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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 441/78**of 2 March 1978****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 2560/77⁽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 Regula-
tion (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 3 March
1978.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 2 March 1978 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	92.85
10.01 B	Durum wheat	117.91 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	79.90 ⁽⁶⁾
10.03	Barley	82.37
10.04	Oats	78.96
10.05 B	Maize, other than hybrid maize for sowing	80.61 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	82.00 ⁽⁴⁾
10.07 C	Grain sorghum	88.65 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	141.09
11.01 B	Rye flour	123.63
11.02 A I a)	Durum wheat groats and meal	194.58
11.02 A I b)	Common wheat groats and meal	151.15

⁽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 442/78**of 2 March 1978****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 2560/77 ⁽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 3 March
1978.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 2 March 1978 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	Current 3	1st period 4	2nd period 5	3rd period 6
10.01 A	Common wheat, and meslin	0	2.39	2.39	3.04
10.01 B	Durum wheat	0	15.05	15.05	15.05
10.02	Rye	0	1.30	1.30	1.30
10.03	Barley	0	0	0	0.70
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.97	0.97	0.97
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	3.34	3.34	4.25

B. Malt

(u.a./tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	4.25	4.25	5.41	5.41
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	3.18	3.18	4.04	4.04
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	1.25	1.25
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0.93	0.93
11.07 B	Roasted malt	0	0	0	1.09	1.09

COMMISSION REGULATION (EEC) No 443/78

of 2 March 1978

fixing the minimum import levies on olive oil

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 2560/77⁽²⁾,

Having regard to Council Regulation No 162/66/EEC of 27 October 1966 on trade in oils and fats between the Community and Greece⁽³⁾,

Having regard to Council Regulation (EEC) No 2843/76 of 23 November 1976 laying down special measures in particular for the determination of the offers of olive oil on the world market⁽⁴⁾, as amended by Regulation (EEC) No 2361/77⁽⁵⁾, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 2844/76 of 23 November 1976 laying down special measures in particular for the determination of the offers of olive oil on the Greek market⁽⁶⁾, as amended by Regulation (EEC) No 2361/77, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil from Algeria⁽⁷⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil from Morocco⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil from Tunisia⁽⁹⁾, and in particular Article 5 thereof,

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

Whereas, in Regulation (EEC) No 1362/76 of 14 June 1976⁽¹¹⁾, the Commission decided to use the tendering procedure to fix the levies on olive oil;

Whereas Article 4 of Commission Regulation (EEC) No 3188/76 of 23 December 1976 on detailed rules for the implementation of the special measures for the determination of offers of olive oil on the world market and the Greek market⁽¹²⁾, as last amended by Regulation (EEC) No 2413/77⁽¹³⁾, lays down the criteria for fixing the rate of the minimum levy;

Whereas that rate must be fixed for each of the products concerned on the basis of an examination of the world or Greek markets and of the Community market, and also of the levy rates indicated by the tenderers;

Whereas account should be taken of the oil content of products other than olive oil; whereas, however, no levies are applied to imports of oil-cake and other residues falling within subheading 23.04 A of the Common Customs Tariff and having an oil content of not more than 3 %;

Whereas account should be taken in applying the levy of the provisions of the agreements between the Community and certain non-member countries; whereas, in particular, the levy must be calculated on the basis of the levy to be collected on imports from non-member countries;

Whereas the application of the rules described above to the levy rates submitted by tenderers on 27 and 28 February 1978 results in the fixing of the minimum levies as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on imports of olive oil shall be as shown in the Annex.

Article 2

This Regulation shall enter into force on 3 March 1978.

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

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No 197, 29. 10. 1966, p. 3393/66.

⁽⁴⁾ OJ No L 327, 26. 11. 1976, p. 4.

⁽⁵⁾ OJ No L 277, 29. 10. 1977, p. 2.

⁽⁶⁾ OJ No L 327, 26. 11. 1976, p. 6.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁸⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁹⁾ CJ No L 169, 28. 6. 1976, p. 9.

⁽¹⁰⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹¹⁾ OJ No L 154, 15. 6. 1976, p. 13.

⁽¹²⁾ OJ No L 359, 30. 12. 1976, p. 26.

