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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2708/79**of 3 December 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 1658/79⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies 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 in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 30 November 1979;

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 4 December 1979.

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

Done at Brussels, 3 December 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 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 193, 1. 8. 1979, p. 5.

ANNEX

to the Commission Regulation of 3 December 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	77.13
10.01 B	Durum wheat	102.15 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	61.20 ⁽⁶⁾
10.03	Barley	67.98
10.04	Oats	75.61
10.05 B	Maize, other than hybrid maize for sowing	85.93 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	2.14
10.07 B	Millet	46.70 ⁽⁴⁾
10.07 C	Grain sorghum	79.61 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	121.74
11.01 B	Rye flour	99.42
11.02 A I a)	Durum wheat groats and meal	171.56
11.02 A I b)	Common wheat groats and meal	130.61

⁽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 2709/79

of 3 December 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,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
1659/79 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally,
levies 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 in relation to the Community
currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on
30 November 1979;

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 4 December
1979.

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

Done at Brussels, 3 December 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 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 193, 1. 8. 1979, p. 7.

ANNEX

to the Commission Regulation of 3 December 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 12	1st period 1	2nd period 2	3rd period 3
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	1.05	1.05	1.05
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	14.12	14.12	14.12
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

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 2710/79

of 30 November 1979

opening an invitation to tender for the mobilization of milled long grain rice as food aid for the Democratic Republic of Madagascar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1552/79 ⁽²⁾,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid ⁽³⁾, and in particular Article 6 thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 2543/73 ⁽⁵⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 8 May 1979 the Council of the European Communities declared that it proposed, by way of Community action, to grant to 3 105 tonnes of milled long grain rice to the Democratic Republic of Madagascar under its 1978/79 food-aid programme;

Whereas pursuant to Article 3 (3) of Council Regulation (EEC) No 2750/75 the goods may be purchased anywhere on the Community market;

Whereas tenders should be invited for the supply of the product to the port of shipment in the vicinity of the vessel, the goods to be set down at the place nominated by the recipient or its agent;

Whereas in view of the different monetary circumstances in the Member States the observation of these conditions is not guaranteed by the application of exchange rates applicable in the framework of the common agricultural policy since monetary compensatory amounts do not apply in the rice sector; whereas it is advisable to take account of the monetary situation as regards different offers;

Whereas the award under the invitation to tender must be made to the tenderer offering the best terms;

Whereas, should *force majeure* make it impossible to complete the operation in question within the time limits specified, it must be made clear who is to bear the liability for any resulting costs;

Whereas provision should be made for security to be given to guarantee fulfilment of the obligations arising by virtue of participation in the invitation to tender;

Whereas the Italian intervention agency should be made responsible for the tendering procedure;

Whereas the Commission must be informed quickly of the tenders submitted in response to the invitation and of those accepted by the intervention agency;

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

1. Tenders are hereby invited for the supply to the Democratic Republic of Madagascar by way of Community food-aid action of 3 105 tonnes of milled long grain rice.

2. The tendering procedure shall take place in Italy in one lot. The product shall be mobilized on the Community market. Loading shall be carried out in a Community port which has regular services to Madagascar.

3. The product referred to in paragraph 1 is to be delivered in new jute sacks of a net capacity of 50 kilograms to the port of shipment in the vicinity of the vessel. The goods must be set down at the place nominated by the recipient country or its agent, the timing of delivery being settled by the tenderer and the recipient country's agent.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 11.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks :

'Riz blanchi / Don de la Communauté économique européenne à Madagascar'.

To allow for the possibility of re-bagging, the successful tenderer shall supply 2 % of new empty sacks, of the same quality as those containing the goods but with the printing followed by a capital letter 'R'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 17 December 1979.

2. The closing date for the submission of tenders shall be 17 December 1979 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for the submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.

2. The rates used for converting into ECU those offers made in national currencies shall be :

- the central rate in cases where the relevant currency is held at any given moment within a band of 2.25 %,
- in other cases the average spot exchange rate during the period from Wednesday of one week to Tuesday of the following week and which immediately precedes the time limit for the submission of tenders.

Article 4

The contract shall be awarded to the tenderer offering the best terms.

However, if the tenders submitted do not appear to correspond to normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 5

If the tenderer is unable to deliver the goods in compliance with Article 1 (3) on the date given in the notice of invitation to tender as a result of the late availability of the vessels to be used for sea transporta-

tion, the resulting costs shall be borne by the intervention agency.

Article 6

1. The successful tenderer shall give security of a value of 12 ECU per tonne ; the security is intended to guarantee that the operations specified in Article 1 are duly completed. The security shall be forfeit if those operations are not carried out within the prescribed time limit, save as regards quantities not delivered owing to *force majeure*.

2. The security for in paragraph 1 may be in the form of a cash deposit or of a guarantee issued by a credit institution conforming to the criteria laid down by the Member State.

Article 7

1. The milled long grain rice referred to in Article 1 to be supplied to the Democratic Republic of Madagascar must meet the following requirements :

- moisture : 15 %,
- broken rice : 5 % maximum,
- chalky grains : 5 % maximum,
- grains striated with red : 3 % maximum,
- spotted grains : 1.5 % maximum,
- stained grains : 1 % maximum,
- yellow grains : 0.050 % maximum,
- amber grains : 0.20 % maximum.

