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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 1996/78
of 22 August 1978**

fixing the import levies on cereals and on wheat or rye flour groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1254/78⁽²⁾, and in particular
Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1815/78⁽³⁾ and subsequent amending
Regulations;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1815/78 to the

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 August
1978.

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

Done at Brussels, 22 August 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 210, 1. 8. 1978, p. 4.

ANNEX

to the Commission Regulation of 22 August 1978 fixing the import levies on cereals and on wheat or rye flour groats and meal

<i>(u.a./tonne)</i>		
CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	83.71
10.01 B	Durum wheat	125.11 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	84.51 ⁽⁶⁾
10.03	Barley	82.94
10.04	Oats	71.74
10.05 B	Maize, other than hybrid maize for sowing	75.79 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	52.87 ⁽⁴⁾
10.07 C	Grain sorghum	78.78 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	127.95
11.01 B	Rye flour	129.06
11.02 A I a)	Durum wheat groats and meal	204.70
11.02 A I b)	Common wheat groats and meal	138.16

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1997/78**of 22 August 1978****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1254/78 ⁽²⁾, and in particular
Article 15 (6) thereof,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
1816/78 ⁽³⁾ and subsequent amending Regulations ;

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

altered as shown in the tables annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 23 August
1978.

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

Done at Brussels, 22 August 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 210, 1. 8. 1978, p. 6.

ANNEX

to the Commission Regulation of 22 August 1978 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./tonne)

CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0.32
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a./tonne)

CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1998/78

of 18 August 1978

laying down detailed rules for the offsetting of storage costs for sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 3330/74/EEC of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1396/78⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Council Regulation (EEC) No 1358/77 of 20 June 1977 laying down general rules for offsetting storage costs for sugar⁽³⁾, as amended by Regulation (EEC) No 1397/78⁽⁴⁾, provides for the reimbursement of storage costs not only to every sugar manufacturer to whom a basic quota has been allocated and to every sugar refiner, but also to every manufacturer of powdered, lump or candy sugar or specialized sugar trader who has been approved by the Member State on whose territory he is established; whereas detailed rules were adopted in Commission Regulation (EEC) No 442/70 of 9 March 1970 laying down detailed rules for the application of the system of offsetting storage costs for sugar⁽⁵⁾, as last amended by Regulation (EEC) No 1465/77⁽⁶⁾; whereas Regulation (EEC) No 442/70 has already been amended several times; whereas new amendments are needed in particular with regard to the extension of the system provided for in Article 8 of Regulation (EEC) No 3330/74 to syrups obtained directly from sugar in the solid state; whereas, therefore, in the interests of clarity a new Regulation should be introduced containing the detailed rules for the offsetting of storage costs;

Whereas the granting of reimbursement to these trades makes it necessary to define the terms 'manufacturer of powdered, lump or candy sugar' and 'specialized sugar trader'; whereas for this purpose it is necessary to lay down certain objective criteria to be used for assessment, in particular as regards substantial participation in storing;

Whereas, in order not to hinder possible development of these activities, any applicant likely to fulfil the required conditions in the future should be approved;

whereas provision should be made for recognition by a Member State of the approval given by the other Member States subject to certain conditions;

Whereas, in order to avoid abuse, approval must be withdrawn, where appropriate retroactively, when the conditions for granting that approval are not fulfilled;

Whereas, pursuant to Regulation (EEC) No 1358/77, reimbursements are granted only for quantities of white and raw sugar produced within the maximum quota and stored in a warehouse approved by the Member State on whose territory the warehouse is situated; whereas, therefore, it is necessary to limit approval in relation to the facilities for supervision by Member States and to compel those entitled to reimbursement to facilitate such supervision;

Whereas it should be clearly stated that no reimbursement of storage costs may be granted in respect of preferential sugar until the customs formalities on importation have been completed and the sugar stored in an approved warehouse;

Whereas the method of calculating reimbursements and levies must not, in the case of raw sugar, give rise to distortion of competition between that sugar and white sugar; whereas, to this end, raw sugar should be expressed in terms of white sugar, taking account, at the choice of the Member State concerned, of either the yield formula laid down in Council Regulation (EEC) No 431/68 of 9 April 1968 laying down the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁷⁾, or a fixed yield formula;

Whereas inclusion in the system of offsetting storage costs of certain syrups within the meaning of the third indent of the first subparagraph of Article 8 (1) of Regulation (EEC) No 3330/74, which must later be processed under supervision into sugar in the solid state, necessitates such syrups being stored in special containers; whereas the reimbursements and the levies for these syrups should be calculated, at the choice of the Member State concerned, either according to the actual yield or according to the extractable sugar content; whereas the extractable

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 156, 25. 6. 1977, p. 4.

