

Official Journal

of the European Communities

ISSN 0378-6978

L 188

Volume 21

11 July 1978

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1603/78

of 7 July 1978

amending Regulation (EEC) No 2744/75 on the import and export system for products processed from cereals and from rice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1254/78⁽²⁾, and in particular Article 16 (5) thereof,

Having regard to the proposal from the Commission,

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⁽³⁾, as amended by Regulation (EEC) No 832/76⁽⁴⁾ lays down in particular general rules on the granting of export refunds for processed products;

Whereas these rules provide for the refunds to be fixed once per month; whereas it has appeared neces-

sary as far as malt is concerned, a product whose market shows economic characteristics similar to those of cereals and of flours, to be able to fix the refunds more frequently and thus to be able to follow more closely the development of the world market,

HAS ADOPTED THIS REGULATION:

Article 1

The following sentence shall be added to Article 6 (6) of Regulation (EEC) No 2744/75:

'However, for products falling under heading No 11.07 of the Common Customs Tariff, refunds shall be fixed at least once a month.'

Article 2

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

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

Done at Brussels, 7 July 1978.

For the Council

The President

H. D. GENSCHER

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁴⁾ OJ No L 100, 14. 4. 1976, p. 1.

COMMISSION REGULATION (EEC) No 1604/78**of 10 July 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 1254/78⁽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 11 July
1978.

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

Done at Brussels, 10 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 10 July 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	89.18
10.01 B	Durum wheat	133.79 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	88.97 ⁽⁶⁾
10.03	Barley	83.59
10.04	Oats	77.41
10.05 B	Maize, other than hybrid maize for sowing	81.65 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	79.94 ⁽⁴⁾
10.07 C	Grain sorghum	84.27 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	137.07
11.01 B	Rye flour	136.77
11.02 A I a)	Durum wheat groats and meal	218.55
11.02 A I b)	Common wheat groats and meal	146.29

⁽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 1605/78

of 10 July 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 1254/78 ⁽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 11 July
1978.

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

Done at Brussels, 10 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 10 July 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 7	1st period 8	2nd period 9	3rd period 10
10.04 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0.33	0.33	0.33
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
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	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1606/78**of 30 June 1978****on the delivery of various consignments of skimmed-milk powder as food aid**

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 1421/78⁽²⁾, and in
particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No
827/78 of 25 April 1978 laying down general rules for
the supply of skimmed-milk powder as food aid to
certain developing countries and international organi-
zations under the 1978 programme⁽³⁾, and in parti-
cular Article 6 thereof,

Whereas, under the food-aid programmes adopted by
the Council Regulations specified in the Annex, the
International Committee of the Red Cross has
requested the delivery of the quantities of skimmed-
milk powder set out therein in favour of certain third
countries ;

Whereas, therefore, delivery should be effected in
accordance with the rules laid down in 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⁾; whereas in
particular the periods and terms for delivery and the
procedure to be followed by the intervention agencies
to establish the costs arising therefrom should be laid
down ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In accordance with the provisions of Regulation (EEC)
No 303/77 the intervention agencies as specified in
the Annex shall deliver skimmed-milk powder as food
aid on the special terms set out therein.

Article 2

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

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 171, 20. 6. 1978, p. 12.

⁽³⁾ OJ No L 115, 27. 4. 1978, p. 1.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

ANNEX⁽¹⁾

Consignment	A
1. Application of Council Regulations (a) legal basis (b) affectation	(EEC) No 827/78 (1978 programme) (EEC) No 828/78
2. Beneficiary	ICRC
3. Country of destination	Bolivia
4. Total quantity of the consignment	300 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12
6. Origin of the skimmed-milk powder	Bought on the Community market
7. Special characteristics and/or packaging ⁽²⁾	{ Vitamin A content : 5 000 i.u. per 100 g minimum Vitamin D content : 500 i.u. per 100 g minimum Date of manufacture clearly indicated on the bags
8. Markings on the packaging	A red cross 10 cm × 10 cm and in letters at least 1 cm high, the following inscription : 'Leche desnatada en polvo/con vitaminas A (5 000 UI/100 g) y D (500 UI/100 g / Donación de la Comunidad económica europea / Acción del Comité Internacional de la Cruz Roja / Destinada a la distribución gratuita / La Paz (Bolivia) via Arica (Chile)'
(Chile)	
9. Delivery period	Loading after 1 and before 20 October 1978
10. Stage and place of delivery	Delivered to La Paz (Bolivia) via Arica (Chile)
11. Representative of the beneficiary responsible for reception ⁽³⁾	Cruz Roja Boliviana Avenida Simon Bolivar No 1515 Casilla No 741, La Paz (Bolivia)
12. Procedure to be applied to determine the costs of supply	Tender
13. Expiry of the time limit for submission of tenders	12 noon on 24 July 1978

