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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1697/79

of 24 July 1979

on the post-clearance recovery of import duties or export duties which have not been required of the person liable for payment on goods entered for a customs procedure involving the obligation to pay such duties

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas the amount of the import duties or export duties which the person liable for payment has been required to pay on goods entered for a customs procedure involving the obligation to pay such duties may prove to be lower than the amount which was legally due, either as a result of an error of calculation or copying on the part of the competent authorities or because those authorities used inaccurate or incomplete information, particularly as regards the nature, quantity, value, origin or end-use of the goods in question; whereas, because of the essentially economic nature of the import duties or export duties in force in the Community, failure to collect the correct duties has prejudicial consequences for the Community economy; whereas it is therefore justified to permit the competent authorities to make post-clearance recovery of the duties remaining due, where they establish that such an error has been made;

Whereas the post-clearance recovery of import duties or export duties involves some degree of prejudice to the certainty which persons liable for payment have the right to expect from official acts having financial consequences; whereas it is therefore appropriate to limit the possible scope of action of the competent authorities in this field by fixing a time limit after

which the original determination of the import duties or export duties must be considered as definitive; whereas this restriction on action by the competent authorities cannot apply where at the time of the customs clearance of the goods the authorities have been unable, on account of an act that could give rise to criminal court proceedings, to determine the exact amount of the import duties or export duties; whereas, however, the taking of action for post-clearance recovery is under no circumstances justified where the original determination of import duties or export duties has been established on the basis of information given by the competent authorities themselves which is binding on them or on the basis of elements of taxation expressly recognized by them as complying with those declared by the person liable for payment, where the latter had acted in good faith and had complied in all respects with the rules in force for completing his customs declaration;

Whereas there is no technical or economic reason to grant, in respect of the amounts of import duties or export duties to be recovered after clearance, the facilities provided for in Council Directive 78/453/EEC of 22 May 1978 on the harmonization of provisions laid down by law, regulation or administrative action concerning deferred payment of import duties or export duties⁽⁴⁾; whereas, however, amounts recovered by the competent authorities after clearance should be exempt from interest on overdue payments, where the non-collection of the amounts of import duties or export duties legally due is attributable to an error on the part of those authorities;

Whereas the post-clearance recovery of amounts of 10 European units of account or less would not appear to be worthwhile;

Whereas Regulation (EEC, Euratom, ECSC) No 2891/77⁽⁵⁾ lays down in Article 1 that the Communi-

⁽¹⁾ OJ No C 138, 11. 6. 1977, p. 13.

⁽²⁾ OJ No C 36, 13. 2. 1978, p. 12.

⁽³⁾ OJ No C 59, 8. 3. 1978, p. 45.

⁽⁴⁾ OJ No L 146, 2. 6. 1978, p. 19.

⁽⁵⁾ OJ No L 336, 27. 12. 1977, p. 1.

ties' own resources shall be established by Member States in accordance with their national provisions; whereas uniform rules should be adopted at Community level on this establishment; whereas pending the implementation of these rules, it appears advisable, that at the same time as common rules are laid down by this Regulation providing that in certain cases the Communities' own resources comprising customs duties shall not be recovered, to recall that the Member States are not obliged in these cases to make a corresponding establishment;

Whereas this Regulation is concerned with post-clearance recovery of import duties and export duties whether they result from the application of the common agricultural policy or from the application of the provisions of the Treaty relating to the customs union; whereas, as far as this second aspect is concerned, the provisions of the Treaty do not confer on the institutions of the Communities the power to adopt binding provisions in respect of the post-clearance recovery of import duties or export duties; whereas it therefore also appears necessary to base the provisions of this Regulation on Article 235 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall determine the conditions under which the competent authorities shall undertake post-clearance recovery of import duties or export duties on goods entered for a customs procedure involving the obligation to pay such duties for which, for whatever reason, payment has not been required of the person liable for payment.
2. For the purposes of this Regulation:
 - (a) 'import duties' means customs duties and charges having equivalent effect as well as agricultural levies and other import charges laid down within the framework of the common agricultural policy or in that of specific arrangements applicable, pursuant to Article 235 of the Treaty, to certain goods resulting from the processing of agricultural products;
 - (b) 'export duties' means agricultural levies, and other export charges laid down within the framework of the common agricultural policy, or in that of specific arrangements applicable, pursuant to Article 235 of the Treaty, to certain goods resulting from the processing of agricultural products;
 - (c) 'entry in the accounts' means the official act by which the amount of the import duties or export duties to be collected by the competent authorities is duly determined;

- (d) 'customs debt' means the obligation on a natural or legal person to pay the amount of the import duties or export duties which apply under the provisions in force to goods liable to such duties.

Article 2

1. Where the competent authorities find that all or part of the amount of import duties or export duties legally due on goods entered for a customs procedure involving the obligation to pay such duties has not been required of the person liable for payment, they shall take action to recover the duties not collected.

However, such action may not be taken after the expiry of a period of three years from the date of entry in the accounts of the amount originally required of the person liable for payment or, where there is no entry in the accounts, from the date on which the customs debt relating to the said goods was incurred.

2. Within the meaning of paragraph 1 action for recovery shall be taken by notifying the person concerned of the amount of import duties or export duties for which he is liable.

Article 3

When the competent authorities find that it is following an act that could give rise to criminal court proceedings that the competent authorities were unable to determine the exact amount of the import duties or export duties legally due on the goods in question, the period laid down in Article 2 shall not apply.

Under these circumstances, the competent authorities shall take action for recovery in accordance with the provisions in force in this respect in the Member States.

Article 4

The action for recovery shall be taken by the competent authorities, subject to the relevant provisions in force, against the natural or legal persons responsible, whether in a principal or in a subsidiary capacity, for the payment of the import duties or export duties on the goods in question, or against their legal successors.

Article 5

1. No action may be taken by the competent authorities for recovery where the amount of the import duties or export duties subsequently found to be lower than the amount legally due was calculated:
 - either on the basis of information given by the competent authorities themselves which is binding on them,

— or on the basis of provisions of a general nature subsequently invalidated by a court decision.

2. The competent authorities may refrain from taking action for the post-clearance recovery of import duties or export duties which were not collected as a result of an error made by the competent authorities themselves which could not reasonably have been detected by the person liable, the latter having for his part acted in good faith and observed all the provisions laid down by the rules in force as far as his customs declaration is concerned.

The cases in which the first subparagraph can be applied shall be determined in accordance with the implementing provisions laid down in accordance with the procedure provided for in Article 10.

Article 6

The provisions adopted for implementing Directive 78/453/EEC shall not apply in respect of the amounts to be recovered under Article 2 of this Regulation, without prejudice to Article 7 of that Directive.

Article 7

Where the non-collection of import duties or export duties legally due is attributable to an error made by the competent authorities, no interest on overdue payments shall be charged on sums recovered post-clearance.

