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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1083/80**of 2 May 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 30 April 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 3 May 1980.

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

Done at Brussels, 2 May 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 2 May 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	92.95
10.01 B	Durum wheat	127.62 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	85.59 ⁽⁶⁾
10.03	Barley	86.81
10.04	Oats	74.99
10.05 B	Maize, other than hybrid maize for sowing	98.61 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	23.83 ⁽⁴⁾
10.07 C	Grain sorghum	90.60 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	144.81
11.01 B	Rye flour	134.48
11.02 A I a)	Durum wheat groats and meal	211.34
11.02 A I b)	Common wheat groats and meal	154.45

⁽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⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽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 1084/80

of 2 May 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 30 April 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 3 May 1980.

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

Done at Brussels, 2 May 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 2 May 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 5	1st period 6	2nd period 7	3rd period 8
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0.73	0.73	0.73
10.02	Rye	0	0	0	0.73
10.03	Barley	0	0.73	0.72	0.73
10.04	Oats	0	0.73	0.73	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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	1.30	1.28	1.30	1.30
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0.97	0.96	0.97	0.97
11.07 B	Roasted malt	0	1.13	1.12	1.13	1.13

COMMISSION REGULATION (EEC) No 1085/80

of 2 May 1980

fixing the reference prices for plums for the 1980 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1301/79⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas plums are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas plums harvested during a given crop year are marketed from June to October; whereas the quantities harvested during the first 10 days of June and during the last 10 days of October are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period from 11 June up to and including 20 October;

Whereas, pursuant to Article 23 (2) of Regulation (EEC) No 1035/72, the reference prices are fixed on the basis of the arithmetic mean of producer prices in each Member State plus an amount representing the cost of transporting Community products from the production areas to Community marketing centres; whereas the trend of production costs in the fruit and vegetables sector must also be taken into account;

Whereas, since the varieties of plums are not all comparable as regards the estimation of their commercial value, these varieties should be classified in two groups;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a

home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, for the purpose of calculating entry prices, the varieties imported from third countries of which the entry prices are to be compared with the prices fixed for Group I and with those fixed for Group II respectively should be specified;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1980 marketing year, the reference prices for plums (subheading 08.07 D of the Common Customs Tariff) expressed in ECU per 100 kilograms net of packed products of Groups I and II, of Class I, of all sizes, shall be as follows for each of the groups of varieties:

	<i>Group I</i>	<i>Group II</i>
— from 11 June to 31 July:	46.49	—
— August:	44.53	36.22
— September:	38.25	29.97
— October (1 to 20):	—	28.28.

2. The groups of varieties referred to in paragraph 1 shall be composed of the following varieties:

Group I:

Altesse double (Italian quetsche), Précoce favourite, Belle de Louvain, Conducta, Early Rivers, Kirk's Blue, Jefferson Gage, Lützelsachser (early Lützelsachsen quetsche), Anna Späth, Ersinger (early Ersingen quetsche), Zimmers (Zimmer quetsche) Bühler (early Bühl quetsche), Burbank, Florentia, Goccia d'oro, Reine Claude, Czar, Victorias, Purple Pershore, Damsons.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 162, 30. 6. 1979, p. 26.

Group II:

Altesse simple (common quetsche, Hauszwetschge), Reine Claude d'Oullins, Sveskeblommer, Ruth Gerstetter, Ontario, Pershore (yellow egg).

3. The entry prices of imported products are to be compared:

- (a) with the prices fixed for Group I where the imported products belong to varieties other than those shown in (b);
- (b) with the prices fixed for Group II where the imported products belong to the following varieties: Altesse simple (common quetsche, Haus-

zwetschge), Reine Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (yellow egg), Mirabelle, Bosniche.

Amendments to the preceding subparagraph shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72, having regard to changes in the varieties imported from third countries.

Article 2

This Regulation shall enter into force on 11 June 1980.

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

Done at Brussels, 2 May 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1086/80

of 2 May 1980

fixing the reference prices for peaches for the 1980 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1301/79⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas peaches are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas peaches harvested during a given crop year are marketed from May to October; whereas the quantities harvested in May, during the first 10 days of June and in October are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period from 11 June up to and including 30 September;

Whereas, pursuant to Article 23 (2) of Regulation (EEC) No 1035/72, the reference prices are fixed on the basis of the arithmetic mean of producer prices in each Member State plus an amount representing the costs of transporting Community products from the production areas to Community marketing centres; whereas the trend of production costs in the fruit and vegetables sector must also be taken into account;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1980 marketing year, the reference prices for peaches (subheading 08.07 B of the Common Customs Tariff), expressed in ECU per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows:

— June (11 to 20):	57.52
(21 to 30):	52.34
— July:	49.98
— August and September:	47.23.

Article 2

This Regulation shall enter into force on 11 June 1980.

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

Done at Brussels, 2 May 1980.

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.

COMMISSION REGULATION (EEC) No 1087/80

of 2 May 1980

fixing the reference prices for table grapes for the 1980 marketing year

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1301/79⁽²⁾, and in
particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation
(EEC) No 1035/72, reference prices valid for the
whole Community are to be fixed at the beginning of
the marketing year;

Whereas table grapes are produced in such quantities
in the Community that reference prices should be
fixed for them;

Whereas table grapes harvested during a given crop
year are marketed from May to April of the next year;
whereas the quantities harvested in May and June,
during the first 20 days of July and also January to
April of the next year are so small that there is no
need to fix reference prices for these periods; whereas,
due principally to developments in production techni-
ques, a relatively large increase in the marketing of
Community products during the last 10 days of
November and in the month of December can be
expected; whereas, however, the figures at present
available are insufficiently conclusive to justify fixing
a reference price for that period; whereas reference
prices should be fixed only for the period 21 July up
to and including 20 November;

Whereas, pursuant to Article 23 (2) of Regulation
(EEC) No 1035/72, the reference prices are fixed on
the basis of the arithmetic mean of producer prices in
each Member State plus an amount representing the
costs of transporting Community products from the
production areas to Community marketing centres;
whereas the trend of production costs in the fruit and
vegetables sector must also be taken into account;

Whereas, to take seasonal variations into account, the
year should be divided into several periods and a refer-
ence price fixed for each of these periods;

Whereas producer prices are to correspond to the
average of the prices recorded on the representative
market or markets situated in the production areas
where prices are lowest, during the three years prior to
the date on which the reference price is fixed, for a
home-grown product with defined commercial charac-
teristics, being a product or variety representing a
substantial proportion of the production marketed
over the year or over part thereof and satisfying speci-
fied requirements as regards market preparation;
whereas, when the average of prices recorded on each
representative market is being calculated, prices which
could be considered excessively high or excessively
low in relation to normal price fluctuations on that
market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1980 marketing year, the reference prices for
table grapes (subheading 08.04 A I of the Common
Customs Tariff), expressed in ECU per 100 kilograms
net of packed products of Class I, of all sizes, shall be
as follows:

— from 21 July to 31 August:	40.62
— September and October:	35.73
— November (1 to 20):	35.91.

Article 2

This Regulation shall enter into force on 21 July
1980.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 162, 30. 6. 1979, p. 26.

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

Done at Brussels, 2 May 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1088/80

of 2 May 1980

opening a standing invitation to tender for the sale of olive oil held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 590/79⁽²⁾, and in particular Article 12(4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78 of 23 November 1978⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12(1) of Regulation No 136/66/EEC, the Italian intervention agency has, since the 1975/76 marketing year, bought in large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as amended by Regulation (EEC) No 883/79⁽⁵⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the Italian market in olive oil is at present favourable for the sale of part of the said oil; whereas, in order to facilitate the regular supply of the market up to the end of the current marketing year, the sale should be effected by means of a standing invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open a standing invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for

the sale on the Community market of the following quantities of olive oil:

- approximately 30 000 tonnes of extra virgin olive oil from intervention purchases made during the 1975/76 and 1977/78 marketing years,
- approximately 1 668 tonnes of fine virgin olive oil from intervention purchases made during the 1975/76, 1977/78 and 1978/79 marketing years,
- approximately 981 tonnes of ordinary virgin olive oil from intervention purchases made during the 1975/76, 1977/78 and 1978/79 marketing years,
- approximately 2 800 tonnes of olive residue oil from intervention purchases made during the 1977/78, 1978/79 and 1979/80 marketing years.

Article 2

The invitation to tender shall be published on 5 May 1980. Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of AIMA, Via Palestro 81, Rome, Italy.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach AIMA, Via Palestro 81, Rome, Italy, not later than 2 p.m. (local time) on 22 May 1980.

