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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3164/76

of 16 December 1976

on the Community quota for the carriage of goods by road between Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas the introduction of a common transport policy entails, *inter alia*, the establishment of common rules for the carriage of goods by road between Member States; whereas these rules must be drawn up so as to help bring about a common transport market;

Whereas the establishment of a system of Community authorizations has, *inter alia*, promoted more intensive and more rational use of authorized capacity and the systematic adaptation of the undertakings concerned to the requirements of traffic between Member States; whereas for these reasons a time limit should no longer be set since the system has proved effective;

Whereas the existence of this system promotes the establishment of a Community-wide transport market to which road haulage operators from all Member States may have equal access regardless of nationality;

Whereas the holders of Community authorizations should supply the competent authorities with adequate information so that the extent to which these authorizations have been used can be assessed,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to the carriage of goods by road for hire or reward effected between Member States under authorizations issued as Community authorizations within a Community quota.

Article 2

1. Community authorizations shall entitle their holders to effect, over all transport links between the Member States, the carriage of goods by road of the type specified in Article 1, with the exception of internal transport operations within the territory of a Member State, and to effect journeys unladen throughout the Community.

2. Community authorizations shall correspond to the model in Annex 1. That Annex also lays down the conditions of use of Community authorizations.

3. Community authorizations shall be made out in the name of a carrier. They may not be transferred by a carrier to third parties.

Each authorization may be used for only one vehicle at a time. It shall be carried on the vehicle and produced at the request of any authorized inspecting officer.

'Vehicle' means a single vehicle or a coupled combination of vehicles.

4. Community authorizations shall be valid for one calendar year. They may however be withdrawn by the competent authority of the Member State which issued them, *inter alia*, if, in their opinion, they are under-utilized.

⁽¹⁾ OJ No C 280, 8. 12. 1975, p. 46.

⁽²⁾ OJ No C 35, 16. 2. 1976, p. 44.

5. Community authorizations shall be allocated by the Commission to the Member States for the purpose of issuing them to carriers.

6. Community authorizations shall, in accordance with the relevant national procedures, be issued by the competent authorities of the Member States, in respect of carriers established in their territory, within the limits of the total number of authorizations allocated to each Member State.

Article 3

1. The Community quota shall comprise 2 363 authorizations.

2. The number of Community authorizations allocated to each Member State shall be as follows:

Belgium	265
Denmark	169
Germany	427
France	409
Ireland	50
Italy	319
Luxembourg	70
Netherlands	382
United Kingdom	272.

3. The Council, acting on a proposal from the Commission, shall decide, by 30 November of each year, on any increase in the Community quota and on the allocation to the Member States of the extra authorizations resulting therefrom.

4. Paragraphs 1 and 2 shall remain applicable until the Council has taken a decision on a proposal for a Regulation reviewing the amount and/or the allocation of the quota.

Article 4

1. Transport operations effected under a Community authorization shall be entered on a record sheet, a model of which together with the general provisions for the use and supply of information is contained in Annex II.

2. The competent authorities of the Member States shall forward to the Commission the monthly information received in respect of each six-month period, in anonymous form, within three months following the end of the six-month period concerned.

3. The information referred to in the preceding paragraphs may only be used for statistical purposes.

It shall not be used for tax purposes nor shall it be communicated to third parties.

4. The Commission shall forward as soon as possible to the Member States summary record sheets drawn up on the basis of the data supplies pursuant to paragraph 2.

Article 5

1. The Member States shall assist one another with a view to applying this Regulation and supervising its implementation.

2. If the competent authorities of a Member State are aware of any infringement of this Regulation committed by the holder of a Community authorization granted in another Member State, the State in whose territory the infringement has been discovered shall report it to the authorities of the State which granted the Community authorization. The competent authorities shall give one another all the information they possess on the penalties imposed for these infringements.

Article 6

1. The Member States shall adopt, in due time, and communicate to the Commission the laws, regulations and administrative provisions relating to the implementation of this Regulation.

However, if these provisions cannot be brought into force on time in a Member State, the provisions adopted under Council Regulation (EEC) No 2829/72 of 28 December 1972 on the Community quota for the carriage of goods by road between Member States⁽¹⁾, as last amended by Regulation (EEC) No 3331/75⁽²⁾, shall be considered, for a maximum period of two years, as the implementing provisions for this Regulation within the meaning of the first subparagraph.

2. These provisions shall cover, *inter alia*, the organization of, procedure for, and means of carrying out inspection measures, as well as the penalties for infringements.

Article 7

This Regulation shall enter into force on 1 January 1977.

⁽¹⁾ OJ No L 298, 31. 12. 1972, p. 16.

⁽²⁾ OJ No L 329, 23. 12. 1975, p. 9.

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

Done at Brussels, 16 December 1976.

For the Council

The President

Th. E. WESTERTERP

ANNEX I

(a)

(Thick paper — format 15 × 21 cm)

(First page of Community authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization ; translations in the other official languages of the Community to be given on pages (e) and (f))

COMMISSION
OF THE
EUROPEAN
COMMUNITIES

(Impressed stamp
of the Commission
of the European
Communities)

State issuing
the authorization-
international
distinguishing sign

Competent
authority
or
agency

COMMUNITY AUTHORIZATION ⁽¹⁾ No

for the carriage of goods by road for hire or reward between the Member States of the European Economic Community

This authorization entitles

.....

..... (2)

to carry goods by road for hire or reward, by means of a single vehicle or a coupled combination of vehicles, from any Member State of the European Economic Community by any route to any other Member State thereof, and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community.

This authorization is valid from to

Issued at, date

⁽¹⁾ International distinguishing signs of Member States :
Belgium (B), Denmark (DK), Germany (D), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), United Kingdom (GB).

⁽²⁾ Name, or registered business name, and full address of carrier.

⁽³⁾ Signature and stamp of the competent authority or agency issuing the authorization.

(b)

(Second page of Community authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translations in the other official languages of the Community to be given on pages (c) and (d))

GENERAL PROVISIONS

This authorization permits the international carriage of goods by road for hire or reward from any Member State of the European Economic Community by any route to any other Member State, but does not authorize the carrying out of any transport operation for hire or reward entirely within the territory of one Member State.

It is not valid for transport operations between a Member State and a non-member State, nor is it valid on the territory of a non-member State for transport in transit through that non-member State.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it, *inter alia*, if in their opinion they are under-utilized.

It may be used for only one vehicle at a time ⁽¹⁾.

It must be carried in the vehicle and must be accompanied by a book of record sheets for all international transport operations effected under it.

The authorization and the book of record sheets for international transport operations must be produced together whenever required by an authorized inspecting officer.

The holder is required to comply in the territory for each Member State with the laws, regulations and administrative provisions of that State, and in particular with those concerning transport and road traffic.

This authorization must be returned to the competent issuing authority or agency within 15 days following its date of expiry.

⁽¹⁾ 'Vehicle' means a single vehicle or a coupled combination of vehicles.

(c) and (d)

(Third and fourth pages of Community authorization)

(Translations in the other official languages of the Community of the text on page (b))

(e) and (f)

(Fifth and sixth pages of Community authorization)

(Translations in the other official languages of the Community of the text on page (a))

ANNEX II

(a)

(Format 30 × 21 cm)

(Front cover of book of record sheets)

(Text in the official language or languages of the Member State issuing book of record sheets — translations in the other official languages of the Community to be given overleaf)

STATE ISSUING BOOK
OF RECORD SHEETS

Competent authority or agency

International distinguishing sign

Book No

**BOOK OF RECORD SHEETS FOR
INTERNATIONAL TRANSPORT OPERATIONS
CARRIED OUT UNDER
COMMUNITY AUTHORIZATION ⁽¹⁾ No**

This book is valid until ⁽²⁾

Issued at, date

⁽³⁾⁽¹⁾ International distinguishing signs of Member States :

Belgium (B), Denmark (DK), Germany (D), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), United Kingdom (GB).

⁽²⁾ The period of validity may not exceed that of the Community authorization.⁽³⁾ Stamp of the competent authority or agency issuing the book.

