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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 664/80

of 20 March 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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1547/79⁽²⁾, and in particular
Article 13 (5) thereof,

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 import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (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
19 March 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 21 March
1980.

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

Done at Brussels, 20 March 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 20 March 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	78.95
10.01 B	Durum wheat	98.87 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	75.12 ⁽⁶⁾
10.03	Barley	67.02
10.04	Oats	59.75
10.05 B	Maize, other than hybrid maize for sowing	89.51 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	28.93 ⁽⁴⁾
10.07 C	Grain sorghum	80.06 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	124.84
11.01 B	Rye flour	119.46
11.02 A I a)	Durum wheat groats and meal	166.92
11.02 A I b)	Common wheat groats and meal	133.31

⁽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⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽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 665/80

of 20 March 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 organization 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 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 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 19 March 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 21 March 1980.

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

Done at Brussels, 20 March 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 20 March 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 3	1st period 4	2nd period 5	3rd period 6
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	10.55	10.55	13.57
10.02	Rye	0	0	0	0
10.03	Barley	0	9.08	9.08	9.08
10.04	Oats	0	0	0	3.03
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0.37
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	16.16	16.16	16.16	16.16
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	12.08	12.08	12.08	12.08
11.07 B	Roasted malt	0	14.07	14.07	14.07	14.07

COMMISSION REGULATION (EEC) No 666/80

of 20 March 1980

fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 590/79⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 2749/78 of 23 November 1978 on trade in oils and fats between the Community and Greece⁽³⁾, and in particular Article 5 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽⁴⁾, as amended by Regulation (EEC) No 2761/78⁽⁵⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁶⁾, as last amended by Regulation (EEC) No 2761/78, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as amended by Regulation (EEC) No 2761/78, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as amended by Regulation (EEC) No 2766/78⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾,

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil ;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world or Greek markets and the Community market and of the levy rates indicated by tenderers ;

Whereas in the collection of the levy account should be taken of the provisions in the Agreements between the Community and certain third countries ; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries ;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 17 and 18 March 1980 leads to the minimum levies being fixed as indicated in Annex I to this Regulation ;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products ; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate ; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

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

⁽²⁾ OJ No L 78, 30. 3. 1979, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 1.

⁽⁴⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁵⁾ OJ No L 332, 29. 11. 1978, p. 13.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 332, 29. 11. 1978, p. 26.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 21 March 1980.

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

Done at Brussels, 20 March 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Greece	Non-member countries
15.07 A I a)	9.50 ⁽¹⁾	27.40 ⁽¹⁾
15.07 A I b)	3.50 ⁽¹⁾	19.25 ⁽¹⁾
15.07 A I c)	7.80 ⁽¹⁾	31.90 ⁽¹⁾
15.07 A II a)	4.50	34.20 ⁽²⁾
15.07 A II b)	18.00	61.20 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

(a) Greece, Spain and Lebanon: 0.60 ECU/100 kg;

(b) Turkey: 22.36 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Algeria, Morocco, Tunisia: 24.78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this tariff subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3.86 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3.09 ECU/100 kg

⁽³⁾ For imports of oil falling within this tariff subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7.25 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5.80 ECU/100 kg

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Greece	Non-member countries
07.01 N II	0.77	4.24
07.03 A II	0.77	4.24
15.17 B I a)	1.75	9.63
15.17 B I b)	2.80	15.40
23.04 A II	0.62	2.55

COMMISSION REGULATION (EEC) No 667/80
of 20 March 1980
fixing the export refunds on 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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1547/79⁽²⁾, and in particular the
fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or
prices on the world market for the products listed in
Article 1 of those Regulations and prices for those
products within the Community may be covered by
an export refund;

Whereas Article 2 of 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⁾,
provides that when refunds are being fixed account
must be taken of the existing situation and the future
trend with regard to prices and availabilities of cereals
on the Community market on the one hand and
prices for cereals and cereal products on the world
market on the other; whereas the same Article
provides that it is also important to ensure equi-
librium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports,
and the need to avoid disturbances on the Commu-
nity market;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice⁽⁴⁾, as
last amended by Regulation (EEC) No 2245/78⁽⁵⁾,
defines the specific criteria to be taken into account
when the refund on these products is being calcu-
lated;

Whereas it follows from applying these detailed rules
to the present situation on the market in products
processed from cereals and rice that the export refund
should be fixed at an amount which will cover the
difference between Community prices and world
market prices;

Whereas the world market situation or the specific
requirements of certain markets may make it neces-
sary to vary the refund for certain products according
to destination;

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 refund must be fixed once a month;
whereas it may be altered in the intervening period;

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

The export refunds on malt listed in Article 1 (d) of
Regulation (EEC) No 2727/75 subject to Regulation
(EEC) No 2744/75 shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 21 March
1980.

⁽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 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 273, 29. 9. 1978, p. 1.

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

Done at Brussels, 20 March 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 20 March 1980 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	61.18
11.07 A II b)	76.05
11.07 B	88.63

COMMISSION REGULATION (EEC) No 668/80**of 20 March 1980****altering the components used to calculate the differential amounts for colza and rape seed**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2835/79⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽⁵⁾, as last amended by Regulation (EEC) No 852/78⁽⁶⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973⁽⁷⁾, as last amended by Regulation (EEC) No 336/80⁽⁸⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72; whereas the components used to calculate the differential amounts

were fixed by Regulation (EEC) No 2723/79⁽⁹⁾, as last amended by Regulation (EEC) No 412/80⁽¹⁰⁾; whereas, in the case of the pound sterling, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 for the period 12 to 18 March 1980 has changed, by reference to the representative rate valid on 24 March 1980, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when fixing the components used to calculate the differential amounts for colza and rape seed where those components are already applied in respect of the Member States concerned,

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to amended Regulation (EEC) No 2723/79 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 24 March 1980.

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

Done at Brussels, 20 March 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 106, 29. 4. 1977, p. 27.

⁽⁴⁾ OJ No L 320, 15. 12. 1979, p. 58.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁷⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁸⁾ OJ No L 37, 14. 2. 1980, p. 17.

⁽⁹⁾ OJ No L 309, 5. 12. 1979, p. 10.

⁽¹⁰⁾ OJ No L 48, 22. 2. 1980, p. 14.

