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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1725/79

of 26 July 1979

on the rules for granting aid to skimmed milk processed into compound feedingstuffs and skimmed-milk powder intended for feed for calves

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, and in particular Articles 10 (3) and 28 thereof,

Whereas under Council Regulation (EEC) No 986/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk and skimmed-milk powder for use as feed⁽³⁾, as last amended by Regulation (EEC) No 1273/79⁽⁴⁾, the conditions of payment of the aid were specified by Commission Regulation (EEC) No 990/72 of 15 May 1972 on detailed rules for granting aid for skimmed milk processed into compound feedingstuffs and for skimmed-milk powder for use as feed⁽⁵⁾, as last amended by Regulation (EEC) No 270/78⁽⁶⁾;

Whereas some amendments need to be made to current provisions; whereas, in order to increase the effectiveness of the rules designed to ensure that the skimmed milk and skimmed-milk powder reach their intended uses, certain technical requirements concerning the denaturing and use of skimmed-milk powder should, in the light of experience, be made stricter and the inspection measures reinforced whereas, for the sake of clarity, all the provisions should be brought together in a new Regulation;

Whereas it should be ensured that the skimmed milk and skimmed-milk powder for which aid is granted

are in fact used as feed; whereas to that end the conditions which these products must satisfy should be specified; whereas, consequently, provision should be made to ensure that aid is granted only for skimmed milk and skimmed-milk powder processed into feedingstuffs in accordance with certain requirements or for skimmed-milk powder used after denaturing; whereas there should also be appropriate provisions to prevent aid being paid more than once for one and the same product;

Whereas the denaturing method to be employed by users when skimmed-milk powder is denatured must be so determined that denatured skimmed-milk powder can be clearly recognized as such; whereas it is important to ensure, by effective supervision, that this process is properly carried out; whereas spot checking of denaturing undertakings would be an appropriate means of achieving this end;

Whereas, if skimmed-milk powder or skimmed milk is used in the manufacture of compound feedingstuffs, aid should be granted only if those feedingstuffs conform to certain minimum standards as regards composition customarily observed in the industry and if they have reached the final stage of industrial manufacture; whereas for the purposes of control it must also be specified that the products should be packaged in such a way as to enable them to be identified; whereas Member States should have the opportunity of specifying the methods by which the requirements referred to above are to be satisfied;

Whereas special packing is not necessary for the purposes of controlling the final use of compound feedingstuffs if products specified for the denaturing of skimmed-milk powder have been added to them; whereas furthermore, that requirement would not be appropriate in cases of transportation by tanker or container as practised by certain users; whereas that method of transport should therefore be subject to special inspection arrangements and aid should be paid only after inspection has taken place;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 4.

⁽⁴⁾ OJ No L 161, 29. 6. 1979, p. 14.

⁽⁵⁾ OJ No L 115, 17. 5. 1972, p. 1.

⁽⁶⁾ OJ No L 40, 10. 2. 1978, p. 8.

Whereas it is possible to ensure effective supervision of the use of reduced-price skimmed milk and skimmed-milk powder processed into compound feedingstuffs only if the undertakings benefiting from aid offer adequate guarantees; whereas the existence of these guarantees should be recognized by the approval of the processing undertaking by the competent agency of the Member State concerned and provision should be made for an accounting system adapted to the particular requirements of the aid arrangements;

Whereas undertakings should be permitted to adapt themselves to the new provisions without losing the benefit of aid and consequently a period of time should be allowed before these provisions are implemented;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the provisions governing the special aid provided for under Article 2a(4) of Regulation (EEC) No 986/68:

- (a) skimmed-milk powder may qualify for aid only after having been either denatured in accordance with Article 3 or used in the manufacture of compound feedingstuffs under the conditions laid down in Article 4;
- (b) skimmed milk used in the manufacture of compound feedingstuffs may qualify for aid only if the compound feedingstuffs meet the conditions laid down in Article 4.

2. The skimmed milk and skimmed-milk powder, when employed in accordance with paragraph 1, may qualify for aid only if:

- (a) they correspond to the definitions set out in Article 1 of Regulation (EEC) No 986/68, without anything having been added to them; and
- (b) they have not qualified and are not likely to qualify for aid or a reduction in prices by virtue of other Community provisions.

3. Skimmed-milk powder previously incorporated in a mixture may, however, qualify for aid if the mixture is used in the manufacture of compound feedingstuffs within the meaning of Article 4(1) and if the mixture, when so used, contains no products other than:

- (a) skimmed-milk powder fulfilling the conditions laid down in paragraph 2 and, as the case may be:
- (b) fatty matter;
- (c) vitamins;

- (d) minerals;
- (e) sucrose;
- (f) anti-caking agents (maximum 0.2 %);
- (g) other liposoluble technical agents, including anti-oxidants, emulsifiers and liquefying agents.

4. The maximum moisture content of skimmed-milk powder, referred to in Article 1(d) of Regulation (EEC) No 986/68, shall be 5 %.

This maximum moisture content shall apply at the stage and under the conditions laid down in Article 10(1).

In the case of a mixture within the meaning of paragraph 3, the moisture content shall be calculated on the basis of the non-fat content of the mixture. As regards the quantity in respect of which the moisture content exceeds 5 %, the aid shall be reduced by 1 % in respect of each additional 0.2 % of moisture.

Article 2

1. Aid for skimmed-milk powder denatured in accordance with Article 3 shall be granted only for quantities which, in respect of each month, do not exceed the quantity of skimmed-milk powder denatured by the undertaking in question, as determined by the supervision provided for in Article 3, during the corresponding month of the calendar year 1975, plus 30 %.

2. The Member States may take as their reference quantity, in place of the quantity denatured during the corresponding month of the calendar year 1975, a quantity equal to one fifth of the total quantity denatured during that month, the two months immediately preceding it and the two months immediately following it.

Article 3

1. Skimmed-milk powder shall be denatured by the addition, per 100 kg of skimmed-milk powder, of 2.5 kg of lucerne meal or grass meal, containing not less than 70 % of particles not exceeding 300 microns, uniformly distributed throughout the mixture.

2. Denaturing shall be supervised on the premises. Each Member State shall appoint an agency to carry out this supervision.

3. The concern undertaking denaturing shall, in good time beforehand, communicate in writing to the agency referred to in paragraph 2:

- (a) its business name and address;
- (b) the quantity of skimmed-milk powder to be denatured;
- (c) the place where denaturing will take place;
- (d) the expected duration of the denaturing process.

The agency concerned may request additional information.

Article 4

1. Compound feedingstuffs within the meaning of Article 2(1) (d) of Regulation (EEC) No 986/68 shall be products :

(a) containing, per 100 kilograms of the finished product :

- not less than 60 kilograms and not more than 70 kilograms of skimmed-milk powder, and
- not less than five kilograms of non-butter fats and at least two kilograms of starch or puffed starch, or
- not less than 2.5 kilograms of non-butter fats and at least two kilograms of starch or puffed starch where 2.5 kilograms of lucerne meal or grass meal containing at least 70 % of particles not exceeding 300 microns are incorporated per 100 kilograms of skimmed-milk powder ;

(b) whose composition is typical of animal feedingstuffs ;

(c) which can be used directly as feed and which will not be processed or mixed before they reach the farm or breeding or fattening concern where they are used ;

(d) whose copper content, expressed in ppm calculated on the basis of the final composition of the compound feedingstuff, may not exceed 25 ppm.

The maximum quantity of 70 kilograms for the skimmed-milk powder content referred to under (a) may be increased to 80 kilograms by Member States on whose territory compound feedingstuffs with a skimmed-milk powder content in excess of 70 kilograms qualifying for aid were manufactured during the 1975/76 milk year.

2. Subject to the provisions of Article 5 and to the provisions of Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs⁽¹⁾, compound feedingstuffs shall, for the purpose of this Regulation, be packed in bags containing not more than 50 kilograms on which shall be printed, in clearly legible characters :

(a) a statement that the contents are compound feedingstuffs ;

(b) a marking enabling the undertaking benefiting from the aid to be identified. This marking may be in code and in that case shall include the first letter of the name of the country of origin ;

(c) the month and year of manufacture ;

(d) the skimmed-milk powder content of the finished product.

3. Member States may specify :

- the composition which they consider to be typical of compound feedingstuffs,
- the detailed rules for marking the packages as prescribed in paragraph 2, as well as additional information which may be given on a label.

Member States shall inform the Commission of any measures which they take pursuant to the above provisions.

4. For the manufacture of compound feedingstuffs, within the meaning of paragraph 1, skimmed-milk powder incorporated in a mixture may not be used unless :

(a) the mixture complies with the requirements laid down in Article 1 (3), and

(b) the package containing the mixture bears in clearly legible form :

— one or more of the following statements :

‘Mixture intended for the manufacture of compound feedingstuffs — Regulation (EEC) No 1725/79’,

‘Mischung zur Herstellung von Mischfutter — Verordnung (EWG) Nr 1725/79’,

‘Miscela destinata alla fabbricazione di alimenti composti — regolamento (CEE) n. 1725/79’,

‘Mengsel dat bestemd is voor de vervaardiging van mengvoeder — Verordening (EEG) nr. 1725/79’,

‘Mélange destiné à la fabrication d'aliments composés — règlement (CEE) n° 1725/79’,

‘Blanding bestemt til fremstilling af foderblandinger — forordning (EØF) nr. 1725/79’,

— an indication of the skimmed-milk powder content, the mineral salts and added sucrose content, and the fatty matter content, including liposoluble technical agents.