Rice not meeting these requirements shall be refused.

2. Tenders for supply to the Democratic Republic of Madagascar of the milled long grain rice referred to in Article 1 must relate to a product with the following characteristics :

- moisture : 15 %,
- broken rice : 5 % maximum,
- chalky grains : 5 % maximum,
- grains striated with red : 3 % maximum,
- spotted grains : 1.5 % maximum,
- stained grains : 1 % maximum,
- yellow grains : 0.050 % maximum,
- amber grains : 0.20 % maximum.

Article 8

1. The Italian intervention agency shall be responsible for the operations relating to the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to the Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

3. Where the customs export formalities for the mobilized product are completed in a Member State other than that in which the invitation to tender is issued, the intervention agency of the latter Member State shall be responsible for the operations following tendering, including payment to the successful tenderer.

In such case, the intervention agency choosing the successful tenderer shall immediately inform the intervention agency of the Member State concerned and shall supply it with all the information which it may require.

Furthermore, the amount of the successful tender shall be paid after it has been converted using the average of the spot rates referred to in Article 3 (2) to the tenderer in the currency of the Member State in which the operations relating to the tendering are completed.

4. The intervention agency shall request the successful tenderer to supply the following information :

(a) after each shipment a certificate showing the quantities dispatched and the quality of the products ;

(b) the date of departure of the vessels.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

Article 9

On delivery of the goods at the port of shipment, a handing-over certificate shall be supplied to the successful tenderer, acting as agent for the Community, by the agent of the recipient country or, in the absence of the latter by the intervention agency of the Member State in whose territory the port of shipment is situated.

Article 10

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, 30 November 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 2711/79

of 30 November 1979

opening an invitation to tender for the mobilization of milled long grain rice as food aid for the Republic of Senegal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1552/79 ⁽²⁾,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid ⁽³⁾, and in particular Article 6 thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 2543/73 ⁽⁵⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 8 May 1979 the Council of the European Communities declared that it proposed, by way of Community action, to grant 2 175 tonnes of milled long grain rice to the Republic of Senegal under its 1978/79 food-aid programme ;

Whereas pursuant to Article 3 (3) of Council Regulation (EEC) No 2750/75 the goods may be purchased anywhere on the Community market ;

Whereas tenders should be invited for the supply of the product to the port of shipment in the vicinity of the vessel, the goods to be set down at the place nominated by the recipient or its agent ;

Whereas in view of the different monetary circumstances in the Member States the observation of these conditions is not guaranteed by the application of exchange rates applicable in the framework of the common agricultural policy since monetary compensatory amounts do not apply in the rice sector ; whereas

it is advisable to take account of the monetary situation as regards different offers ;

Whereas the award under the invitation to tender must be made to the tenderer offering the best terms ;

Whereas, should *force majeure* make it impossible to complete the operation in question within the time limits specified, it must be made clear who is to bear the liability for any resulting costs ;

Whereas provision should be made for security to be given to guarantee fulfilment of the obligations arising by virtue of participation in the invitation to tender ;

Whereas the Italian intervention agency should be made responsible for the tendering procedure ;

Whereas the Commission must be informed quickly of the tenders submitted in response to the invitation and of those accepted by the intervention agency ;

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

1. Tenders are hereby invited for the supply to the Republic of Senegal by way of Community food-aid action of 2 175 tonnes of milled long grain rice.

2. The tendering procedure shall take place in Italy in one lot. The product shall be mobilized on the Community market. Loading shall be carried out in a Community port.

3. The product referred to in paragraph 1 is to be delivered in new jute sacks of a net capacity of 50 kilograms to the port of shipment in the vicinity of the vessel. The goods must be set down at the place nominated by the recipient country or its agent, the timing of delivery being settled by the tenderer and the recipient country's agent.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 11.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks:

'Riz / Don de la Communauté économique européenne à la république du Sénégal / À distribuer gratuitement'.

To allow for the possibility of re-bagging, the successful tenderer shall supply 2 % of new empty sacks, of the same quality as those containing the goods but with the printing followed by a capital letter 'R'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 17 December 1979.

2. The closing date for the submission of tenders shall be 17 December 1979 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for the submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.

2. The rates used for converting into ECU those offers made in national currencies shall be:

- the central rate in cases where the relevant currency is held at any given moment within a band of 2.25 %,
- in other cases the average spot exchange rate during the period from Wednesday of one week to Tuesday of the following week and which immediately precedes the time limit for the submission of tenders.

Article 4

The contract shall be awarded to the tenderer offering the best terms.

However, if the tenders submitted do not appear to correspond to normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 5

If the tenderer is unable to deliver the goods in compliance with Article 1 (3) on the date given in the notice of invitation to tender as a result of the late

availability of the vessels to be used for sea transportation, the resulting costs shall be borne by the intervention agency.

Article 6

1. The successful tenderer shall give security of a value of 12 ECU per tonne; the security is intended to guarantee that the operations specified in Article 1 are duly completed. The security shall be forfeit if those operations are not carried out within the prescribed time limit, save as regards quantities not delivered owing to *force majeure*.

2. The security provided for in paragraph 1 may be in the form of a cash deposit or of a guarantee issued by a credit institution conforming to the criteria laid down by the Member State.

