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

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2803/77
of 12 December 1977
amending for the second time Regulation (EEC) No 1848/76 laying down general
rules for the import of wines, grape juice and grape must

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 provisions for the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 2560/77⁽²⁾, and in particular Article 28 (1a) thereof,

Having regard to the proposal from the Commission, Whereas Article 28 (1a) (c) of Regulation (EEC) No 816/70 provides that certain wines accompanied by a certificate of designation of origin or by a certificate of origin may be exempted wholly or in part from the requirements contained in import document V.I.1, in order to prevent several documents containing the same information from being required when these wines are imported into the Community;

Whereas this facility should be used for the seven liqueur wines for which a certificate of designation of origin or a certificate of origin is already required;

Whereas it is important to amend accordingly Council Regulation (EEC) No 1848/76 of 27 July

1976 laying down general rules for the import of wines, grape juice and grape must⁽³⁾, as amended by Regulation (EEC) No 531/77⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be added to Article 2 of Regulation (EEC) No 1848/76:

'2a. This Regulation shall not apply to the following liqueur wines: port, Madeira, sherry, Setubal muscatel and Tokay (Aszu and Szamorodni) falling within subheadings 22.05 C III a) 1, b) 1 and b) 2, C IV a) 1, b) 1 and b) 2 of the Common Customs Tariff, Boberg liqueur wine accompanied by a certificate of designation of origin and Samos muscat wine accompanied by a certificate of origin.'

Article 2

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

It shall be applicable from 1 January 1978.

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

Done at Brussels, 12 December 1977.

For the Council

The President

A. HUMBLET

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.
⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 204, 30. 7. 1976, p. 5.
⁽⁴⁾ OJ No L 69, 16. 3. 1977, p. 4.

COUNCIL REGULATION (EEC) No 2804/77
of 12 December 1977
amending for the fourth time Regulation (EEC) No 1876/74 concerning the addition of alcohol to products in the wine sector

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 provisions for the common organization of the market in wine⁽¹⁾ as last amended by Regulation (EEC) No 2560/77⁽²⁾, and in particular Article 25 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pending the adoption of provisions supplementing or harmonizing the definitions of semi-sparkling wines and of products falling within heading No 22.06 of the Common Customs Tariff, provision should be made to extend the period of application of the provisions referred to in Article 4 of Council Regulation (EEC) No 1876/74 of 15 July 1974 concerning the addition of alcohol to products

in the wine sector⁽³⁾, as last amended by Regulation (EEC) No 2997/76⁽⁴⁾; whereas experience has shown that this can be done without difficulty; whereas Regulation (EEC) No 1876/74 should therefore be amended by extending to 31 December 1978 the transitional period due to expire on 31 December 1977,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Regulation (EEC) No 1876/74, '31 December 1977' shall be replaced by '31 December 1978'.

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, 12 December 1977.

For the Council

The President

A. HUMBLET

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 198, 20. 7. 1974, p. 1.

⁽⁴⁾ OJ No L 342, 11. 12. 1976, p. 6.

COUNCIL REGULATION (EEC) No 2805/77
of 12 December 1977

on the total or partial suspension of Common Customs Tariff duties on certain products falling within Chapters 1 to 24 of the Common Customs Tariff, originating in Malta (1978)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EEC) No 3058/75 ⁽²⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

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

Whereas, under Annex I to the Agreement establishing an Association between the European Economic Community and Malta ⁽⁴⁾, the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary provisionally to adjust or to supplement certain of the tariff benefits provided for in the abovementioned Annex; whereas, accordingly, the Community should, in respect of the products originating in Malta listed in the Annex to this Regulation, suspend either the fixed component of the levy applicable to goods coming under Regulation (EEC) No 1059/69 or the customs duty applicable to the other products from 1 January to 31 December 1978 and at the levels indicated for each of them,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1978, the products originating in Malta, listed in the Annex, shall be admitted for import into the Community at the customs duties indicated for each of them.

2. For the purposes of the application of this Regulation, the rules of origin shall be those in force at the

time as regards the implementation of the Agreement establishing an Association between the European Economic Community and Malta.

Article 2

When products benefiting from the arrangements provided for in Article 1 are imported in the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, the Common Customs Tariff duties may be reintroduced in whole or in part on the products in question. Such measures may also be taken in the event of actual or potential serious disadvantage in a single region of the Community.

Article 3

1. In order to ensure the application of Article 2, the Commission may decide, by means of a Regulation, to reintroduce the levying of customs duties for a limited period.

2. In the event of such action being requested by a Member State, the Commission shall take a decision within a period of not more than 10 working days from receipt of the request and shall inform the Member States of the action taken.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

This Regulation shall enter into force on 1 January 1978.

⁽¹⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽²⁾ OJ No L 306, 25. 11. 1975, p. 3.

⁽³⁾ OJ No C 266, 7. 11. 1977, p. 46.

⁽⁴⁾ OJ No L 61, 14. 3. 1971, p. 3.

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

Done at Brussels, 12 December 1977.

For the Council

The President

A. HUMBLET

ANNEX

| CCT heading No | Description | Rate of duty |
|----------------|---|---|
| 1 | 2 | 3 |
| 02.01 | Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03, or 01.04 fresh, chilled or frozen : A. Meat : III. Of swine : b) Other | Free |
| 02.04 | Other meat and edible meat offals, fresh, chilled or frozen : ex A. Of domestic pigeons ex B. Furred game, frozen C. Other : ex I. Frogs' legs II. Other | 7 % Free Free Free |
| 04.06 | Natural honey | 25 % |
| 05.03 | Horsehair and horsehair waste, whether or not put up as a layer or between two layers of other material : B. Other | Free |
| 07.01 | Vegetables, fresh or chilled : ex T. Other : — Okra (<i>Hibiscus esculentus</i> L. or <i>Abelmoschus esculentus</i> (L.) Moench) : <i>Moringa oleifera</i> (drumsticks) | Free |
| 08.08 | Berries, fresh : F. Other | 6 % |
| 15.10 | Fatty acids, acid oils from refining ; fatty alcohols : C. Other fatty acids ; acid oils from refining | Free |
| 16.02 | Other prepared or preserved meat or meat offal : A. Liver : I. Goose or duck liver | 14 % |

| CCT heading No | Description | Rate of duty |
|-------------------|--|--------------|
| 1 | 2 | 3 |
| 16.02 (cont'd) | <p>B. Other :</p> <p>II. Game or rabbit meat or offal :</p> <p>— Game 9 %</p> <p>— Rabbit 14 %</p> <p>III. Other :</p> <p>b) Other :</p> <p>1. Containing bovine meat or offal :</p> <p>ex bb) Other :</p> <p>— Prepared or preserved bovine tongue 17 %</p> <p>2. Other :</p> <p>aa) Ovine meat or offal 18 %</p> <p>bb) Other 16 %</p> | |
| 20.02 | <p>Vegetables prepared or preserved otherwise than by vinegar or acetic acid :</p> <p>B. Truffles 14 %</p> <p>D. Asparagus 20 %</p> <p>E. Sauerkraut 16 %</p> <p>ex F. Capers 12 %</p> | |
| 20.07 | <p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit :</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C :</p> <p>III. Other :</p> <p>ex a) Of a value exceeding 30 u.a. per 100 kg net weight :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 15 %</p> <p>b) Of a value not exceeding 30 u.a. per 100 kg net weight :</p> <p>ex 1. With an added sugar content exceeding 30 % by weight :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 15 % + (L)</p> <p>ex 2. Other :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 15 %</p> | |

