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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 314/77

of 14 February 1977

amending Regulation (EEC) No 2453/76 on the transfer to the Italian intervention agency of frozen beef held by the intervention agencies of other Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 568/76 ⁽²⁾, and in particular Article 7 (2) thereof,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2788/72 ⁽⁴⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 of Council Regulation (EEC) No 2453/76 of 5 October 1976 on the transfer to the Italian intervention agency of frozen beef held by the

intervention agencies of other Member States ⁽⁵⁾, provides for the disposal of certain quantities of carcasses, compensated quarters and boned beef on the Italian market before 1 April 1977;

Whereas, owing to practical difficulties encountered during the transfer of this meat, this date should be changed to 1 July 1977,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 2453/76, the date '1 April 1977' is replaced by '1 July 1977'.

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, 14 February 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 28.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 295, 30. 12. 1972, p. 1.

⁽⁵⁾ OJ No L 279, 9. 10. 1976, p. 3.

COUNCIL REGULATION (EURATOM) No 315/77

of 14 February 1977

amending the conditions governing remuneration and social security for establishment staff of the Joint Research Centre employed in the Netherlands

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (ECSC, EEC, Euratom) No 3178/76 ⁽²⁾, and in particular Article 94 of the conditions of employment,

Having regard to the proposal from the Commission,

Whereas, by Regulation No 11/65/Euratom ⁽³⁾, as last amended by Regulation (Euratom) No 1748/76 ⁽⁴⁾, the Council laid down the conditions governing remuneration and social security for establishment staff of the Joint Research Centre employed in the Netherlands;

Whereas the changes made on 1 July 1976 in the salaries of the staff of Reactor Centrum Nederland justify a further amendment of Regulation No 11/65/Euratom for the benefit of the establishment staff of the Joint Research Centre employed in the Netherlands,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation No 11/65/Euratom shall be replaced by the following with effect from 1 July 1976:

(in Fl)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
CLASS I																
Group 1	2 051	2 138	2 243	2 319	2 405	2 477	2 562	2 650	2 750	2 861	2 995	3 104	—	—	—	—
Group 2	1 759	1 843	1 932	2 024	2 099	2 186	2 275	2 368	2 450	2 524	2 610	2 702	—	—	—	—
Group 3	1 576	1 628	1 695	1 768	1 843	1 916	1 986	2 064	2 135	2 212	2 286	2 361	2 430	2 499	—	—
Group 4	1 410	1 466	1 519	1 580	1 643	1 710	1 779	1 855	1 931	1 997	2 073	2 146	2 230	2 305	—	—
Group 5	1 298	1 343	1 391	1 438	1 485	1 532	1 578	1 628	1 685	1 735	1 808	1 865	1 931	1 986	2 052	2 112
CLASS II																
Group 1	1 576	1 628	1 695	1 768	1 843	1 916	1 986	2 064	2 135	2 212	2 286	2 361	2 430	2 499	—	—
Group 2	1 410	1 466	1 519	1 580	1 641	1 710	1 779	1 855	1 931	1 997	2 073	2 146	2 230	2 305	—	—
Group 3	1 298	1 343	1 391	1 438	1 485	1 532	1 578	1 628	1 685	1 745	1 808	1 865	1 931	1 986	2 052	2 112
Group 4	1 196	1 243	1 293	1 337	1 387	1 432	1 477	1 519	1 576	1 623	1 673	1 731	1 789	1 855	1 916	1 974

Article 2

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

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 359, 30. 12. 1976, p. 9.

⁽³⁾ OJ No 48, 25. 3. 1965, p. 722/65.

⁽⁴⁾ OJ No L 196, 22. 7. 1976, p. 1.

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

Done at Brussels, 14 February 1977.

For the Council

The President

J. SILKIN

COUNCIL REGULATION (EEC) No 316/77

of 14 February 1977

concerning the application of an anti-dumping duty on chains, for cycles and motor cycles, originating in Taiwan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 459/68 of 5 April 1968 on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 2011/73⁽²⁾, and in particular Article 17 thereof,

Having regard to the opinion of the Advisory Committee set up under Regulation (EEC) No 459/68,

Whereas by Regulation (EEC) No 2757/76⁽³⁾, as amended by Regulation (EEC) No 2888/76⁽⁴⁾, the Commission imposed a provisional anti-dumping duty on cycle chains originating in Taiwan;

Whereas the definitive examination of the matter confirms that the factors which led the Commission to impose the said measure still exist; whereas it has, in particular, shown that dumping exists, from which harm results, and that the interests of the Community call for Community action;

Whereas, therefore, it is necessary to impose definitively the anti-dumping duty already imposed provisionally and to decide to collect definitively the amounts secured by way of provisional duty;

Whereas, however, in order to ensure more equitable treatment of imports at different prices, the amount of the duty should be the difference between the declared value of the goods and their normal value,

HAS ADOPTED THIS REGULATION:

Article 1

A definitive anti-dumping duty is hereby imposed on articulated link roller chains, for cycles and motor

cycles, falling within Common Customs Tariff heading No ex 73.29 and corresponding to Nimexe code No 73.29-11, originating in Taiwan. The provisions in force for the collection of customs duties shall apply for the collection of this duty.

The amount of such duty shall correspond to the difference between 1.39 European units of account and the value declared, per kilogram net, in accordance with Commission Regulation (EEC) No 375/69 of 27 February 1969 on the declaration of particulars relating to the value of goods for customs purposes⁽⁵⁾. The conversion of the European unit of account into national currencies shall be carried out in accordance with the undermentioned rates.

Amount in national currencies for one European unit of account:

Belgian and Luxembourg franc	41.2146
German mark	2.68649
Dutch guilder	2.80929
Pound sterling	0.667941
Danish krone	6.56755
French franc	5.54892
Italian lira	959.873
Irish pound	0.667941
United States dollar	1.10971

Article 2

The amounts secured by way of provisional duty imposed by Regulation (EEC) No 2757/76 shall be definitively collected, to the extent to which they do not exceed the amount due under Article 1.

Article 3

This Regulation shall enter into force on 23 February 1977.

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

Done at Brussels, 14 February 1977.

For the Council
The President
J. SILKIN

⁽¹⁾ OJ No L 93, 17. 4. 1968, p. 1.

⁽²⁾ OJ No L 206, 27. 7. 1973, p. 3.

⁽³⁾ OJ No L 312, 13. 11. 1976, p. 41.

⁽⁴⁾ OJ No L 331, 30. 11. 1976, p. 26.

⁽⁵⁾ OJ No L 52, 3. 3. 1969, p. 1.

COMMISSION REGULATION (EEC) No 317/77**of 16 February 1977****fixing the import levies on cereals and on wheat or rye flour groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 3138/76⁽²⁾, and in particular
Article 13⁽⁵⁾ thereof,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1882/76⁽³⁾ and subsequent amending
Regulations ;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1882/76 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 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 17 February
1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 62.

ANNEX

to the Commission Regulation of 16 February 1977 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./tonne)		
CCT heading No	Description of goods	Levies
10.01 A	Common wheat, and meslin	80.22
10.01 B	Durum wheat	126.46 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	62.48 ⁽⁶⁾
10.03	Barley	39.54
10.04	Oats	35.20
10.05 B	Maize, other than hybrid maize for sowing	50.82 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	54.54 ⁽⁴⁾
10.07 C	Grain sorghum	57.96 ⁽⁴⁾
10.07 D	Other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	123.91
11.01 B	Rye flour	99.05
11.02 A I a)	Durum wheat groats and meal	206.61
11.02 A I b)	Common wheat groats and meal	132.81

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

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

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

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

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

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 2754/75 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 318/77**of 16 February 1977****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 3138/76⁽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
1883/76⁽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 17 February
1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 64.

