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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1143/76
of 17 May 1976
amending Regulation (EEC) No 2727/75 on the common organization of the
market in cereals

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Articles 42
and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parlia-
ment⁽¹⁾,

Whereas the common organization of the market in
cereals includes a single-price system for the Commu-
nity; whereas this system provides, in particular, that
a target price and a single intervention price must be
fixed annually for each basic cereal, with the excep-
tion of common wheat for which provision is made
for a basic intervention price from which are obtained
various derived intervention prices;

Whereas this price system and the structure resulting
from its application no longer represent the best
means of attaining the objectives set out in Article 39
of the Treaty; whereas, in particular, the aim of stabi-
lizing market prices, which is essential to ensure an
equitable standard of living for the agricultural
community concerned, has not been fully achieved as
witnessed by the number of unusual intervention
measures for certain cereals;

Whereas the system should therefore be reviewed;
whereas, in the light of experience gained with other
cereals, regionalization for common wheat should be
abolished and replaced by a single-price intervention
system for the Community;

Whereas, moreover, in order to enhance the fluidity of
the cereals market as a whole, a new structure should
be set up for the fixing of intervention prices for the

principal cereals, so that a better balance between the
different types of production can be ensured on the
basis of real market needs but without affecting
producers' incomes; whereas, to this end, the interven-
tion price for high-yield common wheat varieties of
poor breadmaking quality should be brought into line
with those for barley and maize; whereas such
common intervention level for all feed grains consti-
tutes the minimum level guaranteed to producers,
above which market prices for these cereals should
develop in accordance with their value for use in
animal feed;

Whereas, on the other hand, the production of
common wheat of good breadmaking quality should
be encouraged by fixing a reference price the level of
which should reflect the difference in return between
the production of common wheat of breadmaking
quality and that of common wheat of non-bread-
making quality; whereas provision should be made
that, if necessary, the development of market prices
should be supported in relation to this level;

Whereas there should be sufficient difference between
the target price, which determines the level of protec-
tion of the Community market, and the intervention
price to ensure market fluidity and to balance excess
production in surplus areas and shortages in deficit
areas; whereas, to attain this objective, target prices
should be established taking into consideration, in
addition to the element reflecting the cost of transport
between the area having the largest surplus and that
having the largest deficit, a market element reflecting
the difference, recorded in a price structure devel-
oping under normal conditions in the production
area having the largest surplus, between market prices
and the price support level reflected in the reference
price for common wheat and in the intervention
prices for other cereals;

Whereas the reference price for common wheat of
breadmaking quality should be included among those
prices that are subject to monthly increases during the
marketing year;

⁽¹⁾ OJ No C 53, 8. 3. 1976, p. 24.

Whereas, in certain regions of the Community, particular circumstances may temporarily cause market prices to follow a trend other than in the rest of the Community; whereas, to avoid large-scale intervention in such regions, it should be possible to take, by way of prevention, particular intervention measures to relieve their markets for a given period; whereas it should also be possible to take special intervention measures for common wheat of breadmaking quality where there is a risk that market prices no longer develop normally in relation to the level of the reference price;

Whereas, in view of the uniformity which should characterize the Community market in cereals, the above-mentioned particular and special intervention measures should be assessed and decided on from a Community viewpoint;

Whereas, in view of the radical nature of this review and in order to enable the market to adjust to it under optimum conditions, it should be possible to postpone, for the duration of the 1976/77 marketing year, the full application of the review, particularly the establishment of a price structure which fully complies with the new system;

Whereas, in view of the rise in the Community production of durum wheat, it is no longer justified to grant uniform aid to all procedures; whereas, however, with a view to encouraging an increase in productivity and an improvement of the quality of this product, it should continue to benefit from aid; whereas, however, such aid could be confined to certain regions and to durum wheat having certain qualitative and technical characteristics which make it suitable for the manufacture of pasta products;

Whereas, to avoid sales to intervention agencies of durum wheat which does not have the above characteristics, provision should be made for additional conditions of eligibility for intervention in respect of this cereal,

HAS ADOPTED THIS REGULATION:

Article 1

The following Articles shall be substituted for Articles 2, 3 and 4 of Regulation (EEC) No 2727/75:

Article 2

The marketing year for all the products listed in Article 1 shall begin on 1 August and end on 31 July of the following year.

Article 3

1. Before 1 August of each year the following prices shall be fixed for the Community for the marketing year beginning the following year:

- a common single intervention price for common wheat, barley and maize, and a single intervention price for rye and durum wheat,
- a reference price for common wheat of bread-making quality,
- a target price for common wheat, durum wheat and rye and a common target price for barley and maize.

2. These prices shall be fixed for a standard quality to be determined for each of the above cereals.

3. The single intervention prices shall be fixed for the Ormes intervention centre, which is the centre of the Community area having the greatest surplus for all cereals, at the wholesale stage, goods delivered at warehouse, before unloading. They shall be valid for all Community intervention centres designated for each cereal.

The single intervention prices shall be valid from 1 August to 31 May of the following year. From 1 June to 31 July, the intervention prices valid for August of the marketing year in progress shall apply.

4. The reference price for common wheat of breadmaking quality shall be calculated by adding to the common single intervention price for this product an amount reflecting the difference in return between the production of common wheat of breadmaking quality and that of common wheat of non-breadmaking quality.

5. The target prices shall be fixed for Duisburg, which is the centre of the Community area having the greatest deficit for all cereals, at the wholesale stage, goods delivered at warehouse, before unloading.

They shall be calculated by adding a market element and an element reflecting the cost of transport between the Ormes area and the Duisburg area:

- to the reference price, for common wheat,
- to the respective single intervention price for rye and durum wheat,
- to the common single intervention price, for barley and maize.

For rye, durum wheat and common wheat respectively, the market element shall reflect the difference which should exist between:

- (a) the single intervention price for rye, the single intervention price for durum wheat and the reference price for common wheat of bread-making quality on the one hand, and
- (b) the level of the market prices for rye, durum wheat and common wheat of breadmaking quality respectively to be expected, in a normal harvest and under natural conditions of price formation on the Community market, in the area having the greatest surplus, on the other.

The market element for barley and maize shall reflect the difference which should exist between the market price for barley and the common single intervention price, plus the difference in market prices reflecting the ratio between the average relative values of the two cereals concerned for use in animal feed. The market prices to be taken into consideration are those to be expected, in a normal harvest and under natural conditions of price formation on the Community market, in the production area having the greatest surplus.

The element reflecting the cost of transport shall be determined on the basis of the most favourable means of transport or combination of means of transport and on existing tariffs.

6. The prices referred to in paragraph 1 and the standard qualities referred to in paragraph 2 shall be determined in accordance with the procedure laid down in Article 43 (2) of the Treaty.

7. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down the rules for determining the intervention centres to which the single intervention prices apply.

8. The intervention centres referred to in paragraph 7 shall be determined, after consultation with the Member States concerned, before 1 May of each year for the following marketing year, in accordance with the procedure laid down in Article 26.

Article 4

1. To facilitate the transition from the arrangements applied during the 1975/76 marketing year to those laid down in Article 3 and in particular the price structure normally established thereby, the single intervention prices for common wheat, barley and maize may, by way of derogation from paragraph 1 of that Article, be fixed at different levels for the 1976/77 marketing year. In that case, the common single intervention price used to establish the common target price for barley and maize shall be the single intervention price for barley.

2. When, in application of the derogation referred to in paragraph 1, the single intervention price for common wheat is fixed with respect to its breadmaking quality, the price shall, by way of derogation from Article 3 (2), be fixed in respect of a standard breadmaking quality.

Such standard quality shall be that defined pursuant to Article 3 (6), with the addition of certain criteria concerning the minimum requirements for breadmaking. Common wheat which does not meet these requirements shall only receive at intervention a price corresponding to the common single intervention price which for the marketing year in question shall be that applicable to barley.

In the case covered by this paragraph the reference price referred to in Article 3 (1) shall not be fixed and the target price for common wheat shall be established according to Article 3 (5), by substituting the single intervention price for that cereal for its reference price.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down the minimum requirements for bread-making.

The method to be followed for determining whether common wheat meets such requirements and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26.

Article 2

The following shall be substituted for Article 6 (1) of Regulation (EEC) No 2727/75:

'1. The intervention prices, the reference price for common wheat of breadmaking quality, the target prices and the threshold prices shall be the subject of monthly increases phased over all or part of the marketing year.'

Article 3

The following Article shall be substituted for Article 7 of Regulation (EEC) No 2727/75:

Article 7

1. Throughout the marketing year, the intervention agencies designated by the Member States shall be obliged to buy in cereals mentioned in Article 3 which have been harvested in the Community and are offered to them, provided that the offers comply with conditions, in particular in respect of quality and quantity, to be determined in accordance with paragraph 5.

