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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1117/78

of 22 May 1978

on the common organization of the market in dried fodder

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas Regulation (EEC) No 1067/74 ⁽³⁾, as amended by Regulation (EEC) No 1420/75 ⁽⁴⁾, set up a common organization of the market in dehydrated fodder; whereas experience has shown that the production aid system introduced by that Regulation is not suitable for the market and should be replaced by another system;

Whereas certain other products processed from green fodder can be used to broaden the range of the Community's protein supplies and should therefore be included in the common organization of the market in dried fodder;

Whereas for reasons of clarity Regulation (EEC) No 1067/74 should be replaced by a new Regulation;

Whereas the processing of green fodder plants is particularly important for animal nutrition; whereas much less green fodder is grown than could be used in the

Community; whereas appropriate measures should therefore be taken to increase the Community's protein supplies; whereas aid should therefore be granted to encourage the growing of green fodder;

Whereas dried fodder is in direct competition with similar products imported free of duty from outside the Community, the prices of which are subject to considerable fluctuation; whereas in order therefore to guarantee dried fodder producers a fair return on the sale of their products a guide price should be set for dehydrated fodder; whereas, owing to conditions of production, Community products are generally more highly priced than imported products; whereas aid equal to a certain percentage of the difference between the guide price and the world market price should therefore be granted; whereas aid of this kind will also enable production to be better adapted to market requirements;

Whereas, because of the limited production of dehydrated potatoes in the Community and the special hydrated fodder; whereas sun-dried fodder is also subject to competition from imports from outside the Community; whereas producers of sun-dried fodder should therefore be granted only part of the aid fixed for dehydrated fodder;

Whereas, because of the limited production of dehydrated potatoes in the Community and the special characteristics of the market therein, the flat-rate aid only should be granted for such products;

Whereas, in order to encourage a regular supply of green fodder to processors and to enable farmers to

⁽¹⁾ OJ No C 85, 10. 4. 1978, p. 31.

⁽²⁾ OJ No C 101, 26. 4. 1978, p. 10.

⁽³⁾ OJ No L 120, 1. 5. 1974, p. 2.

⁽⁴⁾ OJ No L 141, 3. 6. 1975, p. 1.

benefit from the aid scheme, the granting of aid should in certain cases be conditional on the conclusion of contracts between farmers and processors;

Whereas the common organization of the market in dried fodder involves the introduction of a single trading system at the external frontiers of the Community; whereas pursuant to the Treaty the Common Customs Tariff has automatically applied since 1 January 1970, and this system makes it possible to dispense with all other protective measures; whereas, however, so as not to leave the Community market defenceless against disturbances arising through imports or exports, the Community should be enabled to take all necessary measures without delay;

Whereas the provisions of the Treaty allowing the assessment of aid granted by Member States and the prohibition of those which are incompatible with the common market should be applied in the case of dried fodder;

Whereas, in order to facilitate implementation of the measures proposed, a procedure should be provided for which establishes close cooperation between Member States and the Commission within a management committee;

Whereas the establishment of a common organization of the market in dried fodder makes it necessary to amend the Annex to Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty ⁽¹⁾, as last amended by Regulation (EEC) No 2560/77 ⁽²⁾;

Whereas the new common organization of the markets provides for an aid system for dried fodder which is more favourable than that provided for in Regulation (EEC) No 1067/74; whereas it has not however been possible to introduce this new organization before the beginning of the 1978/79 marketing year; whereas the new aid system should be applied, as far as possible, from the beginning of the 1978/79 marketing year in the case of the products covered by the aid system provided for by Regulation (EEC) No 1067/74, so that they may benefit from the difference between these aids;

Whereas the expenditure incurred by Member States as a result of the obligations arising from the application of this Regulation will be borne by the Community, in accordance with Articles 2 and 3 of Council Regulation

(EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2788/72 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

There shall be a common organization of the market in dried fodder covering the following products:

CCT heading No	Description
(a) ex 07.04 B	Potatoes, dehydrated by artificial heat-drying, whole, cut, sliced, broken or in powder, but not further prepared, unfit for human consumption
ex 11.05	Flour, meal and flakes of potato, unfit for human consumption
(b) ex 12.10 B	— Lucerne, sainfoin, clover, lupines, vetches and similar fodder products, artificially heat-dried, except hay and fodder kale and products containing hay — Lucerne, sainfoin, clover, lupines and vetches otherwise dried and ground
(c) ex 23.07 C	Protein concentrates obtained from lucerne juice and from grass juice

Article 2

1. The marketing year for the products referred to in Article 1 (a) shall begin on 1 July of each year and end on 30 June of the following year.

2. The marketing year for the products referred to in Article 1 (b) and (c) shall begin on 1 April of each year and end on 31 March of the following year.

However, in the case of the products referred to in Article 1 (b), second indent, and (c), the 1978/79 marketing year shall begin on 1 July 1978 and end on 31 March 1979.

⁽¹⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 295, 30. 12. 1972, p. 1.

TITLE I

Aid system

Article 3

1. Flat-rate aid for the production from fodder plants harvested in the Community of the products referred to in Article 1 shall be granted under the conditions set out in Article 6.

The amount of such aid, which shall be uniform throughout the Community, shall be fixed each year before 1 August for the marketing year beginning the following year. However, the amount of flat-rate aid for the 1978/79 marketing year shall be fixed before 1 June 1978.

The amount of flat-rate aid fixed for the products referred to in Article 1 (a) may be different from that fixed for the other products.

2. The amount of flat-rate aid shall be fixed with the aim of improving the supply of protein products to the Community.

3. The amount of flat-rate aid shall be fixed in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 4

1. Before 1 August each year a Community guide price for the products referred to in Article 1 (b), first indent, shall be fixed for the following marketing year in accordance with the procedures laid down in Article 43 (2) of the Treaty.

The price shall be fixed at a level that is fair to the producers.

However, the guide price for the 1978/79 marketing year shall be fixed before 1 June 1978.

2. The guide price shall apply throughout the marketing year for which it is fixed.

3. The guide price shall relate to a standard quality.

Article 5

1. When the guide price for a marketing year is higher than the average world market price determined on the basis of the most favourable purchasing conditions on the world market and corrected if necessary for the standard quality referred to in Article 4 for the products concerned, supplementary aid shall be granted for products referred to in Article 1 (b) and (c) produced from fodder plants harvested in the Community.

2. This aid shall be equal to a percentage to be determined of the difference between these two prices. The percentage shall be fixed by the Council at the same time as the guide price, using the same procedure.

3. The amount of the supplementary aid shall be fixed periodically by the Commission.

Article 6

1. The aid referred to in Articles 3 and 5 shall be granted only to undertakings processing the products listed in Article 1 which:

- produce dried fodder of a minimum quality to be determined;
- satisfy the necessary conditions for entitlement to aid, and
- have concluded contracts with producers of fodder for drying, or process their own crops or, in the case of groups or cooperatives, those of their members.

Aid shall be paid by the Member State in which the fodder has been dried.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down:

- the criteria for calculating the average world market price,
- the general rules for granting the aid referred to in Articles 3 and 5, which may in particular provide for the possibility of advance fixing of the aid referred to in Article 5,
- the general rules for checking entitlement to such aid,
- the criteria for minimum quality,
- the conditions referred to in the second indent of paragraph 1,
- the criteria in accordance with which the contracts referred to in paragraph 1 must be concluded.

3. Detailed rules for the application of Articles 3 to 5 and of this Article, particularly as regards the standard conditions with which the contracts referred to in paragraph 2 must comply, shall be adopted in accordance with the procedure laid down in Article 12.

TITLE II

Trade with non-member countries

Article 7

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of the

products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall be incorporated in the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where the Council, acting by a qualified majority on a proposal from the Commission, decides to derogate therefrom, the following shall be prohibited in trade with non-member countries:

- the levying of any charge having equivalent effect to a customs duty,
- the application of any quantitative restriction or measure having equivalent effect.

Article 8

1. If by reason of imports or exports the Community market in the products listed in Article 1 experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with non-member countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this paragraph and define the cases in which and the limits within which Member States may take interim protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide what measures are required. These shall be communicated to the Member States and shall be immediately applicable. If the Commission has received a request from a Member State it shall take a decision within 24 hours of receiving it.

3. The measures decided on by the Commission may be referred to the Council by any Member State within the three working days following the day on which they were communicated. The Council shall meet without delay. It may by qualified majority amend or repeal the measures in question.

TITLE III

General provisions

Article 9

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products referred to in Article 1.

Article 10

The Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 12.

Article 11

1. There is hereby established a Management Committee for Dried Fodder (hereinafter called the 'Committee'), composed of representatives of the Member States and chaired by a representative of the Commission.

2. Within the Committee the votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 12

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a time limit to be set by the chairman according to the urgency of the matter. Opinions shall be adopted by a majority of 41 votes.