Article 7

1. The milled long grain rice referred to in Article 1 to be supplied to the Republic of Senegal must meet the following requirements:

- moisture: 15 %,
- broken rice: 40 % maximum,
- chalky grains: 5 % maximum,
- grains striated with red: 3 % maximum,
- spotted grains: 1.5 % maximum,
- stained grains: 1 % maximum,
- yellow grains: 0.050 % maximum,
- amber grains: 0.20 % maximum.

Rice not meeting these requirements shall be refused.

2. Tenders for supply to the Republic of Senegal of the milled long grain rice referred to in Article 1 must relate to a product with the following characteristics:

- moisture: 15 %,
- broken rice: 40 % maximum,
- chalky grains: 5 % maximum,
- grains striated with red: 3 % maximum,
- spotted grains: 1.5 % maximum,
- stained grains: 1 % maximum,
- yellow grains: 0.050 % maximum,
- amber grains: 0.20 % maximum.

Article 8

1. The Italian intervention agency shall be responsible for the operations relating to the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to the Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

3. Where the customs export formalities for the mobilized product are completed in a Member State other than that in which the invitation to tender is issued, the intervention agency of the latter Member State shall be responsible for the operations following tendering, including payment to the successful tenderer.

In such case, the intervention agency choosing the successful tenderer shall immediately inform the intervention agency of the Member State concerned and shall supply it with all the information which it may require.

Furthermore, the amount of the successful tender shall be paid after it has been converted using the average of the spot rates referred to in Article 3 (2) to the tenderer in the currency of the Member State in which the operations relating to the tendering are completed.

4. The intervention agency shall request the successful tenderer to supply the following information :

- (a) after each shipment a certificate showing the quantities dispatched and the quality of the products ;

(b) the date of departure of the vessels.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

Article 9

On delivery of the goods at the port of shipment, a handing-over certificate shall be supplied to the successful tenderer acting as agent for the Community, by the agent of the recipient country or, in the absence of the latter, by the intervention agency of the Member State in whose territory the port of shipment is situated.

Article 10

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, 30 November 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 2712/79

of 30 November 1979

imposing a provisional anti-dumping duty on certain acrylic fibres originating in the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 459/68 of 5 April 1968 on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Economic Community⁽¹⁾, as last amended by Regulation (EEC) No 1681/79⁽²⁾, and in particular Article 15 thereof,

After hearing the opinions expressed in the Advisory Committee set up under the said Regulation,

Whereas on 11 May 1979 the Commission received a complaint submitted by CIRFS, the International Rayon and Synthetic Fibres Committee on behalf of the quasi-totality of the Community producers of acrylic fibres, setting out evidence as to the existence of dumping of the like product originating in Greece, Japan, Spain, Turkey and the United States of America, and of material injury resulting therefrom;

Whereas, since the information received indicated that the complaint was admissible and that defensive measures against dumping might be necessary, the Commission officially notified the importers and exporters known to be concerned and published in the *Official Journal of the European Communities* of 12 June 1979 a notice of the initiation of an anti-dumping procedure concerning imports of certain acrylic fibres originating in Greece, Japan, Spain, Turkey and the United States of America⁽³⁾;

Whereas the Commission gave interested parties the opportunity to make known their views in writing;

Whereas the Commission gave to parties directly concerned the opportunity to develop their views orally and to meet to present opposing views and rebuttal arguments;

Whereas most of the parties made use of these opportunities;

Whereas, for the purposes of a preliminary determination of dumping and injury, the Commission made on the spot investigations at the offices of the American exporters whose operations were deemed to require investigation, namely the American Cyanamid Company, Wayne, New Jersey, USA and the Badische Corporation, Williamsburg, Virginia, USA; whereas similar investigations were carried out at the offices of Vomvicryl S.A. Athens, Greece, Akrikil Kimya Sanayii A.S., Istanbul, Turkey; whereas the preliminary examination regarding Japanese and Spanish exporters has not yet been concluded; whereas the Commission has carried out on the spot investigations at the offices of the main Community producers involved;

Whereas it emerges from the investigations carried out in Greece and Turkey that no dumping exists in the case of the exports of these producers to the Community and the investigation is consequently closed in so far as they are concerned;

Whereas to make a preliminary examination of the existence of dumping by American producers, the Commission compared their export prices to the Community with those ruling on the American market;

Whereas weighted averages were used for these comparisons, which were made at the ex-factory level for sales during the period 1 June 1978 to 31 May 1979;

Whereas all the allowances claimed by the Badische Corporation for transport and selling expenses were granted; whereas, however, the company's claim that first quality material sold as development samples at low prices should not be included in the overall net weighted average calculation for first quality material was disallowed since the volume of the sales concerned constituted such a high proportion of total sales and the company did not provide sufficient evidence to justify its claim;

Whereas the allowance claimed by the American Cyanamid Company for transport costs was granted; whereas, in the absence of sufficient evidence in support of their claim that there were virtually no selling expenses on exports to the Community, the breakdown of these costs was based on the available accounting data, allocated proportionately to the

⁽¹⁾ OJ No L 93, 17. 4. 1968, p. 1.

⁽²⁾ OJ No L 196, 2. 8. 1979, p. 1.