⁽⁴⁾ OJ No L 170, 27. 6. 1978, p. 3.

⁽⁵⁾ OJ No L 55, 10. 3. 1970, p. 10.

⁽⁶⁾ OJ No L 162, 1. 7. 1977, p. 1.

⁽⁷⁾ OJ No L 89, 10. 4. 1968, p. 3.

sugar content is determined according to the method fixed uniformly for the Community in Article 1 (5) of Commission Regulation (EEC) No 700/73 of 12 March 1973 laying down certain detailed rules for the application of the quota system for sugar⁽¹⁾, as amended by Regulation (EEC) No 1573/76⁽²⁾;

Whereas, in the case of syrups obtained by dissolving sugar in the solid state, including those directly obtained from raw sugar, provision should be made for the use of a formula for calculating the sucrose content;

Whereas it should be specified that the consequence of flavouring, colouring or certain mixing operations is that no reimbursement of storage costs will be granted in respect of the resulting product;

Whereas Article 3 (2) of Regulation (EEC) No 1358/77 provides that, in special circumstances, special provisions may be adopted to deal with sugar in transit at the beginning of a month; whereas such special circumstances prevail in respect of raw sugar produced in the French overseas departments, in that practically none of the production is consumed on the spot; whereas the long distance between these departments and Europe means that transport takes several weeks; whereas, therefore, it is unavoidable that such sugar, as a general rule, should be in transit on the first day of a calendar month; whereas reimbursement should accordingly be limited to less than one month; whereas in the case of sugar transported from one approved warehouse to another within the same Member State, a system should be provided for which is analogous *mutatis mutandis* to that applied to cane sugar from the French overseas departments;

Whereas, as regards the levies, it should be specified when these are incurred; whereas, since sugar of different origins may be stored on the same premises, strict rules on controls and accounting should be laid down; whereas detailed rules should also be provided for the quantities to be taken into consideration;

Whereas, to enable the Member State to carry out the relevant controls and to make up the individual accounts in good time, each person concerned should be obliged to communicate the necessary information to the Member State;

Whereas claimants should be able to collect reimbursements as soon as possible; whereas, therefore, rapid payment of reimbursements must be envisaged; whereas to avoid different treatment being accorded in the various Member States the dates on which reimbursement is to be effected must be fixed; whereas, for administrative and economic reasons, the same dates

should be specified for the payment of the storage costs levy;

Whereas for economic reasons the term 'approved warehouse of the manufacturer' should be extended to cover rented warehouses, provided these are approved by the Member State concerned and subject to prior consent by that Member State, save in cases where the processing contract under which the warehouse is rented has already been approved under Article 3 (2) (a) of Commission Regulation (EEC) No 700/73;

Whereas, under Article 5 of Regulation (EEC) No 1358/77, financing costs are to be taken into account for fixing the amount of reimbursement; whereas, therefore, it is appropriate not to grant the reimbursement of storage costs when the refund in respect of the sugar has been financed in advance pursuant to Council Regulation (EEC) No 441/69 of 4 March 1969 laying down further general rules on granting export refunds for products coming under a common price system, exported in the natural state or in the form of goods not listed in Annex II to the Treaty⁽³⁾, as last amended by Regulation (EEC) No 1181/72⁽⁴⁾;

Whereas the reimbursement of storage costs applies only to the quantities of white sugar, of raw sugar and of syrups within the meaning of Article 8 of Regulation (EEC) No 3330/74 produced within the limit of the maximum quota; whereas, however, in a case where the provisions of Article 30 of that Regulation are not applicable, it is only known towards the end of the sugar marketing season whether any quantities of sugar have been produced in excess of the maximum quota; whereas, in the meantime, the manufacturers will have received a reimbursement to which they were not entitled; whereas, therefore, measures should be taken for the repayment of such reimbursement for the quantities in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The approval referred to in Article 2 (1) of Regulation (EEC) No 1358/77 shall be granted by Member States to any manufacturer of powdered, lump or candy sugar, or any specialized sugar trader, within the meaning of this Regulation.

Such approval shall be granted by the Member State in which the person concerned is established or has his registered office.