(b)

(Inside front cover of book of record sheets)

1. (Translation in the other official languages of the Community of text overleaf)
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2. (Text in the official language or languages of issuing Member State)

GENERAL PROVISIONS

1. This book of record sheets contains 50 detachable sheets, numbered 1 to 50, each of which constitutes a form for recording international transport operations. Each book is numbered and that number is marked on every page of the book.
2. The carrier is responsible for the proper completion of the records of international transport operations.
3. The book must accompany the Community authorization to which it relates. It must be produced whenever required by an authorized inspecting officer.
4. A record sheet must be completed for each journey. A *journey* is defined as a number of successive stages travelled by a single vehicle. It normally starts and finishes at the place where the vehicle is usually based. Therefore all stages of the journey from the starting point to the end of that journey must be indicated. A *stage* is defined as that part of a journey between any two stops for loading and/or unloading whether partial or total. Details should also be entered on any stage travelled unladen between the start of the journey and the first loading point, and between the last unloading point and the end of the journey, where such stages relate directly to the use of the Community authorization. A record sheet may not be used to record more than one journey.
5. Record sheets must be used in numerical order and the successive stages (whether laden or unladen) must be entered in chronological order. Where a journey consists of more than five stages, details of the additional stages should be entered on the next sheet.
6. Each item in the record sheet must be completed accurately and legibly by printing in indelible ink.
7. Each completed record sheet must be returned to the authority or agency of the Member State which issued this book not later than two weeks after the end of the month to which the sheet relates. Where a journey runs over from one month into the next the record should be included in the return for the month in which the journey began (e.g. a journey beginning towards the end of January and ending in the early part of February should be included in the January return).
8. Care should be taken at the relevant frontier crossing point to see that the sheet is stamped by the customs authorities at the point of entry into any country where a stage is to end.

(c)

(Inside back cover of book of record sheets)

(Text in the official language or languages of issuing Member State)

EXPLANATORY NOTES**I. Columns 1 to 8 : Vehicle**

Col. 1 Each of the numbers 1 to 5 in this column relates to a stage of the journey, number 1 representing the start of the journey

Columns 2 to 8 should be completed as follows :

Col. 2 The type of vehicle used (i.e. GV = goods vehicle, GVT = goods vehicle with trailer, ST = semi-trailer) and the maximum permitted load in tonnes to one decimal place (e.g. 10.5 t).

Col. 3 The place of departure for each stage, whether travelled laden or unladen, and the international distinguishing sign of each country concerned ⁽¹⁾.

Col. 4 The dates of departure from each of the places mentioned in column 3.

Col. 5 The place of arrival for each stage, whether travelled laden or unladen ; and the international distinguishing sign of the country concerned ⁽¹⁾.

Col. 6 The dates of arrival at each of the places mentioned in column 5.

either

Col. 7 The number of km of each stage travelled laden between the places of departure and arrival entered in columns 3 and 5.

or

Col. 8 The number of kilometres of each stage travelled unladen between the places of departure and arrival entered in columns 3 and 5.

II. Columns 9 to 12 : Goods

These columns should be completed as follows :

Col. 9 Description of the various consignments of goods loaded at each place of departure entered in column 3.

Col. 10 The weight of each consignment entered in column 9, expressed in tonnes to one decimal place (e.g. 10.0 t).

N. B. The description and weight of the goods transported must be the same as those given in the customs declaration. The weight of containers or pallets should not be included.

Col. 11 The place where each consignment is to be unloaded.

Col. 12 Customs stamp from last frontier crossing point of each stage. For the purposes of this column the territory of the Member States of Benelux is to be regarded as constituting a single unit.

(d)

(Back cover of book of record sheets)

Translations in the other languages of the Community of text set out on inside back cover

⁽¹⁾ Belgium (B), Denmark (DK), Germany (D), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), United Kingdom (GB).

(c)

(Pink paper — format 30×21 cms)

(Text in the official language or languages of issuing Member State)

(Numbered from 1 to 50)

Name and address of carrier Community authorization No Month 197... .. Book No Sheet No

Stage of journey	Type of vehicle and maximum permitted load (.....t)	Vehicle				Goods			Customs			
		Departure		Arrival		Description	Tonnage (..... t)	Place at which each consignment loaded at any place entered in column 3 is to be unloaded				
1	2	Place (- country)	Date	Place (- country)	Date				Laden	Unladen	9	10
1	GV											
	GVT											
	ST											
2	GV											
	GVT											
	ST											
3	GV											
	GVT											
	ST											
4	GV											
	GVT											
	ST											
5	GV											
	GVT											
	ST											

If the journey did not begin or end at the place where the vehicle is normally based indicate by placing a cross in the appropriate box whether the journey was :
 immediately preceded by a domestic transport operation
 immediately preceded by an international transport operation
 immediately followed by a domestic transport operation
 immediately followed by an international transport operation
 operation carried out under any other arrangements
 operation carried out under any other arrangements

COUNCIL REGULATION (EEC) No 3165/76

of 21 December 1976

fixing for the year 1977 Community quantitative export quotas for certain types of copper ash and residues and for certain types of copper, aluminium and lead waste and scrap

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2603/69 of 20 December 1969 establishing common rules for exports⁽¹⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 1023/70 of 25 May 1970 establishing a common procedure for administering quantitative quotas⁽²⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas it is necessary, in order to avoid supply difficulties for certain types of copper ash and residues as well as for certain types of copper, aluminium and lead waste and scrap, to maintain in force Community quantitative export quotas;

Whereas Community quantitative export quotas for those products should therefore be fixed for 1977 and criteria should be laid down for their allocation;

Whereas the provisions relating to the control of intra-Community trade laid down in Commission Regulation (EEC) No 1279/71 of 17 June 1971 on the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods⁽³⁾ apply only if the measures introducing export restrictions provide for their application,

HAS ADOPTED THIS REGULATION:

Article 1

Community quantitative export quotas shall be established for 1977 as follows:

CCT heading No	Description	Quantity (metric tons)
ex 26.03	Ash and residues of copper and copper alloys	16 503
ex 74.01	Waste and scrap of copper and copper alloys:	
	— Resulting from the breaking-up of ships registered in third countries or of ammunition sold by the armed forces of third countries	11 224
	— Other	18 107
76.01 B	Aluminium waste and scrap	3 493
78.01 B	Lead waste and scrap	1 481

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 25.

⁽²⁾ OJ No L 124, 8. 6. 1970, p. 1.

⁽³⁾ OJ No L 133, 19. 6. 1971, p. 32.

Article 2

The quotas fixed in Article 1 shall be allocated according to estimated needs.

Article 3

Exports outside the Community of products listed in Article 1 obtained under inward processing arrangements within the meaning of Council Directive 69/73/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing⁽¹⁾ and temporary exports for processing, working or repair in a third country of products which are to be reimported for home use within the customs territory of the Community (outward processing) shall be counted against the quota share of the exporting Member State.

Article 4

Regulation (EEC) No 1279/71 shall apply to movement within the Community of the products listed in Article 1.

Article 5

The Council shall decide in good time and in any case before 31 December 1977 on the measures to be taken after expiry of the period of validity of this Regulation as regards the exportation of the products listed in Article 1.

Article 6

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

It shall apply until 31 December 1977.

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

Done at Brussels, 21 December 1976.

For the Council

The President

A. P. L. M. M. van der STEE

⁽¹⁾ OJ No L 58, 8. 3. 1969, p. 1.

COUNCIL REGULATION (EEC) No 3166/76
of 21 December 1976
extending Council Regulation (EEC) No 3310/75 on agriculture in the Grand
Duchy of Luxembourg

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Protocol on the Grand Duchy of
Luxembourg,

Having regard to Council Regulation (EEC) No
541/70 of 20 March 1970 on agriculture in the Grand
Duchy of Luxembourg ⁽¹⁾,

Having regard to Council Regulation (EEC) No
3310/75 of 16 December 1975 on agriculture in the
Grand Duchy of Luxembourg ⁽²⁾, and in particular the
second paragraph of Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas under the second subparagraph of Article 1
(1) of the Protocol on the Grand Duchy of Luxem-
bourg, Belgium, Luxembourg and the Netherlands are
to apply the system provided for in the third para-
graph of Article 6 of the Convention on the
Economic Union of Belgium and Luxembourg of 25
July 1921; whereas Regulations (EEC) No 541/70,
(EEC) No 3535/73 ⁽³⁾, (EEC) No 3192/74 ⁽⁴⁾, and
(EEC) No 3310/75 provide that such system is to
remain applicable until full harmonization of specific

duties on wine in the Community is achieved, and no
later than 31 December 1976; whereas, however, the
Council is to decide to what extent these provisions
must be retained, amended or abolished;

Whereas at the present time the harmonization of
specific duties on wine in the Community has not
been achieved; whereas the application of the said
system in favour of Luxembourg wines will continue
to be of benefit for the agricultural income of the
Grand Duchy of Luxembourg in the sector con-
cerned;

Whereas, in view also of the other considerations
given in Regulations (EEC) No 541/70 and (EEC) No
3310/75, this latter Regulation should be extended,

HAS ADOPTED THIS REGULATION :

Article 1

In the first paragraph of Article 2 of Regulation (EEC)
No 3310/75 the date 31 December 1976 is replaced
by the date 31 December 1977.