Subsequent series of tenders must be lodged by 2 p.m. on:

- 20 June 1980,
- 21 July 1980,
- 20 August 1980,
- 19 September 1980,
- 20 October 1980.

Article 4

1. With regard to olive residue oil, tenders shall be made for an oil of 15° acidity.

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

⁽²⁾ OJ No L 78, 30. 3. 1979, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 111, 4. 5. 1979, p. 16.

2. Where the oil awarded has a different degree of acidity from that for which the tender was made, the price to be paid shall be equal to the price tendered, increased or reduced as the case may be by Lit 2 430 for each degree of acidity below or above 15°.

Article 5

Not later than three days after the expiry of each time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the fifth day of each month following that during which

the tenders were submitted. AIMA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

A list of the lots remaining unsold shall be displayed at the central office of AIMA not later than the 7th day of the month.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be 9.50 ECU/100 kg.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 1 500 per 100 kg.

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, 2 May 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1089/80
of 2 May 1980
amending Regulation (EEC) No 2140/79 as regards certain monetary
compensatory amounts and coefficients for milk products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
974/71 of 12 May 1971 on certain measures of
conjunctural policy to be taken in agriculture
following the temporary widening of the margins of
fluctuation for the currencies of certain Member
States⁽¹⁾, as last amended by Regulation (EEC) No
987/79⁽²⁾, and in particular Article 3 thereof,

Whereas the monetary compensatory amounts
provided for in Regulation (EEC) No 974/71 were

fixed by Commission Regulation (EEC) No
2140/79⁽³⁾, as last amended by Regulation (EEC) No
1029/80⁽⁴⁾;

Whereas in Parts 1 and 5 of Annex I to Regulation
(EEC) No 2140/79 certain amounts and coefficients
were fixed to take account of the aid granted when
skimmed-milk powder is used as animal feed;
whereas the level of the said aid was altered by
Commission Regulation (EEC) No 1076/80⁽⁵⁾;
whereas the monetary compensatory amounts and
associated coefficients should accordingly be adapted;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the relevant
management committees,

HAS ADOPTED THIS REGULATION :

Article 1

Part 5 of Annex I to Regulation (EEC) No 2140/79 is hereby amended as follows :

- (a) in the first subparagraph of Note⁽¹⁾, the coefficient '0.52' is replaced by '0.53';
- (b) Note⁽²⁾ is replaced by the following :

'⁽²⁾ In intra-Community trade, where the product has been denatured in accordance with Article 2 of Regulation (EEC) No 990/72 (OJ No L 115, 17. 5. 1972), or with Article 3 of Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979), the basic amount and any additional amount shall be replaced by a single amount of :

— DM	18.78	per 100 kg for Germany,
— Bfrs/Lfrs	60.5	per 100 kg for Belgium/Luxembourg,
— Fl	4.17	per 100 kg for the Netherlands,
— £	0.650	per 100 kg for the United Kingdom,
— Lit	1 795	per 100 kg for Italy.'

- (c) Note⁽⁷⁾ is replaced by the following :

'⁽⁷⁾ When completing customs formalities, the party concerned shall state in the declaration provided for this purpose :

- the skimmed-milk powder content, by weight,
 - the content by weight of the added whey and/or lactose, and
 - the lactose content of the added whey,
- per 100 kg of the finished product.

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 123, 19. 5. 1979, p. 9.

⁽³⁾ OJ No L 247, 1. 10. 1979, p. 1.

⁽⁴⁾ OJ No L 109, 28. 4. 1980, p. 3.

⁽⁵⁾ OJ No L 113, 1. 5. 1980, p. 57.

If the milk products contain powdered or granulated milk (excluding whey) the amount shown shall be increased by the following supplementary amounts :

Content by weight in powdered or granulated milk (excluding whey) in the finished product of :	Germany DM/100 kg	Belgium/ Luxembourg Bfrs/Lfrs/ 100 kg	Netherlands Fl/100 kg	United Kingdom £/100 kg	Ireland £/100 kg	Italy Lit/100 kg	France FF/100 kg
More than 12 but less than 30 %	3.76	12.1	0.83	0.130	—	359	—
30 or more but less than 50 %	7.51	24.2	1.67	0.260	—	718	—
50 or more but less than 70 %	11.27	36.3	2.50	0.390	—	1 077	—
70 or more but less than 80 %	14.09	45.4	3.13	0.487	—	1 346	—
80 % or more	15.96	51.5	3.55	0.552	—	1 525	—

In trade with non-member countries, the coefficient 1.87 shall be applied to the supplementary amounts indicated above.

In intra-Community trade, where the product has not been produced in accordance with Regulation (EEC) No 990/72 (OJ No L 115, 17. 5. 1972), or with Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979), the coefficient 1.87 shall be applied to the supplementary amounts indicated above. However, this coefficient shall not be applied to products consigned to Italy from another Member State in accordance with Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976).

In intra-Community trade and in trade with third countries, where these products contain skimmed-milk powder and fish meal and/or fish oil and/or fish liver oil and/or more than 6 g of iron (as ferrous sulphate) and/or more than 1.2 g of copper (as copper sulphate) in 100 kg of product, the supplementary amounts indicated above shall be multiplied by the coefficient 0.27.

Article 2

Note (6) of Part 1 of Annex I to Regulation (EEC) No 2140/79 is replaced by the following :

(6) If the product contains powdered or granulated milk (excluding whey), the amount shown shall be increased by the following supplementary amount :

Content by weight in powdered or granulated milk (excluding whey) in the finished product of :	Germany DM/t	Belgium/ Luxembourg Bfrs/Lfrs/t	Netherlands Fl/t	United Kingdom £/t	Ireland £/t	Italy Lit/t	France FF/t
More than 12 % but less than 30 %	37.56	121.1	8.35	1.300	—	3 598	—
30 % or more but less than 50%	75.12	242.1	16.70	2.600	—	7 178	—

(a) In trade with non-member countries, the coefficient 1.87 shall be applied to the supplementary amounts indicated above.

(b) In intra-Community trade and in trade with third countries and where these products contain skimmed-milk powder and fish meal and/or fish oil and/or fish liver oil and/or more than six grams of iron (in the form of iron sulphate) and/or more than 1.2 grams of copper (in the form of copper sulphate) per 100 kilograms of the product, the supplementary amounts referred to above shall be multiplied by the coefficient 0.27.

(c) When completing customs formalities, the applicant shall state on the declaration provided for this purpose the content, expressed in actual weight per tonne of finished product, of :

- powdered or granulated milk (excluding whey),
- powdered or granulated whey,
- added casein or caseinate.

Article 3

This Regulation shall enter into force on 5 May 1980.

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

Done at Brussels, 2 May 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1090/80

of 2 May 1980

on special conditions for the granting of private storage aid for pigmeat

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2759/75 of 29 October 1975 on the common organiza-
tion of the market in pigmeat⁽¹⁾, as last amended by
Regulation (EEC) No 1423/78⁽²⁾, and in particular
Articles 4 (6), 5 (4) and 7 (2) thereof,

Whereas intervention measures may be taken in
respect of pigmeat if, on the representative markets of
the Community, the average price for pig carcasses is
less than 103 % of the basic price and is likely to
remain below that level;

Whereas the market situation has been characterized
by a marked fall in prices below the level mentioned;
whereas, in view of seasonal trends, this situation
could persist;

Whereas intervention measures must be taken;
whereas these can be limited to the granting of private
storage aid for a limited period of time;

Whereas Article 3 of Council Regulation (EEC) No
2763/75⁽³⁾ provides that the period of storage can be
curtailed or extended if the market situation so
requires; whereas the period of storage can in parti-
cular be curtailed as a result of circumstances consti-
tuting *force majeure*, as provided for in Article 9 of
Commission Regulation (EEC) No 1092/80 of 2 May
1980 laying down detailed rules for granting private
storage aid for pigmeat⁽⁴⁾; whereas, therefore, provi-
sions should be made to fix not only the amounts of
aid for a specific period of storage but also the
amounts to be added or deducted if this period is
curtailed or extended;

Whereas, in order to facilitate administrative and
control work resulting from the conclusion of
contracts, minimum quantities should be fixed;

Whereas the security should be fixed at a level such as
will oblige the storer to fulfil the obligations under-
taken by him;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 5 to 30 May 1980 applications for private
storage aid may be introduced in accordance with the
provisions of Regulation (EEC) No 1092/80. The list
of products which qualify for aid and the relevant
amounts are set out in the Annex hereto.

