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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 97/80

of 18 January 1980

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 1658/79⁽⁵⁾ and subsequent amending Regulations;

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

— in the case of currencies which are maintained in relation to each other at any given moment within

a band of 2.25 %, a rate of exchange based on their effective parity;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 17 January 1980;

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 19 January 1980.

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

Done at Brussels, 18 January 1980.

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 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 193, 1. 8. 1979, p. 5.

ANNEX

to the Commission Regulation of 18 January 1980 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	80.16
10.01 B	Durum wheat	113.90 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	67.09 ⁽⁶⁾
10.03	Barley	70.71
10.04	Oats	74.51
10.05 B	Maize, other than hybrid maize for sowing	96.73 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	4.26
10.07 B	Millet	59.93 ⁽⁴⁾
10.07 C	Grain sorghum	90.60 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	126.16
11.01 B	Rye flour	107.85
11.02 A I a)	Durum wheat groats and meal	189.83
11.02 A I b)	Common wheat groats and meal	135.17

⁽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 98/80

of 18 January 1980

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,

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

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
1659/79⁽⁵⁾ and subsequent amending Regulations;

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

— in the case of currencies which are maintained in
relation to each other at any given moment within

a band of 2.25 % a rate of exchange based on
their effective parity;

— for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each
of these currencies in relation to the Community
currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on
17 January 1980;

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 19 January
1980.

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

Done at Brussels, 18 January 1980.

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 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 193, 1. 8. 1979, p. 7.

ANNEX

to the Commission Regulation of 18 January 1980 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 1	1st period 2	2nd period 3	3rd period 4
10.01 A	Common wheat, and meslin	0	3.36	3.36	1.97
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	0.35	0.35	0.70
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	4.71	4.71	2.76

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	5.98	5.98	3.51	3.51
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	4.47	4.47	2.62	2.62
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 99/80**of 18 January 1980****opening a new invitation to tender for the mobilization of common wheat flour
as food aid for the League of Red Cross Societies**

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⁾,

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

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

Having regard to the opinion of the Monetary
Committee,

Whereas on 8 May 1979 the Council of the European
Communities declared that it proposed, by way of
Community action, to grant the equivalent of 151
tonnes of common wheat (in other words 100 tonnes
of common wheat flour) to the League of Red Cross
Societies under its 1978/79 food-aid programme;

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

Whereas the invitation to tender opened in the
Community under Commission Regulation (EEC) No
1532/79 of 20 July 1979 opening an invitation to
tender for the mobilization of common wheat flour as
food aid for the League of Red Cross Societies⁽⁶⁾ was
not allocated; whereas a new invitation to tender
should therefore be opened;

Whereas the proposed invitation to tender should be
for supply of the products delivered Kigali;

Whereas tenders may be submitted by tenderers esta-
blished in any Member State of the Community and

may relate to products mobilized anywhere within
those Member States; whereas, in view of the currency
situation in the Member States and in order to ensure
that the tenders are as comparable as possible, account
should be taken of the effect on each tender of the
currency situation in the Member State in which the
customs export formalities will be completed;

Whereas the award under the invitation to tender
must be made to the tenderer offering the best terms;

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

Whereas the Belgian intervention agency should be
made responsible for the tendering procedure in ques-
tion;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply to the
League of Red Cross Societies, by way of Community
food-aid action, of 100 tonnes of common wheat
flour.

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

3. The invitation to tender provided for in para-
graph 1 is for supply of products delivered Kigali.

4. The successful tenderer shall deliver the product
specified in paragraph 1 in new jute sacks lined with
cotton sacks of a net capacity of 50 kilograms.

Minimum weight of the sacks shall be 600 grams.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

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

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁶⁾ OJ No L 186, 24. 7. 1979, p. 16.

On the sacks shall be printed a red cross, 15 × 15 cm, as well as the following :

'Farine de froment tendre / Don de la Communauté économique européenne / Action de la Ligue des sociétés de la Croix-Rouge / Pour distribution gratuite / Kigali'.

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

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 1 February 1980.
2. The closing date for the submission of tenders shall be 1 February 1980 at 12 noon.
3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for the submission of tenders.

Article 3

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

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

- in the case when the currencies concerned are kept at any given moment within a band of 2.25 %, a conversion rate resulting from their central rate,
- in other cases, the average of the spot rates of the currencies concerned recorded in the Member State in which the invitation to tender is issued

during a period from the Wednesday of one week to the Tuesday of the following week being the period immediately preceding the closing date for submission of tenders.

Article 4

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

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

Article 5

1. The tenderer shall give security of an amount of 12 ECU per tonne of goods.

It shall be released :

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

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

Article 6

1. The common wheat flour referred to in Article 1 to be supplied to the League of Red Cross Societies must meet the following requirements :

- moisture : 14 % maximum,
- protein content : 10.5 % minimum (N × 6.25 on dry matter),
- ash content : 0.52 % maximum referred to dry matter.