Article 5

The provisions of Article 4 (2) shall not apply to :

(a) compound feedingstuffs in which 2.5 kilograms of lucerne meal or grass meal are incorporated per 100 kilograms of skimmed-milk powder under the conditions referred to in Article 3 (1) ;

(b) compound feedingstuffs delivered by tanker or container to a farm or a breeding or fattening concern which uses these compound feedingstuffs under the conditions laid down in Articles 6 and 7.

⁽¹⁾ OJ No L 86, 6. 4. 1979, p. 30.

Article 6

1. When compound feedingstuffs are delivered by tanker or container the following provisions shall apply :

- (a) the undertaking receiving the aid shall, on application, be authorized to use this form of transport by the competent agency of the Member State on whose territory it is established ;
- (b) delivery shall be under administrative supervision. The supervision shall ensure in particular that delivery is made to a farm or to a breeding or fattening concern which uses feedingstuffs.

2. In this case the aid shall be paid only when the undertaking has supplied the competent agency with supporting documents establishing that delivery was made under the conditions referred to in paragraph 1 (b).

Article 7

1. When delivery by tanker or container as described in Article 5 (b) takes place in a Member State other than the selling Member State, proof of delivery under the conditions set out in Article 6 (1) (b) shall be furnished by production of the control copy referred to in Article 10 of Regulation (EEC) No 223/77.

2. Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by making appropriate deletions and making one of the following endorsements under the second indent :

- 'Pursuant to Regulation (EEC) No 1725/79 — compound feedingstuffs intended for a farm or breeding or fattening concern using compound feedingstuffs',
- 'Application règlement (CEE) n° 1725/79 — aliments composés pour animaux destinés à l'exploitation agricole ou exploitation d'élevage ou d'engraissement utilisatrices',
- 'Anwendung Verordnung (EWG) Nr 1725/79 — für landwirtschaftlichen Betrieb bzw. Aufzucht oder Mastbetrieb bestimmtes Mischfutter',
- 'Applicazione regolamento (CEE) n 1725/79 — alimenti composti per animali destinati ad azienda agricola oppure ad azienda di allevamento o di ingrasso utilizzatrici',
- 'Toepassing Verordening (EEG) nr. 1725/79 — voor gebruik in landbouwbedrijven of veefokkerijen of -mesterijen bestemd mengvoeder',
- 'Anvendelse af forordning (EØF) nr. 1725/79 — foderblandinger til anvendelse i en landbrugsbedrift en opdrætnings- eller en opfædningsvirksomhed'.

3. The importing Member State shall check that the consignee complies with the conditions set out in Article 6 (1) (b).

Article 8

1. An undertaking producing compound feedingstuffs may receive aid only :

- (a) if it has been approved for that purpose by the competent agency of the Member State on whose territory the production takes place ;
- (b) if it keeps the monthly record referred to in paragraph 3 and the accounts referred to in paragraph 5.

2. Approval shall be granted to undertakings which have suitable technical equipment and administrative and accounting methods which make it possible to satisfy both the provisions laid down in this Regulation and the additional requirements fixed pursuant to the provisions of Article 4 (3).

Approval shall be withdrawn immediately if these guarantees cease to exist ; it may be withdrawn if it is found that the undertaking concerned has not complied with an obligation arising from this Regulation.

3. The monthly record of quantities shall include the following particulars :

- (a) intake of milk and cream from producers ;
- (b) intake of milk, skimmed milk and cream from dairies ;
- (c) date of manufacture and quantities of skimmed milk and skimmed-milk powder manufactured ;
- (d) quantities of other milk products manufactured ;
- (e) date of receipt and quantities of skimmed milk and skimmed-milk powder received unaltered or in the form of mixtures used in the manufacture of compound feedingstuffs, together with the name and address of the supplier ;
- (f) date of manufacture of compound feedingstuffs and quantities manufactured, with particulars of their composition and the percentage by weight of each ingredient ;
- (g) date of sale of skimmed milk, skimmed-milk powder and compound feedingstuffs and the quantities sold, together with the name and address of the consignee ;
- (h) losses, samples, returns and exchanges of skimmed milk, skimmed-milk powder and compound feedingstuffs.

4. The particulars listed in paragraph 3 shall be supported by delivery vouchers and invoices.

5. The undertaking referred to in paragraph 1 shall keep accounts, as determined by the competent agency in each Member State, which shall show :

- (a) the origin of the raw materials used ;
- (b) the quantities :
 - of skimmed-milk powder used, whether as such or incorporated in a mixture,
 - of skimmed milk used, whether as such or incorporated in a mixture ;
- (c) the quantities and composition of the products manufactured and the percentage of their components ;
- (d) the date on which these products left the undertaking and the names and addresses of the buyers.

Article 9

1. The amount of aid shall be that applicable on the day on which the skimmed milk or skimmed-milk powder is denatured or on the day on which it is processed into compound feedingstuffs.

2. Without prejudice to cases where the supporting documents are available for the period in respect of which the aid is requested, the aid shall be paid only if :

- (a) the applicant shows to the satisfaction of the competent authority that the corresponding quantity of skimmed milk or skimmed-milk powder has been denatured or processed into compound feedingstuffs during the month for which the aid is applied for ; and
- (b) the analysis report and inspection report referred to in Article 10 (3), issued after the checks made under Article 10 (1) and (2) (a), (b) and (c), during the month preceding that for which the aid is applied for, indicate that the provisions of this Regulation are being complied with.

3. Should the reports referred to in paragraph 2 (b) indicate that the applicant has not complied with the provisions of this Regulation during the previous month in question :

- (a) payment of the aid for the month which is the subject of the aid application shall be suspended pending receipt of the analysis report and inspection report issued following the checks made during the month in question ; and
- (b) any aid unduly paid out for the previous month in question shall be recovered within four weeks.

4. The amount of aid unduly paid out shall be determined on the assumption that the applicant has failed to comply with the provisions of this Regulation in respect of all of the skimmed milk or skimmed-milk powder used by him during the entire period between the date of the last inspection giving rise to no observations and the date of the inspection indicating that the applicant is again complying with the provisions of this Regulation.

However, the agency responsible for inspection shall, if the applicant so requests, carry out a special investi-

gation, the costs of which shall be borne by the latter. If proof is furnished that the provisions of this Regulation have been disregarded only in respect of a smaller quantity than that resulting from the application of the previous subparagraph, the amount to be recovered shall be adjusted accordingly.

5. Should the inspection referred to in Article 10 (2) (d) indicate that the provisions of this Regulation are not being complied with, any aid unduly paid shall be reimbursed by the applicant.

The amount reimbursed shall be entered as a deduction from intervention expenditure in the milk and milk products sector and the sums and quantities concerned shall be shown separately in the accounts.

6. The Member States which make use of the authorization provided for in Article 10 (2) (f) may make payments on account on condition that the party concerned provides security of an equivalent amount.

Article 10

In order to ensure compliance with the provisions of this Regulation the Member States shall take the following inspection measures :

- 1. A check, as regards the maximum moisture content specified in Article 1 (4), shall be made at the time when the skimmed-milk powder as such is denatured or when the skimmed-milk powder, whether as such or in the form of a mixture, is used in the manufacture of compound feedingstuffs.

However, where the skimmed-milk powder used, whether as such or in the form of a mixture, comes directly from the factory premises in which it is produced, the check referred to in the preceding subparagraph may be made before the skimmed-milk powder leaves the said factory premises.

In that case :

- (a) the inspecting agency concerned shall take all necessary action to ensure that the total quantity of skimmed-milk powder which was checked is denatured or used in compound feedingstuffs, without account being taken, for the payment of the aid, of any change in weight caused by an increase in the moisture content ;
- (b) the sacks, packaging and containers in which the skimmed-milk powder is put up shall bear the relevant information enabling the skimmed-milk powder and the factory premises to be identified, and shall indicate the date of manufacture and the net weight of the skimmed-milk powder ;
- (c) the records of the checks drawn up by the inspecting agency must :

- at least state and identify the quantity of skimmed-milk powder, the date of its manufacture and its moisture content,
 - accompany the skimmed-milk powder until it is denatured or incorporated into compound feedingstuffs,
 - be annexed to the accounts referred to in Article 8 (5).
2. As regards the use of skimmed milk and skimmed-milk powder, whether as such or in the form of a mixture, in the manufacture of compound feed within the meaning of Article 4 (1), the control measures, to be determined by the Member State concerned, shall fulfil at least the following conditions :
- (a) they shall provide for supervision of the enterprises concerned with particular regard to :
 - the composition of the skimmed milk and skimmed-milk powder used as such, with a view to ensuring compliance with the provisions of Article 1 (2) and (4),
 - the composition of mixtures utilized, with a view to ensuring compliance with the provisions of Article 1 (3) and (4),
 - the composition of the compound feedingstuffs which are manufactured with a view to ensuring compliance with Article 4.

