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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 2866/78****of 5 December 1978****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organiza-  
tion of the market in cereals<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1254/78<sup>(2)</sup>, and in particular  
Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye  
flour, and wheat groats and meal were fixed by Regula-  
tion (EEC) No 2724/78<sup>(3)</sup> and subsequent amending  
Regulations ;

Whereas it follows from applying the provisions  
contained in Regulation (EEC) No 2724/78 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 6 December  
1978.

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

Done at Brussels, 5 December 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 156, 14. 6. 1978, p. 1.

<sup>(3)</sup> OJ No L 329, 24. 11. 1978, p. 1.

## ANNEX

to the Commission Regulation of 5 December 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                  | 76.66                                |
| 10.01 B        | Durum wheat                               | 117.55 <sup>(1)</sup> <sup>(5)</sup> |
| 10.02          | Rye                                       | 83.91 <sup>(6)</sup>                 |
| 10.03          | Barley                                    | 87.31                                |
| 10.04          | Oats                                      | 79.42                                |
| 10.05 B        | Maize, other than hybrid maize for sowing | 78.33 <sup>(2)</sup> <sup>(3)</sup>  |
| 10.07 A        | Buckwheat                                 | 0                                    |
| 10.07 B        | Millet                                    | 59.94 <sup>(4)</sup>                 |
| 10.07 C        | Grain sorghum                             | 76.14 <sup>(4)</sup>                 |
| 10.07 D        | Canary seed; other cereals                | 0 <sup>(5)</sup>                     |
| 11.01 A        | Wheat or meslin flour                     | 118.67                               |
| 11.01 B        | Rye flour                                 | 128.81                               |
| 11.02 A I a)   | Durum wheat groats and meal               | 193.15                               |
| 11.02 A I b)   | Common wheat groats and meal              | 127.44                               |

<sup>(1)</sup> 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.

<sup>(2)</sup> 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.

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

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

<sup>(5)</sup> 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.

<sup>(6)</sup> 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 2867/78****of 5 December 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<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1254/78<sup>(2)</sup>, 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  
2725/78<sup>(3)</sup> 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 6 December  
1978.

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

Done at Brussels, 5 December 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 156, 14. 6. 1978, p. 1.

<sup>(3)</sup> OJ No L 329, 24. 11. 1978, p. 4.

## ANNEX

to the Commission Regulation of 5 December 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<br>12 | 1st period<br>1 | 2nd period<br>2 | 3rd period<br>3 |
|----------------|-------------------------------------------|---------------|-----------------|-----------------|-----------------|
| 10.01 A        | Common wheat, and meslin                  | 0             | 0               | 0               | 0               |
| 10.01 B        | Durum wheat                               | 0             | 0               | 0               | 0               |
| 10.02          | Rye                                       | 0             | 0               | 0               | 0               |
| 10.03          | Barley                                    | 0             | 0               | 0               | 0               |
| 10.04          | Oats                                      | 0             | 0               | 0               | 0               |
| 10.05 B        | Maize, other than hybrid maize for sowing | 0             | 0               | 0               | 0               |
| 10.07 A        | Buckwheat                                 | 0             | 0               | 0               | 0               |
| 10.07 B        | Millet                                    | 0             | 0               | 0               | 0               |
| 10.07 C        | Grain sorghum                             | 0             | 0               | 0               | 0               |
| 10.07 D        | Other cereals                             | 0             | 0               | 0               | 0               |
| 11.01 A        | Wheat or meslin flour                     | 0             | 0               | 0               | 0               |

## B. Malt

(u.a./tonne)

| CCT heading No | Description                                                                          | Current<br>12 | 1st period<br>1 | 2nd period<br>2 | 3rd period<br>3 | 4th period<br>4 |
|----------------|--------------------------------------------------------------------------------------|---------------|-----------------|-----------------|-----------------|-----------------|
| 11.07 A I(a)   | Unroasted malt, obtained from wheat, in the form of flour                            | 0             | 0               | 0               | 0               | 0               |
| 11.07 A I(b)   | Unroasted malt, obtained from wheat, other than in the form of flour                 | 0             | 0               | 0               | 0               | 0               |
| 11.07 A II(a)  | Unroasted malt, other than that obtained from wheat, in the form of flour            | 0             | 0               | 0               | 0               | 0               |
| 11.07 A II(b)  | Unroasted malt, other than that obtained from wheat, other than in the form of flour | 0             | 0               | 0               | 0               | 0               |
| 11.07 B        | Roasted malt                                                                         | 0             | 0               | 0               | 0               | 0               |