Flour not meeting these requirements shall be refused.

2. Tenders for supply to the League of Red Cross Societies of the common wheat flour referred to in Article 1 must relate to a product with the following characteristics :

- moisture : 14 % maximum,
- protein content : 10.5 % minimum (N × 6.25 on dry matter),
- ash content : 0.52 % maximum referred to dry matter.

Article 7

1. The Belgian intervention agency shall be responsible for organization the invitation to tender provided for by this Regulation.

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

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

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

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

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

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and their packaging ;
- (b) the date of the departure of the ships ; the estimated date of arrival of the products at their destination ;
- (c) all possible contingencies which might occur during transportation of the products.

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

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

Article 8

As regards this tender, the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

Article 9

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

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 100/80**of 18 January 1980****opening an invitation to tender for the mobilization of common wheat flour as food aid for the Arab Republic of Syria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas on 8 May 1979 the Council of the European Communities declared that it proposed, by way of Community action, to grant the equivalent of 1 000 tonnes of common wheat (in other words 720 tonnes of common wheat flour) to the Arab Republic of Syria under its 1978/79 food-aid programme ;

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Tenders are hereby invited for the supply by way of Community action to the Arab Republic of Syria of 720 tonnes of common wheat flour.

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

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

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

4. The successful tenderer shall deliver the products in new cotton sacks of a net capacity of 50 kilograms.

The minimum weight of the sacks shall be 180 grams.

The following shall be printed on the sacks :

'Farine de froment / Don de la Communauté économique européenne à la République arabe syrienne'.

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

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 1 February 1980.

2. The closing date for the submission of tenders shall be 1 February 1980 at 12 noon.

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

Article 3

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

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

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

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

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

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

Article 4

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

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

Article 5

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

Article 6

1. The tenderer shall give security of a value of 12 ECU per tonne of goods.

It shall be released :

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

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

Article 7

1. The common wheat flour referred to in Article 1 must meet the following requirements :

- moisture : 14 % maximum,
- protein content : 10.5 % minimum ($N \times 6.25$ on dry matter),
- ash content : 0.62 % maximum referred to dry matter.

Flour not meeting these requirements shall be refused.

2. Tenders for supply of the common wheat flour referred to in Article 1 must relate to a product with the following characteristics :

- moisture : 14 % maximum,
- protein content : 10.5 % minimum ($N \times 6.25$ on dry matter),
- ash content : 0.62 % maximum referred to dry matter.

Article 8

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

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

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

In such case, the intervention agency choosing the successful tenderer shall immediately inform the inter-

vention agency of the Member State concerned and shall supply it with all the information which it may require.

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

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

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

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

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

Article 9

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

Article 10

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

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 101/80

of 18 January 1980

opening an invitation to tender for the mobilization of common wheat as food aid for the Republic of Rwanda

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas on 8 May 1979 the Council of the European Communities declared that by way of Community action it proposed to grant the Republic of Rwanda 1 500 tonnes of common wheat under its 1978/79 food-aid programme;

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

Whereas the proposed invitation to tender should be for supply of the products delivered to Kigali;

Whereas tenders may be submitted by tenderers established in any Member State of the Community and may relate to products mobilized anywhere within those Member States; whereas, in view of the currency situation in the Member States and in order to ensure that the tenders are as comparable as possible, account should be taken of the effect on each tender of the currency situation in the Member State in which the customs export formalities will be completed;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply by way of Community food-aid action to the Republic of Rwanda of 1 500 tonnes of common wheat.
2. The tendering procedure shall take place in Belgium in one lot.
3. The products shall be mobilized on the Community market.
4. Shipment shall be from a Community port.
5. The invitation to tender provided for in paragraph 1 is for supply of the products delivered to Kigali.
6. The successful tenderer shall deliver the products specified in paragraph 1 in new jute sacks of a net capacity of 50 kilograms.

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks:

'Froment tendre / Don de la Communauté économique européenne à la république du Rwanda / Destiné à la vente'.

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

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

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 1 February 1980.
2. The closing date for the receipt of tenders shall be 1 February 1980 at 12 noon.
3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for submission of tenders.

Article 3

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

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

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

Article 4

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

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

Article 5

1. The tenderer shall give security in an amount of 6 ECU per tonne of goods.

It shall be released :

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

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

Article 6

The product referred to in Article 1 must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 14.5 % and that a maximum of 3 % of sprouted grains and 1.5 % of miscellaneous impurities shall be allowed.

Article 7

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

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

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

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

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

4. The intervention agency shall ask that the tenderer specifies the following information :

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and their packaging ;
- (b) the date of the departure of the ships; the expected date of arrival of the products at their destination ;
- (c) all possible contingencies which might occur during transportation of the products.

The intervention agency shall transmit the information provided for to the Commission as soon as it is received.