Article 2

This Regulation shall enter into force on 1 January
1977.

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

Done at Brussels, 21 December 1976.

For the Council

The President

A. P. L. M. M. van der STEE

⁽¹⁾ OJ No L 68, 25. 3. 1970, p. 3.

⁽²⁾ OJ No L 328, 20. 12. 1975, p. 12.

⁽³⁾ OJ No L 361, 29. 12. 1973, p. 1.

⁽⁴⁾ OJ No L 341, 20. 12. 1974, p. 6.

COUNCIL REGULATION (EEC) No 3167/76

of 21 December 1976

opening, allocating and providing for the administration of a Community tariff quota for frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas, in the context of the most recent multilateral GATT negotiations, the Community has undertaken to open, at a duty of 20 %, an annual Community tariff quota of 38 500 metric tons of frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff, expressed as boned or boneless meat; whereas, therefore, this tariff quota should be opened on 1 January 1977, while dividing the total quantity into two parts in accordance with the tariff arrangements applicable to each;

Whereas Articles 59 and 60 of the Act of Accession⁽²⁾ require the new Member States to apply the Regulations of the common agricultural policy from 1 February 1973 and to align their customs tariff duties on those of the Common Customs Tariff in accordance with the timetable provided for in the said Article 59; whereas, therefore, the new Member States' needs for imports should be covered in 1977; whereas the quota duties to be applied by the new Member States should conform to the Act of Accession;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate laid down for the tariff quota should be applied consistently in all Member States to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota, based on an allocation between the Member States concerned, would, in the light of the principles outlined above, appear consistent with the Community nature of the quota; whereas, to represent as closely as possible the actual market trends in the product in question, the allocation should be proportionate to the requirements of the Member States calculated with reference to statistical data on imports from third countries during a representative reference period and to the economic prospects for the quota year in question;

Whereas, pursuant to Article 2 (4) of Commission Regulation (EEC) No 193/75 of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, import licences authorize the importation of a quantity exceeding by 5 % the quantity indicated therein; whereas, however, the levy provided for in Article 13 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽⁴⁾, as last amended by Regulation (EEC) No 568/76⁽⁵⁾, should be applied to any quantity exceeding that indicated in the licence;

Whereas, since the tariff quota in question is relatively small, it ought to be possible to provide for a system of allocation based on a single apportionment between the Member States, without thereby derogating from its Community nature; whereas it appears best to leave to each Member State the choice of a management system for its share of the quota;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members;

Whereas, if at a given date during the quota period it is found that a balance of a quota share remains in one or other Member State, it will be necessary, where appropriate, to re-allocate the amounts which have not been used up, in order that they might be used up by other Member States,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota for frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff, totalling 38 500 metric tons expressed as boned or boneless meat, is hereby opened for 1977.

⁽¹⁾ OJ No C 293, 13. 12. 1976, p. 59.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 28.

⁽³⁾ OJ No L 25, 31. 1. 1975, p. 10.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁵⁾ OJ No, L 67, 15. 3. 1976, p. 28.

For the purpose of charging imports against this quota, 100 kilogrammes of unboned meat shall be taken to be equivalent to 77 kilogrammes of boned or boneless meat.

2. Imports of those goods which have been admitted under the benefit of another preferential tariff regime shall not be set off against this tariff quota.

3. As regards the quotas allocated to the original Member States, the Common Customs Tariff duty applicable shall be 20 %.

4. As regards the quota allocated to the new Member States, the duties shall be those calculated in accordance with the relevant provisions of the Act of Accession.

5. For the purpose of applying this Regulation, the levy fixed in accordance with Article 13 of Regulation (EEC) No 805/68 shall, as regards imports effected under the conditions laid down in Article 2 (4) of Regulation (EEC) No 193/75, be applied to any quantities exceeding those indicated in the import licence.

Article 2

1. The quantity of 38 500 metric tons indicated in Article 1 (1) shall be divided into two parts, one totalling 22 000 metric tons, the other 16 500 metric tons, allocated as follows:

	For the part totalling 22 000 metric tons	For the part totalling 16 500 metric tons
Benelux	2 423	1 817
Denmark	111	84
Germany	4 334	3 251
France	1 532	1 148
Ireland	—	—
Italy	6 314	4 736
United Kingdom	7 286	5 464
	22 000	16 500

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

Done at Brussels, 21 December 1976.

For the Council

The President

A. P. L. M. M. van der STEE

2. Imports of the product concerned shall be subject to the provisions adopted under Regulation (EEC) No 974/71 ⁽¹⁾, as last amended by Regulation (EEC) No 557/76 ⁽²⁾, as regards the fluctuation of the currencies of certain Member States.

Article 3

1. The Member States shall take all appropriate steps to guarantee importers established within their territories free access to the quota shares allocated to them.

2. The extent to which the shares of the Member States have been used up shall be verified on the basis of imports as the product is presented for customs clearance under the declaration for consumption.

Article 4

The Member States shall regularly inform the Commission of imports which have been charged against their shares.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

The Commission shall, not later than 1 October 1977, submit to the Council a report on the quantities for which licences have been delivered in each Member State.

The Council, acting by a qualified majority on a proposal from the Commission, shall, where appropriate, re-allocate the amounts which have not been used up.

Article 7

This Regulation shall enter into force on 1 January 1977.

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 1.

COUNCIL REGULATION (EEC) No 3168/76
of 21 December 1976

**laying down the conditions for coupage and wine-making in the free zones on
Community territory for wine products originating in third countries**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
816/70 of 28 April 1970 laying down additional provi-
sions for the common organization of the market in
wine⁽¹⁾, as last amended by Regulation (EEC) No
2842/76⁽²⁾, and in particular the third subparagraph
of Article 26 (4) and the third subparagraph of Article
28 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the first subparagraph of Article 26 (4) and
the first subparagraph of Article 28 (2) of Regulation
(EEC) No 816/70 prohibit on Community territory,
except by way of derogation, coupage of a wine origi-
nating in a third country with a Community wine and
coupage between wines originating in third countries,
the making of wine from imported basic products and
the addition of such products to wine; whereas,
however, as an exception to this rule, these operations
are authorized in the free zones provided that the
wine obtained therefrom is intended for re-consign-
ment to a third country;

Whereas it should be noted that Council Directive
69/75/EEC of 4 March 1969 on the harmonization of
provisions laid down by law, regulation or administra-
tive action relating to free zones⁽³⁾, as last amended
by Directive 76/634/EEC⁽⁴⁾, continues to apply;

Whereas it is necessary in accordance with the third
subparagraph of Article 26 (4) and with the third
subparagraph of Article 28 (2) of the abovementioned
Regulation, to adopt the provisions for the application
of these operations and the rules governing the
description of the wines produced in the free zones;

Whereas, in order to ensure effective supervision of
operations in the free zones, it is necessary to provide
for the prior authorization thereof by the Member
State concerned and the setting up of means for super-
vising the movements of the products concerned;

Whereas, in order to prevent abuses, it must be laid
down that the products used for such operations are,

depending on the case, products of sound, fair and
marketable quality originating in a third country or
that they have been produced in accordance with
Community provisions or those of the Member State
concerned;

Whereas confusion between wines produced in free
zones and Community wines should be avoided;
whereas the issue of a certificate of origin by the
competent authorities of the Member States for the
products obtained in the free zones would be likely to
create such confusion; whereas it therefore appears
necessary to provide, for the purpose of achieving the
agricultural objective of this Regulation, that no certi-
ficate of origin may be issued for the products thus
obtained;

Whereas, to avoid confusion, the rules concerning the
description of the wines concerned should also be
defined; whereas, in this respect, a distinction should
be drawn between mandatory information necessary
to identify the wines and optional information
designed to indicate the special properties of the wine
or to characterize them,

HAS ADOPTED THIS REGULATION:

Article 1

1. Any natural or legal person or any association of
persons intending to effect in a free zone, within the
meaning of Directive 69/75/EEC, one of the following
operations:

- (a) coupage of wines originating in a third country
with Community wines;
- (b) coupage between wines originating in third coun-
tries;
- (c) the making of wine in accordance with Commu-
nity provisions or, in the absence of such provi-
sions, with national legislation in force as at 1
March 1977 and subject to Article 2 (2), from fresh
grapes, grape must, grape juice, grape must in
fermentation, originating in third countries;

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 327, 26. 11. 1976, p. 2.