⁽³⁾ OJ No C 146, 12. 6. 1979, p. 2.

turnover for each product and market under consideration; whereas the exporter in question requested in addition a supplementary adjustment for certain administrative and other expenses; whereas, in the absence of sufficient proof as to the direct relationship of these expenses with the sales under consideration, the Commission was not able to take this request into account; whereas a claim made by the American Cyanamid Company for differences in the production cost of certain acrylic fibres sold in the domestic market as opposed to those sold in the Community market has not been allowed since the exporter in question refused to provide documentary proof in support of its claim;

Whereas it emerges from the preliminary examination of the facts that dumping exists for all the imports examined from the United States of America the weighted average margins being for:

American Cyanamid

- discontinuous acrylic fibre: 7.2 %;
- continuous filament tow of acrylic fibres: 26.8 %;

Badische Corporation

- discontinuous acrylic fibre: 5.8 %;

Whereas with regard to injury it was found that the Community industry was making strenuous efforts to recover from the effects, experienced over many years, of virtual stagnation of production and consumption accompanied by considerable overcapacity and extremely high losses;

Whereas this process of recovery has entailed major efforts to reduce capacity and to rationalize which have resulted in an overall reduction of approximately 8 % of the work force since 1977, and attempts by the European producers to increase their selling prices in order to cover sharply increased raw material costs and to reach a reasonable profit situation;

Whereas, whilst these attempts were being made by Community producers a significant increase in imports took place especially from the United States of America; whereas the evidence available to the Commission shows that imports into the Community of acrylic fibres originating in the United States of America have increased from 7 611 tonnes in 1977 to 10 719 tonnes in 1978 representing an increase of 41 %, and to 4 301 tonnes in the first quarter of 1979; whereas on the basis of current statistics continuous filament tow represents approximately 60 % and discontinuous acrylic fibre represents 40 % of American imports; whereas the American market

share has nearly doubled since 1977 from 1.7 % in 1977 to 3.4 % in the first three months of 1979;

Whereas US imports are concentrated in Italy which, for the first quarter of 1979, received almost 75 % of American exports to the Community; whereas these exports to Italy have increased from 1 794 tonnes in 1977 to 6 225 tonnes in 1978 representing an increase of 246 % and to 3 181 tonnes for the first quarter of 1979 indicating an annual increase of 104 % compared with 1978; whereas the market share of these imports has increased from 1.1 % in 1977 to 2.9 % in 1978 and to 6.0 % for the first three months of 1979; whereas these increased American exports to Italy have been at extremely low prices undercutting Italian producers by approximately 25 %; whereas this has resulted in a loss of orders for Italian producers and depression of prices and additional losses for Italian producers;

Whereas the evidence available to the Commission also indicates that this situation in Italy which represents approximately 30 % of Community production and approximately 40 % of Community consumption has a considerable impact on other Community producers who traditionally export to Italy and who are also facing a difficult situation characterized by heavy losses, and who are currently forced to meet artificially low American prices;

Whereas therefore there is sufficient evidence to show that the dumped imports originating in the USA undermine the process of recovery of Community producers; whereas, consequently, these imports constitute injury to a Community industry;

Whereas, for these reasons, several Member States requested the Commission to take immediate provisional measures in accordance with Article 15 (1) (c) of Regulation (EEC) No 459/68;

Whereas in these circumstances the interests of the Community call for immediate intervention consisting in the imposition of a provisional anti-dumping duty on imports of acrylic fibres originating in the United States of America the rate of which, having regard to the extent of injury caused, should be equal to the dumping margins provisionally established;

Whereas one of the American exporters of acrylic fibres, the Badische Corporation, Williamsburg, Virginia, USA, has meanwhile voluntarily undertaken to increase its prices; whereas consultations are taking place within the Advisory Committee as provided for

in Article 12 of Regulation (EEC) No 459/68 as to the advisability of accepting this undertaking and it is consequently appropriate to exclude this company for the time being from the application of this provisional duty;

Whereas the only other known American exporter of acrylic fibres to the Community, E.I. Dupont de Nemours and Company, Wilmington, Delaware, USA, has not been alleged to be dumping; whereas, moreover, the information received by the Commission was sufficient to satisfy it that there was no evidence of dumping or injury and it is consequently appropriate to exclude this firm from the application of this provisional duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on discontinuous acrylic fibre falling within Common Customs Tariff subheading ex 56.01 A and corresponding to NIMEXE code 56.01-15 and continuous filament tow of acrylic fibre falling within Common Customs Tariff subheading ex 56.02 A and corresponding to NIMEXE code 56.02-15, both originating in the United States of America.

2. This duty does not apply to acrylic fibres produced and exported by the Badische Corporation, Williamsburg, Virginia, USA, and E.I. Dupont de Nemours and Company, Wilmington, Delaware, USA.

3. The rate of the duty shall be 26.8 % on continuous filament tow of acrylic fibre and 7.2 % on discontinuous acrylic fibre.

4. The provisions in force for the application of customs duties shall apply for the application of this duty.

5. The entry of the product referred to in paragraph 1 into free circulation shall be conditional upon the deposit of security for the amount of the provisional duty.

Article 2

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

Without prejudice to the provisions of Article 18 of Regulation (EEC) No 459/68, or to any different decision taken by the Council the present Regulation shall apply for a maximum period of three months or until such time as a different decision taken by the Council enters into force.

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

Done at Brussels, 30 November 1979.