⁽¹³⁾ OJ No L 279, 1. 11. 1977, p. 55.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 2 March 1978 fixing the minimum import levies on olive oil

(u.a./100 kg)

CCT heading No	Greece	Non-member countries
07.01 N II	6.00	10.00
07.03 A II	6.00	10.00
15.07 A I a)	30.00 ⁽³⁾	56.00 ⁽³⁾
15.07 A I b)	30.00 ⁽³⁾	54.00 ⁽³⁾
15.07 A I c)	30.00 ⁽³⁾	54.00 ⁽³⁾
15.07 A II a)	31.00	58.00 ⁽¹⁾
15.07 A II b)	45.00	84.00 ⁽²⁾
15.17 B I a)	14.00	25.00
15.17 B I b)	22.00	40.00
23.04 A	2.00 ⁽⁴⁾	4.00 ⁽⁴⁾

⁽¹⁾ For imports of oil falling within this tariff subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3.20 u.a./100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 2.50 u.a./100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 6 u.a./100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 4.80 u.a./100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Greece and Spain : 0.50 u.a./100 kg ;
- (b) Turkey : 18.50 u.a./100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria, Morocco, Tunisia : 20.50 u.a./100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries ; however, the repayment may not exceed the amount of the tax in force.

⁽⁴⁾ Pursuant in Article 3 of Regulations (EEC) No 2843/76 and (EEC) No 2844/76, no import levy is collected on oil-cake and other residues falling within subheading 23.04 A of the Common Customs Tariff and having an oil content of not more than 3 %.

COMMISSION REGULATION (EEC) No 444/78

of 2 March 1978

correcting Regulation (EEC) No 409/78 fixing the export refunds on products
processed from cereals and rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 2560/77⁽²⁾, and in particular the
fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice⁽³⁾, as amended by Regula-
tion (EEC) No 1158/77⁽⁴⁾, and in particular the fourth
subparagraph of Article 17 (2) thereof,

Whereas the export refunds on products processed
from cereals and rice were fixed by Commission Regu-
lation (EEC) No 409/78 of 28 February 1978⁽⁵⁾;

Whereas verification has shown that some amounts do
not correspond with the measures submitted for the
opinion of the management committee; whereas the
Regulation in question must therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 409/78, the
amount '22.40' under subheadings 23.02 A I a),
23.02 A I b) 2, 23.02 A II a) and 23.02 A II b) is hereby
replaced by '17.92'.

Article 2

This Regulation shall enter into force on 3 March
1978.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 136, 2. 6. 1977, p. 13.

⁽⁵⁾ OJ No L 59, 1. 3. 1978, p. 9.

COMMISSION REGULATION (EEC) No 445/78

of 2 March 1978

introducing a countervailing charge on cucumbers originating in Spain

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1034/77⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Article 25 (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a third country remains at least 0.50
unit of account below the reference price for two
consecutive market days, a countervailing charge must
be introduced in respect of the exporting country
concerned, save in exceptional circumstances;
whereas this charge is equal to the difference between
the reference price and the arithmetic mean of the
last two entry prices available for that exporting
country;

Whereas Commission Regulation (EEC) No 244/78 of
6 February 1978 fixing the reference price for cucum-
bers for the months February to April 1978⁽³⁾ fixed
the reference price for products of Class I for the
period 21 to 28 February 1978 and for the month of
March 1978 at 62.63 units of account per 100 kilo-
grams net;

Whereas the entry price for a given exporting country
is equal to the lowest representative prices recorded
for at least 30 % of the quantities from the exporting
country concerned which are marketed on all repre-
sentative markets for which prices are available less
the duties and the charges indicated in Article 24 (3)
of Regulation (EEC) No 1035/72; whereas the
meaning of representative price is defined in Article
24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regula-
tion (EEC) No 2118/74⁽⁴⁾, as amended by Regulation

(EEC) No 385/75⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets; whereas it is necessary to multiply the prices
with the coefficients fixed in Article 1 (2) of Regula-
tion (EEC) No 244/78;

Whereas, for Spanish cucumbers, the entry price calcu-
lated in this way has remained at least 0.50 unit of
account below the reference price for two consecutive
market days; whereas a countervailing charge should
therefore be introduced for these cucumbers;

Whereas if the system is to operate normally the entry
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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 0.89 unit of account per
100 kilograms net is applied to cucumbers
(subheading ex 07.01 P of the Common Customs
Tariff) originating in Spain.