⁽³⁾ OJ No L 58, 8. 3. 1969, p. 11.

⁽⁴⁾ OJ No L 223, 16. 8. 1976, p. 7.

or

- (d) the addition to wine of concentrated grape juice, grape must with fermentation arrested by addition of alcohol, of grape must or of concentrated grape must, originating in third countries ;

shall submit an application to the appropriate authorities designated by the Member States. Authorization by those authorities to carry out the aforementioned operations may be given only if the required assurances are given that the products resulting from the operations in question will be kept in separate premises or separated from other products of the wine sector stored in the free zone and that they will be re-exported to a third country.

2. The products resulting from the operations referred to in paragraph 1 may not be placed in free circulation in the Community and must be subjected to customs control which will ensure that they are dispatched only to a third country and without further processing.

3. All persons concerned shall keep entry and exit registers, in accordance with the provisions laid down pursuant to Article 29 (3) of Regulation (EEC) No 816/70, enabling the movements of those products and of the products referred to in paragraph 1 to be supervised. Entries in the registers shall be made on the basis of the official documents drawn up by the authorities of the third countries or, in the absence of such documents, on the basis of commercial documents.

These documents shall show at least :

- (a) the name and address of the consignor ;
- (b) the name and address of the consignee ;
- (c) the word 'wine' or, if appropriate, the type of product, this information being given using the definition in the Community provisions which most accurately describes the product concerned ;
- (d) the volume of the product ;
- (e) in the case of :
 - grape must and grape juice, whether or not concentrated : the density,
 - wine and grape must in fermentation : the actual and total alcoholic strength ;
- (f) the name of the third country or countries concerned.

When an official document drawn up by the authorities of a third country has been submitted the original shall be deposited with the authorities referred to in paragraph 1.

Article 2

1. Only the following shall be used for the operations referred to in Article 1 (1) :

- products of sound, fair and marketable quality originating in third countries,
- or
- Community products which have been produced in accordance with Community provisions or, in the absence of such provisions, with the provisions of the Member State concerned.

2. In the context of the operation referred to in Article 1 (1) (c), increasing the alcoholic strength of the product concerned and also acidification and deacidification shall be prohibited.

Article 3

No certificate of origin shall be issued in respect of products which have undergone the operations listed in Article 1.

Article 4

1. The description of a wine resulting from the operations referred to in Article 1 (1) shall include the following information :

- (a) the word 'wine' with or without a statement as to whether the wine is red, rosé or white ;
- (b) the nominal volume of the wine ;
- (c) the name or business name of the natural or legal person or association of persons who have produced the wine in the free zone and the locality within the latter, where the wine was produced ;
- (d) where the wine has been put in containers with a nominal volume of 60 litres or less and provided that the bottler is not one of the persons referred to in (c) : the name or business name of the bottler and the locality within the free zone where bottling took place.

2. The description of the wines may be supplemented by the following information :

- (a) a brand name provided that it does not show words, parts of words, signs or designs which :
 - are likely to create a false impression of a person, particularly the bottler, who has been involved in the commercial distribution of the product described,
 - contain false or misleading information, particularly in respect of indications of geographical origin, vine variety, vintage year or superior quality,

- include the name of a table wine or of a quality wine psr or may lead to confusion with the description of a table wine, a quality wine psr or an imported wine,
or
- contain information concerning the geographical origin, vine variety, vintage year or any indication of superior quality;

(b) the actual and/or total alcoholic strength;

(c) a recommendation to the consumer as to the use of the wine.

3. Only the information specified in paragraphs 1 and 2 shall be permitted for the description of wines resulting from one of the operations referred to in Article 1 (1).

Supplementary information may, however, be provided for in accordance with the procedure laid

down in Article 7 of Regulation No 24⁽¹⁾ to the extent required by the laws of the third countries to which the wine will be dispatched.

The description of wines resulting from one of the operations referred to in Article 1 (1) shall not bear any indication, sign, illustration or brand name which might lead to confusion with a Community product.

Article 5

This Regulation shall not prejudice the application of Directive 69/75/EEC.

Article 6

This Regulation shall enter into force on 1 March 1977.

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

Done at Brussels, 21 December 1976.

For the Council

The President

A. P. L. M. M. van der STEE

⁽¹⁾ OJ No 30, 20. 4. 1962, p. 989/62.

**COUNCIL REGULATION (EEC) No 3169/76
of 21 December 1976**

**concerning the final date for submitting applications for aid from the European
Agricultural Guidance and Guarantee Fund, Guidance Section, for 1977**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parlia-
ment⁽¹⁾,

Whereas Council Regulation No 17/64/EEC of 5
February 1964 on the conditions for granting aid from
the European Agricultural Guidance and Guarantee
Fund⁽²⁾, as last amended by Regulation (EEC) No
3171/75⁽³⁾, fixes final dates for submitting applica-
tions for aid and for the decisions to be taken on
them ;

Whereas the time limit for submitting applications for
1977 should be extended to take account of the

speeding up of the examination of the projects and
the taking of decisions on the projects,

HAS ADOPTED THIS REGULATION :

Article 1

The time limit laid down in the first sentence of the
first subparagraph of Article 20 (1) of Regulation No
17/64/EEC for the submission of applications for aid
from the Guidance Section of the Fund for 1977 shall
be extended to 20 December 1976.

Article 2

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

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

Done at Brussels, 21 December 1976.

For the Council

The President

A. P. L. M. M. van der STEE

⁽¹⁾ Opinion delivered 17. 12. 1976 (not yet published in the
Official Journal).

⁽²⁾ OJ No 34, 27. 2. 1964, p. 586/64.

⁽³⁾ OJ No L 315, 5. 12. 1975, p. 1.

COMMISSION REGULATION (EEC) No 3170/76
of 22 December 1976

extending the period of validity of interim protective measures with regard to imports into the United Kingdom of cotton yarn originating in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1525/70 of 20 July 1970 on particular measures provided for in the Agreement between the European Economic Community and Spain ⁽¹⁾,

Having consulted the advisory committee set up under the said Regulation,

Whereas by Commission Regulation (EEC) No 3339/75 of 22 December 1975 ⁽²⁾ the Commission established interim protective measures with regard to imports into the United Kingdom of cotton yarn originating in Spain;

Whereas by Regulation (EEC) No 1473/76 ⁽³⁾ the Commission extended the period of validity of these interim protective measures to 31 December 1976;

Whereas the reasons which originally led the Commission to take such action, that is to say that the said product is generally offered for sale on the market affected at prices which are below those prevailing for similar goods produced by Community producers and that such imports added to those of other third countries which are generally subject to limitation represent a substantial share of the market in the region of the Community concerned, continue to apply;

Whereas if the period of validity of interim protective measures with regard to imports into the United Kingdom of cotton yarn originating in Spain were not extended, there would be market disruption and serious injury to producers in the region of the Community concerned;

Whereas it appears justified to maintain these measures in effect, on an interim basis, until 31 March 1977,

HAS ADOPTED THIS REGULATION:

Article 1

1. The importation into the United Kingdom of cotton yarn, not put up for retail sale (CCT heading No 55.05) originating in Spain, shall remain subject to the production of an import authorization issued by the competent authorities in the United Kingdom.

2. The total quantity of such products for which import authorizations shall be issued during the period 1 January 1977 to 31 March 1977 shall not exceed 724 metric tons.

Article 2

This Regulation shall enter into force on 1 January 1977. It shall apply until 31 March 1977.

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

Done at Brussels, 22 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 175.

⁽²⁾ OJ No L 329, 23. 12. 1975, p. 26.

⁽³⁾ OJ No L 165, 25. 6. 1976, p. 23.