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

Article 8

As regards this tender the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

Article 9

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

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 102/80

of 18 January 1980

opening an invitation to tender for the mobilization of common wheat as food aid for the Republic of Zaire

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas on 8 May 1979 the Council of the European Communities declared that by way of Community action it proposed to grant Zaire 10 000 tonnes of common wheat under its 1978/79 food-aid programme;

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

Whereas the proposed invitation to tender should be for supply of the products placed on the quay at the port of unloading;

Whereas tenders may be submitted by tenderers established in any Member State of the Community and may relate to products mobilized anywhere within those Member States; whereas, in view of the currency situation in the Member States and in order to ensure that the tenders are as comparable as possible, account should be taken of the effect on each tender of the currency situation in the Member State in which the customs export formalities will be completed;

Whereas the award under the invitation to tender must be made in favour of the tenderer offering the best terms;

Whereas, should *force majeure* make it impossible to complete the operation in question within the set

time limits, it should be made clear who is to bear the liability for any resulting costs;

Whereas provisions should be made for security to be given for the purpose of guaranteeing that the obligations arising by virtue of participation in the invitation to tender for supplies to Zaire will be fulfilled;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply to the Republic of Zaire by way of Community food-aid action of 10 000 tonnes of common wheat.
2. The tendering procedure shall take place in France in five lots. The product shall be mobilized on the Community market. The product shall be loaded for departure from any Community port.
3. The invitation to tender provided for in paragraph 1 is for supply of products delivered to Matadi that is at the moment when the goods are actually placed on the quay or in the lighter where applicable.
4. The product shall be delivered in bulk.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 1 February 1980.
2. The closing date for submission of tenders shall be 1 February 1980 at 12 noon.
3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for submission of tenders.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

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

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

Article 3

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

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

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

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

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

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

Article 4

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

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

Article 5

1. The tenderer shall give security in an amount of 6 ECU per tonne of goods.

It shall be released:

- in the case of all tenderers whose tenders are unsuccessful or are not accepted.

— in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),

— in the case of the successful tenderer for quantities not supplied by reason of *force majeure*.

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

Article 6

The common wheat referred to in Article 1 to be supplied to Zaire must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 14 % and that a maximum of 3 % of sprouted grains and 1.5 % of miscellaneous impurities shall be allowed.

Article 7

1. The French intervention agency shall be responsible for organizing the invitation to tender provided for by this Regulation.

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

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

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

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

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

- (a) after each shipment a certificate showing the quantities dispatched and the quality of the products ;
- (b) the date of departure of the ships ;
- (c) all possible contingencies which might occur during transportation of the products.

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

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it

shall send as soon as possible to the latter the information necessary for releasing the security.

Article 8

As regards this tender, the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

Article 9

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

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 103/80**of 18 January 1980****extending for the second time the temporary suspension of the advance fixing of
export refunds for poultrymeat products**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2777/75 of 29 October 1975 on the common organiza-
tion of the market in poultrymeat ⁽¹⁾, as amended by
Regulation (EEC) No 369/76 ⁽²⁾,

Having regard to Council Regulation (EEC) No
2779/75 of 29 October 1975 laying down general
rules for granting export refunds on poultrymeat and
criteria for fixing the amount of such refunds ⁽³⁾, and
in particular Article 5 (4) thereof,

Whereas Regulation (EEC) No 38/80 ⁽⁴⁾, as extended
by Regulation (EEC) No 65/80 ⁽⁵⁾, temporarily
suspended the advance fixing of export refunds for
certain poultrymeat products; whereas the reasons
which led to this suspension persist and the said

measures should therefore be maintained until the
entry into force of the new refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The advance fixing of export refunds for products
falling within subheading 02.02 A I of the Common
Customs Tariff is hereby suspended during the period
21 to 25 January 1980.

Article 2

This Regulation shall enter into force on 19 January
1980.

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 6, 10. 1. 1980, p. 14.

⁽⁵⁾ OJ No L 10, 15. 1. 1980, p. 13.

COMMISSION REGULATION (EEC) No 104/80

of 18 January 1980

fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the opinion of the Monetary Committee,

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

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

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 January 1980.

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

ANNEX

to the Commission Regulation of 18 January 1980 fixing the export refunds on poultrymeat

CCT heading No	Description	Refund
		ECU/100 units
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls : For all exports except to the United States of America : A. Of a weight not exceeding 185 g, known as 'chicks' : I. Turkeys and geese II. Other	3.50 1.70
		ECU/100 kg
02.02	Dead poultry (that is to say fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen : For all exports except to the United States of America : A. Whole poultry : I. Fowls : a) Plucked and gutted, with heads and feet, known as '83 % chickens' b) Plucked and drawn, without heads and feet but with hearts, livers and gizzards, known as '70 % chickens' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens' II. Ducks : a) Plucked, bled, not drawn or gutted with heads and feet, known as 85 % ducks b) Plucked and drawn without heads and feet, with hearts, livers and gizzards known as 70 % ducks c) Plucked and drawn without heads and feet, without hearts, livers and gizzards, known as 63 % ducks IV. Turkeys B. Poultry cuts (excluding offals) : II. Unboned (bone-in) : a) Halves or quarters : 1. Of fowls 2. Of ducks 4. Of turkeys b) Whole wings, with or without tips d) Breasts and cuts of breasts : 2. Of turkeys 3. Of other poultry e) Legs and cuts of legs : 2. Of turkeys aa) Drumsticks and cuts of drumsticks bb) Other 3. Of other poultry	22.00 22.00 22.00 22.00 22.00 22.00 22.00 15.00 20.00 26.00 16.00 15.00 24.00 28.00 13.00 23.00 26.00