2. If the period of storage is extended or curtailed
the amount of the aid shall be adjusted accordingly.
The amounts of the supplements and deductions per
month and per day are set out in columns 6 and 7 of
the said Annex.

Article 2

The minimum quantities per contract and per
product shall be as follows:

- (a) 50 tonnes for carcasses and half carcasses;
- (b) 20 tonnes for hams, shoulders, loins and bellies
(streaky).

Article 3

Placing of the products in storage shall be completed
within 24 days following conclusion of the contract.

The security shall be 30 % of the amounts of aid set
out in the Annex.

Article 4

This Regulation shall enter into force on 5 May 1980.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 19.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 19.

⁽⁴⁾ See page 22 of this Official Journal.

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

Done at Brussels, 2 May 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

(in ECU/tonne)

CCT heading No	Products in respect of which aid is granted	Amount of the aid for a period of storage of			Amount	
		4 months	5 months	6 months	Supplement per month	Deduction per day
1	2	3	4	5	6	7
ex 02.01 A III a) 1	Carcases or half carcasses without the head, chaps, neck, flare fat, kidneys, forefeet, tail, precut flank and spinal cord, fresh or chilled	240	264	288	24	0.80
ex 02.01 A III a) 2	Unboned hams with or without rind and fat, fresh or chilled	280	310	340	30	1.0
ex 02.01 A III a) 3	Unboned shoulders (fores) with or without rind and fat, fresh or chilled	280	310	340	30	1.0
ex 02.01 A III a) 4	Unboned loins, fresh or chilled	280	310	340	30	1.0
ex 02.01 A III a) 5	Bellies (steaky) with or without rind and ribs, fresh or chilled	140	160	180	20	0.67

NB:

1. The aid for products falling within subheading ex 02.01 A III a) 1 can also be granted for fresh pig carcasses presented as Wiltshire sides, i.e. without the head, chaps, neck, feet, tail, flare fat, kidneys, tenderloin, bone blade, sternum, vertebral column, pelvic bone and diaphragm.
2. Loins falling within subheading ex 02.01 A III a) 4 may be with or without rind, the adherent layer of fat, however, not exceeding 25 mm in thickness, includes the rind.

COMMISSION REGULATION (EEC) No 1091/80

of 2 May 1980

laying down detailed rules for granting private storage aid for beef and veal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
805/68 of 27 June 1968 on the common organization
of the market in beef and veal⁽¹⁾, as last amended by
Regulation (EEC) No 2916/79⁽²⁾, and in particular
Article 8 (4) and Article 25 thereof,

Having regard to Council Regulation (EEC) No
878/77 of 26 April 1977 on the rates of exchange to
be applied in agriculture⁽³⁾, as last amended by Regu-
lation (EEC) No 779/80⁽⁴⁾,

Whereas detailed rules for granting private storage aid
for beef and veal must be adopted in addition to the
general rules laid down by Council Regulation (EEC)
No 989/68⁽⁵⁾, as amended by Regulation (EEC) No
428/77⁽⁶⁾;

Whereas detailed rules for granting private storage aid
in the beef and veal sector were laid down in parti-
cular in Commission Regulations (EEC) No
1071/68⁽⁷⁾ and (EEC) No 275/74⁽⁸⁾; whereas experi-
ence has shown that the provisions of these Regula-
tions should be rearranged and adapted;

Whereas, if it is to achieve its purpose, such aid
should be granted only to natural or legal persons estab-
lished in the Community whose past activities and
experience in the sector are such as to guarantee that
storage will be effected in a satisfactory manner and
who have adequate cold storage capacity within the
Community; whereas, for the same reason, aid should
be granted only for the storage of products which
have been obtained from recent slaughterings;

Whereas, to make the aid more effective, it should be
stipulated that contracts must relate to not less than a
certain quantity, varied if necessary according to
product;

Whereas, for the same reason, the contract between
the intervention agency and the storer should specify
the obligations to be fulfilled by the latter, in parti-
cular those enabling the intervention agency to under-
take an effective control of storage conditions;

Whereas, both to take account of commercial practice
and for practical reasons, certain margins of variation
from the agreed quantity should be permitted;

Whereas the amount of the security designed to
ensure compliance with the contractual obligations
should be fixed at a percentage of the aid figure;
whereas, however, it is possible to provide for partial
release of the security where part of the quantity
contracted for has been stored;

Whereas, in certain cases, although the principal obli-
gation to store has been fulfilled, certain ancillary
requirements, such as administrative formalities, have
not been met; whereas the intervention agencies
should be enabled to settle such cases equitably and
without delay;

Whereas Article 4 (1) of Regulation (EEC) No 989/68
provides that the amount of aid for private storage
may be determined by means of a tendering proce-
dure; whereas Articles 4 and 5 of the same Regulation
contain rules to be observed in connection with this
procedure; whereas, however, more detailed rules are
necessary for that purpose;

Whereas, to ensure equal treatment for all interested
parties in the Community, notices of invitation to
tender should be published in the *Official Journal of
the European Communities*;

Whereas, to ensure that the tendering procedure is
effective, only those tenders which contain the infor-
mation necessary for their assessment and include a
formal undertaking by the tenderer to ensure perfor-
mance of the storage operations should be accepted;

(¹) OJ No L 148, 28. 6. 1968, p. 24.

(²) OJ No L 329, 24. 12. 1979, p. 15.

(³) OJ No L 106, 29. 4. 1977, p. 27.

(⁴) OJ No L 85, 29. 3. 1980, p. 45.

(⁵) OJ No L 169, 18. 7. 1968, p. 10.

(⁶) OJ No L 61, 5. 3. 1977, p. 17.

(⁷) OJ No L 180, 26. 7. 1968, p. 19.

(⁸) OJ No L 28, 1. 2. 1974, p. 61.

Whereas certain rules regarding the scrutiny of tenders and their transmission to the Commission by the Member States should be laid down ;

Whereas the purpose of adopting the tendering procedure is to determine the amount of the aid ; whereas, in the selection of tenders, preference should be given to those which are most advantageous for the Community ; whereas, to that end, a maximum amount of aid may be set for which tenders would be accepted ; whereas, if no tender is acceptable, none need be accepted ;

Whereas, so that the Commission may have on overall view of the effect of private storage aid, the Member States should supply it with the necessary information ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The granting of private storage aid, as provided for in Article 5 (1) (a) of Regulation (EEC) No 805/68, shall be subject to the conditions contained in this Regulation.

TITLE I

General provisions

Article 2

1. A contract for the private storage of beef and veal may be concluded only with natural or legal persons :

- carrying on business in the meat and livestock sectors and officially registered in a Member State, and
- having suitable storage facilities at their disposal within the Community.

2. Private storage aid may be granted only for products derived from animals of Community origin slaughtered in the Community not more than 10 days before the date on which the products are placed in storage.

3. Contracts may not relate to less than a minimum quantity to be determined for each product.

Article 3

1. Contracts shall include the following particulars :

- (a) a description of the product to be stored and the quantity ;

- (b) the time limit for placing in storage the total quantity referred to in (a) ;
- (c) the duration of storage ;
- (d) the amount of the aid per unit of weight ;
- (e) the form and amount of the security ;
- (f) a provision enabling the storage period to be curtailed or extended in accordance with Article 3 of Regulation (EEC) No 989/68.

2. Contracts shall impose the following obligations on the storer :

- (a) at his own risk and expense to take the agreed quantity of the product into storage within the time limits laid down and to store it for the stipulated period, and during that period not to alter the stored products in any way or to exchange them for other products or to transfer them from one store to another ;
- (b) to advise the intervention agency with which he has concluded the contract, in due time before entry into store, of the date and place of storage and the nature and quantity of the products to be stored ; the intervention agency may require that it be advised two working days before entry into store ;
- (c) to forward the supporting documents relating to the storage operations as soon as possible to the intervention agency ;
- (d) to store the products in easily identifiable lots, on which the weight and date of entry into store are clearly marked ;
- (e) to permit the intervention agency at all times to check that all the obligations laid down in the contract are being observed.

3. The obligation to store the agreed quantity shall be considered as fulfilled if not less than 90 % of that quantity has been taken into storage and stored in accordance with paragraph 2 (a).

Article 4

1. Applications for contracts or tenders as well as contracts shall relate to a single product only.

2. Applications for contracts or tenders shall not be accepted unless they include the particulars and obligations referred to in Article 3 (1) and (2) and proof has been furnished that a security has been provided.

The security shall be paid to the intervention agency concerned or shall be furnished in the form of a guarantee meeting the requirements laid down by the Member State concerned.