**COMMISSION REGULATION (EEC) No 3171/76
of 23 December 1976**

**fixing the amounts by which import charges on beef and veal originating in the
African, Caribbean and Pacific States are to be reduced**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3328/75 of 18 December 1975 renewing the arrange-
ments for the reduction of import charges on beef and
veal products originating in the African, Caribbean
and Pacific States⁽¹⁾, as last amended by Regulation
(EEC) No 2841/76⁽²⁾, and in particular Article 1
thereof,

Whereas Article 1 (1) of Regulation (EEC) No 3328/75
provides for a 90 % reduction in the import charges
on beef and veal ; whereas the amount of this reduc-
tion must be calculated in conformity with Article 4
of Commission Regulation (EEC) No 3376/75 of 23
December 1975 on detailed rules for the application
of Council Regulation (EEC) No 3328/75 renewing

the arrangements for the reduction of import charges
on beef and veal products originating in the African,
Caribbean and Pacific States⁽³⁾, as last amended by
Regulation (EEC) No 3136/76⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import charges on beef and
veal are to be reduced pursuant to Article 1 (1) of
Regulation (EEC) No 3328/75 shall, in respect of
importations during the first quarter of 1977, be as
shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January
1977.

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

Done at Brussels, 23 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 329, 23. 12. 1975, p. 4.
⁽²⁾ OJ No L 327, 26. 11. 1976, p. 1.

⁽³⁾ OJ No L 333, 30. 12. 1975, p. 44.
⁽⁴⁾ OJ No L 353, 23. 12. 1976, p. 40.

ANNEXE — ANNEX — ANHANG — ALLEGATO — BIJLAGE — BILAG

No du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles todtarif	Ireland + United Kingdom <i>UC/RE/UA/100 kg</i>	Autres États membres Other Member States Andere Mitgliedstaaten Altri Stati membri Andere Lid-Staten Andre medlemsstater <i>UC/RE/UA/100 kg</i>
01.02 A II a)	13,127	29,419
01.02 A II b)	13,127	29,419
02.01 A II a) 1 aa) 11	25,602	55,897
02.01 A II a) 1 aa) 22	20,450	44,717
02.01 A II a) 1 aa) 33	30,765	67,076
02.01 A II a) 1 bb) 11	25,602	55,897
02.01 A II a) 1 bb) 22	20,450	44,717
02.01 A II a) 1 bb) 33	30,765	67,076
02.01 A II a) 1 cc) 11	66,074	95,432
02.01 A II a) 1 cc) 22	71,179	109,202
02.01 A II a) 2 aa)	44,933	72,962
02.01 A II a) 2 bb)	35,908	58,370
02.01 A II a) 2 cc)	56,214	91,203
02.01 A II a) 2 dd) 11	93,088	119,750
02.01 A II a) 2 dd) 22 aaa)	55,549	91,203
02.01 A II a) 2 dd) 22 bbb) (1)	55,549	91,203
02.01 A II a) 2 dd) 22 ccc)	99,132	135,183
02.06 C I a) 1	67,352	95,432
02.06 C I a) 2	67,147	109,202

(1) L'admission dans cette sous-position est subordonnée à la présentation d'un certificat délivré dans les conditions prévues par les autorités compétentes des Communautés européennes.

(1) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

(1) Die Zulassung zu dieser Tarifstelle ist abhängig von der Vorlage einer Bescheinigung, die den von den zuständigen Stellen der Europäischen Gemeinschaften festgesetzten Voraussetzungen entspricht.

(1) L'ammissione in questa sottovoce è subordinata alla presentazione di un certificato conformemente alle condizioni stabilite dalle autorità competenti delle Comunità europee.

(1) Indeling onder deze onderverdeling is onderworpen aan de voorwaarde dat een certificaat wordt voorgelegd, hetwelk is afgegeven onder de voorwaarden en bepalingen, vastgesteld door de bevoegde autoriteiten van de Europese Gemeenschappen.

(1) Henførsel under denne underposition er betinget af, at der fremlægges en licens, der opfylder de betingelser, der er fastsat af de kompetente myndigheder i De europæiske Fællesskaber.

COMMISSION REGULATION (EEC) No 3172/76**of 28 December 1976****fixing the import levies on cereals and on wheat or rye flour groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1143/76⁽²⁾, and in particular
Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1882/76⁽³⁾ and subsequent amending
Regulations ;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1882/76, to the

offer prices and today's quotations known to the
Commission that the levies at present in force should
be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in
Article 1 (a), (b) and (c) of Regulation (EEC) No
2727/75 are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 29
December 1976.

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

Done at Brussels, 28 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 62.

ANNEX

to the Commission Regulation of 28 December 1976 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./metric ton)

CCT heading No	Description of goods	Levies
10.01 A	Common wheat and meslin	85.73
10.01 B	Durum wheat	139.85 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	61.72 ⁽⁶⁾
10.03	Barley	51.37
10.04	Oats	53.67
10.05 B	Maize other than hybrid maize for sowing	57.90 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	57.10 ⁽⁴⁾
10.07 C	Grain sorghum	59.71 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	131.34
11.01 B	Rye flour	97.71
11.02 A I a	Durum wheat groats and meal	227.42
11.02 A I b	Common wheat groats and meal	141.17

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽²⁾ Where maize originated in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./metric tons as provided for in Regulation (EEC) No 706/76.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./metric ton.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽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 2754/75 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 3173/76**of 28 December 1976****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 1143/76⁽²⁾, and in particular Article 15(6) thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 1883/76⁽³⁾ and subsequent amending Regulations;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be

altered as shown in the tables annexed to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The scale of the premiums to be added, pursuant to Article 15 of Regulation (EEC) No 2727/75, to the import levies fixed in advance in respect of cereals and malt is hereby fixed as shown in the tables annexed to this Regulation.

Article 2

This Regulation shall enter into force on 29 December 1976.

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

Done at Brussels, 28 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 64.

ANNEX

to the Commission Regulation of 28 December 1976 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./metric ton)

CCT heading No	Description of goods	Current 12	1st period 1	2nd period 2	3rd period 3
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	2.24	2.24	1.49
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0.75
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a./metric ton)

CCT heading No	Description of goods	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3174/76

of 28 December 1976

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3138/76⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied to calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁴⁾, as amended by Regulation (EEC) No 832/76⁽⁵⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first twenty-five days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation, is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for

these products and for compound feedingstuffs manufactured from cereals⁽⁶⁾, as last amended by Regulation (EEC) No 1997/75⁽⁷⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than 2.5 units of account per metric ton from the average of the levies calculated as described above;

Whereas in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing; whereas Regulation (EEC) No 1921/75⁽⁸⁾, as amended by Regulation (EEC) No 2415/75⁽⁹⁾, laid down certain transitional measures in respect of starches;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States or in the 'overseas countries and territories', the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'⁽¹⁰⁾;

Whereas Article 4 (2) of Regulation (EEC) No 2744/75 provides that the levy to be charged on the products listed in the Annex to that Regulation under subheading 07.06 A is limited, with effect from the date of entry into force of the Geneva Protocol (1967) annexed to the General Agreement on Tariffs and Trade, to the amount resulting from application of the rate of duty bound within GATT;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 100, 14. 4. 1976, p. 1.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 1. 8. 1975, p. 57.

⁽⁸⁾ OJ No L 195, 26. 7. 1975, p. 25.

⁽⁹⁾ OJ No L 247, 23. 9. 1975, p. 22.

⁽¹⁰⁾ OJ No L 85, 31. 3. 1976, p. 2.

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 recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 28 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

CCT heading No	Nomenclature in simplified wording	Levies in u.a./metric ton	
		Third countries (other than ACP and OCT)	ACP and OCT
07.06 A	Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes	9.21 ⁽¹⁾	7.71 ⁽¹⁾ / ⁽⁵⁾
11.01 C	Barley flour ^(*)	97.05	92.05
11.01 D	Oat flour ^(*)	103.41	98.41
11.01 E I	Maize flour, of a fat content not exceeding 1.5 % by weight ^(*)	111.47	106.47
11.01 E II	Maize flour, of a fat content exceeding 1.5 % by weight ^(*)	62.83	60.33
11.01 F	Rice flour ^(*)	66.43	63.93
11.01 G	Cereals flours, other than flour of wheat, meslin, rye, barley, oats, maize or rice ⁽²⁾	63.51	61.01
11.02 A II	Rye groats and meal ^(*)	116.20	111.20
11.02 A III	Barley groats and meal ^(*)	97.05	92.05
11.02 A IV	Oat groats and meal ^(*)	103.41	98.41
11.02 A V a) 1	Maize groats and meal, of a fat content not exceeding 1.5 % by weight, for the brewing industry ^(*)	111.47	106.47
11.02 A V a) 2	Maize groats and meal, of a fat content not exceeding 1.5 % by weight, other than for the brewing industry ^(*)	111.47	106.47
11.02 A V b)	Maize groats and meal, of a fat content exceeding 1.5 % by weight ^(*)	62.83	60.33
11.02 A VI	Rice groats and meal ^(*)	66.43	63.93
11.02 A VII	Cereals groats and meal, other than groats and meal of wheat, meslin, rye, barley, oats, maize or rice ^(*)	63.51	61.01
11.02 B I a) 1	Hulled (shelled or husked) barley ^(*)	84.32	81.82
11.02 B I a) 2 aa)	Clipped oats	58.26	55.76
11.02 B I a) 2 bb)	Hulled (shelled or husked) oats other than clipped oats ^(*)	100.91	98.41
11.02 B I b) 1	Hulled and sliced or kibbled barley ('Grütze' or 'Grutten') ^(*)	84.32	81.82
11.02 B I b) 2	Hulled and sliced or kibbled oats ('Grütze' or 'Grutten') ^(*)	100.91	98.41

