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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 469/79
of 5 March 1979**

concerning the conclusion of the Agreement in the form of an exchange of letters relating to Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel and concerning the import into the Community of preserved fruit salads originating in Israel (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Agreement between the European Economic Community and the State of Israel⁽¹⁾ was signed on 11 May 1975;

Whereas the Agreement in the form of an exchange of letters relating to Article 9 of Protocol 1 to the said Agreement and concerning the import into the Community of preserved fruit salads originating in Israel should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an exchange of letters relating to Article 9 of Protocol 1 to the Agreement

between the European Economic Community and the State of Israel and concerning the import into the Community of preserved fruit salads originating in Israel (1979) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

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

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

Done at Brussels, 5 March 1979.

For the Council

The President

J. FRANÇOIS-PONCET

⁽¹⁾ OJ No L 136, 28. 5. 1975, p. 3.

AGREEMENT

in the form of an exchange of letters relating to Article 9 of Protocol 1 to the Agreement between the European Economic Community and the State of Israel and concerning the import into the Community of preserved fruit salads originating in Israel (1979)

Letter No 1

Sir,

In pursuance of Article 9 of Protocol 1 to the Agreement concluded between the European Economic Community and the State of Israel and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads, falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Israel, I have the honour to inform you that Israel undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 January to 31 December 1979 will not exceed 220 tonnes.

To this end the Government of the State of Israel declares that all exports to the Community of the products concerned will be effected exclusively by exporters whose operations are controlled by the Israeli Ministry of Commerce, Industry and Tourism.

The guarantees relating to the quantities will be met in accordance with the procedures agreed between that Ministry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would kindly confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the State of Israel*

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows :

'In pursuance of Article 9 of Protocol 1 to the Agreement concluded between the European Economic Community and the State of Israel and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads, falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Israel, I have the honour to inform you that Israel undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 January to 31 December 1979 will not exceed 220 tonnes.

To this end the Government of the State of Israel declares that all exports to the Community of the products concerned will be effected exclusively by exporters whose operations are controlled by the Israeli Ministry of Commerce, Industry and Tourism.

The guarantees relating to the quantities will be met in accordance with the procedures agreed between that Ministry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would kindly confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council of
the European Economic Communities*

COMMISSION REGULATION (EEC) No 470/79

of 9 March 1979

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2724/78 to today's

offer prices and quotations known to the Commission
that the levies at present in force should be altered to
the amounts set out in the Annex hereto,

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 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 March
1979.

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

Done at Brussels, 9 March 1979.

For the Commission

Finn GUNDELACH

Vice-President

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

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

(3) OJ No L 329, 24. 11. 1978, p. 1.

ANNEX

to the Commission Regulation of 9 March 1979 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	84.31
10.01 B	Durum wheat	131.52 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	86.61 ⁽⁶⁾
10.03	Barley	91.22
10.04	Oats	86.91
10.05 B	Maize, other than hybrid maize for sowing	79.43 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	4.72
10.07 B	Millet	79.81 ⁽⁴⁾
10.07 C	Grain sorghum	82.85 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	129.82
11.01 B	Rye flour	133.03
11.02 A I a)	Durum wheat groats and meal	214.92
11.02 A I b)	Common wheat groats and meal	138.96

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./tonne.

⁽²⁾ Where maize originating in the ACP or OCT is imported into the French overseas departments the levy is reduced by 6 u.a./tonne as provided for in Regulation (EEC) No 706/76.

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

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

**COMMISSION REGULATION (EEC) No 471/79
of 9 March 1979**

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1254/78 ⁽²⁾, and in particular
Article 15 (6) thereof,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2725/78 ⁽³⁾ and subsequent amending Regulations ;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in

force, which are to be added to the levies, should be
altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums referred to in Article 15 of Regulation
(EEC) No 2727/75 to be added to the import levies
fixed in advance in respect of cereals and malt shall
be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 March
1979.

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

Done at Brussels, 9 March 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 329, 24. 11. 1978, p. 4.