Article 8

No action shall be taken for the post-clearance recovery of import duties or export duties where the amount involved for a given action for recovery is less than 10 European units of account.

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

Done at Brussels, 24 July 1979.

Member States may round up or down the amount resulting from the conversion into their national currency of the figure given in the first subparagraph.

Article 9

Until the implementation of Community provisions specifying the conditions under which Member States shall establish the own resources accruing from the imposition of import duties or export duties, Member States are not obliged, where, pursuant to this Regulation, they have taken no action for the post-clearance recovery of such duties, to establish the corresponding own resources within the meaning of Regulation (EEC, Euratom, ECSC) No 2891/77.

Article 10

1. The Committee on Duty Free Arrangements provided for in Article 7 of Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials⁽¹⁾ may examine any question concerning the implementation of this Regulation which is raised by its chairman, either on his own initiative or at the request of the representative of a Member State.

2. The provisions necessary for the implementation of Articles 2, 3 and 5 of this Regulation shall be adopted following the procedure laid down in Article 9 (2) and (3) of Regulation (EEC) No 1798/75.

Article 11

This Regulation shall enter into force on 1 July 1980.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

COMMISSION REGULATION (EEC) No 1698/79
of 2 August 1979

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 1547/79⁽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 1658/79⁽³⁾ and subsequent amending
Regulations ;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1658/79 to today's

offer prices and quotations known to the Commission
that the levies at present in force should be altered to
the amounts set out in the Annex hereto,

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 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August
1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 193, 1. 8. 1979, p. 5.

ANNEX

to the Commission Regulation of 2 August 1979 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	73.18
10.01 B	Durum wheat	111.06 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	60.12 ⁽⁶⁾
10.03	Barley	60.75
10.04	Oats	77.22
10.05 B	Maize, other than hybrid maize for sowing	74.13 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	27.18 ⁽⁴⁾
10.07 C	Grain sorghum	70.10 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	115.47
11.01 B	Rye flour	97.17
11.02 A I a)	Durum wheat groats and meal	185.13
11.02 A I b)	Common wheat groats and meal	124.70

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ Where maize originating in the ACP or OCT is imported into the French overseas departments the levy is reduced by 7.25 ECU/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 1.81 ECU/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 0.60 ECU/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 1699/79**of 2 August 1979****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 1547/79⁽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
1659/79⁽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 to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums referred to in Article 15 of Regulation
(EEC) No 2727/75 to be added to the import levies
fixed in advance in respect of cereals and malt shall
be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August
1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 193, 1. 8. 1979, p. 7.

ANNEX

to the Commission Regulation of 2 August 1979 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.26	0.26	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	2.93	2.93	2.20
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	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 1700/79**of 2 August 1979****fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

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 590/79⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 2749/78 of 23 November 1978 on trade in oils and fats between the Community and Greece⁽³⁾, and in particular Article 5 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽⁴⁾, as amended by Regulation (EEC) No 2761/78⁽⁵⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁶⁾, as last amended by Regulation (EEC) No 2761/78, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as amended by Regulation (EEC) No 2761/78, 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⁽⁸⁾, as amended by Regulation (EEC) No 2766/78⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾,

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world or Greek markets and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 30 and 31 July 1979 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979⁽¹³⁾ laid down the coefficient for expressing amounts, fixed in units of account, in ECU;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

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

(²) OJ No L 78, 30. 3. 1979, p. 1.

(³) OJ No L 331, 28. 11. 1978, p. 1.

(⁴) OJ No L 169, 28. 6. 1976, p. 24.

(⁵) OJ No L 332, 29. 11. 1978, p. 13.

(⁶) OJ No L 169, 28. 6. 1976, p. 43.

(⁷) OJ No L 169, 28. 6. 1976, p. 9.

(⁸) OJ No L 142, 9. 6. 1977, p. 10.

(⁹) OJ No L 332, 29. 11. 1978, p. 26.

(¹⁰) OJ No L 181, 21. 7. 1977, p. 4.

(¹¹) OJ No L 370, 30. 12. 1978, p. 60.

(¹²) OJ No L 331, 28. 11. 1978, p. 6.

(¹³) OJ No L 84, 4. 4. 1979, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 3 August 1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Greece	Non-member countries
15.07 A I a)	6.00 ⁽¹⁾	36.00 ⁽¹⁾
15.07 A I b)	3.00 ⁽¹⁾	29.00 ⁽¹⁾
15.07 A I c)	12.00 ⁽¹⁾	41.00 ⁽¹⁾
15.07 A II a)	5.00	38.00 ⁽²⁾
15.07 A II b)	20.00	68.00 ⁽³⁾

⁽¹⁾ 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, Spain and Lebanon: 0.60 ECU/100 kg;

(b) Turkey: 22.36 ECU/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: 24.78 ECU/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.

⁽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 3.86 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3.09 ECU/100 kg.

⁽³⁾ 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 7.25 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5.80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Greece	Non-member countries
07.01 N II	0.66	6.38
07.03 A II	0.66	6.38
15.17 B I a)	1.50	14.50
15.17 B I b)	2.40	23.20
23.04 A II	0.96	3.28

COMMISSION REGULATION (EEC) No 1701/79
of 2 August 1979
fixing the export refunds on 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, 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 cereals on the Community 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 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 2245/78⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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, 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 indent;

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

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 export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 1979.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, 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 273, 29. 9. 1978, p. 1.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 2 August 1979 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	36.03
11.07 A II b)	63.99
11.07 B	74.57

COMMISSION REGULATION (EEC) No 1702/79

of 2 August 1979

altering the components used to calculate the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 590/79⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 852/78⁽⁴⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973⁽⁵⁾, as last amended by Regulation (EEC) No 1234/77⁽⁶⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72; whereas the components used to calculate the differential amounts were fixed by Regulation (EEC) No 1324/79⁽⁷⁾, as last amended by Regulation (EEC) No

1589/79⁽⁸⁾; whereas, in the case of the pound sterling the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 for the period 25 to 31 July 1979 has changed, by reference to the representative rate valid on 6 August 1979, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when fixing the components used to calculate the differential amounts for colza and rape seed where those components are already applied in respect of the Member States concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1324/79 as amended is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 6 August 1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 78, 30. 3. 1979, p. 1.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 162, 30. 6. 1979, p. 76.

⁽⁸⁾ OJ No L 189, 27. 7. 1979, p. 27.