Checks must in particular establish that the following products are not contained in the skimmed-milk powder used, whether as such or in the form of a mixture :

 - lucerne meal or grass meal,
 - crushed cereals,
 - starch or puffed starch,
 - crushed oilcake,
 - fishmeal,
 - fish oil, undeodorized ;
 - (b) inspection of undertakings shall be on the premises and shall relate in particular to the conditions of manufacture as established by :
 - an inspection of the basic product used,
 - checking of receipt and consignments of goods,
 - taking samples,
 - checking the accounts referred to in Article 8 (3) and (5) ;
 - (c) such inspections shall be frequent and unannounced. An inspection shall be made at least once in every 14 days of manufacture. When their frequency is determined, account shall be taken of the quantities of skimmed-milk powder used by the undertaking and of the frequency of the scrutiny of its accounts carried out further to the requirement set out in (d) below ;
- undertakings not permanently using skimmed milk or skimmed-milk powder shall communicate their programme of manufacture to the inspecting agency of the Member State concerned so that the latter may arrange corresponding inspections ;
- (d) the inspections referred to in (c) shall be supplemented by thorough and unannounced scrutiny of commercial documents and of the accounts relating to the records of the basic products referred to in Article 8 (3) and (5). Such scrutiny shall be carried out at least once every 12 months ;
 - (e) where the scrutiny referred to in (d) is carried out at least once every three months, the frequency of the inspections referred to in (c) may be reduced from at least once in every 14 days to at least once in every 28 days of manufacture ;
 - (f) the Member States are hereby authorized, until 31 December 1980, to derogate from the frequency of inspections and scrutinies as specified in (c), (d) and (e), on condition that they provide for additional measures of inspection, all the details of which must be notified to the Commission before 1 April 1980 ;
 - (g) the frequency specified in (c) shall not apply where the manufacture of the compound feedingstuffs referred to in Article 4 (1) is the subject of regular inspections carried out in the manner provided for in (b) ; moreover, in such a case, compliance with the requirement laid down in Article 4 (1) (d) need not be checked.
3. The results of the inspections referred to in Article 3 (2) and in paragraph 2 (a), (b) and (c) of this Article shall be recorded by the agency responsible for inspection in the analysis report and inspection report, specimens of which appear in Annexes I and II.
- The agency responsible for inspection shall forward :
- a copy of the inspection documents, including the reports referred to in the preceding subparagraph, to the department or agency within the meaning of Article 4 of Regulation (EEC) No 729/70 responsible for payment of the aid,
 - a further copy of such documents to the party concerned, for the purpose, in particular, of the third indent of paragraph 1 (c) of this Article.

Article 11

Regulation (EEC) No 990/72 is hereby repealed with effect from 1 January 1980.

Article 12

This Regulation shall enter into force on 1 January 1980.

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

Done at Brussels, 26 July 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX I

Name of the board, i.e. intervention
agency :

Indications to identify the firm concerned :

Date of inspection :

ANALYSIS REPORT

Skimmed-milk powder — Articles 1 (2), (3), (4) and 10 (1) of Commission Regulation (EEC) No 1725/79 of 26 July 1979

A. Skimmed-milk powder as such (Article 1 (2) and (4))	
1. Determination :	
(a) Of moisture content ⁽²⁾	0.0 %
(b) Of other components whose determination is required by the national authorities	0.0 % and 00.0 %
2. Detection of extraneous substances as provided for by the national authorities :	
(a) Starch	Negative ⁽¹⁾ Positive ⁽¹⁾
(b) Crushed cereal	
(c) Grassmeal or lucerne meal	
(d) Fish oil, undeodorized	
(e) Fish meal	
(f) Crushed oilcake	
(g) Others and especially whey as far as its detection is required by the national authorities	
B. Skimmed-milk powder incorporated in a mixture (fat-filled powder) (Article 1 (3))	
Additional tests required to those set out in (A) above.	
1. Content :	
(a) Skimmed-milk powder (as difference on the total % as well as by determination of at least one component) ⁽⁴⁾	00.0 % ⁽⁵⁾
(b) Content of fatty matter including liposoluble technical agents ⁽⁴⁾	00.0 %
2. Other tests as far as required by the national authorities	
C. Denatured skimmed-milk powder (Article 3 (1))	
Additional tests required to those set out in (A) above.	
Verification of denaturing by the addition of grass meal or lucerne meal :	
1. Amount of grass/lucerne meal added ⁽⁶⁾	0.0 %
2. Granule size of grass/lucerne meal (tested before incorporation)	0.0 % particles not exceeding 300 microns

Place and date :

Signature of the person responsible :

⁽¹⁾ The provisions adopted pursuant to Council Directive 70/373/EEC of 20 July 1970 on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs shall apply (OJ No L 170, 3. 8. 1970, p. 2).

⁽²⁾ Reference method: FIL 26:1964.

⁽³⁾ Put a cross in the appropriate box.

⁽⁴⁾ This content may be ascertained either by a laboratory analysis or by inspection on the premises at the time of the manufacture of the mixture.

⁽⁵⁾ Maximum difference of 0.5 % between two tests.

⁽⁶⁾ This percentage may be ascertained either by laboratory analysis or by the inspection referred to in Article 3 (2) of this Regulation.

ANNEX II

Name of the board, i.e. intervention
agency :

Indications to identify the firm concerned :

Date of inspection :

INSPECTION REPORT

Compound feedingstuffs — Articles 4 (1) (a) and (d) and 10 (2)⁽¹⁾ of Commission Regulation (EEC)
No 1725/79 of 26 July 1979

A. Results of the laboratory analysis or of the regular inspections on the premises, supplemented where appropriate by the results of the frequent and unannounced inspections referred to in Article 10 (2) (b) and (c) Content of : (a) Skimmed-milk powder (b) Starch (c) Fatty matter (d) Grass meal or lucerne meal B. Results of the laboratory analysis 1. Copper content⁽³⁾ 2. Granule size of the grass meal or lucerne meal (tested before incorporation)	00.0 % ⁽²⁾ 0.0 % 0.0 % 0.0 % 00 ppm 00 % particles not exceeding 300 microns
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Date and place :

Signature of the person responsible :

⁽¹⁾ The provisions adopted pursuant to Council Directive 70/373/EEC of 20 July 1970 on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs shall apply (OJ No L 170, 3. 8. 1970, p. 2).

⁽²⁾ Maximum difference of 2 % between two tests.

⁽³⁾ The reference method is that laid down in Chapter 3 of the Annex to Eighth Commission Directive 78/633/EEC of 15 June 1978 establishing Community methods of analysis for the official control of feedingstuffs (OJ No L 206, 29. 7. 1978, p. 43).

COMMISSION REGULATION (EEC) No 1726/79

of 26 July 1979

amending Regulations (EEC) No 1624/76, (EEC) No 368/77, (EEC) No 443/77 and (EEC) No 1844/77 on aid measures and special sales operations for skimmed-milk powder for use in feed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, and in particular Articles 7 (5) and 10 (3) thereof,

Whereas in particular the following Regulations laid down special measures to encourage the disposal of skimmed-milk powder for use in feed, either by selling it at a reduced price or by granting aid :

- Commission Regulation (EEC) No 1624/76 of 2 July 1976 concerning special arrangements for the payment of aid for skimmed-milk powder denatured or processed into compound feedingstuffs in the territory of another Member State⁽³⁾, as last amended by Regulation (EEC) No 1250/78⁽⁴⁾,
- 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⁽⁵⁾, as last amended by Regulation (EEC) No 419/79⁽⁶⁾,
- Commission Regulation (EEC) No 443/77 of 2 March 1977 on the sale at a fixed price of skimmed-milk powder for use in feed for pigs and poultry and amending Regulations (EEC) No 1687/76 and (EEC) No 368/77⁽⁷⁾, as last amended by Regulation (EEC) No 419/79, and
- 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⁽⁸⁾, as last amended by Regulation (EEC) No 1055/78⁽⁹⁾;

Whereas Commission Regulation (EEC) No 1725/79 of 26 July 1979 on the rules for granting aid for skimmed milk processed into compound feedingstuffs and skimmed-milk powder intended for feed for calves⁽¹⁰⁾ contains, with effect from 1 January 1980, new provisions for granting aid for skimmed-milk powder intended as feed for calves ; whereas the provisions of the abovementioned Regulations should accordingly be amended ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Article 2 of Regulation (EEC) No 1624/76 is hereby amended as follows :

1. Paragraph 1 shall be replaced by the following :

- '1. The aid shall be paid by the consignor Member State only :
- (a) if the skimmed-milk powder, whether as such or incorporated in a mixture, satisfies the requirements specified in Article 1 (2) (3) and (4) of Regulation (EEC) No 1725/79 and has in the consignor Member State been the subject of the inspection relating thereto referred to in Article 10 of the said Regulation ;
- (b) in accordance with the detailed rules relating to compliance with the moisture content specified in Articles 1 (4) and 10 (1) of Regulation (EEC) No 1725/79 ; and
- (c) where proof is furnished that the skimmed-milk powder has been subjected to customs control or equivalent administrative control in the Member State of destination ; such control shall include the provision of a security equal to the amount of aid, plus 10 %, for skimmed-milk powder with a moisture content not exceeding 5 %, applicable on the day on which customs export formalities were completed.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No L 180, 6. 7. 1976, p. 9.

⁽⁴⁾ OJ No L 155, 13. 6. 1978, p. 11.

⁽⁵⁾ OJ No L 52, 24. 2. 1977, p. 19.

⁽⁶⁾ OJ No L 50, 1. 3. 1979, p. 46.

⁽⁷⁾ OJ No L 58, 3. 3. 1977, p. 16.

⁽⁸⁾ OJ No L 205, 11. 8. 1977, p. 11.

⁽⁹⁾ OJ No L 134, 22. 5. 1978, p. 44.

⁽¹⁰⁾ See page 1 of this Official Journal.

The security shall be provided by the importer established in the Member State of destination before customs clearance for consumption.'

2. Paragraphs 4 and 5 shall be replaced by the following:

'4. The control copy shall be issued only on production of a certificate issued by the competent authority stating that it has verified that the provisions of paragraph 1 (a) and (b) have been complied with.