Article 5

1. The amount of the security shall not exceed 30 % of the amount of aid applied for.

2. Except in cases of *force majeure*:

(a) the security shall be forfeit proportionately to the shortfall on the quantity agreed in the contract if less than 90 % of that quantity is entered into storage within the time limits laid down and remains stored for the stipulated period in accordance with Article 3 (2) (a);

(b) if any of the obligations laid down in Article 3 (2) (b), (c), (d) and (e) are not complied with, the competent authority of the Member State concerned shall declare the security wholly or partially forfeit, depending on the gravity of the breach of contract; the competent authorities of the Member States shall notify monthly the Commission of such cases, the circumstances and the action taken;

(c) where the other obligations are not complied with, the security shall be totally forfeit.

3. The security shall be released as soon as it is established that the conditions of the contract have been fulfilled, or in the event of an application for a contract or a tender being refused.

Article 6

1. The amount of aid shall be fixed per unit of weight, exclusive of packaging, as ascertained on entry into store and before freezing.

2. Subject to the second sentence of paragraph 3, the storer shall be entitled to aid if the obligations referred to in Article 3 (2) (a) are fulfilled.

3. The aid shall be paid, on application by the person entitled thereto, as soon as possible after the intervention agency has established that the conditions of the contract have been fulfilled. Aid shall be paid for quantities actually stored within the limit of the quantities specified by the contract.

Article 7

The conversion rate to be applied to the amounts of private storage aid shall be the representative rate in force on the day a contract is concluded, where the amount of the aid is fixed at a flat rate in advance or on the day on which the time limit for the submission of tenders expires where the aid is granted by tender.

Article 8

The storage period shall begin on the day on which entry into store is completed.

Article 9

In the event of *force majeure*, the competent authority of the Member State concerned shall decide on the measures which it deems necessary having regard to the circumstances invoked.

That authority shall inform the Commission of each case of *force majeure* and of the action taken in respect thereof.

TITLE II

Special provisions

Article 10

Where the amount of aid is fixed at a flat rate in advance:

(a) the application for a contract shall be lodged with the competent intervention agency in accordance with Article 4;

(b) the intervention agency concerned shall within five working days following the day on which an application for a contract is lodged with the agency, communicate to the person concerned the decision concerning that application by registered letter, by telex or against written acknowledgement.

If the application is accepted, the contract shall be regarded as being concluded on the date of the said communication.

Article 11

1. Where private storage aid is granted by tender:

(a) the Commission shall draw up and publish in the *Official Journal of the European Communities* a notice of invitation to tender setting out the general conditions and specifying the products to be stored, the time limit (date and hour) for the submission of tenders and the minimum quantities in respect of which a tender may be submitted;

- (b) tenders must be submitted to the intervention agency concerned in accordance with Article 4;
- (c) tenders shall be examined in private session by the appropriate agencies of the Member States; persons present at the examination shall be sworn to secrecy;
- (d) tenders submitted must be forwarded anonymously to the Commission by way of the Member States to arrive not later than the second working day following the time limit for the submission of tenders specified in the invitation to tender;
- (e) where no tenders are submitted, Member States shall so inform the Commission within the same time limit as that specified in (d);
- (f) on the basis of the tenders received, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, either to fix a maximum amount for private storage aid, taking account of the criteria laid down in Article 4 (2) of Regulation (EEC) No 989/68, or to make no award;
- (g) where a maximum amount for private storage aid is fixed, tenders which are lower than or equal to this amount shall be accepted.

2. Within five working days following the day on which the Member States are notified of the decision of the Commission, the intervention agency concerned shall communicate to each tenderer the decision taken on his tender by registered letter, by telex or against written acknowledgement.

Where a tender is accepted, the contract shall be regarded as being concluded on the date of issue of the said communication.

TITLE III

Final provisions

Article 12

1. Member States shall inform the Commission of all provisions adopted in application of this Regulation.

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

Done at Brussels, 2 May 1980.

2. Member States shall notify the Commission by telex:

- (a) before Thursday in each week and by storage periods, of the products and quantities which have been the subject of applications for conclusion of contracts and of the products and quantities for which contracts have been concluded during the preceding week, giving a summary of the products and quantities for which contracts have been concluded;
- (b) every month, of the products and total quantities actually in storage and of the products and total quantities in respect of which the storage period has been terminated.

3. The application of the measures provided for in this Regulation shall be subject to regular examination in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

Article 13

Regulations (EEC) No 1071/68 and (EEC) No 275/74 are hereby repealed.

Article 14

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

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1092/80

of 2 May 1980

laying down detailed rules for granting private storage aid for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1423/78⁽²⁾, and in particular Article 5 (4), Article 7 (2) and the second paragraph of Article 22 thereof,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the rates of exchange to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 779/80⁽⁴⁾,

Whereas detailed rules for granting private storage aid for pigmeat must be adopted in addition to the general rules laid down by Council Regulation (EEC) No 2763/75⁽⁵⁾;

Whereas, if it is to achieve its purpose, such aid should be granted only to natural or legal persons established in the Community whose past activities and experience in the sector are such as to guarantee that storage will be effected in a satisfactory manner and who have adequate cold storage capacity within the Community; whereas, for the same reason, aid should be granted only for the storage of products which have been obtained from recent slaughterings and which are stored in a frozen state or as preserved or other processed products;

Whereas, to make the aid more effective, it should be stipulated that contracts must relate to not less than a certain quantity, varied if necessary according to product;

Whereas, for the same reason, the contract between the intervention agency and the storer should specify

the obligations to be fulfilled by the latter, in particular those enabling the intervention agency to undertake an effective control of storage conditions;

Whereas, both to take account of commercial practice and for practical reasons, certain margins of variation from the agreed quantity should be permitted;

Whereas the amount of the security designed to ensure compliance with the contractual obligations should be fixed at a percentage of the aid figure; whereas, however, it is possible to provide for partial release of the security where part of the quantity contracted for has been stored;

Whereas, in certain cases, although the principal obligation to store has been fulfilled, certain ancillary requirements, such as administrative formalities, have not been met; whereas the intervention agencies should be enabled to settle such cases equitably and without delay;

Whereas Article 4 (1) of Regulation (EEC) No 2763/75 provides that the amount of aid for private storage may be determined by means of a tendering procedure; whereas Articles 4 and 5 of the same Regulation contain rules to be observed in connection with this procedure; whereas, however, more detailed rules are necessary for that purpose;

Whereas, to ensure equal treatment for all interested parties in the Community, notices of invitation to tender should be published in the *Official Journal of the European Communities*;

Whereas, to ensure that the tendering procedure is effective, only those tenders which contain the information necessary for their assessment and include a formal undertaking by the tenderer to ensure performance of the storage operations should be accepted;

Whereas certain rules regarding the scrutiny of tenders and their transmission to the Commission by the Member States should be laid down;

(1) OJ No L 282, 1. 11. 1975, p. 1.

(2) OJ No L 171, 28. 6. 1978, p. 19.

(3) OJ No L 106, 29. 4. 1977, p. 27.

(4) OJ No L 85, 29. 3. 1980, p. 45.

(5) OJ No L 282, 1. 11. 1975, p. 19.

Whereas the purpose of adopting the tendering procedure is to determine the amount of the aid ; whereas, in the selection of tenders, preference should be given to those which are most advantageous for the Community ; whereas, to that end, a maximum amount of aid may be set for which tenders would be accepted ; whereas, if no tender is acceptable, none need be accepted ;

Whereas, so that the Commission may have an overall view of the effect of private storage aid, the Member States should supply it with the necessary information ;

Whereas the present Regulation incorporates the provisions of Commission Regulation (EEC) No 1889/76 of 29 July 1976 laying down detailed rules for granting private storage aid for pigmeat⁽¹⁾ ; whereas that Regulation should therefore be repealed ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The granting of private storage aid, as provided for in Article 3 of Regulation (EEC) No 2759/75, shall be subject to the conditions contained in this Regulation.

TITLE I

General provisions

Article 2

1. A contract for the private storage of pigmeat may be concluded only with natural or legal persons :

- carrying on business in the meat and livestock sectors and officially registered in a Member State, and
- having suitable storage facilities at their disposal within the Community.

2. Private storage aid may be granted only for products derived from animals of Community origin slaughtered in the Community not more than 10 days before the date on which the products are placed in storage. These products may be stored :

- frozen, or
- in the form of dried or dried and smoked hams, the preparation of which requires a maturing period of at least five months before consumption, or
- in the form of preserved products containing not less than 80 % pigmeat.