ANNEX

to the Commission Regulation of 9 March 1979 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.d./tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6
10.01 A	Common wheat, and meslin	0	0	0	6.54
10.01 B	Durum wheat	0	1.42	1.42	1.42
10.02	Rye	0	0.61	0.61	0.61
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	0.52	0.52	0.52
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	3.04	3.04	3.04
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	9.15

B. Malt

(u.d./tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	11.64	11.64
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	8.70	8.70
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 472/79

of 9 March 1979

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 1562/78⁽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

104/79⁽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 28 February to 6 March 1979 has changed, by reference to the representative rate valid on 12 March 1979, 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 States concerned,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 March 1979.

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

Done at Brussels, 9 March 1979.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 185, 7. 7. 1978, p. 1.

⁽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 14, 20. 1. 1979, p. 5.

ANNEX

to the Commission Regulation of 9 March 1979 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 :	+ 0.1080	— 0.1080	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0722
— harvested in France			—	0.2038
— harvested in Denmark			—	0.1080
— harvested in Ireland			—	0.1333
— harvested in the United Kingdom			—	0.3015
— harvested in Italy			—	0.2515
2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0330	— 0.0330	+	—
-- harvested in Germany			0.0836	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.1372
— harvested in Denmark			—	0.0330
— harvested in Ireland			—	0.0609
— harvested in the United Kingdom			—	0.2431
— harvested in Italy			—	0.1890
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1210	—
— harvested in the BLEU or in the Netherlands			0.0345	—
— harvested in France			—	0.1075
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0285
— harvested in the United Kingdom			—	0.2170
-- harvested in Italy			—	0.1610
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.1205	+ 0.1205	+	—
— harvested in Germany			0.2560	—
-- harvested in the BLEU or in the Netherlands			0.1591	—
-- harvested in France			—	—
— harvested in Denmark			0.1205	—
— harvested in Ireland			0.0885	—
— harvested in the United Kingdom			—	0.1227
— harvested in Italy			—	0.0599

	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 :	— 0.2772	+ 0.2772	+	—
— harvested in Germany			0.4263	—
— harvested in the BLEU or in the Netherlands			0.3212	—
— harvested in France			0.1394	—
— harvested in Denmark			0.2772	—
— harvested in Ireland			0.2408	—
— harvested in the United Kingdom			—	—
— harvested in Italy			0.0716	—
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.0293	+ 0.0293	+	—
— harvested in Germany			0.1333	—
— harvested in the BLEU or in the Netherlands			0.0609	—
— harvested in France			—	0.0813
— harvested in Denmark			0.0293	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			—	0.1941
— harvested in Italy			—	0.1364
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.1919	+ 0.1919	+	—
— harvested in Germany			0.3360	—
— harvested in the BLEU or in the Netherlands			0.2330	—
— harvested in France			0.0637	—
— harvested in Denmark			0.1919	—
— harvested in Ireland			0.1579	—
— harvested in the United Kingdom			—	0.0668
— harvested in Italy			—	—

COMMISSION REGULATION (EEC) No 473/79
of 9 March 1979
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 1562/78⁽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 3048/78 of 22 December 1978 fixing the amount of the

subsidy on oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 457/79⁽⁸⁾ ;

Whereas, if the price system is 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 indent ;

Whereas it follows from applying these provisions that the world market price for colza and rape seed should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The world market price referred to in Article 9 (4) of Regulation (EEC) No 2300/73 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 March 1979.

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

Done at Brussels, 9 March 1979.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 185, 7. 7. 1978, p. 1.

⁽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 361, 23. 12. 1978, p. 18.

⁽⁸⁾ OJ No L 57, 8. 3. 1979, p. 28.