The certificate shall be serial-numbered and shall give the following information:

- specifications of the products as these are to appear in the control copy and any other information necessary for carrying out the control,
- the number and nature of the packages and the marks and numbers they bear,
- the gross and net weights of the products,
- a reference to this Regulation.

The certificate shall be retained by the customs office of departure.

5. The security referred to in paragraph 1 shall be released only on production of proof that the quantities of skimmed-milk powder in question have been denatured or processed within six months of the date of clearance through customs for consumption, in accordance with the provisions of Articles 1 to 8 of Regulation (EEC) No 1725/79 and, with regard to control of the denaturing or processing, the provisions of Article 10 (2) and (3) of that Regulation.

Should the scrutiny referred to in Article 10 (2) (d) of Regulation (EEC) No 1725/79 reveal non-compliance with the provisions of that Regulation, an amount equal to the security unduly released shall be recovered from the applicant.

With regard to the application of the first indent of the second subparagraph of Article 10 (3), of Regulation (EEC) No 1725/79, copies of the inspection documents referred to therein shall be sent by the agency responsible for the inspection to the competent authority with whom the security has been lodged.

Details of securities released or forfeited shall be transmitted immediately to one of the departments or agencies designated by the Member State of destination under Article 4 of Regulation (EEC) No 729/70 and responsible for applying paragraph 6 below.'

Article 2

Regulation (EEC) No 368/77 is hereby amended as follows:

1. Article 16 (3) shall be amended as follows:

'3. All sacks, packagings and containers of whatever form which are used to contain skimmed-

milk powder denatured or incorporated in accordance with this Regulation shall bear the following clearly legible information:

- the words 'Regulations (EEC) No 368/77 and (EEC) No 443/77',
- the denaturing or incorporation formula used (formulas IA to IG and IIA to IIK),
- the words 'not to be used in milk replacer feed for calves',
- in the case of direct incorporation, the percentage of skimmed-milk powder contained in the finished product,
- in the case of products denatured using the formulas involving the addition of copper indicated in paragraph 1 of the Annex, the actual copper content, or the maximum quantities of the product that may be mixed with other ingredients to obtain feed for (a) pigs, and (b) poultry.'

2. In Chapter 1 'Denaturing' of the Annex:

- (a) the following indent shall be added to each of the definitions of formulas IA, IB, ID1 and ID2:

'— 1 000 grams of starch',

- (b) the words '60 grams of copper' in the second indent of formula IG shall be replaced by '120 grams of copper'.

3. In Chapter 3 'General prescriptions concerning denaturing and incorporation' of the Annex, the provisions of Part B are amended as follows:

- (a) the second and third subparagraphs shall be replaced by the following:

'The iron sulphate referred to in formulas IB, IC, ID1, ID2, IE and IF must be finely ground and at least 30 % of its particles must be less than 250 microns in size. The copper sulphate referred to in formulas IB, IC, ID2, IE, IF and IG must be finely ground and at least 70 % of its particles must be less than 200 microns in size';

- (b) the last subparagraph shall be replaced by the following:

'Where skimmed-milk powder is denatured according to the formulas set out in Chapter 1, the copper sulphate and starch must be incorporated before, or at the same time as, any other product except the anti-skating and flowing agents referred to in the second subparagraph of Part A'.

Article 3

Regulation (EEC) No 443/77 is hereby amended as follows:

1. Article 8 (2) shall be replaced by the following :

'2. All sacks, packagings and containers of whatever form used to contain skimmed-milk powder denatured or incorporated in accordance with this Regulation shall bear the following, clearly legible information :

- the words 'Regulations (EEC) No 368/77 and (EEC) No 443/77',
- the denaturing or incorporation formula used (formulas IA to IG and IIA to IIK),
- the words 'not to be used for milk replacer feed for calves',
- in the case of products denatured using the formulas involving the addition of copper indicated in Chapter 1 of the Annex to Regulation (EEC) No 368/77, the actual copper content, or the maximum quantities of the product that may be mixed with other ingredients to obtain feed (a) for pigs, and (b) for poultry.'

2. The first paragraph of Article 9 shall be replaced by the following :

'Articles 17 (2), 18 and 19 of Regulation (EEC) No 368/77 shall apply to skimmed-milk powder sold under this Regulation, as regards, in particular :'

Article 4

Regulation (EEC) No 1844/77 is hereby amended as follows :

1. The following paragraphs 4, 5 and 6 shall be added to Article 1 :

'4. No aid shall be granted for skimmed-milk powder which at the time of its use in accordance with Article 9 (2) does not correspond to the definition given in Article 1 of Regulation (EEC) No 986/68 and if it contains, in particular, any of the following products :

- lucerne meal or grass meal,
- crushed cereals,
- starch or puffed starch,
- crushed oilcake,
- fish meal,
- fish oil, undeodorized.

5. Skimmed-milk powder shall be eligible for the total amount of the aid only if the moisture content does not exceed 5 % at the time of denaturing according to one of the formulas in Article 9 (2) of this Regulation.

If the moisture content exceeds 5 %, the aid shall be reduced by 1 % in respect of each additional 0.2 % of moisture.

6. However, where the skimmed-milk powder used, comes directly from the factory premises in which it is produced, the check on the moisture content may be made before the skimmed-milk powder leaves the said factory premises.

In that case :

- (a) the inspecting agency concerned shall take all necessary action to ensure that the total quantity of skimmed-milk powder which was checked is denatured or used in compound feedingstuffs, without account being taken, for the payment of the aid, of any change in weight caused by an increase in the moisture content ;
- (b) the sacks, packaging and containers in which the skimmed-milk powder is put up shall bear the relevant information enabling the skimmed-milk powder and the factory premises to be identified and shall indicate the date of manufacture and the net weight of skimmed-milk powder ;
- (c) the records of the checks made by the inspection agency must :
 - at least state and identify the quantity of skimmed-milk powder, the date of its manufacture and its moisture content,
 - accompany the skimmed-milk powder until it is denatured or incorporated into compound feedingstuffs,
 - be annexed to the accounts referred to in Article 12.'

2. Article 13 (5) shall be replaced by the following :

'5. All sacks, packagings and containers of whatever form used for skimmed-milk powder denatured or incorporated in accordance with Article 9 (2) shall bear the following, clearly legible information :

- the number of this Regulation,
- the denaturing or incorporation formula used (formulas IA to IG and IIA to IIK),
- the words, 'not to be used for milk replacer feed for calves',
- in the case of products denatured using the methods involving the addition of copper indicated in Chapter 1 of the Annex to Regulation

(EEC) No 368/77, the actual copper content or the maximum quantities of the product that can be used in feed (a) for pigs, and (b), for poultry.'

Article 5

This Regulation shall enter into force on 1 January 1980.

It shall apply as follows :

— the amendments to Regulation (EEC) No 1624/76 shall apply to goods cleared through customs for export on or after that date,

— the amendments to Regulation (EEC) No 368/77 shall apply to goods sold as a result of special invitations to tender the date of submission of tenders for which is after 1 January 1980,

— the amendments to Regulation (EEC) No 443/77 shall apply to products for which the final date of the sale period during which they have been bought is after 1 January 1980,

— the amendments to Regulation (EEC) No 1844/77 shall apply to skimmed-milk powder denatured on or after 1 January 1980 in accordance with Article 9 (2) of that Regulation.

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

Done at Brussels, 26 July 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1727/79**of 6 August 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 1547/79⁽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 1658/79⁽³⁾ and subsequent amending
Regulations ;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1658/79 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 7 August
1979.

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

Done at Brussels, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 193, 1. 8. 1979, p. 5.

ANNEX

to the Commission Regulation of 6 August 1979 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	73.18
10.01 B	Durum wheat	113.26 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	60.12 ⁽⁶⁾
10.03	Barley	60.75
10.04	Oats	75.27
10.05 B	Maize, other than hybrid maize for sowing	75.96 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	27.18 ⁽⁴⁾
10.07 C	Grain sorghum	70.10 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	115.47
11.01 B	Rye flour	97.17
11.02 A I a)	Durum wheat groats and meal	188.54
11.02 A I b)	Common wheat groats and meal	124.70

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ Where maize originating in the ACP or OCT is imported into the French overseas departments the levy is reduced by 7.25 ECU/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 1.81 ECU/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 0.60 ECU/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 1728/79**of 6 August 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 1547/79 ⁽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
1659/79 ⁽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 7 August
1979.

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

Done at Brussels, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 193, 1. 8. 1979, p. 7.

ANNEX

to the Commission Regulation of 6 August 1979 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11
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	5.14	5.14	4.40
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 1729/79

of 6 August 1979

fixing the marketing year for certain products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1639/79⁽²⁾, and in particular the second paragraph of Article 2a thereof,

Whereas under Regulation (EEC) No 516/77 the system of production aid also applies to frozen peeled tomatoes, tomato flakes, tomato juice falling within subheading ex 20.02 C of the Common Customs Tariff, and to Williams pears preserved in syrup; whereas the dates when the marketing years begin and end should be determined in respect of these products;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Marketing years shall run:

— from 1 July to 30 June:

- for frozen peeled tomatoes falling within subheading ex 07.02 B of the Common Customs Tariff,
- for tomato flakes falling within subheading ex 07.04 B of the Common Customs Tariff,
- for tomato juice falling within subheading ex 20.02 C of the Common Customs Tariff,

— from 15 July to 14 July for Williams pears preserved in syrup falling within subheading ex 20.06 B of the Common Customs Tariff.