Consignment	B	C
1. Application of Council Regulations (a) legal basis (b) affectation	(EEC) No 827/78 (1978 programme) (EEC) No 828/78	
2. Beneficiary	ICRC	
3. Country of destination	Philippines	Jordan
4. Total quantity of the consignment	200 tonnes	100 tonnes
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12	German
6. Origin of the skimmed-milk powder	Bought on the Community market	
7. Special characteristics and/or packaging ⁽²⁾	Vitamin A content : 5 000 i.u. per 100 g minimum Vitamin D content : 500 i.u. per 100 g minimum Date of manufacture clearly indicated on the bags	
8. Markings on the packaging	A red cross 10 cm × 10 cm and in letters at least 1 cm high, the following inscription : 'Skimmed-milk powder / enriched with vitamins A (5 000 i.u. / 100 g) and D (500 i.u. / 100 g) / Gift of the European Economic Community / Action of the International Committee of the Red Cross / For free distribution / ...' followed by : Manila' Aqaba'	
9. Delivery period	Loading by 31 August 1978 at the latest	Loading by 31 July 1978 at the latest
10. Stage and place of delivery	Port of unloading Manila (deposited on the quay or on lighters)	Port of unloading Aqaba (deposited on the quay or on lighters)
11. Representative of the beneficiary ⁽³⁾	The Philippine National Red Cross, POB 280, Manila 2801, Philippines	Jordan National Red Crescent Society, POB 10 001, Amman Jordan ⁽⁴⁾
12. Procedure to be applied to determine the costs of supply	Tender	Mutual agreement
13. Expiry of the time limit for submission of tenders	12 noon on 24 July 1978	—

Notes

(¹) This Annex, together with the notice published in OJ No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned in cases where, under point 12, there must be a tendering procedure.

(²) Other than those set out in the Annex to Regulation (EEC) No 1108/68 ; see Article 6 (2) of Regulation (EEC) No 303/77.

(³) Only in the case of delivery 'to the port of unloading' and 'free at destination' ; see Article 5 and the last indent of Article 13 (1) of Regulation (EEC) No 303/77.

(⁴) The bill of lading must contain the following :

'Notify : ICRC Delegation
Place Abdali
Jabal El-Weibdeh
POB 9058, Amman, Jordan'.

COMMISSION REGULATION (EEC) No 1607/78

of 5 July 1978

on the delivery of various consignments of skimmed-milk powder as food aid

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 1421/78⁽²⁾, and in
particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No
1766/77 of 25 July 1977 laying down general rules for
the supply of skimmed-milk powder as food aid to
certain developing countries and international organi-
zations under the 1977 programme⁽³⁾, and in parti-
cular Article 6 thereof,

Whereas, under the food-aid programmes adopted by
the Council Regulations specified in the Annex,
Mauritius has requested the delivery of the quantity of
skimmed-milk powder set out therein;

Whereas, therefore, delivery should be effected in
accordance with the rules laid down in 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⁾; whereas in
particular the periods and terms for delivery and the
procedure to be followed by the intervention agencies
to establish the costs arising therefrom should be laid
down; whereas, in view of the special provisions for
distribution laid down by the beneficiary country, it is
therefore necessary to stipulate, in exceptional circum-
stances, a special packaging;

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

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with the provisions of Regulation (EEC)
No 303/77 the intervention agencies as specified in
the Annex shall deliver skimmed-milk powder as food
aid on the special terms set out therein.

Article 2

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

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

Done at Brussels, 5 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 171, 20. 6. 1978, p. 12.

⁽³⁾ OJ No L 192, 30. 7. 1977, p. 1.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

ANNEX⁽¹⁾

Consignment	A
1. Application of Council Regulations (a) legal basis (b) affectation	(EEC) No 1766/77 (1977 programme) (EEC) No 1767/77
2. Beneficiary	} Mauritius
3. Country of destination	
4. Total quantity of the consignment	
5. Intervention agency responsible for delivery	500 tonnes
6. Origin of the skimmed-milk powder	Will result from application of the procedure to in point 12
7. Special characteristics of skimmed-milk powder	Bought on the Community market
8. Special packaging	} Vitamin A content: 5 000 i.u. per 100 g minimum Vitamin D content: 500 i.u. per 100 g minimum
9. Markings on the packaging	
10. Delivery period	See Note (2)
11. Stage and place of delivery	The bags and boxes must bear the following marking: 'Lait écrémé en poudre vitaminé/Don de la Communauté Economique Européenne à l'Ile Maurice/pour distribution gratuite'
12. Representative of the beneficiary responsible for reception	After 25 August and before 10 September 1978
13. Procedure to be applied to determine the costs of supply	Community port operating a regular service with the recipient country
14. Expiry of the time limit for submission of tenders	SCAC, Société Commerciale d'Affrètement et de Combustible, 92 Puteaux (France)
	Tender
	12 noon on 24 July 78

Notes

(1) This Annex, together with the notice published in in OJ No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned.

(2) The special packaging specifications are the following :

1. Polyethylene bags which are new, clean, dry and intact, and of a net weight content of 5 kg and made in accordance with the following :

- horizontally welded,
- thickness 0.10 mm,
- dimensions : 250 mm × 550 mm,
- printed in one colour only,
- polyethylene uncoloured,
- titanium dioxide : 0.5 %,
- Oleamide : 550 ppm,
- silicon dioxide : 450 ppm,
- density : 99.4 % high pressure,
- resistance : 203 kg/cm²,
- modulus of elasticity : 1198 kg/cm²,
- elongation : 132 %,

Food quality

2. Cartons containing four bags as specified above in each carton and respecting the following conditions :

- printed in one colour only,
- dimensions : 425 × 340 × 350 mm.
- composition :
 - kraft 125 g,
 - corrugated 4 mm — 120 g,
 - schrenz 110,
 - corrugated 3 mm — 120 g,
 - kraft 125 g,
- with compartments 2 × 2 :
 - duplex brown 140 g,
 - corrugated 4 mm 120 g,
 - duplex brown 140 g.