COMMISSION REGULATION (EEC) No 105/80
of 18 January 1980
fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 590/79⁽²⁾,

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

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

Having regard to the opinion of the Monetary Committee,

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

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 2415/79 of 31 October 1979 fixing the amount of the subsidy

on oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 80/80⁽⁸⁾ ;

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 21 January 1980.

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 78, 30. 3. 1979, p. 1.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 275, 1. 11. 1979, p. 43.

⁽⁸⁾ OJ No L 12, 17. 1. 1980, p. 13.

ANNEX

to the Commission Regulation of 18 January 1980 fixing the world market price for colza and rape seed

(ECU/100 kg) (1)

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	20.687

(ECU/100 kg) (1)

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		January 1980	February 1980	March 1980	April 1980	May 1980	June 1980
ex 12.01	Colza and rape seed	20.687	20.687	20.687	21.000	21.000	21.035

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

1 ECU = DM	2.48208
1 ECU = Fl	2.74362
1 ECU = Bfr/Lfr	39.7897
1 ECU = FF	5.84700
1 ECU = Dkr	7.72336
1 ECU = I £	0.668201
1 ECU = £	0.635449
1 ECU = Lit	1 158.77

COMMISSION REGULATION (EEC) No 106/80
of 18 January 1980
fixing the export refunds on fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 2903/78⁽²⁾, and in particular the fourth subparagraph of Article 23 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 23 of Regulation (EEC) No 100/76 provides that, to the extent necessary to enable economically important exports of the products listed in Article 1 (2) of that Regulation to be effected on the basis of prices for these products on the world market, the difference between these prices and prices within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 110/76 of 19 January 1976 laying down general rules for granting export refunds on fishery products and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken on the one hand of the existing situation and the future trend with regard to prices and availabilities of fishery products on the Community market and prices on the world market on the other; whereas account must also be taken of the costs referred to in (c) of that Article and of the economic significance of the proposed exports and of the aims of the common organization of the market in fishery products;

Whereas Article 3 of Regulation (EEC) No 110/76 provides that, when prices on the Community market are being determined, account must be taken of the ruling prices which are most favourable from the exportation point of view; whereas, when prices on the world market are being determined, account must be taken of the prices indicated in paragraph 2 of that Article;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to the destination of the products in question;

Whereas products of Community origin which are landed, direct from the fishing grounds, in ports situated outside the customs territory of the Community do not qualify for refunds;

Whereas economically important quantities of frozen whole mackerel, frozen fillets of mackerel, dried and salted coalfish and mackerel, dried, salted or in brine can be exported at the present time;

Whereas pursuant to Commission Regulation (EEC) No 686/78 of 6 April 1978 laying down additional provisions as regards the granting of export refunds on fishery products⁽⁴⁾, for the purposes of the export refund system, fishery products of Community origin frozen and/or processed on board a vessel registered or recorded in a third country and flying the flag of a third country shall be considered to be products which are not of Community origin;

Whereas it follows from applying these detailed rules to the present market situation and in particular to prices for fishery products in the Community and on the world market that the refunds should be as set out in the Annex hereto;

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

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

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979⁽⁵⁾ laid down the coefficient for expressing amounts, fixed in units of account, in ECU;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 1 (2) of Regulation (EEC) No 100/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 January 1980.

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 347, 12. 12. 1978, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 48.

⁽⁴⁾ OJ No L 93, 7. 4. 1978, p. 12.

⁽⁵⁾ OJ No L 84, 4. 4. 1979, p. 1.

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 18 January 1980 fixing the export refunds on fishery products

(ECU/100 kg net)

CCT heading No	Description	Refund
03.01	Fish, fresh (live or dead), chilled or frozen : B. Saltwater fish : I. Whole, headless or in pieces : m) Mackerel : 1. bb) Frozen : For exports to all destinations with the exception of Sweden, Norway, Faroe Islands, Finland, Iceland and the USSR 2. bb) Frozen : For exports to all destinations with the exception of Sweden, Norway, Faroe Islands, Finland, Iceland and the USSR II. Fillets : b) Frozen : 6. Of mackerel : For exports to all destinations with the exception of Sweden, Norway, Faroe Islands, Finland, Iceland and the USSR	6.04 6.04 3.63
03.02	Fish, dried, salted or in brine, smoked fish, whether or not cooked before or during the smoking process : ex A. I. f) — Coalfish, dried and salted, whole, headless or in pieces : For exports to Porto Rico, the People's Republic of the Congo, Zaire, Gabon, Cameroon, Angola, Jamaica, Trinidad, Barbados, Windward and Leeward Islands, Panama, Surinam and the Dominican Republic — Mackerel, dried, salted or in brine, whole, headless or in pieces : For exports to Jamaica, Trinidad and Windward and Leeward Islands	18.13 4.84