3. Contracts may not relate to less than a minimum quantity to be determined for each product.

Article 3

1. Contracts shall include the following particulars :

- (a) a description of the product to be stored and the quantity ;
- (b) the time limit for placing in storage the total quantity referred to in (a) ;
- (c) the duration of storage ;
- (d) the amount of the aid per unit of weight ;
- (e) the form and amount of the security ;
- (f) a provision enabling the storage period to be curtailed or extended in accordance with Article 3 of Regulation (EEC) No 2763/75.

2. Contracts shall impose the following obligations on the storer :

- (a) at his own risk and expense to take the agreed quantity of the product into storage within the time limits laid down and to store it for the stipulated period, and during that period not to alter the stored products in any way or to exchange them for other products or to transfer them from one store to another ;
- (b) to advise the intervention agency with which he has concluded the contract, in due time before entry into store, of the date and place of storage and the nature and quantity of the products to be stored, and, in the case of dried or dried and smoked hams, of the place and date of commencement of drying, and where applicable, smoking operations ; the intervention agency may require that it be advised two working days before entry into store ;
- (c) to forward the supporting documents relating to the storage operations as soon as possible to the intervention agency ;
- (d) to store the products in easily identifiable lots, on which the weight and date of entry into store are clearly marked ;
- (e) to permit the intervention agency at all times to check that all the obligations laid down in the contract are being observed.

3. The obligation to store the agreed quantity shall be considered as fulfilled if not less than 90 % of that quantity has been taken into storage and stored in accordance with paragraph 2 (a).

In the case of dried or dried and smoked hams, the quantity of the product must be shown in the contract both as a number of items and by weight. The weight of the finished product may not be less than 70 % of the weight of the fresh product as ascertained before drying or drying and smoking.

⁽¹⁾ OJ No L 206, 31. 7. 1976, p. 82.

Article 4

1. Applications for contracts or tenders as well as contracts shall relate to a single product only.
2. Applications for contracts or tenders shall not be accepted unless they include the particulars and obligations referred to in Article 3 (1) and (2) and proof has been furnished that a security has been provided.

The security shall be paid to the intervention agency concerned or shall be furnished in the form of a guarantee meeting the requirements laid down by the Member State concerned.

Article 5

1. The amount of the security shall not exceed 30 % of the amount of aid applied for.
2. Except in cases of *force majeure*:
 - (a) the security shall be forfeit proportionately to the shortfall on the quantity agreed in the contract if less than 90 % of that quantity is entered into storage within the time limits laid down and remains stored for the stipulated period in accordance with Article 3 (2) (a);
 - (b) if any of the obligations laid down in Article 3 (2) (b), (c), (d) and (e) are not complied with, the competent authority of the Member State concerned shall declare the security wholly or partially forfeit, depending on the gravity of the breach of contract; the competent authorities of the Member States shall notify monthly the Commission of such cases, the circumstances and the action taken;
 - (c) where the other obligations are not complied with, the security shall be totally forfeit.
3. The security shall be released as soon as it is established that the conditions of the contract have been fulfilled, or in the event of an application for a contract or a tender being refused.

Article 6

1. The amount of aid shall be fixed per unit of weight and shall relate:
 - (a) in the case of frozen products, to their weight, exclusive of packaging, as ascertained on entry into store and before freezing;
 - (b) in the case of dried or dried and smoked hams, to the weight of the fresh products as ascertained before drying or drying and smoking; and
 - (c) in the case of preserved products, to the net weight.
2. Subject to the second sentence of paragraph 3, the storer shall be entitled to aid if the obligations referred to in Article 3 (2) (a) are fulfilled.

3. The aid shall be paid, on application by the person entitled thereto, as soon as possible after the intervention agency has established that the conditions of the contract have been fulfilled. Aid shall be paid for quantities actually stored within the limit of the quantities specified by the contract.

Article 7

The conversion rate to be applied to the amounts of private storage aid shall be the representative rate in force on the day a contract is concluded, where the amount of the aid is fixed at a flat rate in advance or on the day on which the time limit for the submission of tenders expires where the aid is granted by tender.

Article 8

The storage period shall begin on the day on which entry into store is completed.

In the case of dried or dried and smoked hams, the effective storage period shall begin on the 151st day after the commencement of the drying or drying and smoking operations.

Article 9

In the event of *force majeure*, the competent authority of the Member State concerned shall decide on the measures which it deems necessary having regard to the circumstances invoked.

That authority shall inform the Commission of each case of *force majeure* and of the action taken in respect thereof.

TITLE II

Special provisions

Article 10

Where the amount of aid is fixed at a flat rate in advance:

- (a) the application for a contract shall be lodged with the competent intervention agency in accordance with Article 4;
- (b) the intervention agency concerned shall, within five working days following the day on which an application for a contract is lodged with the agency, communicate to the person concerned the decision concerning that application by registered letter, by telex or against written acknowledgement.

If the application is accepted, the contract shall be regarded as being concluded on the date of the said communication.

Article 11

1. Where private storage aid is granted by tender :

- (a) the Commission shall draw up and publish in the *Official Journal of the European Communities* a notice of invitation to tender setting out the general conditions and specifying the products to be stored, the time limit (date and hour) for the submission of tenders and the minimum quantities in respect of which a tender may be submitted ;
- (b) tenders must be submitted to the intervention agency concerned in accordance with Article 4 ;
- (c) tenders shall be examined in private session by the appropriate agencies of the Member States ; persons present at the examination shall be sworn to secrecy ;
- (d) tenders submitted must be forwarded anonymously to the Commission by way of the Member States to arrive not later than the second working day following the time limit for the submission of tenders specified in the invitation to tender ;
- (e) where no tenders are submitted, Member States shall so inform the Commission within the same time limit as that specified in (d) ;
- (f) on the basis of the tenders received, the Commission shall decide in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75, either to fix a maximum amount for private storage aid, taking account of the criteria laid down in Article 4 (2) of Regulation (EEC) No 2763/75, or to make no award ;
- (g) where a maximum amount for private storage aid is fixed, tenders which are lower than or equal to this amount shall be accepted.

2. Within five working days following the day on which the Member States are notified of the decision of the Commission, the intervention agency

concerned shall communicate to each tenderer the decision taken on his tender by registered letter, by telex, or against written acknowledgement.

Where a tender is accepted, the contract shall be regarded as being concluded on the date of issue of the said communication.

TITLE III

Final provisions

Article 12

- 1. Member States shall inform the Commission of all provisions adopted in application of this Regulation.
- 2. Member States shall notify the Commission by telex :
 - (a) before Thursday in each week and by storage periods, of the products and quantities which have been the subject of applications for conclusion of contracts and of the products and quantities for which contracts have been concluded during the preceding week, giving a summary of the products and quantities for which contracts have been concluded ;
 - (b) every month, of the products and total quantities actually in storage and of the products and total quantities in respect of which the storage period has been terminated.
- 3. The application of the measures provided for in this Regulation shall be subject to regular examination in accordance with the procedure laid down in Article 25 of Regulation (EEC) No 2759/75.

Article 13

Regulation (EEC) No 1889/76 is hereby repealed.

Article 14

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

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

Done at Brussels, 2 May 1980.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1093/80

of 2 May 1980

re-establishing the levying of customs duties on other kinds of leather, other, falling within subheading 41.05 B II and originating in Yugoslavia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 2789/79 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2789/79 of 10 December 1979 establishing preferential tariffs in respect of certain products originating in developing countries⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling, expressed in European units of account, which will be equal — with the exception of certain products, the value of the ceilings for which are given in Annex A thereto — to the sum arrived at by adding together the value of the products in question imported cif into the Community in 1977 and coming from countries and territories covered by those arrangements, but not including products coming from countries and territories already covered by various preferential tariff arrangements established by the Community, and 5 % of the value of 1977 cif imports coming from other countries and from countries and territories already covered by such arrangements; whereas, however, the ceiling resulting from the sum of this addition may in no case exceed 110 or 115 % of the preferential ceiling open for 1979;

Whereas, having regard to that ceiling, the amounts for products originating in any one of the countries or territories listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A thereto; whereas, for these products, this reduction will be 20 %;

Whereas Article 2 (2) and (3) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries or territories — with the exception of those

listed in Annex C thereto — once the relevant Community amount has been reached;

Whereas, in respect of other kinds of leather, other, falling within subheading 41.05 B II, the ceiling, calculated as indicated above, should be 10 017 000 European units of account, and therefore the maximum amount is 2 003 000 European units of account; whereas on 28 April 1980 the amounts of imports into the Community of other kinds of leather, other, falling within subheading 41.05 B II and originating in Yugoslavia, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 2789/79 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to Yugoslavia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 6 May 1980, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 2789/79, shall be re-established in respect of the following products, imported into the Community and originating in Yugoslavia:

CCT heading No	Description
41.05	Other kinds of leather, except leather falling within heading No 41.06 or 41.08: B. Other: II. Other

Article 2

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

⁽¹⁾ OJ No L 328, 24. 12. 1979, p. 25.