3. The Commission shall adopt measures which shall be immediately applicable. However, if these measures are not in accordance with the opinion of the Committee, the Commission shall forthwith communicate them to the Council. In such cases the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

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

Article 13

The Committee may consider any other matter raised by its chairman either on his own initiative or at the request of the representative of a Member State.

Article 14

This Regulation shall be so applied that appropriate account is taken at the same time of the objectives set out in Articles 39 and 110 of the Treaty.

Article 15

1. The wording of subheading 12.10 ex B in the Annex to Regulation (EEC) No 827/68 shall be replaced by the following:

'ex B. Other, except for

- Lucerne, sainfoin, clover, lupines, vetches and similar fodder products, artificially heat-dried, except hay and fodder kale and products containing hay
- Lucerne, sainfoin, clover, lupines and vetches otherwise dried and ground'.

2. The wording of subheading 23.07 C in the Annex to Regulation (EEC) No 827/68 shall be replaced by the following:

'ex C. Other, excluding protein concentrates obtained from lucerne juice and from grass juice'.

Article 16

1. Regulation (EEC) No 1067/74 is hereby repealed with effect from 1 July 1978.

2. If transitional measures should prove necessary to facilitate the change from the aid system defined in Regulation (EEC) No 1067/74 to the system laid down in this Regulation, such measures shall be adopted in accordance with the procedure provided for in Article 12.

Article 17

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

It shall apply from 1 July 1978 with the exception of the aid system provided for under Title I for the products referred to in Article 1 (b), first indent, which shall be applicable from the beginning of the 1978/79 marketing year.

For the products referred to in Article 1 (a) it shall apply until 30 June 1979.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

COUNCIL REGULATION (EEC) No 1118/78

of 22 May 1978

fixing the flat-rate production aid and the guide price for dried fodder for the 1978/79 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder ⁽¹⁾, and in particular Article 3 (3), Article 4 (1) and (3) and Article 5 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 3 of Regulation (EEC) No 1117/78 stipulates that the level of the production aid for dried fodder must be such as to bring about an improvement in the Community's protein supplies;

Whereas under Article 4 of the same Regulation a guide price must be set for certain dried fodder products at a level that is fair to producers; whereas this price must be set for a standard quality representative of the average quality of dried fodder produced in the Community;

Whereas under Article 5 (2) of Regulation (EEC) No 1117/78 the supplementary aid provided for in paragraph 1 of that Article must be equal to a percentage of the difference between the guide price and the average world market price for the products in question; whereas in view of the characteristics of the market in question the percentage should be set at 70 % for the products referred to in Article 1 (b), first indent, and (c) of Regulation (EEC) No 1117/78 and at 40 % for the products referred to in Article 1 (b), second indent, of that Regulation;

Whereas Article 17 of Regulation (EEC) No 1117/78 stipulates that the aid system for the products referred

to in Article 1 (b), first indent, of that Regulation shall apply as from 1 April 1978,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1978/79 marketing year the flat-rate production aid provided for in Article 3 of Regulation (EEC) No 1117/78 shall be:

- 9.55 units of account per tonne for the products referred to in Article 1 (a) of that Regulation,
- 5.00 units of account per tonne for the products referred to in (b) and (c) of that Article.

Article 2

1. For the 1978/79 marketing year the guide price for the products referred to in Article 1 (b), first indent, of Regulation (EEC) No 1117/78 shall be 103 units of account per tonne.

2. This price refers to a product with:

- a moisture content of 11 %,
- a total gross protein content of 18 % of the dry weight.

Article 3

For the 1978/79 marketing year the percentages to be used to calculate the supplementary aid referred to in Article 5 of Regulation (EEC) No 1117/78 shall be:

- 70 % for the products referred to in Article 1 (b), first indent, and (c) of Regulation (EEC) No 1117/78,
- 40 % for the products referred to in (b), second indent, of that Article.

Article 4

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

However, in the case of products referred to in Article 1 (b), first indent, of Regulation (EEC) No 1117/78, it shall apply from 1 April 1978.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 85, 10. 4. 1978, p. 31.

⁽³⁾ OJ No C 101, 26. 4. 1978, p. 10.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

COUNCIL REGULATION (EEC) No 1119/78

of 22 May 1978

laying down special measures for peas and field beans used in the feeding of animals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas the production of peas and field beans intended for animal feed is of increasing importance to the Community; whereas, in order to encourage the development of this production, which is subject to direct competition from oil-seed meals imported free of duty from outside the Community, it is necessary to provide for appropriate support measures;

Whereas peas and field beans need to be marketed under balanced conditions of competition with soya meal, which nevertheless provide a fair return to producers; whereas the soya-meal price level which enables the above objectives to be attained may be expressed as an activating price for the granting of aid for peas and field beans;

Whereas, in view of the relationship between the price of oil-seed meals and that of peas and field beans, a certain percentage of the difference between the activating price and the average price of oil-seed meals recorded on the world market corresponds to the amount of aid which it is necessary to grant in order to attain the abovementioned objective;

Whereas in order to facilitate the application of these arrangements the aid should be granted to undertakings which process peas and field beans; whereas, in order that farmers may benefit from the system of aid, the granting of such aid should be made conditional on the conclusion with farmers of contracts providing for a minimum purchasing price;

Whereas the transition from the current arrangements in Member States to those introduced by this Regulation must take place in the best possible manner; whereas transitional measures may therefore prove necessary;

Whereas the expenditure incurred by Member States as a result of the obligations arising from the application of this Regulation will be borne by the Community, in accordance with Articles 2 and 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2788/72 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. Before 1 August each year, for the marketing year beginning the following calendar year, an aid activating price, hereinafter termed 'activating price', shall be fixed for the Community in accordance with the procedure laid down in Article 43 (2) of the Treaty in respect of the following products:

- peas, excluding chick peas, falling within subheading 07.05 B I of the Common Customs Tariff,
- field beans falling within subheading 07.05 B III of the Common Customs Tariff.

However, for the 1978/79 marketing year, this price shall be fixed before 1 June 1978.

2. The activating price shall be fixed for soya meal at a level which enables the products referred to in paragraph 1 to be used in animal feedingstuffs under conditions of normal competition with oil-seed meals and which ensures a fair return to producers of peas and field beans.

3. The activating price shall apply throughout the marketing year for which it is fixed; the marketing year shall run from 1 July to 30 June.

⁽¹⁾ OJ No C 85, 10. 4. 1978, p. 31.

⁽²⁾ OJ No C 101, 26. 4. 1978, p. 10.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 295, 30. 12. 1972, p. 1.

4. The activating price shall relate to a standard quality. That quality shall be determined by the Council in accordance with the procedure referred to in paragraph 1.

Article 2

1. When the average world market price for soya meal, as determined in accordance with Article 3, is lower than the activating price, aid shall be granted for peas and field beans harvested in the Community which are used in the manufacture of animal feedingstuffs. Such aid shall be equal to 45 % of the difference between these two prices.

2. Aid shall be granted only to manufacturers of animal feedingstuffs who:

- satisfy the conditions necessary to qualify for aid,
- have concluded contracts with producers of peas and field beans or other natural or legal persons providing for the payment to such producers of a price no lower than the minimum price.

The minimum price shall be fixed at a level which, allowing for market fluctuations and the cost of transport of the product from producer to processor, enables producers to obtain a fair return.

This price shall be fixed at the same time as the activating price and in accordance with the same procedure.

3. Aid shall be paid by the Member State on whose territory the manufacture of the animal feed in question takes place.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt:

- (a) general rules for the granting of the aid;
- (b) detailed rules for the checking of entitlement to aid; such checking may cover both peas and field beans harvested in the Community and imports from third countries; in connection with the latter a security may be required;
- (c) the conditions referred to in paragraph 2, first indent.

5. The amount of aid shall be fixed periodically by the Commission.

6. Detailed rules for the application of this Article, in particular as regards the standard conditions with which the contracts referred to in paragraph 2 must comply, shall be determined in accordance with the

procedure laid down in Article 12 of Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder ⁽¹⁾.

Article 3

The average world market price for soya meal, calculated for a Community frontier crossing-point and adjusted, where appropriate, for the standard quality referred to in Article 1, shall be determined on the basis of the most favourable purchasing possibilities on the world market. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the criteria on the basis of which the world market price is to be determined.

Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/78.

Article 4

Member States and the Commission shall communicate to each other the information necessary for the application of this Regulation. That information shall be determined in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/78. The manner in which such information is to be communicated and distributed shall be decided in accordance with the same procedure.

Article 5

If transitional measures should prove necessary to facilitate the change from the current arrangements in Member States to those provided for by this Regulation, such measures shall be adopted under the procedure laid down in Article 12 of Regulation (EEC) No 1117/78. They shall continue to apply for as long as is strictly necessary to facilitate the transition from one set of arrangements to the other.

