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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 355/77**

**of 15 February 1977**

**on common measures to improve the conditions under which agricultural products are processed and marketed**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Whereas in the Community the vast majority of agricultural products undergo processing before reaching the end consumer; whereas improvement of the processing and marketing of agricultural products, in particular improvement in their quality and presentation, opens up wider markets and improves the return obtained, thus contributing towards increased agricultural productivity;

Whereas the measures to be taken in this field are of a Community nature and are intended to achieve the objectives set out in Article 39 (1) (a) of the Treaty; whereas they therefore constitute common measures within the meaning of Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 2788/72<sup>(4)</sup>;

Whereas in order to ensure coherent improvement in the processing and marketing of agricultural products, the financial contribution of the Guidance Section of the European Agricultural Guidance and Guarantee Fund to investment projects should be conditional on their inclusion in specific programmes containing a detailed analysis of the situation in the sector and of the improvements proposed;

Whereas, to be eligible for Community financing, projects must permit in particular the achievement of improvement and rationalization of processing and marketing structures in respect of agricultural products and of a lasting beneficial effect on agriculture;

Whereas, with a view to guiding the aid given by the Fund, criteria should be laid down enabling it to be established which projects must primarily be considered;

Whereas, in order to ensure consistency between the measures taken by the Community and those of the Member State concerned, it is necessary that the Member State approve the projects to be financed by the Fund and also contribute to their financing;

Whereas, in order to ensure that beneficiaries observe the conditions imposed at the time aid from the Fund is granted, a procedure should be laid down for an effective check and for the possible suspension, reduction or discontinuation of aid from the Fund;

Whereas aid from the Fund in the form of a capital grant of not more than 25 % of the total of the investment constitutes an appropriate contribution to the implementation thereof; whereas, for certain projects, an increased contribution might however be justified in order to take account of the particular difficulties experienced by certain regions;

Whereas the aid from the Fund must not affect or be likely to affect conditions of competition in a manner incompatible with the principles of the Treaty; whereas in particular it must neither strengthen nor create a dominant position in the common market or in a substantial part of it, save where this proves necessary for achieving the aims of this Regulation;

<sup>(1)</sup> OJ No C 178, 2. 8. 1976, p. 36.

<sup>(2)</sup> OJ No C 45, 27. 2. 1976, p. 11.

<sup>(3)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(4)</sup> OJ No L 295, 30. 12. 1972, p. 1.

Whereas aid from the Fund over a period of five years, amounting to an estimated 400 million units of account, would contribute to the improvement of the conditions for the processing and marketing of agricultural products ;

Whereas, for the approval both of programmes and projects, a procedure should be laid down ensuring close cooperation between Member States and the Commission within the Standing Committee on Agricultural Structure, set up under Article 1 of the Council Decision of 4 December 1962 on the coordination of agricultural structural policies<sup>(1)</sup> or, for matters relating to fisheries, within this Committee and the Standing Committee for the Fishing Industry set up under Article 11 of Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry<sup>(2)</sup>; whereas, in the case of projects, provision should also be made for the Fund Committee referred to in Article 11 of Regulation (EEC) No 729/70 to be consulted ;

Whereas, for the first years of the implementation of the common measures, provision must be made for the financing of projects not included in programmes, in view of the time required to establish the latter,

HAS ADOPTED THIS REGULATION :

#### *Article 1*

1. In order to improve the structure of the markets in agricultural products and, in particular, to facilitate such adaptations or guidance of agriculture as may be necessitated by the economic consequences of the common agricultural policy, or as are designed to meet the requirements of that policy, common measures shall be introduced to facilitate the development or rationalization of undertakings engaged in the treatment, processing or marketing of agricultural products.

2. All the measures provided for in this Regulation shall constitute common measures within the meaning of Article 6 (1) of Regulation (EEC) No 729/70.

3. The Commission may grant aid for common measures, in accordance with Titles III and IV, by financing projects which are included in the specific programmes described in Title I and which satisfy the conditions of Title II, through the Guidance Section of the European Agricultural Guidance and Guarantee Fund, hereinafter referred to as the 'Fund'.

<sup>(1)</sup> OJ No 136, 17. 12. 1962, p. 2892/62.

<sup>(2)</sup> OJ No L 20, 28. 1. 1976, p. 19.

## TITLE I

### Specific programmes

#### *Article 2*

Specific programmes, hereinafter referred to as 'programmes', shall be designed to develop or rationalize the treatment, processing or marketing of one or more agricultural products in part of or all of the Community.

They shall be drawn up by the Member States.