Article 2

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

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

Done at Brussels, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 192, 31. 7. 1979, p. 3.

COMMISSION REGULATION (EEC) No 1730/79
of 6 August 1979

fixing for the 1979/80 marketing year the amount of production aid for frozen peeled tomatoes, tomato flakes and tomato juice falling within subheading ex 20.02 C of the Common Customs Tariff and Williams pears preserved in syrup, and the minimum price to be paid to producers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1639/79⁽²⁾, and in particular Article 3c thereof,

Whereas Regulation (EEC) No 516/77 has recently extended the system of production aid to apply to frozen peeled tomatoes, tomato flakes, certain types of tomato juice and to Williams pears preserved in syrup;

Whereas Article 3b of Regulation (EEC) No 516/77 laid down the criteria for fixing the amount of production aid; whereas according to those criteria the aid should be fixed at the levels set out below;

Whereas, under Article 3a (3) of Regulation (EEC) No 516/77, the minimum price to be paid to producers is calculated on the basis of:

- the minimum price in force during the preceding marketing year, and
- the trend in production costs in the fruit and vegetable sector;

Whereas according to those criteria the minimum price should be fixed at the levels set out below;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1979/80 marketing year, the amount of production aid for frozen peeled tomatoes falling within subheading ex 20.02 C of the Common Customs Tariff, as referred to in Article 3a of Regula-

tion (EEC) No 516/77, shall be fixed at 14.14 ECU per 100 kilograms, immediate packing included.

2. The minimum price referred to in Article 3a (3) of Regulation (EEC) No 516/77 to be paid to producers shall be fixed for the marketing year in question at 10.53 ECU per 100 kilograms net of tomatoes, ex-grower.

Article 2

1. For the 1979/80 marketing year, the amount of production aid for tomato flakes falling within subheading ex 07.04 B of the Common Customs Tariff, as referred to in Article 3a of Regulation (EEC) No 516/77, shall be fixed at 149 ECU per 100 kilograms, immediate packing included.

2. The minimum price referred to in Article 3a (3) of the said Regulation to be paid to producers shall be fixed for the marketing year in question at 10.53 ECU per 100 kilograms net of tomatoes, ex-grower.

Article 3

1. For the 1979/80 marketing year, the amount of production aid for tomato juice falling within subheading ex 20.02 C of the Common Customs Tariff, as referred to in Article 3a of Regulation (EEC) No 516/77, shall be fixed at:

- 14 ECU per 100 kilograms of the product, immediate packing included, with a dried extract content of not less than 7 % but less than 8 %,
- 16 ECU per 100 kilograms of the product, immediate packing included, with a dried extract content of not less than 8 % but less than 10 %,
- 19 ECU per 100 kilograms of the product, immediate packing included, with a dried extract content of not less than 10 % but less than 12 %.

Such products may be described otherwise than as tomato juice.

2. The minimum price referred to in Article 3a (3) of Regulation (EEC) No 516/77 to be paid to producers shall be fixed for the marketing year in question at 8.35 ECU per 100 kilograms net of tomatoes, ex-grower.

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 192, 31. 7. 1979, p. 3.

Article 4

1. For the 1979/80 marketing year, the amount of production aid for Williams pears preserved in syrup falling with subheading ex 20.06 B of the Common Customs Tariff, as referred to in Article 3a of Regulation (EEC) No 516/77, shall be fixed at 26.41 ECU per 100 kilograms, immediate packing included.

2. The minimum price referred to in Article 3a (3) of Regulation (EEC) No 516/77 to be paid to producers shall be fixed for the marketing year in question at 28.13 ECU per 100 kilograms net of Williams pears, ex-grower.

Article 5

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*. It shall apply with effect from :

- 1 July 1979 in respect of frozen peeled tomatoes, tomato flakes, tomato juice falling within subheading ex 20.02 C of the Common Customs Tariff,
- 15 July 1979 in respect of Williams pears preserved in syrup.

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

Done at Brussels, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1731/79

of 6 August 1979

laying down detailed rules restricting the granting of production aid for
Williams pears preserved in syrupTHE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No
516/77 of 14 March 1977 on the common organiza-
tion of the market in products processed from fruit
and vegetables⁽¹⁾, as last amended by Regulation
(EEC) No 1639/79⁽²⁾, and in particular Article 3c
thereof,Whereas Council Regulation (EEC) No 1640/79⁽³⁾
fixed the quantity of Williams pears preserved in
syrup, in respect of which production aid may be paid
at 57 100 tonnes; whereas provisions should be
adopted to ensure that this overall quantity is distri-
buted between the various processing undertakings;Whereas the quantity of the said preserves in respect
of which new undertakings may qualify for aid should
be determined;Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Manage-
ment Committee for Products Processed from Fruit
and Vegetables,

HAS ADOPTED THIS REGULATION :

*Article 1*The granting of production aid for Williams pears
preserved in syrup, falling within subheading ex 20.06
B of the Common Customs Tariff, shall be restricted,
in respect of each processing undertaking, to 105 %
of the quantity produced during the 1978/79
marketing year.*Article 2*In respect of Williams pears preserved in syrup, the
percentage given in Article 6 (3) of Regulation (EEC)
No 1530/78⁽⁴⁾ shall be fixed for each marketing year
at 2 % of the total quantity produced within the terri-
tory of each Member State and qualifying for aid by
virtue of Article 1.*Article 3*This Regulation shall enter into force on the day
following its publication in the *Official Journal of
the European Communities*.It shall apply with effect from the beginning of the
1979/80 marketing year.This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.⁽²⁾ OJ No L 192, 31. 7. 1979, p. 3.⁽³⁾ OJ No L 192, 31. 7. 1979, p. 4.⁽⁴⁾ OJ No L 179, 1. 7. 1978, p. 21.

COMMISSION REGULATION (EEC) No 1732/79**of 6 August 1979****amending Regulation (EEC) No 1530/78 laying down rules for the application of the system of aid in respect of certain products processed from fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1639/79⁽²⁾, and in particular Article 3c thereof,

Whereas, under Regulation (EEC) No 516/77, the system of production aid also applies to frozen peeled tomatoes, to tomato flakes, to tomato juice falling within subheading ex 20.02 C of the Common Customs Tariff and to Williams pears preserved in syrup; whereas the period of validity of the contracts concluded between Community producers and processors should therefore be specified and the contracting parties should be allowed to increase, by means of an endorsement to the contract, the quantities initially contracted for;

Whereas, in order to facilitate matters for undertakings producing tomato concentrates and tomato juice, the rules relating to the submission of applications for aid relating to these products should be adjusted;

Whereas Article 6 of Commission Regulation (EEC) No 1530/78⁽³⁾ laid down provisions for determining, in respect of each undertaking, the quantity eligible for aid in cases covered by Article 3a (5) of Regulation (EEC) No 516/77; whereas, in order to simplify application of the system provided for in the said Article 3a (5), the provisions of Article 6 of Regulation (EEC) No 1530/78 should be adapted;

Whereas Article 7 of Regulation (EEC) No 1530/78 defined the event in which production aid in respect of certain processed products becomes due and payable; whereas, as a result of the system of aid having been extended as from the 1979/80 marketing year to certain tomato-based products and to Williams pears preserved in syrup, the date on which production aid becomes due and payable in respect of those products should be fixed; whereas, for this purpose, that date should be considered as occurring at the beginning of the marketing year for each of the products concerned;

Whereas, in order to facilitate the application of the system of aid, it is advisable to fix the date which is to be taken for determining the conversion rate to be applied to the minimum purchasing price referred to in Article 3a (3) of Regulation (EEC) No 516/77;

Whereas, because of the connection between production aid and the minimum price, the date taken for the conversion rate to be applied to that price should be the same as the date on which the aid becomes due and payable;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1530/78 is hereby amended as follows:

1. Article 1 (2) and (3) shall be amended to read as follows:
 - '2. Processing contracts shall be concluded:
 - before 5 June in respect of tomatoes to be delivered to the industry during the period 1 July to 15 November,
 - before 15 June in respect of peaches to be delivered to the industry during the period 1 July to 30 September,
 - before 1 July in respect of Williams pears to be delivered to the industry during the period 15 July to 15 November,
 - before 25 August in respect of dried plums (prunes d'Ente) to be delivered to the industry during the period 5 September to 31 December.

However, for the 1979/80 marketing year, contracts may be concluded until 31 July 1979 in respect of tomatoes and peaches and until 15 August 1979 in respect of Williams pears.

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 192, 31. 7. 1979, p. 3.

⁽³⁾ OJ No L 179, 1. 7. 1978, p. 21.

3. During the periods referred to in paragraph 2, the contracting parties may decide to increase, by means of a written endorsement to the contract, the quantities initially specified therein.

Such endorsements shall be made not later than :

- 15 September in respect of tomatoes,
- 15 August in respect of peaches,
- 15 September in respect of preserved Williams pears,
- 15 November in respect of dried plums (prunes d'Ente).

However, for the 1979/80 marketing year, such endorsements may be made not later than 30 September 1979 in respect of tomatoes to be used in the manufacture of frozen peeled tomatoes, tomato flakes and tomato juice falling within subheading ex 20.02 C and in respect of Williams pears. For the same marketing year the endorsements may relate to a maximum of 30 % of the initial quantities specified in the contracts.'