2. The intervention agencies shall buy in at the single intervention price regardless of the centre at which the cereal is offered, under conditions determined in accordance with paragraphs 4 and 5. If the quality of the cereal is different from the standard quality for which the intervention price has been fixed, the intervention price shall be adjusted in accordance with scales of price increases and reductions. These scales may also include a special price increase for breadmaking rye with certain quality characteristics.

3. Under conditions laid down in accordance with paragraphs 4 and 5, the intervention agencies shall offer for sale :

- for export to third countries,
 - or for supply to the internal market,
- the product bought in under paragraph 1.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules governing intervention.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26, in particular as regards :

- the minimum quality and quantity required of each cereal and, in respect of durum wheat, the technical qualities required of it,
- the scales of price increases and reductions applicable for the purposes of intervention,
- the procedures and conditions for taking over by the intervention agencies,
- the procedures and conditions for disposal of produce by the intervention agencies.'

Article 4

The following Article shall be substituted for Article 8 of Regulation (EEC) No 2727/75 :

'Article 8

1. To avoid substantial purchases having to be made in certain regions of the Community under Article 7(1), it may be decided that the intervention agencies take particular intervention measures.

2. Where necessitated by the situation on the Community market in common wheat of bread-making quality, special intervention measures may be adopted in respect of this cereal with a view to supporting the development of the market therein in relation to the reference price referred to in Article 3(1).

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

4. The nature and application of particular or special intervention measures and the conditions

and procedures for the sale or for any other means of disposal of the products subject to these measures shall be determined in accordance with the procedure laid down in Article 26.

Detailed rules for the application of this Article shall, where appropriate, be adopted in accordance with the same procedure.'

Article 5

The following Article shall be substituted for Article 10 of Regulation (EEC) No 2727/75 :

'Article 10

1. Aid shall be granted for the production of durum wheat in the Community.

2. The amount of such aid shall be fixed per hectare of land sown and harvested and shall be equal throughout the marketing year. However, aid may be differentiated according to the region concerned and confined to certain production regions.

Aid shall be granted only for durum wheat having qualitative and technical characteristics to be determined.

3. The amount of aid shall be fixed before 1 August for the marketing year beginning the following year in accordance with the procedure laid down in Article 43(2) of the Treaty.

The production regions referred to in paragraph 2 shall be determined in accordance with the same procedure.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down the general rules for the application of this Article and in particular the criteria for determining the qualitative and technical characteristics referred to in paragraph 2.

5. The following shall be adopted in accordance with the procedure laid down in Article 26.

- the detailed rules for the application of this Article,
- the qualitative and technical characteristics required of durum wheat in order to be eligible for aid and, where appropriate, a list of the varieties concerned.'

Article 6

In June and July of the 1975/76 marketing year, the intervention prices applicable in the new Member States shall be those applicable in the Community as originally constituted at the beginning of the 1976/77 marketing year reduced, where appropriate, by the accession compensatory amounts fixed for the 1975/76 marketing year.

Article 7

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

It shall apply from 1 August 1976 with the exception of Article 6 and the provisions designed to ensure that the new arrangements laid down in this Regulation are implemented particularly those governing the preparatory administrative measures to be taken by the Member States, which shall apply as soon as this Regulation enters into force.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

COUNCIL REGULATION (EEC) No 1144/76**of 17 May 1976****on the list of Community regions receiving aid for durum wheat and fixing the amount of such aid**

THE COUNCIL 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 1143/76⁽²⁾, and in particular Article 10 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽³⁾,

Whereas, although provision should be made for maintaining durum wheat production at its present level, it is necessary to reduce the incentive to produce that cereal in high-yield areas whilst maintaining the income levels of producers in low-yield areas;

Whereas a list should be drawn up of the Community regions receiving aid whilst differentiating between them on the basis of their yield; whereas, moreover, this list should include those Community regions which are less favoured owing to natural production circumstances;

Whereas, for the 1976/77 marketing year, an amount of aid should be fixed which varies according to the production region concerned, so that account can be taken of its special situation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for durum wheat referred to in Article 10 of Regulation (EEC) No 2727/75 shall be granted in the Community regions listed in the Annexes.

Article 2

For the 1976/77 marketing year, the aid referred to in Article 1 shall be fixed at:

- 50 units of account per hectare in the regions listed in Annex A,
- 21 units of account per hectare in the regions listed in Annex B.

Article 3

This Regulation shall enter into force on 1 August 1976.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 53, 8. 3. 1976, p. 24.

*ANNEX A***France — ONIC administrative regions**

Bordeaux
Toulouse

Italy — Administrative regions

Abruzzo
Basilicata
Calabria
Campania
Molise
Puglie
Sardegna
Sicilia
Umbria

Less-favoured agricultural areas under Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas⁽¹⁾

*ANNEX B***France — ONIC administrative regions**

Dijon
Lyon
Marseille
Châlons-sur-Marne
Nancy
Nantes
Poitiers

Italy — Administrative regions

Friuli-Venezia Giulia
Emilia Romagna
Lazio
Liguria
Lombardia
Marche
Toscana

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

COUNCIL REGULATION (EEC) No 1145/76

of 17 May 1976

laying down rules for determining the intervention centres for cereals

THE COUNCIL 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 1143/76⁽²⁾, and in particular Article 3 (7) thereof,

Having regard to the proposal from the Commission,

Whereas the rules for deriving intervention prices cease to apply on 1 August 1976; whereas, consequently, single intervention prices will subsequently apply in all intervention centres;

Whereas, to ensure the proper working of the intervention system, the selection of intervention centres should be based on a geographical location and storage facilities which allow the assembly and disposal of substantial quantities of cereals;

Whereas Council Regulation (EEC) No 2733/75 of 29 October 1975 laying down rules for deriving intervention prices for common wheat and for determining certain marketing centres for cereals⁽³⁾, no longer meets the requirements of Regulation (EEC) No 2727/75; whereas it should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

The intervention centres to be determined pursuant to Article 3 (7) of Regulation (EEC) No 2727/75 shall meet one of the following conditions:

- (a) location in regions having an appreciable production of cereals which substantially exceeds local demand either regularly or occasionally, taking account of agricultural and market structures in that region;
- (b) existence of substantial storage facilities;
- (c) special importance as a market for the goods inside and outside the Community.

Article 2

1. Of the centres situated in regions of the kind mentioned in Article 1 (a), only those shall be considered which have:

- (a) storage facilities with technical equipment permitting the taking over, handling and discharge of a sufficiently large quantity of cereals;
- (b) transport connections favourable to the taking over and, more important, the disposal of cereals.

2. Of the centres meeting the conditions mentioned in Article 1 (b) or (c), only those shall be considered whose storage facilities, technical equipment and advantageous geographical location permit the assembly and, more important, the disposal of substantial homogeneous quantities of cereals.

Article 3

Regulation (EEC) No 2733/75 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 August 1976.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 31.

COUNCIL REGULATION (EEC) No 1146/76**of 17 May 1976****on particular and special intervention measures for cereals**

THE COUNCIL 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 1143/76⁽²⁾, and in particular
Article 8 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 8 (1) of Regulation (EEC) No 2727/75
provides that particular intervention measures can be
taken for cereals for which in certain regions of the
Community there is a danger of substantial quantities
being offered for intervention; whereas the circum-
stances giving rise to a situation which could justify
such particular intervention measures being taken
should be specified;

Whereas Article 8 (2) of Regulation (EEC) No 2727/75
provides that special intervention measures for
common wheat of breadmaking quality may be
adopted in respect of this cereal with a view to
supporting the development of the market therein in
relation to the reference price; whereas, therefore, the
common wheat concerned must have sufficient qualita-
tive and technical characteristics to guarantee that it
can be used for breadmaking; whereas, however,
depending on the use envisaged, common wheat may
be said to be of 'breadmaking quality' if it has qualita-
tive and technical characteristics varying according to
the requirements of such use; whereas special inter-
vention measures must be adjustable to this situation;
whereas recourse to a tendering procedure for the
buying in by intervention agencies of common wheat
of breadmaking quality with specific characteristics
appears to be a suitable means to that end;

Whereas the sale of cereals held by intervention agen-
cies as a result of particular or special intervention
measures must be effected without discriminating
between Community buyers and at price levels which
do not hinder the normal development of Commu-
nity market prices; whereas the tendering procedure
enables the above objectives to be attained; whereas,
however, if this procedure is not followed or if cereals
which have been the subject of particular or special

intervention measures are not held by the intervention
agencies, it should be authorized, where the market
situation so requires, to fix special conditions for
putting the cereals in question back on the market or
for disposing of them by other means,

HAS ADOPTED THIS REGULATION:

Article 1

The particular intervention measures referred to in
Article 8 (1) of Regulation (EEC) No 2727/75 may be
taken if, in one or more regions of the Community,
market prices show a fall or a weakness which, in view
of the size of the harvest or of regional stocks and
their geographical location, could oblige intervention
agencies to buy in large quantities in accordance with
Article 7 of that Regulation.