#### *Article 3*

1. Programmes shall include at least the following details :

- (a) a definition of the geographical area and of the sector covered by the programme and reasons for this definition ;
- (b) the initial situation and the trends which can be inferred from it, in particular as regards :
  - the economic and social situation of the geographical area in general, in so far as this has a bearing on the programme, and in particular the prospective outlets for agricultural products,
  - the importance of agricultural activity,
  - the situation as regards the processing and marketing of the agricultural products covered by the programme and especially the existing capacity of the undertakings concerned ;
- (c) the needs to be met by the programme and the objectives which it is intended to achieve, in particular the capacity to be reached ;
- (d) the economic importance of the programme for the products concerned and the implications of the programme for agricultural undertakings in the geographical area concerned ;
- (e) the means proposed for achieving the objectives of the programme, particularly the total amount of investment ;
- (f) the relationship of the programme to any other measures to encourage the harmonious development of the overall economy of the geographical area in question ;
- (g) the estimated time required for the execution of the programme which in principle should not be more than three to five years.

2. The details referred to in paragraph 1 must not be out of date.

*Article 4*

1. Programmes and any modifications thereto shall be forwarded to the Commission by the Member State or States on the territory of which they are to be carried out.

2. At the request of the Commission, the Member State or States involved in a programme shall submit supplementary background information in the context of the details required under Article 3.

*Article 5*

Within six months of the date of receipt of each programme or of modifications thereto and on condition that all the details specified in Article 3 have been provided, the Commission shall take a decision, under the procedure laid down in Article 22, as to their approval.

## TITLE II

**Projects***Article 6*

1. For the purposes of this Regulation 'project' means any project involving public, semi-public or private material investment relating wholly or in part to buildings and/or equipment for:

- (a) rationalizing or developing storage, market preparation, preservation, treatment or processing of agricultural products;
- (b) improving marketing channels;
- (c) better knowledge of the facts relating to prices and to their formation on the markets for agricultural products.

2. This Regulation shall not apply to investments at the retail level.

*Article 7*

1. Projects shall relate to the marketing of the products set out in Annex II to the Treaty or to the production of the processed products set out in that Annex.

2. In so far as this proves necessary, the Council, acting by a qualified majority on a proposal from the Commission, may decide that projects may also relate to the processing of agricultural products listed in Annex II to the Treaty into goods not covered by that Annex, or to the marketing of such goods, if and in so far as the production or marketing of such goods constitutes a major outlet for the agricultural products involved.

*Article 8*

In view of the Community's production objectives, the Council, acting by a qualified majority on a proposal from the Commission, may temporarily suspend the application of this Regulation or temporarily amend the provisions thereof in respect of certain sectors.

*Article 9*

1. Projects must contribute to improving the situation of the basic agricultural production sector in question; in particular they must guarantee the producers of the basic agricultural product an adequate and lasting share in the resulting economic benefits.

2. Aid from the Fund may be granted only if the beneficiary provides sufficient evidence that the conditions defined in Article 7 and in paragraph 1 of this Article are fulfilled. Account may be taken *inter alia* of long-term supply contracts concluded with the producers of the basic agricultural product, on reasonable terms for such producers.

*Article 10*

Projects must:

- (a) form part of programmes;
- (b) offer adequate guarantees that they will be profitable;
- (c) contribute to the lasting economic effect of the structural improvement aimed at by the programmes.

*Article 11*

1. Without prejudice to Article 9, aid from the Fund shall be primarily for projects fulfilling one or more of the following criteria:

- (a) that they help to guide production in a direction sought by the common agricultural policy or involve the development of new outlets for agricultural production, particularly through the manufacture of new products;
- (b) that they are likely to lighten the burden on the intervention mechanisms of the common organization of markets by meeting a need for structural improvement in the long term;
- (c) that they are in regions experiencing particular difficulty in adjusting to the conditions and economic consequences of the common agricultural policy, or that they benefit those regions;

- (d) that they help to shorten or improve the marketing channels for agricultural products or to rationalize the method of processing such products ;
- (e) that they contribute to the improvement of the quality, presentation and market preparation of products or the better use of by-products, in particular by the recycling of waste.

2. The Council, acting by a qualified majority on a proposal from the Commission, may amend or add to the list of criteria given in paragraph 1.

#### *Article 12*

1. By way of derogation from Article 10 (a), until 31 December 1980 projects relating to sectors and geographical areas for which programmes have not yet been approved may receive aid from the Fund.