COMMISSION REGULATION (EEC) No 107/80**of 18 January 1980****on the opening of an invitation to tender for the refund for the export of common wheat to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic and derogating from Article 1 (2) of Commission Regulation (EEC) No 279/75**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas there is an exportable surplus of common wheat on the Community market; whereas, so that it can be exported under the most favourable conditions, an invitation to tender for the export refund should be opened; whereas, in view of the situation on the world cereals market, and for the purpose of keeping better control of the refund amount to be granted and of the quantities to be exported, the invitation to tender should be restricted to exports to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic;

Whereas detailed rules for the application of the system of tendering for fixing export refunds were adopted in Commission Regulation (EEC) No 279/75⁽⁴⁾, as amended by Regulation (EEC) No 2944/78⁽⁵⁾; whereas among the obligations on the part of tenderers is that of lodging an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas it is necessary for the purposes of this invitation to tender, by way of derogation from the provisions of Article 1 (2) of Regulation (EEC) No 279/75, to set the period between the publication of the notice of invitation to tender and the first date for the submission of tenders at two days, on account of the urgency of the measure;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to specify that all licences issued be valid for equal lengths of time;

Whereas, for the proper running of an invitation to tender for export refunds, a minimum representative quantity must be specified as well as the time limit and form of communication of the tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.

2. The invitation to tender shall relate to common wheat for export to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic.

3. For the purposes of this invitation to tender, by way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the period between the publication of the notice of invitation to tender and the first date for the submission of tenders is hereby set at two days.

4. The invitation shall remain open until 30 June 1980. During this period weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

Article 3

The tendering security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

Article 4

1. By way of derogation from the provisions of Article 9 (1) of Regulation (EEC) No 193/75⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with this invitation to tender shall be valid from their date of issue, as defined in the previous paragraph, until the end of the third month following that of issue.

Article 5

The tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period

for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall so inform the Commission within the time limit indicated in the preceding paragraph.

Article 6

The time limits fixed for the submission of tenders shall be :

- brought forward by one hour in Ireland and the United Kingdom during the period in which summer time does not apply in those Member States,
- extended by one hour in the other Member States when the latter are applying summer time.

Article 7

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, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 25, 31. 1. 1975, p. 10.

*ANNEX***Weekly tender for the refund for the export of common wheat to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic**

Time limit for the submission of tenders (date/time)

1	2	3
Number of tender	Quantity (tonnes)	Amount of export refund (national currency per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 108/80**of 18 January 1980****on the opening of an invitation to tender for the refund for the export of barley to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic and derogating from Article 1 (2) of Commission Regulation (EEC) No 279/75**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas there is an exportable surplus of barley on the Community market; whereas, so that it can be exported under the most favourable conditions, an invitation to tender for the export refund should be opened; whereas, in view of the situation on the world cereals market, and for the purpose of keeping better control of the refund amount to be granted and of the quantities to be exported, the invitation to tender should be restricted to exports to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic;

Whereas detailed rules for the application of the system of tendering for fixing export refunds were adopted in Commission Regulation (EEC) No 279/75⁽⁴⁾, as amended by Regulation (EEC) No 2944/78⁽⁵⁾; whereas among the obligations on the part of tenderers is that of lodging an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas it is necessary for the purposes of this invitation to tender, by way of derogation from the provisions of Article 1 (2) of Regulation (EEC) No 279/75, to set the period between the publication of the notice of invitation to tender and the first date for the submission of tenders at two days, on account of the urgency of the measure;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to specify that all licences issued be valid for equal lengths of time;

Whereas, for the proper running of an invitation to tender for export refunds, a minimum representative quantity must be specified as well as the time limit and form of communication of the tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to barley for export to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic.
3. For the purposes of this invitation to tender, by way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the period between the publication of the notice of invitation to tender and the first date for the submission of tenders is hereby set at two days.
4. The invitation shall remain open until 30 June 1980. During this period weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The tendering security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

Article 4

1. By way of derogation from the provisions of Article 9 (1) of Regulation (EEC) No 193/75 ⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with this invitation to tender shall be valid from their date of issue, as defined in the previous paragraph, until the end of the third month following that of issue.

Article 5

The tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall so inform the Commission within the time limit indicated in the preceding paragraph.