ANNEX

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.0980	— 0.0980	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0720
— harvested in France			—	0.1429
— harvested in Denmark			—	0.0980
— harvested in Ireland			—	0.1113
— harvested in the United Kingdom			—	0.1099
— harvested in Italy			—	0.1553
2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0280	— 0.0280	+	—
-- harvested in Germany			0.0776	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.0764
— harvested in Denmark			—	0.0280
— harvested in Ireland			—	0.0424
— harvested in the United Kingdom			—	0.0409
— harvested in Italy			—	0.0897
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1086	—
— harvested in the BLEU or in the Netherlands			0.0288	—
— harvested in France			—	0.0498
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0148
— harvested in the United Kingdom			—	0.0132
-- harvested in Italy			—	0.0635
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.0524	+ 0.0524	+	—
— harvested in Germany			0.1667	—
-- harvested in the BLEU or in the Netherlands			0.0827	—
-- harvested in France			—	—
— harvested in Denmark			0.0524	—
— harvested in Ireland			0.0368	—
— harvested in the United Kingdom			0.0385	—
— harvested in Italy			—	0.0144

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	— 0.0134	+ 0.0134	+	—
— harvested in Germany			0.1235	—
— harvested in the BLEU or in the Netherlands			0.0426	—
— harvested in France			—	0.0370
— harvested in Denmark			0.0134	—
— harvested in Ireland			—	0.0016
— harvested in the United Kingdom			—	—
— harvested in Italy			—	0.0509
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.0150	+ 0.0150	+	—
— harvested in Germany			0.1253	—
— harvested in the BLEU or in the Netherlands			0.0442	—
— harvested in France			—	0.0355
— harvested in Denmark			0.0150	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.0016	—
— harvested in Italy			—	0.0494
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.0678	+ 0.0678	+	—
— harvested in Germany			0.1838	—
— harvested in the BLEU or in the Netherlands			0.0985	—
— harvested in France			0.0146	—
— harvested in Denmark			0.0678	—
— harvested in Ireland			0.0520	—
— harvested in the United Kingdom			0.0536	—
— harvested in Italy			—	—

COMMISSION REGULATION (EEC) No 1703/79

of 2 August 1979

introducing a countervailing charge on pears 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 1301/79⁽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 1343/79
of 29 June 1979 fixing until the end of the 1979/80
marketing year the reference prices for pears⁽³⁾ fixed
the reference price for products of Class I for the
month of July 1979 at 28.60 ECU per 100 kilograms
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 last amended by Regula-

tion (EEC) No 668/78⁽⁵⁾, the prices to be taken into
consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets;

Whereas, for Spanish pears, the entry price calculated
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 there-
fore be introduced for these pears;

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 indent;

Whereas Council Regulation (EEC) No 652/79 of 29
March 1979⁽⁶⁾ laid down the coefficient for
expressing amounts, fixed in units of account, in
ECU,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1.18 ECU per 100 kilo-
grams net is applied to pears, other than perry pears
(subheading ex 08.06 B II of the Common Customs
Tariff), originating in Spain.

Article 2

This Regulation shall enter into force on 4 August
1979.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 162, 30. 6. 1979, p. 26.

⁽³⁾ OJ No L 162, 30. 6. 1979, p. 112.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 90, 5. 4. 1978, p. 5.

⁽⁶⁾ OJ No L 84, 4. 4. 1979, p. 1.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1704/79**of 2 August 1979****amending Regulation (EEC) No 1604/79 introducing a countervailing charge on
peaches originating in Greece**

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 1301/79⁽²⁾, and in
particular Article 27 (2) thereof,

Whereas Regulation (EEC) No 1604/79⁽³⁾ introduced
a countervailing charge on peaches originating in
Greece ;

Whereas Article 26 (1) of Regulation (EEC) No
1035/72 laid down the conditions under which a
charge introduced in application of Article 25 of that

Regulation is amended ; whereas if these conditions
are taken into consideration, the countervailing charge
on the import of peaches originating in Greece must
be amended,

HAS ADOPTED THIS REGULATION :

Article 1

The amount '2.29 ECU' appearing in Article 1 of
Regulation (EEC) No 1604/79 is replaced by the
amount '5.32 ECU'.

Article 2

This Regulation shall enter into force on 3 August
1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 162, 30. 6. 1979, p. 26.

⁽³⁾ OJ No L 189, 27. 7. 1979, p. 61.

COMMISSION REGULATION (EEC) No 1705/79**of 2 August 1979****prolonging the suspension of the advance fixing of the import levy in the case of
cereal-based compound animal feedingstuffs**

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 1547/79⁽²⁾, and in particular
Article 15 (7) thereof,

Whereas Article 15 (7) of Regulation (EEC) No
2727/75 provides that the provisions concerning
advance fixing of the levy may be suspended if the
market situation shows that the operation of such
provisions will or is likely to cause difficulties;

Whereas, by Regulation (EEC) No 1675/79 of 31 July
1979⁽³⁾, the Commission suspended until 4 August
1979 the advance fixing of the import levy in respect
of products falling within subheading 23.07 B I of the
Common Customs Tariff;

Whereas re-introduction of the system of advance
fixing of the levy, given the present situation of the
market, would be likely to entail the advance fixing,
in the short term, of the levies in respect of quantities

infinitely greater than those which may be envisaged
in more normal circumstances;

Whereas the situation described above calls for the
prolongation of the suspension of the application of
the provisions relating to the advance fixing of the
levies in respect of the products in question;

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 suspension of the advance fixing of the import
levy in respect of products falling within subheading
23.07 B I of the Common Customs Tariff introduced
by Regulation (EEC) No 1675/79 is hereby prolonged
until 10 August 1979.

Article 2

This Regulation shall enter into force on 4 August
1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 11. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 193, 1. 8. 1979, p. 42.

COMMISSION REGULATION (EEC) No 1706/79**of 2 August 1979****fixing the export refunds on milk and milk products**

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 1761/78⁽²⁾, and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽³⁾, as amended by Regulation (EEC) No 2429/72⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade;
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination;
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market;

— the need to avoid disturbances on the Community market; and

— the economic aspect of the proposed exports;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products⁽⁵⁾, as last amended by Regulation (EEC) No 37/75⁽⁶⁾, provides that the refund on products falling within subheading 04.02 B is equal to the sum of two

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 5, 9. 1. 1975, p. 7.

components, the first representing the quantity of milk products and the second representing the quantity of added sucrose; whereas, however, the latter component applies only if the added sucrose was produced from beet or cane harvested within the Community;

Whereas for the products falling within subheading 04.02 B II a) or 04.02 B II b) 1 with a fat content not exceeding 9.5 % by weight, the first component referred to above is fixed for 100 kilograms of the whole product; whereas, for the other products falling within subheading 04.02 B, this component is calculated by multiplying the basic amount by the milk product content of the product in question; whereas this basic amount is the refund on one kilogram of milk products contained in the product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1396/78⁽²⁾;

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 indent;

Whereas the special conditions concerning the payment of the refund for skimmed-milk powder for

use as feed in the country of destination were laid down in Regulation (EEC) No 2054/76⁽³⁾, as last amended by Regulation (EEC) No 2413/78⁽⁴⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for these products which fall within heading No 04.04;

Whereas it follows from applying these detailed rules to the present situation on the market in milk and milk products, and in particular to prices for these products within the Community and on the world market, that the refund should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex hereto.
2. There shall be no refunds for exports to Zone E for products falling within heading Nos 04.01, 04.02, 04.03 and 23.07 of the Common Customs Tariff.