## COMMISSION REGULATION (EEC) No 2868/78

of 5 December 1978

concerning the second amendment to Regulation (EEC) No 1557/78 on the sale at a price fixed at a standard rate in advance of preserved 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 425/77<sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas Annex I to Commission Regulation (EEC) No 1557/78<sup>(3)</sup>, as amended by Regulation (EEC) No 2192/78<sup>(4)</sup>, lays down *inter alia* the selling prices of preserved beef held by the Irish intervention agency and intended for export;

Whereas it has been impossible to sell the quantities offered for sale at these prices; whereas, therefore, it seems necessary to reduce them;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EEC) No 1557/78 is replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 6 December 1978.

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

Done at Brussels, 5 December 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 5. 3. 1977, p. 1.

<sup>(3)</sup> OJ No L 184, 6. 7. 1978, p. 12.

<sup>(4)</sup> OJ No L 258, 21. 9. 1978, p. 21.

## ANNEXE — ANHANG — ANNEX — ALLEGATO — BIJLAGE — BILAG

| État membre<br>Mitgliedstaat<br>Member State<br>Stato membro<br>Lid-Staat<br>Medlemsstat | Produits<br>Erzeugnisse<br>Products<br>Prodotti<br>Produkten<br>Produkter    | Quantités (tonnes)<br>Mengen (Tonnen)<br>Quantities (tonnes)<br>Quantità (tonnellate)<br>Hoeveelheid (ton)<br>Mængde (tons) | Prix de vente (UC/100 kg) poids net<br>Verkaufspreise (RE/100 kg) Nettogewicht<br>Selling prices (u.a./100 kg) net weight<br>Prezzi di vendita (UC/100 kg) peso netto<br>Verkoopprijzen (RE/100 kg) nettogewicht<br>Salgspris (RE/100 kg) nettovægt |       |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| A                                                                                        | B                                                                            | C                                                                                                                           | D <sup>(1)</sup>                                                                                                                                                                                                                                    |       |
|                                                                                          |                                                                              |                                                                                                                             | a)                                                                                                                                                                                                                                                  | b)    |
| DANMARK                                                                                  | Oksekød i egen saft, kartoner med 12 dåser, hver med en nettovægt på 1 815 g | ± 10 000                                                                                                                    | 100,0                                                                                                                                                                                                                                               | 90,0  |
| DEUTSCHLAND                                                                              | Rindfleischkonserven in Dosen von 400 Gramm netto je Dose                    | ± 13 000                                                                                                                    | 112,4                                                                                                                                                                                                                                               | 100,0 |
| IRELAND                                                                                  | Canned stewed steak with net weight of 425 grams per can                     | ± 2 200                                                                                                                     | 100,0                                                                                                                                                                                                                                               | 83,0  |

(<sup>1</sup>) D a) — Conserves destinées au marché intérieur de la Communauté.  
 — Für den Binnenmarkt der Gemeinschaft bestimmte Konserven.  
 — Canned beef for sale within the Community.  
 — Conserve destinata al mercato comunitario.  
 — Conserven bestemd voor de markt van de Gemeenschap.  
 — Konserves bestemt for det interne marked i Fællesskabet.

b) — Conserves destinées à être exportées.  
 — Für den Export bestimmte Konserven.  
 — Canned beef for export.  
 — Conserve destinata all'esportazione.  
 — Conserven bestemd voor export.  
 — Konserves bestemt for eksport.

**Information regarding the date of entry into force of the Financial Protocol  
between the European Economic Community and the Republic of Cyprus <sup>(1)</sup>**

The exchange of instruments provided for in Article 18 (1) of the Financial Protocol between the European Economic Community and the Republic of Cyprus, signed in Brussels on 15 September 1977, having taken place on 30 November 1978, the Protocol will, in accordance with Article 18 (2) thereof, enter into force on 1 January 1979.