Article 6

The time limits fixed for the submission of tenders shall be :

- brought forward by one hour in Ireland and the United Kingdom during the period in which summer time does not apply in those Member States,
- extended by one hour in the other Member States when the latter are applying summer time.

Article 7

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, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 25, 31. 1. 1975, p. 10.

*ANNEX***Weekly tender for the refund for the export of barley to Poland, Czechoslovakia, Hungary, Romania, Bulgaria and the German Democratic Republic**

Time limit for the submission of tenders (date/time)

1	2	3
Number of tender	Quantity (tonnes)	Amount of export refund (national currency per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 109/80

of 18 January 1980

on the application of the lowest rate of export refund for certain products in the
eggs and poultrymeat sectors

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2771/75 of 29 October 1975 on the common organiza-
tion of the market in eggs⁽¹⁾, as amended by Regula-
tion (EEC) No 368/76⁽²⁾, and in particular Article 9
(3) thereof,

Having regard to Council Regulation (EEC) No
2777/75 of 29 October 1975 on the common organiza-
tion of the market in poultrymeat⁽³⁾, as amended by
Regulation (EEC) No 369/76⁽⁴⁾, and in particular
Article 9 (3) thereof,

Having regard to Council Regulation (EEC) No
2774/75 of 29 October 1975 laying down general
rules for granting export refunds on eggs and criteria
for fixing the amount of such refunds⁽⁵⁾, and in parti-
cular Article 7 (2) thereof,

Having regard to Council Regulation (EEC) No
2779/75 of 29 October 1975 laying down general
rules for granting export refunds on poultrymeat and
criteria for fixing the amount of such refunds⁽⁶⁾, and
in particular Article 7 (2) thereof,

Whereas, in cases where the export refund varies
according to destination, Article 11 (2) of Commission
Regulation (EEC) No 192/75⁽⁷⁾, as last amended by
Regulation (EEC) No 2838/77⁽⁸⁾, lays down that the
part of the refund, calculated on the basis of the
lowest rate of refund, applicable on the day when the
customs export formalities are completed, is to be
paid when proof is provided that the product has left
the geographical territory of the Community;

Whereas the last subparagraph of Articles 2 (4) and 3
(1) of Council Regulation (EEC) No 441/69⁽⁹⁾, as last
amended by Regulation (EEC) No 2707/78⁽¹⁰⁾, allow
the part of the refund calculated on the basis of the
lowest rate to be paid as soon as the product has been
placed under the special procedure set up by the said
Regulation;

Whereas, under the special arrangements drawn up
with certain non-member countries, the rate of refund
applicable on exports to the said countries of certain
products in the egg and poultrymeat sectors may be
lower, and sometimes substantially lower, than the
refund normally applied; whereas it also sometimes
happens that no refund is fixed;

Whereas the lowest rate of refund also results from
the fact that a refund has not been fixed;

Whereas there are cases where a refund is not fixed
for exports to the United States; whereas an exception
should also be provided for determining the lowest
rate of refund in cases where measures introduced in
the United States guarantee that products which have
qualified for a refund for other destinations may not
be imported into that country; whereas experience
shows that the products in question may qualify for
this exception not only with regard to the application
of Article 11 (2) of Regulation (EEC) No 192/75 but
also with regard to the application of Articles 2 (4) and
3 (1) of Regulation (EEC) No 441/69;

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

HAS ADOPTED THIS REGULATION:

Article 1

The fact that no refund is fixed for products falling
within subheadings 01.05 A, 02.02 and 04.05 which
are exported to the United States shall not be taken
into consideration:

- for determining the lowest rate of refund for the
purposes of Article 11 (2) of Regulation (EEC) No
192/75,
- for applying the last subparagraph of Articles 2 (4)
and 3 (1) of Regulation (EEC) No 441/69.

Article 2

This Regulation shall enter into force on 21 January
1980.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 2.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁷⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽⁸⁾ OJ No L 327, 20. 12. 1977, p. 23.

⁽⁹⁾ OJ No L 59, 10. 3. 1969, p. 1.

⁽¹⁰⁾ OJ No L 327, 22. 11. 1978, p. 5.

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

Done at Brussels, 18 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 110/80**of 18 January 1980****altering the basic amount of the import levy on syrups and certain other sugar products**

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 basic amount of the import levy on syrups and certain other sugar products was fixed by Regulation (EEC) No 2990/79⁽³⁾, as last amended by Regulation (EEC) No 82/80⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2990/79 to the

information known to the Commission that the basic amount of the levy at present in force should be altered to the amount set out below,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amount of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 3330/74 shall be, per 100 kilograms of product, 0,1791 ECU per percentage point of sucrose content.

Article 2

This Regulation shall enter into force on 19 January 1980.

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

Done at Brussels, 18 January 1980.

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 337, 29. 12. 1979, p. 25.

⁽⁴⁾ OJ No L 12, 17. 1. 1980, p. 17.

COMMISSION REGULATION (EEC) No 111/80

of 18 January 1980

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 organ-
ization 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 94/80 ⁽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 Regu-
lation (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 19 January
1980.