| CCT heading No | Description | Rate of duty |
|-------------------|---|--|
| 1 | 2 | 3 |
| 20.07 (cont'd) | <p>B. Of a specific gravity of 1.33 or less at 15 °C :</p> <p>II. Other :</p> <p>a) Of a value exceeding 30 u.a. per 100 kg net weight :</p> <p>2. Grapefruit juice</p> <p>ex 3. Other citrus fruit juices :</p> <p>aa) Containing added sugar</p> <p>bb) Other</p> <p>6. Other fruit and vegetable juices, excluding apricot and peach juices :</p> <p>ex aa) Containing added sugar :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>— Other, excluding apricot and peach juices</p> <p>ex bb) Other :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>— Other, excluding apricot and peach juices</p> <p>7. Mixtures :</p> <p>ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice :</p> <p>11. Containing added sugar</p> <p>22. Other</p> <p>b) Of a value of 30 u.a. or less per 100 kg net weight :</p> <p>2. Grapefruit juice :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <p>bb) Other</p> <p>4. Other citrus fruit juices :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <p>bb) With an added sugar content of 30 % or less by weight</p> <p>cc) Not containing added sugar</p> | <p>8 %</p> <p>13 %</p> <p>13 %</p> <p>10 %</p> <p>17 %</p> <p>10 %</p> <p>18 %</p> <p>17 %</p> <p>18 %</p> <p>8 % + (L)</p> <p>8 %</p> <p>14 % + (L)</p> <p>14 %</p> <p>15 %</p> |

| CCT heading No | Description | Rate of duty |
|-------------------|---|---|
| 1 | 2 | 3 |
| 20.07 (cont'd) | <p>7. Other fruit and vegetable juices, excluding apricot and peach juice :</p> <p>ex aa) With an added sugar content exceeding 30 % by weight :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>— Other, excluding apricot and peach juices</p> <p>ex bb) With an added sugar content of 30 % or less by weight :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>— Other, excluding apricot and peach juices</p> <p>ex cc) Not containing added sugar :</p> <p>— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons</p> <p>— Other, excluding apricot and peach juices</p> <p>8. Mixtures :</p> <p>ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice :</p> <p>11. With an added sugar content exceeding 30 % by weight</p> <p>22. With an added sugar content of 30 % or less by weight</p> <p>33. Not containing added sugar</p> | <p>10 % + (L)</p> <p>17 % + (L)</p> <p>10 %</p> <p>17 %</p> <p>10 %</p> <p>18 %</p> <p>17 % + (L)</p> <p>17 %</p> <p>18 %</p> |
| 21.06 | <p>Natural yeasts (active or inactive); prepared baking powders :</p> <p>A. Active natural yeast :</p> <p>II. Bakers' yeast :</p> <p>a) Dried</p> <p>b) Other</p> | <p>5 % + vc</p> <p>5 % + vc</p> |

| CCT heading No | Description | Rate of duty |
|----------------|--|--------------|
| 1 | 2 | 3 |
| 23.01 | Flours and meal, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption ; greaves : B. Flours and meals of fish, crustaceans or molluscs | Free |

Abbreviations :

(L) = levy,

vc = variable component.

COUNCIL REGULATION (EEC) No 2806/77
of 12 December 1977
amending Regulation (EEC) No 1169/77 as regards the exchange rates applicable
in respect of the 1976 tobacco crop

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy⁽¹⁾, as last amended by Regulation (EEC)
No 2543/73⁽²⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1169/77⁽³⁾ fixed for
the 1977 crop the norm and intervention prices, the
premiums granted to purchasers of leaf tobacco and
the derived intervention prices for baled tobacco;
whereas, under Article 3 of that Regulation, the
exchange rate to be applied in Germany and the
Benelux countries for the purposes of the premiums
for the 1976 tobacco crop is, until 31 December 1977,
to be the representative rate applicable to the curren-
cies in question prior to 1 May 1977;

Whereas the Article 3 in question was adopted to
ensure that the same premium was granted in respect
of the entire crop of one year;

Whereas the Member States in question have been
unable to dispose fully of the 1976 tobacco crop;
whereas it is therefore necessary that in the Member
States concerned the exchange rates applicable for the
purposes of the premiums for the 1976 tobacco crop
year should remain in force over a period within
which full disposal may be expected;

Whereas the Monetary Committee will be consulted;
whereas, in view of the urgency of the matter, the
measures envisaged should be adopted in the manner
provided for in Article 3 (2) of Regulation No 129,

HAS ADOPTED THIS REGULATION:

Article 1

The date '31 December 1977' specified in Article 3 of
Regulation (EEC) No 1169/77 is replaced by '31
March 1978'.

Article 2

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

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

Done at Brussels, 12 December 1977.

For the Council

The President

A. HUMBLET

⁽¹⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽²⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽³⁾ OJ No L 137, 3. 6. 1977, p. 4.

COMMISSION REGULATION (EEC) No 2807/77
of 16 December 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1386/77⁽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 Regulation (EEC) No 1729/77⁽³⁾ and subsequent amending Regulations ;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 1729/77 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 17 December 1977.

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

Done at Brussels, 16 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 16 December 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 | 86.73 |
| 10.01 B | Durum wheat | 113.71 ⁽¹⁾ ⁽⁵⁾ |
| 10.02 | Rye | 67.04 ⁽⁶⁾ |
| 10.03 | Barley | 72.28 |
| 10.04 | Oats | 62.33 |
| 10.05 B | Maize, other than hybrid maize for sowing | 71.88 ⁽²⁾ ⁽³⁾ |
| 10.07 A | Buckwheat | 0 |
| 10.07 B | Millet | 63.08 ⁽⁴⁾ |
| 10.07 C | Grain sorghum | 74.63 ⁽⁴⁾ |
| 10.07 D | Canary seed; other cereals | 0 ⁽⁵⁾ |
| 11.01 A | Wheat or meslin flour | 132.77 |
| 11.01 B | Rye flour | 105.19 |
| 11.02 A I a) | Durum wheat groats and meal | 188.09 |
| 11.02 A I b) | Common wheat groats and meal | 142.69 |

⁽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./tonne.

⁽²⁾ 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.

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

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

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

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 2808/77
of 16 December 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⁽¹⁾, as last amended by
Regulation (EEC) No 1386/77⁽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
1730/77⁽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 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 17
December 1977.

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

Done at Brussels, 16 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 158, 29. 6. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 16 December 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 12 | 1st period 1 | 2nd period 2 | 3rd period 3 |
|----------------|---|------------|--------------|--------------|--------------|
| 10.01 A | Common wheat, and meslin | 0 | 0 | 0 | 0 |
| 10.01 B | Durum wheat | 0 | 0 | 0 | 0 |
| 10.02 | Rye | 0 | 0 | 0 | 0 |
| 10.03 | Barley | 0 | 0 | 0 | 0 |
| 10.04 | Oats | 0 | 0 | 0 | 0 |
| 10.05 B | Maize, other than hybrid maize for sowing | 0 | 0.35 | 0.35 | 0.35 |
| 10.07 A | Buckwheat | 0 | 0 | 0 | 5.25 |
| 10.07 B | Millet | 0 | 0 | 0 | 0 |
| 10.07 C | Grain sorghum | 0 | 0 | 0 | 0 |
| 10.07 D | Other cereals | 0 | 0 | 0 | 0 |
| 11.01 A | Wheat or meslin flour | 0 | 0 | 0 | 0 |

B. Malt

(u.a./tonne)

| 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 2809/77

of 16 December 1977

altering the components used to calculate the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 3477/73⁽⁴⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973⁽⁵⁾, as last amended by Regulation (EEC) No 1234/77⁽⁶⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72; whereas the components used to calculate the differential amounts were fixed by Regulation (EEC) No 1423/77⁽⁷⁾, as last amended by Regulation (EEC) No

2740/77⁽⁸⁾; whereas, in the case of the Italian lira, the French franc, the pound sterling and the Irish pound, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 for the period 7 to 13 December 1977 has changed, by reference to the representative rate valid on 19 December 1977, by at least one point from the percentage used for the previous fixing; whereas this fact should be taken into account when fixing the components used to calculate the differential amounts for colza and rape seed where those components are already applied in respect of the Member State concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 1423/77 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 December 1977.