⁽¹⁾ OJ No L 67, 14. 3. 1973, p. 12.

⁽²⁾ OJ No L 172, 1. 7. 1976, p. 52.

⁽³⁾ OJ No L 59, 10. 3. 1969, p. 1.

⁽⁴⁾ OJ No L 130, 7. 6. 1972, p. 15.

2. For the purposes of this Regulation :

(a) a 'manufacturer of powdered, lump or candy sugar' means a person :

- who is engaged in making from sugar in the unaltered state only those sugars which fall within heading No 17.01 or 17.02 of the Common Customs Tariff and which have different physical characteristics from the sugar used in the process, and,
- whose stocks during a sugar marketing year, recorded at the end of each month in approved warehouses, are on average not less than 200 tonnes ;

(b) a 'specialized sugar trader' means a person :

- one of whose main activities consists of wholesale dealing in sugar and who purchases in each sugar marketing year not less than 10 000 tonnes of sugar made up of Community sugar or preferential sugar, or both, for resale in an unaltered state,
- who does not carry on a retail business in sugar, and
- whose stocks during a sugar marketing year, recorded at the end of each month in his approved warehouses, are on average not less than 500 tonnes.

3. Approval shall be granted to any applicant who, whether or not he has in the past fulfilled the conditions set out in paragraph 2, is likely to fulfil them in the future.

An approval shall be valid from the beginning of the month following that in which it was granted.

4. Where, in respect of the preceding sugar marketing year, the conditions set out in paragraph 2 were not fulfilled, approval shall be withdrawn except where it is clear that the person concerned is likely to fulfil the conditions in respect of the current sugar marketing year.

5. Except in case of *force majeure*, the withdrawal of approval shall take effect from the beginning of the sugar marketing year in which :

- in the case of a manufacturer of powdered, lump or candy sugar the average of his stocks in approved warehouses recorded at the end of each month of that marketing year was less than 160 tonnes,
- in the case of a specialized sugar trader the average of his stocks in approved warehouses recorded at the end of each month of that marketing year was less than 400 tonnes.

In such cases the Member State concerned shall demand the repayment by the person concerned of the sums paid to him by way of reimbursements of storage costs during the period in question.

Article 2

1. Any person entitled to the reimbursement of storage costs in a given Member State shall be recog-

nized as such in another Member State on request by him to the competent authorities in that other Member State.

2. In the case referred to in paragraph 1, entitlement to reimbursement of storage costs shall be limited to the months during which the quantity of sugar in respect of which reimbursement may be granted is not less than 150 tonnes per month.

Article 3

1. The approval referred to in Article 3 (1) of Regulation (EEC) No 1358/77 shall be granted by Member States only for warehouses to which the necessary supervision can be given and on condition that the owner of the sugar or syrups ensures that such supervision is always possible.

2. Where, by reason of *force majeure*, sugar or syrups have been transferred from an approved warehouse to a non-approved warehouse, the Member State concerned shall provisionally approve the latter warehouse.

Article 4

In respect of preferential sugar, entitlement to reimbursement of storage costs shall arise only after customs formalities on importation have been completed and the sugar has entered an approved warehouse.

Article 5

The basis for calculating the reimbursement and the levies shall be the net weight of the sugar.

Article 6

The amounts of the reimbursement and the levies for white sugar shall be applicable per 100 kilograms, irrespective of the quality of the sugar in question.

Article 7

In calculating the reimbursement and the levies applicable to raw sugar the latter shall be converted into white sugar equivalent according to one of the following methods at the choice of the Member State concerned :

- (a) on the basis of its yield, as determined according to the provisions of Article 1 of Regulation (EEC) No 431/68, or
- (b) for raw cane sugar by multiplying the quantity of raw sugar by 0.96, or
- (c) for raw beet sugar by multiplying the quantity of raw sugar by 0.92.

The method chosen by the Member States concerned shall remain unchanged during a given sugar marketing year.

Article 8

1. The reimbursement and the levy applicable to the syrups obtained prior to the crystallizing stage, as referred to in the third indent of the first subparagraph of Article 8 (1) of Regulation (EEC) No 3330/74, shall be calculated on the basis of their extractable sugar content.

The extractable sugar content shall be determined according to the provisions of Article 1 (5) of Regulation (EEC) No 700/73. Alternatively, Member States may determine this content according to the actual yield. The method chosen by the Member State concerned shall remain unchanged during a given sugar marketing year.