2. The second subparagraph of Article 5 (2) shall be amended to read as follows :

'As regards tomato concentrates and tomato juice, the statement referred to under (d) may also include the quantity of concentrate or juice, not exceeding 30 % of the total quantity obtained, which may undergo subsequent market preparation. In this case, the application for aid shall refer only to the quantity for which the process of market preparation is already complete, and a further application for aid in respect of the remainder may be submitted not later than 30 April of the current marketing year.'

3. Article 6 shall be amended to read as follows :

'Article 6

1. In cases covered by Article 3a (5) of Regulation (EEC) No 516/77, the application for aid shall be supported by a statement of the quantity produced by the processor during the marketing year preceding the marketing year in question.

2. Where processors begin processing during a marketing year within which Article 3a (5) of Regulation (EEC) No 516/77 is applied, the aid shall be limited to a quantity not exceeding a percentage, to be determined in accordance with the procedure laid down in Article 20 of that Regulation, of the total quantity for which processors referred to in paragraph 1 may receive the aid.

The Member State concerned shall determine, within the limit of the percentage referred to above, the total quantity eligible for aid and shall allocate it fairly among the new processors.

3. Where an undertaking decides not to process the product in question, the Member State shall allocate the quantity in respect of which the said undertaking could have received the aid among the new processors, in accordance with paragraph 2. Any balance remaining shall be allocated fairly among the other processors.'

4. Article 7 shall be amended to read as follows :

'Article 7

1. The date, within the meaning of Article 6 of Regulation (EEC) No 1134/68, on which production aid becomes due and payable shall be considered as occurring :

- in respect of tomato-based products and preserved peaches in syrup, on 1 July ;
- in respect of Williams pears preserved in syrup, on 15 July ;
- in respect of prunes, on 1 September.

2. The conversion rate to be applied to the minimum price, expressed in ECU, shall be the representative rate in force on 1 July in respect of tomatoes and peaches, on 15 July in respect of Williams pears and 1 September in respect of dried plums (prunes d'Ente).'

Article 2

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, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1733/79**of 6 August 1979****abolishing the countervailing charge on pears originating in Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1301/79⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1703/79 of 2 August 1979⁽³⁾ introduced a countervailing charge on pears originating in Spain;

Whereas the present trend of prices for Spanish products on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 668/78⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation indicates that entry prices have been

at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain can be abolished;

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979⁽⁶⁾ laid down the coefficient for expressing amounts, fixed in units of account, in ECU,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1703/79 is hereby repealed.

Article 2

This Regulation shall enter into force on 7 August 1979.

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

Done at Brussels, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 162, 30. 6. 1979, p. 26.

⁽³⁾ OJ No L 197, 3. 8. 1979, p. 16.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 90, 5. 4. 1978, p. 5.

⁽⁶⁾ OJ No L 84, 4. 4. 1979, p. 1.

COMMISSION REGULATION (EEC) No 1734/79
of 6 August 1979
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1396/78 ⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1328/79 ⁽³⁾, as last amended by Regulation (EEC) No 1724/79 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1328/79 to the information 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 referred to in Article 15 (1) of Regulation (EEC) No 3330/74 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1979.

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

Done at Brussels, 6 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 162, 30. 6. 1979, p. 85.

⁽⁴⁾ OJ No L 198, 4. 8. 1979, p. 36.

ANNEX

to the Commission Regulation of 6 August 1979 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar ; flavoured or coloured sugar	31.95
	B. Raw sugar	25.42 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COUNCIL REGULATION (EEC) No 1735/79**of 3 August 1979****amending Regulation (EEC) No 273/72 laying down general rules for the financing of intervention expenditure in respect of the internal market in fruit and vegetables**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 929/79⁽²⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Council Regulation (EEC) No 273/72 of 7 February 1972 laying down general rules for the financing of intervention expenditure in respect of the internal market in fruit and vegetables⁽³⁾ fixes on a flat-rate basis the transport costs to be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund for the free distribution of fruit and vegetables withdrawn from the market by producer organizations or bought in by intervention agencies; whereas these costs were fixed in 1972 and should be adapted to take account of the subsequent evolution of transport costs,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (A) (b) of Regulation (EEC) No 273/72 is hereby amended to read as follows:

'(b) the total cost of the free distribution of fresh or processed products, determined as shown below on the basis of the distance between the place of warehousing and the distribution point:

- distance less than 25 km : 0.77 ECU per 100 kg gross,
- distance not less than 25 km but less than 200 km : 1.56 ECU per 100 kg gross,
- distance not less than 200 km but less than 350 km : 2.14 ECU per 100 kg gross,
- distance not less than 350 km : 3.50 ECU per 100 kg gross,

this rate being increased by 0.36 ECU per 100 kg gross in the case of transport by refrigerated wagon or other refrigerated vehicle';

Article 2

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

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

Done at Brussels, 3 August 1979.

For the Council

The President

J. GIBBONS

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 117, 12. 5. 1979, p. 4.

⁽³⁾ OJ No L 35, 9. 2. 1972, p. 3.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 July 1979

authorizing Ireland not to apply Community treatment to men's and boys' shirts, woven, of wool, cotton or man-made textile fibres, falling within heading No ex 61.03 of the Common Customs Tariff (NIMEXE codes 61.03-11, 15, 19) (category 8), originating in Poland and in free circulation in the other Member States

(Only the English text is authentic)

(79/668/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 20 June 1979 by the Irish Government to the Commission of the European Communities, for authorization not to apply Community treatment to men's and boys' shirts, woven, of wool, cotton or man-made textile fibres, falling within heading No ex 61.03 of the Common Customs Tariff (NIMEXE codes 61.03-11, 15, 19) (category 8), originating in Poland and in free circulation in the other Member States,

Whereas the importation into the Community of the products in question originating in Poland is covered by an Agreement negotiated between the Community and that country;

Whereas under that Agreement Poland has undertaken to take all necessary steps to limit its exports of the products in question to the Community up to the amount of certain ceilings allocated among the Member States;

Whereas it was not possible on that occasion to allocate these ceilings on the basis of the needs of the

individual markets; whereas there are therefore disparities existing between the import conditions in the various Member States; whereas uniformity can only be achieved progressively;

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 ⁽¹⁾, 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,

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

HAS ADOPTED THIS DECISION :

Article 1

Ireland is authorized not to apply Community treatment to the products indicated below, where they originate in Poland and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 18 June 1979 :

CCT heading No	Description
ex 61.03 (NIMEXE codes 61.03-11, 15, 19) (category 8)	Men's and boys' shirts, woven, of wool, cotton or man-made textile fibres

Article 2

This Decision shall apply until 30 September 1979.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 3 July 1979.

For the Commission

Wilhelm HAFERKAMP

Vice-President

COMMISSION DECISION**of 4 July 1979**

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to women's, girls' and infants' woven pyjamas and night dresses, of wool, cotton or man-made textile fibres, falling within heading No ex 61.04 of the Common Customs Tariff (NIMEXE codes 61.04-11, 13, 18) (category 30 A), originating in Macao and in free circulation in the other Member States

(Only the Dutch and French texts are authentic)

(79/669/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 27 June 1979 by the Governments of the Benelux countries to the Commission of the European Communities, for authorization not to apply Community treatment to women's, girls' and infants' woven pyjamas and night dresses, of wool, cotton or man-made textile fibres, falling within heading No ex 61.04 of the Common Customs Tariff (NIMEXE codes 61.04-11, 13, 18) (category 30 A), originating in Macao and in free circulation in the other Member States,

Whereas the importation into the Community of the products in question originating in Macao is covered by an Agreement negotiated between the Community and that country;

Whereas under that Agreement Macao has undertaken to take all necessary steps to limit its exports of the products in question to the Community up to the amount of certain ceilings allocated among the Member States;

Whereas it was not possible on that occasion to allocate these ceilings on the basis of the needs of the individual markets; whereas there are therefore disparities existing between the import conditions in the various Member States; whereas uniformity can only be achieved progressively;

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 ⁽¹⁾, 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,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are authorized not to apply Community treatment to the products indicated below, where they originate in Macao and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 25 June 1979:

CCT heading No	Description
ex 61.04 (NIMEXE codes 61.04-11, 13, 18) (category 30 A)	Women's, girls' and infants' woven pyjamas and night dresses, of wool, cotton or man-made textile fibres

Article 2

This Decision shall apply until 30 September 1979.

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

Article 3

Done at Brussels, 4 July 1979.

For the Commission

Wilhelm HAERKAMP

Vice-President

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

COMMISSION DECISION

of 6 July 1979

on an investigation pursuant to Article 14 (3) of Regulation No 17 into AM & S Europe Ltd, Bristol (Dossier IV/AF 379)

(Only the English text is authentic)

(79/670/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Article 14 (3) thereof,

Having consulted the competent authority of the relevant Member State for the purpose of Article 14 (4) of Regulation No 17,

Whereas :

There is sufficient reason to believe that producers of zinc metal and zinc concentrates within and outside the common market jointly fix prices and sales conditions for zinc by agreeing on a 'producer price' for GOB zinc (good ordinary brand), control production and share markets, and that these activities constitute agreements or concerted practices as prohibited under Article 85 of the EEC Treaty.

On 10 February 1978, the Member of the Commission responsible for competition policy ordered investigations to be made of various undertakings pursuant to Article 14 of Regulation No 17.

The Commission has, during previous investigations, obtained precise and corroborated evidence which shows *inter alia* that the largest European, Canadian and Australian producers of zinc and zinc concentrates decided in 1964 to introduce a producer price which was independent of the quotations on the London Metal Exchange, and to influence prices on the London Metal Exchange by buying or selling through a subsidiary set up for this purpose and based in Switzerland.