ANNEX

to the Commission Regulation of 9 March 1979 fixing the world market price for colza and rape seed

(u.a./100 kg) ⁽¹⁾

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	19.038

(u.a./100 kg) ⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		March 1979	April 1979	May 1979	June 1979	July 1979	August 1979
ex 12.01	Colza and rape seed	19.038	19.038	19.038	18.977	18.551	18.551

⁽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	3.03524
1 u.a. = Fl	3.28928
1 u.a. = Bfr/Lfr	47.7031
1 u.a. = FF	6.97496
1 u.a. = Dkr	8.56656
1 u.a. = £	0.809979
1 u.a. = I £	0.809979
1 u.a. = Lit	1.375.42

COMMISSION REGULATION (EEC) No 474/79

of 9 March 1979

opening an invitation to tender for the mobilization of common wheat flour as food aid for the World Food Programme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2543/73⁽⁵⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 30 January 1978 the Council of the European Communities declared that it proposed, by way of Community action, to grant the equivalent of 5 291 tonnes of common wheat (in other words 3 504 tonnes of common wheat flour) to the World Food Programme under its 1977/78 food-aid programme;

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

Whereas tenders should be invited for the supply of the product to the port of shipment in the vicinity of the vessel, the goods to be set down at the place nominated by the recipient or its agent;

Whereas tenders may be submitted by tenderers established in any Member State of the Community and may relate to products mobilized anywhere within those Member States; whereas, in view of the currency situation in the Member States and in order to ensure

that the tenders are as comparable as possible, account should be taken of the effect on each tender of the currency situation in the Member State in which the customs export formalities will be completed;

Whereas the contract should be awarded to the tenderer who makes the best offer;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the time stipulated;

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

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

Whereas it is important that the Commission be informed without delay of the tenders submitted in response to the invitation and of those accepted by the intervention agency;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply to the World Food Programme, by way of Community action, of 3 504 tonnes of common wheat flour.

2. The tendering procedure shall take place in the Federal Republic of Germany and shall be in respect of two lots.

3. The goods shall be mobilized on the Community market.

4. Shipment shall be from a Community port.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

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

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

5. The product referred to in paragraph 1 is to be delivered in new jute sacks of a net capacity of 50 kilograms to the port of shipment in the vicinity of the vessel. The goods must be set down at the place nominated by the recipient country or its agent, the timing of delivery being settled by the tenderer and the recipient country's agent.

Minimum weight of sacks shall be 600 grams.

The following shall be printed on the sacks:

'Lebanon 2473 / Wheat flour / Beirut / Gift of the EEC / Action of the World Food Programme'.

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

Article 2

1. The award of the contract shall take place on 23 March 1979.

2. The closing date for submission of tenders shall be 23 March 1979 at 12 noon.

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

Article 3

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

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

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

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

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

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

Article 4

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

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

Article 5

If the tenderer is unable to deliver the goods in compliance with Article 1 (3) on the date given in the notice of invitation to tender as a result of the late availability of the vessels to be used for sea transportation, resulting costs shall be borne by the intervention agency.

Article 6

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

It shall be released:

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

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

Article 7

1. The goods referred to in Article 1 must meet the following requirements:

common wheat flour:

- moisture content: 14 % maximum,
- acidity: 4 ml NaOH/n maximum per 100 g (calculated on the dry matter),
- ash content: 0.52 % maximum on the dry matter.

If the goods referred to in Article 1 do not meet the foregoing requirements they shall be rejected and the successful tenderer shall be owner thereof.

2. Tenders for supply of the goods referred to in Article 1 must relate to products with the following characteristics:

common wheat flour:

- moisture content: 14 % maximum,
- acidity: 4 ml NaOH/n maximum per 100 g (calculated on the dry matter),
- ash content: 0.52 % maximum on the dry matter.

Article 8

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

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

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

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

Done at Brussels, 9 March 1979.

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

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

4. The intervention agency shall request the successful tenderer to supply the following information:

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

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

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

Article 9

On delivery of the goods at the port of shipment, a handing-over certificate shall be supplied to the successful tenderer, acting as agent for the Community, by the agent of the recipient country or, in the absence of the latter, by the intervention agency of the Member State in whose territory the port of shipment is situated.