For the Commission

Wilhelm HAFERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 2713/79**of 3 December 1979****abolishing the countervailing charge on tomatoes originating in Romania**

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 Commission Regulation (EEC) No 2554/79
of 19 November 1979⁽³⁾ introduced a countervailing
charge on tomatoes originating in Romania;

Whereas for this product originating in Romania
there were no prices for six consecutive working days;

whereas the conditions specified in Article 26 (1) of
Regulation (EEC) No 1035/72 are therefore fulfilled
and the countervailing charge on imports of tomatoes
originating in Romania can be abolished,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2554/79 is hereby repealed.

Article 2

This Regulation shall enter into force on 4 December
1979.

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

Done at Brussels, 3 December 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 293, 20. 11. 1979, p. 6.

COMMISSION REGULATION (EEC) No 2714/79

of 3 December 1979

altering the basic amount of the import levy on syrups and certain other sugar products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1396/78⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the basic amount of the import levy on syrups and certain other sugar products was fixed by Regulation (EEC) No 2673/79⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2673/79 to the

information known to the Commission that the basic amount of the levy at present in force should be altered to the amount set out below,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amount of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 3330/74 shall be, per 100 kilograms of product, 0.2047 ECU per percentage point of sucrose content.

Article 2

This Regulation shall enter into force on 4 December 1979.

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

Done at Brussels, 3 December 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 305, 1. 12. 1979, p. 24.

COMMISSION REGULATION (EEC) No 2715/79

of 3 December 1979

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1396/78⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1328/79⁽³⁾, as last amended by Regulation (EEC) No 2705/79⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1328/79 to the information 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 referred to in Article 15 (1) of Regulation (EEC) No 3330/74 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1979.

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

Done at Brussels, 3 December 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 162, 30. 6. 1979, p. 85.

⁽⁴⁾ OJ No L 305, 1. 12. 1979, p. 81.

ANNEX

to the Commission Regulation of 3 December 1979 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar ; flavoured or coloured sugar B. Raw sugar	20.47 15.90 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 2716/79

of 3 December 1979

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1552/79⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2628/79⁽⁷⁾, as amended by Regulation (EEC) No 2706/79⁽⁸⁾;

Whereas, if the levy system is to operate normally, levies 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 in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 30 November 1979;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3.02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽⁹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75⁽¹⁰⁾, as last amended by Regulation (EEC) No 2245/78⁽¹¹⁾, as fixed in the Annex to amended Regulation (EEC) No 2628/79, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1979.

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

Done at Brussels, 3 December 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 188, 26. 7. 1979, p. 9.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 303, 29. 11. 1979, p. 15.

⁽⁸⁾ OJ No L 305, 1. 12. 1979, p. 82.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 273, 29. 9. 1978, p. 1.

ANNEX

to the Commission Regulation of 3 December 1979 altering the import levies on products processed from cereals and rice

CCT heading No	Levies in ECU/tonne	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A	12.14 ⁽¹⁾	10.33 ⁽¹⁾⁽⁵⁾
11.01 C ⁽²⁾	127.43	121.39
11.02 A III ⁽²⁾	127.43	121.39
11.02 B I a) 1 ⁽²⁾	110.92	107.90
11.02 B I b) 1 ⁽²⁾	110.92	107.90
11.02 C III ⁽²⁾	174.64	168.60
11.02 D III ⁽²⁾	71.81	68.79
11.02 E I a) 1 ⁽²⁾	71.81	68.79
11.02 E I b) 1 ⁽²⁾	140.92	134.88
11.02 F III ⁽²⁾	127.43	121.39
11.04 C I	15.16	8.51 ⁽⁵⁾
11.07 A II a)	130.92 ⁽⁴⁾	120.04
11.07 A II b)	100.58	89.70
11.07 B	115.41 ⁽⁴⁾	104.53
23.02 A I a)	23.03	23.03
23.02 A I b)	73.70	73.70
23.02 A II a)	18.42	18.42
23.02 A II b)	73.70	73.70

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes.

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polametric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1.6 % for rice, 2.5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 0.45 u.a./100 kg for products originating in Turkey.

⁽⁵⁾ In accordance with Regulation (EEC) No 706/76 the levy shall not be charged on the following products originating in the countries and territories:

- arrowroot falling within subheading ex 07.06 A,
- flours and meal of arrowroot falling within subheadings ex 11.04 C I, ex 11.04 C II a) and b),
- arrowroot falling within subheading ex 11.08 A V.

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES

of 24 July 1979

appointing Judges and Advocates-General to the Court of Justice

(79/1000/ECSC, EEC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE
EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in
particular Article 32b thereof,

Having regard to the Treaty establishing the European Economic Community, and in
particular Article 167 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and
in particular Article 139 thereof,

Whereas the terms of office of Mr A. O'Caoimh, Mr Pescatore and Mr Sørensen, Judges of
the Court of Justice, together with those of Mr Reischl and Mr Warner, Advocates-
General of the Court of Justice, expire on 6 October 1979,

HAVE DECIDED AS FOLLOWS:

Sole Article

1. The following are hereby appointed Judges of the Court of Justice for the period
from 7 October 1979 to 6 October 1985 inclusive:

Mr Aindrias O'Caoimh,
Mr Pierre Pescatore,
Mr Ole Due.

2. The following are hereby appointed Advocates-General of the Court of Justice for
the period from 7 October 1979 to 6 October 1985 inclusive:

Mr Gerhard Reischl,
Mr Jean-Pierre Warner.