Article 6

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

The system of aid provided for in this Regulation shall apply from 1 July 1978.

⁽¹⁾ See page 1 of this Official Journal.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

COUNCIL REGULATION (EEC) No 1120/78

of 22 May 1978

fixing, for the 1978/79 marketing year, the activating price for aid for peas and field beans and the minimum price for these products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1119/78 of 22 May 1978 laying down special measures for peas and field beans used in the feeding of animals ⁽¹⁾, and in particular Article 1 (1) and (4) and Article 2 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 1 (2) of Regulation (EEC) No 1119/78 provides that an activating price for aid for peas and field beans must be fixed in relation to soya meal at a level which, while ensuring a fair income to producers, enables peas and field beans to compete normally with oil-seed meals for use in animal feed;

Whereas this activating price for aid for peas and field beans must relate to a standard quality of soya meal which is representative of the average quality sold on the Community market;

Whereas Article 2 of the same Regulation provides for the fixing of a minimum price which, allowing for

market fluctuations and for the cost of transport of the product from producer to processor, enables producers to obtain a fair return,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1978/79 marketing year the activating price for aid for peas and field beans, as referred to in Article 1 of Regulation (EEC) No 1119/78, shall be 28.5 units of account per 100 kilograms.

2. This price shall relate to soya meal having:

- a total raw protein content of 44 %,
- a humidity content of 11 %.

Article 2

For the 1978/79 marketing year the minimum purchase price for peas and field beans shall be 17.5 units of account per 100 kilograms.

Article 3

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

⁽¹⁾ See page 8 of this Official Journal.

⁽²⁾ OJ No C 85, 10. 4. 1978, p. 31.

⁽³⁾ OJ No C 101, 26. 4. 1978, p. 10.

COUNCIL REGULATION (EEC) No 1121/78

of 22 May 1978

fixing the amount of aid in respect of silkworms for the 1978/79 rearing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 845/72 of 24 April 1972 laying down special measures to encourage silkworm rearing ⁽¹⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 2 of Regulation (EEC) No 845/72 provides that the amount of aid for silkworms reared within the Community must be fixed each year in such a way as to help ensure a fair income for silkworm rearers, taking into account the state of the market in cocoons and raw silk, of foreseeable trends on that market and of import policy;

Whereas application of these criteria entails fixing the amount of aid at a level higher than that adopted for the preceding marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1978/79 rearing year, the amount of aid in respect of silkworms as referred to in Article 2 of Regulation (EEC) No 845/72 shall be fixed at 55 units of account per box of silkworm eggs used.

Article 2

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

It shall apply from 1 April 1978.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

⁽¹⁾ OJ No L 100, 27. 4. 1972, p. 1.

⁽²⁾ OJ No C 85, 10. 4. 1978, p. 31.

⁽³⁾ OJ No C 101, 26. 4. 1978, p. 10.

COUNCIL REGULATION (EEC) No 1122/78

of 22 May 1978

amending Regulation (EEC) No 2511/69 laying down special measures for improving the production and marketing of Community citrus fruit and Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas Article 6 of Council Regulation (EEC) No 2511/69 of 9 December 1969 laying down special measures for improving the production and marketing of Community citrus fruit ⁽³⁾, as last amended by Regulation (EEC) No 1034/77 ⁽⁴⁾, extended the granting of financial compensation for the marketing of lemons until the end of the 1977/78 marketing year;

Whereas these measures have encouraged the marketing of better quality products; whereas such a trend should be furthered by retaining these measures in the coming marketing year; whereas, therefore, when calculating the reference price for lemons, account should not be

taken of the transport costs as defined in Article 23 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽⁵⁾, as last amended by Regulation (EEC) No 1034/77,

HAS ADOPTED THIS REGULATION:

Article 1

In the second paragraph of Article 6 of Regulation (EEC) No 2511/69 '1 June 1978' shall be replaced by '1 June 1979'.

Article 2

In the first indent of the first subparagraph of Article 23 (2) of Regulation (EEC) No 1035/72 '31 May 1978' shall be replaced by '31 May 1979'.

Article 3

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, 22 May 1978.

For the Council

The President

K. HEINESEN

⁽¹⁾ OJ No C 85, 10. 4. 1978, p. 31.

⁽²⁾ OJ No C 101, 26. 4. 1978, p. 10.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 1.

⁽⁴⁾ OJ No L 125, 19. 5. 1977, p. 1.

⁽⁵⁾ OJ No L 118, 20. 5. 1972, p. 1.

COUNCIL REGULATION (EEC) No 1123/78

of 22 May 1978

fixing certain prices and other amounts applicable in the fruit and vegetables sector for the 1978/79 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1122/78 ⁽²⁾, and in particular Article 16 (1) thereof,

Having regard to Council Regulation (EEC) No 2511/69 of 9 December 1969 laying down special measures for improving the production and marketing of Community citrus fruit ⁽³⁾, as last amended by Regulation (EEC) No 1122/78, and in particular Article 7 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas, pursuant to Article 16 (1) of Regulation (EEC) No 1035/72, a basic price and a buying-in price are to be fixed for each marketing year for each of the products listed in Annex II to the said Regulation; whereas the products harvested in a given production year, are marketed:

- as regards cauliflowers, from May to April of the following year,
- as regards tomatoes, from January to December,
- as regards peaches, from May to October,
- as regards lemons, from June to May of the following year,
- as regards pears, from June to May of the following year,

— as regards table grapes, from May to April of the following year,

— as regards apples, from July to June of the following year,

— as regards mandarins, from November to March of the following year,

— as regards sweet oranges, from October to June of the following year;

Whereas, however, pursuant to the third subparagraph of Article 16 (1) of Regulation (EEC) No 1035/72, no basic price or buying-in price must be fixed for the slack marketing periods at the beginning and at the end of the marketing year;

Whereas, as regards cauliflowers, a basic price and a buying-in price for May have already been fixed by Regulation (EEC) No 911/78 ⁽⁶⁾;

Whereas, when the basic prices and buying-in prices for fruit and vegetables are fixed, account should be taken of the aims of the common agricultural policy and the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to ensure that supplies are available, and that they reach consumers at reasonable prices;

Whereas the basic prices must be fixed by reference to the trend in the average prices recorded during the three preceding years on the most representative producer markets within the Community for a product with defined commercial characteristics, such as variety or type, quality class, size and packaging; whereas the buying-in prices must be fixed by reference to the basic price in accordance with Article 16 (3) of Regulation (EEC) No 1035/72;

Whereas the amount of the financial compensation for oranges, mandarins, clementines and lemons must be

(1) OJ No L 118, 20. 5. 1972, p. 1.

(2) See page 13 of this Official Journal.

(3) OJ No L 318, 18. 12. 1969, p. 1.

(4) OJ No C 85, 10. 4. 1978, p. 31.

(5) OJ No C 101, 26. 4. 1978, p. 10.

(6) OJ No L 117, 29. 4. 1978, p. 85.

fixed in accordance with the criteria laid down in Article 7 (2) of Regulation (EEC) No 2511/69,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1978/79 marketing year, the basic prices and the buying-in prices for fruit and vegetables, the periods during which they shall apply, and the standard qualities to which they relate shall be as set out in Annex I.

Article 2

For the 1978/79 marketing year, the financial compensation for oranges, mandarins, clementines and lemons shall be as set out in Annex II.

Article 3

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, 22 May 1978.

For the Council

The President

K. HEINESEN

ANNEX I

BASIC PRICES AND BUYING-IN PRICES

CAULIFLOWERS

For the period 1 June 1978 to 30 April 1979

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
June	14.74	6.40
July	12.43	5.35
August	12.43	5.35
September	13.90	5.88
October	14.63	6.19
November	11.38	4.93
December	11.38	4.93
January	11.38	4.93
February	10.22	4.41
March	11.06	4.72
April	11.27	4.93

These prices relate to the following packed products:

- cauliflowers 'with leaves' of Quality Class I, for the months of November, December, January, February, March and April,
- 'trimmed' cauliflowers of Quality Class I, for the months of June, July, August, September and October.

TOMATOES

For the period 1 June to 30 November 1978

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
June		
— first 10 days	—	—
— second 10 days	19.25	8.01
— third 10 days	17.15	7.38
July	15.05	6.23
August	13.05	5.49
September	14.10	5.91
October	17.67	7.28
November	19.14	8.43

These prices relate to packed 'round' and 'ribbed' tomatoes of Quality Class I, size 57/67 mm.