2. 'Syrups obtained prior to the crystallizing stage' means those syrups which fall within subheading 17.02 D II of the Common Customs Tariff and are subsequently processed into solid sugar under customs control, or under an administrative control providing equivalent safeguards, and which are stored in special containers separated from the sugar manufacturing plant.

3. The reimbursement for syrups obtained by dissolving crystallized sugar, referred to in the fourth indent of the first subparagraph of Article 8 (1) of Regulation (EEC) No 3330/74 and in the fourth indent of the second subparagraph of that Article, shall be calculated on the basis of their sucrose content. For this purpose the sucrose content, including where appropriate other sugars expressed as sucrose, shall be the total sugar content determined by the application of the Lane and Eynon method (copper reduction method) to the solution inverted according to Clerget-Herzfeld. The total sugar content thus determined shall be expressed as sucrose by multiplying by 0.95.

4. The reimbursement and the levy applicable to the syrups obtained directly from preferential raw sugar, as referred to in the fifth indent of the second subparagraph of Article 8 (1) of Regulation (EEC) No 3330/74, shall be calculated according to the method prescribed in paragraph 3.

Article 9

When :

- sugar or syrup is flavoured or coloured,
- syrup is mixed with a product not referred to in Article 8 of Regulation (EEC) No 3330/74,
- sugar is mixed with a product not referred to in the said Article in such a way that the mixture no longer conforms to the definition, as laid down in Article 1 of the said Regulation, of white sugar or raw sugar,

the resulting product shall cease to be eligible for reimbursement.

Article 10

1. Reimbursement of storage costs shall be granted for cane sugar originating in the French overseas

departments which is in sea transit at 00.00 hours on the first day of a month and which, on arrival, is stored in an approved warehouse.

Reimbursement shall be granted only to those entitled thereto as listed in Article 2 (1) of Regulation (EEC) No 1358/77 who were the owners of the sugar at the time of the storage referred to in the preceding subparagraph.

2. Reimbursement for the sugar referred to in paragraph 1, shall, however, be limited to a period equal to three quarters of one month.

Article 11

1. Reimbursement of storage costs shall be granted in respect of raw or white sugar which at 00.00 hours on the first day of a month is within a Member State in transit from an approved warehouse, other than transit as referred to in Article 10, and which, on arrival, is stored in another approved warehouse in the same Member State.

2. For purposes of calculating the quantity of sugar qualifying for the reimbursement of storage costs, as referred to in Article 4 (2) of Regulation (EEC) No 1358/77, the sugar referred to in paragraph 1 shall be considered as still stored in the departure warehouse at 24.00 hours on the last day of a month and as already stored in the arrival warehouse at 00.00 hours on the first day of the following month.

Article 12

1. The levy shall be incurred in respect of products as referred to in (a) of the third subparagraph of Article 8 (1) of Regulation (EEC) No 3330/74 at the moment of disposal.

For purposes of calculating the amount of the levy, in so far as it has not already been incurred, 'disposal' shall mean :

- (a) exit of the sugar from the factory in which it was produced, except in so far as the sugar enters an approved warehouse of the manufacturer thereof situated in the same Member State ;
- (b) exit from the approved warehouse of the manufacturer ; however, transfer of the sugar from an approved warehouse to another approved warehouse of the same manufacturer situated in the same Member State shall not be considered as disposal ;
- (c) transfer of property rights to the sugar without exit of the sugar from the approved warehouse of the manufacturer ;
- (d) processing by the manufacturer of the sugar and syrups into products other than those falling within heading No 17.01 of the Common Customs Tariff ;

- (e) the addition to the sugar or syrups of flavouring or colouring matter, or the mixing of the sugar or the syrups with products other than those referred to in Article 8 of Regulation (EEC) No 3330/74 in such a way that, pursuant to Article 9, the mixture is no longer eligible for the reimbursement of storage costs;
- (f) denaturing of the sugar;
- (g) in the case of the syrups referred to in Article 8 (2), exit from the manufacturer's containers following transfer of ownership;
- (h) the placing of the sugar or the syrups under one of the arrangements referred to in Articles 2 and 3 of Regulation (EEC) No 441/69.

2. In respect of the preferential sugar referred to in (b) of the third subparagraph of Article 8 (1) of Regulation (EEC) No 3330/74, the levy shall be incurred on the day of importation. The day of importation shall be the day on which customs formalities on importation are completed.