2. From 1 January 1979 priority for aid from the Fund shall be given to projects included in approved programmes.

### TITLE III

#### Procedure for the examination of projects

#### *Article 13*

1. Applications for aid from the Fund must be submitted through the Member State concerned before 1 May.

2. The Commission shall take decisions twice yearly on applications for aid which have been submitted. Its decisions shall be taken not later than 30 June and 31 December.

Decisions taken during the first half of a year shall be limited to applications for aid submitted by 31 December of the preceding year. Applications for aid submitted between 1 January and 30 April cannot be considered until the second half of the same year.

3. In order to receive aid from the Fund, a project must have been approved by the Member State on the territory of which it is to be carried out.

4. An application for aid must be accompanied by information making it possible to establish that the project satisfies the requirements laid down in Title II.

5. The particulars which must be given in the applications and the form in which they must be presented shall be determined in accordance with the procedure laid down in Article 22, after the Fund Committee has been consulted on the financial aspects.

#### *Article 14*

1. The Commission shall decide upon aid from the Fund according to the procedure laid down in Article 22 after consulting the Fund Committee on the financial aspects.

2. The Member State concerned and the beneficiary shall be notified of the Commission's decision.

#### *Article 15*

1. In taking its decision the Commission shall take account in particular of the allocation to the project concerned of any direct or indirect investment aid other than that provided for in this Regulation. The Member State concerned shall, to that end, inform the Commission of any such aid.

2. Projects which are eligible for Community aid under other common measures within the meaning of Article 6 (1) of Regulation (EEC) No 729/70 shall not come within the scope of this Regulation.

### TITLE IV

#### Financial and general provisions

#### *Article 16*

1. The estimated time required for carrying out the common measures is five years from 1 January 1978.

2. Before the end of the period referred to in paragraph 1, this Regulation shall be re-examined by the Council on a proposal from the Commission.

3. The estimated cost of the common measures financed by the Fund for the period from 1 January 1978 to 31 December 1982 is 400 million units of account, i.e. an estimated cost of 80 million units of account per year.

4. Article 6 (5) of Regulation (EEC) No 729/70 shall apply to this Regulation.

#### *Article 17*

1. Aid from the Fund shall consist of capital grants paid in a lump sum or in instalments.

2. For each project, in relation to the investment made :

- (a) the financial contribution of the beneficiary must be not less than 50 % ;
- (b) the financial contribution of the Member State on the territory of which the project is to be carried out must be not less than 5 % ;

(c) the aid granted by the Fund shall be equal to not more than 25 % ; however, the Commission may, in accordance with the procedure laid down in Article 22, increase this to a maximum of 30 % in the case of projects referred to in Article 11 (c).

3. Aid from the Fund for projects provided for in Article 12 (1) may not exceed, in relation to the investment made :

- 25 % in the case of projects financed under provisions made for the financial years 1978 and 1979 ;
- 15 % in the case of projects financed under provisions made for the financial year 1980.

#### *Article 18*

The granting of aid from the Fund must not affect the conditions of competition in such a way as to be incompatible with the principles contained in the Treaty.

#### *Article 19*

1. Aid from the Fund shall be granted to the natural or legal persons, or groups thereof, who are ultimately responsible for the cost of carrying out the project.

Aid from the Fund shall be paid through agencies appointed for that purpose by the Member State concerned.

2. Throughout the period during which aid is granted from the Fund, the authority or agency appointed for that purpose by the Member State concerned shall, at the request of the Commission, forward to it all supporting documents which are of relevance in proving that the financial or other conditions laid down for each project have been fulfilled. The Commission may, if necessary, carry out an on-the-spot check.

After it has consulted the Fund Committee on the financial aspects the Commission may decide, in accordance with the procedure laid down in Article 22, to suspend, reduce or discontinue aid from the Fund :

- if the project has not been carried out as planned, or
- if certain of the conditions laid down have not been fulfilled, or
- if the beneficiary, contrary to the details contained in his application and set out in the decision to grant aid, has neither begun the work within two

years of the date of notification of that decision nor furnished adequate assurances before the end of the said period that the project will be carried out.

The Member State concerned and the beneficiary shall be notified of the decision.

The Commission shall recover any sums the payment of which was not or is no longer justified.

3. Without prejudice to Article 6 (5) of the Financial Regulation of 25 April 1973 applicable to the general budget of the European Communities<sup>(1)</sup>, as last amended by the Financial Regulation of 21 December 1976<sup>(2)</sup>, appropriations made available by a decision taken in accordance with the second subparagraph of paragraph 2 of the present Article or because the beneficiary abandons the project or reduces the investment laid down in the decision to grant aid, may be used for the financing of other projects.