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<sup>(1)</sup> OJ No L 332, 29. 11. 1978, p. 1.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 15 November 1978

**authorizing the French Republic not to apply Community treatment to bed linen, table linen, toilet linen and kitchen linen, falling within heading No ex 62.02 of the Common Customs Tariff, originating in Czechoslovakia and in free circulation in the other Member States**

*(Only the French text is authentic)*

(78/980/EEC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 30 October 1978 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to bed linen, table linen, toilet linen and kitchen linen, falling within heading No ex 62.02 of the Common Customs Tariff, originating in Czechoslovakia and in free circulation in the other Member States,

Whereas in France the importation of the products in question originating in Czechoslovakia is, in accordance with Council Decision 77/806/EEC of 20 December 1977 <sup>(1)</sup>, subject to an annual quota, 78 % of which has been taken up;

Whereas the disparities which exist in the commercial policy measures applied in connection with these products by the Member States are causing deflection of trade, thereby preventing the execution of those

commercial policy measures which are in force because of the difficult economic situation in the sector concerned;

Whereas it appears from the application submitted that there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment;

Whereas further indirect imports, in addition to those already made or proposed, would be likely to aggravate these difficulties;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down in Commission Decision 71/202/EEC of 12 May 1971 <sup>(2)</sup>, and in particular Article 1 thereof;

Whereas, however, the application for a licence which gave rise to the application in question does not need to be covered by such an authorization in view of the small amount involved,

<sup>(1)</sup> OJ No L 360, 31. 12. 1977, p. 1.

<sup>(2)</sup> OJ No L 121, 3. 6. 1971, p. 26.

HAS ADOPTED THIS DECISION :

from Czechoslovakia or until 31 December 1978, whichever is the earlier.

*Article 1*

The French Republic is hereby authorized not to apply Community treatment to the products indicated below, where they originate in Czechoslovakia and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 26 October 1978 :

| CCT heading No | Description                                            |
|----------------|--------------------------------------------------------|
| ex 62.02       | Bed linen, table linen, toilet linen and kitchen linen |

*Article 2*

This Decision shall apply until new opportunities arise in France for the importation of these products

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 15 November 1978.

*For the Commission*

Lorenzo NATALI

*Vice-President*

**COMMISSION DECISION****of 16 November 1978****concerning the issue of import licences for beef and veal products originating in Botswana, Kenya, Madagascar and Swaziland****(78/981/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3328/75 of 18 December 1975 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States<sup>(1)</sup>, as last amended by Regulation (EEC) No 2570/77<sup>(2)</sup>, and in particular Article 3 thereof,

Having regard to Commission Regulation (EEC) No 3376/75 of 23 December 1975 laying down rules for the application of Council Regulation (EEC) No 3328/75<sup>(3)</sup>, as last amended by Regulation (EEC) No 2771/77<sup>(4)</sup>, and in particular the second subparagraph of Article 2 (2) thereof,

Whereas Regulation (EEC) No 3328/75 provides for the possibility of issuing import licences for beef and veal products; whereas, however, the quantities imported must remain within the limits laid down for each of the exporting non-member countries in question;

Whereas the quantities covered by the application for licences submitted from 1 to 10 November 1978, expressed in terms of boned meat in accordance with Article 1 of Regulation (EEC) No 3376/75, are not higher for the products originating in Madagascar than the quantities available for that State; whereas it is possible, therefore, to issue import licences for the quantities in respect of which the applications may

have been made and to fix the remaining quantities for which applications may be submitted from 1 December 1978,

HAS ADOPTED THIS DECISION:

*Article 1*

Import licences as provided for in Regulation (EEC) No 3376/75 shall be issued for all the quantities for which applications for licences were submitted from 1 to 10 November 1978 in respect of products from Madagascar.

*Article 2*

Applications for licences may be submitted in accordance with Article 2 (3) of Regulation (EEC) No 3376/75, during the first 10 days of December 1978, for the following quantities of boned beef and veal:

|              |                 |
|--------------|-----------------|
| — Kenya      | 130.0 tonnes,   |
| — Madagascar | 5 412.3 tonnes. |

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 329, 23. 12. 1975, p. 4.

<sup>(2)</sup> OJ No L 300, 24. 11. 1977, p. 1.

<sup>(3)</sup> OJ No L 333, 30. 12. 1975, p. 44.

<sup>(4)</sup> OJ No L 320, 15. 12. 1977, p. 17.