3. In respect of the preferential sugar referred to under (c) of the third subparagraph of Article 8 (1) of Regulation (EEC) No 3330/74, the levy shall be incurred, in so far as it has not already been incurred, at the end of the month during which the sugar is refined.

In respect of preferential sugar imported for refining but subsequently sold in an unaltered state, the levy shall be incurred at the time at which customs formalities on importation were completed.

4. The sale of white or raw sugar to an intervention agency shall not be considered as disposal within the meaning of paragraph 1. In this case the levy shall be incurred by the intervention agency at the time it resells the sugar.

Article 13

1. Every person entitled to reimbursement shall communicate to the Member State concerned, at the latest on the 15th day of each month, the following particulars:

- (a) the total quantities, expressed as net weight, of sugar and syrup eligible for reimbursement held in his store at 24.00 hours on the last day of the month preceding that of such communication;
- (b) the quantities referred to in Articles 10 and 11;
- (c) a breakdown, as between the various warehouses in which his sugar and syrups are stored and between Community sugar and preferential sugar, of the quantities referred to in (a) and (b).

2. If the stock at the end of a month differs from the initial stock in the following month, particulars of the latter shall be communicated separately.

3. Each manufacturer shall communicate, together with the particulars referred to in paragraph 1, particulars of the quantities disposed of during the month preceding that of such communication and produced within his maximum quota.

4. Each importer of preferential sugar disposed of in an unaltered state shall communicate, together with the particulars referred to in paragraph 1, particulars of the quantities of sugar as referred to in Article 12 (2) imported during the month preceding that of such communication.

5. Each refiner of preferential sugar shall communicate, together with the particulars referred to in paragraph 1, particulars of the quantities of sugar as referred to in Article 12 (3) refined during the month preceding that of such communication.

6. Member States may require additional information to be communicated to them and may extend the time limit referred to in paragraph 1 by a maximum of five days.

Article 14

1. Any person entitled to reimbursement who stores at the same time and in the same warehouse sugar eligible for reimbursement together with sugar not so eligible shall provide proof that the former is in fact eligible for reimbursement. The same shall apply *mutatis mutandis* as regards the levy.

In such cases the Member State concerned shall place the sugar in question under customs control or under an administrative control offering equivalent safeguards.

2. Where a manufacturer or a refiner stores at the same time and in the same warehouse both Community sugar and preferential sugar without the possibility of distinguishing between them, then any exit of these sugars shall be regarded as constituted in the same proportions as those of the initial stock.

For purposes of the previous subparagraph, each quantity of Community sugar or of preferential sugar entering the said warehouse during a given month shall be added to the initial quantity of Community sugar or of preferential sugar, as the case may be, in store at the beginning of that month in that warehouse. The ratio between the two initial quantities, as modified by the quantities of each type of sugar entering the warehouse during the month in question, shall be applied to all sugar leaving the warehouse during that month.

Where a manufacturer or a refiner uses several warehouses for the storage referred to in the first subparagraph, the Member States concerned may regard such warehouse as a single warehouse for the purposes of this paragraph.

3. Where a quantity of sugar produced outside the maximum quota is replaced, for the purpose of export, by an equivalent quantity produced within such quota, then, for purposes of the reimbursement, the first quantity shall be regarded as having been produced within the maximum quota as from the day on which the customs formalities on exportation are completed.

Article 15

1. For a given month, and at the latest by the 20th day of the second following month, Member States shall establish in respect of each person entitled to the reimbursement or liable to the levy:

- (a) the total amount of the reimbursements to which he is entitled,
and
- (b) the total amount of levy incurred.

2. The amounts referred to in paragraph 1 shall be paid between the first and the 20th day of the third month following that in respect of which entitlement to the reimbursement arose or the levy was incurred.

Article 16

1. Where discrepancies are found between the actual stocks and the stocks recorded for purposes of the reimbursement of storage costs, the amount of the reimbursement shall be adjusted accordingly. In the case of a shortfall such adjustment shall be retrospective, with effect from the preceding 1 November.

In the case of a surplus, the adjustment shall be:

- effective from the month in which the surplus is discovered as regards surpluses discovered between 1 October and 31 January,
- retrospective with effect from the previous 1 February as regards surpluses discovered between 1 February and 30 September.

The dates specified in the preceding subparagraphs shall be deferred by three months in respect of the French departments of Guadeloupe and Martinique.

If, however, it is possible to establish the precise date when the discrepancy in question first arose, then that shall be the date by reference to which the adjustment is made.