Article 2

This Regulation shall enter into force on 3 August 1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 228, 20. 8. 1976, p. 17.

⁽⁴⁾ OJ No L 292, 18. 10. 1978, p. 16.

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01	Milk and cream, fresh, not concentrated or sweetened :		
	ex A. Other than whey, of a fat content, by weight, not exceeding 6 % :		
	I. Yoghourt, kephir, curdled milk, buttermilk and other fermented or acidified milk :		
	a) In immediate packings of a net capacity of two litres or less	0110 00	5.96
	b) Other	0120 00	—
	II. Others :		
	a) In immediate packings of a net capacity of two litres or less and of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1.5 %	0130 10	
	for exports to :		
	— Armed forces as specified in Article 3 of Regulation (EEC) No 192/75		1.78
	— Other destinations		1.56
	(bb) Of a fat content, by weight, exceeding 1.5 % but not exceeding 3 %	0130 22	
	for exports to :		
	— Countries near the Community		5.15
	— Other destinations		6.38
	(cc) Of a fat content, by weight, exceeding 3 %	0130 31	
	for exports to :		
	— Armed forces as specified in Article 3 of Regulation (EEC) No 192/75		8.39
	— Countries near the Community		7.29
	— Other destinations		9.24
	2. Exceeding 4 %	0140 00	
	for exports to :		
	— Armed forces as specified in Article 3 of Regulation (EEC) No 192/75		8.46
	— Countries near the Community		7.87
	— Other destinations		10.75

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01 (cont'd)	b) Other, of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1.5 %	0150 10	1.56
	(bb) Of a fat content, by weight, exceeding 1.5 % but not exceeding 3 %	0150 21	5.32
	(cc) Of a fat content, by weight, exceeding 3 %	0150 31	
	for exports to :		
	— Armed forces as specified in Article 3 of Regulation (EEC) No 192/75		8.39
	— Other destinations		6.46
	2. Exceeding 4 %	0160 00	
	for exports to :		
	— Armed forces as specified in Article 3 of Regulation (EEC) No 192/75		8.46
	— Other destinations		7.00
	ex B. Other, excluding whey, of a fat content, by weight :		
	ex I. Exceeding 6 % but not exceeding 21 % :		
	(a) Of a fat content, by weight, not exceeding 10 %	0200 05	21.17
	(b) Of a fat content, by weight, exceeding 10 % but not exceeding 17 %	0200 11	32.30
	(c) Of a fat content, by weight, exceeding 17 %	0200 21	48.21
	II. Exceeding 21 % but not exceeding 45 % :		
	(a) Of a fat content, by weight, not exceeding 35 %	0300 12	57.30
	(b) Of a fat content, by weight, exceeding 35 % but not exceeding 39 %	0300 13	89.11
	(c) Of a fat content, by weight, exceeding 39 %	0300 20	97.55
	III. More than 45 % :		
	(a) Of a fat content, by weight, not exceeding 68 %	0400 11	110.63
	(b) Of a fat content, by weight, exceeding 68 % but not exceeding 80 %	0400 22	164.10
	(c) Of a fat content, by weight, exceeding 80 %	0400 30	191.37
04.02	Milk and cream, preserved, concentrated or sweetened :		
	A. Not containing added sugar :		
	II. Milk and cream, in powder or granules :		
	a) In immediate packings of a net capacity of 2.5 kilograms or less and of a fat content, by weight :		
	1. Not exceeding 1.5 %	0620 00	73.50

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	2. Exceeding 1.5 % but not exceeding 27 % :		
	(aa) Of a fat content, by weight, not exceeding 11 %	0720 00	73.50
	(bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	0720 20	95.62
	(cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	0720 30	103.15
	(dd) Of a fat content, by weight, exceeding 25 %	0720 40	113.10
	3. Exceeding 27 % but not exceeding 29 %	0820 00	115.60
	4. Exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 41 %	0920 10	118.05
	(bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 %	0920 30	133.00
	(cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 %	0920 40	138.13
	(dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 %	0920 50	155.70
	(ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 %	0920 60	168.24
	(ff) Of a fat content, by weight, exceeding 79 %	0920 70	180.77
	b) Other, excluding products containing fish meal or fish oil or fish liver oil and iron carbonate or sulphate, of a fat weight content ⁽⁶⁾ :		
	1. Not exceeding 1.5 %	1020 00	73.50
	2. Exceeding 1.5 % but not exceeding 27 % :		
	(aa) Of a fat content, by weight, not exceeding 11 %	1120 10	73.50
	(bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	1120 20	95.62
	(cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	1120 30	103.15
	(dd) Of a fat content, by weight, exceeding 25 %	1120 40	113.10
	3. Exceeding 27 % but not exceeding 29 %	1220 00	115.60
	4. Exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 41 %	1320 10	118.05
	(bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 %	1320 30	133.00
	(cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 %	1320 40	138.13
	(dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 %	1320 50	155.70
	(ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 %	1320 60	168.24
	(ff) Of a fat content, by weight, exceeding 79 %	1320 70	180.77

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	III. Milk and cream, other than in powder or granules :		
	a) In immediate packings of a net content of 2.5 kg or less and of a non-fat content by weight not exceeding 11 % :		
	1. Of a fat content, by weight, not exceeding 8.9 % and of a lactic dry matter content :		
	(aa) Of less than 15 % and of a fat content :		
	(11) Not exceeding 3 %, by weight	1420 12	—
	(22) Exceeding 3 %, by weight	1420 22	
	For exports to :		
	— Countries near the Community		7.29
	— Other destinations		9.24
	(bb) Of 15 % or more and of a fat content :		
	(11) Not exceeding 3 %, by weight	1420 50	—
	(22) Exceeding 3 %, by weight, but not exceeding 7.4 %	1420 60	18.15
	(33) Exceeding 7.4 %	1420 70	24.37
	2. Other, of a non fat lactic dry matter content :		
	(aa) Of less than 15 %, by weight	1520 10	18.88
	(bb) Of 15 % or more, by weight	1520 20	28.91
	b) Other, of a fat content, by weight :		
	1. Not exceeding 45 % and of a non fat lactic dry matter content :		
	(aa) Of less than 15 % and of a fat content :		
	(11) Not exceeding 3 %, by weight	1620 70	—
	(22) Exceeding 3 %, by weight, but not exceeding 8.9 %	1630 00	7.29
	(33) Exceeding 8.9 %, by weight, but not exceeding 11 %	1630 10	18.88
	(44) Exceeding 11 %, by weight, but not exceeding 21 %	1630 20	29.40
	(55) Exceeding 21 %, by weight, but not exceeding 39 %	1630 30	52.98
	(66) Exceeding 39 %	1630 40	91.57
	(bb) Of 15 % or more and of a fat content :		
	(11) Not exceeding 3 %, by weight	1630 50	—
	(22) Exceeding 3 %, by weight, but not exceeding 7.4 %	1630 60	18.15
	(33) Exceeding 7.4 %, by weight, but not exceeding 8.9 %	1630 70	24.37
	(44) Exceeding 8.9 %	1630 80	28.91
	2. Exceeding 45 %	1720 00	104.43
	B. Containing added sugar :		
	I. Milk and cream, in powder or granules :		
	ex b) Other, excluding whey :		
	1. In immediate packings of a net capacity of 2.5 kilograms or less and of a fat content, by weight :		
	aa) Not exceeding 1.5 %	2220 00	0.7350 (1) per kg