## COMMISSION DECISION

of 16 November 1978

on the opening of a standing invitation to tender for the export of 89 000 tonnes  
of rye held by the German intervention agency

(Only the German text is authentic)

(78/982/EEC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organiza-  
tion of the market in cereals <sup>(1)</sup>, as amended by Regula-  
tion (EEC) No 1254/78 <sup>(2)</sup>, and in particular Article 7  
(5) thereof,

Having regard to Commission Regulation (EEC) No  
376/70 of 27 February 1970 laying down the proce-  
dure and conditions for the disposal of cereals held by  
intervention agencies <sup>(3)</sup>, as last amended by Regula-  
tion (EEC) No 1687/76 <sup>(4)</sup>, and in particular Article 5  
(1) and (7) thereof,

Whereas the Federal Republic of Germany in its  
communication of 2 November 1978 informed the  
Commission of the intention of the German interven-  
tion agency to issue an invitation to tender for the  
export of 89 000 tonnes of rye;

Whereas the 89 000 tonnes of rye to be tendered for  
will be exported from those of the prescribed points  
of exit specified by the tenderers; whereas the rye is  
stored elsewhere; whereas the German intervention  
agency, in order to place all those participating in the  
invitation to tender on the same competitive footing,  
must sell at a uniform price; whereas it must accord-  
ingly bear the cost of transport from the place of  
storage to the points of exit stipulated;

Whereas under Article 5 (5) of Regulation (EEC) No  
376/70 it may be provided that a tender shall be only  
valid if it is accompanied by an application for an  
export licence and by an application for advance  
fixing of the refund for the destination in question;  
whereas the intention of this provision is to facilitate  
assessment of the tender;

Whereas, by way of derogation, the period of validity  
for licences issued in connection with this invitation  
to tender should be fixed at the month of issue plus  
four months;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The German intervention agency may, in accordance  
with the provisions hereinafter set out, open a  
standing invitation to tender for the export of rye held  
by it.

*Article 2*

1. The invitation to tender shall relate to a quantity  
of 89 000 tonnes of rye.
2. The places in which the said rye is stored are  
listed in the Annex hereto.

*Article 3*

1. The places for which a minimum selling price is  
to be fixed in accordance with Article 5 (7) of Regula-  
tion (EEC) No 376/70 are as follows:

Hamburg, Brunsbüttel, Lübeck, Kiel, Rendsburg,  
Bremen, Braunschweig, Fallersleben, Rotterdam,  
Emden and Flensburg.

2. Tenders shall be made for one or more of these  
ports or exit points. The tenderer shall specify the  
ports or exit points for which his tender is made.  
Tenders shall be understood to relate to rye which is  
either:

- stored in harbour silos from which it can be  
loaded directly into a seagoing vessel or into a  
barge, or
- supplied undischarged at the place of embarkation  
at the port or exit point.

3. Where an export refund is applicable on the day  
on which tenders are submitted, tenders shall be only  
valid if accompanied by an application for an export

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 156, 14. 6. 1978, p. 1.

<sup>(3)</sup> OJ No L 47, 28. 2. 1970, p. 49.

<sup>(4)</sup> OJ No L 190, 14. 7. 1976, p. 1.

licence lodged by the tenderer and a corresponding application for advance fixing of the refund for the destination in question.

4. As regards those quantities of rye not stored or supplied as provided in the first and second indents of paragraph 2, successful tenderers shall be entitled to reimbursement by the German intervention agency in respect of the cost of transport on the most favourable terms from the place of storage to that place of embarkation at the ports or exit points specified in paragraph 1 which may be reached at the lowest cost.

#### *Article 4*

The German intervention agency shall specify in the notice of invitation to tender the dates for the submission of tenders.

There must be at least 10 days between publication of the notice of invitation to tender and the first date laid down for submission of tenders. The last date on which tenders may be submitted shall be 18 April 1979.

#### *Article 5*

By way of derogation from Regulations (EEC) No 2042/75 and (EEC) No 1223/74, export licences issued in connection with this invitation to tender shall be valid from their day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the end of the fourth month following that of issue.

#### *Article 6*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 16 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

#### *ANNEX*

| <i>(tonnes)</i>     |          |
|---------------------|----------|
| Place of storage    | Quantity |
| Hamburg             | 9 205    |
| Schleswig-Holstein  | 26 921   |
| Bremen              | 24 446   |
| Niedersachsen       | 19 389   |
| Nordrhein-Westfalen | 8 855    |

## COMMISSION DECISION

of 16 November 1978

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 1774/78

(78/983/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1254/78<sup>(2)</sup>,

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<sup>(3)</sup>, and in particular Article 5 thereof,

Having regard to Commission Regulation (EEC) No 1774/78 of 24 July 1978 on an invitation to tender for the refund for the export of common wheat to Zones I, II, III, IV, V and VI<sup>(4)</sup>,

Whereas in Regulation (EEC) No 1774/78 an invitation to tender was issued for the export refund on common wheat; whereas, according to the notice of invitation to tender<sup>(5)</sup> accompanying that Regulation, the total quantity in respect of which the export refund may be fixed is approximately 1 500 000 tonnes;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application of the system of tendering for export refunds on cereals<sup>(6)</sup>, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Arti-

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

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1; whereas the quantities of common wheat in respect of which refunds are fixed amount to 20 000 tonnes;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The maximum export refund on common wheat is hereby fixed on the basis of the tenders submitted by 16 November 1978 at 69.10 units of account per tonne.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 156, 14. 6. 1978, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 204, 28. 7. 1978, p. 25.