Article 10

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

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 475/79

of 9 March 1979

opening an invitation to tender for the mobilization of durum wheat as food aid
for the Republic of Peru

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy⁽⁴⁾, as last amended by Regulation (EEC)
No 2543/73⁽⁵⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas on 30 January 1978 the Council of the Euro-
pean Communities declared that it proposed, by way
of Community action, to grant 7 500 tonnes of durum
wheat to the Republic of Peru under its 1977/78 food-
aid programme ;

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

Whereas tenders should be invited for the supply of
the product to the port of shipment in the vicinity of
the vessel, the goods to be set down at the place nomi-
nated by the recipient or its agent ;

Whereas tenders may be submitted by tenderers esta-
blished in any Member State of the Community and
may relate to products mobilized anywhere within
those Member States ; whereas, in view of the currency
situation in the Member States and in order to ensure
that the tenders are as comparable as possible, account

should be taken of the effect on each tender of the
currency situation in the Member State in which the
customs export formalities will be completed ;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Tenders are hereby invited for the supply, by
way of Community food-aid action to the Republic of
Peru, of 7 500 tonnes of durum wheat.

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

3. The product referred to in paragraph 1 is to be
delivered in bulk to the port of shipment in the
vicinity of the vessel. The goods must be set down at
the place nominated by the recipient country or its
agent, the timing of delivery being settled by the
tenderer and the recipient country's agent.

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

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

(3) OJ No L 281, 1. 11. 1975, p. 89.

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

(5) OJ No L 263, 19. 9. 1973, p. 1.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 23 March 1979.
2. The closing date for submission of tenders shall be 23 March 1979 at 12 noon.
3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for submission of tenders.

Article 3

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

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

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

Article 4

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

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

Article 5

If the tenderer is unable to deliver the goods in compliance with Article 1 (3) on the date given in the

notice of invitation to tender as a result of the late availability of the vessels to be used for sea transportation, the resulting costs shall be borne by the intervention agency.

Article 6

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

It shall be released:

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

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

Article 7

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

Article 8

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

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

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

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

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

4. The intervention agency shall request the successful tenderer to supply the following information :

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

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

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

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

Article 9

On delivery of the goods at the port of shipment, a handing-over certificate shall be supplied to the successful tenderer, acting as agent for the Community, by the agent of the recipient country, or, in the absence of the latter, by the intervention agency of the Member State in whose territory the port of shipment is situated.

Article 10

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

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

Done at Brussels, 9 March 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 476/79**of 9 March 1979****laying down detailed rules for the application of the subsidy on deliveries of feed cereals to Italy and repealing Regulation (EEC) No 446/69**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1254/78⁽²⁾, and in particular Article 23 thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 23 (1) of Regulation (EEC) No 2727/75 allows the Italian Republic to reduce the levy in the case of barley, oats, maize, grain sorghum or millet imported by sea; whereas this reduction may be made only if an equal subsidy is granted for deliveries of the same cereals by sea from the Member States; whereas the Italian Republic is to be informed if the Member State of consignment pays the subsidy to the consignor;

Whereas the Italian Republic applies that reduction for cereals loaded loose or in sealable bags on board ships; whereas the subsidy is granted only for cereals delivered in the same way;

Whereas because of the application of the monetary coefficient the reduction of the levy applicable to imports from outside the Community is the amount in units of account converted at the spot market rate; whereas application of the representative rate to subsidies to be paid on deliveries from other Member States gives different amounts; whereas this inequality may be avoided by applying the monetary coefficient

to subsidize Community products; whereas the monetary coefficients are regularly published in Annex II to the Regulation fixing the monetary compensatory amounts; whereas the Regulation at present is Regulation (EEC) No 1036/78⁽⁵⁾;

Whereas Commission Regulation (EEC) No 446/69 of 10 March 1969 fixing the procedure for notifying Italy of the payment of subsidies for feed grain by the exporting Member State⁽⁶⁾, as amended by Regulation (EEC) No 316/70⁽⁷⁾, provides for the use of the Community transit document for such notifications; whereas these provisions should take into consideration the amendments made in the Community transit procedure;