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

Done at Brussels, 16 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

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

(2) OJ No L 175, 29. 6. 1973, p. 5.

(3) OJ No L 167, 25. 7. 1972, p. 9.

(4) OJ No L 357, 28. 12. 1973, p. 6.

(5) OJ No L 236, 24. 8. 1973, p. 28.

(6) OJ No L 143, 10. 6. 1977, p. 9.

(7) OJ No L 160, 30. 6. 1977, p. 33.

(8) OJ No L 316, 10. 12. 1977, p. 34.

ANNEX

to the Commission Regulation of 16 December 1977 altering the components used to calculate the differential amounts for colza and rape seed

| | Target price corrective (coefficient to be applied) | Subsidy or refund corrective (coefficient to be applied) | Differential component (coefficient to be applied to the target price) (*) | |
|--|--|---|--|--------|
| 1. Colza and rape seed, processed for oil production in Germany or exported from that country : | + 0.0750 | - 0.0750 | + | - |
| — harvested in Germany | | | - | - |
| — harvested in the BLEU or in the Netherlands | | | - | 0.0619 |
| — harvested in France | | | - | 0.2262 |
| — harvested in Denmark | | | - | 0.0750 |
| — harvested in Ireland | | | - | 0.1239 |
| — harvested in the United Kingdom | | | - | 0.3052 |
| — harvested in Italy | | | - | 0.2407 |
| 2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country : | + 0.0140 | - 0.0140 | + | - |
| -- harvested in Germany | | | 0.0659 | - |
| — harvested in the BLEU or in the Netherlands | | | - | - |
| — harvested in France | | | - | 0.1752 |
| — harvested in Denmark | | | - | 0.0140 |
| — harvested in Ireland | | | - | 0.0661 |
| — harvested in the United Kingdom | | | - | 0.2594 |
| — harvested in Italy | | | - | 0.1907 |
| 3. Colza and rape seed, processed for oil production in Denmark or exported from that country : | Nil | Nil | + | - |
| — harvested in Germany | | | 0.0811 | - |
| — harvested in the BLEU or in the Netherlands | | | 0.0142 | - |
| — harvested in France | | | - | 0.1635 |
| — harvested in Denmark | | | - | - |
| — harvested in Ireland | | | - | 0.0529 |
| — harvested in the United Kingdom | | | - | 0.2489 |
| -- harvested in Italy | | | - | 0.1791 |
| 4. Colza and rape seed, processed for oil production in France or exported from that country : | - 0.1955 | + 0.1955 | + | - |
| — harvested in Germany | | | 0.2924 | - |
| -- harvested in the BLEU or in the Netherlands | | | 0.2124 | - |
| -- harvested in France | | | - | - |
| — harvested in Denmark | | | 0.1955 | - |
| — harvested in Ireland | | | 0.1322 | - |
| — harvested in the United Kingdom | | | - | 0.1020 |
| — harvested in Italy | | | - | 0.0187 |

| | Target price corrective (coefficient to be applied) | Subsidy or refund corrective (coefficient to be applied) | Differential component (coefficient to be applied to the target price) (1) | |
|--|--|---|--|--------|
| 5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country : | - 0.3313 | + 0.3313 | + | - |
| — harvested in Germany | | | 0.4392 | - |
| — harvested in the BLEU or in the Netherlands | | | 0.3502 | - |
| — harvested in France | | | 0.1136 | - |
| — harvested in Denmark | | | 0.3313 | - |
| — harvested in Ireland | | | 0.2609 | - |
| — harvested in the United Kingdom | | | - | - |
| — harvested in Italy | | | 0.0928 | - |
| 6. Colza and rape seed, processed for oil production in Ireland or exported from that country : | - 0.0558 | + 0.0558 | + | - |
| — harvested in Germany | | | 0.1414 | - |
| — harvested in the BLEU or in the Netherlands | | | 0.0708 | - |
| — harvested in France | | | - | 0.1168 |
| — harvested in Denmark | | | 0.0558 | - |
| — harvested in Ireland | | | - | - |
| — harvested in the United Kingdom | | | - | 0.2069 |
| — harvested in Italy | | | - | 0.1333 |
| 7. Colza and rape seed, processed for oil production in Italy or exported from that country : | - 0.2182 | + 0.2182 | + | - |
| — harvested in Germany | | | 0.3170 | - |
| — harvested in the BLEU or in the Netherlands | | | 0.2355 | - |
| — harvested in France | | | 0.0191 | - |
| — harvested in Denmark | | | 0.2182 | - |
| — harvested in Ireland | | | 0.1538 | - |
| — harvested in the United Kingdom | | | - | 0.0849 |
| — harvested in Italy | | | - | - |

(1) Until 31 December 1977 inclusive, for seed harvested in the United Kingdom, the accession compensatory amount shall be deducted from the target price.

COMMISSION REGULATION (EEC) No 2810/77

of 16 December 1977

fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 3477/73⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 1234/77⁽⁶⁾, and in particular Article 9(4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 9(4) of Regulation (EEC) No 2300/73, the Commission must determine the world market price for colza and rape seed;

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1443/77 of 30 June 1977 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 2813/77⁽⁸⁾;

Whereas, to enable the price system to operate normally, the world market price 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, applying all these provisions, the world market price for colza and rape seed should be fixed as shown in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The world market price referred to in Article 9(4) of Regulation (EEC) No 2300/73 and the rates to be used for converting them into national currencies shall be as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 19 December 1977.

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

Done at Brussels, 16 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

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

(2) OJ No L 175, 29. 6. 1973, p. 5.

(3) OJ No L 167, 25. 7. 1972, p. 9.

(4) OJ No L 357, 28. 12. 1973, p. 6.

(5) OJ No L 236, 24. 8. 1973, p. 28.

(6) OJ No L 143, 10. 6. 1977, p. 9.

(7) OJ No L 161, 1. 7. 1977, p. 31.

(8) See page 25 of this Official Journal.

ANNEX

World market price applicable from 19 December 1977 for colza and rape seed (CCT heading No ex 12.01)

| | <i>u.a./100 kg⁽¹⁾</i> |
|--|----------------------------------|
| World market price | 21·231 |
| World market price where the subsidy is fixed in advance : | |
| — for the month of December 1977 | 21·231 |
| — for the month of January 1978 | 21·231 |
| — for the month of February 1978 | 21·093 |
| — for the month of March 1978 | 21·093 |
| — for the month of April 1978 | 20·566 |
| — for the month of May 1978 | 20·566 |

(¹) The conversion rates from units of account into national currency as foreseen by Article 9 (5) (a) of Regulation (EEC) No 2300/73 are the following :

| | |
|------------------|----------|
| 1 u.a. = DM | 3·15665 |
| 1 u.a. = Fl | 3·35507 |
| 1 u.a. = Bfr/Lfr | 48·6572 |
| 1 u.a. = FF | 6·91032 |
| 1 u.a. = Dkr | 8·56656 |
| 1 u.a. = £ | 0·780994 |
| 1 u.a. = I £ | 0·780994 |
| 1 u.a. = Lit | 1 254·78 |

COMMISSION REGULATION (EEC) No 2811/77

of 16 December 1977

on the classification of goods falling within heading No 60.04 or 60.05 of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff ⁽¹⁾, as last amended by Regulation (EEC) No 280/77 ⁽²⁾, and in particular Article 3 thereof,