<sup>(5)</sup> OJ No C 180, 29. 7. 1978, p. 3.

<sup>(6)</sup> OJ No L 31, 5. 2. 1975, p. 8.

## COMMISSION DECISION

of 16 November 1978

fixing the maximum export refund on barley in connection with the invitation  
to tender issued in Regulation (EEC) No 1775/78

(78/984/EEC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organiza-  
tion of the market in cereals<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1254/78<sup>(2)</sup>,

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<sup>(3)</sup>, and  
in particular Article 5 thereof,

Having regard to Commission Regulation (EEC) No  
1775/78 of 24 July 1978 on an invitation to tender for  
the refund for the export of barley to Zones I, II, III,  
IV, V and VI<sup>(4)</sup>,

Whereas in Regulation (EEC) No 1775/78 an invita-  
tion to tender was issued for the export refund on  
barley; whereas, according to the notice of invitation  
to tender<sup>(5)</sup> accompanying that Regulation, the total  
quantity in respect of which the export refund may be  
fixed is approximately 1 200 000 tonnes;

Whereas, pursuant to Article 5 of Commission Regula-  
tion (EEC) No 279/75 of 4 February 1975 laying  
down detailed rules for the application of the system  
of tendering for export refunds on cereals<sup>(6)</sup>, the  
Commission, acting under the procedure laid down in  
Article 26 of Regulation (EEC) No 2727/75, may  
decide to fix a maximum export refund; whereas in  
fixing this maximum the criteria provided for in Arti-

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

Whereas the application of the abovementioned  
criteria to the current market situation for the cereal  
in question results in the maximum export refund  
being fixed at the amount specified in Article 1;  
whereas the quantities of barley in respect of which  
refunds are fixed amount to 74 000 tonnes;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The maximum export refund on barley is hereby fixed  
on the basis of the tenders submitted by 16 November  
1978 at 77.50 units of account per tonne.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

(<sup>1</sup>) OJ No L 281, 1. 11. 1975, p. 1.  
(<sup>2</sup>) OJ No L 156, 14. 6. 1978, p. 1.  
(<sup>3</sup>) OJ No L 281, 1. 11. 1975, p. 78.  
(<sup>4</sup>) OJ No L 204, 28. 7. 1978, p. 28.  
(<sup>5</sup>) OJ No C 180, 29. 7. 1978, p. 2.  
(<sup>6</sup>) OJ No L 31, 5. 2. 1975, p. 8.

## COMMISSION DECISION

of 17 November 1978

fixing the minimum selling prices for butter for the 86th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 232/75

(78/985/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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1761/78<sup>(2)</sup>, and in particular Article 6 (7) thereof,

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

Whereas, pursuant to Commission Regulation (EEC) No 232/75 of 30 January 1975 on the sale of butter at reduced prices for use in the manufacture of pastry products and ice-cream<sup>(5)</sup>, as last amended by Regulation (EEC) No 1325/78<sup>(6)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them ;

Whereas Article 9 of that Regulation provides that, in the light of the tenders received, a minimum selling price must be fixed which may vary according to the use to which the butter is to be put and according to the fat content of the butter ; whereas alternatively a decision may be taken not to proceed with the invitation to tender ; whereas the amounts of the processing security must be fixed in the light of the difference between the minimum selling prices and the market prices of the butter ;

Whereas, in the light of the tenders received in response to the 86th individual invitation to tender, the minimum selling prices should be fixed at the level specified below and the processing securities determined accordingly ;

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*

For the 86th individual invitation to tender under Regulation (EEC) No 232/75, in respect of which the time limit for the submission of tenders was 14 November 1978, the minimum selling prices and the processing securities shall be as follows :

| Use to which the butter is to be put<br>(Article 6 (1) (c) of Regulation (EEC)<br>No 232/75) | Fat content of the butter | Minimum selling<br>price (in<br>u.a./100 kg butter) | Processing security<br>(in u.a./100 kg<br>butter) |
|----------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------|---------------------------------------------------|
| Formula A                                                                                    | 82 % or more              | 88.00                                               | 167.00                                            |
|                                                                                              | Less than 82 %            | 85.85                                               | 163.00                                            |
| Formula B                                                                                    | 82 % or more              | 130.00                                              | 125.00                                            |
|                                                                                              | Less than 82 %            | 126.83                                              | 122.00                                            |

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 204, 28. 7. 1978, p. 6.