2. For purposes of Article 12 (1) the expression 'approved warehouse of the manufacturer' shall also cover a warehouse rented from another manufacturer in which is stored sugar produced by the latter under a contract as referred to in Article 3 (2) of Regulation (EEC) No 700/73. If the rented warehouse is in

another Member State, the Member States concerned shall reach agreement on the measures to be taken. Reimbursement shall be made by and the levy paid to the Member State in which the principal is established.

3. Where a manufacturer of a Member State finds it necessary to rent in the same Member State a warehouse owned by another manufacturer, or by a proprietor of industrial storage premises for renting, such a warehouse may, subject to prior consent by the Member State concerned, be treated as the first manufacturer's warehouse for purposes of Article 12 (1).

Article 17

Reimbursement shall not be granted for products subject to one of the arrangements referred to in Articles 2 and 3 of Regulation (EEC) No 441/69.

Article 18

Where a Member State decides that the provisions of Article 30 of Regulation (EEC) No 3330/74 shall not apply to its territory, it shall demand repayment of any reimbursement made for the quantities of sugar which, by reason of its decision, are found to have been produced in excess of the maximum quota.

Article 19

Member States shall take all measures necessary for the application of this Regulation and shall in particular establish all the necessary control measures.

Article 20

Regulation (EEC) No 442/70 is hereby repealed.

Article 21

This Regulation shall enter into force on 1 September 1978.

However, its provisions concerning the levies, and the reimbursement of storage costs, in respect of syrups obtained directly from sugar in the solid state, shall apply with effect from 1 July 1978.

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

Done at Brussels, 18 August 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION RECOMMENDATION No 1999/78/ECSC

of 16 August 1978

amending recommendation 77/330/ECSC establishing Community surveillance in respect of the importation into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community, originating in third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 (3) thereof,

Whereas, by recommendation 77/330/ECSC of 15 April 1977⁽¹⁾, as last amended by recommendation No 1616/78/ECSC⁽²⁾, the Commission established Community surveillance in respect of the importation into the Community of certain iron and steel products covered by the ECSC Treaty in order to follow developments therein and to ensure that neither such imports nor the conditions under which they are effected threaten to cause serious injury to Community production;

Whereas the provisions of that recommendation have proved insufficient for the full attainment of these objectives and they should therefore be amended and supplemented in order to secure faster and more complete information about expected imports and the conditions under which they take place,

HAS ADOPTED THIS RECOMMENDATION:

Article 1

Article 2 of recommendation 77/330/ECSC is hereby amended as follows:

1. Subparagraphs (b), (e), (h) and (i) shall read as follows:

'(b) for products originating in the third countries listed in the Annex, and for concrete reinforcement bars falling within subheading ex 73.10 A II of the Common Customs Tariff and originating in Switzerland:

- a precise description of the products sufficient to permit calculation of the delivered price at point of delivery according to the price list selected, or
- where a price other than the delivered price is indicated, the relevant Common Customs Tariff subheading and the description of the product corresponding to that set out in the communications of the Commission on basic prices for certain iron and steel products⁽³⁾;

'(e) the point of delivery;'

'(h) for products originating in the third countries listed in the Annex, and for concrete reinforcement bars falling within subheading 73.10 A II of the Common Customs Tariff and originating in Switzerland:

- either the delivered price per tonne and the name of the producer's price list selected for calculating the delivered price, including all extras, rebates and any other factors included in the calculation of this delivered price, or
- where appropriate, the third country offer on which alignment is permitted, giving the details required to identify this offer, or
- other permitted price (to be justified) for products which originate in Austria, Finland, Norway, Portugal or Sweden and are subject to neither minimum nor guidance prices;

(i) the date of the contract to buy the goods, and the number of the contract or other reference given by the exporter to make it possible to identify the delivery;'

2. The following subparagraphs (k) and (l) are added:

'(k) the proposed date and place of importation;

(l) the name of the exporter.'

Article 2

This recommendation shall be notified to the Member States and published in the *Official Journal of the European Communities*.

It shall enter into force for each Member State on 23 August 1978.

Done at Brussels, 16 August 1978.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 114, 5. 5. 1977, p. 15.

⁽²⁾ OJ No L 189, 12. 7. 1978, p. 12.

⁽³⁾ OJ No L 353, 31. 12. 1977, p. 1; OJ No L 176, 13. 5. 1978, p. 45; OJ No L 183, 5. 7. 1978, p. 3.