Done at Brussels, 24 July 1979.

The President

M. O'KENNEDY

**DECISION
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES OF THE EUROPEAN COMMUNITIES**

of 22 November 1979

appointing a Judge to the Court of Justice

(79/1001/ECSC, EEC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 32b thereof,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 167 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 139 thereof,

Whereas the term of office of Mr Mertens de Wilmars, Judge of the Court of Justice, expired on 6 October 1979 ;

Whereas Mr Mertens de Wilmars has continued to hold office from 7 October 1979,

HAVE DECIDED AS FOLLOWS :

Sole Article

Mr Joseph Mertens de Wilmars, Jonkheer, is hereby appointed a Judge of the Court of Justice for the period 22 November 1979 to 6 October 1985 inclusive.

Done at Brussels, 22 November 1979.

The President

G. FITZGERALD

COUNCIL

COUNCIL DECISION

of 22 November 1979

approving an amendment to the statutes of the joint undertaking 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK)

(79/1002/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 50 thereof,

Having regard to the proposal from the Commission,

Whereas by Decision 75/328/Euratom⁽¹⁾ the Council set up the 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK) as a joint undertaking;

Whereas by Decision 75/725/Euratom⁽²⁾, the Council approved an amendment to the statutes of the joint undertaking, by which its capital was increased;

Whereas it was decided at a general meeting of the joint undertaking in May 1979 to increase its capital by a further amount;

Whereas this amendment is not in conflict with the provisions governing the joint undertaking and is in line with the development of the project; whereas it should therefore be approved,

HAS ADOPTED THIS DECISION:

Article 1

The amendment to the statutes of the joint undertaking 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK) annexed to this Decision is hereby approved.

Article 2

This Decision is addressed to the Member States and to 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK).

Done at Brussels, 22 November 1979.

For the Council

The President

G. FITZGERALD

⁽¹⁾ OJ No L 152, 12. 6. 1975, p. 8.

⁽²⁾ OJ No L 311, 1. 12. 1975, p. 38.

*ANNEX***Amendment to the statutes of the joint undertaking 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK)**

1. In Article 4, 'DM 127 000 000 (one hundred and twenty-seven million German marks)' shall be replaced by 'DM 220 000 000 (two hundred and twenty million German marks)'.
 2. The first paragraph of Article 5 is replaced by the following:
 'The following companies and board have contributed to the share capital :
 - (a) Rheinisch-Westfälisches Elektrizitätswerk Aktiengesellschaft,
 Essen,
 subscription of : DM 151 470 000
 - (b) N. V. Samenwerkende Elektriciteits-Productiebedrijven, Arnhem,
 subscription of : DM 32 450 000
 - (c) S. A. Electronucléaire, Brussels,
 subscription of : DM 32 450 000
 - (d) Central Electricity Generating Board, London,
 subscription of : DM 3 630 000.'
-

COUNCIL DECISION**of 23 November 1979****appointing a member of the Advisory Committee on Social Security for Migrant Workers****(79/1003/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community ⁽¹⁾, and in particular Article 82 thereof,

Having regard to the Council Decision of 15 October 1979 appointing the members and alternate members of the Advisory Committee on Social Security for Migrant Workers for the period ending 14 October 1981,

Whereas one seat as member of the aforesaid Committee in the government representatives' category has fallen vacant following the resignation of Miss Ruellan, of which the Council was notified on 12 November 1979 ;

Having regard to the nominations submitted on 12 November 1979,

HAS DECIDED AS FOLLOWS :

Sole Article

Mr Serge Darmon is hereby appointed member of the Advisory Committee on Social Security for Migrant Workers in place of Miss Ruellan for the remainder of her term of office, which runs until 14 October 1981.

Done at Brussels, 23 November 1979.

*For the Council**The President*

R. Mac SHARRY

⁽¹⁾ OJ No L 149, 5. 7. 1971, p. 2.

COUNCIL DECISION
of 23 November 1979
appointing an alternate member of the Advisory Committee on Social Security
for Migrant Workers

(79/1004/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community⁽¹⁾, and in particular Article 82 thereof,

Having regard to the Council Decision of 15 October 1979 appointing the members and alternate members of the Advisory Committee on Social Security for Migrant Workers for the period ending on 14 October 1981,

Whereas the Council decided on that occasion to appoint one person to fill one alternate member's seat available to a national of France in the employer representatives' category;

Having regard to the nomination submitted on 14 November 1979,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Pierre de Lamer is hereby appointed an alternate member of the Advisory Committee on Social Security for Migrant Workers for the remainder of the Committee's term of office, which runs until 14 October 1981.

Done at Brussels, 23 November 1979.

For the Council

The President

R. Mac SHARRY

⁽¹⁾ OJ No L 149, 5. 7. 1971, p. 2.