Article 2

This Regulation shall enter into force on 4 March
1978.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 125, 19. 5. 1977, p. 1.

⁽³⁾ OJ No L 37, 7. 2. 1978, p. 11.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 44, 18. 2. 1975, p. 8.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 446/78**of 2 March 1978****fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3330/74 of 19 December 1974 on the common organ-
ization of the market in sugar⁽¹⁾, as last amended by
Regulation (EEC) No 2560/77⁽²⁾, and in particular
Article 15 (7) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1436/77⁽³⁾,
as last amended by Regulation (EEC) No 439/78⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1436/77
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 3 March
1978.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 161, 1. 7. 1977, p. 9.

⁽⁴⁾ OJ No L 60, 2. 3. 1978, p. 16.

ANNEX

**to the Commission Regulation of 2 March 1978 fixing the import levies on white sugar
and raw sugar**

(n.a. / 100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar ; flavoured or coloured sugar	25.20
	B. Raw sugar	20.69 ⁽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 447/78

of 2 March 1978

fixing the corrective amount applicable to the refund on cereals

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 2560/77⁽²⁾, and in particular the third sentence of the second subparagraph of Article 16 (4) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, the corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 2560/77, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75⁽⁵⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Commu-

nity market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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 preceding subparagraph;

Whereas it follows from applying the provisions referred to above that the corrective amount must be fixed as shown in the table annexed to this Regulation;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 131, 22. 5. 1975, p. 15.

HAS ADOPTED THIS REGULATION:

hereby fixed as shown in the table annexed to this Regulation.

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals is

Article 2

This Regulation shall enter into force on 3 March 1978.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 2 March 1978 fixing the corrective amount applicable to the refund on cereals

(u.a. / tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
10.01 A	Common wheat, and meslin	0	0	0	—	—	—	—
10.01 B	Durum wheat	0	0	0	—	—	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	+ 2.00	+ 2.00	— 2.00	—	—
10.04	Oats	0	0	0	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

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

COMMISSION REGULATION (EEC) No 448/78

of 2 March 1978

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as amended by Regulation (EEC) No 1158/77⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 March 1978.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 136, 2. 6. 1977, p. 13.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

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

COMMISSION REGULATION (EEC) No 449/78

of 2 March 1978

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice⁽¹⁾, as amended by Regula-
tion (EEC) No 1158/77⁽²⁾, and in particular the
second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary
Committee,

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

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

Whereas that Regulation provides that the refund
applicable on the day on which application for an
export licence is made must, when it is fixed in
advance, be reduced by an amount no greater than the
difference between the cif forward delivery price and
the cif price, where the former exceeds the latter by
more than 0.25 unit of account per tonne; whereas,
on the other hand, the refund must be increased by
an amount no greater than the difference between the
cif price and the cif forward delivery price, where the
former exceeds the latter by more than 0.25 unit of
account per tonne;

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

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

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

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

Whereas it follows from applying all these provisions
that the corrective amount applicable on 3 March
1978 must be fixed as shown in the table annexed to
this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of
Regulation (EEC) No 1418/76 which is applicable to
the export refunds fixed in advance in respect of rice
and broken rice is hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 3 March
1978.

(1) OJ No L 166, 25. 6. 1976, p. 1.

(2) OJ No L 136, 2. 6. 1977, p. 13.

(3) OJ No 204, 24. 8. 1967, p. 20.

(4) OJ No L 222, 10. 9. 1968, p. 6.

(5) OJ No L 166, 25. 6. 1976, p. 30.

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

Done at Brussels, 2 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 2 March 1978 fixing the corrective amount applicable to the refund on rice and broken rice

(u.d. / tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
10.06	Rice :						
	A. Paddy rice ; husked rice :						
	I. Paddy rice :						
	a) Round grain	—	—	—	—	—	—
	b) Long grain	—	—	—	—	—	—
	II. Husked rice :						
	a) Round grain	0	0	0	0	0	0
	b) Long grain	0	0	0	0	0	0
	B. Semi-milled or wholly milled rice :						
	I. Semi-milled rice :						
	a) Round grain	—	—	—	—	—	—
	b) Long grain	—	—	—	—	—	—
	II. Wholly milled rice :						
	a) Round grain	0	0	0	0	0	0
	b) Long grain	0	0	0	0	0	0
	C. Broken rice	—	—	—	—	—	—