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	bb) Exceeding 1.5 % but not exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 11 %	2320 10	0.7350 ⁽¹⁾ per kg
	(22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2320 20	0.9562 ⁽¹⁾ per kg
	(33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2320 30	1.0315 ⁽¹⁾ per kg
	(44) Of a fat content, by weight, exceeding 25 %	2320 40	1.1310 ⁽¹⁾ per kg
	cc) Exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 41 %	2420 10	1.1560 ⁽¹⁾ per kg
	(22) Of a fat content, by weight, exceeding 41 %	2420 20	1.3300 ⁽¹⁾ per kg
	2. Other, of a fat content, by weight :		
	aa) Not exceeding 1.5 %	2520 00	0.7350 ⁽¹⁾ per kg
	bb) Exceeding 1.5 % but not exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 11 %	2620 10	0.7350 ⁽¹⁾ per kg
	(22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2620 20	0.9562 ⁽¹⁾ per kg
	(33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2620 30	1.0315 ⁽¹⁾ per kg
	(44) Of a fat content, by weight, exceeding 25 %	2620 40	1.1310 ⁽¹⁾ per kg
	cc) Exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 41 %	2720 10	1.1560 ⁽¹⁾ per kg
	(22) Of a fat content, by weight, exceeding 41 %	2720 20	1.3300 ⁽¹⁾ per kg
	ex II. Milk and cream, excluding whey other than in powder or granules :		
	ex a) In immediate packings of a net capacity of 2.5 kg or less and of a fat content by weight not exceeding 9.5 % :		
	(1) Of a fat content, by weight, not exceeding 6.9 % and of a non fat lactic dry matter content :		
	(aa) Of less than 15 % and of a fat content :		
	(11) Not exceeding 3 %, by weight	2810 11	— ⁽¹⁾ per kg
	(22) Exceeding 3 %, by weight	2810 12	
	for exports to :		
	— Countries near the Community		0.0729 ⁽¹⁾ per kg
	— Other destinations		0.0924 ⁽¹⁾ per kg
	(bb) Of 15 % or more	2810 15	17.43 ⁽²⁾
	(2) Of a fat content, by weight, exceeding 6.9 % and of a non fat lactic dry matter content, by weight, of 15 % or more	2810 20	29.92 ⁽²⁾

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	b) Other, of a fat content, by weight :		
	ex 1. Not exceeding 45 % :		
	(aa) Of a fat content, by weight, not exceeding 6.9 % and of a non fat lactic dry matter content, by weight, of 15 % or more	2910 70	17.43 ⁽²⁾
	(bb) Of a fat content, by weight, exceeding 6.9 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, of 15 % or more	2910 76	29.92 ⁽²⁾
	(cc) Of a fat content by weight, exceeding 9.5 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, less than 15 %	2910 80	0.2940 ⁽¹⁾ per kg
	(dd) Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	2910 85	0.5298 ⁽¹⁾ per kg
	(ee) Of a fat content, by weight, exceeding 39 %	2910 90	0.9157 ⁽¹⁾ per kg
	2. Exceeding 45 %	3010 00	1.0443 ⁽¹⁾ per kg
04.03	Butter :		
	ex A. Of a fat content, by weight, not exceeding 85 % :		
	(I) Of a fat content, by weight, of 62 % or more, but less than 78 %	3110 05	150.37
	(II) Of a fat content, by weight, of 78 % or more but less than 80 %	3110 16	189.14
	(III) Of a fat content, by weight, of 80 % or more but less than 82 %	3110 22	193.98
	(IV) Of a fat content, by weight, of 82 % or more	3110 32	198.90
	B. Other, of a fat content, by weight :		
	(I) Not exceeding 99.5 %	3210 10	198.90
	(II) Exceeding 99.5 %	3210 20	257.08
04.04	Cheese and curd ⁽⁵⁾ :		
	ex A. Emmentaler and Gruyère, not grated or powdered :		
	II. Other	3800 00	.
	for exports to :		
	— Zone D		20.19
	— Zone E		—
	— Canada		101.03
	— Liechtenstein and Switzerland		—
	— Austria		63.74
	— Other destinations		114.54
	ex C. Blue-veined cheese, not grated or powdered, other than Roquefort	4000 00	
	for exports to :		
	— Austria		22.15
	— Zone D		58.50
	— Zone E		57.55
	— Canada		83.32
	— Other destinations		94.53

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	D. Processed cheese, not grated or powdered : II. Other, of a fat content, by weight : a) Not exceeding 36 % and of a fat content, by weight, in the dry matter : ex 1. Not exceeding 48 % and of a dry matter content, by weight : (aa) Of 33 % or more but less than 38 % for exports to : — Austria 4.47 — Zone D 6.55 — Zone E 27.53 — Canada 31.13 — Switzerland 6.41 — Other destinations 40.00 (bb) Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter : (11) Less than 20 % for exports to : — Austria 4.47 — Zone D 6.55 — Zone E 27.53 — Canada 31.13 — Switzerland 6.41 — Other destinations 40.00 (22) Of 20 % or more for exports to : — Austria 6.60 — Zone D 9.68 — Zone E 40.63 — Canada 46.06 — Switzerland 9.48 — Other destinations 59.17 (cc) Of 43 % or more and of a fat content, by weight, in the dry matter : (11) Less than 20 % for exports to : — Austria 4.47 — Zone D 6.55 — Zone E 27.53 — Canada 31.13 — Switzerland 6.41 — Other destinations 40.00	4410 10 4410 20 4410 30 4410 40	4.47 6.55 27.53 31.13 6.41 40.00 4.47 6.55 27.53 31.13 6.41 40.00 6.60 9.68 40.63 46.06 9.48 59.17 4.47 6.55 27.53 31.13 6.41 40.00