Article 2

The special intervention measures for common wheat
of breadmaking quality referred to in Article 8 (2) of
Regulation (EEC) No 2727/75 may be applied by way
of invitations to tender, issued by the intervention
agencies, for the purchase of common wheat of bread-
making quality having specific qualitative and tech-
nical characteristics.

Article 3

1. If particular or special intervention measures
take the form of buying in of cereals by the interven-
tion agencies, these cereals shall be subsequently
disposed of by invitation to tender:

- (a) either with a view to their being put back on the
Community market on the basis of price condi-
tions such as will make it possible to lessen the
tensions of the market while preventing its deterio-
ration;
- (b) or with a view to exporting them on the basis of
price conditions to be determined case by case
according to market trends and requirements.

Where an invitation to tender relates to the putting
back on the Community market of cereals bought in
by intervention agencies, the use to be made of the
product may be stipulated.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

2. If particular or special intervention measures take a form other than that referred to in paragraph 1, special conditions may be laid down for putting the cereals back on the market or for disposing of them by other means.

3. If particular circumstances so require, the Council, acting by a qualified majority on a proposal from the Commission, may establish selling procedures other than those laid down in paragraph 1.

Article 4

When invitations to tender are issued under this Regulation, the terms must ensure equality of access and

treatment to all persons concerned irrespective of the place of their establishment within the Community.

Article 5

Council Regulation (EEC) No 2740/75 of 29 October 1975 on special intervention measures for cereals⁽¹⁾, is hereby repealed.

Article 6

This Regulation shall enter into force on 1 August 1976.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 54.

COUNCIL REGULATION (EEC) No 1147/76

of 17 May 1976

on aid for durum wheat

THE COUNCIL 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 1143/76⁽²⁾, and in particular Article 10 (4) thereof,

Having regard to the proposal from the Commission, Whereas Article 10 of Regulation (EEC) No 2727/75 provides that aid shall be granted for the production of durum wheat in the Community; whereas, to promote a general improvement in quality and to guarantee that the durum wheat harvested is suitable, in particular, for the manufacture of pasta products, it should be stipulated that the qualitative and technical characteristics which durum wheat must have in order to be eligible for aid must be determined in accordance with these objectives;

Whereas, pursuant to Article 10 (2) of Regulation (EEC) No 2727/75, aid is granted by the Member States per hectare of land sown and harvested; whereas the proper working of the aid system requires supervision on the part of the Member States in order to ensure that aid is granted only for the areas concerned and for eligible products; whereas, to this end, provision should be made for the introduction, by each Member State concerned, of a system of declarations relating to such areas; whereas, moreover, the effectiveness of supervision measures can be enhanced by checking whether certain seed varieties to be determined are used for sowing and crops harvested are derived therefrom,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall grant the aid referred to in Article 10 of Regulation (EEC) No 2727/75 for durum wheat produced on their territory under the conditions set out in the following Articles.

Article 2

For the purposes of this Regulation, durum wheat means wheat of the *Triticum durum* species and the hybrids derived from the interspecific crossing of *Triticum durum* which have the same number of chromosomes as that species.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

Article 3

The qualitative and technical characteristics which durum wheat must have in order to be eligible for aid must guarantee that the product is suitable for use by the durum meal industry and for the manufacture of pasta products and that the products processed therefrom satisfy certain requirements as regards suitability for human consumption.

Article 4

1. Member States shall introduce a system of administrative supervision to ensure that a product for which aid is requested meets the requirements for granting such aid.
2. For the purposes of such supervision, Member States shall introduce a system of declarations relating to the areas sown, the seed varieties used and the areas harvested.

Article 5

Member States shall carry out random sampling spot checks to ascertain the accuracy of declarations relating to areas of land sown and harvested and of applications for aid submitted by producers.

Article 6

The amount of aid to be paid shall be calculated on the basis of the area sown and harvested.

Article 7

Producer Member States shall inform the Commission of the measures taken pursuant to this Regulation and provide it with information relating, in particular, to the areas sown and harvested for which aid has been granted.

Article 8

Council Regulation (EEC) No 2741/75 of 29 October 1975 on aid for durum wheat⁽³⁾, is repealed with effect from 1 August 1976.

Article 9

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

However, it shall not apply to durum wheat for which aid was granted in the 1975/76 marketing year and in previous years.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 55.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

COUNCIL REGULATION (EEC) No 1148/76**of 17 May 1976****fixing, for the 1976/77 marketing year, the protective amount to be included in the threshold price for milled rice**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 359/67/EEC of 25 July 1967 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 668/75⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the proposal from the Commission, Whereas Article 14 (3) of Regulation No 359/67/EEC provides that the threshold prices for milled rice are to be derived from the threshold prices for husked

rice to which an amount for the protection of the industry is to be added ; whereas, in view of the situation of the Community rice industry, it appears appropriate to maintain during the 1976/77 marketing year the protective amount adopted for the 1975/76 marketing year,

HAS ADOPTED THIS REGULATION :

Sole Article

For the 1976/77 marketing year, the amount to be included in the threshold price for milled rice for the protection of the industry shall be 11.50 units of account per metric ton.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 72, 20. 3. 1975, p. 18.

COUNCIL REGULATION (EEC) No 1149/76**of 17 May 1976****fixing, for the 1976/77 marketing year, the monthly price increases for paddy rice and husked rice**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 359/67/EEC of 25 July 1967 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 668/75⁽²⁾, and in particular Article 7 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, when the number and amount of the monthly increases and the first month during which these increases are to apply are fixed, account shall be taken of the costs of storing and financing rice in the Community and of the need to ensure that the disposal of stocks of rice conforms to market requirements;

Whereas the application of such criteria does not necessitate any change in the level of the monthly

increases for the 1975/76 marketing year; whereas, however, the agri-monetary measures adopted necessitate a slight modification of the amount of these monthly increases,

HAS ADOPTED THIS REGULATION:

Sole Article

1. For the 1976/77 marketing year, the amount of each of the monthly increases provided for in Articles 7 (1) and 14 (2) of Regulation No 359/67/EEC shall be as follows:

- 1.74 units of account per metric ton of paddy rice,
- 2.18 units of account per metric ton of husked rice.

2. These monthly increases shall apply from 1 October 1976 to 1 July 1977. The prices thus obtained for the month of July 1977 shall remain valid until 31 August 1977.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 72, 20. 3. 1975, p. 18.

COUNCIL REGULATION (EEC) No 1150/76

of 17 May 1976

fixing, for the 1976/77 marketing year, the monthly price increases for cereals,
wheat and rye flour and wheat groats and meal

THE COUNCIL 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 1143/76⁽²⁾, and in particular Article 6 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, when the number and amount of the monthly increases and the first month during which these are to apply are fixed, account should be taken of the storage costs and interest charges for storing cereals in the Community and of the need to ensure that the disposal of stocks of cereals conforms to market requirements;

Whereas the application of these criteria does not call for any change in the level of the monthly increases adopted for the 1975/76 marketing year; whereas, however, the agri-monetary measures adopted necessitate a slight modification of the amount of these monthly increases,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1976/77 marketing year, the monthly increases to be applied to the target price, threshold price and intervention price for the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in this Regulation.

Article 2

The monthly increases to be applied to the target price, threshold price and intervention price for common wheat, rye, barley, maize and durum wheat, operative for the first month of the marketing year, shall be as follows:

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 45.

⁽²⁾ See page 1 of this Official Journal.

(ua./metric ton)

Period	Common wheat, rye, barley and maize	Durum wheat
August 1976	—	—
September	1.42	1.52
October	2.84	3.04
November	4.26	4.56
December	5.68	6.08
January 1977	7.10	7.60
February	8.52	9.12
March	9.94	10.64
April	11.36	12.16
May	12.78	13.68
June	(14.20)	(15.20)
July	(14.20)	(15.20)

The monthly increases in brackets shall not apply to the intervention prices.

Article 3

The monthly increases to be applied to the threshold price for meslin, oats, buckwheat, millet, canary seed and sorghum, operative for the first month of the marketing year, shall be the same as those applicable to cereals other than durum wheat.