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 December 1977

relating to proceedings under Article 85 of the EEC Treaty (IV/26.437 — Jaz-Peter)

(Only the French and German texts are authentic)

(78/194/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾ and in particular Articles 6 and 8 thereof,

Having regard to the notification made on 20 March 1967 pursuant to Article 4 (1) of Regulation No 17 by the French company Jaz SA (Jaz) of Paris, concerning a specialization and reciprocal supply agreement in timepieces made on 11 January 1967 between Jaz and the German company Peter-Uhren GmbH (Peter) of Rottweil,

Having regard to the Decision of 22 July 1969⁽²⁾ in which the Commission made, in favour of Jaz and Peter, a Decision applying Article 85 (3), valid until 10 January 1977,

Having regard to the requests for renewal of the Decision applying Article 85 (3) made respectively by Jaz on 22 December 1976 and Peter on 18 January 1977,

Having published pursuant to Article 19 (3) of Regulation No 17, in *Official Journal of the European Communities* No C 249 of 18 October 1977, the essential content of the agreement for which the request for

a renewal of the Decision applying Article 85 (3) was made,

Having regard to the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions, delivered pursuant to Article 10 of Regulation No 17, on 9 November 1977,

I. The facts

1. The contents of the agreement are as follows:

(a) In order to increase the productivity of their installations and to obtain a reduction in the cost price of their watches and clocks, the companies Jaz and Peter agreed, in an agreement of 11 January 1967 of unlimited duration, to concentrate their principal manufactured lines, so that Peter would specialize in the manufacture of large mechanical alarm clocks and Jaz would specialize in pendulum clocks and electric alarm clocks while both would continue to manufacture other articles, namely so-called 'fancy' mechanical alarm clocks and stopwatches.

(b) By this agreement each of the parties also undertook:

— to supply in the country of its partner its special products, together with their spare parts, exclusively to its partner, Jaz, however,

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No L 195, 7. 8. 1969, p. 5.

being entitled to continue to supply direct three old German customers. Peter's obligation to supply Jaz on the French market also covers its stopwatches. A delivery programme to be drawn up every six months lays down *inter alia* the minimum quantities of the products allocated to these reciprocal deliveries; for these products the parties are required to grant each other prices no greater than the most favourable prices which they ask of third parties, in the same circumstances, for identical or analogous articles;

- to exchange their know-how, particularly in the technical field, and to consult each other on all common problems by means of a cooperation committee specially set up for the purpose;
- not to buy from third parties for resale in its territory articles of the same nature as those allocated to the reciprocal deliveries and which it can obtain from its partner;
- to grant to its partner a priority right for the exclusive sale on the latter's territory of new articles which it proposes to manufacture and market whether or not such articles are specialized;

- (c) The contract concluded between the parties also contains detailed provisions relating to the time limit for payment, the burden of risk, the rights of guarantee, freight costs, arbitration procedure, and termination.

2. In order to appreciate the effects of the agreement, the following points should be borne in mind:

- (a) Each party freely fixes the sales prices both of its own products and of those supplied by its partner. Neither of the parties prohibits its partner from re-exporting articles which it has supplied to it or imposes export prohibitions at the various stages of resale. Jaz and Peter retain their freedom as regards their exports outside France and Germany, and for these exports they are even entitled to buy electric movements and large mechanical alarms from other manufacturers.
- (b) The types of clock covered by the agreement are marketed within the common market by a large number of undertakings. In particular, in Germany there are about 10 manufacturers of such articles, including at least three undertakings or groups of undertakings which are larger than Peter as to capital, turnover and workforce. Although Jaz is the most important French manufacturer of large clocks, with a market share exceeding 25 %, its

sales of mechanical and electric alarm clocks nevertheless amount to less than 8 % of sales of these articles in the common market. Imports into France and Germany of clocks from non-member States, including certain Eastern European countries, Japan and Switzerland, which have recently come to play a considerable part, are very large.