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 of 28 June 1968 ⁽³⁾, as last amended by Council Regulation (EEC) No 2500/77 of 7 November 1977 ⁽⁴⁾, refers under heading No 60.04 to under garments, knitted or crocheted, not elastic or rubberized, and under subheading 60.05 A II to outer garments and clothing accessories, knitted or crocheted, not elastic or rubberized, other than jerseys and pullovers, containing at least 50 % by weight of wool and weighing 600 g or more per article ;

Whereas in view of the wide variety of knitted or crocheted garments, not elastic or rubberized, it is difficult in some cases to distinguish between under garments falling within heading No 60.04 and outer garments falling within heading No 60.05 ; whereas for the purpose of making such a distinction it is necessary to refer to the essential characteristics of the garments in question ;

Whereas in the case of men's and boys' knitted or crocheted shirts, not elastic or rubberized, which according to the Explanatory Notes to the nomenclature of the Customs Cooperation Council fall within heading No 60.04, it is necessary to specify certain characteristics ;

Whereas it is necessary to define the knitted or crocheted garments, not elastic or rubberized, respectively known as T-shirts and lightweight fine knit roll, polo or turtle necked jumpers and pullovers, which fall within heading No 60.04 and which are normally worn next to the skin or beneath garments falling within heading No 60.05 ;

Whereas it is also necessary to define the knitted or crocheted garments, not elastic or rubberized, known as shirt-blouses and blouses, which are normally worn by women and girls as outer garments and which fall within subheading No 60.05 A II ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION :

Article 1

1. The garments, knitted or crocheted, not elastic or rubberized, known as men's and boys' shirts, which have *inter alia* a collar whether or not detachable, long or short sleeves, are buttoned in front whether or not throughout, left over right, with or without pockets, shall be classified in the Common Customs Tariff among under garments falling within heading No 60.04.

2. The knitted or crocheted garments, not elastic or rubberized, known as T-shirts shall be classified in the Common Customs Tariff among under garments, falling within heading No 60.04. The following garments shall be considered as T-shirts : lightweight garments of the vest type, of cotton or man-made fibre, in one or more colours, with or without pockets, with long or short close-fitting sleeves, without buttons or other fastenings, without collar, without opening in the neck-line, having a close-fitting or lower neck line (round, square, boat-shaped or V-shaped). These garments may have decoration, other than lace, in the form of advertising, pictures or an inscription in words, obtained by printing, knitting or other process. The bottom of these garments, usually hemmed, shall have neither a ribbed waistband nor tightening facility.

3. The knitted or crocheted garments not elastic or rubberized, known as lightweight fine knit roll, polo or turtle necked jumpers and pullovers shall be classified in the Common Customs Tariff among under garments, falling within heading No 60.04. The following garments shall be considered as lightweight

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 40, 11. 2. 1977, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 289, 14. 11. 1977, p. 1.

roll, polo or turtle neck jumpers and pullovers : lightweight close fitting, fine knit garments covering the upper part of the body in any textile fibre other than wool, in one or more colours, with or without sleeves and having a roll, polo or turtle neck without opening. Garments of this description in wool shall be considered as pullovers or jumpers falling within heading No 60.05.

Article 2

1. The knitted or crocheted garments, not elastic or rubberized, known as shirt-blouses shall be classified in the Common Customs Tariff among outer garments, other than jerseys and pullovers containing at least 50 % by weight of wool and weighing 600 g or more per article, falling within subheading 60.05 A II. The following garments shall be considered as shirt-blouses : women's and girls' garments cut on the lines of a man's or boy's shirt, with a collar, with or

without pockets, with long or short sleeves, buttoned in front, whether or not throughout, right over left. These garments go below the waist.

2. The knitted or crocheted garments, not elastic or rubberized, known as blouses shall also be classified within the subheading referred to above. The following garments shall be considered as blouses : women's and girls' lightweight garments of fancy design and usually of a loose-fitting cut, with or without sleeves or collar, with any type of neckline and with buttons or other means of fastening, the absence of buttons or fastening being permitted only in the case of a very low-cut neckline, with or without decorative trimming such as tie, jabot, cravat, lace or embroidery. These garments go just below the waist.

Article 3

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 16 December 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

COMMISSION REGULATION (EEC) No 2812/77

of 16 December 1977

opening an invitation to tender for the mobilization of common wheat as food aid for the Republic of Rwanda

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⁾,

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

Whereas on 8 February 1977 the Council of the European Communities declared that by way of Community action it proposed to grant the Republic of Rwanda 2 500 tonnes of common wheat under its 1976/77 food-aid programme;

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

Whereas the proposed invitation to tender should be for supply of the products delivered to Ruhengeri;

Whereas tenders may be submitted by tenderers established in any Member State of the Community and may relate to products mobilized anywhere within those Member States; whereas, in view of the currency situation in the Member States and in order to ensure that the tenders are as comparable as possible, account should be taken of the effect on each tender of the currency situation in the Member State in which the customs export formalities will be completed;

Whereas the contract should be awarded to the tenderer offering the best terms;

Whereas in case it should be impossible for reasons of *force majeure* to complete the operation in question within the set time limits, it must be made clear who is to bear any costs resulting therefrom;

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

Whereas the Belgian intervention agency should be made responsible for the tendering procedure in question;

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

Whereas the Monetary Committee will be consulted; whereas, in view of the urgency, the measures envisaged should be adopted in accordance with the conditions laid down in Article 3 (2) of Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2543/73⁽⁵⁾, and in particular Article 3 thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply by way of Community food-aid action to the Republic of Rwanda of 2 500 tonnes of common wheat.
2. The tendering procedure shall take place in Belgium in three lots.
3. The products shall be mobilized on the Community market.
4. Shipment shall be from a Community port.
5. The invitation to tender provided for in paragraph 1 is for supply of the products delivered to Ruhengeri.
6. The successful tenderer shall deliver the products specified in paragraph 1 in new jute sacks of a net capacity of 50 kilograms.

⁽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. 89.

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

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

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

'Froment tendre / Don de la Communauté économique européenne à la république du Rwanda / Destiné à la vente.'

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

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 30 December 1977.
2. The closing date for the receipt of tenders shall be 30 December 1977 at 12 noon.
3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.
2. Tenders must in particular mention the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs export formalities for the products concerned.
3. For the purpose of rendering the tenders comparable, the prices shall, where appropriate, be corrected by the monetary compensatory amount and the accession compensatory amount applicable on the closing date for submission of tenders to exports from the Member State mentioned in the tender pursuant to paragraph 2.

Such correction shall be made by :

- increasing prices which mention a Member State whose currency has depreciated or a new Member State,
- reducing prices which mention a Member State whose currency has been revalued.

The monetary compensatory amount shall, where appropriate, be converted into the currency of the Member State in which the invitation to tender is issued using :

- in the case when the currencies concerned are kept at any given moment within a band of 2.25 %, a conversion rate resulting from their central rate,
- in the other cases, the average of the spot rates of the currencies concerned recorded in the Member

State in which the invitation to tender is issued during a period from the Wednesday of one week to the Tuesday of the following week being the period immediately preceding the closing date for submission of tenders.

Article 4

The contract shall be awarded to the tenderer offering the best terms, taking into consideration the adjustment referred to in Article 3 (3).

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

Article 5

1. The tenderer shall give security in an amount of five units of account per tonne of goods.

It shall be released :

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
 - in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
 - in the case of the successful tenderer, for quantities not supplied by reason of *force majeure*.
2. The security required under paragraph 1 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by each Member State.

Article 6

The product referred to in Article 1 must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 14.5 % and that a maximum of 3 % of sprouted grains and 1.5 % of miscellaneous impurities shall be allowed.

Article 7

1. The Belgian intervention agency shall be responsible for operations relating to the invitation to tender provided for by this Regulation.
2. It shall forthwith communicate to the Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

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

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

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

4. The intervention agency shall ask that the tenderer specifies the following information :

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and their packaging ;
- (b) the date of the departure of the ships ; the expected date of arrival of the products at their destination ;

- (c) all possible contingencies which might occur during transportation of the products.