ANNEX

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.1083	— 0.1083	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0902
— harvested in France			—	0.1509
— harvested in Denmark			—	0.1083
— harvested in Ireland			—	0.1202
— harvested in the United Kingdom			—	0.0958
— harvested in Italy			—	0.1324
2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0198	— 0.0198	+	—
— harvested in Germany			0.0992	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.0667
— harvested in Denmark			—	0.0198
— harvested in Ireland			—	0.0329
— harvested in the United Kingdom			—	0.0061
— harvested in Italy			—	0.0464
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1214	—
— harvested in the BLEU or in the Netherlands			0.0202	—
— harvested in France			—	0.0478
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0134
— harvested in the United Kingdom			0.0140	—
— harvested in Italy			—	0.0271
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.0502	+ 0.0502	+	—
— harvested in Germany			0.1778	—
— harvested in the BLEU or in the Netherlands			0.0715	—
— harvested in France			—	—
— harvested in Denmark			0.0502	—
— harvested in Ireland			0.0362	—
— harvested in the United Kingdom			0.0650	—
— harvested in Italy			0.0218	—

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	+ 0.0138	— 0.0138	+	—
— harvested in Germany			0.1059	—
— harvested in the BLEU or in the Netherlands			0.0061	—
— harvested in France			—	0.0610
— harvested in Denmark			—	0.0138
— harvested in Ireland			—	0.0270
— harvested in the United Kingdom			—	—
— harvested in Italy			—	0.0406
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.0135	+ 0.0135	+	—
— harvested in Germany			0.1366	—
— harvested in the BLEU or in the Netherlands			0.0341	—
— harvested in France			—	0.0350
— harvested in Denmark			0.0135	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.0277	—
— harvested in Italy			—	0.0140
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.0279	+ 0.0279	+	—
— harvested in Germany			0.1527	—
— harvested in the BLEU or in the Netherlands			0.0487	—
— harvested in France			—	0.0213
— harvested in Denmark			0.0279	—
— harvested in Ireland			0.0141	—
— harvested in the United Kingdom			0.0423	—
— harvested in Italy			—	—

COMMISSION REGULATION (EEC) No 669/80
of 20 March 1980
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/66/EEC
of 22 September 1966 on the establishment of a
common organization of the market in oils and
fats⁽¹⁾, as last amended by Regulation (EEC) No
590/79⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in
Article 27 of Regulation No 136/66/EEC was fixed by
Regulation (EEC) No 620/80⁽³⁾;

Whereas in the absence of the indicative price for the
1980/81 marketing year for colza and rape seed in
case of pre-fixation for the months of July and August
1980, the amount of subsidy on these products has
been obtainable only on the basis of the indicative
price for the months of July and August 1979;
whereas this amount may, therefore, be applied on a
temporary basis and should be confirmed or replaced
when the indicative price for the 1980/81 marketing
year is known;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 620/80 to the infor-
mation known to the Commission that the amount of
the subsidy at present in force should be altered to the
amount set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy referred to in Article
27 of Regulation No 136/66/EEC shall be as set out
in the Annex hereto.

2. The amount of the subsidy for the months of
July and August 1980 will, however, for colza and
rape seed, be confirmed or replaced as from 21 March
1980 to take into account the indicative price which is
fixed for these products for the 1980/81 marketing
year.

Article 2

This Regulation shall enter into force on 21 March
1980.

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

Done at Brussels, 20 March 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 68, 14. 3. 1980, p. 16.

ANNEX

to the Commission Regulation of 20 March 1980 fixing the amount of the subsidy on
oil seeds

(ECU / 100 kg)

CCT heading No	Description	Subsidy
ex 12.01	Colza and rape seed	18.383
ex 12.01	Sunflower seed	21.939

(ECU / 100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		March 1980	April 1980	May 1980	June 1980	July 1980	August 1980
ex 12.01	Colza and rape seed	18.383	18.383	18.383	18.308	15.567 ⁽¹⁾	14.713 ⁽¹⁾
ex 12.01	Sunflower seed	21.939	21.939	21.939	21.865	—	—

⁽¹⁾ Subject to confirmation.

COMMISSION REGULATION (EEC) No 670/80
of 20 March 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 336/80⁽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 620/80 of 13 March 1980 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as amended by Regulation (EEC) No 669/80⁽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 March 1980.

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

Done at Brussels, 20 March 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 37, 14. 2. 1980, p. 17.

⁽⁷⁾ OJ No L 68, 14. 3. 1980, p. 16.

⁽⁸⁾ See page 13 of this Official Journal.

ANNEX

to the Commission Regulation of 20 March 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	20.694

(ECU/100 kg)⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		March 1980	April 1980	May 1980	June 1980	July 1980	August 1980
ex 12.01	Colza and rape seed	20.694	20.694	20.694	20.769	20.843	21.697

(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 = £	0.618487
1 ECU = Lit	1 148.14

COMMISSION REGULATION (EEC) No 671/80

of 20 March 1980

fixing the average world market price and the indicative yield for linseed for the
1979/80 marketing year

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
569/76 of 15 March 1976 laying down special
measures for linseed ⁽¹⁾, and in particular Article 2 (4)
thereof,

Whereas an average world market price for linseed
must be determined each year according to the
criteria laid down in Council Regulation (EEC) No
1774/76 ⁽²⁾;

Whereas Article 4 of Commission Regulation (EEC)
No 1799/76 ⁽³⁾, as last amended by Regulation (EEC)
No 2083/79 ⁽⁴⁾, provides that this average price is to
be the arithmetic mean of the world market prices as
referred to in that Article recorded each week over a
representative period;

Whereas the most representative period for the
marketing of Community linseed may be taken to be
that from 1 October 1979 to 15 February 1980;
whereas this is therefore the period to be taken into
account;

Whereas the application of all these provisions
produces the average world market price for linseed
specified below;

Whereas Article 2 (2) of Regulation (EEC) No 569/76
provides that the subsidy is to be granted for a produc-
tion figure obtained by applying an indicative yield to
the areas sown and harvested; whereas that yield must
be determined by applying the criteria laid down in
Regulations (EEC) No 569/76 and (EEC) No 1774/76;

Whereas, in accordance with Article 17 (1) of Regula-
tion (EEC) No 1799/76, the producer Member States
have supplied the Commission with the results of the
sampling pursuant to Article 2a (2) of that Regulation
regarding the yields per hectare of seed harvested
from each of the types of flax referred to in Articles 7a
and 10a of the said Regulation in the homogeneous
production areas; whereas, on the basis of those
results, the indicative yield for linseed should be that
specified below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1979/80 marketing year, the average world
market price for linseed shall be 22.901 ECU per 100
kilograms.