<sup>(3)</sup> OJ No L 169, 18. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 291, 28. 12. 1972, p. 15.

<sup>(5)</sup> OJ No L 24, 31. 1. 1975, p. 45.

<sup>(6)</sup> OJ No L 159, 17. 6. 1978, p. 26.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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**COMMISSION DECISION**

of 17 November 1978

**fixing the minimum selling price for skimmed-milk powder for the 21st individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 368/77**

(78/986/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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1761/78<sup>(2)</sup>, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 368/77 of 23 February 1977 on the sale by tender of skimmed-milk powder for use in feed for pigs and poultry<sup>(3)</sup>, as last amended by Regulation (EEC) No 2523/78<sup>(4)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them;

Whereas, pursuant to Article 11 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award; whereas the amount of the processing security shall also be fixed taking into account the difference between the market price of skimmed-milk powder and the minimum price fixed;

Whereas, in the light of the tenders received in response to the 21st individual invitation to tender, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly;

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*

For the 21st individual invitation to tender under Regulation (EEC) No 368/77, in respect of which the time limit for the submission of tenders was 13 November 1978:

- the minimum selling price shall be fixed at 13.75 units of account per 100 kilograms,
- the processing security shall be fixed at 85 units of account per 100 kilograms.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 204, 28. 7. 1978, p. 6.

<sup>(3)</sup> OJ No L 52, 24. 2. 1977, p. 19.

<sup>(4)</sup> OJ No L 301, 28. 10. 1978, p. 37.

**COMMISSION DECISION**

of 17 November 1978

**fixing the maximum amount of special aid for skimmed-milk powder for the 15th individual invitation to tender issued under Regulation (EEC) No 1844/77**

(78/987/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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1761/78<sup>(2)</sup>, and in particular Article 10 (3) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 1844/77 of 10 August 1977 on the granting by tender of special aid for skimmed-milk powder intended as feed for animals other than young calves<sup>(3)</sup>, as amended by Regulation (EEC) No 1055/78<sup>(4)</sup>, the intervention agencies have opened a standing invitation to tender for the amount of this special aid;

Whereas, pursuant to Article 6 of the said Regulation, for each individual invitation to tender a maximum amount of aid shall be fixed or a decision shall be taken not to proceed with the tender;

Whereas, account being taken of the minimum price valid pursuant to Regulation (EEC) No 368/77 for the individual invitation to tender of the month concerned, of the situation on the skimmed-milk powder and soya markets and of the quantities offered, a maximum amount of special aid for the

15th individual invitation to tender shall be fixed at the level 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*

For the 15th individual invitation to tender under Regulation (EEC) No 1844/77, in respect of which the time limit for the submission of tenders was 13 November 1978, the maximum amount of special aid shall be fixed at 78 units of account per 100 kilograms of skimmed-milk powder.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 204, 28. 7. 1978, p. 6.

<sup>(3)</sup> OJ No L 205, 11. 8. 1977, p. 11.

<sup>(4)</sup> OJ No L 134, 22. 5. 1978, p. 44.

## COMMISSION DECISION

of 17 November 1978

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2494/78, the maximum amounts for the costs of delivery of skimmed-milk powder as food aid

(78/988/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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1761/78<sup>(2)</sup>, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2494/78 of 23 October 1978 on the delivery of various consignments of skimmed-milk powder as food aid<sup>(3)</sup>, the intervention agencies of the Member States have invited tenders for the costs of delivery as food aid of 8 481 tonnes of skimmed-milk powder for certain third countries and beneficiary organizations;

Whereas, pursuant to Article 14 (2) 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<sup>(4)</sup>, the tender introduced for lot Z may be a part quantity of 500 tonnes or a multiple of 500 tonnes of the whole of the lot concerned;

Whereas Article 16 of the aforementioned Regulation lays down that, on the basis of tenders received, a maximum amount shall be fixed for each lot put up for 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 as regards lot T put up for tender, it has been decided not to proceed with the tender;

