

Official Journal of the European Communities

ISSN 0378-6978

L 4

Volume 23

8 January 1980

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 20/80 of 7 January 1980 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 21/80 of 7 January 1980 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 22/80 of 7 January 1980 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt is to be reduced	5
Commission Regulation (EEC) No 23/80 of 7 January 1980 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Egypt must be reduced	7
Commission Regulation (EEC) No 24/80 of 7 January 1980 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced	8
Commission Regulation (EEC) No 25/80 of 7 January 1980 fixing the import levies on white sugar and raw sugar	10
Commission Regulation (EEC) No 26/80 of 7 January 1980 altering the import levies on products processed from cereals and rice	11
Commission Regulation (EEC) No 27/80 of 7 January 1980 suspending advance fixing of the import levy for cereals	13

II *Acts whose publication is not obligatory*

Commission

80/1/EEC :

- ★ Commission Decision of 7 December 1979 for the resolution of the dispute between the Kingdom of Denmark and the other Member States over the publication of reference tariffs for the cross-frontier carriage of goods by road 14

1

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 20/80**of 7 January 1980****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 4 January 1980 ;

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 8 January 1980.

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

Done at Brussels, 7 January 1980.

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 7 January 1980 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	78.73
10.01 B	Durum wheat	114.39 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	68.74 ⁽⁶⁾
10.03	Barley	71.46
10.04	Oats	80.22
10.05 B	Maize, other than hybrid maize for sowing	94.89 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	5.95
10.07 B	Millet	63.91 ⁽⁴⁾
10.07 C	Grain sorghum	83.39 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	124.16
11.01 B	Rye flour	109.61
11.02 A I a)	Durum wheat groats and meal	190.28
11.02 A I b)	Common wheat groats and meal	133.01

⁽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 21/80**of 7 January 1980****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 organization 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 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 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 4 January 1980;

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 8 January 1980.

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

Done at Brussels, 7 January 1980.

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 7 January 1980 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 1	1st period 2	2nd period 3	3rd period 4
10.01 A	Common wheat, and meslin	0	0.51	0.51	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	0.87	0.87	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0.73	0.73	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0.91	0.91	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0.68	0.68	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 22/80**of 7 January 1980****fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt is to be reduced**

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 1250/77 of 17 May 1977 on imports of rice from the Arab Republic of Egypt ⁽³⁾, and in particular Article 1 thereof,

Whereas Regulation (EEC) No 1250/77 provides that the levy calculated in accordance with Article 11 of Regulation (EEC) No 1418/76 is to be reduced by an amount to be fixed by the Commission each quarter; whereas this amount must be equal to 25 % of the average of the levies applied during a reference period;

Whereas, under Commission Regulation (EEC) No 2942/73 of 30 October 1973 laying down detailed

rules for the application of Regulation (EEC) No 2412/73 ⁽⁴⁾, the reference period is to be the quarter preceding the month in which the amount is fixed;

Whereas the levies to be taken into consideration are therefore those applicable during the months of October, November and December 1979,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC) No 1250/77 by which the levy on imports of rice originating in and coming from the Arab Republic of Egypt is to be reduced shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1980.

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

Done at Brussels, 7 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 188, 26. 7. 1979, p. 9.

⁽³⁾ OJ No L 146, 14. 6. 1977, p. 9.

⁽⁴⁾ OJ No L 302, 31. 10. 1973, p. 1.

to the Commission Regulation of 7 January 1980 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt is to be reduced

CCT heading No	Description	Amounts to be deducted
ex 10.06	Rice :	
	B. Other :	
	I. Paddy rice ; husked rice :	
	a) Paddy rice :	
	1. Round grain	20.08
	2. Long grain	26.55
	b) Husked rice :	
	1. Round grain	25.10
	2. Long grain	33.19
	II. Semi-milled or wholly milled rice :	
	a) Semi-milled rice :	
	1. Round grain	45.81
	2. Long grain	71.08
	b) Wholly milled rice :	
	1. Round grain	48.79
	2. Long grain	76.20
	III. Broken rice	14.76

COMMISSION REGULATION (EEC) No 23/80

of 7 January 1980

fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Egypt must be reduced

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1030/77 of 17 May 1977 concluding the Interim
Agreement between the European Economic Commu-
nity and the Arab Republic of Egypt ⁽¹⁾, and in parti-
cular the second subparagraph of paragraph 3 of the
exchange of letters relating to Article 13 of the Agree-
ment ;