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(22) Of 20 % or more but less than 40 %	4410 50	
	for exports to :		
	— Austria		6.60
	— Zone D		9.68
	— Zone E		40.63
	— Canada		46.06
	— Switzerland		9.48
	— Other destinations		59.17
	(33) Of 40 % or more	4410 60	
	for exports to :		
	— Austria		9.67
	— Zone D		14.15
	— Zone E		59.25
	— Canada		67.36
	— Switzerland		13.83
	— Other destinations		86.44
	ex 2. Exceeding 48 % and of a dry matter content, by weight :		
	(aa) Of 33 % or more but less than 38 %	4510 10	
	for exports to :		
	— Austria		4.47
	— Zone D		6.55
	— Zone E		27.53
	— Canada		31.13
	— Switzerland		6.41
	— Other destinations		40.00
	(bb) Of 38 % or more but less than 43 %	4510 20	
	for exports to :		
	— Austria		6.60
	— Zone D		9.68
	— Zone E		40.63
	— Canada		46.06
	— Switzerland		9.48
	— Other destinations		59.17
	(cc) Of 43 % or more but less than 46 %	4510 30	
	for exports to :		
	— Austria		9.67
	— Zone D		14.15
	— Zone E		59.25
	— Canada		67.36
	— Switzerland		13.83
	— Other destinations		86.44

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(dd) Of 46 % or more and of a fat content, by weight, in the dry matter : (11) Less than 55 % for exports to : — Austria — Zone D — Zone E — Canada — Switzerland — Other destinations (22) Of 55 % or more for exports to : — Austria — Zone D — Zone E — Canada — Switzerland — Other destinations b) Exceeding 36 % for exports to : — Austria — Zone D — Zone E — Canada — Switzerland — Other destinations E. Other : I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight, of the non-fatty matter : ex a) Not exceeding 47 % : (1) Grana, Parmigiano Reggiano for exports to : — Zone D — Zone E — Canada — Switzerland — Other destinations (2) Fiore Sardo, Pecorino for exports to : — Zone D — Zone E — Canada — Switzerland — Other destinations (3) Other (excluding cheeses produced from whey), of a fat content, by weight, in the dry matter of 30 % or more for exports to : — Zone D — Zone E — Canada — Switzerland — Other destinations	4510 40 4510 50 4610 00 4710 11 4710 16 4710 22	9.67 14.15 59.25 67.36 13.83 86.44 11.46 16.79 70.31 79.92 16.42 102.57 11.46 16.79 70.31 79.92 16.42 102.57 146.48 120.02 145.32 110.79 146.48 156.91 133.32 147.13 121.22 156.91 146.48 120.02 145.32 110.79 146.48

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	b) Exceeding 47 % but not exceeding 72 % :		
	1. Cheddar :		
	ex bb) Other, of a fat content, by weight, in the dry matter of 48 % or more	4850 00	
	for exports to :		
	— Austria		13.49
	— Zone D		19.79
	— Zone E		—
	— Canada		62.14
	— Switzerland		19.34
	— Other destinations		106.70
	ex 5. Other, of a fat content, by weight, in the dry matter :		
	(aa) Less than 5 % and of a content, by weight, in the dry matter of 32 % or more (excluding cheeses pro- duced from whey)	5120 12	
	for exports to :		
	— Austria		7.62
	— Zone D		11.18
	— Zone E		—
	— Canada		39.86
	— Switzerland		4.82
	— Other destinations		41.71
	(bb) Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more (exclu- ding cheeses produced from whey)	5120 16	
	for exports to :		
	— Austria		8.84
	— Zone D		12.96
	— Zone E		—
	— Canada		60.91
	— Switzerland		5.32
	— Other destinations		68.86
	(cc) Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 % (excluding cheeses produced from whey)	5120 22	
	for exports to :		
	— Austria		10.65
	— Zone D		15.60
	— Zone E		—
	— Canada		73.76
	— Switzerland		5.72
	— Other destinations		83.48
	(dd) Of 39 % or more :		
	(11) Asiago, Caciocavallo, Provolone, Ragusano	5120 31	
	for exports to :		
	— Zone D		141.10
	— Zone E		123.63
	— Canada		134.85
	— Switzerland		42.66
	— Other destinations		145.22

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(22) Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit	5120 44	
	for exports to :		
	— Austria		25.73
	— Zone D		13.76
	— Zone E		59.34
	— Canada		86.00
	— Switzerland		1.21
	— Other destinations		97.38
	(33) Butterkäse, Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	5120 54	
	for exports to :		
	— Austria		53.46
	— Zone D		13.76
	— Zone E		54.10
	— Canada		76.54
	— Switzerland		1.21
	— Other destinations		84.28
	(44) Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester	5120 58	
	for exports to :		
	— Austria		13.49
	— Zone D		19.89
	— Zone E		56.70
	— Canada		88.08
	— Switzerland		19.34
	— Other destinations		99.91
	(55) Salted ricotta, of a fat content, by weight, of 30 % or more	5120 59	
	for exports to :		
	— Zone E		32.25
	— Canada		37.09
	— Other destinations		44.38
	(66) Feta	5120 82	
	for exports to :		
	— Zone D		15.18 ⁽⁴⁾
	— Zone E		21.17 ⁽⁴⁾
	— Canada		72.34 ⁽⁴⁾
	— Switzerland		14.51 ⁽⁴⁾
	— Jordan, Iraq, Iran, the Arabian Peninsula and Mediterranean countries except Zone D		100.60 ⁽⁴⁾
	— Other destinations		79.01 ⁽⁴⁾
	(77) Colby, Monterey	5120 83	
	for exports to :		
	— Austria		13.49
	— Zone D		19.79
	— Zone E		—
	— Canada		88.08
	— Switzerland		19.34
	— Other destinations		99.91

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(88) Other (excluding cheeses produced from whey), of a water content, calculated by weight, of the non-fatty matter :		
	(aaa) Exceeding 47 % but not exceeding 52 % for exports to :	5120 87	
	— Zone D		19.79
	— Switzerland		18.13
	— Zone E		80.56
	— Canada		102.05
	— Other destinations		107.00
	(bbb) Exceeding 52 % but not exceeding 62 % for exports to :	5120 92	
	— Austria		25.73
	— Zone D		13.76
	— Zone E		59.34
	— Canada		86.00
	— Switzerland		1.21
	— Other destinations		97.38
	c) Exceeding 72 % :		
	1. In immediate packings of a net capacity not exceeding 500 grams :		
	(a) Cottage cheese for exports to :	5120 95	
	— Armed forces as specified in Article 3 of Regulation (EEC) No 192/75		22.56
	— Other destinations		—
	(b) Cream cheese of a fat content, by weight, in the dry matter, not exceeding 70 % for exports to :	5120 98	
	— Armed forces as specified in Article 3 of Regulation (EEC) No 192/75		63.41
	— Other destinations		—
	ex II. Other (excluding cheeses produced from whey) :		
	ex a) Grated or powdered of a fat content, by weight, exceeding 20 %, of a lactose content, by weight, less than 5 % and of a dry matter content, by weight :		
	(1) Of 80 % or more but less than 85 % for exports to :	5310 11	
	— Zone E		41.73
	— Canada		56.84
	— Other destinations		73.47
	(2) Of 85 % or more but less than 95 % for exports to :	5310 22	
	— Zone E		50.63
	— Canada		66.95
	— Other destinations		92.45