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 2494/78 shall be fixed in units of account as follows:

|          |             |
|----------|-------------|
| — lot A  | : 374 255   |
| — lot B  | : 521 224   |
| — lot C  | : 624 534   |
| — lot D  | : 304 604   |
| — lot E  | : 589 683   |
| — lot F  | : 658 595   |
| — lot G  | : 39 102    |
| — lot H  | : 64 451    |
| — lot I  | : 34 165    |
| — lot K  | : 19 527    |
| — lot M  | : 39 060.88 |
| — lot N  | : 58 604    |
| — lot O  | : 39 009    |
| — lot P  | : 737 771   |
| — lot Q  | : 97 410    |
| — lot R  | : 19 543    |
| — lot S  | : 29 320    |
| — lot U  | : 4 111     |
| — lot V  | : 547       |
| — lot Y  | : 17 129    |
| — lot Z  | : 22 838    |
| — lot AA | : 5 710     |
| — lot AB | : 2 185     |
| — lot AC | : 693 486   |
| — lot AD | : 702 303   |
| — lot AE | : 666 661   |

With regard to lot T, the tender shall not be proceeded with.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 204, 28. 7. 1978, p. 6.

<sup>(3)</sup> OJ No L 300, 27. 10. 1978, p. 7.

<sup>(4)</sup> OJ No L 43, 15. 2. 1977, p. 1.

## COMMISSION DECISION

of 20 November 1978

authorizing the French Republic not to apply Community treatment to natural honey, falling within heading No 04.06 of the Common Customs Tariff, originating in Mexico and Argentina and in free circulation in the other Member States

(Only the French text is authentic)

(78/989/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 13 November 1978 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to natural honey, falling within heading No 04.06 of the Common Customs Tariff, originating in Mexico and Argentina and in free circulation in the other Member States ;

Whereas in France the import of the products in question originating in Mexico and Argentina is subject to an annual quota which is currently being distributed entirely ;

Whereas the disparities which exist in the commercial policy measures applied in connection with these products by the Member States are causing deflection of trade, thereby preventing the execution of those commercial policy measures which are in force because of the difficult economic situation in the sector concerned ;

Whereas according to information supplied by the French Government the honey production sector, which is characteristic of certain economically less-favoured mountain regions (Alps, Pyrenees, Massif Central), is faced with a serious economic crisis ;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States ;

Whereas authorization should accordingly be given for the application of protective measures under the

first paragraph of Article 115, subject to the conditions laid down in Commission Decision 71/202/EEC of 12 May 1971 <sup>(1)</sup>, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION :

*Article 1*

The French Republic is hereby authorized not to apply Community treatment to the products indicated below, where they originate in Mexico and Argentina and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 1 November 1978 :

| CCT heading No | Description   |
|----------------|---------------|
| 04.06          | Natural honey |

*Article 2*

This Decision shall apply until new opportunities arise in France for the importation of these products from Mexico and Argentina or until 31 December 1978, whichever is the earlier.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 20 November 1978.

*For the Commission*

Wilhelm HAFERKAMP

*Vice-President*

<sup>(1)</sup> OJ No L 121, 3. 6. 1971, p. 26.

## COMMISSION DECISION

of 21 November 1978

on the refusal to accept the scientific character of an apparatus described as  
'Automax 16 mm cine-pulse camera'

(78/990/EEC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

Whereas, by letter dated 16 June 1978, the United  
Kingdom Government requested the Commission to  
invoke the procedure laid down in Articles 4 and 5 of  
Regulation (EEC) No 3195/75 in order to determine  
whether or not the apparatus described as 'Automax  
16 mm cine-pulse camera' should be considered as a  
scientific apparatus and, if the reply is in the affirmative,  
whether apparatus of equivalent scientific value is  
currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article  
4 (5) of Regulation (EEC) No 3195/75, a group of  
experts composed of representatives of all the Member  
States met on 20 October 1978 within the Committee  
on Duty-Free Arrangements to examine this particular  
case;

Whereas this examination shows that the apparatus in  
question is an impulse camera used *inter alia* for  
time lapse photography of the nocturnal movement of  
slugs and the high speed data recording of gastropod  
responses in studies of the neuronal basis of behaviour;  
whereas it is a multi-purpose apparatus which  
does not in itself have objective characteristics making  
it specially suited to pure scientific research and its  
use for research purposes cannot in itself give it the  
character of a scientific apparatus; whereas it cannot,  
therefore, be regarded as a scientific apparatus,

HAS ADOPTED THIS DECISION:

*Article 1*

The apparatus described as 'Automax 16 mm cine-  
pulse camera' is not considered to be a scientific apparatus.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 21 November 1978.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

<sup>(1)</sup> OJ No L 184, 15. 7. 1975, p. 1.