Article 2

For the 1979/80 marketing year, the indicative yields
for linseed shall be:

(a) for seed flax:

- 1 900 kilograms per hectare for flax produced
in Denmark, in the United Kingdom and in
the French departments of: Aisne, Ardennes,
Aube, Eure, Eure-et-Loir, Loiret, Marne, Haute-
Marne, Oise, Seine-et-Marne, Yvelines,
Essonne;
- 1 180 kilograms per hectare for flax produced
in the Federal Republic of Germany, in
Ireland, in the region of Sicily in Italy, and in
the French departments of: Cher, Côte-d'Or,
Indre, Loir-et-Cher, Meuse, Nièvre, Yonne;
- 930 kilograms per hectare for flax produced in
the Italian regions of Toscana and Umbria, and
in the French departments of: Aude, Haute-
Garonne, Gers, Morbihan, Deux-Sèvres, Tarn;
- 680 kilograms per hectare for flax produced in
the other areas of the Community;

(b) for fibre flax:

1. retted but not de-seeded:

- 1 600 kilograms per hectare for flax
produced in the areas of Noord-Oost Polder
and Flevopolders in the Netherlands;
- 1 180 kilograms per hectare for flax
produced in other parts of the Netherlands;
- 1 050 kilograms per hectare for flax
produced in the Belgian provinces of:
Antwerpen, Brabant, Hainaut, Liège,
Limburg, Luxembourg, Namur and in the
Belgian communes of: Veurne, De Panne,
Koksijde, Nieuwpoort, Middelkerke, Gistel,
Oudenberg, Oostende, Bredene, Den Haan,
Zuilenkerke, Blankenberge, Brugge, Knokke-

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 29.

⁽²⁾ OJ No L 199, 24. 7. 1976, p. 1.

⁽³⁾ OJ No L 201, 27. 7. 1976, p. 14.

⁽⁴⁾ OJ No L 244, 27. 9. 1979, p. 18.

- Heist, Damme, Jabbeke, Beveren O-VI., St. Laureins, Assenede ;
- 855 kilograms per hectare for flax produced in the other areas of the Community ;
2. flax otherwise than retted but not de-seeded :
- 1 720 kilograms per hectare for flax produced in the areas of Noord-Oost Polder and Flevopolders in the Netherlands ;
 - 1 515 kilograms per hectare for flax produced in the Belgian communes of : Veurne, De Panne, Koksijde, Nieuwpoort, Middelkerke, Gistel, Oudenburg, Oostende, Bredene, Den Haan, Zuienkerke, Blankenberge, Brugge, Knokke-Heist, Damme,

Jabbeke, Beveren O-VI., St Laureins, Assenede ;

- 1 265 kilograms per hectare for flax produced in the other parts of the Netherlands and in the French departments of Haute-Normandie and Basse-Normandie ;
- 1 180 kilograms per hectare for flax produced in the other areas of the Community.

Article 3

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

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

Done at Brussels, 20 March 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 672/80
of 20 March 1980
fixing additional amounts for egg products

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 organization of the market in eggs⁽¹⁾, as amended by Regulation (EEC) No 368/76⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Article 1 of Regulation (EEC) No 990/69⁽⁵⁾, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 24 March 1980.

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

Done at Brussels, 20 March 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 2.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 130, 31. 5. 1969, p. 4.

ANNEX

**Additional amounts applicable to certain products listed in Article 1 (1) (b) of Regulation
(EEC) No 2771/75**

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not : B. Eggs, not in shell ; egg yolks : I. Suitable for human consumption : a) Eggs, not in shell : 1. Dried 2. Other	 100.00 40.00	 Origin : People's Republic of China All imports ⁽¹⁾

⁽¹⁾ With the exception of products originating in and coming from Austria.

COMMISSION REGULATION (EEC) No 673/80**of 20 March 1980****fixing additional amounts for live and slaughtered poultry**

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 Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry farming products from third countries⁽³⁾, as amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68⁽⁵⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69⁽⁶⁾, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70⁽⁷⁾, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72⁽⁸⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

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 additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 24 March 1980.

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

Done at Brussels, 20 March 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 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁷⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁸⁾ OJ No L 232, 12. 10. 1972, p. 3.

ANNEX

Additional amounts applicable to live and slaughtered poultry and halves or quarters

(ECU / 100 kg)

CCT heading No	Description	Additional amount	Imports affected
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls :		
	B. Other :		
	I. Fowls	10.00	Origin : Austria
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 :		
	A. Whole poultry :		
	I. Fowls :		
	a) Plucked and gutted, with heads and feet, known as '83 % chickens'	5.00	Origin : Spain
	b) Plucked and drawn, without heads and feet, but with hearts, livers and gizzards, known as '70 % chickens'	5.00	Origin : Spain
	c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens'	5.00	Origin : Spain
	IV. Turkeys	10.00	Origin : United States of America

COMMISSION REGULATION (EEC) No 674/80
of 20 March 1980
fixing additional amounts 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⁾, and in particular
Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier
offer price (hereinafter called the 'offer price') falls
below the sluice-gate price, the levy applicable to that
product must be increased by an additional amount
equal to the difference between the sluice-gate price
and the offer price determined in accordance with
Article 1 of Commission Regulation No 163/67/EEC
of 26 June 1967 on fixing the additional amount for
imports of poultry farming products from third coun-
tries⁽³⁾, as last amended by Regulation (EEC) No
1527/73⁽⁴⁾;

Whereas the offer price must be determined for all
imports from all third countries; whereas, if exports
from one or more third countries are effected at abnor-
mally low prices, lower than prices ruling for other
third countries, a second offer price must be deter-
mined for exports from these other countries;

Whereas the regular review of the information serving
as a basis for the determination of average offer prices
for poultrymeat products other than slaughtered
poultry and halves or quarters indicates that additional
amounts corresponding to the figures shown in the
Annex hereto should be fixed for the imports speci-
fied in that Annex;

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 additional amounts provided for in Article 8 of
Regulation (EEC) No 2777/75 shall be as set out in
the Annex hereto for the products listed in Article
1 (1) of that Regulation which appear in the said
Annex.