- (c) In order to facilitate such marketing, the articles manufactured by Peter at Rottweil and delivered to Jaz bear Jaz trade marks while those manufactured by Jaz at Colmar and delivered to Peter bear Peter trade marks, so that each of the parties is able to benefit from the reputation of its partner's trade marks on the latter's market while continuing to sell under its own marks on its national market the whole range of clocks and watches. The undertaking under whose trade mark the articles are sold takes on the normal guarantees to the purchaser; to that end, its partner makes available to it an adequate stock of parts.

As regards the size of supplies passing between the two companies, it should be mentioned that Jaz delivers to Peter an average 20 % of its annual production of electric movements and that Peter delivers to Jaz annually 30 to 40 % of its production of large mechanical alarm clocks and 5 to 10 % of its production of stopwatches.

- (d) As part of the cooperation set up between them and with the assistance of the cooperation committee created for that purpose, the parties regularly exchange information and hold on-site inspections with a view to improving the manufacturing and packaging methods and make sure that the specialized articles to be supplied by the partner meet the quality requirements of the market for which they are intended. Also, they examine jointly the possibilities of new investments, particularly regarding the automation of production, and they arrange exchanges of staff in the form of training courses with the aim of forming an increasingly specialized labour force.
- (e) In the period of 10 years during which the agreement has been in force both parties have manufactured their specialized products in much larger quantities. Production by Jaz of pendulum clocks and electric alarm clocks has more than quadrupled and for Peter production of large mechanical alarm clocks has increased by two and a half times. New investments have been made which have allowed considerable improvements in the quality of the products and for certain articles a reduction in retail prices both on their respective domestic markets and for exports to other countries in the common market.

3. Following the publication of the essential part of the contents of the agreement in the *Official Journal of the European Communities*, no observations have been received by the Commission from other parties.

II. Applicability of Article 85 (1)

4. For the reasons already set out in the Decision of 22 July 1969, the agreement in question may affect trade between Member States and has as its object or effect the restriction of competition within the common market, in so far as each of the parties has undertaken :

- (a) to give up manufacturing, for the duration of the agreement, timepieces in the manufacture of which its partner specializes ;
- (b) to supply its specialized articles for sale on the territory of its partner exclusively to the latter, at its most favourable prices and bearing the trade mark of its partner, in consideration for the latter's obligation to take delivery of minimum quantities in accordance with a half-yearly programme ;
- (c) not to buy from third parties for resale on its territory articles of the same nature as those reserved for the reciprocal delivery and which it can obtain from its partner ;
- (d) to grant to its partner a right of priority for the exclusive marketing of new articles which it proposes to manufacture and distribute.

III. Applicability of Article 85 (3)

5. The provisions of Commission Regulation (EEC) No 2779/72 of 21 December 1972 concerning the application of Article 85 (3) of the Treaty to categories of specialization agreements⁽¹⁾, which was made after the Decision of 22 July 1969, are not applicable to the present agreement because the market shares of one of the parties in one Member State exceeds that fixed by Article 3 of the Regulation. It must therefore be examined whether or not a decision to renew the exemption can be taken.

6. The agreement continues to fulfil the conditions required for the application of Article 85 (3) for the following reasons :

- (a) The agreement allows each of the parties to concentrate entirely on manufacturing those products for which it has bigger and better manufacturing facilities than its partner, taking into

account its technical equipment and its experience. Each can thus manufacture in much greater quantities the articles in which it specializes. Jaz is now producing four times as many alarm clocks and electric pendulum clocks as it did 10 years ago before the agreement. Peter's production of large mechanical alarm clocks has increased by 250 % over the same period. This concentration and development of production means not only a better use of the industrial plant available to each, and hence a reduction in the unit cost of manufacture of the specialized products, but also the elimination of the burdens which result from maintaining previous non-profitable or less-profitable manufactures. Furthermore, the obligation agreed upon to make reciprocal exclusive supplies gives each party the certainty of being able to depend upon minimum orders from its partner, thereby facilitating the preparation of its manufacturing programme. It also enables them, in spite of their specialized manufactures, to continue to offer for sale a complete range of mechanical and electrical timepieces in all price ranges.

All these advantages both for production and distribution have led to an appreciable increase in the competitiveness of both Jaz and Peter, which in turn has led to a considerable expansion in the two undertakings' sales in Community and third country markets. In 10 years Jaz's turnover has more than quadrupled. Over 20 % of its turnover is now found in non-domestic markets whereas in 1967 this company exported only 10 % of value of production. The expansion has been less rapid for Peter but the German company has been able, during the same period, to increase its turnover by 170 %.