The intervention agency shall transmit the information provided for to the Commission as soon as it is received.

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

Article 8

As regards this tender the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

Article 9

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, 16 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 2813/77
of 16 December 1977
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 1443/77⁽³⁾, as last amended by Regulation (EEC) No 2783/77⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1443/77

to the information at present available to the Commission that the amount of the subsidy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC is hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 19 December 1977.

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

Done at Brussels, 16 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 161, 1. 7. 1977, p. 31.

⁽⁴⁾ OJ No L 320, 15. 12. 1977, p. 43.

ANNEX

to the Commission Regulation of 16 December 1977 fixing the amount of the subsidy on oil seeds

Subsidy applicable from 19 December 1977 to colza and rape seeds (CCT heading No ex 12.01) and sunflower seeds (CCT heading No ex 12.01) (u.a./100 kg)

| | Colza and rape seed | Sunflower seed |
|---|---------------------|----------------|
| Subsidy | 8.515 | 12.102 |
| Subsidy in the case of advance fixing : | | |
| — for the month of December 1977 | 8.515 | 12.102 |
| — for the month of January 1978 | 8.819 | 12.349 |
| — for the month of February 1978 | 9.261 | 12.574 |
| — for the month of March 1978 | 9.565 | 12.859 |
| — for the month of April 1978 | 10.092 | — |
| — for the month of May 1978 | 10.092 | — |

COMMISSION REGULATION (EEC) No 2814/77
of 16 December 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⁽¹⁾, as last amended by Regulation (EEC) No 1110/77⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1436/77⁽³⁾, as last amended by Regulation (EEC) No 2800/77⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1436/77 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 17 December 1977.

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

Done at Brussels, 16 December 1977.

For the Commission

Finn GUNDELACH

Vice-President

- (¹) OJ No L 359, 31. 12. 1974, p. 1.
 (²) OJ No L 134, 28. 5. 1977, p. 1.
 (³) OJ No L 161, 1. 7. 1977, p. 9.
 (⁴) OJ No L 321, 16. 12. 1977, p. 44.

ANNEX

to the Commission Regulation of 16 December 1977 fixing the import levies on white sugar and raw sugar

| CCT heading No | Description of goods | Levy <i>(n.a./100 kg)</i> |
|----------------|--|---------------------------------|
| 17.01 | Beet sugar and cane sugar, solid : A. White sugar B. Raw sugar | 24.49 20.49 (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 DECISION

of 12 December 1977

amending Decision 75/458/EEC concerning a programme of pilot schemes and studies to combat poverty

(77/779/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 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 in its Decision 75/458/EEC of 22 July 1975 concerning a programme of pilot schemes and studies to combat poverty⁽³⁾ the Council empowered the Commission to promote or provide financial assistance for pilot schemes which test and develop new methods of helping persons beset by or threatened with poverty in the Community, and to promote, carry out or provide financial assistance for pilot studies to improve understanding of the nature, causes, scope and mechanics of poverty in the Community, within the limits of the relevant appropriations entered in the budget of the Communities for 1975 and 1976;

Whereas the Commission has established a programme of 19 schemes proposed by the Member States and of two cross-national studies and has submitted a report to the Council on 17 January 1977 on the successful progress of this programme;

Whereas since the majority of the schemes were not completed before the end of 1976 it is desirable that the schemes still in progress continue to be assisted by the Community within the limits of the relevant appropriations entered in the budget of the Communities for 1977, 1978 and 1979; whereas it is also desirable that a small number of new schemes could be financed in as much as this is necessary in order to complete the programme as a whole;

Whereas in order to continue the Community action described above it is necessary to amend Decision 75/458/EEC,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 75/458/EEC shall be amended as follows:

1. In the first subparagraph of Article 1 (1) 'for 1975 and 1976' shall be replaced by 'for 1975, 1976, 1977, 1978 and 1979'.
2. Article 6 shall be replaced by the following:

'Article 6

The Commission shall submit reports to the Council and the European Parliament on the available results of operations carried out with financial assistance from the Community. As soon as the programme has been completed and not later than

⁽¹⁾ OJ No C 180, 28. 7. 1977, p. 43.

⁽²⁾ Opinion delivered on 22 June 1977 (not yet published in the Official Journal).

⁽³⁾ OJ No L 199, 30. 7. 1975, p. 34.

30 June 1981, the Commission shall submit a report giving an assessment of the results obtained.'

3. Article 7 shall be replaced by the following:

'Article 7

Commitments regarding operations to which the Commission decided before 1 July 1976 to grant financial assistance and which are still in progress on 12 December 1977 must be effected before 1 December 1979.'

4. The following Article shall be added after Article 7:

'Article 8

By way of exception and to compensate for schemes which have not been carried out or which have proved inadequate, the Commission may decide, before 1 April 1978, to grant financial assis-

tance from the Community pursuant to Article 1 (1) for one or more substitute schemes, in as much as this is necessary in order to complete this programme as a whole.'

Article 2

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

Done at Brussels, 12 December 1977.

For the Council

The President

A. HUMBLET

FIRST COUNCIL DIRECTIVE**of 12 December 1977****on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions**

(77/780/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 57 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, pursuant to the Treaty, any discriminatory treatment with regard to establishment and to the provision of services, based either on nationality or on the fact that an undertaking is not established in the Member States where the services are provided, is prohibited from the end of the transitional period;

Whereas, in order to make it easier to take up and pursue the business of credit institutions, it is necessary to eliminate the most obstructive differences between the laws of the Member States as regards the rules to which these institutions are subject;

Whereas, however, given the extent of these differences, the conditions required for a common market for credit institutions cannot be created by means of a single Directive; whereas it is therefore necessary to proceed by successive stages; whereas the result of this process should be to provide for overall supervision of a credit institution operating in several Member States by the competent authorities in the Member State where it has its head office, in consultation, as appropriate, with the competent authorities of the other Member States concerned;

Whereas measures to coordinate credit institutions must, both in order to protect savings and to create equal conditions of competition between these institutions, apply to all of them; whereas due regard must be had, where applicable, to the objective differences in their statutes and their proper aims as laid down by national laws;

Whereas the scope of those measures should therefore be as broad as possible, covering all institutions whose business is to receive repayable funds from the public whether in the form of deposits or in other forms such as the continuing issue of bonds and other comparable securities and to grant credits for their own account; whereas exceptions must be provided for in the case of certain credit institutions to which this Directive cannot apply;

Whereas the provisions of this Directive shall not prejudice the application of national laws which provide for special supplementary authorizations permitting credit institutions to carry on specific activities or undertake specific kinds of operations;

Whereas the same system of supervision cannot always be applied to all types of credit institution; whereas provision should therefore be made for application of this Directive to be deferred in the case of certain groups or types of credit institutions to which its immediate application might cause technical problems; whereas more specific provisions for such institutions may prove necessary in the future; whereas these specific provisions should nonetheless be based on a number of common principles;

Whereas the eventual aim is to introduce uniform authorization requirements throughout the Community for comparable types of credit institution; whereas at the initial stage it is necessary, however, to specify only certain minimum requirements to be imposed by all Member States;

Whereas this aim can be achieved only if the particularly wide discretionary powers which certain supervisory authorities have for authorizing credit establishments are progressively reduced; whereas the requirement that a programme of operations must be produced should therefore be seen merely as a factor enabling the competent authorities to decide on the basis of more precise information using objective criteria;

(1) OJ No C 128, 9. 6. 1975, p. 25.

(2) OJ No C 263, 17. 11. 1975, p. 25.