PEACHES

(excluding nectarins)

For the period 1 June to 30 September 1978

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
June	28.33	17.25
July to September	26.44	16.31

These prices relate to the following packed products:

- peaches of the Fior di Maggio (May Flower) variety, Quality Class I, size 51/61 mm, for the month of June,

- peaches of the Amsden, Charles Ingouf, and Sant'Anna varieties, Quality Class I, size 61/67 mm, for the month of July,
- peaches of the Red Haven and Fair Haven varieties, Quality Class I, size 61/67 mm, for the month of August,
- peaches of the J. H. Hale variety, Quality Class I, size 61/67 mm, for the month of September.

LEMONS

For the period 1 June 1978 to 31 May 1979

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
June	27.64	16.64
July	28.48	17.16
August	28.37	17.06
September	24.49	15.90
October	22.70	15.69
November	21.86	13.17
December	21.34	12.96
January	22.18	13.38
February	21.13	12.86
March	22.28	13.38
April	23.65	14.22
May	24.38	14.64

These prices relate to packed lemons of Quality Class I, size 53/62 mm.

PEARS

(other than perry pears)

For the period 1 July 1978 to 30 April 1979

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
July	17.37	8.86
August	15.80	8.54
September	14.85	8.02
October	15.69	8.02
November	16.01	8.23
December	16.32	8.54
January to April	16.53	8.75

These prices relate to the following packed products:

- (a) Pears of the Dr Jules Guyot variety, Quality Class I, size 60 mm or more, for the month of July;
- (b) Pears of the Dr Jules Guyot, Clapp's favourite, and Bon chrétien Williams varieties, Quality Class I, size 60 mm or more, for the month of August;
- (c) Pears of the Bon chrétien Williams and Conference varieties, Quality Class I, size 60 mm or more, for the months of September and October;
- (d) — Pears of the Conference and Alexandrine Douillard varieties, Quality Class I, size 60 mm or more, for the month of November,
— Pears of the Passe-Crassane variety, Quality Class I, size 70 mm or more, for the month of November,

- (e) — Pears of the Conference variety, Quality Class I, size 60 mm or more, for the months December to April,
 — Pears of the Passe-Crassane variety, Quality Class I, size 70 mm or more, for the months December to April.

TABLE GRAPES

For the period 1 August to 31 October 1978

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
August	21.32	13.88
September and October	18.17	11.04

These prices relate to packed table grapes of the Regina dei Vigneti and Regina (Mennavacca bianca) varieties, Quality Class I.

APPLES

(other than cider apples)

For the period 1 August 1978 to 31 May 1979

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
August	15.59	7.95
September	15.59	7.95
October	15.59	8.05
November	15.91	8.16
December	17.06	8.79
January	18.53	9.52
February	19.79	10.05
March to May	21.26	10.78

These prices relate to the following packed products:

- (a) Apples of the James Grieve variety, Quality Class I, size 70 mm or more, for the month of August;
 (b) — Apples of the James Grieve and Golden Delicious varieties, Quality Class I, size 70 mm or more, for the month of September,
 — Apples of the Reine des reinettes variety, Quality Class I, size 65 mm or more, for the month of September;
 (c) Apples of the Golden Delicious variety, Quality Class I, size 70 mm or more, for the months October to May.

MANDARINS

For the period 16 November 1978 to 28 February 1979

	<i>Basic price</i> (u.a./100 kg net)	<i>Buying-in price</i> (u.a./100 kg net)
16 to 30 November	27.70	18.28
December	27.39	17.86
January	26.97	17.23
February	25.60	16.81

These prices relate to packed mandarins of Quality Class I, size 54/64 mm.

SWEET ORANGES

For the period 1 December 1978 to 31 May 1979

	<i>Basic price (u.a./100 kg net)</i>	<i>Buying-in price (u.a./100 kg net)</i>
December	24.79	16.15
January	21.85	14.68
February	22.37	15.10
March	23.95	15.31
April and May	24.47	15.52

These prices relate to the following packed products:

- Oranges of the Moro variety, Quality Class I, size 67/80 mm for the month of December,
- Oranges of the Sanguinello variety, Quality Class I, size 67/80 mm, for the months January to May.

NB: The prices quoted in this Annex do not include the cost of the packaging in which the product is presented.

 ANNEX II

Amount of financial compensation

For the 1978/79 marketing year:

- 8.89 units of account per 100 kg net for oranges of the Moro, Tarocco, Ovale calabrese, Belladonna, Navel and Valencia late varieties;
- 7.63 units of account per 100 kg net for oranges of the Sanguinello variety;
- 5.02 units of account per 100 kg net for oranges of the Sanguigno and Biondo comune varieties;
- 7.63 units of account per 100 kg net for mandarins;
- 4.45 units of account per 100 kg net for clementines;
- 5.44 units of account per 100 kg net for lemons.

NB: Financial compensation is only granted in respect of products belonging to Quality Classes Extra and I.

COUNCIL REGULATION (EEC) No 1124/78

of 22 May 1978

fixing the basic price and the standard quality for slaughtered pigs for the period
1 November 1978 to 31 October 1979

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as amended by Regulation (EEC) No 367/76 ⁽²⁾, and in particular to Article 4 (4) thereof,

Having regard to the proposal from the Commission,

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

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

Whereas, when the basic price for slaughtered pigs is fixed, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas the basic price must be fixed in accordance with the criteria laid down in Article 4 (1) of Regulation (EEC) No 2759/75 for a standard quality defined according to Council Regulation (EEC) No 2760/75 of 29 October 1975 determining the Community scale for grading pig carcasses ⁽⁵⁾;

Whereas the most representative class and categories of weight in Community production should be taken as the standard quality;

Whereas the application of those criteria results in the basic price being fixed at a level higher than that adopted for the previous period,

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 November 1978 to 31 October 1979, the basic price for slaughtered pigs of the standard quality shall be 1 226.04 units of account per 1 000 kilograms.

Article 2

The standard quality shall be the quality for pig carcasses of Class II of the Community scale for grading pig carcasses laid down by Regulation (EEC) No 2760/75, excluding those carcasses with a weight of less than 70 kilograms and those with a weight equal to or greater than 160 kilograms.

Article 3

This Regulation shall enter into force on 1 November 1978.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 1.

⁽³⁾ OJ No C 85, 10. 4. 1978, p. 31.

⁽⁴⁾ OJ No C 101, 26. 4. 1978, p. 10.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 10.

COUNCIL REGULATION (EEC) No 1125/78

of 22 May 1978

amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas Article 11 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽³⁾, as last amended by Regulation (EEC) No 709/78 ⁽⁴⁾, provides for a discretionary production refund for certain products used for the manufacture of starch, potato starch, or glucose by direct hydrolysis; whereas starch may be in direct competition with quellmehl used in baking or with maize groats and meal used in brewing;

Whereas, in its judgments in Cases 117/76 and 16/77 and in Cases 124/76 and 20/77, the Court of Justice considered it inconsistent with the principle of equality to grant a production refund for certain products while withholding it for others competing for the same outlets; whereas the Court of Justice also held that it is for the competent institutions responsible for the common agricultural policy to take the necessary action;

Whereas the introduction of production refunds for the products in question constitutes a means of conforming with the Court's conclusions;

Whereas, pending the outcome of the general examination of the system of production refunds in the starch sector, it is desirable that production refunds for products intended for the brewing of beer and for the manufacture of quellmehl for baking be granted for a limited period only;

Whereas this measure should be made retrospective owing to the Council's having been required to comply with the procedures laid down by the Treaty;

Whereas the constraints imposed on the potato starch industry could lead to a disturbance of the balance between the different starch industries and whereas it may also prove necessary to provide for a premium to be paid to potato starch manufacturers,

HAS ADOPTED THIS REGULATION:

Article 1

Article 11 (1) of Regulation (EEC) No 2727/75 shall be replaced by the following:

- '1. A production refund may be granted:
- (a) for maize and common wheat used in the Community for the manufacture of starch;
 - (b) for potato starch;
 - (c) for maize groats and meal used in the Community for the manufacture of glucose by direct hydrolysis;
 - (d) until the end of the marketing year 1978/79, for maize used for the manufacture of maize groats and meal (gritz) used by the brewing industry;
 - (e) until the end of the marketing year 1978/79, for maize and common wheat used in the Community for the manufacture of quellmehl intended for baking.

However, the production refund for products intended for the brewing of beer may be granted until the end of the marketing year 1978/79 only.

The production refunds for the products referred to in (d) and (e) may be granted with effect from 19 October 1977.'

Article 2

Article 11 (3) of Regulation (EEC) No 2727/75 shall be replaced by the following paragraphs:

⁽¹⁾ OJ No C 63, 13. 3. 1978, p. 48 and OJ No C 108, 8. 5. 1978, p. 57.

⁽²⁾ OJ No C 101, 26. 4. 1978, p. 19.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 94, 8. 4. 1978, p. 9.

'3. A premium may be paid to potato starch manufacturers.

the production refund and the amount of the premium.'

Article 3

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this Article and fix the amount of

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, 22 May 1978.