4. Appropriations made available in accordance with Article 22 (3) of Council Regulation No 17/64/EEC of 5 February 1964 on the conditions for granting aid from the European Agricultural Guidance and Guarantee Fund<sup>(3)</sup>, as last amended by Regulation (EEC) No 3171/75<sup>(4)</sup>, may be used for the financing of projects submitted under this Regulation as from the year in which the financing of projects under Regulation No 17/64/EEC ceases in accordance with Article 6 (4) of Regulation (EEC) No 729/70.

5. The detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

#### *Article 20*

1. For each project which has received aid from the Fund the beneficiary shall forward to the Commission, through his Member State, a report on the financial results of the project. This report shall be submitted within the period laid down by the Commission in its decision to grant aid.

2. If the beneficiary does not fulfil the obligation laid down in paragraph 1, the Commission, after giving the beneficiary due notice, may decide to reverse in whole or in part its decision to grant aid, acting in accordance with the procedure laid down in Article 22 and after consulting the Fund Committee on the financial aspects. The decision shall be communicated to the Member State concerned and to the beneficiary. The Commission shall recover in whole or in part the sums paid.

<sup>(1)</sup> OJ No L 116, 1. 5. 1973, p. 1.

<sup>(2)</sup> OJ No L 362, 31. 12. 1976, p. 52.

<sup>(3)</sup> OJ No 34, 27. 2. 1964, p. 586/64.

<sup>(4)</sup> OJ No L 315, 5. 12. 1975, p. 1.

3. Detailed rules for the application of this Article, particularly as regards the contents of the report referred to in paragraph 1, shall be adopted in accordance with the procedure laid down in Article 22, after consultation of the Fund Committee on the financial aspects.

#### Article 21

Applications for aid from the Fund submitted to the Commission in respect of projects which could not be granted aid owing to the insufficiency of the resources available may, with the agreement of the applicants, be carried forward to the next financial year by the Member States concerned.

Requests that such applications be carried forward must be submitted to the Commission within a period of 30 days from the date on which the Member State receives notification of the result of the procedure laid down in Article 22. An application for aid may, however, be carried forward once only.

#### Article 22

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee on Agricultural Structure, or, for matters relating to fisheries, to that Committee and the Standing Committee for the Fishing Industry jointly, by the chairman either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Standing Committee on Agricultural Structure, or, where appropriate, this Committee together with the Standing Committee for the Fishing Industry, shall deliver an opinion on those measures by a majority of 41 votes, within a time limit set by the chairman according to the urgency of the matter under examination; the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The Commission shall adopt the measures which shall be immediately applicable. However, if such measures are not in accordance with the opinion

of the Standing Committee on Agricultural Structure or, where appropriate, with the joint opinion of this Committee and of the Standing Committee on the Fishing Industry, they shall be communicated forthwith by the Commission to the Council. In that case, the Commission may defer for not more than one month from the date of such communication, application of the measures which it has adopted.

The Council, acting by a qualified majority, may adopt a different decision within one month.

#### Article 23

Articles 92, 93 and 94 of the Treaty shall remain applicable in respect of matters covered by this Regulation.

#### Article 24

1. The first decisions to grant aid under this Regulation shall be taken for the financial year 1978. They shall relate to applications submitted between the date of entry into force of this Regulation and 30 April 1978.

2. As from the entry into force of this Regulation, Part Two of Regulation No 17/64/EEC shall cease to apply in the fields referred to in Article 11 (1) (c) and (d) thereof. It shall however continue to apply in those fields as regards decisions to be taken for the financial year 1977.

3. Projects relating to the fields referred to in paragraph 2 and

- submitted to the Commission under Regulation No 17/64/EEC between 20 December 1976 and the date of entry into force of this Regulation, or
- carried over from the 1977 to the 1978 financial year,

may be taken into consideration under this Regulation on the conditions laid down in it.

#### Article 25

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, 15 February 1977.

*For the Council*

*The President*

J. SILKIN



**COMMISSION REGULATION (EEC) No 356/77**  
**of 22 February 1977**

**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<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 3138/76<sup>(2)</sup>, 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<sup>(3)</sup> 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 23 February  
1977.

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

Done at Brussels, 22 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 354, 24. 12. 1976, p. 1.

<sup>(3)</sup> OJ No L 206, 31. 7. 1976, p. 62.