Article 4

The monthly increases to be applied to the threshold price for wheat, meslin and rye flour and to the threshold price for groats and meal of common or of durum wheat, operative for the first month of the marketing year, shall be as follows:

(ua./metric ton)

Period	Wheat and meslin flour, common wheat groats and meal, rye flour	Groats and meal of durum wheat
August 1976	—	—
September	2.13	2.33
October	4.26	4.66
November	6.39	6.99
December	8.52	9.32
January 1977	10.65	11.65
February	12.78	13.98
March	14.91	16.31
April	17.04	18.64
May	19.17	20.97
June	21.30	23.30
July	21.30	23.30

Article 5

This Regulation shall enter into force on 1 August 1976.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

COUNCIL REGULATION (EEC) No 1151/76
of 17 May 1976
fixing cereal and rice prices for the 1976/77 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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 1143/76⁽²⁾, and in particular Articles 3 (6) and 4 thereof,

Having regard to Council Regulation 359/67/EEC of 25 July 1967 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 668/75⁽⁴⁾, and in particular Articles 2 (4) and 4 (4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽⁵⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁶⁾,

Whereas the markets and prices policy, based on modernized farms, is the main instrument of the incomes policy in agriculture; whereas full advantage cannot be drawn from such a policy unless it is integrated into the common agricultural policy as a whole, including a dynamic social and structural policy and the application of the rules on competition contained in the Treaty;

Whereas the common agricultural prices must be fixed by a method which takes account of objective criteria; whereas, when those prices are fixed, account should also be taken of the objectives of the common agricultural policy and of the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas the intervention prices and target prices for the principal cereals must be fixed in such a way as to promote a balance between the different sections of production on the basis of actual market requirements, while at the same time ensuring the improvement of farm incomes;

Whereas, in order to facilitate transition from the arrangements applied during the 1975/76 marketing year to those laid down in Article 3 of Regulation (EEC) No 2727/75, the principle of fixing the single intervention prices for common wheat, barley and maize at a common level may, under Article 4 of that Regulation, be waived for the 1976/77 marketing year;

Whereas, on the one hand, in order to guarantee the fluidity of the Community barley and maize markets, while at the same time avoiding excessive price increases, it seems advisable that, in a first stage, the intervention prices for these products should only be moved towards alignment, pending complete alignment, account being taken of the normal ratio between the average relative values of these two cereals for use in animal feed;

Whereas, on the other hand, in the case of common wheat, the intervention price should be fixed, as a transitional measure, at a level corresponding to the minimum breadmaking quality; whereas, in calculating this price, account should be taken in particular of the difference in return between the production of this common wheat of minimum breadmaking quality and that of common wheat of non-breadmaking quality, which difference can at present be assessed at 13 %; whereas the third subparagraph of Article 4 (2) of Regulation (EEC) No 2727/75 provides that in this case no reference price need be fixed;

Whereas, pursuant to Article 4 (1) of Regulation (EEC) No 2727/75, if the derogation provided for in that Regulation is invoked, the common target price for barley and maize is fixed for the 1976/77 marketing year using the level of the single intervention price for barley as the level for the common single intervention price; whereas paragraph 2 (3) of that Article lays down that, in calculating the target price for common wheat, the intervention price for this cereal should be used instead of its reference price;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 72, 20. 3. 1975, p. 18.

⁽⁵⁾ OJ No C 53, 8. 3. 1976, p. 24.

⁽⁶⁾ OJ No C 50, 4. 3. 1976, p. 19.

Whereas the target price for rice must be fixed at a rate which takes account of the levels and intended trends of production, the use made of the product and the improvement of farm incomes ;

Whereas the Arles and Vercelli intervention prices for paddy rice should be derived from the target price for husked rice, in accordance with the criteria set out in Article 4 (3) of Regulation No 359/67/EEC ;

Whereas application of these criteria entails fixing the same intervention prices for Arles and Vercelli at a level higher than that adopted for the preceding marketing year ;

Whereas, in respect of the products referred to in this Regulation, the application of the criteria for the fixing of the different prices, and the application of

the measures provided for in respect of the exchange rates to be applied in agriculture, entail the fixing of those prices at the levels shown in the Annexes,

HAS ADOPTED THIS REGULATION :

Article 1

For the 1976/77 marketing year, the cereal and rice prices shall be those fixed in the Annexes.

Article 2

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

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

ANNEX I

CEREALS

	u.a./metric ton
COMMON WHEAT	
Single intervention price for common wheat of minimum breadmaking quality :	
— in Denmark	126.72
— in Ireland	127.88
— in the United Kingdom	112.42
— in the other Member States	131.00
Target price	152.00
RYE	
Single intervention price	124.00
Target price	149.15
BARLEY	
Single intervention price :	
— in Denmark	112.41
— in Ireland	109.86
— in the United Kingdom	98.52
— in the other Member States	116.00
Target price	137.80
MAIZE	
Single intervention price	112.20
Target price	137.80
DURUM WHEAT	
Single intervention price	202.00
Target price	218.80

ANNEX II

RICE

	u.a./metric ton
(a) Target price for husked rice	284.52
(b) Intervention price for paddy rice (Arles and Vercelli)	164.16

COMMISSION REGULATION (EEC) No 1152/76

of 18 May 1976

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 amended by Regulation (EEC) No 3058/75⁽²⁾, and in particular Article 13(5) thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 38/76⁽³⁾ and subsequent amending Regulations;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 38/76, to the offer

prices and today's quotations known to the Commission that the levies at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 are hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 19 May 1976.

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

Done at Brussels, 18 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 6, 13. 1. 1976, p. 1.

ANNEX

to the Commission Regulation of 18 May 1976 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./metric ton)

CCT heading No	Description of goods	Levies
10.01 A	Common wheat and meslin	35.56
10.01 B	Durum wheat	78.67 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	55.84 ⁽⁶⁾
10.03	Barley	25.29
10.04	Oats	26.72
10.05 B	Maize other than hybrid maize for sowing	31.82 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	19.04
10.07 B	Millet	33.61 ⁽⁴⁾
10.07 C	Grain sorghum	36.80 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	61.78
11.01 B	Rye flour	90.20
11.02 A I a	Durum wheat groats and meal	132.48
11.02 A I b	Common wheat groats and meal	65.21

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

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

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

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

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

⁽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 2754/75 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 1153/76

of 18 May 1976

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 amended by
Regulation (EEC) No 3058/75⁽²⁾, and in particular
Article 15 (6) thereof,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2832/75⁽³⁾ and subsequent amending Regulations;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in
force, which are to be added to the levies, should be

altered as shown in the tables annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION:

Article 1

The scale of the premiums to be added, pursuant to
Article 15 of Regulation (EEC) No 2727/75, to the
import levies fixed in advance in respect of cereals
and malt is hereby fixed as shown in the tables
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 19 May
1976.

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

Done at Brussels, 18 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 283, 1. 11. 1975, p. 4.

ANNEX

to the Commission Regulation of 18 May 1976 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(t.u.t. / metric ton)

CCT heading No	Description of goods	Current 5	1st period 6	2nd period 7	3rd period 8
10.01 A	Common wheat and meslin	0	0.80	0.80	7.18
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0.80	0.80	2.39
10.04	Oats	0	0	0	0
10.05 B	Maize other than hybrid maize for sowing	0	0.60	0.60	1.20
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0.80	0.80	0
10.07 C	Grain sorghum	0	1.60	1.60	5.18
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	1.12	1.12	10.06

B. Malt

(t.u.t. / metric ton)

CCT heading No	Description of goods	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	1.42	1.42	12.78	12.78
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	1.06	1.06	9.55	9.55
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	1.42	1.42	4.25	4.25
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	1.06	1.06	3.18	3.18
11.07 B	Roasted malt	0	1.24	1.24	3.70	3.70

COMMISSION REGULATION (EEC) No 1154/76
of 18 May 1976
fixing the average producer prices for wine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 1932/75⁽²⁾, and in particular Article 4 (1) thereof,

Whereas Article 4 of Regulation (EEC) No 816/70 provides that an average producer price must be fixed for each type of wine for which a guide price is fixed; whereas this average price must be fixed for each marketing centre for the type of wine in question on the basis of all the facts available;

Whereas the marketing centres for table wines are determined in Commission Regulation (EEC) No 1020/70 of 29 May 1970 on recording quotations and fixing average prices for table wines⁽³⁾, as last amended by Regulation (EEC) No 528/74⁽⁴⁾;

Whereas Article 10 of Regulation (EEC) No 1020/70 provides that the average price must be fixed on the basis of the average of the quotations notified, particular account being taken of the extent to which these quotations are representative, the comments of the Member States, and the alcoholic strength and quality of table wines which have been the subject of transactions;

Whereas arrangements for the notification by the Member States of quotations and information related thereto are specified in Regulation (EEC) No 1020/70; whereas, where this information is not available for any marketing centre, the average price for the preceding week must be maintained;

Whereas the average price for the type of wine in question must be fixed per degree/hl or per hl as appropriate; whereas, if the Tuesday is a public holiday, the average price must be fixed on the following working day;

Whereas it follows from applying these rules to the information at present available to the Commission that the average price should be fixed as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The average prices referred to in Article 4 (1) of Regulation (EEC) No 816/70 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 May 1976.

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

Done at Brussels, 18 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 198, 29. 7. 1975, p. 19.