ANNEX

to the Commission Regulation of 16 February 1977 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./tonne)

CCT heading No	Description of goods	Current 2	1st period 3	2nd period 4	3rd period 5
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	1.99
10.02	Rye	0	0	0	3.80
10.03	Barley	0	0.38	0.38	0.38
10.04	Oats	0	0.76	0.76	6.08
10.05 B	Maize, other than hybrid maize for sowing	0	2.66	2.66	3.42
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0.76	0.76	0
10.07 C	Grain sorghum	0	1.14	1.14	1.90
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a./tonne)

CCT heading No	Description of goods	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0.68	0.68	0.68	0.68
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0.51	0.51	0.51	0.51
11.07 B	Roasted malt	0	0.59	0.59	0.59	0.59

COMMISSION REGULATION (EEC) No 319/77
of 16 February 1977
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Regulation (EEC) No 2137/76 ⁽²⁾, as last amended by Regulation (EEC) No 273/77 ⁽³⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2137/76 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 table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 are hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 17 February 1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 240, 1. 9. 1976, p. 5.

⁽³⁾ OJ No L 39, 10. 2. 1977, p. 9.

(2) In accordance with Regulation (EEC) No 706/76, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

COMMISSION REGULATION (EEC) No 320/77**of 16 February 1977****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Regulation (EEC) No 2138/76 ⁽²⁾, as last amended by Regulation (EEC) No 274/77 ⁽³⁾;

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 table annexed to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice are hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 17 February 1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 240, 1. 9. 1976, p. 8.

⁽³⁾ OJ No L 39, 10. 2. 1977, p. 11.

ANNEX

to the Commission Regulation of 16 February 1977 fixing the premiums to be added to the import levies on rice and broken rice

(u.a./tonne)

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

COMMISSION REGULATION (EEC) No 321/77**of 15 February 1977****establishing the standard average values for customs purposes of citrus fruits
and apples and pears**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Commission Regulation (EEC) No
1570/70 of 3 August 1970 establishing a system of
standard average values for citrus fruits⁽¹⁾, as last
amended by Regulation (EEC) No 1937/74 of 24 July
1974⁽²⁾, and in particular Article 2 thereof,

Having regard to Commission Regulation (EEC) No
1641/75 of 27 June 1975 establishing a system of
standard average values for the determination of the
value for customs purposes of apples and pears⁽³⁾, and
in particular Articles 2 and 8 thereof,

Whereas it follows from the application of the notes
and criteria laid down by Regulations (EEC) No
1570/70 and (EEC) No 1641/75 to the elements

communicated to the Commission in accordance with
Article 4 (1) of Regulation (EEC) No 1570/70 and
Article 4 (1) of Regulation (EEC) No 1641/75 that the
standard average values should be fixed as shown in
the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard average values provided for in Article 2
(1) of Regulation (EEC) No 1570/70 and in Article 2
(1) of Regulation (EEC) No 1641/75 shall be as shown
in the tables in the Annex.

Article 2

This Regulation shall enter into force on 18 February
1977.

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

Done at Brussels, 15 February 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 171, 4. 8. 1970, p. 10.

⁽²⁾ OJ No L 203, 25. 7. 1974, p. 25.

⁽³⁾ OJ No L 165, 28. 6. 1975, p. 45.

ANNEX

Table I : Citrus fruits

Code	Description of goods	Amount of standard average values/100 kg gross							
		Bfrs/Lfrs	Dkr	DM	FF	£ Irish	Lit	Fl	£ sterling
1.	Lemons :								
1.1	— Spain	814	130.59	52.95	109.38	12.82	19 360	55.35	12.82
1.2	— Tunisia, Morocco, Algeria	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾
1.3	— Countries in southern Africa.	—	—	—	—	—	—	—	—
1.4	— Other African countries and countries on the Mediterranean	753	120.86	49.00	101.23	11.87	17 918	51.22	11.87
1.5	— USA	876	140.60	57.00	117.77	13.80	20 845	59.59	13.80
1.6	— Other countries	—	—	—	—	—	—	—	—
2.	Sweet oranges :								
2.1	— Countries on the Mediterranean :								
2.1.1	— Navels (with the exception of Navel sanguines), Navelines, Navelates, Salus- tianas, Vernas, Valencia lates, Maltese blondes, Shamoutis, Ovalis, Trovita, Hamllins	805	129.19	52.38	108.21	12.68	19 154	54.76	12.68
2.1.2	— Sanguines and semi-sanguines, including Navel sanguines and Maltese sanguines . .	983	157.67	63.92	132.06	15.48	23 375	66.82	15.48
2.1.3	— Other	648	103.89	42.12	87.02	10.20	15 403	44.03	10.20
2.2	— Countries in southern Africa.	—	—	—	—	—	—	—	—
2.3	— USA	1 014	162.57	65.91	136.17	15.96	24 102	68.91	15.96
2.4	— Brazil	—	—	—	—	—	—	—	—
2.5	— Other countries	861	138.11	55.99	115.68	13.56	20 475	58.54	13.56
3.	Grapefruit and pomelos :								
3.1	— Tunisia, Morocco, Algeria	—	—	—	—	—	—	—	—
3.2	— Cyprus, Israel, Gaza, Egypt, Turkey	811	130.03	52.72	108.92	12.77	19 278	55.11	12.77
3.3	— Countries in southern Africa.	—	—	—	—	—	—	—	—
3.4	— USA	1 189	190.77	77.35	159.79	18.73	28 283	80.86	18.73
3.5	— Other American countries.	1 103	176.97	71.75	148.23	17.38	26 236	75.00	17.38
3.6	— Other countries	—	—	—	—	—	—	—	—
4.	Clementines.	1 767	283.43	114.92	237.40	27.83	42 020	120.13	27.83
5.	Mandarines including wilkings	1 187	190.42	77.20	159.49	18.70	28 230	80.71	18.70
6.	Monreales and satsumas	1 066	171.01	69.34	143.24	16.79	25 353	72.48	16.79
7.	Tangerines	1 497	240.09	97.34	201.10	23.58	35 594	101.76	23.58

⁽¹⁾ The standard average value for this code number is established by Regulation (EEC) No 2352/76 of 28 September 1976 (OJ No L 267, 30. 9. 1976).

Table II : Apples and pears

8.	Apples :								
8.1	— Countries of the southern hemisphere	—	—	—	—	—	—	—	—
8.2	— European third countries	764	—	49.69	102.65	17.42	18 170	51.94	17.42
8.3	— Countries of the northern hemisphere other than European countries	—	—	—	—	26.56	—	—	26.56
9.	Pears :								
9.1	— Countries of the southern hemisphere	—	—	—	—	—	—	—	—
9.2	— European third countries	—	—	—	—	—	—	—	—
9.3	— Countries of the northern hemisphere other than European countries	—	— ⁽¹⁾	—	—	— ⁽¹⁾	—	—	— ⁽¹⁾

⁽¹⁾ The standard average value for this code number is established by Regulation (EEC) No 2352/76 of 28 September 1976 (OJ No L 267, 30. 9. 1976).