Whereas the exchange of letters covered by Regula-
tion (EEC) No 1030/77 provides that the variable
component of the levy calculated in accordance with
Article 2 of Council Regulation (EEC) No 2744/75 of
29 October 1975 on the import and export system for
products processed from cereals and rice ⁽²⁾, as last
amended by Regulation (EEC) No 2245/78 ⁽³⁾, is to be
reduced by an amount fixed by the Commission each
quarter ; whereas this amount must be equal to 60 %
of the average of the levies in force during the three
months preceding the month during which the
amount is fixed ;

Whereas the variable components applicable during
October, November and December 1979 to the
products falling within subheading 23.02 A of the
Common Customs Tariff are to be taken into consider-
ation,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts referred to in the second subparagraph
of paragraph 3 of the exchange of letters covered by
Regulation (EEC) No 1030/77 to be deducted from
the variable component applicable to bran and sharps
originating in Egypt shall be as shown in the Annex
hereto.

Article 2

This Regulation shall enter into force on 1 February
1980.

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

Done at Brussels, 7 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 126, 23. 5. 1977, p. 1.
⁽²⁾ OJ No L 281, 1. 11. 1975, p. 65.
⁽³⁾ OJ No L 273, 29. 9. 1978, p. 1.

ANNEX

CCT heading No	ECU/tonne
23.02 A I a)	13.26
23.02 A I b)	42.42
23.02 A II a)	10.61
23.02 A II b)	42.42

COMMISSION REGULATION (EEC) No 24/80**of 7 January 1980****fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Algeria, Morocco and Tunisia must be reduced**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1512/76 of 24 June 1976 concluding the Agreement
in the form of an exchange of letters relating to
Article 22 of the Cooperation Agreement and Article
15 of the Interim Agreement between the European
Economic Community and the Republic of Tunisia
and concerning the import into the Community of
bran and sharps originating in Tunisia⁽¹⁾, and in parti-
cular the second subparagraph of paragraph 3 of the
exchange of letters,

Having regard to Council Regulation (EEC) No
1518/76 of 24 June 1976 concluding the Agreement
in the form of an exchange of letters relating to
Article 21 of the Cooperation Agreement and Article
14 of the Interim Agreement between the European
Economic Community and the People's Democratic
Republic of Algeria and concerning the import into
the Community of bran and sharps originating in
Algeria⁽²⁾, and in particular the second subparagraph
of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No
1525/76 of 24 June 1976 concluding the Agreement
in the form of an exchange of letters relating to
Article 23 of the Cooperation Agreement and Article
16 of the Interim Agreement between the European
Economic Community and the Kingdom of Morocco
and concerning the import into the Community of
bran and sharps originating in Morocco⁽³⁾, and in
particular the second subparagraph of paragraph 3 of
the exchange of letters,

Whereas the Agreement in the form of an exchange
of letters annexed to Regulations (EEC) No 1512/76,
(EEC) No 1518/76 and (EEC) No 1525/76 provides
that the variable component of the levy calculated in
accordance with Article 2 of 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⁾, is to be reduced by an amount fixed
by the Commission each quarter; whereas this
amount must be equal to 60 % of the average of the
variable components of the levies in force during the
three months preceding the month during which the
amount is fixed;

Whereas the variable components applicable to the
products falling within subheading 23.02 A II of the
Common Customs Tariff during October, November
and December 1979 have been taken into considera-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The amount referred to in the second subparagraph of
paragraph 3 of the exchange of letters forming the
Agreement annexed to Regulations (EEC) No
1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 to
be deducted from the variable component applicable
to bran and sharps originating in Tunisia, Algeria and
Morocco respectively, shall be as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 1 February
1980.

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

Done at Brussels, 7 January 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 169, 28. 6. 1976, p. 19.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 37.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 53.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 273, 29. 9. 1978, p. 1.

ANNEX

CCT heading No	ECU/tonne
23.02 A II a)	10·61
23.02 A II b)	42·42

COMMISSION REGULATION (EEC) No 25/80**of 7 January 1980****fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3330/74 of 19 December 1974 on the common organ-
ization of the market in sugar ⁽¹⁾, as last amended by
Regulation (EEC) No 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 19/80 ⁽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 Regu-
lation (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 8 January
1980.

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

Done at Brussels, 7 January 1980.

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 3, 5. 1. 1980, p. 10.

ANNEX

**to the Commission Regulation of 7 January 1980 fixing the import levies on white sugar
and raw sugar**

(ECU/100 kg)

CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form : A. White sugar ; flavoured or coloured sugar B. Raw sugar	20.49 16.83 ⁽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 26/80

of 7 January 1980

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 2986/79⁽⁷⁾;

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 4 January 1980;

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⁽⁸⁾, 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⁽⁹⁾, as last amended by Regulation (EEC) No 2245/78⁽¹⁰⁾, as fixed in the Annex to Regulation (EEC) No 2986/79, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 January 1980.