For the Council

The President

K. HEINESEN

COUNCIL REGULATION (EEC) No 1126/78

of 22 May 1978

amending Regulation (EEC) No 1418/76 on the common organization of the market in rice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission,

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

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

Whereas Council Regulation (EEC) No 1125/78 of 22 May 1978 amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals ⁽³⁾ enables *inter alia* a production refund to be granted for maize used for the manufacture of groats and meal used in the brewing industry;

Whereas such a production refund should also be available for broken rice used by the brewing industry for the production of beer, thereby according it the same advantages as starch and maize groats and meal; whereas this also involves laying down the same period during which this refund may be granted as that laid down for starch and for maize groats and meal used in brewing,

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

Article 1

Article 9 (1) of Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽⁴⁾, is hereby amended to read as follows:

'1. A production refund may be granted for broken rice used:

- (a) in the manufacture of starch;
- (b) by the brewing industry for the production of beer.

However, the production refund for products intended for the brewing of beer may be granted until the end of the 1978/79 marketing year only.'

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 apply from 19 October 1977.

⁽¹⁾ OJ No C 63, 13. 3. 1978, p. 48.

⁽²⁾ OJ No C 101, 26. 4. 1978, p. 19.

⁽³⁾ See page 21 of this Official Journal.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

COUNCIL REGULATION (EEC) No 1127/78

of 22 May 1978

amending Regulation (EEC) No 2742/75 on production refunds in the cereals and rice sectors

THE COUNCIL 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 1125/78 ⁽²⁾, and in particular Article 11 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1126/78 ⁽⁴⁾, and in particular Article 9 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, in view of the possibility of substitution in the bakery industry between starch and quellmehl, the level of the refund to be granted for maize and common wheat used for the production of quellmehl intended for human consumption should be such as to achieve a balance between the cost of supplying the bakery industry with either starch or quellmehl; whereas this objective could be achieved by fixing the production refund for maize and common wheat for the manufacture of quellmehl intended for use in the bakery industry at the same level as that fixed in Council Regulation (EEC) No 2742/75 of 29 October 1975 for production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EEC) No 2139/77 ⁽⁶⁾, for the production of starch from maize or common wheat;

Whereas, in view of the situation which will exist as from the beginning of the 1978/79 marketing year, particularly as a result of the increase in Community farm prices for that marketing year, the minimum price paid to the producer of potatoes intended for starch manufacture should be adjusted;

Whereas the aforesaid Regulation provides that a balanced relationship should be maintained between potato starch and maize starch prices and that the production refund should be the same for both products; whereas, however, in order to maintain this balanced relationship and taking into account the increasing advantage enjoyed by the maize starch industry, particularly because of the by-products obtained from such manufacture, a premium should be paid to potato starch producers;

Whereas, in view of the possibility of substitution in the brewing industry between, on the one hand, starch and, on the other, maize groats and meal and broken rice, the level of the production refund to be granted for maize used by the maize industry in the manufacture of groats and meal for use by the brewing industry in the production of beer and for broken rice used for the same purpose should be such as to achieve a balance between the cost of supplying the brewing industry with either starch, maize groats and meal or broken rice; whereas this objective could be achieved by fixing the refund for maize intended for the manufacture of groats and meal at the same level as the refund granted for maize for the manufacture of starch and, also, by fixing the refund on broken rice used in the brewing industry at the same level as the refund on broken rice intended for the manufacture of starch,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 2742/75 is hereby amended to read as follows:

'Article 1

1. Member States shall grant a production refund of 17.00 units of account per tonne for maize for the manufacture of starch and of quellmehl intended for use in the bakery industry.
2. Member States shall grant a production refund of 24.29 units of account per tonne for common wheat for the manufacture of starch and quellmehl intended for use in the bakery industry.
3. Member States shall grant a production refund of 20.89 units of account per tonne for broken rice for the manufacture of starch.'

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 21 of this Official Journal.

⁽³⁾ OJ No L 166, 25. 6. 1977, p. 1.

⁽⁴⁾ See page 23 of this Official Journal.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽⁶⁾ OJ No L 249, 30. 9. 1977, p. 1.

Article 2

In Article 3 (1) of Regulation (EEC) No 2742/75, the amount '175 units of account' shall be replaced by '178.50 units of account' with effect from 1 August 1978.

Article 3

The following Article 3a shall be added to Regulation (EEC) No 2742/75:

'Article 3a

For the duration of the 1978/79 cereals marketing year, Member States shall grant a premium of 10.00 units of account per tonne of potato starch payable to the starch manufacturer.'

Article 4

Articles 4 and 5 of Regulation (EEC) No 2742/75 shall read as follows:

'Article 4

1. Member States shall grant a production refund for maize groats and meal for the manufacture of glucose under subheading 17.02 B II of the Common Customs Tariff ⁽¹⁾ by the process known as direct hydrolysis. The production refund per tonne of maize groats and meal so used shall be 20.91 units of account.

2. Member States shall grant a production refund of 17.00 units of account per tonne of maize used by the maize industry for the manufacture of groats and meal used by the brewing industry in the production of beer.

3. Member States shall grant a production refund of 20.89 units of account per tonne of broken rice used by the brewing industry in the production of beer.

Article 5

Member States shall take all necessary measures to ensure that the refund referred to in Article 4 relat-

ing to maize groats and meal and to broken rice and in Article 1 relating to quellmehl shall be limited to the quantities of maize groats and meal, broken rice and quellmehl actually used in the Community by the brewing industry for the production of beer, by the glucose industry or by the baking industry.'

Article 5

The following Article 7a shall be included in Regulation (EEC) No 2742/75:

'Article 7a

The production refunds for maize and common wheat used in the manufacture of quellmehl intended for use in the bakery industry shall be granted until the end of the 1978/79 marketing year only.

Production refunds for the products referred to in Articles 1, 2 and 4 used in the brewing industry in the production of beer shall be granted until the end of the 1978/79 marketing year only.'

Article 6

At the request of the interested party, production refunds intended for:

- common wheat and maize used in the manufacture of quellmehl used in baking,
- maize intended for the manufacture of groats and meal and broken rice used in brewing for the production of beer

shall be granted with effect from 19 October 1977.

Article 7

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, 22 May 1978.

For the Council

The President

K. HEINESEN

COUNCIL REGULATION (EEC) No 1128/78

of 22 May 1978

concerning the conclusion of the Agreement in the form of two exchanges of letters amending the Agreement of 5 June 1970 between the European Economic Community and Spain on certain cheeses

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the recommendation from the Commission,

Whereas, at the request of Spain, the Commission initiated consultations with that country with a view to re-examining the prices of certain cheeses covered by the Agreement of 5 June 1970 between the European Economic Community and Spain ⁽¹⁾, as last amended on 22 July 1975 ⁽²⁾; whereas the Commission delegation and the Spanish delegation have reached an Agreement; whereas the provisions thereof are acceptable,

Article 1

The Agreement in the form of two exchanges of letters amending the Agreement of 5 June 1970 between the European Economic Community and Spain on certain cheeses is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in the form of two exchanges of letters in order to bind the Community.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

⁽¹⁾ OJ No L 245, 11. 11. 1970, p. 22.

⁽²⁾ OJ No L 198, 29. 7. 1975, p. 1.

AGREEMENT

in the form of two exchanges of letters amending the Agreement of 5 June 1970 between the European Economic Community and Spain on certain cheeses

Exchange of letters No 1

A. Letter from the Community

Geneva,

Sir,

Upon the conclusion of the consultations which were initiated at the request of the Spanish delegation with a view to modifying the threshold prices for imports of certain cheeses into Spain, laid down in the Agreement of 5 June 1970 between Spain and the European Economic Community, I note that the Spanish delegation and the delegation of the Commission of the European Communities have agreed on the following:

1. The description of the products (*articulos*) falling within subheading 04.04 G1 b3 of the Spanish Customs Tariff shall be amended as follows:

04.04 G1 b3

Butterkäse, Cantal, Edam, Fontal, Fontina, Gouda, Italice, Kernhem, Mimolette, St Nectaire, St Paulin, Tilsit, Havarti, Danbo, Samsø, Fynbo, Maribo, Elbo, Molbo, Tybo and Esrom.