The combined effects of the technical cooperation and of the investments, which have, through economies of cost, been able to be developed in the field of research, have also enabled the two undertakings to achieve substantial improvements in the quality of their products. The degree of precision in mechanical and particularly electrical movements attained by Jaz and Peter has increased considerably over 10 years and includes the use of electronic components and quartz synchronization devices. In addition numerous technical refinements (repeating alarms, digital numerical displays, movements governed by tuning fork vibrations) have been added to the various products manufactured. It is clear, therefore, that the overall effect of the agreement has not only been an improvement in production and distribution but also the promotion of technical progress.

⁽¹⁾ OJ No L 292, 29. 12. 1972, p. 23.

Peter's obligation to deliver its stopwatches exclusively to Jaz for sale on the French market has also involved an improvement in distribution. It should be emphasized that Peter's stopwatches cannot, by reason of their style of manufacture as well as their price level, be considered as competing with those which Jaz continues to manufacture in much more restricted amounts. The stopwatches manufactured by Jaz, which have a logarithmic movement, are in a price range which is clearly higher than Peter's models, which have a running-type movement. The fact that Jaz has taken over the sale of Peter's stopwatches under its own trade marks has allowed it to offer to French purchasers, through its numerous sales outlets in France, a complete range of timepieces of this type. A substantial increase can be discerned in the sale of Peter's stopwatches on the French market as compared with the period preceding the agreement.

(b) The competition on the Community market in timepieces, due to the large number of undertakings operating in the Member States and to the pressure from imports from non-member States, has ensured that Jaz and Peter could not solely appropriate for their own profits the cost economies which result from the agreement. By offering increasingly large quantities of improved articles of high quality at competitive prices, the two undertakings have been able to afford consumers a fair share of the resulting benefit. Jaz and Peter's price evolution demonstrates that not only have the prices of some current quality articles been reduced and for the most part have remained unchanged for periods of several years but also that the increases in respect of improved articles have generally been lower than the general rate of price increases. For these reasons it may be concluded that the agreement will continue to afford consumers a fair share of the resulting benefit in the future.

(c) The agreement does not contain any restriction which is not indispensable to the attainment of the objectives sought :

— unless each party had given up manufacturing the articles in which its partner specializes, the desired increase in productivity would not have been possible, since it stems from the specialization itself ;

— the obligation to supply under the partner's trademarks and to take delivery of minimum

quantities gives to each of the parties a guarantee that not only will it put on to the market, in its partner's country, given quantities of the articles which it will then be alone in manufacturing because of the specialization, but also that it will itself be able to take the whole benefit from the sale in its own country of the specialized articles of its partner. Jaz and Peter could not reasonably be expected, without such guarantee, to take the risk of concentrating each on certain manufactures and making new investments to increase their production of specialized articles and to improve the quality thereof ;

— the increase in productivity by increasing the quantities produced as specialized articles, which is the main object of the agreement, is achieved in the present case by the withdrawal by each of the parties in favour of its partner, in the sector in which the latter has specialized, from those areas of production and of the market in which it was previously engaged. This objective can only be attained if each of the parties abstains from purchasing from third parties the articles which it needs to complete its range and which it can obtain from its partner ;

— the reciprocal concession of a priority right to market new articles which the parties propose to manufacture and distribute has never been applied since the agreement came into force. However, this must be considered as indispensable to achieve the improvement in production and the promotion of technical progress to which the agreement contributes. The development of an ever-closer collaboration between the parties, particularly in the field of joint research and exchange of information, would be imperilled if they had not agreed from the outset to be able by these means to participate within certain limits, in their respective territories, in the benefits which the partner could derive, by reason of the specialization, from the perfecting and sale of any new products.

(d) There are in the countries of the common market numerous manufacturers of timepieces capable of competing effectively with Jaz and Peter in their respective markets. Considerable imports, particularly from Japan, Switzerland and the Eastern European countries, are regularly made into France and Germany. The middle-man trade is always in a

position to make parallel imports. Jaz and Peter remain free to export under their own trade marks out of Germany and France and they are at liberty to buy from other manufacturers for resale outside Germany and France. Consequently, although the agreement puts the parties in a position to increase their market share within the EEC, a rather large share in the case of Jaz, it does not however afford them on the whole the possibility of eliminating competition in a substantial part of the products in question.