The cartons shall be securely closed by gluing the upper and lower flaps of each surface.

COMMISSION REGULATION (EEC) No 1608/78

of 5 July 1978

on the delivery of various consignments of skimmed-milk powder as food aid

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 1421/78⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1298/76 of 1 June 1976 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme⁽³⁾, as amended by Regulation (EEC) No 2017/76⁽⁴⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1766/77 of 25 July 1977 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations, under the 1977 programme⁽⁵⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 827/78 of 25 April 1978, laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations, under the 1978 programme⁽⁶⁾, and in particular Article 6 thereof,

Whereas, under the food-aid programmes adopted by the Council Regulations specified in the Annex,

certain third countries have requested the delivery of the quantities of skimmed-milk powder set out therein ;

Whereas, therefore, delivery should be effected in accordance with the rules laid down in 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⁽⁷⁾ ; whereas in particular the periods and terms for delivery and the procedure to be followed by the intervention agencies to establish the costs arising therefrom should be laid down ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In accordance with the provisions of Regulation (EEC) No 303/77 the intervention agencies, as specified in the Annex, shall deliver skimmed-milk powder as food aid on the special terms set out therein.

Article 2

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

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

Done at Brussels, 5 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 171, 26. 6. 1978, p. 12.

⁽³⁾ OJ No L 146, 4. 6. 1976, p. 3.

⁽⁴⁾ OJ No L 224, 16. 8. 1976, p. 1.

⁽⁵⁾ OJ No L 192, 30. 7. 1977, p. 1.

⁽⁶⁾ OJ No L 115, 27. 4. 1978, p. 1.

⁽⁷⁾ OJ No L 43, 15. 2. 1977, p. 1.

ANNEX (1)

Consignment	A
1. Application of Council Regulations : (a) legal basis (b) affectation	(EEC) No 827/78 (1978 programme) (EEC) No 828/78
2. Beneficiary	}
3. Country of destination	Indonesia
4. Total quantity of the consignment	1 000 tonnes (2)
5. Intervention agency responsible for delivery	Will result from application of the procedure referred to in point 12
6. Origin of the skimmed-milk powder	Bought on the Community market
7. Special characteristics and/or packaging (3)	{ Vitamin A content : 5 000 i.u. per 100 g minimum Vitamin D content : 500 i.u. per 100 g minimum Date of manufacture clearly indicated on the bags
8. Markings on the packaging	'Skimmed-milk powder enriched with vitamins A and D / Gift of the European Economic Community to Indonesia / For free distribution'
9. Delivery period	After 25 August 1978 and before 10 September 1978
10. Stage and place of delivery	Community port operating a regular service between recipient countries
11. Representative of the beneficiary responsible for reception (4)	—
12. Procedure to be applied to determine the costs of supply	Tender
13. Expiry of the time limit for submission of tenders	12 noon on 24 July 1978

Consignment	B	C	D
1. Application of Council Regulations (a) legal basis (b) affectation	(EEC) No 827/78 (1978 programme) (EEC) No 828/78		
2. Beneficiary	}	Republic of Senegal	
3. Country of destination			
4. Total quantity of the consignment		750 tonnes	750 tonnes
5. Intervention agency responsible for delivery	German	Belgian	Dutch
6. Origin of the skimmed-milk powder	Intervention stocks ⁽³⁾		
7. Special characteristics and/or packaging ⁽³⁾	Entry into intervention agency's stock after 1 October 1977		
8. Markings on the packaging	'Skimmed-milk powder / Gift of the European Economic Community to Indonesia'	'Lait écrémé en poudre non vitaminé / Don de la Communauté Economique Européenne au Sénégal / À distribuer gratuitement'	
9. Delivery period	After 25 August and before 10 September 1978	Loading at the latest on 31 August 1978	
10. Stage and place of delivery	Community port operating a regular service with the recipient countries	Port of unloading Dakar (deposited on the quayside or on lighters)	
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	—	Représentant du Gouvernement sénégalais Monsieur le Commissaire à l'aide alimentaire Rue Blanchot 112 — Dakar — tél. 364.76 and 368.78 (no telex)	
12. Procedure to be applied to determine the costs of supply	Tender		
13. Expiry of the time limit for submission of tenders	12 noon on 24 July 1978		

Consignment	E	F	G	H	I	K
1. Application of Council Regulations:						
(a) legal basis	(EEC) No 1766/77 (1977 programme)					(EEC) No 1298/76 (1976 programme)
b) affectation	(EEC) No 1767/77					(EEC) No 2018/76
2. Beneficiary	WFP					
3. Country of destination	Cuba (6)					
4. Total quantity of the consignment	1 000 tonnes	1 000 tonnes	1 000 tonnes	600 tonnes	653 tonnes	395 tonnes (7)
5. Intervention agency responsible for delivery	Irish					
6. Origin of the skimmed-milk powder	Intervention stocks (5)					
7. Special characteristics and/or packaging (3)	Entry into intervention agency's stock after 1 October 1977					
8. Markings on the packaging	'Cuba 760 / Leche desnatada en polvo no vitaminado / La Havana / Donación de la Comunidad económica europea / Despachado per el Programa mundial de alimentos'					
9. Delivery period	After 25 August and before 10 September 1978					
10. Stage and place of delivery	Community port operating a regular service between recipient countries					
11. Representative of the beneficiary responsible for reception (4)	—	—	—	—	—	—
12. Procedure to be applied to determine the costs of supply	Tender					
13. Expiry of the time limit for submission of tenders	12 noon on 24 July 1978					