## ANNEX

## to the Commission Regulation of 22 February 1977 fixing the import levies on cereals and on wheat or rye flour groats and meal

*(u.a./tonne)*

CCT heading No	Description of goods	Levies
10.01 A	Common wheat, and meslin	80.22
10.01 B	Durum wheat	123.42 <sup>(1)</sup> <sup>(5)</sup>
10.02	Rye	59.25 <sup>(6)</sup>
10.03	Barley	39.54
10.04	Oats	36.72
10.05 B	Maize, other than hybrid maize for sowing	49.68 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	56.44 <sup>(4)</sup>
10.07 C	Grain sorghum	57.96 <sup>(4)</sup>
10.07 D	Other cereals	0 <sup>(5)</sup>
11.01 A	Wheat or meslin flour	123.91
11.01 B	Rye flour	94.53
11.02 A I a)	Durum wheat groats and meal	201.90
11.02 A I b)	Common wheat groats and meal	132.81

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

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

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./tonne.

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

<sup>(5)</sup> Where durum 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./tonne.

<sup>(6)</sup> 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 357/77****of 22 February 1977****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organ-  
ization of the market in cereals<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 3138/76<sup>(2)</sup>, 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<sup>(3)</sup> 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 Regula-  
tion,

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 23 February  
1977.

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

Done at Brussels, 22 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 354, 24. 12. 1976, p. 1.

<sup>(3)</sup> OJ No L 206, 31. 7. 1976, p. 64.

## ANNEX

to the Commission Regulation of 22 February 1977 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(u.a./tonne)

CCT heading No	Description of goods	Current 2	1st period 3	2nd period 4	3rd period 5
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0.85	0.85	3.51
10.02	Rye	0	0	0	4.56
10.03	Barley	0	0.76	0.76	0.76
10.04	Oats	0	0.38	0.38	4.18
10.05 B	Maize, other than hybrid maize for sowing	0	2.28	2.28	3.80
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0.38	0.38	2.09
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

## B. Malt

(u.a./tonne)

CCT heading No	Description of goods	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	1.35	1.35	1.35	1.35
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	1.01	1.01	1.01	1.01
11.07 B	Roasted malt	0	1.18	1.18	1.18	1.18

**COMMISSION REGULATION (EEC) No 358/77**  
**of 22 February 1977**

**amending Regulation (EEC) No 2850/76 as regards the time limit for the transfer of skimmed-milk powder to the Italian intervention agency for use in accordance with Regulation (EEC) No 563/76**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies for use in feedingstuffs<sup>(1)</sup>, and in particular Article 9 (1) thereof,

Whereas Article 1 (2) of Commission Regulation (EEC) No 2850/76 of 25 November 1976 on the supply of a second lot of skimmed-milk powder to the Italian intervention agency for use in accordance with Regulation (EEC) No 563/76 and amending Regulation (EEC) No 1948/76<sup>(2)</sup>, as last amended by Regulation (EEC) No 94/77<sup>(3)</sup>, stipulates that delivery shall be effected before 15 February 1977; whereas this time limit has proved to be too short and must once again be extended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 (2) of Regulation (EEC) No 2850/76, 'before 15 February 1977' is hereby amended to read 'before 19 February 1977'.

*Article 2*

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

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

Done at Brussels, 22 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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<sup>(1)</sup> OJ No L 67, 15. 3. 1976, p. 18.

<sup>(2)</sup> OJ No L 327, 26. 11. 1976, p. 19.

<sup>(3)</sup> OJ No L 16, 19. 1. 1977, p. 5.

**COMMISSION REGULATION (EEC) No 359/77**  
**of 22 February 1977**  
**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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3138/76 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 349/77 <sup>(4)</sup>;

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 23 February 1977.

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

Done at Brussels, 22 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No L 359, 31. 12. 1974, p. 1.

<sup>(2)</sup> OJ No L 354, 24. 12. 1976, p. 1.

<sup>(3)</sup> OJ No L 172, 1. 7. 1976, p. 31.

<sup>(4)</sup> OJ No L 48, 19. 2. 1977, p. 27.