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

Done at Brussels, 2 May 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission

COMMISSION REGULATION (EEC) No 1094/80
of 2 May 1980

re-establishing the levying of customs duties on wrought plates, sheets and strip, of copper, falling within heading No 74.04 and originating in Chile, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 2789/79 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2789/79 of 10 December 1979 establishing preferential tariffs in respect of certain products originating in developing countries⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling, expressed in European units of account, which will be equal — with the exception of certain products, the value of the ceilings for which are given in Annex A thereto — to the sum arrived at by adding together the value of the products in question imported cif into the Community in 1977 and coming from countries and territories covered by those arrangements, but not including products coming from countries and territories already covered by various preferential tariff arrangements established by the Community, and 5 % of the value of 1977 cif imports coming from other countries and from countries and territories already covered by such arrangements; whereas, however, the ceiling resulting from the sum of this addition may in no case exceed 110 or 115 % of the preferential ceiling open for 1979;

Whereas, having regard to that ceiling, the amounts for products originating in any one of the countries or territories listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A thereto; whereas, for these products, this reduction will be 30 %;

Whereas Article 2 (2) and (3) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the

products in question originating in any of the said countries or territories — with the exception of those listed in Annex C thereto — once the relevant Community amount has been reached;

Whereas, in respect of wrought plates, sheets and strip, of copper, falling within heading No 74.04, the ceiling, calculated as indicated above, should be 2 963 000 European units of account, and therefore the maximum amount is 888 900 European units of account; whereas on 28 April 1980 the amounts of imports into the Community of wrought plates, sheets and strip, of copper, falling within heading No 74.04 and originating in Chile, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 2789/79 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to Chile,

HAS ADOPTED THIS REGULATION:

Article 1

As from 6 May 1980, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 2789/79, shall be re-established in respect of the following products, imported into the Community and originating in Chile:

CCT heading No	Description
74.04	Wrought plates, sheets and strip, of copper

Article 2

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

⁽¹⁾ OJ No L 328, 24. 12. 1979, p. 25.

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

Done at Brussels, 2 May 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission

COMMISSION REGULATION (EEC) No 1095/80

of 2 May 1980

amending Regulation (EEC) No 998/80 applying, at the end of the 1979/80 marketing year, a special intervention measure in the form of private storage aid in respect of common wheat of bread-making quality

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 8 (4) thereof,

Whereas Commission Regulation (EEC) No 998/80 of 22 April 1980⁽³⁾, in the second subparagraph of Article 6 (1) thereto, entitles every holder of common wheat of bread-making quality, on the expiry of each of the periods of storage referred to in Article 2 (1) (a) of the said Regulation, to sell to the intervention agency all or some of the quantities stored;

Whereas, with the aim of simplifying the administration of the special intervention measures provided for in the aforementioned Regulation, a minimum quantity should be specified below which the intervention agency shall not be required to accept the holder's offer; whereas Commission Regulation (EEC) No 1629/77 of 20 July 1977 laying down detailed rules of application for special intervention measures to support the development of the market in common wheat of bread-making quality⁽⁴⁾, as last amended by Regulation (EEC) No 1543/79⁽⁵⁾, fixed, in the third

subparagraph of Article 5 (1) thereto, the minimum batch at 80 tonnes, where the special intervention measure takes the form of purchase at the reference price; whereas it appears advisable to adopt the same minimum quantity for stocks offered to intervention on the expiry of private storage contracts concluded pursuant to Regulation (EEC) No 998/80;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following sentence is added to the second subparagraph of Article 6 (1) of Regulation (EEC) No 998/80:

'However, the offer may relate only to like batches of a minimum of 80 tonnes.'

Article 2

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

It shall apply with effect from 28 April 1980.

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

Done at Brussels, 2 May 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 107, 25. 4. 1980, p. 15.

⁽⁴⁾ OJ No L 181, 21. 7. 1977, p. 26.

⁽⁵⁾ OJ No L 187, 25. 7. 1979, p. 7.

COMMISSION REGULATION (EEC) No 1096/80
of 2 May 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 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 1081/80⁽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 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 3 May 1980.

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

Done at Brussels, 2 May 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 2 May 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	4.00
	B. Raw sugar	0 ⁽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.

⁽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 113, 1. 5. 1980, p. 67.

COMMISSION REGULATION (EEC) No 1097/80**of 2 May 1980****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 1056/80⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1056/80 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, 0.0400 ECU per percentage point of sucrose content.

Article 2

This Regulation shall enter into force on 3 May 1980.

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

Done at Brussels, 2 May 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 113, 1. 5. 1980, p. 16.

COMMISSION REGULATION (EEC) No 1098/80**of 2 May 1980****altering the export refunds on white sugar and raw sugar exported in the natural state**

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 the second sentence of the last subparagraph of Article 19 (2) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 1048/80⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1048/80 to the

information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 3330/74, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1048/80 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 1980.

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

Done at Brussels, 2 May 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 111, 30. 4. 1980, p. 9.

ANNEX

to the Commission Regulation of 2 May 1980 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU / 100 kg)

CCT heading No	Description	Refund
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar ; flavoured or coloured sugar	2.00
	B. Raw sugar :	
	(a) Candy sugar	2.52 ⁽¹⁾
	(b) Other raw sugar	— ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

COMMISSION REGULATION (EEC) No 1099/80
of 2 May 1980
altering the export levy 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 17 (6) thereof,

Having regard to Council Regulation (EEC) No 608/72 of 23 March 1972 laying down rules to be applied in cases of considerable price rises on the world sugar market⁽³⁾, and in particular Article 1 (2) thereof,

Whereas the export levy on white sugar and raw sugar was fixed by Regulation (EEC) No 375/80⁽⁴⁾, as amended by Regulation (EEC) No 391/80⁽⁵⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in the Regulation (EEC) No 375/80 to the information at present available to the Commission, that the export levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export levy on sugar provided for in the first subparagraph of Article 17 (1) of Regulation (EEC) No 3330/74 is fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 May 1980.

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

Done at Brussels, 2 May 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 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 40, 16. 2. 1980, p. 41.

⁽⁵⁾ OJ No L 45, 20. 2. 1980, p. 13.

ANNEX

to the Commission Regulation of 2 May 1980 altering the export levy on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Amount of the export levy
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar : flavoured or coloured sugar	—
	ex B. Raw sugar other than candy sugar	4.96 ⁽¹⁾

⁽¹⁾ This amount applies to raw sugar with a 92 % yield. If the yield of the exported raw sugar is different from 92 % the levy to be applied shall be calculated in conformity with Article 2 of Regulation (EEC) No 825/75.

COUNCIL REGULATION (EEC) No 1100/80**of 30 April 1980****imposing a definitive anti-dumping duty on certain acrylic fibres originating in the United States of America**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾,

Having regard to the proposal submitted by the Commission after consultation with the Advisory Committee set up under Article 6 of Regulation (EEC) No 3017/79,

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

Whereas, since there was sufficient evidence to justify initiating a procedure, the Commission 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⁽²⁾ so advised the exporters and importers known by the Commission to be concerned, as well as representatives of the countries concerned and the complainants and commenced the investigation at Community level and gave the parties directly concerned the opportunity to make known their views in writing and to be heard orally, and to meet so that opposing views might be presented and rebuttal arguments put forward;

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 SA Athens, Greece and Akrikim Kimya Sanayii AS, Istanbul, Turkey; whereas the Commission had carried out on the spot investigations at the offices of the main Community producers involved, namely the Italian companies ANIC SpA, Milan, Montefibre SpA, Milan, Societa Italiana Resina SpA (SIR), Milan and SNIA Viscosa SpA, Milan;

Whereas it emerged from the investigations carried out in Greece and Turkey that no dumping existed in the case of the exports by these producers to the Community and the investigation was 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 turnover for each product and market under consideration; whereas the exporter in question requested

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 146, 12. 6. 1979, p. 2.