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(3) Of 95 % or more for exports to : — Zone E — Canada — Other destinations	5310 31	58.76 75.68 107.43
23.07	Sweetened forage ; other preparations of a kind used in animal feeding : ex B. Other, containing starch, glucose or glucose syrup falling within sub-headings 17.02 B and 21.07 F II, or milk products, excluding special compound feedingstuffs ⁽³⁾ : I. Containing starch, or glucose or glucose syrup : a) Containing no starch or containing 10 % or less, by weight, of starch : (3) Containing 50 % or more but less than 75 %, by weight, of milk products of which content of milk in powder or granules (excluding whey), by weight, is : (aa) Less than 30 % (bb) 30 % or more but less than 40 % (cc) 40 % or more but less than 50 % (dd) 50 % or more but less than 60 % (ee) 60 % or more but less than 70 % (ff) 70 % or more (4) Containing 75 % or more, by weight, of milk products, of which content of milk in powder or granules (excluding whey), by weight, is : (aa) Less than 30 % (bb) 30 % or more but less than 40 % (cc) 40 % or more but less than 50 % (dd) 50 % or more but less than 60 % (ee) 60 % or more but less than 70 % (ff) 70 % or more but less than 75 % (gg) 75 % or more but less than 80 % (hh) 80 % or more (II) Containing no starch, glucose or glucose syrup, but containing milk products of which content of milk in powder or granules (excluding whey), by weight, is : (a) 50 % or more but less than 60 % (b) 60 % or more but less than 70 % (c) 70 % or more but less than 80 % (d) 80 % or more	5700 13 5700 23 5700 33 5700 42 5700 52 5700 62 5800 13 5800 23 5800 32 5800 42 5800 52 5800 62 5800 72 5800 82 5900 12 5900 22 5900 32 5900 42	— 23.52 30.87 38.22 45.57 52.92 — 23.52 30.87 38.22 45.57 52.92 56.60 60.27 38.22 45.57 52.92 60.27

- (¹) The weight of added non-lactic matter and lactose should be disregarded for the purpose of calculating fat content, by weight.
The refund on 100 kg of product falling within this subheading is equal to the sum of the following components :
(a) the amount per kilogram shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
- (²) The refund on 100 kg of product falling within this subheading is equal to the sum of the following components :
(a) the amount per 100 kg shown ; and
(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
- (³) 'Special compound feedingstuffs' are feedingstuffs containing skimmed-milk powder and either fish meal or fish oil and/or fish liver oil and/or more than 6 g of iron (as ferrous sulphate) and/or more than 1.2 g of copper (as copper sulphate) in 100 kg of product.
- (⁴) This amount applies to the net weight, minus the weight of the brine.
- (⁵) No refund is applicable to cheese rinds and cheese wastes falling within heading No 04.04 of the Common Customs Tariff. Products unfit as such for human consumption shall be regarded as cheese wastes.
- (⁶) Products falling within subheading 04.02 A II b) and denatured in accordance with Annex III to Regulation (EEC) No 2054/76 are also included.
- N.B. : — For the purposes of this Regulation 'countries near the Community means : Zone D, Andorra, Austria, Liechtenstein, Switzerland, Yugoslavia plus the destinations indicated in Article 3 of Regulation (EEC) No 192/75.
— Zones A, B, C, D and E are those defined in Regulation (EEC) No 1098/68, as last amended by Regulation (EEC) No 37/75.
— 'Countries of the Arabian Peninsula' are to be understood in the sense of this Regulation as the following countries situated in the Arabian Peninsula and the territories there connected : Saudi Arabia, Bahrain, Qatar, Kuwait, Sultanate of Oman, Union of Arab Emirates (Abu Dhabi), Dubai, Sharjah, Ajman, Umm al Qawain, Fujairah, Ras al Khaimah, Yemen Arab Republic (Yemen North) and People's Democratic Republic of Yemen (Yemen South).

The weight of non-milk fat should be disregarded for the purposes of calculating fat content, by weight.

COMMISSION REGULATION (EEC) No 1707/79**of 2 August 1979****correcting Regulation (EEC) No 1605/79 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 1605/79 of 26 July 1979⁽³⁾; whereas a check has revealed that the Annex to that Regulation does not correspond to that

submitted for the opinion of the management committee; whereas it is therefore necessary to amend the Regulation in question,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 1605/79, the amount '31.86 ECU' under heading No 10.03 is hereby abolished in respect of exports to Austria.

Article 2

This Regulation shall enter into force on 3 August 1979.

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

Done at Brussels, 2 August 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 1.

⁽³⁾ OJ No L 189, 27. 7. 1979, p. 63.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 24 July 1979

supplementing the Annex to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

(79/663/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas certain types of lamps, ashtrays and other ornamental objects have glass containers holding liquids (e.g. carbon tetrachloride, trichloroethylene or tetrachloroethylene) which are highly toxic, harmful or highly flammable;

Whereas these objects are not always sufficiently stable and are easily overturned especially by young children, with the result that the glass container breaks, the liquid escapes and fumes are emitted which are toxic or harmful and to which the children fall first victim; whereas at least two deaths have occurred in this type of accident;

Whereas the breaking of such objects may also cause fires or explosions;

Whereas in order to obviate further accidents, and especially fatalities, it is imperative to introduce as

quickly as possible at Community level a prohibition on the marketing and use of such objects containing dangerous liquids;

Whereas prohibitions already adopted by individual Member States affect the functioning of the common market; whereas it is therefore necessary to harmonize the relevant legal provisions of the Member States and consequently to amend the Annex to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽⁴⁾;

Whereas, furthermore, thorough investigations have shown that the substance tris (2,3 dibromopropyl) phosphate [CAS No 126-72-7], which is used to fire-proof textiles and garments, and especially children's garments, presents health hazards; whereas its use should therefore be restricted;

Whereas the substances referred to above is subject to regulations in some Member States; whereas these regulations differ as regards the conditions for marketing and use; whereas these differences represent a barrier to trade and have a direct impact on the establishment and functioning of the common market;

Whereas it is consequently necessary to amend the Annex to Directive 76/769/EEC for this purpose also,

⁽¹⁾ OJ No C 96, 12. 4. 1979, p. 3.

⁽²⁾ OJ No C 127, 21. 5. 1979, p. 69.

⁽³⁾ Opinion delivered on 27 June 1979 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 262, 27. 9. 1976, p. 201.