⁽³⁾ OJ No L 118, 1. 6. 1970, p. 16.

⁽⁴⁾ OJ No L 64, 6. 3. 1974, p. 8.

ANNEX

Average prices for table wines at the various marketing centres

Type	u.a. per degree/hl	Type	u.a. per degree/hl
R I		A I	
Béziers	1.860	Bordeaux	1.651
Montpellier	1.878	Nantes	No quotation
Narbonne	1.885	Bari	1.408
Nîmes	1.779	Cagliari	No quotation
Perpignan	No quotation	Chieti	No quotation
Asti	1.639	Ravenna (Lugo, Faenza)	1.517
Firenze	1.575	Trapani (Alcamo)	1.365
Lecce	No quotation	Treviso	No quotation
Pescara	1.377		
Reggio Emilia	1.634		
Treviso	No quotation		
Verona (for local wines)	1.604		
			u.a./hl
		A II	
		Rheinpfalz (Oberhaardt)	26.55
		Rheinhessen (Hügelland)	No quotation
R II		The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Bari	1.546		
Barletta	1.546		
Cagliari	1.867		
Lecce	No quotation		
Taranto	No quotation	A III	
		Mosel-Rheingau	No quotation
R III	u.a./hl	The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Rheinpfalz-Rheinhessen (Hügelland)	29.50		

⁽¹⁾Quotation not taken into account in accordance with Article 10 (1) of Regulation (EEC) No 1020/70.

COMMISSION REGULATION (EEC) No 1155/76

of 18 May 1976

amending Annex II to Regulation (EEC) No 316/68 as regards quality standards
for asparagus fern

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
234/68 of 27 February 1968 on the establishment of a
common organization of the market in live trees and
other plants, bulbs, roots and the like, cut flowers and
ornamental foliage ⁽¹⁾, and in particular Article 4
thereof,

Whereas experience has shown that the special provi-
sions relating to asparagus fern set out in Annex II A
to Council Regulation (EEC) No 316/68 of 12 March
1968 fixing quality standards for fresh cut flowers and
fresh ornamental foliage ⁽²⁾, as last amended by Regula-
tion (EEC) No 802/71 ⁽³⁾, do not correspond to
modern marketing practices ;

Whereas therefore the said Annex II A should be
amended accordingly ;

Whereas the Management Committee for live trees
and other plants, bulbs, roots and the like, cut flowers
and ornamental foliage has not delivered an opinion
within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

Annex II A to Regulation (EEC) No 316/68 is hereby
replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 18 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽²⁾ OJ No L 71, 21. 3. 1968, p. 8.

⁽³⁾ OJ No L 88, 20. 4. 1971, p. 8.

ANNEX

COMMON QUALITY STANDARDS FOR FRESH ORNAMENTAL FOLIAGE

SPECIAL PROVISIONS FOR FOLIAGE OF ASPARAGUS SPRENGERI

I. DESCRIPTION OF PRODUCE

These special provisions apply to the foliage of *Asparagus densiflorus* (Kunth) Jeasop 'Sprengeri' (Syn. *Asparagus L. sprengeri* Rgl.).

II. QUALITY REQUIREMENTS

(i) *Class I*

The foliage of *Asparagus sprengeri* in this class must be :

- well developed, not broken and without side growth,
- well furnished with firmly attached cladodes,
- free of yellowing,
- free of fruits.

(ii) *Class II*

This class includes all foliage of *Asparagus sprengeri* not meeting the requirements of Class I but meeting the quality requirements laid down for fresh foliage particularly regarding the typical colouring which should exclude any yellowing.

III. SIZING

Length shall be measured from the end of the stem to the tip. For *Asparagus sprengeri* this sizing must comply with the following scale :

<i>Code</i>	<i>length</i>
10	10 to 30 cm
30	30 to 50 cm
50	more than 50 cm

Shoots of *Asparagus sprengeri* forming a bunch must be of more or less uniform length.

IV. TOLERANCES

A. Quality tolerances

The following tolerances shall be permitted in each unit of presentation :

(i) *Class I*

10 % of the stems may vary from the requirements of this class but they must comply with those of Class II. No tolerance shall be permitted for stems which are broken or which have a side growth.

(ii) *Class II*

10 % of the stems may vary from the requirements of this class. Any defects must not impair the utility of the products.

B. Length tolerances

10 % of the number of stems which exceed the fixed limits is permitted ; the shortest stems may in no case be more than 5 cm shorter than the code given.

V. PACKAGING AND PRESENTATION**A. Presentation**

The foliage of *Asparagus sprengeri* shall be made up into bunches of 100 g, 250 g or multiples of 250 g.

B. Uniformity

Broken stems shall be made up into separate bunches. Stems in the same bunch must be uniform in shape and colour.

C. Packaging

Packaging must be such as to protect the produce adequately. Paper or other materials in direct contact with the produce must be new; when printed matter is used, the printing must be on the outside only so as not to come into contact with the produce.

VI. MARKING

The following particulars must accompany the goods:

A. Identification

Dispatcher or
Packer } Name and address or code mark

B. Nature of produce

Asparagus sprengeri or *Asparagus densiflorus* and possibly the variety.

C. Origin of product (optional)

Region of origin or national, regional or local name.

D. Commercial specifications

- class,
- minimum and maximum length or code of size,
- number of bunches and unit weight of each bunch.

E. Official control mark (optional).**SPECIAL PROVISIONS FOR ASPARAGUS PLUMOSUS****I. DESCRIPTION OF PRODUCT**

These special provisions apply to the foliage of *Asparagus setaceus* (Kunth) Jessop (Syn. *Asparagus L. plumosus* Bak.).

III. QUALITY REQUIREMENTS**A. Special requirements**

The typical colouring of the species comprises a range of varying shades of green⁽¹⁾. The products must not, however, be chlorotic; they must be furnished with cladodes having an equal colouring.

Foliage of *Asparagus plumosus* may be presented in the form of:

- fern (shoots of regular growth having the appearance of palm leaves),
- clipped fern (shoots of which the upper ends have been cut off, having the appearance of a garland of greenery).

B. Classification**(i) Class I**

The foliage of *Asparagus plumosus* in this class must:

- be well developed,
- have a stem well garnished with foliage,
- be furnished with firmly attached cladodes.

⁽¹⁾ *Asparagus plumosus* foliage bearing the description 'blond' or 'biondo' is also admissible, provided that it conforms to the requirements of the quality standard applicable for this product.

Fern must not be broken and must be without side growth.
Clipped fern may be included in this class.

(ii) *Class II*

This class includes all foliage of *Asparagus plumosus* not meeting the requirements of Class I but meeting the quality requirements laid down for fresh foliage and the special requirements above. Nevertheless, produce having certain defects of appearance may be included in this class. Broken fern or fern with side growth should be presented separately.

III. SIZING

The length shall be measured from the end of the stem to the tip.
For fern the sizing must comply with the following scale :

<i>Code</i>	<i>length</i>
10	10 to 30 cm
30	30 to 40 cm
40	40 to 60 cm
60	more than 60 cm

For clipped fern the sizing must comply with the following scale :

<i>Code</i>	<i>length</i>
10	10 to 30 cm
30	30 to 50 cm
50	more than 50 cm

IV. TOLERANCES

A. Quality tolerances

The following tolerances shall be permitted in each unit of presentation :

(i) *Class I*

10 % of the stems may vary from the requirements of this class but they must comply with those of Class II.

No tolerance shall be permitted for fern which is broken or which has a side growth.

(ii) *Class II*

10 % of the stems may vary from the requirements of this class.
Any defects must not impair the utility of the products.

B. Length tolerance

10 % of the number of stems which exceed the fixed limits is permitted ; the shortest stems may in no case be more than 5 cm shorter than the code given.

V. PACKAGING AND PRESENTATION

A. Presentation

The foliage of *Asparagus plumosus* shall be made up into bunches of 10 stems or multiples of 10.

B. Uniformity

Fern in one bunch must be of uniform colouring. Fern, clipped fern and fern without points of growth, exclusively classified in Class II, shall be made up into separate bunches.

C. Packaging

Packaging must be such as to protect the produce adequately. Paper or other materials in direct contact with the produce must be new ; when printed matter is used, the printing must be on the outside only so as not to come into contact with the produce.

VI. MARKING

The following particulars must accompany the goods :

A. Identification

Dispatcher or
packer } Name and address or code mark.

B. Nature of produce (optional)

Asparagus plumosus or *Asparagus setaceus*.

C. Origin of produce (optional)

Region of origin or national, regional or local name.

D. Commercial specifications

- class,
- the indication 'fern' or 'clipped fern',
- number of bunches and number of stems per bunch,
- minimum and maximum length or code of size,
- the indication 'blond' or 'biondo' should the occasion arise.

