungary

PL = Poland

R = Romania

SU = Union of Soviet Socialist Republics

USA = United States of America

COMMISSION RECOMMENDATION**of 26 June 1978****amending recommendation 77/330/ECSC establishing Community surveillance in respect of the importation into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community, originating in third countries****(78/617/ECSC)****THE COMMISSION OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 (3) thereof,

Whereas by recommendation 78/282/ECSC of 9 March 1978 to the Governments of the Member States amending Commission recommendation 77/330/ECSC of 15 April 1977, as last amended by recommendation 77/808/ECSC of 23 December 1977, establishing Community surveillance in respect of the importation into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community, originating in third countries⁽¹⁾, the Commission decided that it would no longer be necessary that the request from the importer should state the effective price (basic price plus extra) established by contract free-at-Community-frontier, duty-paid in respect of reinforcing bars falling within subheading ex 73.10 A II of the Common Customs Tariff, originating in Switzerland, and in respect of the products originating in third countries indicated in the list annexed to the said recommendation ;

Whereas Romania should be added to this list,

MAKES THE FOLLOWING RECOMMENDATION :

Article 1

The following third country is hereby added to the list of third countries in the Annex to recommendation 78/282/ECSC :

— Romania.

Article 2

This recommendation is addressed to the Member States.

Done at Brussels, 26 June 1978.

For the Commission

Christopher TUGENDHAT

Member of the Commission

⁽¹⁾ OJ No L 73, 15. 3. 1978, p. 37.

COMMISSION DECISION

of 28 June 1978

setting up a Scientific Advisory Committee to examine the toxicity and ecotoxicity of chemical compounds

(78/618/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas the programme of action of the European Communities on the environment⁽¹⁾ stresses the need to assess the unfavourable effects of chemical compounds on man and on the environment; whereas particular attention must be paid to those compounds the use of which is liable to have detrimental effects on human health and on the various environmental media;

Whereas the resolution of the Council of the European Communities and of the representatives of the Governments of the Member States meeting within the Council of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment⁽²⁾, provides that the Commission will examine permanently at Community level the impact of chemical compounds on the environment, with the help of a committee of experts;

Whereas it is important for the Commission to obtain, within a committee of scientific experts, the opinions of highly qualified persons to allow the Commission to conduct this permanent examination,

HAS ADOPTED THIS DECISION:

Article 1

There shall be attached to the Commission a Scientific Advisory Committee to examine the toxicity and ecotoxicity of chemical compounds (hereinafter called 'the Committee').

Article 2

1. The task of the Committee or, where appropriate, of its sections referred to in Article 8, shall be to supply the Commission with opinions, at the latter's request, on all matters relating to the examination of the toxicity and ecotoxicity of those chemical compounds the use of which is liable to have detri-

mental effects on human health and on the various environmental media, taking into account:

- scientific knowledge gained concerning the toxicity and ecotoxicity of the chemical compounds;
- the uses and quantities of those compounds;
- the assessment of the levels of exposure of the targets.

Opinions of the Committee shall relate in particular to:

- the examination of the toxic effects of chemical compounds on man;
- the examination of the various routes by which chemical compounds are transferred, and of the processes by which they are concentrated in the environment, which affect or could affect man;
- the examination of the toxic effects and nuisances caused by chemical compounds on the various environmental media.

2. The Committee shall not deliver opinions on radioactive substances and matters related to the examination of the toxicity and ecotoxicity of chemical compounds when these problems are the responsibility of other advisory committees attached to the Commission.

Article 3

The Committee shall consist of 22 members, of whom:

- 18 shall be senior experts from the Member States, two from each Member State,
- four shall be representatives from the Commission.

Article 4

The members of the Committee shall be appointed by the Commission.

For the seats to be filled which are allocated to the experts from the Member States, the Commission, after consulting the Member States concerned, shall appoint nine experts on toxicology and nine experts on ecotoxicology.

⁽¹⁾ OJ No C 112, 20. 12. 1973, p. 28.

⁽²⁾ OJ No C 139, 13. 6. 1977, p. 1.

Article 5

The term of office for members of the Committee shall be three years. Their appointments may be renewed. After the expiry of the three-year period members of the Committee shall remain in office until they are replaced or until their appointments are renewed.

A member's term of office may be terminated before the expiry of the three-year period by resignation or death, or if the Member State consulted on his appointment requests his replacement.

A person shall be appointed, in the manner provided in Article 4, to replace such member for the remainder of the term of office.

Members shall not be remunerated for their services.

Article 6

A list of members shall be published by the Commission, for information purposes, in the *Official Journal of the European Communities*.