2. The threshold prices applied by Spain to imports of cheeses for the 1978/79 marketing year will be fixed on the basis of the prices indicated in the following list and adjusted in line with variations in the price of milk in Spain by the application of the coefficients indicated in the list:

Spanish Customs Tariff No	Products	Basic price (pesetas/100 kg)	Coefficient
A1 a1	Whole Emmentaler cheeses	25 570·29	14
A1 a2	Whole Emmentaler cheeses	26 623·24	14
A1 b1	Emmentaler pieces	27 026·42	14
A1 b2	Emmentaler pieces	27 904·34	14
A1 c1	Emmentaler pieces	27 746·24	14
A1 c2	Emmentaler pieces	28 715·81	14
A2	Emmentaler, other	26 623·24	14
C2	Blue-veined cheeses	24 558·82	12·25
D1 a and b	Processed Emmentaler cheese	24 012·66	13
D1 c	Processed Emmentaler cheese	24 387·51	13
D2 a	Other processed cheese	23 217·65	13
D2 b	Other processed cheese	23 621·32	13
D2 c	Other processed cheese	24 015·60	13
D3	Other processed cheese	26 775·00	13
G1 a1	Parmigiano, Grana	25 413·82	17
G1 a2	Other cheese (except Parmigiano)	27 410·80	17
G1 b1	Cheddar	25 056·00	13

Spanish Customs Tariff No	Products	Basic price (pesetas/100 kg)	Coefficient
G1 b1	Cheddar (processed)	22 944.00	13
G1 b2	Provolone, Asiago	24 743.82	14
G1 b3	Edam	25 288.58	13.02
G1 b4	Soft cheese (Camembert etc.)	—	—
G1 b5	Other soft cheese	26 677.83	11.25
G1 b6	Other cheese	26 677.83	11.25
G1 c1	Fresh cheese	26 677.83	11.25
G1 c2	Other fresh cheese	26 677.83	11.25
G2	Other	26 677.83	11.25

3. The two delegations recognized that it was advisable to monitor with special attention the trend of trade in 1978 in order to evaluate the effect, in particular, of the coefficients applicable to:

- blue-veined cheeses falling with subheading 04.04 C2 of the Spanish Customs Tariff,
- Edam cheeses falling within subheading 04.04 G1 b3 of the Spanish Customs Tariff,
- soft cheeses falling within subheadings 04.04 G1 b5, G1 b6, G1 c1, G1 c2 and G2 of the Spanish Customs Tariff.

The system of coefficients could be extended unchanged for the 1979/80 milk year, unless one of the two parties requests prior consultations.

4. The two delegations agreed to propose that the Agreement of 5 June 1970 be amended to take account of all the amendments made since that date.

A draft of the new text would be submitted to the competent authorities on both sides as soon as possible.

I should be grateful if you would confirm whether you are in agreement with the above.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the
Council of the European Communities*

B. Letter from Spain

Geneva,

Sir,

I have the honour to acknowledge receipt of your letter, of today's date, which reads as follows:

'Upon the conclusion of the consultations which were initiated at the request of the Spanish delegation with a view to modifying the threshold prices for imports of certain cheeses into Spain, laid down in the Agreement of 5 June 1970 between Spain and the European Economic Community, I note that the Spanish delegation and the delegation of the Commission of the European Communities have agreed on the following:

1. The description of the products (*articulos*) falling within subheading 04.04 G1 b3 of the Spanish Customs Tariff shall be amended as follows:

04.04 G1 b3

Butterkäse, Cantal, Edam, Fontal, Fontina, Gouda, Italico, Kernhem, Mimolette, St Nectaire, St Paulin, Tilsit, Havarti, Danbo, Samsø, Fynbo, Maribo, Elbo, Molbo, Tybo and Esrom.

2. The threshold prices applied by Spain to imports of cheeses for the 1978/79 marketing year will be fixed on the basis of the prices indicated in the following list and adjusted in line with variations in the price of milk in Spain by the application of the coefficients indicated in the list:

Spanish Customs Tariff No	Products	Basic price (pesetas/100 kg)	Coefficient
A1 a1	Whole Emmentaler cheeses	25 570·29	14
A1 a2	Whole Emmentaler cheeses	26 623·24	14
A1 b1	Emmentaler pieces	27 026·42	14
A1 b2	Emmentaler pieces	27 904·34	14
A1 c1	Emmentaler pieces	27 746·24	14
A1 c2	Emmentaler pieces	28 715·81	14
A2	Emmentaler, other	26 623·24	14
C2	Blue-veined cheeses	24 558·82	12·25
D1 a and b	Processed Emmentaler cheese	24 012·66	13
D1 c	Processed Emmentaler cheese	24 387·51	13
D2 a	Other processed cheese	23 217·65	13
D2 b	Other processed cheese	23 621·32	13
D2 c	Other processed cheese	24 015·60	13
D3	Other processed cheese	26 775·00	13
G1 a1	Parmigiano, Grana	25 413·82	17
G1 a2	Other cheese (except Parmigiano)	27 410·80	17
G1 b1	Cheddar	25 056·00	13
G1 b1	Cheddar (processed)	22 944·00	13
G1 b2	Provolone, Asiago	24 743·82	14
G1 b3	Edam	25 288·58	13·02
G1 b4	Soft cheese (Camembert etc.)	—	—
G1 b5	Other soft cheese	26 677·83	11·25
G1 b6	Other cheese	26 677·83	11·25
G1 c1	Fresh cheese	26 677·83	11·25
G1 c2	Other fresh cheese	26 677·83	11·25
G2	Other	26 677·83	11·25

3. The two delegations recognized that it was advisable to monitor with special attention the trend of trade in 1978 in order to evaluate the effect, in particular, of the coefficients applicable to:

- blue-veined cheeses falling within subheading 04.04 C2 of the Spanish Customs Tariff,
- Edam cheeses falling within subheading 04.04 G1 b3 of the Spanish Customs Tariff,
- soft cheeses falling within subheadings 04.04 G1 b5, G1 b6, G1 c1, G1 c2 and G2 of the Spanish Customs Tariff.

The system of coefficients could be extended unchanged for the 1979/80 milk year, unless one of the two parties requests prior consultations.

4. The two delegations agreed to propose that the Agreement of 5 June 1970 be amended to take account of all the amendments made since that date.

A draft of the new text would be submitted to the competent authorities on both sides as soon as possible.

I should be grateful if you would confirm whether you are in agreement with the above.'

On behalf of Spain I have the honour to confirm my agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

(Signature)

Exchange of letters No 2

A. Letter from the Community

Geneva,

Sir,

With reference to the exchange of letters initialled this day by our delegations concerning the fixing of the basic prices and the adjustment coefficients in respect of certain cheeses for the Spanish 1978/79 milk year, and the amendment of subheading 04.04 G1 b3 of the Spanish Customs Tariff, I note that with regard to this subheading the new wording of which is as follows: 'Butterkäse, Cantal, Edam, Fontal, Fontina, Gouda, Italice, Kernhem, Mimolette, St Nectaire, St Paulin, Tilsit, Havarti, Danbo, Samsø, Fynbo, Maribo, Elbo, Molbo, Tybo and Esrom', the preferential margin separating the threshold price *erga omnes* from that applicable to the Community is changed from 6.69 pesetas per kg to 6.30 %. A basic price of 23 789.82 pesetas/100 kg and an adjustment coefficient of 12.25 are consequently applicable to imports from the Community.

I should be grateful if you would confirm whether you are in agreement with the above.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

B. Letter from Spain

Geneva,

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'With reference to the exchange of letters initialled this day by our delegations concerning the fixing of the basic prices and the adjustment coefficients in respect of certain cheeses for the Spanish 1978/79 milk year, and the amendment of subheading 04.04 G1 b3 of the Spanish Customs Tariff, I note that with regard to this subheading the new wording of which is as follows: "Butterkäse, Cantal, Edam, Fontal, Fontina, Gouda, Italice, Kernhem, Mimolette, St Nectaire, St Paulin, Tilsit, Havarti, Danbo, Samsø, Fynbo, Maribo, Elbo, Molbo, Tybo and Esrom", the preferential margin separating the threshold price *erga omnes* from that applicable to the Community is changed from 6.69 pesetas per kg to 6.30 %. A basic price of 23 789.82 pesetas/100 kg and an adjustment coefficient of 12.25 are consequently applicable to imports from the Community.

I should be grateful if you would confirm whether you are in agreement with the above.'

I have the honour to confirm, on behalf of Spain, my agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

(Signature)

COUNCIL REGULATION (EEC) No 1129/78

of 22 May 1978

amending Regulation (EEC) No 471/76 as regards the period of suspension of the application of the condition on prices governing the importation into the Community of fresh lemons originating in certain Mediterranean countries

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 the proposal from the Commission,

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

Whereas Council Regulation (EEC) No 1122/78 of 22 May 1978 amending Regulation (EEC) No 2511/69 laying down special measures for improving the production and marketing of Community citrus fruit and Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables ⁽²⁾ provides, for the 1978/79 marketing year, for financial compensation measures for lemons; whereas such measures led to the adoption of Council Regulation (EEC) No 471/76 of 24 February 1976 suspending application of the condition on prices governing the importation into the Community of fresh lemons, originating in Cyprus, Spain, Israel, Morocco, the Arab Republic of Egypt,

Tunisia and Turkey, in accordance with Agreements between the European Economic Community and each of these countries ⁽³⁾, as last amended by Regulation (EEC) No 1389/77 ⁽⁴⁾, in order to take into account the agreements concluded with the Arab Republic of Egypt, Jordan and Lebanon; whereas, therefore, the said suspension should be extended to include the 1978/79 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 3 of Regulation (EEC) No 471/76 shall be replaced by the following:

'It shall apply until 31 May 1979.'