E. Official control mark (optional).

COMMISSION REGULATION (EEC) No 1156/76
of 18 May 1976
fixing for the 1976 marketing year the reference prices for cherries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 795/76⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas cherries are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas cherries harvested during a given crop year are marketed from April to August; whereas the quantities harvested in April, during the first 20 days of May and the last 20 days of August are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period from 21 May up to and including 10 August;

Whereas pursuant to Article 23 (2) of Regulation (EEC) No 1035/72 the reference prices are to be equal to the arithmetic mean of producer prices in each Member State plus an amount representing the costs of transporting Community products from the production areas to Community marketing centres; whereas the trend of average basic prices and buying-in prices must also be taken into account;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1976 marketing year, the reference prices for cherries (subheading 08.07 C of the Common Customs Tariff), expressed in units of account per 100 kilogrammes net of packed products of Class I, of all sizes, shall be as follows:

- May (21 to 31): 60.63
- June: 54.15
- July: 49.74
- August (1 to 10): 38.16

Article 2

This Regulation shall enter into force on 21 May 1976.

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

Done at Brussels, 18 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 93, 8. 4. 1976, p. 6.

COMMISSION REGULATION (EEC) No 1157/76
of 17 May 1976

amending for the sixth time Regulation (EEC) No 2042/75 on special detailed rules for the application of the system of import and export licences for 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 amended by Regulation (EEC) No 3058/75⁽²⁾, and in particular Article 12 (2) thereof,

Whereas Commission Regulation (EEC) No 2042/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾, as last amended by Regulation (EEC) No 718/76⁽⁴⁾, fixed the period of validity of the export licence for products falling within heading No 11.07 of the Common Customs Tariff until the end of the eleventh month following that of issue;

Whereas experience has shown that speculative use may be made of a long period of validity; whereas the period of validity for the abovementioned products should therefore be made the same as for the other products processed from cereals; whereas, however, in accordance with international practice, a large proportion of delivery contracts are concluded for at least a year; whereas, in order to enable malt exporters to continue to conclude such contracts, provision should be made for a longer period of validity, provided that certain conditions are fulfilled;

Whereas the measures provided for in this Regulation are not in accordance with the opinion of the Management Committee for Cereals; whereas such measures, in accordance with Article 26 (3) of Council Regulation (EEC) No 2727/75 must be communicated to the Council forthwith after their adoption,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 9a is hereby added to Regulation (EEC) No 2042/75:

'Article 9a

By way of derogation from Article 9, the export licence for products falling within heading No

11.07 of the Common Customs Tariff shall be valid from the day of its issue, within the meaning of Article 9 (1) of Regulation (EEC) No 193/75, until the end of the eleventh month following, where such licence is requested for the purposes of export to a specific country of destination. In that event, the destination shall be indicated in section 13 of the licence, the issue of which shall carry the obligation to export to that country.

By way of derogation from Article 3 of Regulation (EEC) No 193/75, the rights deriving from the licence referred to in the preceding subparagraph shall not be transferable'.

Article 2

Article 12 (1) (d) of Regulation (EEC) No 2042/75 is hereby amended to read as follows:

'(d) 8 units of account per metric ton for export licences for products as specified in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 of Regulation No 359/67/EEC in respect of which the export refund or levy is fixed in advance.

However, in the case of licences issued in accordance with Article 9a, the security shall be 50 % of the amount of the export refund or levy valid on the day on which the application for the licence was submitted, with a minimum of 20 units of account per metric ton. In such cases, by way of derogation from Article 17 (2) of Regulation (EEC) No 193/75, the security shall be released only on production of proof that the product has been imported into the relevant non-member country of destination. Such proof shall be furnished in accordance with Article 11 (1) of Regulation (EEC) No 192/75'.

Article 3

Annex II to Regulation (EEC) No 2042/75 is hereby replaced by the Annex to this Regulation.

Article 4

This Regulation shall enter into force one month after its communication to the Council⁽⁵⁾.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 213, 11. 8. 1975, p. 5.

⁽⁴⁾ OJ No L 84, 31. 3. 1976, p. 25.

⁽⁵⁾ This communication to the Council was made on 17 May 1976.

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

Done at Brussels, 17 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

PERIOD OF VALIDITY OF EXPORT LICENCES

A. For cereals

CCT heading No	Description of goods	Period of validity
10.01 A	Common wheat and meslin	30 days
10.02	Rye	90 days
10.03	Barley	30 days
10.04	Oats	90 days
10.05 B	Maize other than hybrid maize for sowing	30 days
10.07	Buckwheat, millet, canary seed and grain sorghum; other cereals	90 days
10.01 B	Durum wheat	90 days
11.01 A	Wheat or meslin flour	Until the end of the fourth month following that of issue
11.01 B	Rye flour	
11.02 A I	Wheat groats and meal (common wheat and durum wheat)	
11.01 E	Maize flour	Until the end of the second month following that of issue
11.02 A V	Maize groats and meal	
11.07	Malt	Until the end of the fourth month following that of issue
	Other products listed in Article 1 of Regulation (EEC) No 2727/75	Until the end of the third month following that of issue

B. For rice

10.06 A I	Paddy rice	90 days
10.06 A II	Husked rice	
10.06 B	Semi-milled or wholly milled rice	
10.06 C	Broken rice	30 days
11.01 F	Rice flour	Until the end of the third month following that of issue
11.02 A VI	Rice groats and meal	
11.02 E II c) 1	Flaked rice	
11.02 F VI	Rice pellets	
11.08 A II	Rice starch	

COMMISSION REGULATION (EEC) No 1158/76
of 18 May 1976
terminating private storage aid for table wine of type R III

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1932/75 ⁽²⁾, and in particular the first subparagraph of Article 5 (7) thereof;

Whereas Article 5 (3) of that Regulation stipulates that private storage aid is to be granted until at all the marketing centres the average price for the type of wine in question is equal to or higher than the activating price for two consecutive weeks;

Whereas Commission Regulation (EEC) No 3011/73 of 6 November 1973 concerning the private storage subsidy for the R III type of table wine ⁽³⁾, provides for the granting of private storage aid from 7 November 1973 for table wine of type R III;

Whereas for this type of wine it is apparent from the prices fixed in the last two weeks that this price is higher than the activating level;

Whereas, therefore, the conclusion of storage contracts for wine of type R III should be terminated,

HAS ADOPTED THIS REGULATION:

Article 1

No further private storage contracts shall be concluded for table wine of type R III after 19 May 1976.

Article 2

This Regulation shall enter into force on 19 May 1976.

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

Done at Brussels, 18 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 198, 29. 7. 1975, p. 19.

⁽³⁾ OJ No L 307, 7. 11. 1973, p. 10.

COMMISSION REGULATION (EEC) No 1159/76
of 18 May 1976
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 3058/75⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1675/75⁽³⁾, as last amended by Regulation (EEC) No 1142/76⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1675/75 to the information at present available to the Commis-

sion that the levies at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The levies referred to in Article 15 (1) of Regulation (EEC) No 3330/74 are, in respect of white sugar and standard quality raw sugar, hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 May 1976.

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

Done at Brussels, 18 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 168, 1. 7. 1975, p. 61.

⁽⁴⁾ OJ No L 129, 18. 5. 1976, p. 22.

ANNEX

to the Commission Regulation of 18 May 1976 fixing the import levies on white sugar and raw sugar

(u.a./100 kg)		
CCT heading No	Description of goods	Levy
17.01	Beet sugar and cane sugar, solid :	
	A. Denatured :	
	I. White sugar	8.30
	II. Raw sugar	3.76 ⁽¹⁾
	B. Undenatured :	
	I. White sugar	8.30
	II. Raw sugar	3.76 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 May 1976

on the granting by the Guidance Section of the EAGGF to the Kingdom of Denmark of a payment on account in respect of expenditure incurred on the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings

(Only the Danish text is authentic)

(76/465/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 75/108/EEC of 20 January 1975 on the organization of a structures survey for 1975 as part of the programme of surveys on the structures of agricultural holdings⁽¹⁾, and in particular Article 9 (7) thereof,

Whereas Commission Decision 75/588/EEC of 17 September 1975 on requests for payment from the Guidance Section of the EAGGF for the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings⁽²⁾, provides in Article 2 for the granting of a payment on account within the limits prescribed in paragraphs 1 and 2 thereof;

Whereas the application for reimbursement relating to the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings lodged by the Kingdom of Denmark has been submitted in due form;

Whereas the number of agricultural holdings for which information has already been collected comes to 20 000; whereas the payment on account of Dkr 1 455 035.52 (194 004.74 u.a.) does not exceed 12 units of account in respect of 80 % of that number;

Whereas the making of a payment on account in respect of the expenditure on this survey shall not prejudice the final decision on the contribution from

the Fund; whereas the Guidance Section of the European Agricultural Guidance and Guarantee Fund should therefore make a payment on account of Dkr 1 455 035.52 (194 004.74 u.a.);

Whereas the Fund Committee has been consulted on the financial aspects and in particular as to the funds available,

HAS ADOPTED THIS DECISION:

Article 1

The payment on account by the Guidance Section of the European Agricultural Guidance and Guarantee Fund for expenditure incurred by the Kingdom of Denmark during 1975 on the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings shall be Dkr 1 455 035.52 (194 004.74 u.a.).