COUNCIL DIRECTIVE

of 23 November 1979

amending Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids

(79/1005/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 the field of application of Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products ⁽⁴⁾ is different from that of Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids ⁽⁵⁾;

Whereas, therefore, the fields of application of the two Directives should be aligned as regards the volumes of the prepackages to which they relate;

Whereas at the time of the adoption of Directive 75/106/EEC, the Council, with a view to providing better protection for the consumer, requested the Commission to submit before 31 December 1980 a new proposal reducing the list of nominal volumes in Annex III by eliminating values that were too close to one another;

Whereas Council Directive 71/354/EEC of 18 October 1971 relating to the approximation of the laws of the Member States on units of measurement ⁽⁶⁾ was last amended by Directive 76/770/EEC ⁽⁷⁾;

Whereas pursuant to Article 7 (2) of Directive 75/106/EEC, Belgium, Ireland, the Netherlands and the United Kingdom have five years in which to

implement that Directive; whereas this Directive should therefore take account of that time limit;

Whereas certain Member States will find it difficult to reduce the number of nominal volumes; whereas, therefore, provisions should be made for a transitional period for these Member States which does not, however, impede intra-Community trade in the products in question or jeopardize implementation of this Directive in the other Member States,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 1 of Directive 75/106/EEC shall be replaced by the following:

Article 1

This Directive relates to prepackages containing the liquid products listed in Annex III measured by volume for the purpose of sale in individual quantities of between 5 ml and 10 litres inclusive.'

Article 2

Article 2 (2) of Directive 75/106/EEC shall be replaced by the following:

'2. A product is prepacked when it is placed in a package of whatever nature without the purchaser being present and the quantity of product contained in the package has a predetermined value and cannot be altered without the package either being opened or undergoing a perceptible modification.'

Article 3

Article 3 (1) of Directive 75/106/EEC shall be replaced by the following:

'1. The prepackages which may be marked with the EEC mark referred to in Section 3.3 of Annex I are those which comply with Annex I.'

⁽¹⁾ OJ No C 250, 19. 10. 1977, p. 7.

⁽²⁾ OJ No C 163, 10. 7. 1978, p. 72.

⁽³⁾ OJ No C 283, 27. 11. 1978, p. 40.

⁽⁴⁾ OJ No L 46, 21. 2. 1976, p. 1.

⁽⁵⁾ OJ No L 42, 15. 2. 1975, p. 1.

⁽⁶⁾ OJ No L 243, 29. 10. 1971, p. 29.

⁽⁷⁾ OJ No L 262, 27. 9. 1976, p. 204.

Article 4

1. Article 4 of Directive 75/106/EEC shall be replaced by the following:

'Article 4

1. All prepackages referred to in Article 3 must in accordance with Annex I bear an indication of the volume of liquid, called the "nominal volume of the contents", which they are required to contain.

2. Until the expiry of the periods laid down in Council Directive 71/354/EEC of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement⁽¹⁾, as last amended by Directive 76/770/EEC⁽²⁾, the indication of the nominal volume of the contents expressed in SI units of measurement in accordance with section 3.1 of Annex I to this Directive shall, if the United Kingdom or Ireland so desire and on their national territories, be accompanied by an indication of the nominal volume expressed in the equivalent imperial units of measurement, if they are given in Annex I to this Directive.'

2. The following footnotes shall be added:

⁽¹⁾ OJ No L 243, 29. 10. 1971, p. 29.

⁽²⁾ OJ No L 262, 27. 9. 1976, p. 204.'

Article 5

Article 5 of Directive 75/106/EEC shall be replaced by the following:

'Article 5

1. Member States may not refuse, prohibit or restrict the placing on the market of prepackages which satisfy the requirements of this Directive on grounds related to the determination of their volumes, the methods by which they have been checked or the nominal volumes where these are set forth in Annex III.

2. As from 1 January 1984, prepackages containing the products listed in Annex III 1 (a) may be marketed only if they have the nominal volumes laid down in Annex III.

Until 31 December 1983, Member States may allow all values allowed up to that date on their markets.

3. However,

(a) for prepackages with the nominal volumes listed in Annex III, column II, paragraph 1 shall apply until 31 December 1988 only to those countries which allowed such pack-

ages on 31 December 1973, with the exception of prepackages of category 1 (a) "Wines" with a nominal volume of 0.73 l, for which the expiry date is 31 December 1985;

(b) with respect to the liquids specified in Sections 1 (a), 1 (b) and 4 of Annex III, paragraph 1 shall apply only when such liquids are presented in packages having one of the nominal volumes listed in the corresponding columns of that Annex and complying with the rules on trade practices of the Member State of origin of the liquid, regardless of whether filling took place in the Member State of origin or in another State.

4. The provisions of this Directive shall be no impediment to national laws governing on environmental grounds the use of packaging with regard to its recycling.'

Article 6

Section 2.4 of Annex I to Directive 75/106/EEC shall be replaced by the following:

'2.4 The tolerable negative error shall be fixed in accordance with the following table:

Nominal volume of the contents V_n in millilitres	Tolerable negative error	
	in % of V_n	in millilitres
from 5 to 50	9	—
from 50 to 100	—	4.5
from 100 to 200	4.5	—
from 200 to 300	—	9
from 300 to 500	3	—
from 500 to 1 000	—	15
from 1 000 to 10 000	1.5	—

When using the table, the values of the tolerable negative errors shown as percentages in the table, calculated in units of volume, shall be rounded up to the nearest one-tenth of a millilitre.'

Article 7

The second paragraph of section 3.1 of Annex I to Directive 75/106/EEC shall be replaced by the following:

'Until the expiry of the periods laid down in Directive 71/354/EEC, as amended by Directive 76/770/EEC, the indication of the nominal volume of the contents expressed in SI units in accordance with the first paragraph may be accompanied by that of the equivalent value in imperial (UK) units of measurement, calculated by applying the following conversion factors:

one millilitre = 0.0352 fluid ounce
one litre = 1.760 pints or 0.220 gallon.'