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

Done at Brussels, 7 January 1980.

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 337, 29. 12. 1979, p. 12.

⁽⁸⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 273, 29. 9. 1978, p. 1.

ANNEX

to the Commission Regulation of 7 January 1980 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
11.01 E I ⁽²⁾	178.71	172.67
11.01 E II ⁽²⁾	100.87	97.85
11.02 A V a) 1 ⁽²⁾	141.72	135.68
11.02 A V a) 2 ⁽²⁾	178.71	172.67
11.02 A V b) ⁽²⁾	100.87	97.85
11.02 B II c) ⁽²⁾	156.51	153.49
11.02 C V ⁽²⁾	156.51	153.49
11.02 D V ⁽²⁾	100.87	97.85
11.02 E II c) ⁽²⁾	178.71	172.67
11.02 F V ⁽²⁾	178.71	172.67
11.02 G II	77.99	71.95
11.04 C II a)	141.91	117.73 ⁽⁵⁾
11.04 C II b)	175.00	150.82 ⁽⁵⁾
11.08 A I	141.91	121.36
11.08 A IV	141.91	121.36
11.08 A V	141.91	60.68 ⁽⁵⁾
17.02 B II a) ⁽³⁾	255.02	158.30
17.02 B II b) ⁽³⁾	187.85	121.36
21.07 F II	187.85	121.36
23.03 A I	332.10	150.76

⁽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.

⁽³⁾ Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

⁽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.

COMMISSION REGULATION (EEC) No 27/80
of 7 January 1980
suspending advance fixing of the import levy for cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1547/79⁽²⁾, and in particular the second subparagraph of 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 application of such provisions will or is likely to cause difficulties;

Whereas there is a danger, having regard to the situation on the world cereals market, that, if existing arrangements are adhered to, levies could be fixed in

advance in the short term for quantities considerably in excess of the quantities which might be expected under more normal conditions;

Whereas the above situation requires that application of the provisions concerning advance fixing of levies for the products concerned be temporarily suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the import levy for the products referred in Article 1 of Regulation (EEC) No 2727/75 is hereby suspended until 10 January 1980.

Article 2

This Regulation shall enter into force on 8 January 1980.

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

Done at Brussels, 7 January 1980.

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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 December 1979

for the resolution of the dispute between the Kingdom of Denmark and the other Member States over the publication of reference tariffs for the cross-frontier carriage of goods by road

(80/1/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2831/77 of 12 December 1977 on the fixing of rates for the carriage of goods by road between Member States⁽¹⁾, and in particular the second paragraph of Article 7 (2) thereof,

Having regard to the opinion of the Committee referred to in Article 16 of that Regulation,

Whereas :

I

Denmark requested the Commission of the European Communities on 31 August 1979 in accordance with Article 7 (2) of Regulation (EEC) No 2831/77 to resolve, on the basis of the provisions of the second subparagraph of Article 6 (2) of that Regulation, the dispute which had arisen between it and the other Member States over the introduction of reference tariffs in the carriage of goods by road to and from Denmark which had been proposed by the professional organizations within the industry.

The Danish Government, which objected to the introduction of these tariffs, takes the view that the proposed tariff level is generally 10 % too high, and the surcharges on special vehicles 20 % more than they should be.

The Government argues that this conclusion is borne out by a comparison of the effective freight charges in all markets where goods are carried by road between the other Member States and Denmark.

In support of its claim that the proposed reference tariffs should be reduced by the aforesaid amounts advances the following arguments :

- (i) the Ministry of Transport, in cooperation with the Danish Association of Road Hauliers, the Transport Users' Committee and the Association of Danish Forwarding Agents has investigated the extent of the difference between the market rates and the proposed reference tariff level ;
- (ii) the Transport Users' Committee and the Association of Forwarding Agents have established that the tariff level is at least 30 % above the average market rates. Certain rates even exceed by more than 100 % the normally agreed freight rates ;
- (iii) the Ministry's investigations, based on a study conducted in 1973, but which takes into account the intervening increase in costs, has shown that the tariff level exceeded the market rates in 1973 by 16 % and was 10 % above the level of rates at 1 July 1979.

The other Governments have not accepted the Danish arguments, and maintain that, in view of the non-compulsory nature of the reference tariffs, an objection to the proposed measures is not justified under prevailing market conditions.