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 was not allowed since the exporter in question refused to provide documentary proof in support of its claim;

Whereas, with regard to injury, the evidence available to the Commission during the preliminary examination showed that the Community industry had been 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 had entailed major efforts to reduce capacity and to rationalize, which had resulted in an overall reduction of approximately 8 % of the workforce 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 had taken place especially from the United States of America; whereas the evidence available to the Commission showed that imports into the Community of acrylic fibres originating in the United States of America had 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 available statistics, continuous filament tow represented approximately 60 % and discontinuous acrylic fibre represented 40 % of American imports; whereas the American market share had nearly doubled since 1977 from 1.7 % in 1977 to 3.4 % in the first three months of 1979;

Whereas United States' imports were concentrated in Italy which, for the first quarter of 1979, received almost 75 % of American exports to the Community; whereas these exports to Italy had 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 had 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

had been at extremely low prices undercutting Italian producers by approximately 25 %; whereas this had 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 indicated that this situation in Italy which represents approximately 30 % of Community production and approximately 40 % of Community consumption had a considerable impact on other Community producers who traditionally export to Italy and who were also facing a difficult situation characterized by heavy losses, and who were forced to meet artificially low American prices;

Whereas, therefore, there was sufficient evidence to show that the dumped imports originating in the USA were undermining the process of recovery of Community producers; whereas, consequently, these imports constituted injury to a Community industry;

Whereas, since this preliminary examination of the matter showed that there was dumping, that there was sufficient evidence of injury and that the interests of the Community called for immediate intervention, the Commission, by Regulation (EEC) No 2712/79⁽¹⁾, imposed a provisional anti-dumping duty on certain acrylic fibres originating in the United States of America;

Whereas, since it had emerged from the preliminary examination of the facts that no dumping existed on imports from E.I. DuPont de Nemours and Company, Wilmington, Delaware, USA, this firm was excluded from the application of the provisional duty;

Whereas, furthermore, one of the American exporters, Badische Corporation, Williamsburg, Virginia, USA, had voluntarily undertaken to increase its prices to levels which were considered satisfactory; whereas this undertaking was accepted by the Commission, which accordingly decided to terminate the procedure concerning this company and to exclude it from the application of the provisional duty;

Whereas, subsequently, the Commission by Regulation (EEC) No 61/80⁽²⁾, excluded Eastman Chemical International AG and Monsanto International Sales Company from the application of the provisional duty;

Whereas, moreover, investigations were carried out with the main Spanish exporter in the course of which a price undertaking was received which was considered satisfactory by the Commission and the procedure was consequently terminated as regards imports from Spain⁽³⁾;

⁽¹⁾ OJ No L 308, 4. 12. 1979, p. 11.

⁽²⁾ OJ No L 10, 15. 1. 1980, p. 7.

⁽³⁾ OJ No C 2, 4. 1. 1980, p. 6.

Whereas, since the examination of the facts of the matter had not yet been completed and the American Cyanamid Company, the only known exporter to whom the provisional duty applied, had requested that the duty be extended for a period not exceeding two months, the Council by Regulation (EEC) No 522/80⁽¹⁾ so extended the duty;

Whereas, following this extension, the Commission completed its investigation into Japanese exports of acrylic fibres to the Community; whereas dumping and injury resulting therefrom having been provisionally established, the principal Japanese exporters offered price undertakings, the effect of which was to increase import prices into the Community to a level necessary to eliminate injury; whereas these undertakings have been accepted by the Commission which has decided to terminate the anti-dumping procedure in so far as Japan is concerned;

Whereas in the course of the subsequent examination of the exports of products manufactured by American Cyanamid Company, completed on 12 March 1980, after the imposition of the provisional anti-dumping duty, the interested parties had the opportunity to make known their views in writing, to be heard by the Commission and orally to develop their views, to inspect non-confidential information relevant to the defence of their interests and to be informed of the essential facts and considerations on the basis of which it was intended to make a final determination; whereas the Community producers and some of the exporters and importers concerned availed themselves of these possibilities by making known their views in writing and orally; whereas the Commission also carried out a further on-the-spot investigation at the offices of the American Cyanamid Company;

Whereas, for the purpose of a final determination as to whether dumping existed, the Commission endeavoured to establish whether American domestic sales were made in the ordinary course of trade; whereas, since American Cyanamid asserted that its sales on the American market were not made at a loss, comparisons were made on the basis of the company's prices ruling on the domestic market;

Whereas weighted averages were used for these comparisons, which were made at the ex-factory level for sales during the period 1 December 1979 to 29 February 1980, the latest date for which information is available;

Whereas, with regard to the elements affecting the determination of injury, new information was

received which showed that imports into the Community of acrylic fibres originating in the United States of America amounted to 17 400 tonnes in 1979, representing an increase of 62 % compared to 1978; whereas the American market share had more than doubled from 1.7 % in 1977 to 3.5 % in 1979; whereas it has been borne in mind that the above figures include 3 457 tonnes imported from Eastman Chemical International AG and Monsanto International Sales Company which shipments of high-priced modacrylic fibre were found not to cause injury;

Whereas, in so far as Italy was concerned, American exports to that country amounted to 11 400 tonnes in 1979, representing an increase of 85 % compared with 1978; whereas the market share of these imports had increased from 2.9 % in 1978 to 5.0 % in 1979;

Whereas the total market share held by American exports and those held by Japanese and Spanish firms also found to have dumped amounted in 1979 to 7.6 % in the Community and to 9.8 % in Italy;

Whereas, on 26 March 1980, American Cyanamid Company voluntarily offered to undertake to increase its export prices to a level corresponding to the prices on the domestic market, thus eliminating in their opinion dumping margins calculated on that basis;

Whereas, however, subsequent to the offering of the above undertaking the complainant, CIRFS, provided to the Commission information indicating that the domestic sales of like products by American Cyanamid Company have been made at prices below cost of production since early 1979; whereas this information which is based on a report prepared by an American research organization, First Boston Corporation, gives reasonable grounds for believing that American Cyanamid Company's sales of acrylic fibres on the domestic market are in fact not being made in the ordinary course of trade because the weighted average selling prices have been below cost of production since the beginning of 1979 and have not been at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade;

Whereas American Cyanamid Company, despite repeated requests by the Commission, has firmly denied access to necessary financial information pertaining to costs of production; whereas, in these circumstances, dumping calculations concerning this

⁽¹⁾ OJ No L 59, 4. 3. 1980, p. 1.

company have been based on the constructed value of acrylic fibre as derived from the best evidence available, the abovementioned report prepared by the First Boston Corporation, having taken into account known factors applicable to American Cyanamid Company;

Whereas, more precisely, the cost of production extracted from the report in question for an American producer considered to be the most efficient in this area has been increased by four or respectively five US dollar cents per lb to allow for differences in the production process of American Cyanamid Company and by a profit margin before tax of 3 % on the selling price;

Whereas, on the above basis, it was finally established that the weighted average dumping margin for discontinuous acrylic fibre is nil in December 1979 and 13.7 % in the early months of 1980 respectively, and for continuous filament tow of acrylic fibre is 3.7 % in December 1979 and 17.6 % in the early months of 1980 respectively;

Whereas, therefore, the facts as finally established show the existence of dumping practised by American Cyanamid Company and material injury resulting therefrom for the Community industry concerned;

Whereas, in these circumstances, protection of the Community's interests calls for the definitive collection of the amounts secured by way of provisional duty in respect of acrylic fibres originating in the United States of America up to the rates (set out in Article 2 of this Regulation) and for the imposition of a definitive anti-dumping duty at the rate of 13.7 % on discontinuous acrylic fibre and 17.6 % on continuous filament tow of acrylic fibre,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive 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. The rate of duty shall be as follows:

- 13.7 % on discontinuous acrylic fibre,
- 17.6 % on continuous filament tow of acrylic fibre,

on the basis of the value declared in accordance with Commission Regulation (EEC) No 375/69 of 27 February 1969 on the declaration of particulars relating to the value of goods for customs purposes⁽¹⁾.

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

Article 2

The amounts secured by way of provisional duty pursuant to Regulation (EEC) No 2712/79, as amended by Regulation (EEC) No 61/80, shall be definitively collected as follows:

- for discontinuous acrylic fibre, no duty for imports during December 1979, and for imports effected thereafter at a rate of 7.2 %,
- for continuous filament tow of acrylic fibre, at the rate of 3.7 % for imports during December 1979, and at the rate of 17.6 % thereafter.

Article 3

The definitive anti-dumping duty instituted by Article 1 shall not apply to acrylic fibres produced and exported by:

- the Badische Corporation, Williamsburg, Virginia, USA,
- E.I. Dupont de Nemours and Company, Wilmington, Delaware, USA,
- Eastman Chemicals Division of Eastman Kodak Company, Kingsport, Tennessee, USA (exported by Eastman Chemical International AG, Zug, Switzerland),
- Monsanto International Sales Company, Missouri, USA.