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

Done at Brussels, 18 January 1980.

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 13, 18. 1. 1980, p. 27.

ANNEX

to the Commission Regulation of 18 January 1980 fixing the import levies on white sugar
and raw sugar

(ECU / 100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar ; flavoured or coloured sugar	17.91
	B. Raw sugar	12.02 ⁽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.

COMMISSION REGULATION (EEC) No 112/80

of 18 January 1980

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1552/79⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2986/79⁽⁷⁾, as last amended by Regulation (EEC) No 71/80⁽⁸⁾;

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

— in the case of currencies which are maintained in relation to each other at any given moment within

a band of 2.25 %, a rate of exchange based on their effective parity;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 17 January 1980;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3.02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽⁹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75⁽¹⁰⁾, as last amended by Regulation (EEC) No 2245/78⁽¹¹⁾, as fixed in the Annex to amended Regulation (EEC) No 2986/79, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 1980.

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

Done at Brussels, 18 January 1980.

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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 188, 26. 7. 1979, p. 9.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 337, 29. 12. 1979, p. 12.

⁽⁸⁾ OJ No L 11, 16. 1. 1980, p. 12.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 273, 29. 9. 1978, p. 1.

ANNEX

to the Commission Regulation of 18 January 1980 altering the import levies on products processed from cereals and rice

CCT heading No	Levies in ECU/tonne	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 E I ⁽²⁾	178.71	172.67
11.01 E II ⁽²⁾	100.87	97.85
11.02 A V a) 1 ⁽²⁾	141.72	135.68
11.02 A V a) 2 ⁽²⁾	178.71	172.67
11.02 A V b) ⁽²⁾	100.87	97.85
11.02 B II a) ⁽²⁾	111.42	108.40
11.02 B II c) ⁽²⁾	156.51	153.49
11.02 C I ⁽²⁾	133.42	130.40
11.02 C V ⁽²⁾	156.51	153.49
11.02 D I ⁽²⁾	86.15	83.13
11.02 D V ⁽²⁾	100.87	97.85
11.02 E II a) ⁽²⁾	152.74	146.70
11.02 E II c) ⁽²⁾	178.71	172.67
11.02 F I ⁽²⁾	152.74	146.70
11.02 F V ⁽²⁾	178.71	172.67
11.02 G I	67.17	61.13
11.02 G II	77.99	71.95
11.04 C II a)	141.91	117.73 ⁽⁵⁾
11.04 C II b)	175.00	150.82 ⁽⁵⁾
11.07 A I a)	155.95	145.07
11.07 A I b)	119.28	108.40
11.08 A I	141.91	121.36
11.08 A III	135.24	114.69
11.08 A IV	141.91	121.36
11.08 A V	141.91	60.68 ⁽⁵⁾
11.09	389.86	208.52
17.02 B II a) ⁽³⁾	255.02	158.30
17.02 B II b) ⁽³⁾	187.85	121.36
21.07 F II	187.85	121.36
23.03 A I	332.10	150.76

⁽¹⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polametric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1.6 % for rice, 2.5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽²⁾ Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

⁽³⁾ In accordance with Regulation (EEC) No 706/76 the levy shall not be charged on the following products originating in the countries and territories:

- arrowroot falling within subheading ex 07.06 A,
- flours and meal of arrowroot falling within subheadings ex 11.04 C I, ex 11.04 C II a) and b),
- arrowroot falling within subheading ex 11.08 A V.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 January 1980

laying down provisions on the introduction and implementation of technical regulations and standards

(80/45/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, by the Decision of 10 December 1979 concerning the conclusion of the multilateral Agreements resulting from the 1973 to 1979 trade negotiations, the Council approved, on behalf of the European Economic Community, the Agreement on technical barriers to trade, hereinafter referred to as 'the Agreement';

Whereas, in view of the international rights and obligations which the Community contracted in accepting that Agreement, technical regulations and standards and the related verification methods are to be applied to all products irrespective of their origin, account being taken of an application of the Agreement by all the Contracting Parties which ensures reciprocity and mutual advantages;

Whereas a procedure should be laid down for examining whether such reciprocity exists and enabling appropriate measures to be taken;

Whereas consideration should be given to whether and to what extent compliance with Community or national technical regulations and standards may be

determined on the basis of the results, certificates or marks issued by competent authorities in third countries and Member States; whereas if, in cases where Directives have not yet been adopted, a Member State proposes to recognize checks carried out in a third country, it should so inform the Commission and the other Member States stating its reasons;

Whereas, finally, the measures laid down in this Decision are suitable for ensuring that the obligations resulting from the abovementioned provisions are fulfilled; whereas they facilitate the achievement of the Community's tasks,

HAS ADOPTED THIS DECISION:

TITLE I

Principles

Article 1

1. The technical regulations, standards and certification and verification procedures laid down in the Directives for the removal of technical barriers to intra-Community trade shall apply, under any special conditions which may be laid down in those Directives, to all products on the Community market irrespective of their origin, save as otherwise provided in Title III.

