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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 564/80**

**of 3 March 1980**

**laying down general rules on distillation operations for table wines for which  
the delivery contract must be approved before 15 April 1980**

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
337/79 of 5 February 1979 on the common organiza-  
tion of the market in wine<sup>(1)</sup>, as last amended by  
Regulation (EEC) No 459/80<sup>(2)</sup>, and in particular  
Article 15 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 15 of Regulation (EEC) No 337/79  
provides that provisions concerning the distillation of  
table wines may be adopted where application of the  
market support measures provided for in that Regula-  
tion are unlikely to be effective in restoring price  
levels;

Whereas this is the case, at present in view, of the fact  
that this year's abundant harvest and the large stocks  
from the previous year have created supplies which  
considerably exceed the normal requirements for the  
present year; whereas, moreover, all the support  
measures have already been taken, but they have not  
yet succeeded in restoring reasonable price levels;

Whereas the conditions under which these distillation  
operations may take place should be laid down;  
whereas, in particular, the price of the wines going for  
distillation should not be such as to encourage the  
production of wine principally for distillation,  
although it should be sufficiently attractive for the  
operation to be effective;

Whereas the marketing of the alcohol produced under  
this Regulation should not be allowed to have a nega-  
tive influence on the market for the product;

Whereas the maximum quantity of table wine which  
may be distilled for each producer and the duration of  
the distillation operation should be limited in order to  
limit the overall cost of the operation;

Whereas, in order to ensure appropriate supervision of  
the distillation operations, distillers should be subject  
to a system of approval;

Whereas the present situation on the market in white  
table wines is less favourable than that on the market  
in red and rosé table wines; whereas the distillation of  
white wines should therefore be encouraged by  
allowing them to be substituted for red and rosé  
wines;

Whereas provision should be made for producers to  
conclude delivery contracts with distillers subject to  
approval by the intervention agency, in order to facili-  
tate monitoring of the progress of operations and of  
the observance of the obligations of both parties;  
whereas this system would have the added advantage  
of making it easier to monitor the quantitative effects  
of distillation on the market;

Whereas, however, the contracts system must be  
adapted in order to take into account the fact that  
there are producers who intend to have their wine  
distilled on their behalf and producers who them-  
selves make use of distillation plants; whereas, in the  
case of the latter producers, the absence of a contrac-  
tual obligation necessitates an official analysis of  
certain characteristics of the wine to be distilled;

Whereas the price of wine going for distillation is not  
such as to enable the products obtained from this  
operation to be marketed normally; whereas, it is  
therefore necessary to grant aid and to fix the amount  
of aid, taking into account normal costs, at a level  
enabling the products obtained to be marketed;

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 57, 29. 2. 1980, p. 32.

Whereas provision should be made for the minimum price guaranteed to the producer to be paid to him, as a general rule, within time limits which will enable him to obtain a profit comparable to that which he would have obtained from a commercial sale ;

Whereas provision should be made for producers who have concluded a delivery contract to terminate it where the market situation would enable them to dispose of the wine more profitably ;

Whereas, on the basis of experience gained, a certain margin should be allowed for the quantity of wine specified in the delivery contracts ; whereas, moreover, provision should be made, in the event of chance circumstances or *force majeure*, for aid to be paid in respect of the quantity of wine which has actually been distilled ;

Whereas, in each Member State concerned, a body should be made responsible for implementing the provisions in question ;

Whereas the addition of an indicator to the wine to be distilled is an efficient monitoring method ; whereas it should be stated that the presence of such an indicator must not prevent the movement of these wines or of the products obtained therefrom,

HAS ADOPTED THIS REGULATION :

#### Article 1

1. Producers wishing to distil part of their harvest of table wines pursuant to Article 15 of Regulation (EEC) No 337/79 shall conclude contracts for the delivery of table wines with an approved distiller and shall submit them to the intervention agency before 1 April 1980.

2. For the purposes of this Regulation, the quantity of table wines distilled by any one producer may not be less than 10 hectolitres and may not exceed the following percentages of the quantity of table wine, expressed in terms of wine, musts or grapes, stated in the producer's harvest declaration for the 1979/80 wine-growing year :

(a) as regards red and rosé table wines :

- 20 % for the first 150 hectolitres declared,
- 10 % for the remainder of the declared production ;

(b) as regards white table wines :

- 20 % for the first 150 hectolitres declared,
- 10 % for the remainder of the declared production.