Article 7

1. The Committee shall elect from the national experts a chairman and two vice-chairmen for a period of three years. Election shall be by a majority of two thirds of the members present.

2. The Commission shall provide secretarial services for the Committee, its sections and its working parties referred to in Article 8 and shall organize their work.

Article 8

The Committee shall consist of a toxicology section and an ecotoxicology section. The Committee shall determine the rules of procedure of these sections.

The Committee may also set up working parties.

Article 9

1. The Committee, its sections and its working parties shall meet at the headquarters of the Commission when convened by the latter.

2. Representatives of the Commission departments concerned shall take part in meetings of the Committee, its sections and its working parties.

Article 10

The chairman and/or the Commission may invite any person with special qualifications in any subject on the agenda to take part in an expert capacity in the deliberation of the Committee, its sections or its working parties referred to in Article 8.

Experts shall take part in discussion only of those questions on account of which they were invited.

Article 11

No vote shall be taken on the discussions of the Committee, its sections and its working parties.

The Commission may, when seeking the opinion of the Committee, and, in some cases, of its sections, set a time limit within which such opinions shall be given.

Article 12

Without prejudice to the provisions of Article 214 of the Treaty, when the chairman of the Committee or the Commission informs them that the opinion requested or the question raised is on a matter of a confidential nature, members of the Committee shall be under an obligation not to disclose information which has come to their knowledge through the work of the Committee, its sections or its working parties.

In such cases, only Committee members and representatives of the Commission departments concerned may be present at the meetings.

Article 13

This Decision shall enter into force on 28 June 1978.

Done at Brussels, 28 June 1978.

For the Commission

Lorenzo NATALI

Vice-President

COMMISSION OPINION**of 28 June 1978**

pursuant to Article 3 (2) of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport (tachograph) on the exemption by Member States from this Regulation of vehicles constructed and equipped to carry not more than 15 persons including the driver

(78/619/EEC)

By letter dated 7 February 1978 from the office of its Permanent Representative, the Italian Government announced its intention to grant exemption for vehicles constructed and equipped to carry not more than 15 persons including the driver from Regulation (EEC) No 1463/70 (tachograph) while continuing to make them subject to Regulation (EEC) No 543/69 (social legislation).

After careful consideration of the new text of the Regulation and after examination with the authorities of the Member States of the question of exemption from the Regulation for this class of vehicle, the Commission gives the following opinion on the Italian proposal :

Member States may, after consulting the Commission, grant an exemption from Regulation (EEC) No 1463/70 only in respect of national transport operations for vehicles constructed and equipped to carry not more than 15 persons including the driver. This limitation must be made clear in any national legislation to implement the exemption.

Subject to this observation, the Commission accepts that the measure proposed by the Italian Government is in accordance with the Regulation in question.

Done at Brussels, 28 June 1978.

For the Commission

Richard BURKE

Member of the Commission

COMMISSION OPINION**of 28 June 1978**

pursuant to Article 14a (2) (a) of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport and Article 3 (2) of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport (tachograph) on the exemption by Member States from these Regulations of vehicles constructed and equipped to carry not more than 15 persons including the driver

(78/620/EEC)

By letter dated 30 March 1978 from the office of its Permanent Representative, the United Kingdom Government, submitted for the opinion of the Commission draft regulations entitled 'The Community road transport rules (exemptions) (No 1 : regulations)' intended to exempt vehicles constructed and equipped to carry not more than 15 persons including the driver from both the abovementioned Regulations.

After careful consideration of the new texts of the Regulations and after examination with the authorities of the Member States of the question of exemptions from the Regulations for this class of vehicle, the Commission gives the following opinion on the United Kingdom proposals :

Member States may, after consulting the Commission, grant exemptions from Regulations (EEC) No 543/69 and No 1463/70 only in respect of national transport operations for vehicles constructed and equipped to carry not more than 15 persons including the driver. The limitation to national transport applies in the case of both Regulations and must be made clear in any legislation to implement the exemptions.

Furthermore, by Article 14a (5) of Regulation (EEC) No 543/69, where an exemption from this Regulation is granted, Member States shall take appropriate measures at the same time to keep an effective check on such transport so as to ensure that standards of social protection and road safety are not impaired.

Subject to these observations, the Commission accepts that the measures proposed by the United Kingdom are in accordance with the Regulations in question.

Done at Brussels, 28 June 1978.