HAS ADOPTED THIS DIRECTIVE :

Article 1

The Annex to Directive 76/769/EEC shall be supplemented as follows :

(a) the following points are added :

3. Liquids as such or as preparations as listed in Annex I to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽¹⁾, as last amended by Directive 79/370/EEC ⁽²⁾, in the following categories :

- highly toxic
- toxic
- harmful
- corrosive
- explosive
- extremely flammable
- highly flammable
- flammable

and any liquid with a flashpoint below 55 °C

4. Tris (2,3 dibromopropyl) phosphate
CAS No (Chemical Abstract Service
Number) 126-72-7

May not be used in ornamental objects intended to produce light or colour effects by means of different phases, for example in ornamental lamps and ashtrays.

May not be used in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin.'

(b) the following footnotes are added :

⁽¹⁾ OJ No 196, 16. 8. 1967, p. 1.

⁽²⁾ OJ No L 88, 7. 4. 1979, p. 1.'

Article 2

1. Member States shall bring into force the provisions necessary to comply with this Directive within 12 months of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1979.

For the Council

The President

M. O'KENNEDY

COUNCIL DECISION**of 24 July 1979****opening additional quotas for imports into Italy for certain products originating in Romania****(79/664/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Decision 75/210/EEC of 27 March 1975 on unilateral import arrangements in respect of State-trading countries ⁽¹⁾, and in particular the first indent of Article 7 thereof,

Having regard to the proposal from the Commission,

Whereas the Italian Republic, in accordance with Article 3 of Decision 75/210/EEC, has requested that amendments be made to the import arrangements applied to Romania pursuant to Council Decision 79/252/EEC of 21 December 1978 amending the unilateral import arrangements in respect of State-trading countries ⁽²⁾;

Whereas the requested amendments do not give rise to any particular economic problems,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic shall, by way of exception, for the year 1979 and in respect of Romania, open additional import quotas for those products covered by quotas No 5 to No 68 in Annex VIII (e) to Decision 79/252/EEC equal to 20 % of each quota, with the exception of iron and steel products.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 24 July 1979.

*For the Council**The President*

M. O'KENNEDY

⁽¹⁾ OJ No L 99, 21. 4. 1975, p. 7.

⁽²⁾ OJ No L 60, 12. 3. 1979, p. 1.

COUNCIL DECISION
of 24 July 1979
appointing a member of the Economic and Social Committee
(79/665/EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 19 September 1978 appointing the members of the Economic and Social Committee for the period ending 18 September 1982,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Mr Jonker, which was notified to the Council on 10 July 1979 ;

Having regard to the nominations submitted on 13 July 1979,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS :

Sole Article

Mr. C.T.A.M. Leo is hereby appointed a member of the Economic and Social Committee in place of Mr Jonker for the remainder of the latter's term of office, which runs until 18 September 1982.

Done at Brussels, 24 July 1979.

For the Council

The President

M. O'KENNEDY

COUNCIL DECISION**of 24 July 1979****appointing a member of the Consultative Committee of the European Coal and Steel Community****(79/666/ECSC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 18 thereof,

Having regard to the Council Decisions of 2 August 1978 and 16 October 1978 designating the representative organizations responsible for drawing up lists of candidates for the Consultative Committee of the European Coal and Steel Community,

Having regard to the Council Decision of 16 October 1978 appointing the members of the Consultative Committee of the European Coal and Steel Community for the period ending 15 October 1980,

Whereas a member's seat on the abovementioned committee in the 'workers representatives' category has become vacant following the resignation of Mr Granger, which was notified to the Council on 18 July 1979;

Having regard to the nomination submitted on 18 July 1979,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Pierre Robert is hereby appointed a member of the Consultative Committee of the European Coal and Steel Community in place of Mr Granger for the remainder of the latter's term of office, which runs until 15 October 1980.

Done at Brussels, 24 July 1979.

*For the Council**The President*

M. O'KENNEDY

COMMISSION

COMMISSION DECISION

of 19 July 1979

on the opening of a standing invitation to tender for the export of 30 700 tonnes of common wheat held by the Danish intervention agency

(Only the Danish text is authentic)

(79/667/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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1254/78⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 376/70 of 27 February 1970 laying down the procedure and conditions for the disposal of cereals held by intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 1687/76⁽⁴⁾, and in particular Article 5 (1) and (7) thereof,

Whereas the Kingdom of Denmark in its communication of 11 July 1979 informed the Commission of the intention of the Danish intervention agency to issue an invitation to tender for the export of 30 700 tonnes of common wheat;

Whereas the 30 700 tonnes of common wheat to be tendered for will be exported from those prescribed points of exit specified by the tenderers; whereas the common wheat is stored elsewhere; whereas the Danish intervention agency, in order to place all those participating in the invitation to tender on the same competitive footing, must sell at a uniform price; whereas it must accordingly bear the cost of transport from the place of storage to the points of exit stipulated;

Whereas under Article 5 (5) of Regulation (EEC) No 376/70 it may be provided that a tender shall only be valid if it is accompanied by an application for an export licence and by an application for advance fixing of the refund for the destination in question; whereas the intention of this provision is to facilitate assessment of the tender;

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

HAS ADOPTED THIS DECISION:

Article 1

The Danish intervention agency may, in accordance with the provisions hereinafter set out, open a standing invitation to tender for the export of common wheat held by it.

Article 2

1. The invitation to tender shall relate to a quantity of 30 700 tonnes of common wheat.
2. The regions in which the said common wheat is stored are listed in the Annex hereto.

Article 3

1. The places for which a minimum selling price is to be fixed in accordance with Article 5 (1) of Regulation (EEC) No 376/70 are as follows:

Kalundborg, Nakskov, Odense and Ålborg.

2. Tenders shall be made for one or more of these ports or exit points. The tenderer shall specify the ports or exit points for which his tender is made.

Tenders shall be understood to relate to common wheat which is either:

- stored in harbour silos from which it can be loaded directly into a seagoing vessel or into a barge, or
- supplied undischarged at the place of embarkation at the port or exit point.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 47, 28. 2. 1970, p. 49.

⁽⁴⁾ OJ No L 190, 14. 7. 1976, p. 1.

3. Where an export refund is applicable on the day on which tenders are submitted, tenders shall only be valid if accompanied by an application for an export licence lodged by the tenderer and a corresponding application for advance fixing of the refund for the destination in question.

4. As regards those quantities of common wheat not stored or supplied as provided in the first and second indents of paragraph 2, successful tenderers shall be entitled to reimbursement by the Danish intervention agency in respect of the cost of transport on the most favourable terms from the place of storage to that place of embarkation at the ports or exit points specified in paragraph 1 which may be reached at the lowest cost.

Article 4

The Danish intervention agency shall specify in the notice of invitation to tender the dates for the submission of tenders.

There must be at least 10 days between publication of the notice of invitation to tender and the first date laid down for submission of tenders. The last date on which tenders may be submitted shall be 30 September 1979.

Article 5

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 19 July 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

<i>(tonnes)</i>	
Regions of storage	Quantity
Jutland	1 000
Funen	19 800
Zealand	700
Lolland Falster	9 200