Article 2

This Regulation shall enter into force on 24 March
1980.

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

Done at Brussels, 20 March 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 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

ANNEX

Additional amounts applicable to poultrymeat products with the exception of live and slaughtered poultry and halves or quarters*(ECU/100 kg)*

CCT heading No	Description	Additional amount	Imports affected
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 :		
	B. Poultry cuts (excluding offals) :		
	I. Boned or boneless	20.00	Origin : Israel
	II. Unboned (bone-in) :		
	e) Legs and cuts of legs :		
	3. Of other poultry	30.00	Origin : Spain

COMMISSION REGULATION (EEC) No 675/80

of 20 March 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 organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1396/78⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1328/79⁽³⁾, as last amended by Regulation (EEC) No 663/80⁽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 Regulation (EEC) No 3330/74 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 1980.

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

Done at Brussels, 20 March 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 74, 20. 3. 1980, p. 20.

ANNEX

to the Commission Regulation of 20 March 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 B. Raw sugar	11.97 7.81 ⁽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 676/80

of 20 March 1980

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 113/80 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 1980.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 16, 22. 1. 1980, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

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

Done at Brussels, 20 March 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 20 March 1980 fixing the export refunds on rice and broken rice

(ECU / tonne)		
CCT heading No	Description	Amount of refund
ex 10.06	Rice :	
	B. I. Paddy rice ; husked rice :	
	b) Husked rice :	
	1. Round grain	—
	2. Long grain	
	for export to :	
	— Austria, Liechtenstein, Portugal, Switzerland and the communes of Livigno and Campione d'Italia	80.00
	— Other third countries	—
	II. Semi-milled or wholly milled rice :	
	a) Semi-milled rice :	
	1. Round grain	—
	2. Long grain	—
	b) Wholly milled rice :	
1. Round grain	—	
2. Long grain		
for export to :		
— Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia as well as destinations mentioned in Article 3 of Commission Regulation (EEC) No 192/75 ⁽¹⁾ and zone I	100.00	
— Other third countries	—	
III. Broken rice	—	

(1) OJ No 1. 25, 17. 1. 1975, p. 1.

NB: The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

COMMISSION REGULATION (EEC) No 677/80

of 20 March 1980

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice ⁽¹⁾, as last amended by Regu-
lation (EEC) No 113/80 ⁽²⁾, and in particular the
second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the first subparagraph of Article 17 (4) of
Regulation (EEC) No 1418/76 provides that the
export refund applicable to rice and broken rice on
the day on which application for an export licence is
made, adjusted for the threshold price which will be
in force during the month of exportation, must be
applied on request to exports to be effected during the
period of validity of the licence ;

Whereas Regulation No 474/67/EEC ⁽³⁾, as amended
by Regulation (EEC) No 1397/68 ⁽⁴⁾, lays down
detailed rules for the advance fixing of the export
refund on rice and broken rice ;

Whereas that Regulation provides that the refund
applicable on the day on which application for an
export licence is made must, when it is fixed in
advance, be reduced by an amount no greater than the
difference between the cif forward delivery price and
the cif price, where the former exceeds the latter by
more than 0.30 ECU per tonne ; whereas, on the
other hand, the refund must be increased by an
amount no greater than the difference between the cif
price and the cif forward delivery price, where the
former exceeds the latter by more than 0.30 ECU per
tonne ;

Whereas the cif price is that determined in accor-
dance with Article 16 of Regulation (EEC) No

1418/76 ; whereas the cif forward delivery price is that
determined in accordance with Article 3 (2) of Regula-
tion (EEC) No 1428/76 ⁽⁵⁾, based, in respect of each
month for which the export licence is valid, on the cif
price calculated on the basis of offers for shipment
during the month of exportation ;

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 it follows from applying the provisions set
out above that the corrective amount applicable on 1
April 1980 must be as set out in the Annex hereto ;

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

The corrective amount referred to in Article 17 (4) of
Regulation (EEC) No 1418/76 which is applicable to
the export refunds fixed in advance in respect of rice
and broken rice shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 1 April
1980.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 16, 22. 1. 1980, p. 1.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

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

Done at Brussels, 20 March 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 20 March 1980 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7
ex 10.06	Rice :				
	B. I. Paddy rice, husked rice :				
	a) Paddy rice :				
	1. Round grain	—	—	—	—
	2. Long grain	—	—	—	—
	b) Husked rice :				
	1. Round grain	—	—	—	—
	2. Long grain	0	0	0	0
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	—	—	—	—
	2. Long grain	—	—	—	—
	b) Wholly milled rice :				
	1. Round grain	—	—	—	—
	2. Long grain	0	0	0	0
	III. Broken rice	—	—	—	—

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1979

imposing a fine on Fabbrica Pisana, Pisa, pursuant to Article 15 of Regulation No 17

(Only the Italian text is authentic)

(80/334/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Articles 14 and 15 thereof,

Having heard the undertaking concerned on 12 October 1979 pursuant to Article 19 (1) of Regulation No 17 and to Regulation No 99/63/EEC of the Commission⁽²⁾,

Having regard to the opinion of the Advisory Committee on Restrictive Practices and Monopolies, delivered on 30 November 1979, pursuant to Article 10 of Regulation No 17,

Whereas :

I

1. On 22 March 1978, the Director-General for Competition gave written authorization for two officials of the Inspection Directorate to carry out an investigation at Fabbrica Pisana SpA in Milan, pursuant to Article 14 of Regulation No 17.

The investigation was commenced on 3 May 1978 at the undertaking's head office in Milan in the presence of two members of its management, the head of the legal department and the sales manager, and was

resumed on 10 July 1978 in the presence of the sales manager, a representative of the competent Italian authority being present on both occasions.

The essential purpose of the investigation was to obtain information on the manufacture and marketing of glass within the Community and in particular on all correspondence exchanged by Fabbrica Pisana with other glass manufacturers or with any trust or management company carrying out since 1 January 1975, on behalf of the manufacturers in question, coordination and/or supervision relating to the manufacture and/or marketing of glass.