<sup>(2)</sup> OJ No L 316, 6. 12. 1975, p. 17.

**COMMISSION DECISION**

of 21 November 1978

**on the refusal to accept the scientific character of an apparatus described as  
'Varian electrostatic printer/plotter, model 4115'**

(78/991/EEC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

Whereas, by letter dated 17 July 1978, the United  
Kingdom Government requested the Commission to  
invoke the procedure laid down in Articles 4 and 5 of  
Regulation (EEC) No 3195/75 in order to determine  
whether or not the apparatus described as 'Varian electrostatic  
printer/plotter, model 4115' should be considered  
as a scientific apparatus and, if the reply is in the  
affirmative, whether apparatus of equivalent scientific  
value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article  
4 (5) of Regulation (EEC) No 3195/75, a group of  
experts composed of representatives of all the Member  
States met on 20 October 1978 within the Committee  
on Duty-Free Arrangements to examine this particular  
case;

Whereas this examination shows that the apparatus in  
question is a curve tracer printer intended for use in  
the field of radiotherapy using a phototype automatic  
telecobalt unit; whereas it is a multi-purpose apparatus  
which prints and represents graphically the  
results of research work or scientific analyses; whereas  
it does not in itself have objective characteristics  
making it specially suited to pure scientific research  
and its use for research purposes in this particular  
instance cannot in itself give it the character of a scientific  
apparatus; whereas it cannot therefore be  
regarded as a scientific apparatus,

HAS ADOPTED THIS DECISION:

*Article 1*

The apparatus described as 'Varian electrostatic printer/plotter, model 4115' is not considered to be a scientific apparatus.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 21 November 1978.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

<sup>(1)</sup> OJ No L 184, 15. 7. 1975, p. 1.

<sup>(2)</sup> OJ No L 316, 6. 12. 1975, p. 17.

## COMMISSION DECISION

of 21 November 1978

allowing admission free of Common Customs Tariff duties of scientific apparatus described as 'Hitachi scanning electron microscope, model S-550' with a transmitted electron image device (model S-5040) and a specimen cooling device (model HX-CS 2)

(78/992/EEC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

Whereas, by letter dated 11 May 1978 the German Government requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether or not the apparatus described as 'Hitachi scanning electron microscope, model S-550' with a transmitted electron image device (model S-5040) and a specimen cooling device (model HX-CS 2) should be considered as scientific apparatus, and, if the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all of the Member States met on 20 October 1978 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus is a scanning electron microscope with a transmitted electron image device and a specimen cooling device used mainly in research concerned with the disposition of polymers in rock samples and the characterization of substrate materials; whereas its particular

features and especially the guaranteed resolution of 70 Å make it particularly usable for polymer analysis;

Whereas its characteristics and the use for which it is intended make it a device especially suited to pure scientific research, and it therefore has the character of scientific equipment;

Whereas information gathered in the Member States has shown that apparatus of equivalent value to the said microscope which guarantee a resolution of 70 Å and capable of being used for the same purpose have been manufactured in the Community, within the meaning of Article 3 (3) of Regulation (EEC) No 1798/75, only since 1 February 1977; whereas, when an order was placed for the apparatus in April 1976, it was not possible at that time for Community manufacturers to supply a microscope of equivalent scientific value to that of the apparatus for which duty-free admission is requested; whereas relief from import duty is therefore justified in respect of the apparatus in question; whereas the grant of such relief must however be limited to cases where the order for the apparatus was placed prior to 1 February 1977,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The apparatus described as 'Hitachi scanning electron microscope, model S-550' with a transmitted electron image device (model S-5040) and a specimen cooling device (model HX-CS 2) must be considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the scientific apparatus described in paragraph 1 are fulfilled.

<sup>(1)</sup> OJ No L 184, 15. 7. 1975, p. 1.

<sup>(2)</sup> OJ No L 316, 6. 12. 1975, p. 17.

*Article 2*

Done at Brussels, 21 November 1978.

The provisions of Article 1 (2) are applicable only to those units of the apparatus in question for which an order was placed before 1 February 1977.

*For the Commission*

*Article 3*

Étienne DAVIGNON

This Decision is addressed to the Member States.

*Member of the Commission*

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