For the Commission

Richard BURKE

Member of the Commission

COMMISSION DECISION

of 28 June 1978

fixing the maximum amount of the export refund for the 47th partial invitation
to tender for white sugar issued under Regulation (EEC) No 1634/77

(78/621/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas Commission Regulation (EEC) No 1634/77
of 19 July 1977 on a standing invitation to tender to
determine export refunds for white sugar ⁽³⁾, as
amended by Regulation (EEC) No 1182/78 ⁽⁴⁾,
requires partial invitations to tender to be issued for
the export of this sugar;

Whereas, pursuant to Article 4 (3) of Council Regula-
tion (EEC) No 766/68 of 18 June 1968 laying down
general rules for granting export refunds on sugar ⁽⁵⁾,
as last amended by Regulation (EEC) No 1489/76 ⁽⁶⁾,
the maximum amount of the refund is fixed for
partial invitations to tender within three working days
following the expiry of the time limit for the submis-
sion of tenders;

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

Whereas, following an examination of the tenders
submitted in response to the 47th partial invitation to
tender, the provisions set out in Article 1 should be
adopted;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount of the export refund for the
47th partial invitation to tender for white sugar issued
under Regulation (EEC) No 1634/77 is hereby fixed at
25.825 units of account per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 94, 8. 4. 1978, p. 1.

⁽³⁾ OJ No L 181, 21. 7. 1977, p. 35.

⁽⁴⁾ OJ No L 145, 1. 6. 1978, p. 46.

⁽⁵⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁶⁾ OJ No L 167, 26. 6. 1976, p. 13.

COMMISSION DECISION

of 28 June 1978

fixing the maximum amount of the export refund for the 36th partial invitation to tender for raw beet sugar issued under Regulation (EEC) No 1790/77

(78/622/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 1790/77 of 2 August 1977 on a standing invitation to tender to determine export refunds for raw beet sugar⁽³⁾, as amended by Regulation (EEC) No 1182/78⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 4 (3) of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EEC) No 1489/76⁽⁶⁾, the maximum amount of the refund is fixed for partial invitations to tender within three working days following the expiry of the time limit for the submission of tenders;

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

Whereas, following an examination of the tenders submitted in response to the 36th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount of the export refund for the 36th partial invitation to tender for raw beet sugar issued under Regulation (EEC) No 1790/77 is hereby fixed at 23·202 units of account per 100 kilograms.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

(¹) OJ No L 359, 31. 12. 1974, p. 1.

(²) OJ No L 94, 8. 4. 1978, p. 1.

(³) OJ No L 197, 4. 8. 1977, p. 11.

(⁴) OJ No L 145, 1. 6. 1978, p. 46.

(⁵) OJ No L 143, 25. 6. 1968, p. 6.

(⁶) OJ No L 167, 26. 6. 1976, p. 13.

COMMISSION DECISION

of 28 June 1978

fixing the maximum amount of the premium for white sugar under the tender
referred to in Regulation (EEC) No 1320/77

(78/623/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No
3330/74 of 19 December 1974 on the common organi-
zation of the market in sugar⁽¹⁾, as last amended by
Regulation (EEC) No 705/78⁽²⁾, and in particular
Article 9 (6) thereof,Whereas Commission Regulation (EEC) No 1320/77
of 20 June 1977 opening an invitation to tender for
the purpose of determining premiums for white sugar
for feeding to bees⁽³⁾, as amended by Regulation
(EEC) No 489/78⁽⁴⁾, provides that Member States are
to issue an invitation to tender for the purpose of
determining the said premiums;Whereas Article 4 (3) of Council Regulation (EEC) No
2049/69 of 17 October 1969 laying down general
rules on the denaturing of sugar for animal feed⁽⁵⁾, as
last amended by Regulation (EEC) No 1640/73⁽⁶⁾,
provides that where denaturing premiums are fixed
following an invitation to tender, the criteria set out in
Article 3 thereof are to be taken into account in fixing
a maximum amount of the premium; whereas, having
regard to the criteria and following examination of the
tenders submitted, the maximum amount of the
premiums should be fixed at the level specified in
Article 1;Whereas the measures provided for in this Decision
are in accordance with the opinion of the Manage-
ment Committee for Sugar,

HAS ADOPTED THIS DECISION:

*Article 1*The maximum amount of the premium for the invita-
tion to tender issued under Regulation (EEC) No
1320/77, the time limit for the submission of tenders
for which was 28 June 1978, is hereby fixed at 10 000
units of account per 100 kilograms of white sugar,
corresponding for a total quantity of 34 tonnes of
sugar concerned, to a sum of 3 400 units of account.*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.⁽²⁾ OJ No L 94, 8. 4. 1978, p. 1.⁽³⁾ OJ No L 152, 21. 6. 1977, p. 18.⁽⁴⁾ OJ No L 67, 9. 3. 1978, p. 22.⁽⁵⁾ OJ No L 263, 21. 10. 1969, p. 1.⁽⁶⁾ OJ No L 165, 22. 6. 1973, p. 6.