Whereas the purpose of coordination is to achieve a system whereby credit institutions having their head office in one of the Member States are exempt from any national authorization requirement when setting up branches in other Member States;

Whereas a measure of flexibility may nonetheless be possible in the initial stage as regards the requirements on the legal form of credit institutions and the protection of banking names;

Whereas equivalent financial requirements for credit institutions will be necessary to ensure similar safeguards for savers and fair conditions of competition between comparable groups of credit institutions; whereas, pending further coordination, appropriate structural ratios should be formulated that will make it possible within the framework of cooperation between national authorities to observe, in accordance with standard methods, the position of comparable types of credit institutions; whereas this procedure should help to bring about the gradual approximation of the systems of coefficients established and applied by the Member States; whereas it is necessary, however, to make a distinction between coefficients intended to ensure the sound management of credit institutions and those established for the purposes of economic and monetary policy; whereas, for the purpose of formulating structural ratios and of more general cooperation between supervisory authorities, standardization of the layout of credit institutions' accounts will have to begin as soon as possible;

Whereas the rules governing branches of credit institutions having their head office outside the Community should be analogous in all Member States; whereas it is important at the present time to provide that such rules may not be more favourable than those for branches of institutions from another Member State; whereas it should be specified that the Community may conclude agreements with third countries providing for the application of rules which accord such branches the same treatment throughout its territory, account being taken of the principle of reciprocity;

Whereas the examination of problems connected with matters covered by Council Directives on the business of credit institutions requires cooperation between the competent authorities and the Commission within an Advisory Committee, particularly when conducted with a view to closer coordination;

Whereas the establishment of an Advisory Committee of the competent authorities of the Member States does not rule out other forms of cooperation between authorities which supervise the taking up and pursuit of the business of credit institutions and, in particular,

cooperation within the Contact Committee set up between the banking supervisory authorities,

HAS ADOPTED THIS DIRECTIVE:

TITLE I

Definitions and scope

Article 1

For the purposes of this Directive:

- 'credit institution' means an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account,
- 'authorization' means an instrument issued in any form by the authorities by which the right to carry on the business of a credit institution is granted,
- 'branch' means a place of business which forms a legally dependent part of a credit institution and which conducts directly all or some of the operations inherent in the business of credit institutions; any number of branches set up in the same Member State by a credit institution having its head office in another Member State shall be regarded as a single branch, without prejudice to Article 4 (1),
- 'own funds' means the credit institution's own capital, including items which may be treated as capital under national rules.

Article 2

1. This Directive shall apply to the taking up and pursuit of the business of credit institutions.
2. It shall not apply to:
 - the central banks of Member States,
 - post office giro institutions,
 - in Belgium, the communal savings banks ('caisses d'épargne communales — gemeentelijke spaarkassen'), the 'Institut de Réescompte et de Garantie — Herdisconterings- en Waarborginstituut', the 'Société nationale d'Investissement — Nationale Investeringsmaatschappij', the regional development companies ('sociétés de développement régional — gewestelijke ontwikkelingsmaatschappijen'), the 'Société nationale du Logement — Nationale Maatschappij voor de Huisvesting' and its authorized companies and the 'Société nationale terrienne — Nationale Landmaatschappij' and its authorized companies,

- in Denmark, the 'Dansk Eksportfinansieringsfond' and 'Danmarks Skibskreditfond',
 - in Germany, the 'Kreditanstalt für Wiederaufbau', undertakings which are recognized under the 'Wohnungsgemeinnützigkeitsgesetz' (non-profit housing law) as bodies of state housing policy and are not mainly engaged in banking transactions and undertakings recognized under that law as non-profit housing undertakings,
 - in France, the 'Caisse des Dépôts et Consignations', the 'Crédit Foncier' and the 'Crédit National',
 - in Ireland, credit unions,
 - in Italy, the 'Cassa Depositi e Prestiti',
 - in the Netherlands, the 'NV Export-Financieringsmaatschappij', the 'Nederlandse Financieringsmaatschappij voor Ontwikkelingslanden NV', the 'Nederlandse Investeringsbank voor Ontwikkelingslanden NV', the 'Nationale Investeringsbank NV', the 'NV Bank van Nederlandse Gemeenten', the 'Nederlandse Waterschapsbank NV', the 'Financieringsmaatschappij Industrieel Garantiefonds Amsterdam NV', the 'Financieringsmaatschappij Industrieel Garantiefonds 's-Gravenhage NV', the 'NV Noordelijke Ontwikkelings Maatschappij', the 'NV Industriebank Limburgs Instituut voor ontwikkeling en financiering' and the 'Overijsselse Ontwikkelingsmaatschappij NV',
 - in the United Kingdom, the National Savings Bank, the Commonwealth Development Finance Company Ltd, the Agricultural Mortgage Corporation Ltd, the Scottish Agricultural Securities Corporation Ltd, the Crown Agents for overseas governments and administrations, credit unions, and municipal banks.
3. The Council, acting on a proposal from the Commission, which, for this purpose, shall consult the Committee referred to in Article 11 (hereinafter referred to as 'the Advisory Committee') shall decide on any amendments to the list in paragraph 2.
4. (a) Credit institutions existing in the same Member State at the time of the notification of this Directive and permanently affiliated at that time to a central body which supervises them and which is established in that same Member State, may be exempted from the requirements listed in the first, second and third indents of the first subparagraph of Article 3 (2), the second subparagraph of Article 3 (2), Article 3 (4) and Article 6, if, no later than the date when the national authorities take the measures necessary to translate this Directive into national law, that law provides that:
- the commitments of the central body and affiliated institutions are joint and several liabilities or the commitments of its affiliated institutions are entirely guaranteed by the central body,
 - the solvency and liquidity of the central body and of all the affiliated institutions are monitored as a whole on the basis of consolidated accounts,
 - the management of the central body is empowered to issue instructions to the management of the affiliated institutions.
- (b) Credit institutions operating locally which are affiliated, subsequent to notification of this Directive, to a central body within the meaning of subparagraph (a) may benefit from the conditions laid down in subparagraph (a) if they constitute normal additions to the network belonging to that central body.
- (c) In the case of credit institutions other than those which are set up in areas newly reclaimed from the sea or have resulted from scission or mergers of existing institutions dependent or answerable to the central body, the Council, acting on a proposal from the Commission, which shall, for this purpose, consult the Advisory Committee, may lay down additional rules for the application of subparagraph (b) including the repeal of exemptions provided for in subparagraph (a), where it is of the opinion that the affiliation of new institutions benefiting from the arrangements laid down in subparagraph (b) might have an adverse effect on competition. The Council shall decide by a qualified majority.
5. Member States may defer in whole or in part the application of this Directive to certain types or groups of credit institutions where such immediate application would cause technical problems which cannot be overcome in the short-term. The problems may result either from the fact that these institutions are subject to supervision by an authority different from that normally responsible for the supervision of banks, or from the fact that they are subject to a special system of supervision. In any event, such deferment cannot be justified by the public law statutes, by the smallness of size or by the limited scope of activity of the particular institutions concerned.
- Deferment can apply only to groups or types of institutions already existing at the time of notification of this Directive.
6. Pursuant to paragraph 5, a Member State may decide to defer application of this Directive for a maximum period of five years from the notification thereof and, after consulting the Advisory Committee may extend deferment once only for a maximum period of three years.

The Member State shall inform the Commission of its decision and the reasons therefor not later than six months following the notification of this Directive. It shall also notify the Commission of any extension or repeal of this decision. The Commission shall publish any decision regarding deferment in the *Official Journal of the European Communities*.

Not later than seven years following the notification of this Directive, the Commission shall, after consulting the Advisory Committee, submit a report to the Council on the situation regarding deferment. Where appropriate, the Commission shall submit to the Council, not later than six months following the submission of its report, proposals for either the inclusion of the institutions in question in the list in paragraph 2 or for the authorization of a further extension of deferment. The Council shall act on these proposals not later than six months after their submission.