Consignment	L	M	N	O
1. Application of Council Regulations : (a) legal basis (b) affectation	(EEC) No 1766/77 (1977 programme) (EEC) No 1767/77			
2. Beneficiary	WFP			
3. Country of destination	Cuba ⁽⁶⁾			
4. Total quantity of the consignment	1 000 tonnes	1 000 tonnes	1 000 tonnes	1 000 tonnes
5. Intervention agency responsible for delivery	Irish			
6. Origin of the skimmed-milk powder	Intervention stocks ⁽⁵⁾			
7. Special characteristics and/or packaging ⁽³⁾	Entry into intervention agency's stock after 1 October 1977			
8. Markings on the packaging	'Cuba 760 / Leche desnatada en polvo no vitaminado / Santiago de Cuba / Donación de la Comunidad económica europea / Despachado por el Programa mundial de alimentos'			
9. Delivery period	After 25. August and before 10 September 1978			
10. Stage and place of delivery	Community port operating a regular service between recipient countries			
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	—	—	—	—
12. Procedure to be applied to determine the costs of supply	Tender			
13. Expiry of the time limit for submission of tenders	12 noon on 24 July 1978			

Notes

- (1) This Annex, together with the notice published in Official Journal No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned.
- (2) In cases where the total quantity of a lot is a multiple of 500 tonnes, the tender submitted may relate to a partial quantity of 500 tonnes or to a multiple of 500 tonnes; see Article 14 (2) of Regulation (EEC) No 303/77.
- (3) Other than those set out in the Annex to Regulation (EEC) No 1108/68; see Article 6 (2) of Regulation (EEC) No 303/77.
- (4) Only in the case of delivery 'to the port of unloading' and 'free at destination'; see Article 5 and the last indent of Article 13 (1) of Regulation (EEC) No 303/77.
- (5) In cases where the goods come from intervention stocks, an additional notice stating the warehouses where the product is stored will be published in the 'C' edition of the *Official Journal of the European Communities*.
- (6) The Commission shall send the intervention agency the list of various certificates which must accompany these deliveries.
- (7) In accordance with Article 4 of Regulation (EEC) No 1298/76, the intervention agency guarantees, within 30 days after taking delivery of the skimmed-milk powder by the WFP, the payment to this intervention agency of a contribution of 80 units of account for each tonne of skimmed-milk powder towards transport and distribution costs.

COMMISSION REGULATION (EEC) No 1609/78
of 10 July 1978
amending Regulation (EEC) No 1501/77 determining the intervention centres
for 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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1254/78⁽²⁾, and in particular
Article 3 (8) thereof,

Whereas the intervention centres for common wheat
were fixed by Commission Regulation (EEC) No
1501/77 of 1 July 1977 determining the intervention
centres for cereals⁽³⁾, as last amended by Regulation
(EEC) No 2134/77⁽⁴⁾;

Whereas the consultations provided for in Article 3 (8)
of Regulation (EEC) No 2727/75 have taken place;

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

Regulation (EEC) No 1501/77 is hereby amended to
read as follows:

1. Article 1 (2) shall read:

‘The said determination shall be valid for the
1978/79 marketing year.’

2. The Annex is amended in accordance with the
Annex hereto.

Article 2

This Regulation shall enter into force on the day of its
publication in the *Official Journal of the European
Communities* and shall be applicable from 1 August
1978.

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

Done at Brussels, 10 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 168, 6. 7. 1977, p. 1.

⁽⁴⁾ OJ No L 248, 29. 9. 1977, p. 18.

ANNEXE — ANHANG — ALLEGATO — BIJLAGE — BILAG — ANNEX

1. Le signe + précise que le lieu indiqué est considéré comme centre d'intervention pour la céréale en cause.
2. Le signe — précise que le lieu indiqué n'est pas à considérer comme centre d'intervention pour la céréale en cause.
1. Das Zeichen + bedeutet, daß der angegebene Ort als Interventionsstelle für die betreffende Getreideart gilt.
2. Das Zeichen — bedeutet, daß der angegebene Ort nicht als Interventionsstelle für die betreffende Getreideart gilt.
1. Il segno + significa che il luogo indicato è considerato centro d'intervento per il cereale in causa.
2. Il segno — significa che il luogo indicato non è da considerarsi centro d'intervento per il cereale in causa.
1. Het teken + geeft aan, dat deze plaats interventiecentrum is voor de betrokken graansoort.
2. Het teken — geeft aan, dat deze plaats geen interventiecentrum is voor de betrokken graansoort.
1. Tegnet + angiver, at det anførte sted betragtes som interventionscenter for den pågældende kornsort.
2. Tegnet — angiver, at det anførte sted ikke betragtes som interventionscenter for den pågældende kornsort.
1. The sign + indicates that the location shown is treated as an intervention centre for the cereal in question.
2. The sign — indicates that the location shown is not to be treated as an intervention centre for the cereal in question.