COMMISSION REGULATION (EEC) No 322/77

of 16 February 1977

fixing additional amounts for egg products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, and in particular Article 8(4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry farming products from third countries⁽²⁾, as last amended by Regulation (EEC) No 1527/73⁽³⁾;

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

Whereas, pursuant to Article 1 of Regulation (EEC) No 990/69⁽⁴⁾, the levies on imports of eggs not in

shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 are hereby fixed as shown in the Annex for the products listed in Article 1(1) of that Regulation which appear in the Annex.

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, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

(¹) OJ No L 282, 1. 11. 1975, p. 49.

(²) OJ No 129, 28. 6. 1967, p. 2577/67.

(³) OJ No L 154, 9. 6. 1973, p. 1.

(⁴) OJ No L 130, 31. 5. 1969, p. 4.

ANNEX

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

CCT Heading No	Description of goods	Additional amount (u.a./100 kg)	Imports affected
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not :		
	B. Eggs, not in shell ; egg yolks :		
	I. Suitable for human consumption :		
	a) Eggs, not in shell :		
	1. Dried	100-00	All imports ⁽¹⁾
	2. Other	30-00	All imports ⁽¹⁾
	b) Egg yolks :		
	1. Liquid	50-00	Origin : People's Republic of China, Yugoslavia, Switzerland, Romania, Czechoslovakia or Finland
		10-00	Other imports ⁽¹⁾
	2. Frozen	80-00	All imports ⁽¹⁾
	3. Dried	120-00	Origin : People's Republic of China
		20-00	Other imports ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 323/77

of 16 February 1977

fixing additional amounts for live and slaughtered poultry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as amended by Regulation (EEC) No 369/76⁽²⁾, and in particular Article 8 (4) thereof,

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 are hereby fixed as shown in the Annex for the products listed in Article 1 (1) of that Regulation which appear in the Annex.

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, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

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

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁷⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁸⁾ OJ No L 232, 12. 10. 1972, p. 3.

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

COMMISSION REGULATION (EEC) No 324/77**of 16 February 1977****amending Regulation (EEC) No 753/76 with respect to the amount of the reduction in the purchase price of skimmed-milk powder**

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 7 (5) thereof,

Having regard to Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies for use in feedingstuffs⁽³⁾, and in particular Article 9 (1) thereof,

Whereas, in order to establish new rules relating to the use of skimmed-milk powder from public storage in animal feed, Article 7a of Commission Regulation (EEC) No 753/76 of 31 March 1976 laying down detailed rules for the sale of skimmed-milk powder for use in animal feed pursuant to Regulation (EEC) No 563/76⁽⁴⁾, as last amended by Regulation (EEC) No 276/77⁽⁵⁾, set up a transitional scheme to apply at the end of the system of compulsory purchase;

Whereas that scheme enabled the attestation of purchase and denaturing referred to in Article 6 thereof to be used to obtain a reduction in the purchase price of the skimmed-milk powder; whereas

the amount of the said reduction was fixed at 35 units of account per 100 kilograms so as to bring the price of skimmed-milk powder to a level comparable with that of other proteins used in feedingstuffs for pigs and poultry;

Whereas, bearing in mind the substantial increase in the price of these other proteins the amount of the said reduction should be reduced;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 7a (1) of Regulation (EEC) No 753/76 the amount '35 units of account/100 kilograms' is hereby amended to read '33 units of account/100 kilograms'.

Article 2

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

It shall apply to all requests within the meaning of Article 7a (2) of Regulation (EEC) No 753/76, lodged on or after 28 February 1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 67, 15. 3. 1976, p. 18.

⁽⁴⁾ OJ No L 88, 1. 4. 1976, p. 1.

⁽⁵⁾ OJ No L 39, 10. 2. 1977, p. 15.

COMMISSION REGULATION (EEC) No 325/77
of 16 February 1977
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 3138/76 ⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1564/76 ⁽³⁾, as last amended by Regulation (EEC) No 313/77 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1564/76 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 17 February 1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 172, 1. 7. 1976, p. 31.

⁽⁴⁾ OJ No L 44, 16. 2. 1977, p. 10.

ANNEX

to the Commission Regulation of 16 February 1977 fixing the import levies on white sugar and raw sugar

<i>(mt/100 kg)</i>		
CCT heading No	Description of goods	Levy
17.01	Beet sugar and cane sugar, solid:	
	A. White sugar	19.78
	B. Raw sugar	16.91 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 326/77
of 16 February 1977
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/
66/EEC of 22 September 1966 on the establishment
of a common organization of the market in oils and
fats⁽¹⁾, as last amended by Regulation (EEC) No
1707/73⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in
Article 27 of Regulation No 136/66/EEC was fixed by
Regulation (EEC) No 1713/76⁽³⁾, as last amended by
Regulation (EEC) No 289/77⁽⁴⁾;

Whereas in the absence of the indicative price for the
1977/78 marketing year for colza and rape seed in
case of pre-fixation for the month of July 1977 the
amount of subsidy on these products has been obtain-
able only on the basis of the indicative price for the
month of July 1976, this amount may, therefore, be
applied on a temporary basis and should be confirmed
or replaced when the indicative price for the 1977/78
marketing year is known;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1713/76
to the information at present available to the Commis-
sion that the amount of the subsidy at present in force
should be altered as shown in the Annex to this Regu-
lation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy referred to in Article
27 of Regulation No 136/66/EEC is hereby fixed as
shown in the table annexed to this Regulation.

2. The amount of the subsidy for the month of
July 1977 will, however, as for colza and rape
seeds, be confirmed or replaced as from 17 February
1977 to take into account the indicative price which is
fixed for these products for the 1977/78 marketing
year.

Article 2

This Regulation shall enter into force on 17 February
1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 192, 16. 7. 1976, p. 17.

⁽⁴⁾ OJ No L 40, 11. 2. 1977, p. 19.

*ANNEX***to the Commission Regulation of 16 February 1977 fixing the amount of the subsidy on oil seeds**

Subsidy applicable from 17 February 1977 to colza and rape seeds (CCT heading No ex 12.01) and sunflower seeds (CCT heading No ex 12.01) (u.a./100 kg)

	Colza and rape seed	Sunflower seed
Subsidy	5.655	3.083
Subsidy in the case of advance fixing :		
— for the month of February 1977	5.655	3.083
— for the month of March 1977	5.959	3.438
— for the month of April 1977	6.396	2.937
— for the month of May 1977	6.396	2.975
— for the month of June 1977	6.244	—
— for the month of July 1977	4.116	—

COMMISSION REGULATION (EEC) No 327/77
of 16 February 1977
determining the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 3477/73⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 632/75⁽⁶⁾, and in particular Article 9(4) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1713/76 of 15 July 1976 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 326/77⁽⁸⁾;

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

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

Whereas, applying all these provisions, the world market price for colza and rape seed should be fixed as shown in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The world market price referred to in Article 9(4) of Regulation (EEC) No 2300/73 and the rates to be used for converting them into national currencies shall be as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 17 February 1977.

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

Done at Brussels, 16 February 1977.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 66, 13. 3. 1975, p. 11.

⁽⁷⁾ OJ No L 192, 16. 7. 1976, p. 17.

⁽⁸⁾ See page 21 of this Official Journal.