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 4 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 42, 15. 2. 1975, p. 21.

⁽²⁾ OJ No L 256, 2. 10. 1975, p. 27.

COMMISSION DECISION

of 4 May 1976

on the granting by the Guidance Section of the EAGGF to the United Kingdom of a second payment on account in respect of expenditure incurred on the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings

(Only the English text is authentic)

(76/466/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 75/108/EEC of 20 January 1975 on the organization of a structures survey for 1975 as part of the programme of surveys on the structures of agricultural holdings⁽¹⁾, and in particular Article 9 (7) thereof,

Whereas Commission Decision 75/588/EEC of 17 September 1975 on requests for payment from the Guidance Section of the EAGGF for the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings⁽²⁾, provides in Article 2 for the granting of a payment on account within the limits prescribed in paragraphs 1 and 2 thereof;

Whereas the application for reimbursement relating to the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings lodged by the United Kingdom has been submitted in due form;

Whereas the number of agricultural holdings relating to the second payment on account for which information has already been collected comes to 8 320; whereas the payment on account of £ 42 856.92 (102 856.53 u.a.) does not exceed 12 units of account in respect of 80 % of that number;

Whereas the making of a payment on account in respect of the expenditure on this survey shall not prejudice the final decision on the contribution from

the Fund; whereas the Guidance Section of the European Agricultural Guidance and Guarantee Fund should therefore make a second payment on account of £ 42 856.92 (102 856.53 u.a.);

Whereas the Fund Committee has been consulted on the financial aspects and in particular as to the funds available,

HAS ADOPTED THIS DECISION:

Article 1

The second payment on account by the Guidance Section of the European Agricultural Guidance and Guarantee Fund for expenditure incurred by the United Kingdom during 1975/76 on the structures survey for 1975 as part of the programme of surveys on the structure of agricultural holdings shall be £ 42 856.92 (102 856.53 u.a.).

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 4 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 42, 15. 2. 1975, p. 21.

⁽²⁾ OJ No L 256, 2. 10. 1975, p. 27.

COMMISSION DECISION

of 4 May 1976

derogating from High Authority recommendation 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community

(seventy-sixth derogation)

(76/467/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to High Authority recommendation 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, and in particular Article 3 thereof,

Whereas on 28 February 1975, the Member States and the African, Caribbean and Pacific States, hereinafter referred to as 'the ACP States', signed in Lomé an agreement relating to products within the province of the European Coal and Steel Community, hereinafter referred to as 'the Agreement';

Whereas the Agreement provides in particular for exemption from customs duties and charges having an equivalent effect in the case of products covered by the ECSC Treaty imported into the Community and originating in the ACP States;

Whereas the Agreement came into force on 1 April 1976 and will remain in force until 1 March 1980;

Whereas the products affected include pig-iron, high carbon ferro-manganese and the iron and steel products falling within Chapter 73 of the Customs Tariff for which minimum duties were created by High Authority recommendation 1/64 and by the instruments amending it; whereas, however, in respect of special cases, such as where commercial

policy or customs procedure so requires, Article 3 of the recommendation makes provision for derogations from the minimum rates, such derogations to be made by Commission Decision; whereas such a special case involving commercial policy arises from the conclusion of trade agreements such as that referred to above,

HAS ADOPTED THIS DECISION:

Article 1

Member States are hereby authorized to derogate from the obligations under High Authority recommendation 1/64 to the extent necessary to exempt imports of iron and steel products originating in the ACP States from customs duties in accordance with the Agreement.

Article 2

This Decision shall apply until 1 March 1980.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 May 1976.

For the Commission

Christopher SOAMES

Vice-President

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

COMMISSION DECISION

of 4 May 1976

fixing the minimum selling price for butter for the 27th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 232/75

(76/468/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 6 (7) thereof,

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

Whereas, pursuant to Commission Regulation (EEC) No 232/75 of 30 January 1975 on the sale of butter at reduced prices for use in the manufacture of pastry products and ice cream⁽⁵⁾, as last amended by Regulation (EEC) No 2124/75⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

Whereas Article 9 of that Regulation provides that, in the light of the tenders received, a minimum selling price must be fixed which may vary according to the use to which the butter is to be put and according to the fat content of the butter; whereas alternatively a decision may be taken not to proceed with the invita-

tion to tender; whereas the amount of the processing security must be fixed in the light of the difference between the minimum selling price and the market price of the butter;

Whereas Commission Regulation (EEC) No 777/76 of 5 April 1976⁽⁷⁾, reduces the scope of Regulation (EEC) No 232/75 to the butter to be used when processed into pastry products (formula A);

Whereas, in the light of the tenders received in response to the 27th individual invitation to tender, the minimum selling prices should be fixed at the level specified below and the processing securities determined accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

For the 27th individual invitation to tender under Regulation (EEC) No 232/75, in respect of which the time limit for the submission of tenders expires on 27 April 1976, the minimum selling price and, without prejudice to the provisions of the second subparagraph of Article 12 (1) of the said Regulation, the processing security shall be as follows:

Fat content of the butter	Use to which the butter is to be put (Article 6 (1) (c) of Regulation (EEC) No 232/75)	Minimum selling price in u.a./100 kg butter	Processing security in u.a./100 kg butter
82 % or more	Formula A	85	150

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 24, 31. 1. 1975, p. 45.

⁽⁶⁾ OJ No L 216, 14. 8. 1975, p. 10.

⁽⁷⁾ OJ No L 91, 6. 4. 1976, p. 13.

COMMISSION DECISION

of 4 May 1976

relating to the urgent supply of skimmed-milk powder as food aid to the Republic of Guinea Bissau

(Only the Dutch text is authentic)

(76/469/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Articles 7 (5) and 28 thereof,

Whereas Council Regulation (EEC) No 2149/75 of 14 August 1975 on the supply of skimmed-milk powder as food aid to Guinea Bissau and the Cape Verde Islands under Regulation (EEC) No 3236/74⁽³⁾, provides for 250 metric tons of skimmed-milk powder, to be set aside from the reserve stock specified in Council Regulation (EEC) No 3236/74 of 17 December 1974 laying down general rules for the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia⁽⁴⁾, to be made available to the Republic of Guinea Bissau; whereas this country has requested the supply of the above-mentioned quantity;

Whereas Article 5 of Council Regulation (EEC) No 3236/74 stipulates that the forwarding costs may be determined by other procedures than a tendering procedure;

Whereas, in view of the need to provide quick aid, it is necessary for this supply to have recourse to a contract by mutual agreement;

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

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with the provisions of Regulations (EEC) No 3236/74 and (EEC) No 2149/75, 250 metric tons of skimmed-milk powder having been the subject of the intervention measures laid down in

Article 7 of Regulation (EEC) No 804/68, shall be delivered to the Republic of Guinea Bissau.

2. The skimmed-milk powder shall be collected from the Dutch intervention agency.

3. The skimmed-milk powder shall meet the requirements as to quality and packing laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder⁽⁵⁾, as last amended by Regulation (EEC) No 1457/75⁽⁶⁾.

The packing of the skimmed-milk powder shall be marked in letters at least one centimetre high with the words:

'Lait écrémé en poudre — Don de la Communauté économique européenne à la République de Guinée-Bissau — A distribuer gratuitement.'

Article 2

Delivery shall be cif Bissau. The shipping shall take place as soon as possible and not later than 20 May 1976.

Article 3

1. Delivery cif shall be completed when the goods are actually taken from the hold of the ship at the port of unloading.

2. The country of destination shall bear all costs incurred after delivery including the unloading costs (such as unstowing, hoisting, acceptance) and any lighter costs.

3. Any demurrage costs or dispatch money at the port or unloading shall be borne by or for the benefit of the recipient country.

The rates and other details concerning such costs shall be laid down in the contract between the Community agent (designated by the mutual agreement pursuant to Article 5) and the carrier and must have been previously agreed upon by that agent and the country of destination.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 219, 19. 8. 1975, p. 2.

⁽⁴⁾ OJ No L 346, 24. 12. 1974, p. 4.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁶⁾ OJ No L 145, 6. 6. 1975, p. 17.

4. The country of destination shall issue a certificate certifying acceptance of the goods on cif delivery under the terms set out in paragraph 1.