⁽¹⁾ OJ No L 334, 24. 12. 1977, p. 22.

The German Government, which arranged for the Federal Road Haulage Institution to carry out market surveys, points out, moreover, that in a comparison of the proposed tariff level with the market data for the first half of 1979 the latter were some 6 to 13 % under the recommended freight rates in respect of the 10, 15, 20 and 23 tonnes categories. The German Government finds that such differences are normal with regard to reference tariffs and that it must also be borne in mind that the progressive increase in costs will have the effect of further reducing the gap between tariff rates and market rates.

II

The Commission, in settling the dispute, must ensure that the proposed tariffs are consistent with the Regulation and particularly with the objectives and criteria laid down therein for reference tariffs.

Article 5 of the Regulation provides that the reference tariffs shall be established in such a way as to lead to the application of transport rates which cover the costs of the corresponding services, including the general expenses of the business, and allow a fair profit.

In the Commission's view the draft tariffs in question for the carriage of goods by road to and from Denmark are consistent with the criteria laid down in this provision. The cost models and methods of calculation used to construct these tariffs accord with the usual rules and practices in business economics.

The values used in the calculation of costs, based on the situation at 1 January 1978, seem to be sound and the level of 5 % used to calculate profit and the risk to the undertaking may also be regarded as appropriate. This assessment must also be seen in the light of Article 78 of the EEC Treaty, under which any measures taken within the framework of the Treaty in respect of transport rates and conditions shall take account of the economic circumstances of carriers.

It must also be remembered that the four different types of average costs (fixed, staff, distance costs and overheads including risk and profit) were calculated on the assumption that in the performance of the services in question all the provisions which apply to the international carriage of goods by road, and in particular the social provisions, would be observed, which is necessary in order to encourage transport operators to avoid competing by cutting prices, which would only be possible if those provisions were syste-

matically ignored. Naturally, because of differing rates of depreciation and insurance, there may well be differences between the theoretical cost upon which the calculation of tariffs is based and the actual costs of transport operators, while the profit which a company is prepared to accept for a particular transport operation will in many cases be lower than the 5 % recommended in the tariffs. The resultant freedom to fix individual rates outside the recommended tariffs, on the basis of the market situation and of the particular interests of the undertakings concerned, is an inherent part of the system.

Under Article 4 of the Regulation, the reference tariffs are to be differentiated in such a way as to promote the fixing of rates which do not depart too widely from the tariffs. Even if this Article does not require that the reference tariffs must take market conditions into account as a criterion for determining rates, it nevertheless requires that the tariffs be drawn up in such a way that they may influence actual freight charges. Recommended rates can only secure this objective if they are set at a suitable level, which may serve as a guide to hauliers and users in fixing rates freely in accordance with Article 3 of the Regulation.

The Commission also considers the reference tariffs, consistent with the Regulation, in the light of Articles 3 and 4 thereof.

Variations in either direction of approximately 10 % between the reference tariffs and market rates are inherent in the system and merely reflect the inevitable differences both in operators' policies and in the relationships between supply and demand as affected by the particular features of the various sections of the transport market.

It should also be noted that the differences quoted by the Danish Government, and confirmed by the German market studies, relate to past market conditions. In the meantime rising costs have forced up market rates, thus reducing these differences.

The Danish Government has not made clear what are its precise objections with regard to the special-vehicle surcharges envisaged in the proposed tariffs. Experience with compulsory bracket tariffs, which provide for comparable surcharges, has shown that such surcharges are accepted and are reflected in the price agreements drawn up for individual transport operations. The economic basis for the calculation of the surcharges is perfectly sound, while their implementation may be left, given that the reference tariffs are not compulsory, to the free play of market forces.

Accordingly it is found that the proposed reference tariffs for the carriage of goods by road to and from Denmark are consistent with the provisions of Articles 3, 4 and 5 of the Regulation. The tariffs must consequently be adopted and published as soon as possible,

HAS ADOPTED THIS DECISION :

Article 1

1. The proposals by the relevant professional organizations for reference tariffs for the carriage of goods by road for hire or removal between Denmark and the other Member States satisfy the requirements of Regulation (EEC) No 2831/77 and shall take effect in accordance with that Regulation.

2. The Member States concerned shall notify this Decision to the relevant road hauliers' professional organizations at the latest by 31 December 1979 and shall request these latter to take the necessary measures to ensure that the tariffs are published as soon as possible in tariff bulletins and in the specialized press.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 December 1979.

For the Commission

Richard BURKE

Member of the Commission