ANNEX

World market price applicable from 17 February 1977 for colza and rape seed (CCT heading No ex 12.01)

	u.a./100 kg ⁽¹⁾
World market price	23·739
World market price where the subsidy is fixed in advance :	
— for the month of February 1977	23·739
— for the month of March 1977	23·739
— for the month of April 1977	23·302
— for the month of May 1977	23·302
— for the month of June 1977	23·454
— for the month of July 1977	23·454

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

1 u.a. =	DM	3·15665
1 u.a. =	Fl	3·35507
1 u.a. =	Bfr/Lfr	48·6572
1 u.a. =	FF	6·54982
1 u.a. =	Dkr	7·89407
1 u.a. =	£	0·769450
1 u.a. =	I £	0·769450
1 u.a. =	Lit	1 168·98

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1976

authorizing specialization and cooperation agreements between the following steel-producing undertakings: Eisen- und Stahlwalzwerke Rötzel GmbH, Eisenwerk-Gesellschaft Maximilianshütte mbH, Fried. Krupp Hüttenwerke AG, Klöckner-Werke AG, Siegener AG, Stahlwerke Peine-Salzgitter AG, Stahlwerke Südwestfalen AG and Theodor Wuppermann GmbH

(Only the German text is authentic)

(77/153/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof,

Having regard to the applications made by the companies concerned on 29 June and 3 December 1976,

Whereas :

I

1. On 29 June 1976 the following steel companies (hereinafter referred to as 'the companies concerned'):

- Eisen- und Stahlwalzwerke Rötzel GmbH, Breyell (Rötzel);
- Eisenwerk-Gesellschaft Maximilianshütte mbH, Sulzbach (MH);
- Fried. Krupp Hüttenwerke AG, Bochum (FKH);
- Klöckner-Werke AG, Duisburg (KW);
- Siegener AG, Siegen (SAG);
- Stahlwerke Peine-Salzgitter AG, Peine (P + S);
- Stahlwerke Südwestfalen AG, Siegen (SSW);
- Theodor Wuppermann GmbH, Leverkusen (TW);

applied to the Commission, pursuant to Article 65 (2) of the ECSC Treaty, for authorization of agreements

made in a specialization and cooperation contract; the contract was amended and amplified on 3 December 1976.

2. The contract was concluded for the following purposes :

- assessment of the scope for specialization and cooperation offered by the wider framework provided by the participants, the ultimate aim being to improve production and competitive capacity;
- to improve and safeguard supplies of raw materials and preliminary products;
- to consolidate the rationalization already achieved and to adjust it to changed circumstances;
- to enable production to be adapted to cyclical variations in demand.

3. The agreements for which authorization is requested contain *inter alia* the following provisions :

- the agreements extend to the following products, which are listed in an annex to the contract :
 - crude steel,
 - semi-finished products (including ingots and slabs),
 - permanent way material,
 - sheet piling,
 - sections,

- broad-flanged beams,
 - merchant bars,
 - reinforcing bars,
 - special sections,
 - wire rod,
 - wide flats,
 - wide hot-rolled strip,
 - narrow strip,
 - heavy and medium plates,
 - sheets,
 - electrical sheets,
 - galvanized sheets ;
- FKH, KW and P + S propose that, in line with their current production programming, they will seek all possible means of rationalization and specialization ;
- MH will operate a strip galvanization facility on land belonging to P + S ; P + S will supply MH with the sheets required for input into the galvanization line ; MH will galvanize under contract for P + S ; MH and P + S have contracted for the joint use of the shearing line in the galvanization facility ;
- FKH and Rötzel have agreed that FKH will cover all Rötzel's supply requirements for its strip-rolling plant ;
- P + S will supply MH with the vacuum-cast semi-finished steel products required for the manufacture of electrical sheets ;
- FKH and SAG have agreed that FKH will supply SAG with the sheets required for input into SAG's galvanization line ; SAG will galvanize sheets under contract for FKH, which agrees not to set up its own galvanization facility ;
- FKH will supply crude steel for TW's continuous casting plant ; FKH will operate the continuous casting plant for TW's account and will also supply slabs and billets under contract to TW ; TW has undertaken not to set up its own electric steel foundry ;
- the following companies have undertaken not to produce the products specified :
- Rötzel will not produce merchant bars or wire rods,
 - MH will not produce wide hot-rolled strip, narrow strip, or heavy and medium plates,
 - FKH will not produce heavy plates on four-high mills or coated sheets,
 - KW will not roll broad-flanged beams or sheet piling or produce coated or electrical sheets,
 - SAG will not roll sheets,
 - P + S will not produce permanent way material, electrical sheets or coated sheets.
4. In order to attain the objectives of specialization in the various products specified above, the companies concerned agree that provision may be made for quantitative or financial compensation where substantial changes in market or technical conditions entail noticeable changes in production conditions compared with those existing at the time of the contract.
5. During any period for which the Commission lay down delivery guidelines under Article 46, allocated by undertaking, group of undertakings or combination of undertakings, the companies concerned will allocate orders and coordinate sales on the basis of the tonnages indicated by the Commission.
6. The companies concerned plan to coordinate their interests relating to the supply, carriage, handling and operation of new sources of raw materials, particularly iron ore.
7. They will also seek other ways of cooperating in relation to the supply of preliminary products, and will seek to step up rationalization and specialization in the production of products rolled by several of them.
8. They undertake to inform each other of all plans for investment in the areas of production covered by the contract. If one or more of the companies concerned so requests, the plan will be discussed with a view to ascertaining whether the investment can be carried out jointly. Their freedom of decision is not, however, thereby restricted.
9. The companies concerned have undertaken to inform each other of all matters relating to the performance of the contract and to exchange such documents as may be necessary. They are obliged to attain the objectives of the contract and to refrain from any action which may jeopardize them. They may not enter into any agreement with a third party which is inconsistent with the contract ; accordingly, they will not transfer their plant to an outsider, nor use their plant for the production of any of the relevant products on behalf of an outsider unless they can do so without affecting the performance of the contract. They enter into all these undertakings likewise on behalf of all those of their respective group companies in which they hold 50 % or more of the shares.

10. If any one of the companies concerned so requests, an independent auditor may be called in to verify whether the others are complying with their obligations. If any breach is thereby ascertained, the auditor will furnish all directly relevant facts to all the companies concerned.

11. The companies concerned may set up a joint secretariat.

12. The contract is to run until 30 June 1981; it will be renewed automatically year by year unless terminated one year before expiration.

II

13. The agreements restrict the normal play of competition between the companies concerned since the latter:

- abandon production of certain products in favour of each other;
- pool the use of all or part of their production facilities;
- agree on quantitative or financial compensation in the event of substantial changes in market conditions or production techniques;
- share out orders and coordinate sales if at times of reduced economic activity the Commission, using its powers under Article 46, indicates to them an overall delivery objective;
- inform and may confer with each other in respect of all planned investments relating to the products covered by the contract.

14. The agreements are therefore caught by the prohibition in Article 65 (1) of the Treaty.

III

15. Under Article 65 (2) the Commission may authorize specialization agreements or joint-buying or joint-selling agreements and agreements strictly analogous in nature and effect if it finds that they satisfy all the specified conditions.

16. The agreements between the companies concerned relating to a reciprocal undertaking not to manufacture certain products, to share all or part of their production facilities and otherwise to vary their production programmes are specialization agreements or strictly analogous thereto.

17. The agreements specified in paragraph 16 may therefore be authorized under Article 65 (2) of the Treaty in so far as they make for a substantial improvement in production or distribution and are essential in order to achieve this result, without being more restrictive than is necessary for that purpose; nor must the agreement give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings within the common market.

IV

18. On the question whether the contract makes for a substantial improvement in the production or distribution of the relevant goods, the following points can be made.

The production programmes worked by FKH, SSW, MH, KW and P + S overlap to a large extent. But there are major differences in the age, capacity, and productivity of their production facilities.

Production specialization between these companies, through the allocation of products under the agreement to the best-equipped plant which can produce at the lowest cost, will enable their rolling mills to work at a higher proportion of capacity, thereby improving productivity.

The object of the agreement by certain companies not to undertake certain forms of production, and of the pooling of all or part of their production facilities, is to consolidate existing specialization and to ensure that unprofitable duplication of investment will not take place.

Rötzel, SAG and TW each roll a single product, either narrow strip or coated sheets.

By agreeing not to produce the preliminary products they require but to have them supplied by integrated works, they obviate the need for heavy investment which, in view of the scale of their own requirements, would not be used to optimal capacity; secondly, their suppliers can increase use of their own facilities and thereby reduce costs.

The allocation of orders and the coordination of sales between the companies concerned, when in a period of reduced economic activity the Commission indicates to them an overall delivery objective, is designed

to allow them to share out among themselves this overall figure in a way which will secure the specialization objectives of the present agreements and, in the case of the single-product companies, to safeguard their position in the market without having to forego the pursuit of their specialization. This allocation of orders and coordination of sales in such circumstances constitutes an essential element in the specialization agreement.

19. However, the Commission must be able to verify whether the agreements will actually have these effects. The companies concerned will therefore be required to report annually to the Commission on the savings made and on the reasons for them.

20. It may accordingly be concluded that the agreements for production specialization and for allocation of orders in relation to the products covered by the agreements may make for a substantial improvement in production and distribution.

21. The said agreements are the indispensable means of attaining these objects — the improvement of production and distribution — and are no more restrictive than is necessary for that purpose. Acting individually the companies concerned could not attain this improvement, or at least the same degree of improvement.

22. The undertaking entered into by the companies concerned to inform and confer with each other on investment plans for the products covered by the agreements is unobjectionable in the context of specialization agreements, since each company remains free to take its own business decisions regardless of what the others think.

23. Under the agreement, to safeguard the objectives of specialization, the companies may give quantitative or financial compensation where major changes in market conditions or production techniques result in circumstances differing substantially from those obtaining at the time of the contract.

This is justified in that the parties cannot tell exactly how the market for each product will develop during the currency of the agreements. Where circumstances change considerably, they must be in a position to adapt the specialization agreements in respect of each product, specification, dimension and quality; they must therefore be in a position to offset the economic implications of any such change in circumstances

through quantitative or financial compensation. Such compensation is in any event simply a possibility, there being no advance obligation imposed on the partners. Compensation is therefore an indispensable component of the specialization agreement, and is no more restrictive than is necessary for its purpose.

The agreements relating to quantitative and financial compensation do not allow the companies concerned to establish a quota system; if they did, the restriction would go beyond what was required for the specialization and rationalization objectives.

The Commission would be obliged to revoke its authorization if it found that the companies were applying quotas or that this agreement was substantially impeding rationalization. The Commission must therefore require the companies to provide regular information on the scale of the quantitative or financial compensation given.

24. The agreements therefore satisfy the tests of Article 65 (2) (a) and (b).

V

25. To ascertain whether the agreements for which authorization is requested satisfy the tests of Article 65 (2) (c), the following points must be considered.

26. FKH and SSW on the one hand and KW and MH on the other each constitute a concentration for the purpose of Article 66 (1). In 1975 they, together with the other companies concerned here, produced the quantities of the relevant products for which statistics are available set out in the table on the following page.

27. The companies concerned sell mainly in the Federal Republic of Germany. They compete with other German undertakings, other Community undertakings and undertakings in non-member countries.

28. Furthermore, these companies sell a substantial proportion of their products in other Community countries, where they face competition from local producers, producers from other Member States and producers in non-member countries.

29. In view of the close interpenetration of the domestic markets of the European Community, the Community market as a whole is to be regarded as the relevant market.

Product	Production (in 1 000 t)	Percentage share of Community production						
		Aggregate	F. Krupp and Südwestfalen	Klöckner and Maxhütte	Peine- Salzgitter	Wuppermann	Rötzel	Siegener
Crude steel	11 792	9.4	3.4	2.9	3.1	—	—	—
Wide hot-rolled strip/coils (total production)	4 138	12.5	2.9	4.5	4.8	0.3	—	—
Finished rolled products, of which :	8 675	9.7	2.5	3.4	3.1	0.6	0.1	—
— permanent way material	441	24.9	15.0	9.9	—	—	—	—
— sheet piling	102	13.9	5.0	—	8.9	—	—	—
— broad-flanged beams	185	8.7	—	—	8.7	—	—	—
— other beams	371	8.7	2.5	3.0	3.2	—	—	—
— wire rods	513	5.5	2.2	2.1	1.2	—	—	—
— merchant bars	2 022	10.2	3.1	5.2	1.9	—	—	—
Narrow strip and tube strip	892	16.3	5.3	—	0.6	8.3	2.1	—
Heavy and medium hot-rolled plates	687	5.0	0.2	0.7	4.1	—	—	—
Cold-rolled sheets	1 935	9.0	1.9	4.1	3.0	—	—	—
Final products :								
— galvanized sheets	267	9.0	—	5.4	—	—	—	3.4
— other coated sheets	10	1.4	—	—	1.4	—	—	—
— electrical sheets	40	4.6	1.7	2.9	—	—	—	—

30. No particular comment is called for on the shares accounted for by the companies concerned in the production of crude steel, broad-flanged and other beams, wire rods, heavy and medium hot-rolled plates, cold-rolled sheets and final products.

31. In the field of wide hot-rolled strip/coils, which are mainly used as a preliminary product, the companies concerned take a 12.5 % share of Community production (FKH 2.9 %, KW 4.5 %, P + S 4.8 % and TW 0.3 %). They rank fifth, behind undertakings or groups with respective shares of 15.8, 14.7, 13.2 and 13.2 %. These five undertakings account for roughly 70 % of Community output, the remainder being shared between 10 others.

32. In permanent way material production, the companies concerned account for a 24.9 % share. Five others account for respective shares of 21.5, 18.4, 10, 10 and 9 %. These six undertakings or groups, together accounting for more than 90 % of Community output, sell virtually their entire production to the railway companies.

33. With a 13.9 % share, the companies are the fifth and smallest Community producers of sheet piling. The four larger producers have respective shares of 31.6, 21, 17.9 and 15.6 %.

34. As regards merchant bars, the companies concerned, taken together have 10.2 % of production and occupy the first place among the producers of the Community. The five producers ranking behind them have respective shares of 8.9, 7.8, 7.4, 6.7 and 5 %. The 10 largest Community producers together account for more than half the total production, the remainder being accounted for by a large number of firms of all sizes.

35. As regards narrow strip and tube strip, the companies account for 16.3 % of production. Four other undertakings or groups have respective shares of 16, 14.1, 11.4 and 10.3 %. The 10 largest producers roll nearly 90 % of total output. Here it should also be mentioned that a substantial proportion of Community narrow strip and tube strip consumption is covered by products obtained from stockholders through the slitting of wide coils; no statistics are available on this market.

36. In the interpretation of the foregoing percentages, it should be borne in mind, however, that the figures represent aggregates for all the various companies concerned. While competition between these companies is admittedly restricted by the special-

ization agreements, and even more so, in times of crisis, by the sales coordination agreements, there are many products where rolling programmes continue to overlap so that at least some degree of competition will exist in the future.

37. The Commission will keep a check to ensure that while the contract is in being the companies do not coordinate their distribution activities, either as between themselves — except at times when the system of delivery objectives set by the Commission is in operation — or with third parties.

38. In these circumstances, the agreements are not liable to give the companies concerned the power to determine the prices, or to control or restrict the production or marketing of a substantial part of finished rolled products in the common market, or to shield them against effective competition from other undertakings within the common market.

39. The agreements therefore satisfy the tests of Article 65 (2) (c).

VI

40. It is necessary to ensure that the autonomy and business independence of the companies concerned are not compromised. The following conditions should therefore be attached to the authorization :

- no member of a management body of any steel production or distribution undertaking directly or indirectly concerned may exercise a similar function in an undertaking of the same type not so concerned ; however the Commission should be empowered, in response to a duly reasoned request, to authorize exceptions to this prohibition, if special circumstances warrant this ;
- the companies concerned must refrain from coordinating their production and sales except in the areas covered by the specialization agreements and when the system of delivery objectives set by the Commission is in operation ;
- the companies concerned must refrain from coordinating their production and sales with third parties ; this will apply in particular to cooperation within associations of undertakings.

41. The Commission must further ensure that all measures taken by the companies under the agreements notified to the Commission are in conformity with the authorization given by this Decision and with the provisions of the Treaty.

42. To this end the companies concerned must be required to inform the Commission forthwith of all changes and additions to their agreements. It should be provided that such changes and additions to the agreements may not be put into effect until the Commission has declared them to be admissible or has authorized them under Article 65 (2) of the Treaty.

43. The agreements notified are valid until 30 June 1981. In view of this restricted duration and of the rationalization measures taken by the companies concerned, the authorization may be given for the full duration of the agreements.

44. Subject to the conditions attached, the agreements for which authorization has been requested are in conformity with Article 65 (2) and the other provisions of the Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The agreements concluded between the following steel undertakings :

- Eisen- und Stahlwalzwerke Rötzel GmbH, Breyell ;
- Eisenwerk-Gesellschaft Maximilianshütte mbH, Sulzbach ;
- Fried. Krupp Hüttenwerke AG, Bochum ;
- Klöckner-Werke AG, Duisburg ;
- Siegener AG, Siegen ;
- Stahlwerke Peine-Salzgitter AG, Peine ;
- Stahlwerke Südwestfalen AG, Siegen ;
- Theodor Wuppermann GmbH, Leverkusen ;

for specialization and cooperation in the field of rolled steel products, contained in the contract of 29 June 1976, as amended on 3 December 1976, are hereby authorized.

Article 2

The following conditions are attached to the authorization :

1. members of management bodies in the steel production and distribution companies directly and indirectly concerned may not at the same time exercise similar functions in companies or sales organizations of the same type which are not so concerned ;

2. where special circumstances so warrant, the Commission may on receipt of a reasoned request authorize derogations from paragraph 1 ;
3. the companies concerned shall refrain from coordinating their production and sales except in areas covered by the specialization agreements and when the system of delivery objectives set by the Commission is in operation ;
4. the companies concerned shall refrain from entering into any agreement relating to production and sales with third parties, particularly within associations of undertakings.

Article 3

Each year the companies concerned shall provide the Commission within information on and reasons for :

- improvements made during the year in the sale and production of the relevant products by virtue of the agreements ; and
- the amount of any quantitative or financial compensation.

Article 4

1. The companies concerned shall forthwith inform the Commission of any changes and additions made to the agreements.

2. Effect shall not be given to changes and additions as referred to in paragraph 1 until the Commission has declared that they are in conformity with the authorization given by this Decision or has authorized them under Article 65 (2).

Article 5

This Decision shall have effect from 1 January 1977 to 30 June 1981.

Article 6

This Decision is addressed to the companies listed in Article 1.

Done at Brussels, 20 December 1976.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION**of 20 December 1976****relating to specialization agreements in the production of finished and final rolled products and to the joint buying of iron ore, involving steel-producing undertakings in south-west Germany and the Grand Duchy of Luxembourg****(Only the German text is authentic)**

(77/154/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof,

Having regard to the application made by the companies concerned on 25 June 1976, as amended and amplified on 3 December 1976,

Whereas :

I

1. On 25 June 1976 the following steel companies (hereinafter referred to as 'the companies concerned'):

- Aktiengesellschaft der Dillinger Hüttenwerke, Dillingen (Dillingen);
- ARBED — Aciéries réunies de Burbach-Eich-Dudelange, société anonyme, Luxembourg (Arbed), acting on its own behalf and on behalf of:
 - ARBED — Felten & Guillaume Drahtwerke GmbH, Köln-Mülheim, and
 - Eschweiler Bergwerksverein, Kohlscheid;
- Stahlwerke Röchling-Burbach GmbH, Völklingen (Röchling-Burbach);
- Otto Wolff AG, Cologne (Wolff), acting on behalf of:
 - Rasselstein AG, Neuwied, and
 - Stahlwerke Bochum AG, Bochum;
- Neunkircher Eisenwerk AG, Neunkirchen (Neunkirchen);

applied to the Commission, pursuant to Article 65 (2) of the ECSC Treaty, for authorization of agreements for specialization in the production of finished and final rolled products and for the joint buying of iron ore, contained in a specialization and cooperation contract; the contract was amended and amplified on 3 December 1976.

2. The agreements for which authorization is requested contain the following main provisions:

— the agreements extend to the following products, which are listed in an annex to the contract:

- crude steel (including special steels),
- semi-finished products (including ingots and slabs),
- permanent way material,
- sheet piling,
- sections,
- broad-flanged beams,
- merchant bars,
- reinforcing bars,
- special sections,
- wire rods,
- wide flats,
- narrow strip,
- heavy and medium plates,
- sheets,
- electrical sheets,
- galvanized sheets,
- tinplate,
- blackplate;

— the companies concerned are to coordinate their interests in relation to iron ore supply. They agree to group their orders for joint buying, to rationalize storage so as to reduce costs, and to study the feasibility of joint operation of iron-ore preparation and agglomeration facilities;

— they agree to inform each other of all plans for investment in respect of the finished rolled steel products covered by the agreement at least three months before awarding contracts. If one or more of the companies concerned so requests, the plan will be discussed with a view to ascertaining whether a joint solution is feasible. Their business freedom is not, however, thereby restricted;

— the companies concerned will continue and broaden their agreements on the reciprocal supply of preliminary products within the wider circle of the parties;

- Neunkirchen undertakes not to produce :
 - sections (with the exception of pit prop frames),
 - equal and unequal angles and 'U' and 'T' sections,
 - broad-flanged beams,
 - permanent way material (except stay-plates and fish-plates),
 - sheet piling ;
- Röchling-Burbach undertakes not to produce :
 - squares with a section of less than 70 mm,
 - rounds with a section of less than 80 mm ;
- the companies concerned will, in respect of their full production range, seek means of reorganizing their rolling programmes so that their plant may work to optimum capacity.

3. In order to attain the objectives of specialization, the companies concerned agree that, in respect of the various products covered by the contract, provision may be made for quantitative or financial compensation where substantial changes in market or technical conditions entail noticeable changes in production conditions compared with those existing at the time of the contracts.

4. If the Commission at certain times lays down delivery guidelines under Article 46 of the Treaty, which are specified for undertakings, groups of undertakings or combinations of undertakings, and fixes overall guideline figures for the relevant undertakings, the companies concerned will during the time specified allocate orders and coordinate sales on the basis of the tonnages indicated by the Commission.

5. When the system of delivery objectives is not operating, each party will carry out its own marketing of products covered by the agreements.

6. The agreements are applied and operated on the principle of equal treatment for all concerned. Each undertakes to treat as confidential all experience, technical data, papers and any other information obtained from any other of the companies in connection with the agreements and not to disclose them to third parties.

7. The companies concerned have undertaken to inform each other of all matters relating to the performance of the agreement and to exchange such documents as may be necessary. They are obliged to attain the objectives of the agreement and to refrain from any action which may jeopardize them. They may not enter into any agreement with a third party which is inconsistent with the agreement ; accordingly, they will not transfer their plant to an outsider, or use their

plant for the production of any of the relevant products on behalf of an outsider, unless they can do so without affecting the performance of the agreement. They enter into all these undertakings likewise on behalf of all those of their respective group companies in which they hold 50 % or more of the shares.

8. All tasks incidental to the operation of the agreements are entrusted to a joint secretariat.

9. At least once in each year each of the parties will be subject to scrutiny by an independent accountant, who will verify whether it is complying with its obligations under the agreement. If any breach is thereby ascertained, the accountant will simply furnish all directly relevant facts.

10. The agreement shall run until 30 June 1981 ; it will be renewed automatically from year to year unless renounced by one of the parties one year before expiration.

II

11. The agreements for which authorization is requested restrict the normal play of competition between the companies concerned since the companies :

- coordinate their interests in iron-ore supply ;
- inform and confer with each other on all planned investments relating to the products covered by the agreement ;
- continue and broaden reciprocal deliveries of preliminary products ;
- undertake not to produce certain products or certain specifications in favour of each other ;
- agree on quantitative or financial compensation in the event of substantial changes in market conditions or production techniques ;
- share out orders and coordinate sales if the Commission, at times of poor trade, indicates to those concerned an overall delivery objective under Article 46.

12. The agreements therefore fall within the prohibition of Article 65 (1) of the Treaty.

III

13. However, under Article 65 (2) of the Treaty, the Commission may authorize specialization agreements or joint-buying or joint-selling agreements, and agreements strictly analogous in nature and effect, if it finds that they satisfy all the specified conditions.

14. The agreement between the companies concerned providing for coordination of their interests in the supply of iron ore is strictly analogous to a joint-buying agreement. The agreements relating to reciprocal undertakings not to roll certain products or certain specifications and to the reciprocal supply of preliminary products and other changes to production programmes are specialization agreements or strictly analogous thereto.

15. The agreements referred to in paragraph 14 may therefore be authorized under Article 65 (2) of the Treaty, but only if they make for a substantial improvement in production or distribution and are essential in order to achieve these results, without being more restrictive than is necessary for that purpose; nor must the agreements be liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings within the common market.

IV

16. On the question whether the agreements make for a substantial improvement in the production or distribution of the relevant products, the following points can be made.

Arbed, Arbed-Felten & Guillaume, Eschweiler Bergwerksverein and Röchling-Burbach constitute a concentration for the purpose of Article 66 (1) and form a group (Konzern) with other undertakings which process finished and final rolled products.

Specialization within the various undertakings belonging to the group has led to a high degree of both horizontal and vertical integration.

The same can be said of Neunkirchen, Bochum and Rasselstein, which form the Otto Wolff Group.

The Arbed, Röchling-Burbach and Neunkirchen programmes overlap as regards heavy sections and permanent way material. Arbed, Arbed-Felten & Guillaume, EBV and Neunkirchen also produce light sections and wire rods. Dillingen and OW specialize in flat products, but there is little duplication in their programmes. Since the producers of heavy and light sections and wire rods operate similar rolling mills, they have additional opportunities of harmonizing

their production programmes and concentrating the manufacture of certain products on a small number of producers.

Through the provision for reciprocal undertakings not to roll entire product categories, such as broad-flanged beams, merchant bars, sections, and heavy and medium plates, and through the provisions allocating work in relation to certain section-types and certain product-sizes, the production specialization agreements enable larger rolling lots to be built up so that rolling mills can work closer to capacity. This applies notably to permanent way material, sections and merchant bars.

By coordinating their interests in the supply of iron ore through grouped orders, the companies concerned can reduce their expenditure on this important raw material. This applies both to the basic purchase price and to carriage and storage costs.

By undertaking not to produce for the time being some of the preliminary products they require but to have them supplied by neighbouring companies, they obviate the need for heavy investment which, in view of the scale of their own requirements, would not be used to optimal capacity; secondly, their suppliers can increase use of their own facilities and thereby reduce costs.

The allocation of orders and coordination of sales between the companies concerned in a period of poor trade, when the Commission indicates to them an overall delivery objective, should allow them to share out among themselves this overall figure in a way which will secure the specialization objectives of the present agreements and, in the case of single-product companies, to safeguard their market position without having to give up the pursuit of their specialization. This allocation of orders and coordination of sales in such circumstances constitute an essential element in the specialization agreement.

17. However, the Commission has to check whether the agreements will actually have these effects. The companies concerned will therefore be required to report annually to the Commission on the savings made and on the reasons for them.

18. It may accordingly be concluded that the agreements for production specialization, joint buying of iron ore and allocation of orders for the products covered by the agreements may make for a substantial improvement in production and distribution.

19. The said agreements are the indispensable means of attaining these objects — the improvement of production and distribution — and are no more restrictive than is necessary for that purpose. Acting individually, the companies concerned could not attain this improvement, or at least the same degree of improvement.

20. The undertaking entered into by the companies concerned to inform and confer with each other on investment plans for the products covered by the agreements is unobjectionable in the context of the specialization and joint-buying agreements, since each company remains free to take its own business decisions regardless of what the others think.

21. Under the agreement, to safeguard the objectives of specialization, the companies may give quantitative or financial compensation where major changes in market conditions or production techniques lead to circumstances differing substantially from those obtaining at the time of the agreement.

This is justified in that the parties cannot tell exactly how the market for each product will develop during the currency of the agreements. Where circumstances change considerably, they must be in a position to adapt the specialization agreements in respect of each product, specification, dimension and quality; they must therefore be in a position to offset the economic implications of any such change in circumstances through quantitative or financial compensation. Such compensation is in any event simply a possibility, there being no advance obligation imposed on the partners. Compensation is therefore an indispensable component of the specialization agreement, and is no more restrictive than is necessary for its purpose.

The agreements relating to quantitative and financial compensation do not allow the companies concerned to establish a quota system; if they did, the restriction would go beyond what was required for the specialization and rationalization objectives.

The Commission would be obliged to revoke the authorization if it found that the companies were applying quotas or that the agreement was substantially impeding rationalization. The Commission must therefore require the companies to provide regular

information on the scale of the quantitative or financial compensation given.

22. The agreements therefore satisfy the tests of Article 65 (2) (a) and (b).

V

23. To ascertain whether the agreements for which authorization is requested satisfy the tests of Article 65 (2) (c), the following points must be considered.

24. The companies which are party to these agreements are directly or indirectly concentrated within the meaning of Article 66 (1) with other steel-producing undertakings which are not parties to the agreements. These other undertakings will not be directly affected by the specialization or by the allocation of orders, either because they themselves constitute highly structured and homogeneous groups which are integrated down to the distribution stage to a degree which ensures their independence, or because they produce only a limited range of products, meaning that they are already highly specialized integrated undertakings which could not specialize further.

25. In 1975 the companies concerned produced the quantities of the relevant products for which statistics are available set out in the table below. These tonnages show the aggregate and individual shares of these companies in common market output. The figures include the proportions used within the companies themselves (a considerable proportion) and exports.

26. The companies concerned sell mainly in the Federal Republic of Germany. They compete with other German undertakings, other Community undertakings and undertakings in non-member countries.

Furthermore, these companies sell a substantial proportion of their products in other Community countries, where they face competition from local producers, producers from other Member States and producers in non-member countries.

In view of the close interpenetration of the domestic markets of the European Community, the Community market as a whole is to be regarded as the relevant market.

Product	Production (in 1 000 t)	Percentage share of Community production			
		Aggregate	Arbed, EBV Felten & Guillaume Röchling-Burbach	Dillingen	Neunkirchen, Bochum Rasselstein
Crude steel	8 835	7.0	5.3	1.0	0.7
Wide hot-rolled strip/coils (total production)	479	1.5	1.5	—	—
Finished rolled products, of which :	7 649	8.6	5.4	0.9	2.3
— permanent way material	58	3.3	3.3	—	0
— sheet piling	133	17.9	17.9	—	—
— broad-flanged beams	489	22.9	22.9	—	—
— other beams	646	15.1	14.6	—	0.5
— wire rods	1 075	11.6	8.8	—	2.8
— merchant bars	1 749	8.8	7.4	—	1.4
— wide flats	75	11.0	10.3	—	0.7
— narrow strip and tube strip	826	15.1	14.1	—	1.0
— heavy and medium hot-rolled plates	954	7.0	1.3	5.7	—
— cold-rolled sheets	1 532	7.1	1.0	—	6.1
Final products :					
— tinplate and other tinned plates	475	13.6	—	—	13.6
— galvanized sheets	56	1.9	1.9	—	—
— lead-coated sheets	13	20.0	—	—	20.0
— electrical sheets	179	19.9	—	—	19.9

27. No particular comment is called for on shares accounted for by the companies concerned in the production of crude steel, wide hot-rolled strip/coils, permanent way material, merchant bars, heavy and medium hot-rolled plates, cold-rolled sheets and galvanized sheets.

28. All production of sheet piling, broad-flanged beams, other beams and wide flats is in the Arbed Group's hands; the agreements will therefore make no change to the Arbed Group companies' market shares in respect of those products.

29. For all the final products concerned, the principal producers are Rasselstein AG and Stahlwerke Bochum AG, members of the Otto Wolff Group. In view of this pre-existing specialization, the agreements will make no change to present market positions, as under paragraph 28.

30. In wire-rod production, the companies concerned, with an 11.6 % market share, rank fourth among Community producers, behind three other groups with respective shares of 15.5, 13.6 and 13.2 %. The five top Community groups produce around 60 % of total output; a large part of the

wire-rod output is processed in wire-drawing plants belonging to the producer groups, so that relatively little is actually sold on the market.

31. The joint market share of the companies concerned as regards narrow and tube strip will rise by 1 % to 15.1 %; the largest group in the Community accounts for 16 % of total output; the companies concerned rank second behind this group, and the next five manufacturers have respective shares of 11.5, 10.3, 8.3, 5.3 and 5.2 %. These seven undertakings or groups account for more than 70 % of Community output. Here it should be mentioned that narrow and tube strip, used as a preliminary product, is processed into tubes in works generally integrated in the producer groups, and that substantial tonnages are obtained from the stockholders through the slitting of wide coils.

32. In the interpretation of the foregoing percentages, it should be borne in mind, however, that the figures represent aggregates for all the various companies concerned. While competition between these companies is admittedly restricted by the specialization agreements, and even more so in time of crisis, by the sales coordination agreements, there are some

products where rolling programmes continue to overlap so that at least some degree of competition will exist in the future.

33. The Commission will watch out that the companies do not coordinate their distribution business, either as between themselves — except at times when the system of delivery objectives set by the Commission is in operation — or with third parties, during the whole period of the contract.

34. This being so, the agreements are not liable to give the companies concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of finished rolled products in the common market, or to shield them against effective competition from other undertakings within the common market.

35. The agreements therefore satisfy the tests of Article 65 (2) (c).

VI

36. It is necessary to ensure that the autonomy and business independence of the companies concerned are not compromised. The following conditions should therefore be attached to the authorization :

- no member of a management body of any steel production or distribution undertaking directly or indirectly concerned may exercise a similar function in an undertaking of the same type not so concerned; however the Commission should be empowered, in response to a duly reasoned request, to authorize exceptions to this prohibition, if special circumstances warrant this;
- the companies concerned must refrain from coordinating their production and sales except in the areas covered by the specialization agreements and when the system of delivery objectives set by the Commission is in operation;
- the companies concerned must refrain from coordinating their production and sales with third parties; this will apply in particular to cooperation within associations of undertakings.

37. The Commission must further ensure that all measures taken by the companies under the agreements notified to it are in conformity with the authorization given by this Decision and with the provisions of the Treaty.

38. To this end the companies concerned must be required to inform the Commission forthwith of all

changes and additions to their agreements. It should be provided that such changes and additions to the agreements may not be put into effect until the Commission has declared them to be admissible or has authorized them under Article 65 (2) of the Treaty.

39. The agreements notified are valid until 30 June 1981. In view of this restricted duration and of the rationalization measures taken by the companies, the authorization may be given for the full duration of the agreements.

40. Subject to the conditions attached, the agreements for which authorization has been requested are in conformity with Article 65 (2) and the other provisions of the Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The agreements concluded between the following steel undertakings :

- Aktiengesellschaft der Dillinger Hüttenwerke, Dillingen;
- ARBED-Aciéries réunies de Burbach-Eich-Dudelange, société anonyme, Luxembourg;
- Stahlwerke Röchling-Burbach GmbH, Völklingen;
- Otto Wolff AG, Köln;
- Neunkircher Eisenwerk AG, Neunkirchen (Saar);

for specialization in the field of rolled steel products and for the joint buying of iron ore, contained in the contract of 25 June 1976 as amended on 3 December 1976, are hereby authorized.

Article 2

The following conditions are attached to the authorization :

1. members of management bodies in the steel-production and distribution companies directly and indirectly concerned may not at the same time exercise similar functions in companies or sales organizations of the same type which are not concerned;
2. where special circumstances warrant this, the Commission may on receipt of a reasoned request authorize derogations from paragraph 1;

3. the companies concerned shall refrain from coordinating their production and sales except in areas covered by the specialization agreements and when the system of delivery objectives set by the Commission is in operation ;
4. the companies concerned shall refrain from entering into any agreement relating to production and sales with third parties, particularly within associations of undertakings.

Article 3

Each year the companies shall provide the Commission with information on and reasons for :

- improvements made during the year in the sale and production of the relevant products by virtue of the agreements ; and
- the quantitative or financial amount of any compensation given.

Article 4

1. The companies concerned shall forthwith inform the Commission of any changes and additions made to the agreements.

2. Effect shall not be given to changes and additions referred to in paragraph 1 until the Commission has declared that they are in conformity with the authorization given by this Decision or has authorized them under Article 65 (2).

Article 5

This Decision shall have effect from 1 January 1977 to 30 June 1981.

Article 6

This Decision is addressed to the companies listed in Article 1.

Done at Brussels, 20 December 1976.

For the Commission

The President

François-Xavier ORTOLI