CCT heading No	Nomenclature in simplified wording	Levies in u.s./metric ton	
		Third countries (other than ACP and OCT)	ACP and OCT
11.02 B II a)	Hulled (shelled or husked) wheat, whether or not sliced or kibbled (*)	117.73	115.23
11.02 B II b)	Hulled (shelled or husked) rye, whether or not sliced or kibbled (*)	84.67	82.17
11.02 B II c)	Hulled (shelled or husked) maize, whether or not sliced or kibbled (*)	97.14	94.64
11.02 B II d)	Hulled (shelled or husked) grains, whether or not sliced or kibbled, other than those of wheat, rye, maize, barley or oats (*)	98.20	95.70
11.02 C I	Pearled wheat (*)	141.12	138.62
11.02 C II	Pearled rye (*)	101.35	98.85
11.02 C III	Pearled barley (*)	132.85	127.85
11.02 C IV	Pearled oats (*)	89.97	87.47
11.02 C V	Pearled maize (*)	97.14	94.64
11.02 C VI	Pearled grains, other than grains of wheat, rye, barley, oats or maize (*)	98.20	95.70
11.02 D I	Wheat not otherwise worked than kibbled (*)	90.87	88.37
11.02 D II	Rye not otherwise worked than kibbled (*)	65.52	63.02
11.02 D III	Barley not otherwise worked than kibbled (*)	54.66	52.16
11.02 D IV	Oats not otherwise worked than kibbled (*)	58.26	55.76
11.02 D V	Maize not otherwise worked than kibbled (*)	62.83	60.33
11.02 D VI	Grains not otherwise worked than kibbled, other than grains of wheat, rye, barley, oats or maize (*)	63.51	61.01
11.02 E I a) 1	Rolled barley (*)	54.66	52.16
11.02 E I a) 2	Rolled oats (*)	58.26	55.76
11.02 E I b) 1	Flaked barley (*)	107.28	102.28
11.02 E I b) 2	Flaked oats (*)	114.34	109.34
11.02 E II a)	Rolled or flaked wheat (*)	160.95	155.95
11.02 E II b)	Rolled or flaked rye (*)	116.20	111.20
11.02 E II c)	Rolled or flaked maize (*)	111.47	106.47
11.02 E II d) 1	Flaked rice (*)	113.56	108.56

CCT heading No	Nomenclature in simplified wording	Levies in u.a./metric ton	
		Third countries (other than ACP and OCT)	ACP and OCT
11.02 E II d) 2	Rolled or flaked grains other than grains of wheat, rye, barley, oats, maize or rice, excluding flaked rice (*)	112-66	107-66
11.02 F I	Wheat pellets (*)	160-95	155-95
11.02 F II	Rye pellets (*)	116-20	111-20
11.02 F III	Barley pellets (*)	97-05	92-05
11.02 F IV	Oat pellets (*)	103-41	98-41
11.02 F V	Maize pellets (*)	111-47	106-47
11.02 F VI	Rice pellets (*)	66-43	63-93
11.02 F VII	Pellets of cereals other than wheat, rye, barley, oats, maize or rice (*)	63-51	61-01
11.02 G I	Wheat germ, whole, rolled, flaked or ground	69-98	64-98
11.02 G II	Germ of cereals other than wheat, whole, rolled flaked or ground	49-36	44-36
11.06 A	Denatured flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06, for the manufacture of starches	11-71	6-21 (*)
11.06 B I	Undenatured flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06, for the manufacture of starches	89-69	69-69 (*)
11.06 B II	Undenatured flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06, other than for the manufacture of starches	112-23	92-23 (*)
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	163-22	154-22
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	124-23	115-23
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	100-03 (*)	91-03
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	77-02	68-02
11.07 B	Roasted malt	88-27 (*)	79-27
11.08 A I	Maize starch	89-69	72-69
11.08 A II	Rice starch	91-03	65-53
11.08 A III	Wheat starch	163-61	146-61
11.08 A IV	Potato starch	89-69	72-69

CCT heading No	Nomenclature in simplified wording	Levies in u.a./metric ton	
		Third countries (other than ACP and OCT)	ACP and OCT
11.08 A V	Starches other than maize, rice, wheat or potato starch	89-69	36-34 ⁽⁵⁾
11.09	Wheat gluten, whether or not dried	416-56	266-56
17.02 B II a)	Glucose other than glucose containing, in the dry state, 99 % or more by weight of the pure product ⁽³⁾ , in the form of white crystalline powder, whether or not agglomerated	174-82	94-82
17.02 B II b)	Glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product ⁽³⁾ , other than glucose in the form of white crystalline powder, whether or not agglomerated	127-69	72-69
17.05 B I	Flavoured or coloured glucose, in the form of white crystalline powder, whether or not agglomerated	174-82	94-82
17.05 B II	Flavoured or coloured glucose syrup, other than in the form of white crystalline powder, whether or not agglomerated	127-69	72-69
23.02 A I a)	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, with a starch content not exceeding 35 % by weight	19-69	19-69
23.02 A I b)	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, with a starch content exceeding 35 % by weight	63-01	63-01
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, of which the starch content does not exceed 28 % by weight, and of which the percentage which passes through a sieve with an aperture of 0.2 mm does not exceed 10 % by weight or of which the sieved product has an ash content, calculated on the dry product, of 1.5 % or more by weight	15-75	15-75
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not falling within subheading 23.02 A II a)	63-01	63-01
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight	240-30	90-30

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

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

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

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

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

⁽⁴⁾ In accordance with Regulation (EEC) No 2755/75 this levy is reduced by 0.45 u.a./100 kg for products originating in Turkey.

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

- arrow-root falling within sub-heading ex 07.06 A
- flours and meal of arrow-root falling within sub-headings ex 11.06 A, ex 11.06 B I and II
- arrow-root starch falling within sub-heading ex 11.08 A V.

COMMISSION REGULATION (EEC) No 3175/76
of 28 December 1976
fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3138/76⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas the incidence of the levies applicable to the basic products of compound feedingstuffs on their prime costs should be determined, in pursuance of Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, on the basis of the average of the levies applicable during the first 25 days of the month preceding the month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is specified in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States or in the 'overseas countries and territories', the levy relating to them in respect of certain products processed from cereals must be reduced by the

amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'⁽⁴⁾;

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 recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75 the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are fixed hereby as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1977.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 85, 31. 3. 1976, p. 2.

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

Done at Brussels, 28 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

CCT heading No	Nomenclature in simplified wording	Levies in u.a./metric ton	
		Third countries (other than ACP and OCT)	ACP and OCT
	Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 968/68, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 17.05 B, or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04, and subheadings 17.02 A and 17.05 A) containing starch, glucose or glucose syrup :		
	Containing no starch or containing 10 % or less by weight of starch :		
23.07 B I a) 1	— Containing no milk products or containing less than 10 % by weight of such products	18.46	9.46
23.07 B I a) 2	— Containing 10 % or more but less than 50 % by weight of milk products	457.68	448.68
	Containing more than 10 % but not more than 30 % by weight of starch :		
23.07 B I b) 1	— Containing no milk products or containing less than 10 % by weight of such products	38.58	29.58
23.07 B I b) 2	— Containing 10 % or more but less than 50 % by weight of milk products	477.80	468.80
	Containing more than 30 % by weight of starch :		
23.07 B I c) 1	— Containing no milk products or containing less than 10 % by weight of such products	68.15	59.15
23.07 B I c) 2	— Containing 10 % or more but less than 50 % by weight of milk products	507.37	498.37

COMMISSION REGULATION (EEC) No 3176/76
of 28 December 1976
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 1487/76⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1564/76⁽³⁾, as last amended by Regulation (EEC) No 3119/76⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1564/76 to the information at present available to the Commis-

sion that the levies at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The levies referred to in Article 15 (1) of Regulation (EEC) No 3330/74 are, in respect of white sugar and standard quality raw sugar, hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 December 1976.