2. The Member States shall take all appropriate action within their power to ensure that the technical regulations, standards and certification and verification procedures which are not harmonized at Community level, but are applied in these Member States and drawn up by official authorities or non-governmental bodies, are applied under any special conditions which may be laid down in the national texts to all products on the markets in question, irrespective of their origin, save as otherwise provided in Title III.

TITLE II

Recognition of checks carried out in another Member State or in a third country

Article 2

1. The following provisions shall apply where products or certain aspects of products have not yet been harmonized at Community level :

- (a) if a Member State proposes to agree that compliance with its national technical regulations and standards shall be determined on the basis of tests, certificates or marks issued by the competent authorities of a third country under its procedures, it shall so inform the Commission and the other Member States, stating its reasons ;
- (b) as regards the reciprocal recognition of checks by Member States, the Commission shall request information from the Member States on the possibility of enabling compliance with national technical regulations and standards to be determined on the basis of test results, certificates or marks issued by the competent authorities of other Member States.

2. The following provisions shall apply where Directives have already been adopted or proposed :

- (a) the Commission shall examine the extent to which it is able to propose amendments to Directives already adopted in order to enable compliance with those Directives to be determined on the basis of test results, certificates or marks of conformity issued by the competent authorities of third countries ;
- (b) when preparing new proposals for Directives, the Commission shall consider the extent to which such proposals could enable compliance with those Directives to be determined on the basis of the test results, certificates or marks referred to in (a).

TITLE III

Action in the event of non-reciprocity

Article 3

1. Member States shall inform the Commission and the other Member States whenever they consider that an advantage directly or indirectly resulting from the Agreement has been nullified or impaired or that the attainment of one of the objectives of the Agreement has been impaired by one or more of the other Parties thereto, that their trading interests are significantly affected and that reciprocity between the concessions made by the Community under the Agreement and those actually applied by the other Party or Parties has consequently been nullified or impaired.

2. Information received by the Commission shall also be transmitted to the Member States.

Article 4

The Commission shall, within 10 working days of the date on which the information is transmitted to the Member States, convene the Committee provided for in Article 8 in order to examine the matter.

Article 5

1. If Community Directives relating to the matter in question have already been adopted, the Commission shall, after consulting in accordance with Article 4 the Committee provided for in Article 8, decide what appropriate measures should be taken in accordance with the provisions of the Agreement.

2. The Commission shall immediately notify the Council and the Member States of its decision, which shall enter into force following a period of 10 working days unless a Member State brings the matter before the Council during that period. At the request of a Member State made within the said period of 10 working days, the Council, acting by a qualified majority, may confirm, amend or repeal the Commission's decision. The Commission's decision shall be applicable after a period of 60 days from the date on which the matter is referred to the Council if the latter has not acted within that period.

3. During the period of validity of the measures taken pursuant to paragraphs 1 and 2, the Commission shall regularly consult the Committee provided for in Article 8 concerning the effective implementation of those measures and their effects. If, on the basis of those consultations, the Commission considers that its decision should be amended or repealed, it shall take a decision to that effect in accordance with the procedure laid down in paragraphs 1 and 2.

4. A Member State may take provisional measures until such time as the Commission takes a decision in accordance with paragraph 1. The measures taken by the Commission shall apply on the expiry of a period of 10 working days if no Member State has referred the matter to the Council. If a Member State refers the matter to the Council within this period of 10 working days, the national provisional measures shall continue to apply and the decision of the Commission shall be suspended until the Council, acting by a qualified majority, takes its decision. The national provisional measure(s) shall remain in force until the Council takes its decision.

Article 6

1. If Community Directives relating to the matter in question have not yet been adopted, the Member State or States which transmitted the information referred to in Article 3(1) may take appropriate measures. Member States shall so inform the Commission and the other Member States.

2. If a number of Member States take measures they shall endeavour to coordinate them.

3. Consultations may be held in the Committee provided for in Article 8 at the request of a Member State or the Commission.

Article 7

After consulting the Committee provided for in Article 8, the Commission may take decisions or make appropriate proposals for the modification of measures taken in accordance with Article 5 or 6, taking account of the recommendations of the Committee on Technical Barriers to Trade provided for in Article 13 of the Agreement.

TITLE IV

Final provisions

Article 8

1. A Committee on the Implementation at Community Level of the Agreement on Technical Barriers to Trade composed of representatives of the Member States under the chairmanship of a representative of the Commission is hereby set up.

2. The Committee shall adopt its own rules of procedure.

3. Matters shall be referred to the Committee by the chairman, either on his own initiative or at the request of the representative of a Member State.

4. In the cases where the Committee is requested to give an opinion, it shall do so by a qualified majority.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 15 January 1980.

For the Council

The President

G. ZAMBERLETTI