7. Consequently, the Commission Decision of 22 July 1969 can, under Article 8 (2) of Regulation No 17, be renewed since all the requirements for the application of Article 85 (3) of the Treaty continue to be met.

IV.

8. The duration of validity of the Decision to be renewed under Article 8 (2) of Regulation No 17 should be sufficiently long to permit the parties to continue to develop the cooperation created between them, before there is a new assessment of the agreement in the light of Article 85,

HAS ADOPTED THIS DECISION :

Article 1

The Decision applying Article 85 (3) of the Treaty establishing the European Economic Community adopted by the Commission on 22 July 1969 for the period to 10 January 1977 and concerning the agreement of 11 January 1967 between the undertakings Jaz SA of Paris and Peter Uhren GmbH of Rottweil is hereby renewed until 10 January 1987.

Article 2

This Decision is addressed to the undertakings Jaz SA of Paris, France and Peter-Uhren of Rottweil, Baden, Germany.

Done at Brussels, 23 December 1977.

For the Commission

Raymond VOUEL

Member of the Commission

COMMISSION DECISION

of 19 January 1978

fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EEC) No 1931/77

(78/195/EEC)

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 2560/77⁽²⁾,

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

Having regard to Commission Regulation (EEC) No
1931/77 of 26 August 1977 on an invitation to tender
for the refund for the export of barley to Zones I, II,
III, IV and VI⁽⁴⁾, as amended by Regulation (EEC) No
2723/77⁽⁵⁾,

Whereas in Regulation (EEC) No 1931/77 an invita-
tion to tender was issued for the export refund on
barley; whereas, according to the notice of invitation
to tender⁽⁶⁾ accompanying that Regulation, the total
quantity in respect of which the export refund may be
fixed is approximately 1 500 000 tonnes;

Whereas, pursuant to Article 5 of Commission Regula-
tion (EEC) No 279/75 of 4 February 1975 laying
down detailed rules for the application of the system
of tendering for export refunds on cereals⁽⁷⁾, the
Commission, acting under the procedure laid down in
Article 26 of Regulation (EEC) No 2727/75, may
decide to fix a maximum export refund; whereas in
fixing this maximum the criteria provided for in Arti-

cles 2 and 3 of Regulation (EEC) No 2746/75 must be
taken into account; whereas a contract is awarded to
any tenderer whose tender is equal to or less than the
maximum export refund;

Whereas the application of the abovementioned
criteria to the current market situation for the cereal
in question results in the maximum export refund
being fixed at the amount specified in Article 1;
whereas the quantities of barley in respect of which
refunds are fixed amount to 60 000 tonnes;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on barley is hereby fixed
on the basis of the tenders submitted by 19 January
1978 at 69.95 units of account per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 219, 27. 8. 1977, p. 5.

⁽⁵⁾ OJ No L 315, 9. 12. 1977, p. 14.

⁽⁶⁾ OJ No C 207, 30. 8. 1977, p. 7.

⁽⁷⁾ OJ No L 31, 5. 2. 1975, p. 8.

COMMISSION DECISION

of 19 January 1978

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2734/77, the maximum amounts for the costs of delivery of skimmed-milk powder as food aid

(78/196/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 2560/77⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2734/77 of 8 December 1977 on the delivery of various consignments of skimmed-milk powder as food aid⁽³⁾, the intervention agencies of the Member States have invited tenders for the costs of delivery of 4 720 tonnes of skimmed-milk powder, destined for certain developing countries and the International Committee of the Red Cross;

Whereas Article 16 of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, provides that in the light of the tenders received a maximum amount for each lot put out for tender is to be fixed or the tendering procedure is to be cancelled;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below;

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 maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 2734/77 shall be fixed in units of account as follows :

- Lot B : 15 172
- Lot C : 14 290
- Lot D : 20 829
- Lot E : 18 961
- Lot F : 67 982
- Lot G : 62 917
- Lot H : 68 268
- Lot K : 549 777

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 316, 10. 12. 1977, p. 18.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

COMMISSION DECISION

of 19 January 1978

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2852/77, the maximum amounts for the costs of delivery of skimmed-milk powder as food aid