ANNEX

to the Commission Regulation of 22 February 1977 fixing the import levies on white sugar and raw sugar

CCT heading No	Description of goods	Levy <i>(u.a./100 kg)</i>
17.01	Beet sugar and cane sugar, solid : A. White sugar B. Raw sugar	20.42 17.55 <sup>(1)</sup>

<sup>(1)</sup> 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)*

## COMMISSION

## COMMISSION DECISION

of 7 February 1977

**authorizing in particular Ireland and the United Kingdom to permit temporarily the marketing of seeds of certain species not complying with Community conditions**

**(Only the Dutch, English and German texts are authentic)**

(77/161/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directives 66/400/EEC and 66/401/EEC of 14 June 1966 on the marketing of beet seed <sup>(1)</sup>, and fodder plant seed <sup>(2)</sup>, as last amended by Commission Directive 76/331/EEC <sup>(3)</sup>, and Council Directive 75/444/EEC <sup>(4)</sup> respectively, and in particular Article 17 thereof,

Having regard to the requests made by Ireland and the United Kingdom,

Whereas in Ireland and the United Kingdom the production of fodder beet seed of varieties with specific characteristics for a given use and of swede and fodder kale seed, in accordance with the rules of the above Directives, have been insufficient mainly due, in the case of fodder beet seed, to temporary difficulties arising from a change in production conditions required by the accession of these two countries;

Whereas it has not been possible adequately to meet these needs with 'certified seed' from other Member States meeting all the conditions laid down in these Directives, with the exception of small quantities of seeds of swede and fodder kale;

Whereas the said temporary difficulties should be taken into account, and Ireland and the United Kingdom should be authorized to permit, for a period expiring on 31 July 1977, the marketing of seeds of the abovementioned species subject to less stringent requirements, provided that the small quantities referred to above are taken into account;

Whereas in addition it is necessary to authorize those other Member States which are able to supply Ireland and the United Kingdom with swede and fodder kale seed subject to less stringent requirements, to permit the marketing of such seed, provided that it is intended exclusively for Ireland and the United Kingdom;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION :

*Article 1*

1. Ireland and the United Kingdom are hereby authorized to permit, for a period expiring on 31 July 1977, the marketing on their territory, of a maximum

<sup>(1)</sup> OJ No 125, 11. 7. 1966, p. 2290/66.

<sup>(2)</sup> OJ No L 125, 11. 7. 1966, p. 2298/66.

<sup>(3)</sup> OJ No L 83, 30. 3. 1976, p. 34.

<sup>(4)</sup> OJ No L 196, 26. 7. 1975, p. 6.

of 85 tonnes of fodder beet seed (*Beta vulgaris* L.) of varieties with the characteristics proper to 'mangels' which have not been officially certified, provided that :

- (a) the seed satisfied the conditions laid down in Part B of Annex I to Directive 66/400/EEC, with the exception of the provisions relating to identity and varietal purity, referred to under point 1 ;
- (b) the packages containing the seed bear an official label which is brown and states :
  - that the seed has not been officially certified,
  - the examining authority,
  - the type or variety,
  - the reference number or the lot,
  - the declared net or gross weight,
  - the words 'Intended exclusively for Ireland or the United Kingdom' ;
- (c) packages containing the seed bear a special label from the supplier indicating and guaranteeing the variety of seed ;
- (d) official tests are carried out *a posteriori* to check whether the statement concerning the variety is accurate.

2. The United Kingdom is hereby authorized to permit, for a period expiring on 31 July 1977, the marketing on its territory of a maximum of 500 tonnes of fodder kale seed (*Brassica oleracea* L. convar. *acephala* (DC)) of the category 'certified seed' of the first generation which does not satisfy the requirements with regard to minimum germination capacity laid down in Annex II to Directive 66/401/EEC, provided that the following requirements are satisfied :

- (a) the germination capacity is at least 70 % of pure seed ;
- (b) the official label shows that the germination capacity is reduced : 'Minimum germination capacity 70 %' and also bears the words 'Intended exclusively for the United Kingdom'.

3. Ireland and the United Kingdom are hereby authorized to permit, for a period expiring on 31 July 1977, the marketing on their territory of :

- a maximum of 200 tonnes of swede seed (*Brassica napus* L. var. *napobrassica* (L.) Peterm.), and
- a maximum of 125 tonnes of fodder kale seed (*Brassica oleracea* L. Convar. *acephala* (DC)) of the category 'commercial seed' which does not satisfy the requirements with regard to minimum germination

capacity laid down in Annex II to the Directive referred to in paragraph 2, provided that the following requirements are satisfied :

- (a) the germination capacity is at least 70 % of pure seed ;
- (b) the official label shows that the germination capacity is reduced :  
'Minimum germination capacity 70 %' and also bears the words 'Intended exclusively for Ireland or the United Kingdom'.

4. With regard to swede and fodder kale, Ireland and the United Kingdom shall use the authorization given successively under paragraphs 2 and 3 to market such quantities of seed of these species of the category 'certified seed' in accordance with the rules of the Directive referred to in paragraph 2 as may be supplied by other Member States.