2. Having produced their authorizations, the inspectors drew the attention of the undertaking to the provisions of Articles 14 and 15 of Regulation No 17 concerning the Commission's powers of investigation, and in particular to the provisions of Article 15 (1), as set out in the authorizations and under which the Commission may by decision impose fines on undertakings where they submit to an investigation but, intentionally or negligently, produce the required books or other business records in incomplete form.

When they were duly called upon, the undertaking's representatives expressed willingness to submit to the investigation.

3. On 3 May 1978, the Commission's inspectors examined the files of correspondence exchanged since 1 January 1975 between Fabbrica Pisana and associations of wholesalers and processors and between Fabbrica Pisana and other Italian and foreign glass manufacturers.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

With regard to the latter point, Fabbrica Pisana stated that it kept no files of correspondence with other glass manufacturers other than those relating to the sale or purchase of products.

4. On 10 July 1978, the inspectors requested Fabbrica Pisana to supply all company papers concerning manufacturing or marketing agreements between glass manufacturers in Italy or in other Community countries since 1 January 1975.

Fabbrica Pisana replied that it was unaware of any such agreements, but agreed to make all its documents and files available to the Commission's inspectors.

5. A meticulous examination of the files in several of the offices of Fabbrica Pisana revealed a copy of a letter dated 7 March 1977 from Fabbrica Pisana to the trust company Fides Unione Fiduciaria SpA, Milan, giving detailed lists of invoices, broken down by customer, for the period from April 1976 to January 1977, and confirming a meeting to be held on 14 March 1977 at Fides' head office.

Following this discovery, the inspectors requested Fabbrica Pisana, as recorded in the minutes, to supply all documents (letters, correspondence, internal memoranda and notes, summaries, minutes, records) dating from 1 January 1975 onwards and relating to contacts, discussions, meetings, negotiations or talks with representatives of other glass manufacturers or with any trust or management company entrusted by the manufacturers with coordination and/or supervision of glass manufacture and/or marketing.

Fabbrica Pisana's reply, recorded in the minutes, was that it had 'made all its files available to the inspectors, who had examined them'.

The inspectors immediately recorded a statement in the minutes that 'the correspondence and documents produced relating to the period for which they had been requested were incomplete'.

II

6. During an investigation carried out on 7 February 1979 pursuant to Article 14 of Regulation No 17 at the Milan offices of Fides, the Commission's inspectors took copies of the following documents:

- (a) A memorandum of agreement dated 30 March 1976 and applicable until 1978 between Fabbrica Pisana Saint-Gobain, SIV-Società Italiana Vetro SpA, and Fabbrica Lastre di Vetro P. Sciarra SpA. This consisted essentially of:
 - (i) a specialization agreement covering certain types of flat glass, applicable from 1 April 1976;
 - (ii) an agreement restricting sales on the Italian market by means of quota-sharing;
 - (iii) an arrangement whereby Fides was authorized to supervise volumes manufactured and sold, notably by means of checks on the stores accounts and warehouses of the manufacturing firms;
 - (iv) a system of checks on list prices and prices actually charged by manufacturers.
- (b) A letter dated 8 April 1976 from Fabbrica Pisana to Fides. The purpose of the letter was to confirm the authority conferred upon Fides — from 1 April 1976 for the entire duration of the agreement of 30 March 1976 — to collect all the information and papers, and copy all the papers, it needed to perform its function under that agreement. Fides representatives were given access to all the undertaking's offices, factories and warehouses. Confirmation was also given that Fabbrica Pisana had agreed that the information collected be passed on to Fabbrica Lastre di Vetro P. Sciarra and SIV-Società Italiana Vetro. Lastly, the letter determines how the expenses incurred in paying Fides were to be shared, 50 % being charged to Fabbrica Pisana, 25 % to Sciarra and 25 % to SIV.
- (c) A letter dated 21 June 1976 from Fides to Fabbrica Pisana, Milan. This letter states the names of the persons authorized by Fides to perform the checks.
- (d) A letter dated 22 September 1976 from Fides to Fabbrica Pisana addressed (personal and confidential) to the managing director. This letter accompanied Fides' invoice No MR 219 of 22 September 1976 for services rendered.
- (e) A letter dated 4 August 1977 from Fides to Fabbrica Pisana. This confirmed the oral agreements in force, whereby Fides was charged to supply sets of data at regular intervals concerning domestic consumption, based on import and export figures and overall domestic production.

- (f) 10 statements sent by Fides to the managing director of Fabbrica Pisana concerning work carried out by Fides on behalf of Fabbrica Pisana :

statement : x 999.95 Mg/zz of 5 April 1976,
 statement : 912 Bo/fm of 7 July 1976,
 statement : 912 Bo/sv of 22 October 1976,
 statement : 912 Pt/sv of 9 December 1976,
 statement : 19110 Sh/tr of 15 February 1977,
 statement : 19110 Bl/tr of 4 April 1977,
 statement : 29110 Sh/ag of 3 June 1977,
 statement : x 19110 Os/zi of 17 October 1977,
 statement : x 19110 Os/lc of 14 November 1977,
 statement : x 19110 Os/lc of 19 June 1978.

7. All the above documents relate to an agreement between glass manufacturers, entered into on 30 March 1976, the supervision and implementation of which was entrusted to Fides, acting on behalf of the manufacturers.

These documents were accordingly directly concerned by the oral and written requests presented during the investigations on 5 May and 10 July 1978.

Nevertheless, Fabbrica Pisana did not present any of these documents to the Commission's inspectors.

III

8. By letter dated 16 July 1979, replying to the Commission's statement of objections and at the hearing held on 12 October 1979, Fabbrica Pisana put forward the following arguments :

- (i) At the first inspection on 3 May 1978, attended on its behalf by the head of the legal department and the sales manager, the information requested by the Commission inspectors concerned only the market for flat glass and the company's activities in general, while the questions on the relations between manufacturers were purely incidental.
- (ii) During the inspection on 10 July 1978, on the other hand, specific questions on relations between glass manufacturers or about a trust company acting on their behalf were put to the sales manager, who was the company's only representative present on that occasion. The sales manager, who had only recently taken up that post in the undertaking, supplied no information relating to the agreement in question because he was unaware of its existence and had played no part in it.