Subsequently, the producers have held regular meetings — more than 20 since 9 July 1964 — and have again fixed prices. Changes in price were on each occasion announced by one of the producers and were then followed by the other participants. The new price was soon afterwards published in the 'Metal Bulletin', a London trade journal.

AM & S Europe Ltd, a member of the Rio Tinto-Zinc Group, is suspected of having participated in these practices concerning prices and sales conditions, control of production and market sharing for several years.

On 20 and 21 February 1979 an investigation pursuant to Article 14 (2) of Regulation No 17 took place at the premises of AM & S Europe Ltd. The undertaking, represented by its managing director and two external lawyers, in the first instance submitted to the investigation. It then tried to produce only business records referring to the current situation but without defining what period of time was thereby meant.

The Commission officials responsible for the investigation refused to accept any such restriction of their investigative power, and were then able to inspect certain of the business records required by them.

On the second day of the investigation the undertaking again demanded a limit to the inspection of current papers and further investigation became impracticable. The Commission officials made a formal written request to make available certain business papers. The undertaking said that it would respond within 10 days of the return of its managing director from a business visit to Australia.

By letter of 26 March 1979 AM & S Europe Ltd sent photocopies of a number of business records and informed the Commission as follows. Copies of those documents selected as responding to the written request had been delivered to its legal advisers. The letter had indicated that certain documents were covered by legal privilege and for this reason these documents had not been produced.

The lawyers had also indicated that certain passages including individual words, phrases and even individual letters of other documents were of no relevance to the Commission's investigation and these passages had therefore been deleted, although the other parts of the documents in question were admitted to be relevant to the subject of the inquiry.

(¹) OJ No 13, 21. 2. 1962, p. 204/62.

They further stated that they would shortly furnish the Commission with a statutory declaration describing the deleted passages in general terms. By letter of 5 April 1979 a statutory declaration of Mr G. D. Child, solicitor, was sent to the Commission. This indicated the nature and number of the deletions made but did not describe their contents.

This attempt by AM & S Europe Ltd to restrict the investigative power of the Commission is not justified by the provisions of Regulation No 17.

Community competition legislation does not provide for any protection for legal papers. However, as the Commission made clear in its reply to Written Question No 63/78 in the European Parliament, asked by Mr Cousté, the Commission 'follows the rules in the competition law of certain Member States and is willing not to use as evidence of infringements of Community competition rules any strictly legal papers written with a view to seeking or giving opinions on points of law to be observed or relating to the preparation or planning of the defence of the firm or association of firms concerned. When the Commission comes across such papers it does not copy them' ⁽¹⁾.

Clearly neither the undertaking concerned nor its legal advisers can be the ultimate or only arbiter, either as to questions of fact or of law, as to whether any given document is one of these kinds of documents and was written in circumstances which would justify its not being used.

Under existing Community law, and subject to review by the Court of Justice, it is for the Commission to determine whether a given document should be used or not. Therefore it is necessary for AM & S Europe Ltd to allow the Commission's inspector to look at the documents, and to ask questions in connection with them, as far as is necessary for the purpose of establishing whether they should be used or not. If the inspector considers that they should not be used, he will not take any copies and the documents will not be used subsequently by the Commission as evidence of any infringement.

AM & S Europe Ltd claims the right to delete, even from documents which are admitted to be relevant to the investigation, certain passages and words as being of no relevance. This claim is also contrary to Article 14 of Regulation No 17.

Subject to the review of the Court of Justice, it is for the Commission to decide which papers are to be inspected as relevant to the investigation. Otherwise it

would no longer be the Commission but the undertaking itself which would determine the nature and scope of an investigation. Thus inspection in their entirety of all the documents connected with the subject of the inquiry, with no deletions, is necessary for the satisfactory accomplishment of an investigation under Article 14 of Regulation No 17.

AM & S Europe Ltd must therefore be required by Decision to submit to an investigation and in particular to permit the inspection and examination of the business records connected with the subject of the inquiry.

Article 15 (1) (c) and Article 16 (1) (d) of Regulation No 17, the texts of which are annexed hereto, empower the Commission by Decision to impose on undertakings :

- (i) fines where intentionally or negligently the required books or other business records are produced in incomplete form during investigations under Article 14, or investigations ordered by Decision pursuant to Article 14 (3) are refused ;
- (ii) penalty payments for each day's delay, with effect from the date laid down in the Decision, in order to compel them to submit to an investigation ordered by Decision pursuant to Article 14 (3),

HAS ADOPTED THIS DECISION :

Article 1

AM & S Europe Ltd is hereby required to submit to an investigation at its premises at Bristol and Avonmouth. It is required in particular to allow the Commission officials responsible for the investigation to enter its premises during normal office hours and to produce for examination the business records required by those officials which are in whole or in part connected with the subject of the inquiry, in particular :

- (a) all files, correspondence, telexes, internal memos and any other business records, from 1971 to date, relating to :

the Zinc Producer Group,
the Zinc Producer Group meetings,
the Zinc Producer Price,
the Zinc Steering Committee,

⁽¹⁾ OJ No C 188, 7. 8. 1978, p. 31.

Société Générale des Minerais SA,
Compagnie Royale Asturienne des Mines SA,
Société des Mines et Fonderies de Zinc de la
Vieille Montagne SA,
Société Minière et Métallurgique de Penarroya SA,
Metallgesellschaft AG,
Preussag AG,
Billiton International Metals BV,
Adena Metal SA, Zurich.

A copy of Mr Gordon Holloway's letter of 1 July 1971 to Metallgesellschaft AG, Frankfurt, referred to in the letter of Herr F. von Dallwitz (Metallgesellschaft) of 9 July 1971 to Mr Holloway, and all previous agreements, correspondence, telexes, internal memos and any other business records relating to both letters;

- (b) all documents for which legal privilege is claimed, as listed in the appendix to AM & S Europe Ltd's letter of 26 March 1979 to the Commission;
- (c) the complete texts of all documents of which certain passages or words have been deleted in the photocopies sent to the Commission, mentioned in AM & S Europe Ltd's letter of 26 March 1979 to the Commission and set out in the statutory declaration of Mr G. D. Child of 5 April 1979.

Article 2

The investigation shall be carried out at the premises of AM & S Europe Ltd at Bristol and Avonmouth and shall begin on or after 9 July 1979.

Article 3

This Decision is addressed to AM & S Europe Ltd, 1, Redcliff Street, Bristol, England. It shall be notified to the undertaking by being served immediately before the investigation is to commence by the Commission's officials authorized for the purposes of the investigation.

Proceedings against this Decision may be instituted before the Court of Justice of the European Communities in Luxembourg pursuant to Article 173 of the EEC Treaty. However, pursuant to Article 185, such proceedings do not have suspensory effect.

Done at Brussels, 6 July 1979.

For the Commission

Raymond VOUEL

Member of the Commission

*ANNEX***Articles 15 and 16 of Council Regulation No 17**

(Official Journal of the European Communities No 13 of 21 February 1962, page 204)

Article 15

1. The Commission may by Decision impose on undertakings or associations of undertakings fines of from 100 to 5 000 units of account where, intentionally or negligently :

- (a) ...
- (b) ...
- (c) they produce the required books or other business records in incomplete form during investigations under Article 13 or 14, or refuse to submit to an investigation ordered by Decision issued in implementation of Article 14 (3).

Article 16

1. The Commission may by Decision impose on undertakings or associations of undertakings periodic penalty payments of from 50 to 1 000 units of account per day, calculated from the date appointed by the Decision, in order to compel them :

- (a) ...
 - (b) ...
 - (c) ...
 - (d) to submit to an investigation which it has ordered by Decision taken pursuant to Article 14 (3).
-

COMMISSION DECISION

of 13 July 1979

authorizing the Italian Republic not to apply Community treatment to woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics, falling within heading No 55.09 of the Common Customs Tariff (NIMEXE codes 55.09-01, 02, 03, 04, 05, 11, 12, 13, 14, 15, 16, 17, 19, 21, 29, 31, 33, 35, 37, 38, 39, 41, 49, 51, 52, 53, 54, 55, 56, 57, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 81, 82, 83, 84, 86, 87, 92, 93, 97) (category 2), originating in Romania and in free circulation in the other Member States

(Only the Italian text is authentic)

(79/671/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 6 July 1979 by the Italian Government to the Commission of the European Communities, for authorization not to apply Community treatment to woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics, falling within heading No 55.09 of the Common Customs Tariff (NIMEXE codes 55.09-01, 02, 03, 04, 05, 11, 12, 13, 14, 15, 16, 17, 19, 21, 29, 31, 33, 35, 37, 38, 39, 41, 49, 51, 52, 53, 54, 55, 56, 57, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 81, 82, 83, 84, 86, 87, 92, 93, 97) (category 2), originating in Romania and in free circulation in the other Member States,

Whereas the importation into the Community of the products in question originating in Romania is covered by an Agreement negotiated between the Community and that country;

Whereas under that Agreement Romania has undertaken to take all necessary steps to limit its exports of the products in question to the Community up to the amount of certain ceilings allocated among the Member States;

Whereas it was not possible on that occasion to allocate these ceilings on the basis of the needs of the

individual markets; whereas there are therefore disparities existing between the import conditions in the various Member States; whereas uniformity can only be achieved progressively;

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 the imports which gave rise to the application submitted would appear, in view of their volume, to aggravate these difficulties and to jeopardize the efficiency of the commercial measures concerned;

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⁽¹⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic is authorized not to apply Community treatment to the products indicated below, where they originate in Romania and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 26 June 1979 and are, at the date of this Decision, pending with the Italian authorities:

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

CCT heading No	Description
55.09 (NIMEXE codes 55.09-01, 02, 03, 04, 05, 11, 12, 13, 14, 15, 16, 17, 19, 21, 29, 31, 33, 35, 37, 38, 39, 41, 49, 51, 52, 53, 54, 55, 56, 57, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 81, 82, 83, 84, 86, 87, 92, 93, 97) (category 2)	Woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 July 1979.