Whereas the procedures for granting the subsidy should be laid down; whereas the granting of the subsidy in the Member State of consignment must be conditional on proof that the products have been entered for home use in Italy; whereas this proof should be furnished by production of the control copy (T 5) provided for in Article 10 of Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure⁽⁸⁾, as last amended by Regulation (EEC) No 2826/77⁽⁹⁾; whereas Article 11 (2) of Commission Regulation (EEC) No 1380/75 of 29 May 1975 laying down detailed rules for the application of monetary compensatory amounts⁽¹⁰⁾, as last amended by Regulation (EEC) No 2117/78⁽¹¹⁾, stipulates that the payment by the exporting Member State of the monetary compensatory amount shall be conditional upon production of certain proof, and that such proof shall be furnished by production of the control copy; whereas, in the interests of simplification it should be provided that both matters may be proven by production of a single control copy;

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

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

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

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

(4) OJ No L 263, 19. 9. 1973, p. 1.

(5) OJ No L 133, 22. 5. 1978, p. 1.

(6) OJ No L 60, 11. 3. 1969, p. 6.

(7) OJ No L 41, 21. 2. 1970, p. 1.

(8) OJ No L 38, 9. 2. 1977, p. 20.

(9) OJ No L 333, 24. 12. 1977, p. 1.

(10) OJ No L 139, 30. 5. 1975, p. 37.

(11) OJ No L 246, 8. 9. 1978, p. 9.

HAS ADOPTED THIS REGULATION :

Article 1

1. This Regulation lays down detailed rules for payment of the subsidy referred to in Article 23 (1) of Regulation (EEC) No 2727/75 and notification to the Italian Republic of payments to be made in the Member State of consignment.

2. For the purposes of this Regulation cereals shall be considered as 'delivered by sea' if they are loaded loose or in bags on board ships coming directly from the port of embarkation into the territory of the Italian Republic. Cereals transported on lorries, rail trucks or other vehicles or containers, even if these are loaded on a ship, shall not be considered as 'delivered by sea'.

Article 2

The amount in units of account of the subsidy to be paid shall be that applicable on the day of importation into Italy.

It shall be multiplied by the coefficient given in Annex II to the Regulation fixing the monetary compensatory amounts, and then converted into national currency using the representative rate, coefficient and representative rate being those applicable for cereals in the paying Member State on the day of importation into Italy.

Article 3

Payment of the subsidy by Italy shall be made on condition that :

- the person concerned requests the subsidy at the time of completion of customs formalities for entry for home use,
- the cereals have been delivered by sea,
- the control copy provided for in Article 4 (2) is not shown as having been issued on the appropriate Community transit document and the control copy has not been presented to the Italian customs authorities by the time of completion of customs formalities for entry for home use.

Article 4

1. Payment of the subsidy by the Member State of consignment shall be made only upon production of proof that the cereals have been delivered to Italy by sea and that they have been entered for home use.

2. The proof referred to in paragraph 1 shall be furnished by production of the control copy provided for in Article 10 of Regulation (EEC) No 223/77. In that part of the control copy headed 'Additional information', the following shall be completed :

- (1) Sections 101 and 103 ;
- (2) Section 104 by deleting as appropriate and entering one of the following endorsements :
 - 'Entry for home use in Italy. Subsidy to be granted by Member State of consignment (Regulation (EEC) No 476/79).'
 - 'Overgået til fri omsætning i Italien. Tilskudet betales af udførselsmedlemsstaten (forordning (EØF) nr. 476/79).'
 - 'Abfertigung zum freien Verkehr in Italien. Die Subvention ist von dem Herkunftsmitgliedstaat zu gewähren (Verordnung (EWG) Nr. 476/79).'
 - 'Déclaration de mise à la consommation en Italie. Subvention à octroyer par l'État membre de provenance (règlement (CEE) n° 476/79).'
 - 'Dichiarazione di immissione in consumo in Italia. La sovvenzione sarà concessa dallo Stato membro di provenienza (regolamento (CEE) n. 476/79).'
 - 'Aangifte tot verbruik in Italië. Subsidie toe te kennen door de Lid-Staat van herkomst (Verordening (EEG) nr. 476/79).'

The competent Italian customs office shall complete the section headed 'Control as to use and/or destination' and add the following :

'Cereali arrivati via mare. Sovvenzione applicabile il (date of entry for home use) non concessa in Italia.'