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

Done at Brussels, 28 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1976, p. 9.

⁽³⁾ OJ No L 172, 1. 7. 1976, p. 31.

⁽⁴⁾ OJ No L 352, 22. 12. 1976, p. 21.

ANNEX

to the Commission Regulation of 28 December 1976 fixing the import levies on white sugar and raw sugar

CCT heading No	Description of goods	Levy <small>(u.a./100 kg)</small>
17.01	Beet sugar and cane sugar, solid : A. White sugar B. Raw sugar	21.72 19.58 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 16 December 1976

on the minimum level of training for some road transport drivers

(76/914/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport⁽¹⁾, as last amended by Regulation (EEC) No 515/72⁽²⁾, and in particular Article (5) (1) (b), second indent, and (2) (c) thereof,

Having regard to the proposal from the Commission,
Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas under Article 5 (1) (b), second indent, of Regulation (EEC) No 543/69, the driver of a vehicle intended for the transport of goods having an authorized maximum weight of over 7.5 metric tons and to which this Regulation applies, if he has not reached the age of 21 years, must hold a certificate of professional competence recognized by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of goods by road;

Whereas under Article 5 (2) of Regulation (EEC) No 543/69, the driver of a vehicle intended for the carriage of passengers and to which the Regulation applies must be at least 21 years old and must meet one of the conditions laid down by that paragraph;

whereas one of these conditions stipulates that the driver must hold a certificate of professional competence recognized by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road;

Whereas, to determine the minimum level of such training account should be taken, in particular, of the differences in the conditions for carrying out the transport of goods and the transport of passengers by road,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Any person who possesses the appropriate national driving licence and who has completed a course of vocational training covering at least the subjects listed in the Annex to this Directive shall be recognized as having the minimum level of training for drivers of vehicles intended for the carriage of goods by road, referred to in the second indent of Article 5 (1) (b) of Regulation (EEC) No 543/69 or for drivers of vehicles intended for the carriage of passengers by road, referred to in paragraph 2 (c) of the said Article.

2. The programme and organization of the course of vocational training referred to in paragraph 1 shall be laid down by the Member State. Proof that this training has been completed shall be furnished by means of an examination or a check carried out by the State or by the bodies designated to do so by the State acting under the direct supervision of the State.

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ OJ No L 67, 20. 3. 1972, p. 11.

⁽³⁾ OJ No C 46, 9. 5. 1972, p. 8.

⁽⁴⁾ OJ No C 88, 6. 9. 1971, p. 14.

3. A Member State may require drivers carrying out national transport within its territory and drivers carrying out international transport in vehicles registered in that State to undergo more extensive training than that provided for in the Annex. This may be training which is already established in a Member State or training which a Member State decides to introduce in the future.

Article 2

1. The certificate of professional competence referred to in the second indent of Article 5 (1) (b) and in Article 5 (2) (c) of Regulation (EEC) No 543/69 shall be issued by the State or the bodies designated to do so by the State acting under the direct supervision of the State to persons who meet the requirements laid down in Article 1 of this Directive.

2. Rights acquired pursuant to the provisions referred to in paragraph 1 prior to the entry into force of the national provisions adopted in implementation of this Directive shall remain valid in the same way as certificates issued pursuant to this Directive.

Article 3

1. After consulting the Commission, the Member States shall bring into force the measures necessary to comply with this Directive within two years following its notification.

2. Each Member State shall provide the Commission with specimens of the certificates or equivalent documents which it adopts with a view to implementing Article 2 (1). The Commission shall forthwith forward this information to the other Member States.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1976.

For the Council

The President

Th. E. WESTERTERP

ANNEX**MINIMUM TRAINING NECESSARY FOR THE AWARD OF A CERTIFICATE OF PROFESSIONAL COMPETENCE WITHIN THE MEANING OF ARTICLE 5 (1) (b) OR (2) (c) OF REGULATION (EEC) No 543/69**

Training leading to the award of a certificate of professional competence shall include at least the following subjects, to the extent that they are not already covered by training for a driving licence.

1. Knowledge of the construction and main component parts of a vehicle**1.1. Knowledge of the construction and functioning of:**

- internal combustion engines,
- lubrication and cooling systems,
- the fuel system,
- the electrical system,
- the ignition system,
- the transmission system (clutch, gearbox, etc.)

1.2. General knowledge of lubrication and antifreeze protection**1.3. Knowledge of the precautions to be taken during the removal and replacement of wheels****1.4. Knowledge of the construction, fitting, correct use and care of tyres****1.5. Knowledge of the types, operation, main parts, connection, use and day-to-day maintenance of brake fittings, and knowledge of coupling systems****1.6. Knowledge of methods of locating causes of breakdowns****1.7. Knowledge of how to repair minor breakdowns with the aid of the correct equipment****1.8. General knowledge of preventive maintenance of vehicles and necessary running repairs.****2. General knowledge of transport and administrative procedures****2.1. General ability and sufficient geographical knowledge to use road maps and their indexes****2.2. Economical use of vehicles****2.3. Knowledge of the steps to be taken after an accident or similar occurrence (e.g. fire) in connection with vehicle insurance****2.4. Knowledge of the national legislation applicable to the type of transport concerned — goods or passenger***for drivers of goods vehicles:***2.5. Elementary knowledge of the driver's responsibility in respect of the receipt, carriage and delivery of goods in accordance with the agreed conditions****2.6. Knowledge of the vehicle and transport documents required for the national and international carriage of goods****2.7. Knowledge of the techniques of loading and unloading goods and of the use of loading and unloading equipment**

2.8. Basic knowledge of the precautions to be taken in the handling and carriage of dangerous goods

for drivers of passenger vehicles:

2.9. Knowledge of the driver's responsibility in respect of the carriage of passengers

2.10. Knowledge of the vehicle and passenger documents required for the national and international carriage of passengers.

3. Experience of driving goods or passenger vehicles

3.1. For drivers of goods vehicles:

Practical experience of driving and manoeuvring vehicles of more than 7.5 metric tons and using a coupling device

3.2. For drivers of passenger vehicles:

Practical experience of driving and manoeuvring buses or coaches.

COMMISSION

COMMISSION DECISION

of 1 December 1976

relating to a proceeding under Article 85 of the EEC Treaty (IV/29.018 — Miller International Schallplatten GmbH)

(Only the German text is authentic)

(76/915/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof,

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Articles 3 and 15 thereof,

Having regard to the Commission Decision of 23 February 1976 to initiate proceedings against Miller International Schallplatten GmbH, Quickborn bei Hamburg,

Having heard that undertaking in accordance with Article 19 (1) of Regulation No 17 and with Regulation No 99/63/EEC⁽²⁾,

Having regard to the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions delivered pursuant to Article 10 of Regulation No 17 on 6 July 1976,

Whereas :

I. The facts

1. Miller International Schallplatten GmbH, Quickborn (hereinafter referred to as 'Miller') produces sound recordings (records, tapes and cassettes) which it distributes under the 'Europa' and 'Sonic' labels. A third Miller label 'Somerset' is no longer used.

2. Miller's goods are exclusively in the so-called bargain range, currently retailing at up to DM 12.80.

The low price is made possible by the fact that Miller's recordings are of relatively unknown artists. Miller does not use international stars or well-known artists in the production of its recordings, but produces 'cover' versions, that is to say identical copies by unknown artists, to whom Miller pays a single fee.

3. Miller's repertoire consists primarily of light music, including recordings for children in German, which account for about half the titles published, music from the German hit parade and German folk music and, to a lesser extent, vocal music in English and instrumental music.

4. Miller states that in 1975 its share of the entire sound recordings market in Germany was ... % and its share of exports was ... %.

Miller is a wholly owned subsidiary of the American firm MCA Records Inc., whose holding company is MCA Inc., Universal City.

5. Miller has concluded exclusive dealing agreements for the sale of its products in Alsace and Lorraine and in the Netherlands. Clause 5 of the agreement with the French sole distributor dated 11 June 1971 provides :

'No Miller products shall as a rule be exported from Alsace-Lorraine to other countries.'