COMMISSION REGULATION (EEC) No 2000/78

of 22 August 1978

re-establishing the levying of customs duties on woven fabrics of regenerated textile fibres, falling within subheading 56.07 B, originating in South Korea to which the preferential tariff arrangements set out in Council Regulation (EEC) No 1197/78 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1197/78 of 30 May 1978 opening, allocating and providing for the administration of Community tariff preferences for textile products originating in developing countries and territories⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 (1) to (3) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling which is indicated, for each of the products listed in Annex B, under (a) in column 5; whereas only the products originating in the countries and territories listed in Annex D to the Regulation in question, other than those specified under (b) in column 4 of Annex B, in respect of the corresponding products, may be charged against that ceiling; whereas, having regard to that ceiling, the amounts for products originating in any one of the countries listed in Annex D should be within a maximum amount representing 50 % of that ceiling;

Whereas Article 3 (2) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries and territories, with the exception of countries listed in Annex E thereto, once the relevant Community maximum amount has been reached;

Whereas, in respect of woven fabrics of regenerated textile fibres, the ceiling, calculated as indicated above,

should be 230 tonnes, and therefore the maximum amount is 115 tonnes; whereas on 4 August 1978 the amounts of imports into the Community of woven fabrics of regenerated textile fibres originating in South Korea, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 1197/78 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 26 August 1978, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 1197/78, shall be re-established in respect of the following products, imported into the Community and originating in South Korea:

CCT heading No	Description
56.07	Woven fabrics of man-made fibres (discontinuous or waste): B. Of regenerated textile fibres

Article 2

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

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

Done at Brussels, 22 August 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 149, 5. 6. 1978, p. 1.

COMMISSION REGULATION (EEC) No 2001/78

of 22 August 1978

re-establishing the levying of customs duties on gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods, falling within heading No 61.10, originating in developing countries to which the preferential tariff arrangements set out in Council Regulation (EEC) No 1197/78 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1197/78 of 30 May 1978 opening, allocating and providing for the administration of Community tariff preferences for textile products originating in developing countries and territories⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 (1) of that Regulation provides that customs duties may, for each category of products listed in Annex C to that Regulation, be suspended up to a Community ceiling equal to 87 % of the sum arrived at by adding together the tonnage of the products in question, imported into the Community in 1968 and coming from countries listed in Annex D, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 tonnage of such imports coming from other countries and from countries already covered by such arrangements; whereas Article 3 (1) of that Regulation provides that the levying of customs duties may be re-established at any time once the Community ceiling has been reached;

Whereas, in respect of gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods, the ceiling, calculated as indicated above, should be 21 tonnes; whereas on 9 August

1978 the amounts of imports into the Community of the products in question, originating in countries covered by preferential tariff arrangements, reached that ceiling; whereas, bearing in mind the objectives of Regulation (EEC) No 1197/78 which provides that the ceiling should not be exceeded, customs duties should be re-established in respect of the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 26 August 1978, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 1197/78, shall be re-established in respect of the following products, imported into the Community:

CCT heading No	Description
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods

Article 2

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

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

Done at Brussels, 22 August 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

(1) OJ No L 149, 5. 6. 1978, p. 1.

**COMMISSION REGULATION (EEC) No 2002/78
of 22 August 1978**

re-establishing the levying of customs duties on wrought plates, sheets and strip, of aluminium, falling within heading No 76.03, originating in Yugoslavia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 2705/77 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2705/77 of 28 November 1977 establishing preferential tariffs in respect of certain products originating in developing countries⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 1 (3) and (4) of that Regulation provides that the customs duties may, for each category of products, be suspended up to a Community ceiling, expressed in units of account, which will be equal — with the exception of certain products the value of the ceilings for which is given in Annex A to the Regulation in question — to the sum arrived at by adding together the value of the products in question imported cif into the Community in 1974 and coming from countries and territories covered by those arrangements, but not including products coming from countries and territories already covered by various preferential tariff arrangements established by the Community, and 5 % of the value of 1975 cif imports coming from other countries and from countries and territories already covered by such arrangements; whereas, however, the ceiling resulting from the sum of this addition may in no case exceed 225 % of the preferential ceiling opened for 1976;

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

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

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

Whereas, in respect of wrought plates, sheets and strip, of aluminium, the ceiling, calculated as indicated above, should be 8 304 000 units of account, and therefore the maximum amount is 1 660 800 units of account; whereas on 4 August 1978, the amounts of imports into the Community of wrought plates, sheets and strip, of aluminium, originating in Yugoslavia, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 2705/77 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to Yugoslavia,

HAS ADOPTED THIS REGULATION :

Article 1

As from 26 August 1978, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 2705/77, shall be re-established in respect of the following products, imported into the Community and originating in Yugoslavia :

CCT heading No	Description
76.03	Wrought plates, sheets and strip, of aluminium

Article 2

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

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

Done at Brussels, 22 August 1978.