Centres d'intervention Interventionsort Centri di intervento Interventiecentrum Interventionscentre Intervention centres	Froment tendre Weichweizen Frumento tenero Zachte tarwe Blød hvede Common wheat	Seigle Roggen Segala Rogge Rug Rye	Orge Gerste Orzo Gerst Byg Barley	Froment dur Hartweizen Frumento duro Durum tarwe Hård hvede Durum wheat	Maïs Mais Granturco Mais Majs Maize
---	--	---	--	--	--

1. Under the heading 'Denmark' under Fyn, the columns for the centres of Svendborg and Odense are amended as follows:

Svendborg	+	—	—	—	—
Odense	+	+	+	—	—

2. Under the heading 'Ireland' the following centre is added:

Navan	+	—	+	—	—
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3. The centres appearing under the heading 'United Kingdom' are replaced by the following:

Aberdeen	+	—	+	—	—
Ashford	+	—	+	—	—
Avonmouth	+	—	+	—	—
Belfast	+	—	+	—	—
Berwick-on-Tweed	+	—	+	—	—
Cambridge	+	—	+	—	—
Driffield	+	—	+	—	—
Exeter	+	—	+	—	—
Glasgow	+	—	+	—	—
Hartlebury	+	—	+	—	—
Inverness	+	—	+	—	—
Ipswich	+	—	+	—	—
King's Lynn	+	—	+	—	—
Leith	+	—	+	—	—
Liverpool	+	—	+	—	—
Locharbriggs	+	—	+	—	—
Londonderry	+	—	+	—	—
Manby	+	—	+	—	—
Newcastle	+	—	+	—	—
Northampton	+	—	+	—	—
Norwich	+	—	+	—	—
Old Dalby	+	—	+	—	—
Oxford	+	—	+	—	—
Perth	+	—	+	—	—
Prees Heath	+	—	+	—	—
Ripon	+	—	+	—	—
Southampton	+	—	+	—	—
Tilbury	+	—	+	—	—

COMMISSION REGULATION (EEC) No 1610/78

of 10 July 1978

fixing the coefficients to be applied to production aid for tomato concentrates and prunes and to the minimum price for dried plums (prunes d'Ente)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1152/78⁽²⁾, and in particular Article 3c thereof,

Whereas, because of the variations in packaging and the different degrees of concentration, the amount of production aid for tomato concentrates must be fixed for a product with defined commercial characteristics; whereas, therefore, the coefficients to be applied to such amount should be fixed so as to take account of the differences in relation to the concentration and type of packaging;

Whereas, because of the diversity of commercial size categories for prunes, the amount of production aid must be fixed for a product with defined commercial characteristics; whereas, therefore, coefficients to be applied to that amount should be fixed so as to take account of the differences in relation to size category;

whereas, since the differences in size category depend on the basic product, the same coefficients should apply to the minimum producer price;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1978/79 marketing year, the coefficients to be applied:

- to production aid for tomato concentrates shall be as shown in Annex I hereto,
- to production aid for prunes and the minimum producer price for dried Ente plums shall be as shown in Annex II hereto.

Article 2

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

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

Done at Brussels, 10 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 144, 31. 5. 1978, p. 1.

ANNEX I

Coefficients to be applied to production aid for tomato concentrates

Dry extract content		Immediate packings of 4 kg or over	Immediate packings less than 4 kg but not less than 1.5 kg	Immediate packings less than 1.5 kg but not less than 0.7 kg	Immediate packings less than 0.7 kg but not less than 0.25 kg	Immediate packings less than 0.25 kg but not less than 0.15 kg	Immediate packings less than 0.15 kg
Not less than %	But less than %						
12	20	76.3	82.2	90.0	94.0	109.6	114.5
20	22	82.7	86.8	95.1	99.2	115.7	124.0
22	24	87.0	91.4	100.1	104.4	121.8	130.5
24	26	91.3	95.9	105.0	109.6	127.8	137.0
26	28	95.6	100.5	110.0	114.8	133.9	143.5
28	30	100.0	105.0	115.0	120.0	140.0	150.0
30	32	104.3	109.6	120.0	125.2	146.1	156.5
32	34	108.7	114.1	125.0	130.4	152.1	163.0
34	36	113.0	118.7	129.9	135.6	158.2	169.5
36	38	117.3	123.2	134.9	140.8	164.3	176.0
38	40	121.7	127.8	139.9	146.0	170.3	182.5
40	42	126.0	132.3	144.6	151.2	176.4	189.0
42	93	130.3	136.8	149.9	156.4	182.5	195.5
93	100	390.0	all packings				

ANNEX II

Coefficients to be applied to the amount of the production aid for prunes, and to the minimum price to be paid to producers of dried Ente plums

Size categories	Coefficients
Number per 500 g of dried Ente plums, or of prunes, having a humidity factor of 21 to 23 %	
122 and above	40.000
120	50.000
118	52.732
116	54.550
114	56.368
112	58.186
110	60.000
108	61.822
106	63.640
104	65.458
102	67.276
100	69.094
99	70.000
98	70.912
96	72.730
94	74.548
92	76.366
90	78.184
88	80.000
86	81.820
84	83.638
82	85.456
80	87.274
78	89.092
77	90.000
76	90.910
74	92.728
72	94.546
70	96.364
68	98.182
66	100.000
64	101.818
62	103.636
60	105.454
58	107.272
56	109.090
55	110.000
54	110.908
52	112.726
50	114.544
48	116.362
46	118.180
44	120.000
42	121.816
40	123.634
38	125.452
36	127.270
34	129.088
33	130.000
32 and less	130.906