9. Fabbrica Pisana argues that it had fulfilled its obligation to submit the required documents to the inspectors by stating through its representative that all the undertaking's records were at their disposal.

The inspectors, not knowing where the documents in question were kept, duly examined records kept in various of the undertaking's departments and offices, but not those in the 'administration department', where the papers concerning the agreement were, in fact, kept.

Fabbrica Pisana maintains that these events occurred solely as a result of an exceptional combination of circumstances, namely the general manager's absence on 10 July 1978, the fact that the Commission's inspectors did not examine the records of the administration department where the documents concerning the agreement of 30 March 1976 were kept so that the said agreement could be administered efficiently and the accounts kept, and, finally, the fact that the sales manager was unaware of the abovementioned agreement.

IV

10. Under Article 14 of Regulation No 17, in carrying out the duties assigned to it by Article 89 of the EEC Treaty, the Commission may undertake all necessary investigations into undertakings. To this end, the officials authorized by the Commission are vested with the powers described in Article 14 (1) of the said Regulation *inter alia* to examine the books and other business records, to take copies of, or extracts from, the books and business records, and to enter any premises, land and means of transport of undertakings.

Under Article 14 (2) of the said Regulation, the officials authorized by the Commission for the purpose of these investigations shall exercise their powers upon production of an authorization in writing specifying the subject matter and purpose of the investigation and the penalties provided for in Article 15 (1) (c) of the Regulation in cases where production of the required books or other business records is incomplete.

Under Article 15 (1) of Regulation No 17, the Commission may, by decision, impose on undertakings fines of from 100 to 5 000 units of account where, intentionally or negligently, they produce the required books or other business records in incomplete form during investigations under Article 14.

On 3 May and 10 July 1978 Fabbrica Pisana agreed to submit to the investigation with all its attendant obligations pursuant to Articles 14 and 15 of Regulation No 17, and it is not for the Commission's inspectors

to assess or dispute the competence or extent of knowledge of the representatives of the undertakings they are investigating.

The undertakings named in investigation authorizations are alone responsible for designating their representatives. However, in the case in question, Fabbrica Pisana had had prior notice of the investigations to be carried out on 3 May and 10 July 1978 and was thus fully in a position to make the necessary arrangements to designate competent representatives.

The argument that Fabbrica Pisana had satisfactorily fulfilled its obligations by generally putting all its files at the investigators' disposal must be rejected, since the obligation on undertakings to supply all documents required by Commission inspectors must be understood to mean not merely giving access to all files but actually producing the specific documents required.

Nor can the argument that the Commission's inspectors did not examine the business records of the administration department be accepted, as none of the undertaking's representatives had told them that the documents requested were, or might be, kept in that department and where there was otherwise no reason to suppose that documents of that nature might be found there.

11. Since Fabbrica Pisana was informed not later than 10 July 1978 of the true nature and extent of the requests submitted by the Commission's inspectors, as is shown by the minutes drafted at the time of the investigation, it had ample time in the period immediately following that date to demonstrate its good faith by informing the Commission that it intended to produce all the documents which had been requested.

The fact that the inspectors drew attention to the copy of the letter sent on 7 March 1977 by Fabbrica Pisana to Fides which they discovered during the investigation on 10 July 1978, could leave no doubt in the mind of Fabbrica Pisana's representative as to the exact nature of the documents requested by the Commission.

Furthermore, it can reasonably be supposed that Fabbrica Pisana was informed by its agent Fides without delay of the latter's refusal to submit to an investigation on 8 June 1978 concerning agreements in the glass manufacturing industry.

The letter dated 6 October 1978 sent by Fabbrica Pisana to Fides, no copy of which had been received by the Commission at the time, authorizing Fides to present its papers to the Commission inspectors

should they renew their request, in no way serves to demonstrate the undertaking's good faith, but must be considered merely as a precautionary measure should the Commission decide to investigate Fides, which it did on 30 January 1979.

12. Fabbrica Pisana's argument that its failure to present the documents requested on 3 May and 10 July 1978 was due to an exceptional combination of circumstances, namely the absence of its general manager, the lack of knowledge on the part of the sales manager and the failure of the Commission inspectors to examine the files of the administration department, is not valid since it is always the undertaking's own responsibility to designate competent representatives to reply to requests from Commission inspectors and to present any documents requested under Article 14 of Regulation No 17.

13. By presenting documentation which was clearly incomplete to Commission inspectors carrying out an investigation under Article 14 of Regulation No 17, Fabbrica Pisana intentionally infringed Article 15 (1) (c) of Regulation No 17. Furthermore, the company cannot have been unaware of the extent of the Commission's powers of investigation, or of the exact nature of the documents which were sought, especially since the investigation was carried out on two separate days, namely 3 May 1978 and 10 July 1978 and since their agent, Fides, refused to allow an investigation at their offices on 8 June 1978.

The conditions for the application of Article 15 (1) are therefore fulfilled.

14. The infringement is clearly serious because the failure to produce the documents requested made more difficult the Commission's task of ensuring compliance with the rules on competition in the Treaty.

A fine must therefore be imposed in proportion to the gravity of the infringement committed by Fabbrica Pisana,

HAS ADOPTED THIS DECISION:

Article 1

The production by Fabbrica Pisana, Pisa, of incomplete documentation during an investigation carried out on 3 May 1978 and 10 July 1978 by the Commission under Article 14 of Regulation No 17 constitutes an infringement of Article 15 (1) (c) of that Regulation.

Article 2

The Commission hereby imposes on Fabbrica Pisana a fine of 5 000 units of account or Lit 5 795 050.

Such amount shall be paid, within three months following notification of this Decision to the undertaking concerned, to the account of the Commission of the European Communities: COMIT Roma 971 699/13/25.

Article 3

This Decision shall be enforceable as provided in Article 192 of the Treaty.

Article 4

This Decision is addressed to Fabbrica Pisana SpA, Via Aurelia 1, Pisa, Italy.

Done at Brussels, 20 December 1979.