(78/197/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 2560/77⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2852/77 of 19 December 1977 on the delivery of various consignments of skimmed-milk powder as food aid⁽³⁾, the intervention agencies of the Member States have invited tenders for the costs of delivery of 2 700 tonnes of skimmed-milk powder, destined the for certain developing countries;

Whereas Article 16 of Commission Regulation (EEC) No 303/77 of 14 February 1977 laying down general rules for the supply of skimmed-milk powder and butteroil as food aid⁽⁴⁾, provides that in the light of the tenders received a maximum amount for each lot put out to tender is to be fixed or the tendering procedure is to be cancelled;

Whereas, on the basis of the tenders received, the maximum amounts should be those specified below;

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 maximum amounts to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 2852/77 shall be fixed in units of account as follows:

- Lot A : 3 028
- Lot B : 3 028
- Lot C : 1 514
- Lot D : 192 518

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 329, 22. 12. 1977, p. 16.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

COMMISSION DECISION

of 19 January 1978

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2853/77, the maximum amounts for the delivery of butteroil as food aid

(Only the Dutch and German texts are authentic)

(78/198/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 2560/77⁽²⁾, and in
particular Article 6 (7) thereof,Whereas, pursuant to Commission Regulation (EEC)
No 2853/77 of 19 December 1977 on the delivery of
various consignments of butteroil as food aid⁽³⁾, the
German and the Dutch intervention agencies have
invited tenders for the manufacture and delivery of
2 250 tonnes of butteroil, destined for Pakistan ;Whereas Article 16 of Commission Regulation (EEC)
No 303/77 of 14 February 1977 laying down general
rules for the supply of skimmed-milk powder and
butteroil as food aid⁽⁴⁾, provides that in the light of
the tenders received a maximum amount for each lot
put out to tender is to be fixed or the tendering proce-
dure is to be cancelled ;Whereas, on the basis of the tenders received, the
maximum amounts should be those specified below ;Whereas the measures provided for in this Decision
are in accordance with the opinion of the Manage-
ment Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION :

*Article 1*The maximum amounts to be set for the purposes of
awarding a contract pursuant to Regulation (EEC) No
2853/77 shall be fixed in units of account as follows :

- Lot A : 1 486 281
- Lot B : 1 486 458
- Lot C : 1 491 995
- Lot D : 1 486 728
- Lot E : 743 613

*Article 2*This Decision is addressed to the Federal Republic of
Germany and the Kingdom of the Netherlands.

Done at Brussels, 19 January 1978.

For the Commission

Finn GUNDELACH

Vice-President⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.⁽³⁾ OJ No L 329, 22. 12. 1977, p. 20.⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

COMMISSION DECISION

of 19 January 1978

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to industrial and occupational clothing of mixed synthetic textile fibres and of cotton for men and women, falling within heading Nos ex 61.01 and ex 61.02 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the other Member States

(Only the Dutch and French texts are authentic)

(78/199/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 12 January 1978 by the Governments of the Benelux countries to the Commission by telex from the office of the Permanent Representative of the Kingdom of the Netherlands to the European Communities, for authorization not to apply Community treatment to industrial and occupational clothing of mixed synthetic textile fibres and of cotton for men and women, falling within heading Nos ex 61.01 and ex 61.02 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the other Member States,

Whereas imports into the Community of the products in question originating in Hong Kong are the subject of an Agreement negotiated between the Community and Hong Kong;

Whereas under the Agreement Hong Kong has undertaken to take all necessary steps to limit its exports of certain textile products to the Community to certain ceilings allocated among Member States;

Whereas there are economic difficulties in the industry in question and these difficulties are aggravated by imports of low-priced products from third countries;

Whereas imports of the products in question would be likely to implicate the aims pursued by the above-mentioned Agreement;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should therefore be given, for a limited period, for the application of protective measures under the first paragraph of Article 115 subject to the conditions laid down by the Commission Decision of 12 May 1971⁽¹⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are hereby authorized not to apply Community treatment to industrial and occupational clothing of mixed synthetic textile fibres and of cotton for men and women, falling within heading Nos ex 61.01 and ex 61.02 of the Common Customs Tariff where they originate in Hong Kong and are in free circulation in the other Member States, and in respect of which application for import licences lodged after 2 January 1978 are, on the date of this Decision, pending with the Benelux authorities.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 19 January 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.