Article 8

Annex III to Directive 75/106/EEC shall be replaced by the Annex to this Directive.

Article 9

1. Member States shall adopt and publish before 1 January 1981 the laws, regulations and administrative provisions needed to comply with this Directive, and these shall enter into force on 1 January 1981.
2. Member States shall ensure that the texts of the main provisions of national law which they adopt in

the field covered by this Directive are communicated to the Commission.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 23 November 1979.

For the Council

The President

R. Mac SHARRY

ANNEX

ANNEX III

Liquids	Nominal volume of contents in litres	
	I Definitively allowed	II Temporarily allowed
1. (a) Wine of fresh grapes; fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, except for wines included in Common Customs Tariff subheadings 22.05 A and B and liqueur wines (CCT subheading ex 22.05 C); grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol (CCT heading No 22.04)	0.10 — 0.25 — 0.375 0.50 — 0.75 — 1 1.5 — 2 — 3 5	0.35 — 0.70 — 0.73 1.25
(b) "Yellow" wines entitled to use the following designations of origin: "Côtes du Jura", "Arbois", "L'Étoile" and "Château-Chalon"	0.62	
(c) Other non-sparkling fermented beverages, for example, cider, perry and mead (CCT subheading 22.07 B II)	0.10 — 0.25 — 0.375 0.50 — 0.75 — 1 1.5 — 2 — 5	0.35 — 0.70
(d) Vermouths and other wines of fresh grapes flavoured with aromatic extracts (CCT heading No 22.06); liqueur wines (CCT subheading ex 22.05 C)	0.05 up to 0.10 0.10 — 0.20 — 0.375 0.50 — 0.75 — 1 1.5	
2. (a) — Sparkling wines (CCT subheading 22.05 A) — Wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise put up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20 °C (CCT subheading 22.05 B)	0.125 — 0.20 — 0.375 0.75 — 1.5 — 3	0.10 — 0.25 — 0.70
(b) Other fermented sparkling beverages, for example, cider, perry and mead (CCT subheading 22.07 B I)	0.10 — 0.20 — 0.375 0.75 — 1 — 1.5 3	0.125
3. (a) Beer made from malt (CCT heading No 22.03), excluding acid beers (b) Acid beers, gueuze	0.25 — 0.33 — 0.50 0.75 — 1 — 2 3 — 4 — 5 0.25 — 0.375 — 0.75	0.35
4. Spirits (other than those of CCT heading No 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages (CCT heading No 22.09)	0.02 — 0.03 — 0.04 0.05 — 0.10 (*) 0.20 — 0.50 — 1 1.5 — 2 — 2.5 3	0.35 — 0.375 — 0.70 0.75
5. Vinegar and substitutes for vinegar (CCT heading No 22.10)	0.25 — 0.50 — 0.75 1 — 2 — 5	
6. Olive oils (CCT subheading 15.07 A), other edible oils (CCT subheading 15.07 D II)	0.25 — 0.50 — 0.75 1 — 2 — 3 5 — 10	
7. — Milk, fresh, not concentrated or sweetened (CCT heading ex 04.01), excluding yoghurt, kephir, curdled milk, whey and other fermented or acidified milk — Milk-based beverages (CCT subheading 22.02 B)	0.20 — 0.25 — 0.50 0.75 — 1 — 2	0.10

(*) In the case of alcoholic beverages to which aerated water or soda has been added, all volumes of less than 0.10 litre are allowed definitively.

Liquids	Nominal volume of contents in litres	
	I Definitively allowed	II Temporarily allowed
8. (a) Waters, including spa waters and aerated waters (CCT heading No 22.01)	0.125 — 0.20 — 0.25 0.33 — 0.50 — 0.75 1 — 1.5 — 2	all volumes below 0.20 — 0.35 — 0.45 0.46 — 0.70 — 0.90 0.92 — 1.25
(b) Lemonade, flavoured spa waters and flavoured aerated waters and other non-alcoholic beverages not containing milk or milkfats, (CCT subheading 22.02 A) excluding fruit and vegetable juices falling within CCT heading No 22.07 and concentrates	0.125 — 0.20 — 0.25 0.33 — 0.50 — 0.75 1 — 1.5 — 2	all volumes below 0.20 — 0.70
(c) Beverages labelled as alcohol-free aperitifs	0.10	
9. Fruit juices (including grape must) or vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit falling within CCT subheading 20.07 B, fruit nectar (Directive 75/726/EEC of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products ⁽¹⁾)	0.125 — 0.20 — 0.25 0.33 — 0.50 — 0.75 1 — 1.5 — 2	all volumes below 0.125 — 0.70 — 0.18 0.35 (in cans only)

⁽¹⁾ OJ No L 311, 1. 12. 1975, p. 40.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 1195/79 of 12 June 1979 opening, allocating and providing for the administration of Community tariff preferences for textile products originating in developing countries and territories

(Official Journal of the European Communities No L 154 of 21 June 1979)

Page 9, footnote ⁽²⁾ :

for: '...increased by 111·08 tonnes',

read: '...increased by 116·08 tonnes'.

NOTICE TO READERS

As a result of the increase in production costs, the prices for the calendar year 1980 of subscriptions to the Official Journal and its Supplement, have been determined as follows :

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