For the Commission
Étienne DAVIGNON
Member of the Commission

⁽¹⁾ OJ No L 324, 19. 12. 1977, p. 23.

COMMISSION REGULATION (EEC) No 2003/78**of 22 August 1978****abolishing the countervailing charge on peaches originating in Bulgaria**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1766/78⁽²⁾, and in
particular Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1951/78
of 11 August 1978⁽³⁾, introduced a countervailing
charge on peaches originating in Bulgaria;

Whereas for this product originating in Bulgaria there
were no prices for six consecutive working days;

whereas the conditions specified in Article 26 (1) of
Regulation (EEC) No 1035/72 are therefore fulfilled,
and the countervailing charge on imports of peaches
originating in Bulgaria can be abolished,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 1951/78 is hereby repealed.

Article 2

This Regulation shall enter into force on 23 August
1978.

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

Done at Brussels, 22 August 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 204, 28. 7. 1978, p. 12.
⁽³⁾ OJ No L 221, 12. 8. 1978, p. 39.

COMMISSION REGULATION (EEC) No 2004/78
of 22 August 1978
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/66/EEC
of 22 September 1966 on the establishment of a
common organization of the market in oils and
fats⁽¹⁾, as last amended by Regulation (EEC) No
1419/78⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in
Article 27 of Regulation No 136/66/EEC was fixed by
Regulation (EEC) No 1922/78⁽³⁾, as amended by
Regulation (EEC) No 1973/78⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1922/78

to the information at present available to the Commis-
sion that the amount of the subsidy at present in force
should be altered as shown in the Annex to this Regu-
lation,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 23 August
1978.

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

Done at Brussels, 22 August 1978.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 8.

⁽³⁾ OJ No L 219, 10. 8. 1978, p. 15.

⁽⁴⁾ OJ No L 226, 17. 8. 1978, p. 13.

*ANNEX***to the Commission Regulation of 22 August 1978 fixing the amount of the subsidy on oil seeds**

Subsidy applicable from 23 August 1978 to colza and rape seed (CCT heading No ex 12.01) and sunflower seeds (CCT heading No ex 12.01) (u.a./100 kg)

	Colza and rape seed	Sunflower seed
Subsidy	11.958	12.241
Subsidy in the case of advance fixing:		
— for the month of August 1978	11.958	12.241
— for the month of September 1978	12.268	11.897
— for the month of October 1978	13.858	12.662
— for the month of November 1978	14.168	13.918
— for the month of December 1978	14.478	—
— for the month of January 1979	14.406	—

COMMISSION REGULATION (EEC) No 2005/78
of 22 August 1978
fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1419/78⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 852/78⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

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

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1922/78 of 9 August 1978 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 2004/78⁽⁸⁾;

Whereas, to enable the price system to operate normally, the world market price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 %, a rate of exchange based on their effective parity;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous subparagraph;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 August 1978.

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

Done at Brussels, 22 August 1978.

For the Commission

Finn GUNDELACH

Vice-President

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

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 8.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 219, 10. 8. 1978, p. 15.

⁽⁸⁾ See page 16 of this Official Journal.

ANNEX

World market price applicable from 23 August 1978 for colza and rape seed (CCT heading No ex 12.01)

	u.a./100 kg ⁽¹⁾
World market price	17.712
World market price where the subsidy is fixed in advance :	
— for the month of August 1978	17.712
— for the month of September 1978	17.712
— for the month of October 1978	16.432
— for the month of November 1978	16.432
— for the month of December 1978	16.432
— for the month of January 1979	16.814

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

1 u.a. = DM	3.15665
1 u.a. = Fl	3.35507
1 u.a. = Bfr/Lfr	48.6572
1 u.a. = FF	6.81106
1 u.a. = Dkr	8.56656
1 u.a. = £	0.806439
1 u.a. = I £	0.806439
1 u.a. = Lit	1 312.45