COMMISSION REGULATION (EEC) No 1611/78

of 10 July 1978

re-establishing the levying of customs duties on gloves, including mittens and mitts, protective, for all trades, falling within subheading 42.03 B I and originating in Thailand, to which the preferential tariff arrangements set out in Regulation (EEC) No 2705/77 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2705/77 of 28 November 1977 establishing preferential tariffs in respect of certain products originating in developing countries⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling, expressed in units of account, which will be equal — with the exception of certain products the value of the ceilings for which is given in Annex A thereto — to the sum arrived at by adding together the value of the products in question imported cif into the Community in 1974 and coming from countries and territories covered by those arrangements, but not including products coming from countries and territories already covered by various preferential tariff arrangements established by the Community, and 5 % of the value of 1975 cif imports coming from other countries and from countries and territories already covered by such arrangements; whereas, however, the ceiling resulting from the sum of this addition may in no case exceed 225 % of the preferential ceiling open for 1976;

Whereas, having regard to that ceiling, the amounts for products originating in any one of the countries or territories listed in Annex B to the aforesaid Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A thereto; whereas, for these products, this reduced percentage will be 15 %;

Whereas Article 2 (2) and (3) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries or territories — with the exception of those listed in Annex C thereto — once the relevant Community amount has been reached;

⁽¹⁾ OJ No L 324, 19. 12. 1977, p. 23.

Whereas, in respect of gloves, including mittens and mitts, protective, for all trades, falling within subheading 42.03 B I, the ceiling, calculated as indicated above, should be 17 369 000 units of account, and therefore the maximum amount is 2 605 350 units of account; whereas, on 7 July 1978, the amounts of imports into the Community of gloves, including mittens and mitts, protective, for all trades, falling within subheading 42.03 B I and originating in Thailand, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 2705/77 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 14 July 1978, the levying of customs duties, suspended in pursuance of Regulation (EEC) No 2705/77, shall be re-established in respect of the following products, imported into the Community and originating in Thailand:

CCT heading No	Description
42.03	Articles of apparel and clothing accessories, of leather or of composition leather: B. Gloves, including mittens and mitts: I. Protective, for all trades

Article 2

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

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

Done at Brussels, 10 July 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 June 1978

settling the dispute between the Federal Republic of Germany on the one side and Belgium and the Netherlands on the other over the level of the compulsory tariffs for the carriage of goods by road between those Member States

(Only the Dutch, French and German texts are authentic)

(78/559/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2831/77 of 12 December 1977 on the fixing of rates for the carriage of goods by road between Member States⁽¹⁾, and in particular Article 13 thereof,

I

Whereas the Netherlands Government, in a letter from its Permanent Representation dated 10 October 1977, informed the Commission that its negotiations with the German Government with a view to raising the bilateral tariff for the carriage of goods by road between the Federal Republic of Germany and the Netherlands (DNST) had not led to an agreement; whereas the Netherlands Government therefore asked the Commission to take a decision on this dispute pursuant to Article 4 (2) (b) of Council Regulation (EEC) No 1174/68 of 30 July 1968 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States⁽²⁾; whereas in a letter dated 3 February 1978 it changed the legal

basis of its request by invoking Article 13 of Regulation (EEC) No 2831/77, which replaced Regulation (EEC) No 1174/68 with effect from 1 January 1978;

Whereas the Netherlands Government pointed out in its request that an increase of 20 to 25 % in the DNST is justified because of the increase in costs since the tariff was brought into force in 1971 and because of the present state of the market; whereas the Netherlands Government is nevertheless prepared to compromise in its negotiations with the German Government by accepting a smaller increase; whereas the Netherlands Government also agrees to increase the rates expressed in guilders in relation to those expressed in marks to take account of the divergent movement of the two currencies since the inception of the DNST;

Whereas, moreover, according to the Netherlands Government the profitability of Netherlands undertakings has deteriorated as shown in the table below:

Year	Net surplus (%)
1971	6.4
1972	7.6
1973	5.2
1974	1.4
1975	1.5
1976 ⁽¹⁾	2.0 ⁽¹⁾

⁽¹⁾ OJ No L 334, 24. 12. 1977, p. 22.

⁽²⁾ OJ No L 194, 6. 8. 1968, p. 1.

⁽¹⁾ Provisional.

Whereas, furthermore, the Netherlands Government does not consider that there are grounds for fearing that a small increase in rates expressed in marks, as proposed during the negotiations, would be detrimental to general prices policy;

Whereas the Belgian Government, in a letter from its Permanent Representation dated 23 November 1977, made a similar communication to the Commission and submitted an identical request concerning the bilateral tariff between the Federal Republic of Germany and Belgium (DBST) and, in a letter dated 21 February 1978, also based the said request on Article 13 of Regulation (EEC) No 2831/77;