For the Commission

Raymond VOUEL

Member of the Commission

COMMISSION DECISION

of 20 December 1979

imposing a fine on Fabbrica Lastre di Vetro Pietro Sciarra, Rome, pursuant to
Article 15 of Regulation No 17

(Only the Italian text is authentic)

(80/335/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

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

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Articles 14 and 15 thereof,

Having taken cognizance of the written defence by the undertaking concerned, submitted by letter dated 23 July 1979 pursuant to Article 19 (1) of Regulation No 17 and to Article 19 (1) of Regulation No 99/63/EEC of the Commission⁽²⁾,

Having regard to the opinion of the Advisory Committee on Restrictive Practices and Monopolies, delivered on 30 November 1979, pursuant to Article 10 of Regulation No 17,

Whereas :

I

1. On 30 May 1978, the Director-General for Competition gave written authorization for two officials of the Inspection Directorate to carry out an investigation at Fabbrica P. Sciarra in Rome, pursuant to Article 14 of Regulation No 17.

The investigation was carried out on 1 June 1978 at the undertaking's head office in Rome in the presence of two members of its management and a representative of the competent Italian authority.

The essential purpose of the investigation was to obtain information on the manufacture and marketing of glass within the Community and in particular on all correspondence exchanged by Fabbrica P. Sciarra with other glass manufacturers and with Fides Unione Fiduciaria SpA, Milan, a trust company carrying out since 1 January 1975, on behalf of the manufacturers

in question, coordination and/or supervision relating to the manufacture and/or marketing of glass.

2. Having produced their authorizations, the inspectors drew the attention of the undertaking to the provisions of Articles 14 and 15 of Regulation No 17 concerning the Commission's powers of investigation, and in particular to the provisions of Article 15 (1) as set out in the authorizations and under which the Commission may by decision impose fines on undertakings where they submit to an investigation but, intentionally or negligently, produce the required books or other business records in incomplete form.

When they were duly called upon, the undertaking's representatives expressed willingness to submit to the investigation.

3. In the course of the investigation on 1 June 1978 the Commission's inspectors asked Fabbrica P. Sciarra, as recorded in the minutes, to state what its relations were with Fides, the date on which those relations were established, and the purpose and outcome of the visit paid by Mr Roberto Sciarra to Fides' head office in February 1978.

The Commission's inspectors further requested Fabbrica P. Sciarra to produce all correspondence concerning the glass industry exchanged with Fides or with other glass manufacturers.

4. In answer to these questions Fabbrica P. Sciarra stated that its relations with Fides had been restricted to a meeting in February 1978 at the trust company's head office in order to obtain half-yearly and yearly statistics on glass imports into Italy and a study on foreign markets and prices with a view to possible exports.

The precise wording of the Commission's questions and the replies given by Fabbrica P. Sciarra are recorded in the minutes drafted on the spot at the time of the investigation and signed by the undertaking's chairman.

(1) OJ No 13, 21. 2. 1962, p. 204/62.

(2) OJ No 127, 20. 8. 1963, p. 2268/63.

II

5. During an investigation carried out on 7 February 1979, pursuant to Article 14 of Regulation No 17, at the head office of Fides, Milan, the Commission's inspectors took copies of the following documents :

- (a) A memorandum of agreement dated 30 March 1976 and applicable until 1978 between Fabbrica Pisana Saint-Gobain, SIV-Società Italiana Vetro SpA, and Fabbrica Lastre di Vetro P. Sciarra SpA.

This consisted essentially of :

- (i) a specialization agreement covering certain types of flat glass, applicable from 1 April 1976 ;
 - (ii) an agreement restricting sales on the Italian market by means of quota-sharing ;
 - (iii) an arrangement whereby Fides was authorized to supervise volumes manufactured and sold, notably by means of checks on the stores accounts and warehouses of the manufacturing firms ;
 - (iv) a system of checks on list prices and prices actually charged by manufacturers.
- (b) A letter dated 8 April 1976 from Fabbrica Lastre di Vetro Pietro Sciarra SpA to Fides. The purpose of this letter was to confirm the authority conferred upon Fides — from 1 April 1976 for the entire duration of the agreement of 30 March 1976 — to collect all the information and papers, and copy all the papers, it needed to perform its function under that agreement. Fides representatives were given access to all the undertaking's offices, factories and warehouses. Confirmation was also given that Fabbrica Lastre di Vetro Pietro Sciarra had agreed that the information collected be passed on to Fabbrica Pisana and SIV-Società Italiana Vetro. Lastly, the letter determines how the expenses incurred in paying Fides were to be shared, 25 % being charged to Fabbrica P. Sciarra, 50 % to Fabbrica Pisana and 25 % to SIV.

- (c) A letter dated 20 April 1976 from Fides to Fabbrica Pietro Sciarra acknowledging receipt of its abovementioned letter dated 8 April 1976.
- (d) A letter dated 25 June 1976 from Fides to Fabbrica Pietro Sciarra. This letter states the names of the persons authorized by Fides to perform the checks.
- (e) A letter dated 22 September 1976 from Fides to Fabbrica Pietro Sciarra addressed (personal and

confidential) to Mr Sciarra. This letter accompanied Fides' invoice No MR 221 of 22 September 1976 for services rendered.

- (f) A letter dated 20 August 1977 from Fides to Fabbrica Pietro Sciarra. This confirmed the oral agreements in force, whereby Fides was to supply sets of data at regular intervals concerning domestic consumption, based on import and export figures and overall domestic production.
- (g) 11 statements sent by Fides to Mr P. Sciarra, chairman of Fabbrica Pietro Sciarra, concerning work carried out by Fides on behalf of Fabbrica P. Sciarra :

statement : x 999.95 Mg/zl of 22 March 1976,
 statement : x 999.95 Mg/zz of 5 April 1976,
 statement : 912 Bo/fm of 7 July 1976,
 statement : 912 Bo/sv of 22 October 1976,
 statement : 912 Pt/sv of 9 December 1976,
 statement : 19110 Sh/tr of 15 February 1977,
 statement : 19110 Bl/tr of 4 April 1977,
 statement : 29110 Sh/ag of 3 June 1977,
 statement : x 19110 Os/zl of 17 October 1977,
 statement : x 19110 Os/lc of 14 November 1977,
 statement : x 19110 Os/lc of 19 June 1978.