For the Commission

Wilhelm HAFERKAMP

Vice-President

COMMISSION DECISION**of 13 July 1979****excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Ohio nuclear delta scan 50 slow'****(79/672/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 ⁽¹⁾,

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 ⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 8 January 1979, the German Government requested the Commission to initiate 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 'Ohio nuclear delta scan 50 slow', intended for use in research on chemical and diagnostic research and radiotherapy planning and, in particular, for comparative tests in respect of epigastric diagnoses — tomodensitometry, tomography, ultrasonic diagnoses, selective angiography and nuclear medicine methods — should be considered to be a scientific apparatus and, where 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 28 May 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination showed that the apparatus in question is a computer densitometer; whereas its objective technical characteristics which render possible a high number of stratigraphic diagnoses by means of simple procedures and the use to which it is

put make it specially suited to scientific research; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatuses of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'CT 5005', manufactured by EMI Medical Ltd, 248 Blyth Road, Hayes, Middlesex, United Kingdom, since 1 March 1977, the apparatus, 'Tomoscan 200' and, since 1 January 1979, the apparatus 'Tomoscan 300' manufactured by Philips Nederland BV, Boschdijk 525, Eindhoven, the Netherlands,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Ohio nuclear delta scan 50 slow' is 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 not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 July 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

COMMISSION DECISION

of 13 July 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatuses described as 'EDAX-Si (Li) detecting unit, model PSEM 500' and 'EDAX-EXAM-MAX-System F, model 939'

(79/673/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⁽¹⁾,

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⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 5 January 1979, 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 'EDAX-Si (Li) detecting unit, model PSEM 500' and 'EDAX-EXAM-MAX-System F, model 939', intended for use in research on the analyses of elements and, in particular, in microscopic analyses by X-rays and in X-ray fluorescence analyses of ceramic clay, paints, pigments, metals and fodder, as well as in the physical-chemical analyses of sera, should be regarded as a scientific apparatus and, where 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 28 May 1979 within the Committee on Duty-Free Arrangements to examine these particular cases;

Whereas this examination showed that the apparatuses in question consist respectively of a micro-analyses system and of an X-ray fluorescence spectrometer; whereas their objective technical characteristics such as accuracy and speed analyses, and the use

to which they are put make them specially suited to scientific research; whereas they must therefore be regarded as scientific apparatuses;

Whereas, however, on the basis of information received from Member States, apparatuses of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'Stereoscan 150', manufactured by Cambridge Instruments, Melbourn Royston, Hertfordshire SG8 6EJ, United Kingdom, and to the apparatus 'MECA 10-42', manufactured by Link Systems, Halifax Road, High Wycombe, Buckinghamshire HP12 3SE, United Kingdom,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatuses described as 'EDAX-Si (Li) detecting unit, model PSEM 500' and 'EDAX-EXAM-MAX-System F, model 939', are regarded as scientific apparatuses.
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 apparatuses described in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 July 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

COMMISSION DECISION

of 13 July 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Finnigan-gas chromatograph/mass spectrometer with INCOS-Data System, model 4023'

(79/674/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⁽¹⁾,

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⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 8 January 1979, the German Government requested the Commission to initiate 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 'Finnigan-gas chromatograph/mass spectrometer with INCOS-Data System, model 4023', intended for use in research on separation by gas-chromatography and the detection of various substances by mass spectrometry and, in particular, for the analyses of complex mixtures to be carried out during mechanical examinations of enzymatic separations and of the syntheses of natural substances, should be considered to be a scientific apparatus and, where 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 28 May 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination showed that the apparatus in question consists of a gas chromatograph-mass spectrometer combined with a computer; whereas its objective technical characteristics such as high protec-

tion sensitivity and the use to which it is put make it specially suited to scientific research; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatuses of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, since 1 July 1976 to the apparatus 'GCMS R10-10' manufactured by Ribermag, 49 quai du Halage, 92502 Rueil-Malmaison, France and, since 1 January 1977, to the apparatus 'MM 16F' manufactured by VG Organic Ltd, Tudor Road, Altrincham, Cheshire WA14 5RZ, United Kingdom,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Finnigan-gas chromatograph/mass spectrometer with INCOS-Data System, model 4023' is 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 not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 July 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

COMMISSION DECISION

of 13 July 1979

refusing to accept the scientific character of the apparatus described as 'Canberra-Scorpio 2000 MCA System'

(79/675/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⁽¹⁾,

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⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 10 January 1979, the Belgian Government requested the Commission to initiate 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 'Canberra-Scorpio 2000 MCA System', intended for use in nuclear research and, in particular, for the acquisition, display and analyses of multichannel data, should be considered as a scientific apparatus and, where 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 18 June 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination showed that the apparatus in question consists of a console and import data processing unit and a graphic unit; whereas it does not possess the requisite objective characteristics which make it specially suited to scientific research; whereas, moreover, it is an apparatus which is currently in use in the commercial sector; whereas its use in the case in question could not alone confer

upon it the character of a scientific apparatus; whereas it therefore cannot be regarded as a scientific apparatus;

Whereas Commission Decision 78/294/EEC excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Scorpio System 3000 multi-unibus disk-based multi-channel analyzing computer system'⁽³⁾ lays down in Article 1 that the apparatus must be considered to be a scientific apparatus; whereas, taking into account the technical developments for this category of apparatus, the apparatus in question can no longer be regarded as a scientific apparatus,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Canberra-Scorpio 2000 MCA System' is not considered to be a scientific apparatus.

Article 2

Commission Decision 78/294/EEC excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Scorpio System 3000 multi-unibus disk-based multichannel analyzing computer system' is hereby abolished.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 July 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.
⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

⁽³⁾ OJ No L 74, 16. 3. 1978, p. 39.

COMMISSION DECISION

of 17 July 1979

authorizing the United Kingdom not to apply Community treatment to receivers for monochrome portable televisions falling within subheading 85.15 A ex III of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States

(Only the English text is authentic)

(79/676/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 2 July 1979 by the United Kingdom Government to the Commission of the European Communities, for authorization not to apply Community treatment to receivers for monochrome portable televisions falling within subheading 85.15 A ex III of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States,

Whereas the importation into the United Kingdom of the products in question originating in Taiwan is subject to an annual quota which is already wholly 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 these economic difficulties are caused largely by unequal conditions of competition, which allow exports to be made at prices appreciably lower than those of the Community products in question;

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 ⁽¹⁾, 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,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is authorized not to apply Community treatment to the products indicated below, where they originate in Taiwan and are in free circulation in the other Member States and in respect of which applications for import licences were lodged after 29 June 1979:

CCT heading No	Description
85.15 A ex III	Receivers for monochrome portable televisions

Article 2

This Decision shall apply until new opportunities arise in the United Kingdom for the importation of these products from Taiwan or until 31 December 1979, whichever is the earlier.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 17 July 1979.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 18 July 1979

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to drawn or blown glass, falling within heading No ex 70.05 of the Common Customs Tariff, originating in the USSR and in free circulation in the other Member States

(79/677/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 12 July 1979 by the Governments of the Benelux countries to the Commission of the European Communities, for authorization not to apply Community treatment to drawn or blown glass, falling within heading No ex 70.05 of the Common Customs Tariff, originating in the USSR and in free circulation in the other Member States,

Whereas in the Benelux countries the importation of the products in question originating in the USSR is, in accordance with Council Decision 79/252/EEC of 21 December 1978 ⁽¹⁾, prohibited;

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 information given by the Benelux authorities, that there are serious difficulties in the industrial sector concerned, which is in the process of being restructured, and that these difficulties are made worse by low price imports from third countries;

Whereas further indirect imports 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 ⁽²⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are authorized not to apply Community treatment to the products indicated below, where they originate in the USSR and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 1 July 1979:

CCT heading No	Description
ex 70.05	Drawn or blown glass

Article 2

This Decision shall apply until new opportunities arise in the Benelux countries for the importation of these products from the USSR or until 31 December 1979, whichever is the earlier.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 18 July 1979.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 60, 12. 3. 1979, p. 1.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 18 July 1979

authorizing the French Republic not to apply Community treatment to crepes and woven fabrics of silk, falling within subheadings 50.09 ex A and ex C of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States

(Only the French text is authentic)

(79/678/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 12 July 1979 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to crepes and woven fabrics of silk, falling within subheadings 50.09 ex A and ex C of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States,

Whereas in France the importation of the products in question originating in the People's Republic of China is, in accordance with Council Decision 79/252/EEC of 21 December 1978⁽¹⁾, subject to a quantitative restriction ;

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 condi-

tions laid down in Commission Decision 71/202/EEC of 12 May 1971⁽²⁾, 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,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, where they originate in the People's Republic of China and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 9 July 1979 :

CCT heading No	Description
50.09 ex A and ex C	Crepes and woven fabrics of silk

Article 2

This Decision shall apply until new opportunities arise in France for the importation of these products from the People's Republic of China or until 31 December 1979, whichever is the earlier.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 18 July 1979.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 60, 12. 3. 1979, p. 1.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.