However, the quantity of red and rosé table wines which may be put up for distillation may be replaced

wholly or in part by a corresponding quantity of white table wine.

#### Article 2

1. The delivery contracts shall not be valid unless approved before 15 April 1980 by the intervention agency of the Member State in which the wine happens to be when the contract is concluded. These contracts shall cover :

- (a) the purchase by the distiller of the quantity of table wine entered in the contract ;
- (b) the obligation for the distiller to process the wine into a product with an alcoholic strength by volume of 86 % vol or more, or into a product with an alcoholic strength by volume of 85 % vol or less and to pay for this wine at least the price referred to in Article 4.

2. Where distillation takes place in a Member State other than that in which the contract was approved, the intervention agency which approved the contract shall forward a copy of it to the intervention agency of the first Member State.

#### Article 3

1. Producers :

- who themselves make use of distillation plants and who intend to carry out the distillation referred to in Article 1, or
- who intend to have their wine distilled on their behalf in an approved distiller's plant,

shall so inform the intervention agency of the Member State in whose territory their winery is located by means of a declaration of delivery for distillation, hereinafter called 'declaration', and, if the distilling plant is located in another Member State, the latter's intervention agency as well, by means of a copy of the declaration.

2. For the purposes of this Regulation, the contract referred to in Article 1 (1) shall be replaced :

- in the case specified in the first indent of paragraph 1, by the declaration,
- in the case specified in the second indent of paragraph 1, by the declaration accompanied by a contract for delivery for distillation on the producer's behalf concluded between the producer and the distiller.

3. The declarations referred to in paragraph 2 shall involve the distiller in an obligation to process the wine into a product with an alcoholic strength by volume of 86 % vol or more, or into a product with an alcoholic strength by volume of 85 % vol or less.

4. In the case referred to in the first indent of paragraph 1, a sample of the wine to be distilled shall be taken by a representative of an official body for analysis by an official laboratory of its actual alcoholic strength by volume, total acidity, volatile acidity and sulphur-dioxide content.

The producer shall forward the results of this analysis, certified by an official body, to the intervention agency.

5. A representative of an official body shall check the quantity of wine distilled and the date of distillation.

6. Producers who have lodged a declaration shall be obliged to distil or to arrange for the distillation of the wine covered by that declaration.

#### *Article 4*

1. The minimum buying-in price for table wines for distillation shall be fixed at:

- 2.16 ECU per hectolitre per % vol for all red and rosé table wines,
- 1.90 ECU per hectolitre per % vol for all white table wines.

These wines must have an actual alcoholic strength by volume of more than 9.5 % vol.

2. The prices referred to in paragraph 1 shall apply to bulk merchandise ex producer's premises.

#### *Article 5*

1. The intervention agency of the Member State in which the distillation has taken place shall pay aid for the wine distilled.

2. The amount of the aid shall be fixed, in respect of the wines referred to in the first indent of Article 4 (1), at:

- 1.31 ECU per hectolitre per % vol if the wine was processed into a product with an alcoholic strength by volume of 86 % vol or more,
- 1.22 ECU per hectolitre per % vol if the wine was processed into a product with an alcoholic strength by volume of 85 % vol or less.

The amount of the aid shall be fixed, in respect of the wine referred to in the second indent of Article 4 (1), at:

- 1.05 ECU per hectolitre per % vol if the wine was processed into a product with an alcoholic strength by volume of 86 % vol or more,
- 0.96 ECU per hectolitre per % vol if the wine was processed into a product with an alcoholic strength by volume of 85 % vol or less.

#### *Article 6*

1. When the total quantity of wine in the contract enters the distillery, the distiller shall pay the

producer at least the difference between the minimum buying-in price referred to in Article 4 and the aid provided for in Article 5.

2. Within two weeks of notification of entry into the distillery of the total quantity of wine in the contract, the intervention agency shall pay the producer an amount equal to 45 % of the minimum buying-in price referred to in Article 4, to be deducted from the aid provided for in Article 5.