Whereas the Belgian Government also believes that an increase in the DBST is inevitable because of the increase in costs and because of the state of the market; whereas the increase need not, however, be the same in the two schedules, but could be varied to take account of the divergent movement of the currencies; whereas the Belgian Government emphasizes that the DBST has stayed the same since its introduction in September 1971 while the costs of Belgian undertakings have increased by about 52 % between that date and 1 January 1977, yielding an average cost per tonne/kilometre of Bfrs 2.39; whereas, according to the Belgian Government, the average rates obtained by Belgian undertakings on the transport market between Belgium and the Federal Republic, expressed as a percentage of the upper limit of the bracket, have moved as shown below:

First half of 1973	75.0
Second half of 1973	78.5
First half of 1974	85.3
Second half of 1974	85.7
First half of 1975	88.6
Second half of 1975	89.8
First half of 1976	87.8
Second half of 1976	92.9
First half of 1977	92.6

Whereas the German Government justifies its refusal to raise the rates in marks in the two tariffs on the grounds that, basically, the determining factor in the formation of rates under the rules in question is the state of the market; whereas it points out that the average rates for carriage effected by German undertakings (otherwise than in special agreements) are still within the bracket at a level which is still well below the upper limit, the rates actually charged covering the whole bracket spread, with certain clusters at the upper limit and lower limit, as is clear from the following tables:

DNST tariff

Index of rates obtained, the upper limit of the tariff being 100	Number of operations	Percentage
More than 100	2 087	16.3
100	469	3.7
95 to less than 100	624	4.9
90 to less than 95	1 081	8.5
85 to less than 90	1 205	9.4
80 to less than 85	1 547	12.1
78 to less than 80	903	7.1
77 to less than 78	2 908	22.8
Less than 77	1 937	15.2

The corresponding DBST figures are as follows:

Index of rates obtained, the upper limit of the tariff being 100	Number of operations	Percentage
More than 100	2 300	16.7
100	486	3.5
95 to less than 100	605	4.4
90 to less than 95	1 278	9.3
85 to less than 90	1 042	7.6
80 to less than 85	1 789	13.0
78 to less than 80	926	6.7
77 to less than 78	4 199	30.5
Less than 77	1 148	8.3

Whereas the German Government further points out that the rates below the minimum in the German schedules have been agreed legally within the brackets expressed in guilders and in francs, while, as regards those above the maximum, some are legally and others illegally in excess of the maximum tariff expressed in marks, in relation to the Community rules;

Whereas it is further argued that the clusters of rates near the lower and upper limits of the brackets are attributable to the very nature of a system of compulsory bracket tariffs, and that, in these circumstances, it does not appear advisable to raise the schedules expressed in marks, even if it is accepted that costs have increased; whereas, moreover, an increase in the tariffs of a percentage equivalent to that requested by the other two Governments could instead be achieved by making an appropriate increase in the rates within the present brackets if the state of the market allowed this, while the imposition of an increase in the tariffs contrary to the state of the market would be ineffective, since such a measure could be evaded through special agreements; whereas the German point of view is that the first essential is to remove the disparities resulting from the movement of exchange rates;

Whereas the Commission has not succeeded in obtaining precise information on the important matter of how the productivity of undertakings has

evolved; whereas it is undeniable in this respect that rationalization of the operation of undertakings and technical progress have appreciably curbed the increase in costs per unit of production since the two tariffs were introduced;

II

Whereas pursuant to Article 11 (3) of Regulation (EEC) No 2831/77, Member States may, in order to offset the effects of monetary fluctuations, decide unilaterally to carry out an upward revision of rate schedules expressed in their currency;

Whereas, in consequence, there are no longer any grounds for dispute in this area on which the Commission might arbitrate concerning the adjustment of the schedules expressed in guilders in the DNST and in francs in the DBST to the changes in exchange rates since 1971;

Whereas the Commission consequently considers it unnecessary to pronounce on the requests made on this subject by the Government of the Netherlands and the Government of Belgium;

Whereas a decision to adjust the tariffs in any respect other than this particular one has to accord with Article 10 of Regulation (EEC) No 2831/77, and in particular paragraph 1 thereof;

Whereas, pursuant to that Article, compulsory tariffs are to be drawn up by reference to a base rate, which is to be the middle point of the bracket; whereas, pursuant to the same provision, the base rate is to be fixed having regard to both the average cost of the transport operation concerned, including where appropriate, the general expenses of the business, for a properly managed undertaking enjoying normal conditions of use of its carrying capacity, and market conditions, and is to be such as to provide a fair return for carriers;

Whereas an increase in compulsory tariffs also has to be considered in the light of the objectives of the Treaty of promoting balanced and stable expansion and the harmonious development of the economies of the Member States;

Whereas as regards the first criterion — the cost price — information provided by the Governments concerned shows that there has undeniably been an increase in average road haulage costs;

Whereas the information provided by the Governments concerning the size of this increase differs; whereas the Commission considers it evident, however, that a major rise has occurred in all essential

elements of the cost of the transport services in question; whereas this applies particularly to salaries and wages and the purchase and running costs of vehicles;

Whereas, however, the Commission considers that, for a correct assessment of the implications of this increase, account has to be taken of the improvement in the productivity of transport undertakings;

Whereas a comparison, taking account of such increase, of costs and average receipts obtained by carriers shows that the latter no longer cover costs per tonne/kilometre;

Whereas, however, the data on costs and receipts taken into consideration relate to all international transport services performed by transport undertakings, and Regulation (EEC) No 2831/77 stipulates that the base rate is to be calculated in respect of properly managed undertakings enjoying normal conditions of use of their carrying capacity, i.e. where the expense revenue ratio is better than the general average;