Article 4

The Dutch Government shall :

1. ensure that the undertaking designated by the mutual agreement shall :
 - (a) notify the recipient, as soon as possible after the goods have been loaded on board ship, of details of the ship, the loading date, the quantity and quality of the goods as recorded on shipment and the port of unloading,
 - (b) at least 10 clear days in advance, inform the recipient of the expected date of arrival at the port of ship's unloading,
 - (c) have included in the terms of the charter-party a provision stipulating that the ship's captain shall, at least 72 hours in advance, notify the recipient of the ship's probable date of arrival in port ;
2. send to the Commission as soon as possible the information specified in paragraph 1 (a) and (b).

Article 5

1. The amount to cover delivery costs from the storage depot of the intervention agency to the stage

referred to in Article 2 shall be determined by the intervention agency concerned by mutual agreement on the least onerous terms possible.

2. The intervention agency shall send immediately to the Commission a copy of the private contract or contracts.

In addition, it shall provide the Commission with full information as to rates of dispatch and quantities dispatched.

Article 6

No refund or compensatory amount (whether monetary or accession) may be granted in respect of skimmed-milk powder supplied pursuant to this Decision.

Article 7

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 4 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION OPINION

of 5 May 1976

addressed to the Italian Government on the implementing measures for Council Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport

(76/470/EEC)

1. Under cover of its letter of 12 September 1975 the Italian Government forwarded to the Commission pursuant to Article 14a of Council Regulation (EEC) No 543/69 of 25 March 1969⁽¹⁾ the model form of declaration (Dichiarazione sostitutiva del libretto individuale di controllo) provided for by Law 62 of 14 February 1974 and the associated draft interministerial regulation (Decreto interministeriale del ministro per i trasporti e del ministro del lavoro e della previdenza sociale).

The particulars contained in the form of declaration are intended to replace the individual logbook prescribed by Regulation (EEC) No 543/69 in the case of internal goods transport operations (within a radius of 50 kilometres from the place where the vehicle is based) under Article 14a⁽²⁾ thereof. The draft interministerial regulation contains provisions relating to the admissibility, scope and procedures of the new method of control.

Under the proposed control system the responsible employer or his legal representative will make a formal declaration to the competent authorities on a declaration or control form provided for this purpose instead of in the individual logbook. This declaration will contain not only details relating to the undertaking and the vehicle but also a statement that transport operations will only be carried out within a maximum radius of 50 kilometres from the vehicle's base, and particulars of the time at which the vehicle leaves its base, the total number and length of breaks permitted and the time at which the vehicle finally returns to its base at the end of a working shift; from these data the length of the driving period can be calculated. It is to be inferred from the draft model that the departure times, breaks and return times are standard times. It is clearly stated on the said form that the driving periods must always be kept within the limits laid down in Articles 7 and 11 of Regulation (EEC) No 543/69. The total time taken to carry out the particular operations in question must also be given.

The information in the declaration form will be stamped by the competent authority in formal acceptance of the declaration and as a provisional exemption by ministerial authorization from the duty to

keep the individual logbook in the particular case. The duly completed form will also be recognized by the control bodies as proof of exemption from the duty to keep the individual logbook and must therefore be kept in the vehicle concerned.

2. The Commission considers that the proposed system satisfies the conditions of Regulation (EEC) No 543/69. The second subparagraph of Article 14a (b) empowers Member States, after consulting the Commission, to grant certain exemptions in relief of the duty to keep an individual logbook in the case of internal goods transport operations until the compulsory introduction of the recording equipment within the meaning of Regulation (EEC) No 1463/70⁽³⁾, provided that they take appropriate measures 'to keep an effective check on compliance with the provisions applicable to such transport operations such as will ensure that standards of employee protection and road safety are not impaired'.

It is considered that the exemptions provided for in Article 14a (b) may also include the complete replacement of the individual logbook by another simplified method of control adapted to the special conditions of local goods transport as provided for in the Italian proposal.

The proposed control system also ensures that an effective check is kept as required by the Regulation. It permits an adequate watch to be kept on the general activities of the driver in essential matters and also involves the necessary degree of participation in the control measures of those responsible, i.e. the driver and the employer, for complying with the provisions relating to working hours, particularly enabling them to carry out adequate checks themselves.

In particular it should be noted that the particulars of the form of declaration clearly show that the control system described will apply only to undertakings which use their vehicles for regular short-distance transport operations.

Although the control system only involves a declaration by the responsible employer or his legal representative, as opposed to information entered by the driver himself, it may be considered that the driver is involved in proving the number of hours he has

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ Article 14a was introduced by Council Regulation (EEC) No 515/72 of 28. 2. 1972 (OJ No L 67, 20. 3. 1972, p. 11).

⁽³⁾ OJ No L 164, 27. 7. 1970, p. 1.

worked, in that he has to keep the completed form with him in his vehicle and be responsible therefor and because in principle he must be instructed by the employer as to the provisions with which he must comply.

It is considered that there is sufficient continuity and closeness of checking by the employer and a sufficient possibility of effective supervision by the authorities, although the employer or his legal representative when making the entries only has to make a single declaration, which in principle is repeated only when there is any change in the information given. The fact that the employer has wide opportunities to influence the way that his driver carries out his work can be regarded as an advantage.

It is to be borne in mind that both the departure and return times of the vehicle to be set out on the declaration form and also the breaks are fixed times, or to be more precise standard times. If these standard times are adhered to, the actual time required for the transport operation will be limited, thereby severely reducing the chance to abuse the driving and working hours within this period and enabling substantially effective checks to be carried out.

The fact that the standard times may be exceeded in individual cases does not detract from this view. A particular excess must be punished as an offence if necessary, i.e. if this results in hours being worked in breach of those prescribed, unless the driver can produce convincing proof that the excess did not result in a violation of the prescribed driving periods and breaks. A note to this effect for the parties concerned should certainly be included in a circular or better still on the form itself. In addition details of the total time required to carry out the operations and of the weekly rest periods laid down should also be requested and the form of declaration should be amended accordingly.

Since it is also important for the efficient working of the proposed control system that the employer should inform the driver of his duties and encourage him to

carry them out it is desirable that a passage be included in the form of declaration to the effect that the driver has been fully informed of the times to be observed.

Finally, it is important for a positive assessment of the effectiveness of the system that the exemption from the duty to keep an individual logbook is only to be granted temporarily and that in the case of a breach of the prescribed times, penalties are to be imposed, in particular the withdrawal of the exemption.

It should also be borne in mind when assessing the proposed system of supervision that Article 14a is intended to apply comparatively easy rules, so as to ease the situation in respect of short-distance transport operations while at the same time containing the chances of abuse from the outset. Furthermore this is only a transitional measure until the general introduction of recording equipment (1 January 1978) which will provide a totally satisfactory means of control even for this type of transport operation.

It should be noted that the proposed control system naturally cannot be applied to vehicles which, pursuant to the Annexes to Regulation (EEC) No 1463/70, are obliged to use a tachygraph, because there is no duty to keep an individual logbook in the case of these vehicles; from 1 January 1980 at the latest this will be compulsory for all vehicles.

3. For the above reasons and subject to the reservations stated the Commission gives a favourable opinion to the Italian draft derogations relating to the exemption from the duty to keep an individual logbook for certain types of local transport operation.

Done at Brussels, 5 May 1976.

For the Commission

Carlo SCARASCIA MUGNOZZA

Vice-President

COMMISSION DECISION

of 5 May 1976

fixing the maximum export refund for the 28th partial invitation to tender for
white sugar issued under Regulation (EEC) No 2101/75

(76/471/EEC)

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 organi-
zation of the market in sugar ⁽¹⁾, as last amended by
Regulation (EEC) No 3058/75 ⁽²⁾, and in particular
Article 19 (4) thereof,

Whereas Commission Regulation (EEC) No 2101/75
of 11 August 1975 on a standing invitation to tender
to determine levies and/or refunds on exports of white
sugar ⁽³⁾, as last amended by Regulation (EEC) No
606/76 ⁽⁴⁾, requires Member States to carry out partial
invitations to tender for the export of white sugar ;

Whereas, pursuant to Article 9 (1) of Regulation (EEC)
No 2101/75, a maximum export refund shall be fixed,
as the case may be, account being taken in particular
of the state and foreseeable development of the
Community and world markets in sugar, for the
partial invitation to tender in question ;

Whereas, following an examination of the tenders
submitted in response to the 28th partial invitation to
tender, the provisions set out in Article 1 should be
adopted ;

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

HAS ADOPTED THIS DECISION :

Article 1

The maximum export refund for the 28th partial invi-
tation to tender for white sugar issued under Regula-
tion (EEC) No 2101/75 is hereby fixed at 5.80 units of
account per 100 kilogrammes.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 306, 26. 11. 1975, p. 3.

⁽³⁾ OJ No L 214, 12. 8. 1975, p. 5.

⁽⁴⁾ OJ No L 72, 18. 3. 1976, p. 11.