TITLE II

Credit institutions having their head office in a Member State and their branches in other Member States

Article 3

1. Member States shall require credit institutions subject to this Directive to obtain authorization before commencing their activities. They shall lay down the requirements for such authorization subject to paragraphs 2, 3 and 4 and notify them to both the Commission and the Advisory Committee.

2. Without prejudice to other conditions of general application laid down by national laws, the competent authorities shall grant authorization only when the following conditions are complied with :

- the credit institution must possess separate own funds,
- the credit institution must possess adequate minimum own funds,
- there shall be at least two persons who effectively direct the business of the credit institution.

Moreover, the authorities concerned shall not grant authorization if the persons referred to in the third indent of the first subparagraph are not of sufficiently good repute or lack sufficient experience to perform such duties.

3. (a) The provisions referred to in paragraphs 1 and 2 may not require the application for authorization to be examined in terms of the economic needs of the market.

(b) Where the laws, regulations or administrative provisions of a Member State provide, at the

time of notification of the present Directive, that the economic needs of the market shall be a condition of authorization and where technical or structural difficulties in its banking system do not allow it to give up the criterion within the period laid down in Article 14 (1), the State in question may continue to apply the criterion for a period of seven years from notification.

It shall notify its decision and the reasons therefor to the Commission within six months of notification.

(c) Within six years of the notification of this Directive the Commission shall submit to the Council, after consulting the Advisory Committee, a report on the application of the criterion of economic need. If appropriate, the Commission shall submit to the Council proposals to terminate the application of that criterion. The period referred to in subparagraph (b) shall be extended for one further period of five years, unless, in the meantime, the Council, acting unanimously on proposals from the Commission, adopts a Decision to terminate the application of that criterion.

(d) The criterion of economic need shall be applied only on the basis of general predetermined criteria, published and notified to both the Commission and the Advisory Committee and aimed at promoting :

- security of savings,
- higher productivity in the banking system.
- greater uniformity of competition between the various banking networks,
- a broader range of banking services in relation to population and economic activity.

Specification of the above objectives shall be determined within the Advisory Committee, which shall begin its work as from its initial meetings.

4. Member States shall also require applications for authorization to be accompanied by a programme of operations setting out *inter alia* the types of business envisaged and the structural organization of the institution.

5. The Advisory Committee shall examine the content given by the competent authorities to requirements listed in paragraph 2, any other requirements which the Member States apply and the information which must be included in the programme of operations, and shall, where appropriate, make suggestions to the Commission with a view to a more detailed coordination.

6. Reasons shall be given whenever an authorization is refused and the applicant shall be notified thereof within six months of receipt of the application or, should the latter be incomplete, within six months of the applicant's sending the information required for the decision. A decision shall, in any case, be taken within 12 months of the receipt of the application.

7. Every authorization shall be notified to the Commission. Each credit institution shall be entered in a list which the Commission shall publish in the *Official Journal of the European Communities* and shall keep up to date.

Article 4

1. Member States may make the commencement of business in their territory by branches of credit institutions covered by this Directive which have their head office in another Member State subject to authorization according to the law and procedure applicable to credit institutions established on their territory.

2. However, authorization may not be refused to a branch of a credit institution on the sole ground that it is established in another Member State in a legal form which is not allowed in the case of a credit institution carrying out similar activities in the host country. This provision shall not apply, however, to credit institutions which possess no separate own funds.

3. The competent authorities shall inform the Commission of any authorizations which they grant to the branches referred to in paragraph 1.

4. This Article shall not affect the rules applied by Member States to branches set up on their territory by credit institutions which have their head office there. Notwithstanding the second part of the third indent of Article 1, the laws of Member States requiring a separate authorization for each branch of a credit institution having its head office in their territory shall apply equally to the branches of credit institutions the head offices of which are in other Member States.

Article 5

For the purpose of exercising their activities, credit institutions to which this Directive applies may, notwithstanding any provisions concerning the use of the words 'bank', 'saving bank' or other banking names which may exist in the host Member State, use throughout the territory of the Community the same name as they use in the Member States in which their

head office is situated. In the event of there being any danger of confusion, the host Member State may, for the purposes of clarification, require that the name be accompanied by certain explanatory particulars.

Article 6

1. Pending subsequent coordination, the competent authorities shall, for the purposes of observation and, if necessary, in addition to such coefficients as may be applied by them, establish ratios between the various assets and/or liabilities of credit institutions with a view to monitoring their solvency and liquidity and the other measures which may serve to ensure that savings are protected.

To this end, the Advisory Committee shall decide on the content of the various factors of the observation ratios referred to in the first subparagraph and lay down the method to be applied in calculating them.

Where appropriate, the Advisory Committee shall be guided by technical consultations between the supervisory authorities of the categories of institutions concerned.

2. The observation ratios established in pursuance of paragraph 1 shall be calculated at least every six months.

3. The Advisory Committee shall examine the results of analyses carried out by the supervisory authorities referred to in the third subparagraph of paragraph 1 on the basis of the calculations referred to in paragraph 2.

4. The Advisory Committee may make suggestions to the Commission with a view to coordinating the coefficients applicable in the Member States.

Article 7

1. The competent authorities of the Member States concerned shall collaborate closely in order to supervise the activities of credit institutions operating, in particular by having established branches there, in one or more Member States other than that in which their head offices are situated. They shall supply one another with all information concerning the management and ownership of such credit institutions that is likely to facilitate their supervision and the examination of the conditions for their authorization and all information likely to facilitate the monitoring of their liquidity and solvency.

2. The competent authorities may also, for the purposes and within the meaning of Article 6, lay

down ratios applicable to the branches referred to in this Article by reference to the factors laid down in Article 6.

3. The Advisory Committee shall take account of the adjustments necessitated by the specific situation of the branches in relation to national regulations.

Article 8

1. The competent authorities may withdraw the authorization issued to a credit institution subject to this Directive or to a branch authorized under Article 4 only where such an institution or branch :

- (a) does not make use of the authorization within 12 months, expressly renounces the authorization or has ceased to engage in business for more than six months, if the Member State concerned has made no provision for the authorization to lapse in such cases ;
- (b) has obtained the authorization through false statements or any other irregular means ;
- (c) no longer fulfils the conditions under which authorization was granted, with the exception of those in respect of own funds ;
- (d) no longer possesses sufficient own funds or can no longer be relied upon to fulfil its obligations towards its creditors, and in particular no longer provides security for the assets entrusted to it ;
- (e) falls within one of the other cases where national law provides for withdrawal of authorization.

2. In addition, the authorization issued to a branch under Article 4 shall be withdrawn if the competent authority of the country in which the credit institution which established the branch has its head office has withdrawn authorization from that institution.

3. Member States which grant the authorizations referred to in Articles 3 (1) and 4 (1) only if, economically, the market situation requires it may not invoke the disappearance of such a need as grounds for withdrawing such authorizations.

4. Before withdrawal from a branch of an authorization granted under Article 4, the competent authority of the Member State in which its head office is situated shall be consulted. Where immediate action is called for, notification may take the place of such consultation. The same procedure shall be followed, by analogy, in cases of withdrawal of authorization from a credit institution which has branches in other Member States.

5. Reasons must be given for any withdrawal of authorization and those concerned informed thereof ; such withdrawal shall be notified to the Commission.

TITLE III

Branches of credit institutions having their head offices outside the Community

Article 9

1. Member States shall not apply to branches of credit institutions having their head office outside the Community, when commencing or carrying on their business, provisions which result in more favourable treatment than that accorded to branches of credit institutions having their head office in the Community.

2. The competent authorities shall notify the Commission and the Advisory Committee of all authorizations for branches granted to credit institutions having their head office outside the Community.