Clause 9 of the agreement with the Dutch sole distributor, dated 15 November 1973, although not enforced as a result of a supplemental provision, provides :

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

'In conforming with the EEC Regulations pertaining to title and reshipping rights of goods Delta (the sole distributor) and Miller agree the following :

In that Miller is giving an exclusive right to the territory to Delta, Delta will in the spirit of the agreement refrain from shipping the subject goods outside of the Netherlands without an express understanding from Miller that it will not have a harmful effect on Miller's other importers or licensees in areas other than the Netherlands.'

Within the common market, apart from the two sole distributors already named, Miller has sole importers in Belgium, Luxembourg and Denmark, though without any formal agreement. For Italy, Miller had granted until 31 December 1975 an exclusive license for the manufacture and sale of recordings on the Europa and Somerset labels.

6. From about 1970 Miller's terms and conditions of sale (domestic market) contained a clause 9 (exports) which provided :

'No records on our labels may be exported. If this provision is not complied with, we may cease supplying the seller and may hold him liable for any claims in damages brought against us in foreign countries in respect of such exports.'

Since 1 August 1974 the terms and conditions of sale and payment applicable to all domestic and foreign customers have contained the same provision in the following form at Clause IX (exports) :

'The customer shall as a rule refrain from exporting goods supplied to him by us. In case of breach of this provision we may cease supplying the customer who is in breach and may seek from him an indemnity in respect of any claim for damages brought against us in foreign countries.'

7. After the Commission had made representations upon receiving a complaint against the export prohibition contained in Miller's terms and conditions of sale (domestic market), Miller stated by letter dated 7 May 1975 that it would not impose such an export prohibition in future and would no longer enforce export prohibitions against its customers.

By letter dated 3 November 1975, Miller sent the Commission a revised version of its terms and conditions of sale and payment, in which the export prohibition no longer appeared.

8. Miller's object in imposing the prohibition was to prevent the export of sound recordings to other countries, notably Community countries, so as to shield its sole importers or licensees from competition.

II. Applicability of Article 85 (1) of the EEC Treaty

9. Article 85 (1) prohibits as incompatible with the common market all agreements between undertakings which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market.

10. The exclusive dealing agreement concluded by Miller with the exclusive dealer in France is an agreement between undertakings, as are Miller's terms and conditions of sale, for they of necessity form part of the agreements between Miller and its individual customers.

11. The object and effect of these agreements was to prevent exports of the goods to other Community countries. They thus had the object and effect of restricting such competition as Miller's customers could have created by exporting such goods to other Community countries.

12. The finding that there has been an infringement of competition in this case cannot be affected by the size of Miller's share of the market for all sound recordings. Miller primarily records light music. The peculiar characteristics of light and serious music are such that they are only rarely interchangeable. Accordingly, recordings of light music may be said to constitute a separate market. Since in the Federal Republic of Germany light music recordings account for around 90 % of the turnover in sound recordings of all types, the share of ... % enjoyed by Miller in the market for all sound recordings represents a share of ... % in the market for recordings of light music.

13. It should furthermore be noted that around half of Miller's repertoire consists of recordings for children, in which market this undertaking has a leading position.

14. Although half of Miller's repertoire consists of recordings in German for children and the rest mainly of music from the German hit parade and German folk music, the customers of this company might have been in a position to compete by exporting the goods in question to other countries of the Community. For the sale of Miller's recordings is not restricted by reason of language to the German market, as can be seen from the fact that Miller accounted for ...% of German record exports in 1975. Many other Community countries may be regarded as export markets, since, even if only in regions bordering on Germany, people in those countries tend to have at least some knowledge of the German language.

Knowledge of the German language by purchasers in other Community countries may be said to be of minor importance as regards the sale of sound recordings of the German hit parade and folk music (songs in dialect and carnival songs, for example). Furthermore, purchasers in other Member States may have an interest in reimporting Miller's products into the Federal Republic of Germany from other countries.

15. The restriction of competition was consequently appreciable.

16. The export prohibitions were for these reasons likely to affect trade between Member States. They raised artificial barriers to trade in the goods in question between the Community countries. They had a direct effect on the flow of trade between the Member States of such a nature as to jeopardize attainment of the objectives of a single market.

17. The exclusive dealing agreements and terms and conditions of sale in question are therefore within Article 85 (1).

III. Inapplicability of Article 85 (3) of the EEC Treaty

18. Under Article 85 (3), Article 85 (1) may be declared inapplicable in the case of any agreement which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing the consumer a fair share of the resulting benefit, and which does not:

(a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;

(b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

19. Such exemption under Article 85 (3) is barred from the outset, for the export prohibitions were not notified to the Commission as required by Article 4 (1) of Regulation No 17.

Nor do the export prohibitions fall within subparagraph 1 of Article 4 (2) of Regulation No 17, for they concern exports from one Member State to another.

Article 85 (3) is therefore inapplicable to the present case.

IV. Applicability of Article 15 (2) (a) of Regulation No 17

20. Under Article 15 (2) (a) of Regulation No 17, the Commission may by decision impose on undertakings fines of from 1 000 to 1 000 000 units of account, or a sum in excess thereof but not exceeding 10 % of the turnover in the preceding business year of each of the undertakings participating in the infringement where, either intentionally or negligently, they infringe Article 85 (1) of the Treaty. In fixing the amount of the fine, regard must be had both to the gravity and to the duration of the infringement.

21. Miller has intentionally infringed Article 85 (1). It knew and intended that its prohibitions on export would prevent its customers from competing in the goods in question in other Community countries. Miller was also aware that export prohibitions were contrary to Community law, or at least chose to ignore any doubt on this question. So much is evident from the reference to EEC Regulations in the formulation of the export prohibition, which however never came into force, in the agreement with the Dutch sole distributor and from a statement by the manager of the company, made in the course of the hearing, that he knew that such a prohibition was not permitted. Furthermore it has been well known since the Decision of the Commission of 23 September 1964 in the Grundig/Consten Case⁽¹⁾ and the judgment of the Court of Justice of 13 July 1966 in Case Nos 56 and 58/64, Grundig/Consten⁽²⁾, that prohibitions on export constitute a serious infringement of Article 85 of the EEC Treaty. Furthermore, in its Decision of 22 December 1972 in the WEA-Filipacchi Music SA Case⁽³⁾, the Commission found that export prohibitions on records produced by that undertaking were

⁽¹⁾ OJ No 161, 20. 10. 1964, p. 2545/64.

⁽²⁾ (1966) ECR 299.

⁽³⁾ OJ No L 303, 31. 12. 1972, p. 52.

infringements of Article 85 (1) of the EEC Treaty, and it fined the undertaking for having imposed the same.

22. In fixing the amount of the fine the gravity and duration of the infringement as well as the position of the undertaking should be taken into account.

(a) Export prohibitions constitute a serious infringement of Article 85 of the EEC Treaty since they prevent the creation of a single market.

The export prohibitions imposed by Miller International Schallplatten GmbH affected large numbers of retailers in the common market. Miller was, however, aware of instances of exports being made to other Member States and did not apply sanctions.

(b) Miller imposed the export bans under its terms and conditions of sale in about 1970 and in its exclusive dealing agreements of 11 June 1971 with its French distributor. It enforced them until May 1975. The infringements thus continued over a considerable length of time.

(c) Miller is a medium-sized firm which, although belonging to the American MCA group, does not itself have a very high turnover.

23. In the light of these considerations the Commission considers that Miller should be fined 70 000 units of account,

HAS ADOPTED THIS DECISION :

Article 1

The export prohibitions on recordings by Miller International Schallplatten GmbH contained, until 7 May

1975, in the exclusive dealing agreement concluded by that undertaking on 11 June 1971, in its terms and conditions of sale (domestic market) operating until 31 July 1974 and in its terms and conditions of sale and payment in force from 1 August 1974 constituted infringements of Article 85 (1) of the Treaty establishing the European Economic Community.

Article 2

A fine of 70 000 (seventy thousand) units of account, being 256 200 (two hundred and fifty six thousand two hundred) German marks is imposed on Miller International Schallplatten GmbH in respect of the infringements referred to in Article 1. The fine is to be paid within three months of notification of this Decision.

Article 3

This Decision shall be enforceable pursuant to Article 192 of the Treaty establishing the European Economic Community.

Article 4

This Decision is addressed to Miller International Schallplatten GmbH, Justus von Liebig-Ring 2—4, Quickborn.

Done at Brussels, 1 December 1976.

For the Commission

R. VOUEL

Member of the Commission

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