Article 4

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

⁽¹⁾ OJ No L 52, 3. 3. 1969, p. 1.

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

Done at Brussels, 30 April 1980.

For the Council

The President

G. ZAMBERLETTI

EURONORMS

The Commission of the European Communities (ECSC) has published the following new EURONORMS in German, English, French, Italian and Dutch. The EURONORMS which are available up to the present in English are indicated by an asterisk (*). Sales prices valid from 1 July 1976.

			<i>Price in £</i>
(*) EURONORM	3-79	Brinell hardness test for steel — second edition	1.30
(*) EURONORM	4-79	Rockwell hardness test for steel (Scales A, C, B, F) — second edition	1.30
(*) EURONORM	5-79	Vickers hardness test for steel — second edition	1.40
(*) EURONORM	18-79	Selection and preparation of samples and test pieces for steel and iron and steel products — second edition	2.00
(*) EURONORM	82-79	Steel for the reinforcement of concrete with an improved bonding action — Dimensions, Mass, Tolerances — General requirements (Sheet 1 — Sheet 2)	1.80
(*) EURONORM	95-79	Heat resisting steels — Quality requirements	2.70
(*) EURONORM	96-79	Tool steels — Quality requirements	4.00
(*) EURONORM	132-79	Cold-rolled steel strip for springs — Quality requirements	1.80
(*) EURONORM	133-79	Round wire rod in non-alloy and alloy steel for the manufacture of wire for covered electrodes, for gas-shielded arc welding and for submerged arc welding — Quality standard	1.00
(*) EURONORM	138-79	Prestressing steels	3.75
(*) EURONORM	141-79	Austenitic stainless steel plate and strip for application at low temperature — Technical conditions of delivery	2.40
(*) EURONORM	142-79	Continuous hot-dip zinc coated unalloyed mild steel sheet and coil for cold forming — Quality standard	2.00
(*) EURONORM	143-79	Continuous hot-dip zinc coated unalloyed mild steel sheet and coil for cold forming — Tolerances on dimensions and shape	1.30
(*) EURONORM	144-79	Round wire rod in stainless and heat resisting steel intended for the production of welding consumables — Quality standard	0.80
(*) EURONORM	147-79	Continuous hot-dip zinc-coated unalloyed steel sheet and coil with specified minimum yield strengths for structural purposes — Quality standard	1.80
(*) EURONORM	148-79	Continuous hot-dip zinc-coated unalloyed steel sheet and coil with specified minimum yield strengths for structural purposes — Tolerances on dimensions and shape	1.20

The following is a list all the EURONORMS so far published:

(*)	Information circular No 1	Standard samples for the chemical analysis of iron and steel products, second edition (1974)	1-85
	EURONORM 1-55	Fontes et ferro-alliages	1-35
	EURONORM 2-57	Essai de traction pour l'acier	0-85
	EURONORM 3-55	Essai de dureté Brinell pour l'acier	0-60
	EURONORM 4-55	Essai de dureté Rockwell, échelles B et C pour l'acier	0-60
	EURONORM 5-55	Essai de dureté Vickers pour l'acier	0-60
	EURONORM 6-55	Essai de pliage pour l'acier	0-60
	EURONORM 7-55	Essai de résilience Charpy pour l'acier	0-60
	EURONORM 8-55	Valeurs de conversion approximatives de la durée et la résistance à la traction de l'acier	0-60
	EURONORM 9-55	Valeurs de conversion approximatives des allongements après rupture de l'acier	0-60
	EURONORM 11-55	Essai de traction sur tôles et feuillards en acier d'une épaisseur de 0,5 mm inclus à 3 mm exclus	0-75
	EURONORM 12-55	Essai de pliage des tôles et feuillards en acier d'épaisseur inférieure à 3 mm	0-60
	EURONORM 13-55	Essai de pliage alterné des tôles et feuillards en acier d'épaisseur inférieure à 3 mm	0-60
	EURONORM 14-67	Essai d'emboutissage à flans bloqués	0-60
	EURONORM 15-70	Fil machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Examen de la surface	0-60
	EURONORM 16-70	Fil machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Nuances et qualités	0-75
	EURONORM 17-70	Fil machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Dimensions et tolérances	1-60
	EURONORM 18-57	Prélèvements et préparation des échantillons et des éprouvettes	0-60
	EURONORM 19-57	Poutrelles IPE — Poutrelles à ailes parallèles	0-60
(*)	EURONORM 20-74	Definition and classification of grades of steel, second edition	1-20
(*)	EURONORM 21-78	General technical delivery requirements for steel and iron and steel products — second edition	1-80
	EURONORM 22-70	Détermination ou vérification de la limite d'élasticité de l'acier à température élevée	0-75
	EURONORM 23-71	Essai de trempabilité par trempe en bout de l'acier — Essai Jominy	1-35
	EURONORM 24-62	Poutrelles normales et profilés en U normaux — Tolérances de laminage	0-60
	EURONORM 25-72	Aciers de construction d'usage général	1-85
(*)	EURONORM 27-74	Designation of steels, third edition	1-80
	EURONORM 28-69	Tôles et bandes en aciers non alliés pour chaudières et appareils soumis à pression — Nuances et qualités	1-20
	EURONORM 29-69	Tôles en acier laminées à chaud d'épaisseur égale ou supérieure à 3 mm — Tolérances sur les dimensions, la forme et le poids	0-85
	EURONORM 30-69	Demi-produits pour forges en aciers de construction d'usage général — Nuances et qualités	1-00
	EURONORM 31-69	Demi-produits pour forges — Tolérances sur les dimensions, la forme et le poids	0-60
	EURONORM 33-70	Tôles et larges bandes d'épaisseur inférieure à 3 mm, en acier doux non allié pour emboutissage ou pliage à froid — Tolérances sur les dimensions et sur la forme	0-75
	EURONORM 34-62	Poutrelles à larges ailes à faces parallèles — Tolérances de laminage	0-60
	EURONORM 36-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone total dans les aciers et les fontes — Méthode gravimétrique après combustion dans un courant d'oxygène	0-60
	EURONORM 37-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone total dans les aciers et les fontes — Méthode gazométrique après combustion dans un courant d'oxygène	0-75
	EURONORM 38-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone de trempe et du graphite dans les aciers et les fontes — Méthode gravimétrique et volumétrique après combustion dans un courant d'oxygène	0-60
	EURONORM 40-62	Analyse chimique des matériaux sidérurgiques — Dosage du silicium total dans les aciers et les fontes — Méthode gravimétrique	0-60
	EURONORM 41-65	Analyse chimique des matériaux sidérurgiques — Dosage du phosphore dans les aciers et les fontes — Méthode alcalimétrique	0-60
	EURONORM 42-66	Analyse chimique des matériaux sidérurgiques — Dosage du soufre dans les aciers et les fontes — Méthode après combustion dans un courant d'oxygène	0-60
	EURONORM 43-72	Tôles et bandes en aciers alliés pour chaudières et appareils soumis à pression — Nuances et qualités	1-10
	EURONORM 44-63	Poutrelles IPE laminées à chaud — Tolérances de laminage	0-60
	EURONORM 45-63	Essai de choc sur éprouvette bi-appuyée à entaille en V	0-60
	EURONORM 46-68	Feuillards à chaud en aciers doux non alliés — Norme de qualité, prescriptions générales	1-10
	EURONORM 48-65	Feuillards laminés à chaud en aciers non alliés — Tolérances sur les dimensions, la forme et le poids	0-60
	EURONORM 49-72	Mesure de la rugosité des produits minces en acier laminés à froid et non revêtus	0-60
	EURONORM 50-72	Analyse chimique des matériaux sidérurgiques — Dosage de l'azote dans les aciers — Méthode spectrophotométrique	0-85
	EURONORM 51-70	Bandes laminées à chaud de largeur égale ou supérieure à 600 mm — Tolérances sur les dimensions, la forme et le poids	0-60
	EURONORM 52-67	Vocabulaire du traitement thermique	8-15
	EURONORM 53-62	Poutrelles à larges ailes à faces parallèles	0-60
	EURONORM 54-63	Petits fers U laminés à chaud	0-60
	EURONORM 55-63	Fers T à ailes égales et à coins arrondis laminés à chaud	0-60

(*) EURONORM	56-77	Hot-rolled equal angles (with radiused root and toes) — second edition	0.60
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(*) EURONORM	122-75	Verification of Rockwell hardness testing machines (B, C, N and T scales)	1.70
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