Article 2

This Regulation shall enter into force on 1 June 1978.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

⁽¹⁾ OJ No C 108, 8. 5. 1978, p. 65.

⁽²⁾ See page 13 of this Official Journal.

⁽³⁾ OJ No L 58, 5. 3. 1976, p. 5.

⁽⁴⁾ OJ No L 158, 29. 6. 1977, p. 4.

COUNCIL REGULATION (EEC) No 1130/78

of 22 May 1978

concerning the allocation of a Community quota of wine of fresh grapes, intended to be fortified for distillation, originating in Algeria (1978/79)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1516/76 of 24 June 1976 on imports of wine of fresh grapes, intended to be fortified for distillation, originating in Algeria ⁽¹⁾, and in particular Article 3 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1516/76 lays down that, pursuant to the Cooperation Agreement and the Interim Agreement ⁽²⁾ signed on 26 April 1976 by the European Economic Community and the People's Democratic Republic of Algeria, wines of fresh grapes, intended for fortifying, falling within subheadings 22.05 C I ex b) and C II ex b) of the Common Customs Tariff, originating in Algeria, may be imported into the Community with a tariff concession consisting of an 80 % reduction in the customs duties and within the limits of a Community quota subject to observance of a special price; whereas the annual quota is 500 000 hectolitres per year for four years from the entry into force on 1 July 1976 of the Interim Agreement; whereas the third annual Community quota should be allocated for the period 1 July 1978 to 30 June 1979;

Whereas, in order to follow as closely as possible the actual development of the market in the products in question, such allocation must be effected in proportion to Member States' requirements, calculated on the basis of the statistics on imports of the said products from Algeria during a representative period and also on the basis of the economic prospects for the tariff period under consideration;

Whereas, however, in this case, there are no Community or national statistics for the wines in question; whereas provision should consequently be made for

allocating the total quota into shares which take account of the capacity of the markets of the Member States to absorb the said wines;

Whereas, in order to take account in these conditions of the uncertainty in trends in imports into the Member States of the product concerned, the quota should be divided into two instalments, the first to be allocated among all the Member States and the second to form a reserve intended to cover any subsequent requirements of Member States which have used up their initial shares;

Whereas Member States may use up their initial shares at different rates; whereas to provide for this eventuality and to avoid disruption of supplies, any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this should be done by each Member State when each of its additional shares has been almost used up, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period;

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return it to the reserve so as to prevent a part of the quota from remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

The 500 000 hectolitres quota opened for wine of fresh grapes intended for fortifying, originating in Algeria, under the conditions laid down by Regulation (EEC) No 1516/76, shall be allocated as follows among the Member States for the period 1 July 1978 to 30 June 1979:

⁽¹⁾ OJ No L 169, 28. 6. 1976, p. 29.

⁽²⁾ OJ No L 141, 28. 5. 1976, p. 2.

	<i>(in hectolitres)</i>
Benelux	30 000
Denmark	1 250
Germany	115 000
France	100 000
Ireland	1 250
Italy	100 000
United Kingdom	7 500

The remaining 145 000 hectolitres shall constitute the reserve.

Article 2

1. If 90 % or more of any Member State's initial share as fixed in Article 1 is used for fortifying as part of its initial share, that Member State shall forthwith, by notifying the Commission, draw a second share which

may amount to the total quantities actually used for fortifying, to the extent that the reserve so permits.

2. Other shares may be drawn in accordance with the same conditions until the reserve is used up.

3. Member States shall return to the reserve, not later than 1 April 1979, the unused share of their quota. The reserve shall be used in accordance with paragraph (2).

Article 3

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

It shall apply from 1 July 1978.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

COUNCIL REGULATION (EEC) No 1131/78

of 22 May 1978

opening, allocating and providing for the administration of Community tariff quotas for certain wines having a registered designation of origin, falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Algeria (1978/79)

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 the proposal from the Commission,

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

Whereas the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria signed on 26 April 1976 stipulates in Article 20 that certain wines having a registered designation of origin falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Algeria, shall be imported into the Community free of customs duties within the limits of an annual Community tariff quota; whereas the quota volume for the period 1 July 1978 to 30 June 1979 is 400 000 hectolitres, consisting of 170 000 hectolitres of wine in bulk and 230 000 hectolitres of wine in bottles; whereas wine in bulk must be put up in accordance with certain conditions; whereas, however, because of certain difficulties for the transport of wine in bulk, a derogation should be made from the relevant provisions of the Agreement so that the transport may be effected in containers of a capacity not exceeding 200 hectolitres; whereas wine in bottles must be in containers holding a maximum of two litres; whereas the import prices for the wines must at any given moment be not less than the Community reference prices for them; whereas these wines must be accompanied by a certificate of designation of origin in accordance with the model given in Annex D to the Agreement; whereas the Community tariff quotas in question should therefore be opened for the period concerned;

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries ⁽²⁾ introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

Whereas it is in particular necessary to ensure equal and uninterrupted access for all Community importers to the abovementioned quotas, and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into the Member States until the quotas have been used up; whereas, having regard to the above principles, the Community nature of the quotas can be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports of the said products from Algeria over a representative reference period and to the economic outlook for the quota period concerned;

Whereas in this case, however, neither Community nor national statistics showing the breakdown for each of the types of wines in question are available and no reliable estimates of future imports can be made; whereas in these circumstances the quota volumes should be allocated in initial shares, taking into account demand for these wines on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the various Member States, each of the quota amounts should be divided into two instalments, the first being allocated among the Member States and the second held as a reserve intended to cover at a later date the requirements of Member States who have used up their initial share; whereas, in order to guarantee some degree of security to importers in each Member State, the first instalment of the Community quotas should be fixed at a level which could, in the present circumstances, be 50 % of each of the quota volumes;

Whereas the initial shares of the Member States may not be used up at the same rate; whereas, in order to take this into account and avoid disruption, any Member State which has used up almost all of one of its initial shares should draw a supplementary share from the relevant reserve; whereas this should be done by

⁽¹⁾ OJ No C 108, 8. 5. 1978, p. 57.

⁽²⁾ OJ No L 256, 2. 10. 1975, p. 2.

each Member State each time one of its supplementary shares is almost used up, and so on as many times as the reserve allows; whereas the initial and supplementary shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the quota volumes have been used up and inform the Member States thereof;

Whereas, if at a given date in the quota period a Member State has a considerable quantity of one of its initial shares left over, it is essential that it should return a significant proportion thereof to the relevant reserve, to prevent a part of one or other of the Community quotas remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 July 1978 to 30 June 1979 Community tariff quotas shall be opened for the following products originating in Algeria, within the limits set out below:

(in hl)

CCT heading No	Description	Quota volume
22.05	<p>Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:</p> <p>C. Other:</p> <p>— Wines entitled to one of the following designations of origin:</p> <p style="padding-left: 20px;">AÏN BESSEM-BOUIRA, MEDEA, COTEAUX DU ZACCAR, DAHRA, COTEAUX DE MASCARA, MONTS DU TESSALAH, COTEAUX DE TLEMCEN,</p> <p style="padding-left: 20px;">of an actual alcoholic strength not exceeding 15°:</p> <p style="padding-left: 40px;">— In containers holding two litres or less</p> <p style="padding-left: 40px;">— In containers holding more than two litres</p>	<p>230 000</p> <p>170 000</p>

2. Within these tariff quotas the Common Customs Tariff duties applicable to these wines shall be totally suspended.

3. The wines in question shall benefit from these tariff quotas on condition that the prices on import into the Community are not at any time less than the free-at-frontier reference prices referred to in Regulation (EEC) No 2506/75 and subsequent texts which apply to such prices.

4. Wine in containers holding more than two litres must put up in accordance with the following requirements.

(a) the containers must be suitable for transporting wine and be used solely for that purpose;

(b) the containers must be completely filled;

(c) the means of closing the containers must be such that they cannot be tampered with and must ensure that they cannot be the subject of operations during transportation or storage other than those carried out under the supervision of the authorities of Algeria or of the Member States;

(d) each container must be labelled in such a way as to permit identification of the quality wine it contains;

(e) the wine in question may be transported only in containers of a capacity not exceeding 200 hectolitres.

5. Each of these wines, when imported, shall be accompanied by a certificate of designation of origin, issued by the relevant Algerian authority, in accordance with the model annexed to this Regulation.