3. The items specified in paragraph 2 shall be entered on the control copy referred to in Article 11 (2) of Regulation (EEC) No 1380/75 when that provision is applied.

Article 5

The provisions of Articles 8 (5), 11 (5), 12, 14 and 15 of Regulation (EEC) No 1380/75 shall apply.

Article 6

Regulation (EEC) No 446/69 is hereby repealed.

Article 7

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

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

Done at Brussels, 9 March 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 477/79

of 9 March 1979

determining certain exceptions within the meaning of Article 3 (2) of Council Regulation (EEC) No 803/68 on the valuation of goods for customs purposes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 803/68 of 27 June 1968 on the valuation of goods for customs purposes⁽¹⁾, as last amended by Regulation (EEC) No 1735/75⁽²⁾, and in particular Article 3 (2) thereof,

Whereas Regulation (EEC) No 803/68 provides, in Article 3 (1) thereof in particular, that when the goods to be valued are imported under a trade mark or are imported for sale, other disposal or use under a foreign trade mark, the normal price is to be determined on the assumption that it includes the value of the right to use the trade mark in respect of such goods;

Whereas Article 3 (7) of that Regulation provides that a trade mark shall be treated as a foreign trade mark for the purposes of that Article if it is the mark of:

- (a) any person by whom the goods to be valued have been grown, produced, manufactured or offered for sale, or otherwise dealt with, outside the customs territory of the Community; or
- (b) any person associated in business with any person referred to in subparagraph (a); or
- (c) any person whose rights in the trade mark are restricted by an agreement with any person referred to in subparagraph (a) or (b);

Whereas, where the trade mark is held by a person established in a Member State, the application of the provisions of Article 3 (1) and (7) of that Regulation may lead to a valuation which in certain cases is difficult to justify; whereas the exceptions which may be made under Article 3 (2) must aim to avoid such results;

Whereas, in particular, the value of the right to use a trade mark which is not treated as a foreign trade mark and belongs to a person established in a Member State should not be included in the value for customs purposes when, for practical reasons, such trade mark was affixed in a foreign country at the

request of that person to goods purchased by him bearing no trade mark; whereas such a case should not be treated differently from the case in which a trade mark not treated as a foreign trade mark is affixed to goods after importation;

Whereas when the right to use a foreign trade mark gives rise to payment of a royalty or other fee the amount thereof must be included in the value for customs purposes; whereas, on the other hand, when the payment of such royalty or other fee is not required and the trade mark owned by a person established in a Member State is to be treated as a foreign trade mark by reason of the business association existing between him and the supplier of the goods to be valued, the value of that right should not be taken into consideration in determining the value for customs purposes when the price of the goods to be valued has not been influenced by the use of the trade mark;

Whereas the application of such exception is also justified where goods are imported for sale, other disposal or use, after further manufacture under a foreign trade mark; whereas Article 3 (3) of Regulation (EEC) No 803/68 is worded in such manner that it must be given the same scope as Article 3 (1);

Whereas Commission Regulation (EEC) No 1788/69⁽³⁾ should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Valuation Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The value of the right to use a trade mark which is not treated as a foreign trade mark within the meaning of Article 3 (7) of Regulation (EEC) No 803/68 shall not be included in the value for customs purposes, where such trade mark is that of a person established in a Member State, if that person is the importer of the goods and the mark was affixed abroad at his request.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 6.

⁽²⁾ OJ No L 183, 14. 7. 1975, p. 1.

⁽³⁾ OJ No L 230, 11. 9. 1969, p. 8.

Article 2

1. The value of the right to use a trade mark of a person established in a Member State and which is treated as a foreign trade mark within the meaning of Article 3 (7) of Regulation (EEC) No 803/68 shall not be taken into consideration in determining the value for customs purposes when no royalty or other fee has been or is to be paid and when the price of the goods is not influenced by the use of the trade mark.

2. The rules set out in paragraph 1 shall also apply where goods are imported for sale, other disposal or

use, after further manufacture, under a foreign trade mark.

Article 3

Regulation (EEC) No 1788/69 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 July 1979.

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

Done at Brussels, 9 March 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission
