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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1913/77**of 24 August 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1386/77⁽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 1729/77⁽³⁾ and subsequent amending Regulations;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 1729/77 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 25 August 1977.

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

Done at Brussels, 24 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 24 August 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	93.06
10.01 B	Durum wheat	134.11 ⁽¹⁾ ⁽²⁾
10.02	Rye	81.56 ⁽⁴⁾
10.03	Barley	77.15
10.04	Oats	69.32
10.05 B	Maize, other than hybrid maize for sowing	79.92 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	67.74 ⁽⁴⁾
10.07 C	Grain sorghum	77.30 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	141.04
11.01 B	Rye flour	124.93
11.02 A I a)	Durum wheat groats and meal	218.63
11.02 A I b)	Common wheat groats and meal	152.33

⁽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 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 1914/77**of 24 August 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 1386/77 ⁽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
1730/77 ⁽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 25 August
1977.

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

Done at Brussels, 24 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 24 August 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 8	1st period 9	2nd period 10	3rd period 11
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0.37	0.37	0.37
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.37	0.37	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0.74	0.74	0.74
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 8	1st period 9	2nd period 10	3rd period 11	4th period 12
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0.66	0.66	0.66	0.66
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0.49	0.49	0.49	0.49
11.07 B	Roasted malt	0	0.57	0.57	0.57	0.57

**COMMISSION REGULATION (EEC) No 1915/77
of 24 August 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 organiza-
tion 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 1420/77 ⁽²⁾, as last
amended by Regulation (EEC) No 1877/77 ⁽³⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1420/77
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 25 August
1977.

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

Done at Brussels, 24 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 160, 30. 6. 1977, p. 25.

⁽³⁾ OJ No L 210, 18. 8. 1977, p. 5.

(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 1916/77

of 24 August 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 organiza-
tion 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 1435/77 ⁽²⁾, as last amended by Regulation (EEC)
No 1878/77 ⁽³⁾;

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 Regula-
tion,

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 25 August
1977.

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

Done at Brussels, 24 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 161, 1. 7. 1977, p. 7.

⁽³⁾ OJ No L 210, 18. 8. 1977, p. 7.

ANNEX

to the Commission Regulation of 24 August 1977 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description of goods	(u.a. / tonne)			
		Current 8	1st period 9	2nd period 10	3rd period 11
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 1917/77

of 24 August 1977

fixing the refunds on white sugar and raw sugar exported in the natural state

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 1110/77⁽²⁾, and in particular the first sentence of the last subparagraph of Article 19 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 3330/74 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾;

Whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal means;

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

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

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be fixed at the amounts shown in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 3330/74, undenatured and exported in the natural state, are hereby fixed at the amounts shown in the Annex.

Article 2

This Regulation shall enter into force on 25 August 1977.

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1977, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

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

Done at Brussels, 24 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 24 August 1977 fixing the refunds on white sugar and raw sugar exported in the natural state

(u.a./100 kg)

CCT heading No	Description of goods	Refund
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar	18.80
	B. Raw sugar :	
	(a) Candy sugar	18.97 ⁽¹⁾
	(b) Other raw sugar	15.00 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 July 1977

authorizing an agreement between coal wholesalers strictly analogous to a joint buying agreement for solid fuels

(Only the German text is authentic)

(77/548/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 4, 15, 47 and 65 thereof,

Having regard to the application made on 17 March 1977 by the following coal wholesalers :

Carl Fr. Maier am Tor, Schorndorf
Röchling Brennstoffhandel KG, Mannheim
Friedrich Scharr OHG, Stuttgart
Georg Schneider, Darmstadt
J. G. Zweigle, Stuttgart-Bad Cannstatt

for authorization of an agreement strictly analogous to a joint buying agreement for solid fuels,

Whereas :

I

In their capacity as wholesalers the firms concerned obtain solid fuels from a number of German collieries and from RBV (Rheinischer Braunkohlenbrikettverkauf GmbH). They are independent wholesalers who have no substantial holdings in and are not controlled by mining companies or their sales agencies. By virtue of the quantities they take from the collieries and from RBV they have the right of direct access.

As a result of the decline in demand for solid fuels over recent years the independent wholesalers are less

and less certain of attaining the minimum turnover levels required by the supplier collieries. Once a dealer falls below the minimum level the right of direct access is lost.

The coal wholesalers involved in the joint buying have entered into an agreement whereby on a mutual basis each voluntarily abandons its right of direct access to certain suppliers in the interest of enabling one or more of the others to retain that right. The relevant clauses of the agreement read as follows (translation) :

1. With effect from 1 July 1977 the following companies and firms shall retain their right of direct access to the collieries named opposite them and shall henceforth be considered to be the lead wholesalers :

<i>Company or firm</i>	<i>Colliery or sales agency</i>
Carl Fr. Maier am Tor	RBV
Röchling Brennstoff- handel KG	AKV, RBV, Saarlor
Friedrich Scharr OHG	RBV, RVG, Sophia-Jacoba
Georg Schneider	Saarlor
J.G. Zweigle	AKV, RVG

2. Those companies or firms which abandon their right of direct access undertake to obtain all their

supplies from the collieries specified above from the companies or firms named as lead wholesaler opposite the collieries.

8. A special agent shall be appointed for the implementation of this agreement His duties shall consist in particular of ... allocating quantities as between the lead wholesalers to ensure that premiums and other benefits are fully exploited at the individual collieries

15. The parties to this agreement undertake not to sell to one another's customers.

The agreement may be terminated by any party at the end of a calendar year.

The collieries and selling agencies listed at Clause 1 of the agreement are the following mining companies:

RBV	(Rheinischer Braunkohlenbrikettverkauf GmbH) is the selling agency of Rheinische Braunkohlenwerke AG, Cologne, as regards briquettes;
AKV	(Aachener Kohlen-Verkauf GmbH) is the selling agency of the mining companies in the Eschweiler Bergwerks-Verein Kohlscheid;
Saarlör	(Saar-Lothringische Kohlenunion) is the joint selling agency of the collieries in the Saarland and Lorraine;
Sophia-Jacoba	(Sophia-Jacoba Handelsgesellschaft mbH) is the selling agency of the Gewerkschaft Sophia-Jacoba, Hückelhoven;
RVG	(Ruhrkohle-Verkauf GmbH) is the selling agency of Ruhrkohle AG, Essen.

II

The agreement is strictly analogous to a joint buying agreement for the purpose of Article 65 (2).

The purpose of the agreement is to afford the undertakings concerned combined protection against the risk, following from the structural decline in demand for solid fuels, of losing the right of direct access to the individual collieries. The means deployed to this end are mutual transfers of orders and agreements not to sell to one another's customers. Thus the normal play of competition between the parties is restricted and distorted.

As a side effect the agreement also protects undertakings concerned against the consequences of decline in

demand resulting from the commercial activities of their competitors on the market. In relation to these competitors the agreement enables them to obtain terms of supply and price terms which are more favourable than those which they might obtain acting individually. The agreement thus distorts competition between the undertakings concerned and their competitors.

The agreement is accordingly caught by the prohibition in Article 65 (1) of the Treaty.

III

Under Article 65 (2) joint buying agreements and agreements strictly analogous thereto may be authorized where certain tests are satisfied.

The agreement may be authorized under Article 65 (2) if it makes for a substantial improvement in the production or distribution of the relevant products, is essential in order to achieve these results, is not more restrictive than is necessary for the purpose, and is not 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

The independent wholesalers (the largest of those concerned here will sell some 60 000 tonnes in 1977) are in competition primarily with tied wholesalers. The groups to which the latter wholesalers belong are either themselves in the mining business or, being separated from their own mining companies, are the sole shareholders of the pits transferred to and combined in Ruhrkohle AG. As a result of the links between the mining industry itself and the tied wholesalers the latter traditionally enjoy a volume of business and opportunities for cooperation within their respective groups which make them virtually certain in the long term of retaining their right of direct access to the collieries to which they are tied.

As a result of the conditions required for direct access to the collieries, and of the differences in size and opportunities for business sharing of the two groups of wholesalers, the independent wholesalers are in the long term tending to lose their right of direct access. They are correspondingly obliged to obtain supplies indirectly through the tied wholesalers. The tied wholesalers naturally promote sales of the products of the collieries to which they are related, whereas the independents are completely free to buy as they wish.

The agreement in this case will help to ensure the survival of the independent wholesalers on the solid fuels market. The continued existence of the undertakings concerned as dealers having the right of direct access to the collieries, which is constantly at risk for structural reasons, helps to preserve competition between the independent and the tied wholesalers. The undertakings concerned have a share of the relevant market (Länder of Rheinland-Palatinate, Baden-Württemberg and Hesse) estimated at about 8 %. As a result of their independence and their cooperation in an organization strictly analogous to joint buying, each further has the possibility of supplying its customers (retailers and consumers) with fuels obtained from any colliery represented on the relevant market, subject to no controls by producers. They also have the opportunity to make limited price reductions where they succeed in their aim of obtaining the largest possible quantity discounts. The agreement thus makes for a substantial improvement in distribution.

This improvement cannot be achieved without cooperation of the undertakings concerned in the manner prescribed by their agreement. The agreement is thus essential to the attainment of an improvement in distribution and is not more restrictive than is necessary for its purpose.

The undertakings concerned can be expected to sell an aggregate of 170 000 tonnes in 1977. Annual consumption of hard coal products and brown coal briquettes for household use and by 'other industries' in the common market being at around 55 million tonnes, the tonnage sold by the undertakings concerned represents no more than a fraction of the total. The agreement is accordingly not liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of the 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.

The agreement accordingly satisfies the tests of Article 65 (2) (a), (b) and (c).

V

The Commission must ensure that all measures taken by the undertakings concerned on the basis of their

agreement, which is strictly analogous to a joint buying agreement, are consonant with the authorization hereby given and with the provisions of the Treaty.

To this end the undertakings concerned will be required to inform the Commission forthwith of all amendments or additions to the agreement, which may then be put into effect only when the Commission has declared them to be within this authorization or has authorized them under Article 65 (2) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The agreement entering into force on 1 July 1977 between the following coal wholesalers:

Carl Fr. Maier am Tor, Schorndorf
Röchling Brennstoffhandel KG, Mannheim
Friedrich Scharr OHG, Stuttgart
Georg Schneider, Darmstadt
J.G. Zweigle, Stuttgart-Bad Cannstatt

is hereby authorized.

Article 2

The undertakings concerned shall forthwith inform the Commission of all amendments and additions to the agreement, and such amendments or additions may be put into effect only when the Commission has confirmed that they are consonant with the authorization hereby given or has authorized them under Article 65 (2).

Article 3

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

Done at Brussels, 12 July 1977.

For the Commission

Raymond VOUEL

Member of the Commission

COMMISSION DECISION

of 3 August 1977

amending Decision 72/475/EEC authorizing the Federal Republic of Germany to sell butter at a reduced price in the form of concentrated butter

(Only the German text is authentic)

(77/549/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 7 (a) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 349/73 of 31 January 1973 on the sale at reduced prices of intervention butter for direct consumption as concentrated butter⁽⁵⁾, as last amended by Regulation (EEC) No 920/77⁽⁶⁾, which replaced Regulation (EEC) No 2561/72⁽⁷⁾, Commission Decision 72/475/EEC of 22 December 1972 authorizing the Federal Republic of Germany to sell butter at a reduced price in the form of concentrated butter⁽⁸⁾, as last amended by Decision 76/868/EEC⁽⁹⁾, fixed the quantity of butter to be processed by that Member State at 17 500 tonnes; whereas this quantity is now exhausted; whereas it should therefore be increased to 19 000 tonnes;

Whereas, having regard to the storage position in the Community, the date should be amended by which

butter must have been placed in public storage in order to be able to be supplied thereunder;

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

The Decision 72/475/EEC is hereby amended as follows:

1. In Article 1, the quantity '17 500 tonnes' is replaced by '19 000 tonnes';
2. In Article 2, the date '1 June 1976' is replaced by '1 January 1977'.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 August 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 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 40, 13. 2. 1973, p. 1.

⁽⁶⁾ OJ No L 108, 30. 4. 1977, p. 75.

⁽⁷⁾ OJ No L 274, 7. 12. 1972, p. 12.

⁽⁸⁾ OJ No L 303, 31. 12. 1972, p. 41.

⁽⁹⁾ OJ No L 316, 16. 11. 1976, p. 24.

COMMISSION DECISION**of 3 August 1977****fixing the maximum amount of the export refund for the first partial invitation to tender for white sugar issued under Regulation (EEC) No 1634/77****(77/550/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 organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1110/77⁽²⁾, and in particular Article 19 (4) thereof;

Whereas Commission Regulation (EEC) No 1634/77 of 19 July 1977 on a standing invitation to tender to determine export refunds for white sugar⁽³⁾ requires that partial invitations to tender for the export of this sugar should be issued;

Whereas, pursuant to Article 4 (3) of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽⁴⁾, as last amended by Regulation (EEC) No 1489/76⁽⁵⁾, the maximum amount of the refund is fixed for partial invitations to tender within three working days following the expiry of the time limit for the submission of tenders;

Whereas, when the maximum amount of the refund is being calculated, account must be taken of the supply situation and prices within the Community, prices and potential outlets on the world market and costs incurred in exporting sugar;

Whereas, following an examination of the tenders submitted in response to the first 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 Management Committee for Sugar,

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount of the export refund for the first partial invitation to tender for white sugar issued under Regulation (EEC) No 1634/77 is hereby fixed at 23.789 units of account per 100 kilogrammes.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1977, p. 1.

⁽³⁾ OJ No L 181, 21. 7. 1977, p. 35.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

COMMISSION DECISION**of 3 August 1977****fixing the maximum amount of the premium for white sugar under the tender
referred to in Regulation (EEC) No 1320/77****(77/551/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 1110/77⁽²⁾, and in particular
Article 9(6) thereof;

Whereas Commission Regulation (EEC) No 1320/77
of 20 June 1977 opening an invitation to tender for
the purpose of determining premiums for white sugar
for feeding to bees⁽³⁾ provides that Member States are
to issue an invitation to tender for the purpose of
determining the said premiums;

Whereas Article 4(3) of Council Regulation (EEC) No
2049/69 of 17 October 1969 laying down general
rules on the denaturing of sugar for animal feed⁽⁴⁾, as
last amended by Regulation (EEC) No 1640/73⁽⁵⁾,
provides that where denaturing premiums are fixed
following an invitation to tender the criteria set out in
Article 3 thereof must be taken into account in fixing
a maximum amount of the premium; whereas, having
regard to the criteria and following examination of the
tenders submitted, the maximum amount of the dena-
turing premiums should be fixed at the level specified
in Article 1;

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 amount of the denaturing premium
for the invitation to tender issued under Regulation
(EEC) No 1320/77, the time limit for the submission
of tenders having expired on 3 August 1977, is hereby
fixed at 10 000 units of account per 100 kilogrammes
of white sugar, corresponding for a total quantity of 50
tonnes of sugar concerned to a sum of 4 995 units of
account.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1977, p. 1.

⁽³⁾ OJ No L 152, 21. 6. 1977, p. 18.

⁽⁴⁾ OJ No L 263, 21. 10. 1969, p. 1.

⁽⁵⁾ OJ No L 165, 22. 6. 1973, p. 6.

COMMISSION DECISION**of 4 August 1977****allowing admission free of Common Customs Tariff duties the scientific apparatus described as 'Spectra Physics Autolab Minigrator', model 23000-110**

(77/552/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 3 February 1977, the German Government requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether the apparatus described as 'Spectra Physics Autolab Minigrator', model 23000-110 must be considered to be scientific apparatus and if so whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 18 July 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination has revealed that the apparatus in question is used in connection with the logging of chromatograms obtained through the qualitative and quantitative analysis by gas-chromatography halogenated hydrocarbons as well as of hydrochloric gases in the atmosphere and whereas its particular characteristics and the use for which it is intended

render it material specially suited to scientific research, whereas therefore it has a scientific nature;

Whereas, on the basis of information obtained from the Member States, apparatus of equivalent scientific value capable of use for the same purpose could only have been available in the Community from 1 February 1977; whereas, to the extent that the apparatus concerned was ordered before that date the conditions for granting duty-free admission can be considered to be fulfilled,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Spectra Physics Autolab Minigrator', model 23000-110 should be considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the scientific apparatus mentioned in paragraph 1 were fulfilled until 1 February 1977.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 August 1977.

For the Commission

Christopher TUGENDHAT

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

COMMISSION DECISION

of 4 August 1977

allowing admission free of Common Customs Tariff duties the scientific apparatus described as 'Perkin Elmer Calculating Integrator', model 2023-1030

(77/553/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 16 February 1977, the German Government requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether the apparatus described as 'Perkin Elmer Calculating Integrator', model 2023-1030 should be considered as scientific apparatus and if so whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 18 July 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination has revealed that the apparatus in question is a calculator-integrator for use in conjunction with a gas chromatograph for processing data furnished by the chromatograph in the analysis of propranolol and hydrochlorothiazid in sera; whereas taking account of the particular characteristics of this data-processing element intended to be incor-

porated in a system used exclusively for pure scientific research it must therefore be considered to be a scientific instrument;

Whereas, on the basis of information obtained from the Member States, apparatus of equivalent scientific value capable of use for the same purpose could only have been available in the Community from 1 February 1977 to the extent that the apparatus concerned was ordered before that date, the conditions for granting duty-free admission may be considered to be fulfilled,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Perkin Elmer Calculating Integrator', model 2023-1030 must be considered to be a scientific instrument.
2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the apparatus mentioned in paragraph 1 were fulfilled until 1 February 1977.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 August 1977.

For the Commission

Christopher TUGENDHAT

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

COMMISSION DECISION

of 4 August 1977

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'MTS bi-axial seismic test equipment with electro-hydraulic servo mechanism'

(77/554/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 10 February 1977, the French Government requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether the apparatus described as 'MTS bi-axial seismic test equipment with electro-hydraulic servo mechanism' must be considered to be a scientific apparatus and if so whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 18 July 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination has revealed that the apparatus in question is seismic simulation equipment with bi-directional tables for earthquake resistance testing of simultaneous horizontal and vertical movements on the component parts of nuclear reactors; whereas the special characteristics of this apparatus

and the use for which it is intended render it material specially suited to research in nuclear physics; whereas therefore it must be considered to be a scientific apparatus;

Whereas, on the basis of information obtained from the Member States, apparatus of equivalent scientific value capable of use for the same purpose are currently manufactured in the Community,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'MTS bi-axial seismic test equipment with electro-hydraulic servo mechanism' must be considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the apparatus mentioned in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 August 1977.

For the Commission

Christopher TUGENDHAT

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.