#### Article 2

The Federal Republic of Germany and the Kingdom of the Netherlands are hereby authorized to permit, under the same conditions, the marketing in their territories of the seed referred to in Article 1 (2) and (3) provided that it is intended exclusively for Ireland or the United Kingdom. The official label shall bear the words 'Intended exclusively for Ireland or the United Kingdom'.

#### Article 3

Ireland, the United Kingdom, the Federal Republic of Germany and the Kingdom of the Netherlands shall notify the Commission, before 1 October 1977, of the quantities of seed marketed in their territories under this Decision. The Commission shall inform other Member States thereof.

#### Article 4

This Decision is addressed to Ireland, the United Kingdom, the Federal Republic of Germany and the Kingdom of the Netherlands.

Done at Brussels, 7 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*



**COMMISSION DECISION**

of 7 February 1977

**authorizing the Federal Republic of Germany to permit temporarily the marketing of red clover seed not complying with Community conditions**

(77/162/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (1), as last amended by Directive 75/444/EEC (2), and in particular Article 17 thereof,

Having regard to the request made by the Federal Republic of Germany,

Whereas in Germany the production of red clover seed of the category 'certified seed' has been insufficient in 1976 and therefore will not be adequate to supply German requirements ;

Whereas it has not been possible adequately to meet this demand with certified seed from other Member States or non-member countries, of varieties included in the German catalogues of varieties or in the common catalogue of varieties of agricultural plant species ;

Whereas the Federal Republic of Germany should therefore be authorized to permit, for a period expiring on 31 July 1977, the marketing of red clover seed of varieties included neither in German catalogues nor in the common catalogue of varieties of agricultural plant species ;

Whereas in addition it is necessary to authorize those other Member States which are able to supply the Federal Republic of Germany with seed of the above species to permit the marketing of such seed provided that it is intended exclusively for the Federal Republic of Germany ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION :

*Article 1*

1. The Federal Republic of Germany is hereby authorized to permit, for a period expiring on 31 July 1977, the marketing in its territory of a maximum of 1 350 tonnes of red clover seed (*Trifolium pratense* L.) of the category 'certified seed' of the first generation of varieties not included in the common catalogue of varieties of agricultural plant species or in its national catalogues of varieties. The official label shall bear the words : 'Intended exclusively for the Federal Republic of Germany'.

2. The other Member States are hereby authorized to permit, under the same conditions, the marketing of a maximum of 1 350 tonnes of red clover seed, provided that such seed is intended exclusively for the Federal Republic of Germany. The official label shall bear the words : 'Intended exclusively for the Federal Republic of Germany'.

*Article 2*

Member States shall notify the Commission, before 1 November 1977, of the quantities of seed marketed in its territory under this Decision. The Commission shall inform the other Member States thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 7 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

(1) OJ No 125, 11. 7. 1966, p. 2298/66.

(2) OJ No L 196, 26. 7. 1975, p. 6.

**COMMISSION DECISION**

of 7 February 1977

**authorizing the Grand Duchy of Luxembourg to permit temporarily the marketing of red clover seed not complying with Community conditions**

(Only the French text is authentic)

(77/163/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed<sup>(1)</sup>, as last amended by Directive 75/444/EEC<sup>(2)</sup>, and in particular Article 17 thereof,

Having regard to the request made by the Grand Duchy of Luxembourg,

Whereas in the Grand Duchy of Luxembourg the production of red clover seed of the category 'certified seed' has been insufficient in 1976 and therefore will not be adequate to supply Luxembourg requirements;

Whereas it has not been possible adequately to meet this demand with 'certified seed' from other Member States or non-member countries, of varieties included in the Luxembourg catalogues of varieties or in the common catalogue of varieties of agricultural plant species';

Whereas the Grand Duchy of Luxembourg should therefore be authorized to permit, for a period expiring on 31 July 1977, the marketing of red clover seed included neither in the Luxembourg catalogues of varieties nor in the common catalogue of varieties of agricultural plant species;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The Grand Duchy of Luxembourg is hereby authorized to permit, for a period expiring on 31 July 1977, the marketing in its territory of a maximum of 15 tonnes of red clover seed (*Trifolium pratense* L.) of the category 'certified seed' of the first generation of the Marine variety not included in the common catalogue of varieties of agricultural plant species or in its national catalogues of varieties. The official label shall bear the words: 'Intended exclusively for the Grand Duchy of Luxembourg'.