3. Without prejudice to paragraph 1, the Community may, through agreements concluded in accordance with the Treaty with one or more third countries, agree to apply provisions which, on the basis of the principle of reciprocity, accord to branches of a credit institution having its head office outside the Community identical treatment throughout the territory of the Community.

TITLE IV

General and transitional provisions

Article 10

1. Credit institutions subject to this Directive, which took up their business in accordance with the provisions of the Member States in which they have their head offices before the entry into force of the provisions implementing this Directive shall be deemed to be authorized. They shall be subject to the provisions of this Directive concerning the carrying on of the business of credit institutions and to the requirements set out in the first and third indents of the first subparagraph and in the second subparagraph of Article 3 (2).

Member States may allow credit institutions which at the time of notification of this Directive do not comply with the requirement laid down in the third indent of the first subparagraph of Article 3 (2), no more than five years in which to do so.

Member States may decide that undertakings which do not fulfil the requirements set out in the first indent of the first subparagraph of Article 3 (2) and

which are in existence at the time this Directive enters into force may continue to carry on their business. They may exempt such undertakings from complying with the requirement contained in the third indent of the first subparagraph of Article 3 (2).

2. All the credit institutions referred to in paragraph 1 shall be given in the list referred to in Article 3 (7).

3. If a credit institution deemed to be authorized under paragraph 1 has not undergone any authorization procedure prior to commencing business, a prohibition on the carrying on of its business shall take the place of withdrawal of authorization.

Subject to the first subparagraph, Article 8 shall apply by analogy.

4. By way of derogation from paragraph 1, credit institutions established in a Member State without having undergone an authorization procedure in that Member State prior to commencing business may be required to obtain authorization from the competent authorities of the Member State concerned in accordance with the provisions implementing this Directive. Such institutions may be required to comply with the requirement in the second indent of Article 3 (2) and with such other conditions of general application as may be laid down by the Member State concerned.

Article 11

1. An 'Advisory Committee of the Competent Authorities of the Member States of the European Economic Community' shall be set up alongside the Commission.

2. The tasks of the Advisory Committee shall be to assist the Commission in ensuring the proper implementation of both this Directive and Council Directive 73/183/EEC of 28 June 1973 on the abolition of restrictions on freedom of establishment and freedom to provide services in respect of self-employed activities of banks and other financial institutions⁽¹⁾ in so far as it relates to credit institutions. Further it shall carry out the other tasks prescribed by this Directive and shall assist the Commission in the preparation of new proposals to the Council concerning further coordination in the sphere of credit institutions.

3. The Advisory Committee shall not concern itself with concrete problems relating to individual credit institutions.

4. The Advisory Committee shall be composed of not more than three representatives from each

Member State and from the Commission. These representatives may be accompanied by advisers from time and subject to the prior agreement of the Committee. The Committee may also invite qualified persons and experts to participate in its meetings. The secretariat shall be provided by the Commission.

5. The first meeting of the Advisory Committee shall be convened by the Commission under the chairmanship of one of its representatives. The Advisory Committee shall then adopt its rules of procedure and shall elect a chairman from among the representatives of Member States. Thereafter it shall meet at regular intervals and whenever the situation demands. The Commission may ask the Committee to hold an emergency meeting if it considers that the situation so requires.

6. The Advisory Committee's discussions and the outcome thereof shall be confidential except when the Committee decides otherwise.

Article 12

1. Member States shall ensure that all persons now or in the past employed by the competent authorities are bound by the obligation of professional secrecy. This means that any confidential information which they may receive in the course of their duties may not be divulged to any person or authority except by virtue of provisions laid down by law.

2. Paragraph 1 shall not, however, preclude communications between the competent authorities of the various Member States, as provided for in this Directive. Information thus exchanged shall be covered by the obligation of professional secrecy applying to the persons now or in the past employed by the competent authorities receiving the information.

3. Without prejudice to cases covered by criminal law, the authorities receiving such information shall use it only to examine the conditions for the taking up and pursuit of the business of credit institutions, to facilitate monitoring of the liquidity and solvency of these institutions or when the decisions of the competent authority are the subject of an administrative appeal or in court proceedings initiated pursuant to Article 13.

Article 13

Member States shall ensure that decisions taken in respect of a credit institution in pursuance of laws, regulations and administrative provisions adopted in accordance with this Directive may be subject to the right to apply to the courts. The same shall apply

⁽¹⁾ OJ No L 194, 16. 7. 1973, p. 1.

where no decision is taken within six months of its submission in respect of an application for authorization which contains all the information required under the provisions in force.

TITLE V

Final provisions

Article 14

1. Member States shall bring into force the measures necessary to comply with this Directive within 24 months of its notification and shall forthwith inform the Commission thereof.

2. As from the notification of this Directive, Member States shall communicate to the Commission the texts of the main laws, regulations and administrative provisions which they adopt in the field covered by this Directive.

Article 15

This Directive is addressed to the Member States.

Done at Brussels, 12 December 1977.

For the Council

The President

A. HUMBLET

EURONORMS

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

Sales prices valid from 1 July 1976.

| | | <i>Price in £</i> |
|--|---|-----------------------|
| | Circulaire d'information n° 1 | |
| | Échantillons types pour les analyses chimiques des produits sidérurgiques, 2 ^e édition (1974) | 1-45 |
| | EURONORM 20-74 Définitions et classification des nuances d'aciers, 2 ^e édition | 0-85 |
| | EURONORM 27-74 Désignation conventionnelle des aciers, 3 ^e édition | 1-20 |
| | (*) EURONORM 92-75 Hot-rolled flats for spring leaves | 0-60 |
| | EURONORM 94-73 Aciers pour roulements — Prescriptions de qualité | 0-60 |
| | (*) EURONORM 107-75 Grain oriented magnetic sheet and strip | 2-20 |
| | (*) EURONORM 117-75 Calibration of reference blocks for use with Rockwell hardness testing machines (B, C, N and T scales) | 1-70 |
| | EURONORM 118-75 Méthodes de détermination des caractéristiques magnétiques des tôles magnétiques à l'aide du cadre Epstein de 25 cm | 1-70 |
| | EURONORM 119-74 Aciers pour frappe à froid et extrusion à froid — Prescriptions de qualité — fasc. 1 à fasc. 5 | 4-40 |
| | (*) EURONORM 122-75 Verification of Rockwell hardness testing machines (B, C, N and T scales) | 1-70 |
| | (*) EURONORM 123-75 High temperature tests — Creep test for steel | 1-10 |

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

| | | | |
|----------|-------|--|------|
| EURONORM | 1-55 | Fontes et ferro-alliages | 1-35 |
| EURONORM | 2-57 | Essai de traction pour l'acier | 0-85 |
| EURONORM | 3-55 | Essai de dureté Brinell pour l'acier | 0-60 |
| EURONORM | 4-55 | Essai de dureté Rockwell échelles B et C pour l'acier | 0-60 |
| EURONORM | 5-55 | Essai de dureté Vickers pour l'acier | 0-60 |
| EURONORM | 6-55 | Essai de pliage pour l'acier | 0-60 |
| EURONORM | 7-55 | Essai de résilience Charpy pour l'acier | 0-60 |
| EURONORM | 8-55 | Valeurs de conversion approximatives de la durée et de la résistance à la traction de l'acier | 0-60 |
| EURONORM | 9-55 | Valeurs de conversion approximatives des allongements après rupture de l'acier | 0-60 |
| EURONORM | 10-55 | Valeurs de conversion approximatives des résiliences de l'acier | 0-60 |
| EURONORM | 11-55 | Essai de traction sur tôles et feuillards en acier d'une épaisseur de 0,5 mm inclus à 3 mm exclu | 0-75 |
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