Whereas as regards the second criterion — the state of the market — account should be taken in particular of the level of rates actually charged on the routes considered and their scatter over the bracket;

Whereas, as regards these two aspects, the rates charged cover the entire bracket spread and their average level at the end of 1977 was 85.6 % for German undertakings, 93 % for Dutch undertakings and 96 % for Belgian undertakings;

Whereas, however, the bracket spread is no longer 23 % but has widened appreciably as a result of monetary disparities, with the result that the 85 % average recorded for German undertakings is influenced by the charging, for a number of operations, of rates legally agreed in guilders or francs and higher averages for Dutch and Belgian undertakings reflect the effects of charging rates established in marks;

Whereas, as regards the criterion of a fair return for carriers, the evidence supplied to the Commission indicates a definite eroding of the profit margins of the undertakings concerned; whereas, however, this state of affairs should be seen against the background of the recession of recent years, which has hit the inland transport sector as a whole and also most other sectors of economic activity;

Whereas, however, in order to adjust the tariff schedules to the changes in costs, the base rates should be increased in such a way as to enable a properly managed undertaking working in normal operating conditions to cover its costs with the receipts from rates formed by reference to the revalued tariffs;

Whereas, in the exercise of its power of assessment, the Commission considers that a 15 % increase in the DNST and DBST base rates is both necessary and adequate ; whereas such an increase is not intended to cover costs in each individual case, or aim which would not accord with the objectives of the tariff system ; whereas the Commission believes, however, that an increase of 15 % represents the correct adjustment to the tariffs ;

Whereas in particular it takes the view that the cost increases of over 50 % claimed by the various trade bodies must be adjusted to allow for the improvement in productivity, and that account must be taken of the fact that the levels at which the tariffs were initially fixed were too high ;

Whereas, having regard to its repercussions on the economy in general, a case can also be made for this increase in the light of the objectives of the Treaty ;

Whereas the said increase is without prejudice to any unilateral adjustment on the part of the Government of the Netherlands or of the Government of Belgium with a view to adapting the schedules as expressed in guilders or francs to take account of currency fluctuations ;

Whereas the Committee provided for in Article 16 of Regulation (EEC) No 2831/77 has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS DECISION :

Article 1

1. The base rates of the compulsory tariffs for the carriage of goods by road between :

- Germany and the Netherlands,
- Germany and Belgium,

shall be raised by 15 %.

2. Within 30 days from the date on which this Decision takes effect, the Governments concerned

shall publish the tariffs as amended pursuant to this Decision.

Article 2

This Decision shall be without prejudice to any unilateral action by the Netherlands or Belgian Governments under Article 11 (3) of Regulation (EEC) No 2831/77 with a view to increasing the rates of the two tariffs as expressed in guilders or francs in order to offset the effects of monetary fluctuations since their coming into force.

Article 3

Pursuant to Article 13 (2) of Regulation (EEC) No 2831/77 this Decision shall take effect one month after its publication in the *Official Journal of the European Communities*, unless a Member State refers the matter to the Council in the meantime.

Article 4

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany and the Kingdom of the Netherlands.

Done at Brussels, 12 June 1978.

For the Commission

Richard BURKE

Member of the Commission

COMMISSION DECISION

of 22 June 1978

concerning retrospective control of imports of footwear into the Community

(78/560/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1439/74 of 4 June 1974 on common rules for imports⁽¹⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 109/70 of 19 December 1969 establishing common rules for imports from State-trading countries⁽²⁾, and in particular Article 6 (1) (a) thereof,

Consultations having been held within the committees set up under Articles 5 of the said Regulations,

Whereas, in view of the considerable increase in imports of footwear from certain third countries, the Community has introduced by Regulation (EEC) No 716/78 of 7 April 1978⁽³⁾, a system of Community surveillance of imports of footwear;

Whereas this Regulation shall apply only until 31 October 1978; whereas it is now advisable to provide for the replacement of the surveillance by retrospective control;

Whereas the information necessary for this purpose should relate to the quantity and value of imports, broken down by Nimexe codes;

Whereas the effectiveness of the surveillance depends upon the speed with which information is communicated by the Member States; whereas to this end, the information should be on a monthly basis and should be forwarded to the Commission within 30 days following the end of each month,

HAS ADOPTED THIS DECISION:

Article 1

Imports into the Community of footwear or parts of footwear falling within heading Nos 64.01, 64.02,

64.03, 64.04 and 64.05 of the Common Customs Tariff shall be subject to retrospective control on a Community basis.

Article 2

Each Member State shall communicate to the Commission, within 30 days following the end of each month, the following information on the footwear and parts of footwear referred to in Article 1 which were imported during the month:

- quantities broken down by Nimexe codes and by country of origin,
- value of the product imported, expressed in terms of national currency.

The information should indicate separately the amounts entered under free circulation, the amounts imported for inward processing and the amounts imported after outward processing.

Article 3

This Decision shall enter into force on 1 November 1978 and shall apply until 31 December 1979.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 June 1978.

For the Commission

Lorenzo NATALI

Vice-President

⁽¹⁾ OJ No L 159, 15. 6. 1974, p. 1.

⁽²⁾ OJ No L 19, 26. 1. 1970, p. 1.

⁽³⁾ OJ No L 94, 8. 4. 1978, p. 24.