*Article 2*

The Grand Duchy of Luxembourg shall notify the Commission, before 1 November 1977, of the quantities of seed marketed in its territory under this Decision. The Commission shall inform the other Member States thereof.

*Article 3*

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 7 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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<sup>(1)</sup> OJ No 125, 11. 7. 1966, p. 2298/66.

<sup>(2)</sup> OJ No L 196, 26. 7. 1975, p. 6.

**COMMISSION DECISION**

of 7 February 1977

**amending Decision 76/722/EEC authorizing the United Kingdom to permit temporarily the marketing of red clover seed subject to less stringent requirements**

(Only the Dutch, English, French and German texts are authentic)

(77/164/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed<sup>(1)</sup>, as last amended by Directive 75/444/EEC<sup>(2)</sup>, and in particular Article 17 thereof,

Having regard to the request made by the United Kingdom,

Whereas the production of seed of the category 'certified seed' of red clover (*Trifolium patense* L.) was insufficient in 1976 and therefore will not be adequate to supply United Kingdom requirements;

Whereas Commission Decision 76/722/EEC of 17 August 1976<sup>(3)</sup> has already authorized the United Kingdom to market 450 tonnes of red clover seed of the category 'commercial seed' or of the category 'certified seed' of the first generation of varieties not included in the common catalogue of varieties of agricultural plant species or in its national catalogues of varieties, for a period which expired on 30 September 1976;

Whereas this period has not been sufficient to permit the marketing of seed covered by this Decision down to the ultimate user;

Whereas this period should therefore be extended;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 1 of Decision 76/722/EEC, for '30 September 1976' read '31 July 1977'.

*Article 2*

This Decision is addressed to the United Kingdom, the Federal Republic of Germany, the French Republic and the Kingdom of the Netherlands.

Done at Brussels, 7 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

<sup>(1)</sup> OJ No 125, 11. 7. 1966, p. 2298/66.

<sup>(2)</sup> OJ No L 196, 26. 7. 1975, p. 6.

<sup>(3)</sup> OJ No L 245, 7. 9. 1976, p. 16.

**COMMISSION DECISION**

of 7 February 1977

**authorizing the Kingdom of Belgium to permit temporarily the marketing of red clover seed not complying with Community conditions**

(Only the Danish, Dutch and French texts are authentic)

(77/165/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed<sup>(1)</sup>, as last amended by Directive 75/444/EEC<sup>(2)</sup>, and in particular Article 17 thereof,

Having regard to the request made by the Kingdom of Belgium,

Whereas in Belgium the production of red clover seed of the category 'certified seed' has been insufficient in 1975 and therefore will not be adequate to supply Belgian requirements;

Whereas it has not been possible adequately to meet this demand with 'certified seed' from other Member States or non-member countries, of varieties included in the Belgian catalogues of varieties or in the common catalogue of varieties of agricultural plant species;

Whereas the Kingdom of Belgium should therefore be authorized to permit, for a period expiring on 31 July 1977, the marketing of red clover seed included neither in the Belgian catalogues of varieties nor in the common catalogue of varieties of agricultural plant species;

Whereas the Kingdom of the Netherlands and the Kingdom of Denmark, which are able to supply the Kingdom of Belgium with seed of the above species, should be authorized to permit the marketing of such seed provided that it is intended exclusively for Belgium;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Kingdom of Belgium is hereby authorized to permit, for a period expiring on 31 July 1977, the marketing in its territory of a maximum of 100 tonnes of red clover seed (*Trifolium pratense* L.) of the category 'certified seed' of the first generation of varieties not included in the common catalogue of varieties of agricultural plant species or in its national catalogue of varieties. The official label shall bear the words: 'Intended exclusively for Belgium'.

2. The Kingdom of the Netherlands and the Kingdom of Denmark are hereby authorized to permit, under the same conditions, the marketing of a maximum of 100 tonnes of red clover seed, provided that such seed is intended exclusively for the Kingdom of Belgium. The official label shall bear the words: 'Intended exclusively for Belgium'.

*Article 2*

The Kingdom of Belgium, the Kingdom of the Netherlands and the Kingdom of Denmark shall notify the Commission, before 1 November 1977, of the quantities of seed marketed in their territories under this Decision. The Commission shall inform the other Member States thereof.

*Article 3*

This Decision is addressed to the Kingdom of Belgium, the Kingdom of the Netherlands and the Kingdom of Denmark.

Done at Brussels, 7 February 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

(1) OJ No 125, 11. 7. 1966, p. 2298/66.

(2) OJ No L 196, 26. 7. 1975, p. 6.