6. All the above documents relate to an agreement between glass manufacturers, including Fabbrica P. Sciarra, entered into on 30 March 1976, the supervision and implementation of which was entrusted to Fides, acting on behalf of the manufacturers.

These documents were accordingly directly concerned by the oral and written requests presented during the investigation on 1 June 1978. Nevertheless, Fabbrica P. Sciarra did not present any of these documents to the Commission's inspectors.

III

7. By letter dated 23 July 1979 replying to the Commission's statement of objections, Fabbrica P. Sciarra put forward the following arguments :

- (i) the undertaking acknowledged that a specialization agreement between Italian glass manufacturers had been entered into on 30 March 1976 for a period of two years, but claimed that the agreement should be considered permissible on the grounds that it was necessary in view of the crisis in the industry, it was restricted to one category of flat glass and to only part of the domestic market, it was of a temporary nature, and the information exchanged with Fides was purely statistical.

- (ii) Fabbrica P. Sciarra claimed that by the date of the investigation the agreement had already expired and its directors had concentrated exclusively on the most recent development in their relations with Fides, namely the meeting held in February 1978, as they no longer attached any importance to the agreement of 30 March 1976.
- (iii) After the investigation of 1 June 1978 Fabbrica P. Sciarra thought that the enquiry had been completed, as the Commission did not renew its questions concerning the relevant agreements.

IV

8. Under Article 14 of Regulation No 17, in carrying out the duties assigned to it by Article 89 of the EEC Treaty, the Commission may undertake all necessary investigations into undertakings. To this end the officials authorized by the Commission are vested with the powers described in Article 14 (1) of the said Regulation *inter alia* to examine the books and other business records, to take copies of, or extracts from, the books and business records, and to enter any premises, land and means of transport of undertakings.

Under Article 14 (2) of the said Regulation, the officials authorized by the Commission for the purpose of these investigations shall exercise their powers upon production of an authorization in writing specifying the subject matter and purpose of the investigation and the penalties provided for in Article 15 (1) (c) of the Regulation in cases where production of the required books or other business records is incomplete.

Under Article 15 (1) of Regulation No 17, the Commission may, by decision, impose on undertakings fines of from 100 to 5 000 units of account where, either intentionally or negligently, they produce the required books or other business records in incomplete form during investigations under Article 14.

On 1 June 1978 Fabbrica P. Sciarra agreed to submit to the investigation with all its attendant obligations pursuant to Articles 14 and 15 of Regulation No 17.

The undertaking concerned does not dispute the fact that the Commission's inspectors asked specific questions about its relations with Fides, the exact date when these relations were entered into and their precise objectives, or that the inspectors requested it to produce in full all correspondence exchanged with Fides concerning these relations, together with all correspondence exchanged with other glass manufacturers.

The question whether the agreement of 30 March 1976 was permissible under the provisions of the EEC Treaty on competition was immaterial to the investigation of 1 June 1978 and does not fall to be determined in this Decision. Moreover, Fabbrica P. Sciarra's argument that the agreement of 30 March 1976 had expired by the time of the investigation cannot legitimately be invoked.

9. By letter dated 23 July 1979 Fabbrica P. Sciarra acknowledged that it had given incomplete replies to the inspectors' requests during the investigation of 1 June 1978. However, its assertion that the Commission's inspectors had concentrated their enquiries exclusively on the meeting held at Fides' head office in Milan in February 1978 is incorrect, since the question as recorded in the minutes of the investigation concludes with a request to produce all correspondence exchanged both with other manufacturers and with Fides. Moreover, this last point was simply a reiteration of the series of questions put orally and forcefully during the investigation.

Furthermore, Fabbrica P. Sciarra cannot justifiably claim, at least after 8 June 1978, that it had every reason to believe that the Commission was satisfied with the replies obtained during the investigation of 1 June 1978, since it can reasonably be supposed that the undertaking was informed by its agent Fides without delay of the latter's refusal to submit to an investigation on 8 June 1978 concerning agreements in the glass manufacturing industry.

Fabbrica P. Sciarra had ample opportunity, in the period immediately following Fides' refusal to submit to an investigation, to demonstrate its good faith by informing the Commission that it intended to produce all the documents which had been requested.

10. By presenting documentation which was clearly incomplete to Commission inspectors carrying out an investigation under Article 14 of Regulation No 17, Fabbrica P. Sciarra intentionally infringed Article 15 (1) (c) of Regulation No 17. Moreover, the questions put by the Commission's inspectors and the requests made by them for documents, both orally and in writing during the course of the investigation of 1 June 1978, were so precise that Fabbrica P. Sciarra could have been left in no possible doubt as to the exact nature of the documents sought.

Thus the conditions for the application of Article 15 (1) have been fulfilled.

11. The infringement is clearly serious because the failure to produce the documents requested made more difficult the Commission's task of ensuring compliance with the rules on competition in the Treaty.

A fine must therefore be imposed in proportion to the gravity of the infringement committed by Fabbrica P. Sciarra,

HAS ADOPTED THIS DECISION:

Article 1

The production by Fabbrica P. Sciarra, Rome, of incomplete documentation during an investigation carried out on 1 June 1978 by the Commission under Article 14 of Regulation No 17 constitutes an infringement of Article 15 (1) (c) of that Regulation.

Article 2

The Commission hereby imposes on Fabbrica P. Sciarra a fine of 5 000 units of account or Lit

5 795 050. Such amount shall be paid, within three months following notification of this Decision to the undertaking concerned, to the account of the Commission of the European Communities: COMIT Roma 971 699/13/25.

Article 3

This Decision shall be enforceable as provided in Article 192 of the Treaty.

Article 4

This Decision is addressed to Fabbrica Lastre di Vetro Pietro Sciarra SpA, Via dei Volsci 120, Rome, Italy.

Done at Brussels, 20 December 1979.

For the Commission

Raymond VOUEL

Member of the Commission

CORRIGENDA**Corrigendum to Commission recommendation No 3018/79/ECSC of 21 December 1979 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community**

(Official Journal of the European Communities No L 339 of 31 December 1979)

Page 19, Article 2 (10) (e), second line :

for: '... date, ...',

read: '... data, ...'.

Page 21, Article 4 (5), third line :

for: '... on ...',

read: '... or ...'.

Page 25, Article 13 (5), third line :

for: '... of ...',

read: '... on ...'.