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each quota shall be allocated among the Member States; the shares which subject to Article 5 shall be valid up to 30 June 1979 shall be as follows:

(in hl)

Member States	Wines having a registered designation of origin, in containers holding:	
	two litres or less	more than two litres
Benelux	19 100	13 400
Denmark	11 500	8 800
Germany	23 000	18 000
France	23 000	18 000
Ireland	7 800	4 600
Italy	11 500	8 800
United Kingdom	19 100	13 400
Total	115 000	85 000

3. The second instalment of each quota, amounting to 115 000 and 85 000 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of a Member State's initial shares, as specified in Article 2 (2), or of that share less the portion returned to the relevant reserve where Article 5 has been applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next whole number, in so far as the amount in the reserve allows.

2. If, after one or other of its initial shares has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7.5 % of its

initial share, rounded up where necessary to the next whole number, in so far as the amount in the reserve allows.

3. If, after one or other of its second shares has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share equal to the third.

This process shall continue to apply until the reserves are used up.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares than those fixed in these paragraphs if there is reason to believe that those fixed might not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Each additional share drawn pursuant to Article 3 shall be valid until 30 June 1979.

Article 5

Member States shall return to the reserve, not later than 1 April 1979, the unused portion of their initial share which, on 15 March 1979, is in excess of 20 % of the initial amount. They may return a greater portion if there are grounds for believing that such portion might not be used in full.

Member States shall notify the Commission, not later than 1 April 1979, of the total imports of the products concerned effected under the Community quotas up to and including 15 March 1979 and, where appropriate, the proportion of each of their initial shares that they are returning to each of the reserves.

Article 6

The Commission shall keep account of the shares opened by Member States pursuant to Articles 2 and 3 and shall inform each Member State of the extent to which the reserve has been used up as soon as it has been notified.

The Commission shall notify the Member States, not later than 5 April 1979, of the state of each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that the drawing which uses up a reserve is limited to the balance available, and to this end shall specify the amount thereof to the Member State making the final drawing.

Article 7

1. Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares in the Community quotas.

2. Member States shall ensure that importers of the products concerned established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall collaborate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN

ANNEX

1. المصدر - Eksportør - Ausführer - Exporter - Exportateur - Esportatore - Exporteur:	2. الرقم - Nummer - Nummer - Number - Numéro - Numero - Nummer	00000	
4. المرسل اليه - Modtager - Empfänger - Consignee - Destinataire - Destinatario - Geadresseerde:	3. (Name of authority guaranteeing the designation of origin)		
6. وسيلة النقل - Transportmiddel - Beförderungsmittel - Means of transport - Moyen de transport - Mezzo di trasporto - Vervoermiddel:	5. شهادة التسمية الاصلية CERTIFIKAT FOR OPRINDELSESBETEGNELSE BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE CERTIFICATO DI DENOMINAZIONE DI ORIGINE CERTIFICAAT VAN BENAMING VAN OORSPRONG		
8. مكان الافراغ - Losningssted - Entladungsart - Place of unloading - Lieu de déchargement - Luogo di sbarco - Plaats van lossing:	7. (Designation of origin)		
9. الانواع والارقام ، عدد ونوع الطرود Mærker og numre, kollienes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli	10. الوزن الخام Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. لترات Liter Liter Litres Litres Litri Liter	
12. لترات (بالحروف) - Liter (i bogstaver) - Liter (in Buchstaben) - Litres (in words) - Litres (en lettres) - Litri (in lettere) - Liter (voluit):			
13. تأشيرة الهيئة المرسله - Påtegning fra udstedende organ - Bescheinigung der erteilenden Stelle - Certificate of the issuing authority - Visa de l'organisme émetteur - Visto dell'organismo emittente - Visum van de instantie van afgifte:			
14. تأشيرة الحمارك - Toldstedets attest - Sichtvermerk der Zollstelle - Customs stamp - Visa de la douane - Visto della dogana - Visum van de douane	(Oversættelse se nr. 15 - Übersetzung siehe Nr. 15 - see the translation under No 15 - Voir traduction au n° 15 - Vedi traduzione al n. 15 - Zie voor vertaling nr. 15)		

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i området og ifølge algerisk lovgivning er berettiget til oprindelsesbetegnelsen: ».....«.

Alkohol tilsat denne vin er alkohol fremstillet at vin.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk gewonnen wurde und ihm nach algerischem Gesetz die Ursprungsbezeichnung „.....“ zuerkannt wird.

Der diesem Wein zugefügte Alkohol ist aus Wein gewonnener Alkohol.

We hereby certify that the wine described in this certificate is wine produced within the wine district of and is considered by Algerian legislation as entitled to the designation of origin '.....'.

The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de et est reconnu, suivant la loi algérienne, comme ayant droit à la dénomination d'origine «.....».

L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di ed è riconosciuto, secondo la legge algerina, come avente diritto alla denominazione di origine «.....».

L'alcole aggiunto a questo vino è alcole di origine vinica.

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van en dat volgens de Algerijnse wetgeving de benaming van oorsprong „.....“ erkend wordt.

De aan deze wijn toegevoegde alcohol is alcohol, uit wijn gewonnen.

16. (1)

يحتفظ بهذه الخانة لمعلومات اخرى من الدولة المصدر

(1) Rubrik forbeholdt eksportlandets andre angivelser.

(1) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.

(1) Space reserved for additional details given in the exporting country.

(1) Case réservée pour d'autres indications du pays exportateur.

(1) Spazio riservato per altre indicazioni del paese esportatore.

(1) Ruimte bestemd voor andere gegevens van het land van uitvoer.

COUNCIL REGULATION (EEC) No 1132/78

of 22 May 1978

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Turkey over a representative reference period and to the economic outlook for the quota period concerned;

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

Whereas, during the last three years for which statistics are available, the corresponding imports of each Member State from Turkey have been negligible or non-existent; whereas those data cannot therefore be considered as representative to serve as a basis for allocation of the quota volume among the Member States; whereas it is difficult to estimate imports by Member States because of the absence of truly representative figures for previous years; whereas, consequently, the only solution seems to be to allocate part of the quota volume to the Community reserve and to allocate one seventh of the balance to the Benelux countries, Denmark, Germany, France, Ireland, Italy and the United Kingdom;

Having regard to the proposal from the Commission,

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

Whereas the initial shares may be used up fairly quickly; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial share shall draw a supplementary share from the Community reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and inform the Member States thereof;

Whereas Article 13 of Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽²⁾ provides for the opening by the Community, with effect from 1 July 1977, of an annual Community tariff quota of 90 tonnes for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Turkey; whereas the customs duties applicable within the limits of that tariff quota correspond to 70 % of the customs duties actually applied in respect of non-member countries; whereas the tariff quota in question should therefore be opened for the abovementioned volume for the period 1 July 1978 to 30 June 1979;

Whereas if at a given date in the quota period a considerable quantity of a share remains in any Member State, it is essential that that State should return a significant proportion to the reserve in order to avoid part of the Community quota remaining unused in one Member State when it could be used in others;

Whereas it is in particular necessary to guarantee all importers of the Community equal and uninterrupted access to the quota and uninterrupted application of the rates laid down for that quota to all imports of the product in question into the Member States until the quota has been used up; whereas having regard to the above principles the Community nature of the quota can be respected by allocating the tariff quota among the Member States; whereas, to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports from

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

⁽¹⁾ OJ No C 108, 8. 5. 1978, p. 57.

⁽²⁾ OJ No L 142, 9. 6. 1977, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1978 until 30 June 1979, a Community tariff quota of 90 tonnes shall be opened in the Community for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Turkey.

2. Within the limits of this tariff quota, the Common Customs Tariff duty applicable to these products shall be partially suspended at a rate of 11.9 %.

Article 2

1. A first instalment of 70 tonnes shall be allocated among the Member States; the respective shares of the Member States which, subject to Article 5, shall be valid from 1 July 1978 to 30 June 1979, shall be as follows:

	<i>(in tonnes)</i>
Benelux	10
Denmark	10
Germany	10
France	10
Ireland	10
Italy	10
United Kingdom	10

2. The second instalment of 20 tonnes shall be held as the Community reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions imposed by paragraph 1, draw a third share equal to 7.5 % of its initial share, rounded up where necessary to the next unit.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance

with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares smaller than those fixed in those paragraphs if there are grounds for believing that those fixed may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 30 June 1979.

Article 5

The Member States shall return to the reserve, not later than 1 April 1979, the unused portion of their initial share which, on 15 March 1979, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

Member States shall, not later than 1 April 1979, notify the Commission of the total quantities of the said goods imported up to and including 15 March 1979 and charged against the Community tariff quota and any quantities of the initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States not later than 5 April 1979 of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

1. Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to

Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quota.

2. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their shares as and when such goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 22 May 1978.

For the Council

The President

K. HEINESEN