3. When proof is supplied that the total quantity of wine in the contract has been distilled, the intervention agency shall pay the producer the difference between the aid provided for in Article 5 and the amount referred to in paragraph 2.

4. Member States may provide that the amount referred to in paragraph 2 shall be paid:

- by the intervention agency to the producer within two weeks of approval of the contract,
- by the distiller, in which case the intervention agency shall reimburse this amount to the distiller when the proof referred to in paragraph 3 is supplied.

5. Where distillation takes place in a Member State other than the Member State where the producer is located, the minimum buying-in price referred to in Article 4 shall be paid by the distiller.

6. By way of derogation from paragraphs 1 to 4, the minimum buying-in price may be paid by the intervention agency or the distiller, in one payment after distillation of the total quantity of wine appearing in the contract.

#### *Article 7*

Distillation may not take place before 1 April or after 31 May 1980. It may, however, be decided to change the date referred to in Article 1 (1), in particular if the representative prices for all types of table wines except types A II, A III and R III should reach a level higher than the respective activating price during two consecutive weeks.

#### *Article 8*

Where the representative price of type A I table wine in a certain number of quotations exceeding 50 % of the quantities quoted exceeds 90 % of the activating price, it may be decided that delivery contracts shall be terminated wholly or in part at the request of the producer.

Annulment of contracts shall be permissible only in cases where the amounts paid by the intervention agency are refunded.

*Article 9*

A margin of 10 % more or less than the quantity of wine indicated in the delivery countries referred to in Article 1 shall be permitted.

The intervention agency shall pay the aid provided for in Article 5 for the quantity of wine which has actually been distilled, within the margin referred to in the first paragraph.

*Article 10*

Where, owing to chance circumstances or *force majeure*, all or some of the wine covered by a contract referred to in Article 1 cannot be distilled, the distiller or the producer shall immediately so inform :

- the intervention agency of the Member State in whose territory the distillation plant is located, and
- if the producer's winery is located in another Member State, the intervention agency of the second Member State.

In the cases referred to in the first paragraph, the intervention agency shall pay the aid referred to in Article 5 in respect of that quantity of wine which has actually been distilled.

*Article 11*

For the purposes of this Regulation, 'an approved distiller' means a distiller included on a list to be compiled by the competent authorities of the Member States.

A person on whose behalf distillation is carried out shall be treated in the same way as a distiller within

the meaning of the first paragraph. Such distillation must be carried out by an approval distiller.

Under conditions to be laid down as part of the implementing rules, approval may be withdrawn by the authorities referred to in the first paragraph from distillers who do not fulfil their obligations under this Regulation.

*Article 12*

1. Member States shall appoint an intervention agency to be responsible for implementing this Regulation.

2. Without prejudice to Article 2 (1), the intervention agency responsible shall be that located on the territory where distillation takes place.

*Article 13*

Member States shall take the measures necessary to ensure that this Regulation and, in particular, checks to prevent the deflection of table wine from its end-use of distillation, are implemented. To this end, Member States may stipulate that an indicator may be used.

Member States may not prevent the movement within their territory of a table wine intended for distillation or of distilled products obtained from this wine, because of the presence of an indicator.

*Article 14*

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

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

Done at Brussels, 3 March 1980.

*For the Council*

*The President*

G. MARCORA

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**COUNCIL REGULATION (EEC) No 565/80**

**of 4 March 1980**

**on the advance payment of export refunds in respect of agricultural products**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1547/79<sup>(2)</sup>, and in particular Article 16 (5) thereof, and the corresponding provisions of the other Regulations on the common organization of the market in respect of agricultural products,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 441/69 of 4 March 1969 laying down additional general rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty<sup>(3)</sup>, as last amended by Regulation (EEC) No 269/78<sup>(4)</sup>, has been amended several times; whereas experience has shown further amendments to be desirable; whereas, in the interests of clarity, it is desirable to consolidate the rules in question;

Whereas the Regulations laying down general rules for granting export refunds on certain agricultural products and the criteria for fixing the amount of such refunds provide that, in order for the export refund to be paid, proof must be furnished that such products have been exported from the Community;

Whereas, in following the principle whereby a balance is ensured between the use of Community basic products with a view to exporting processed products or goods listed in Annexes B and C to Regulation (EEC) No 2682/72<sup>(5)</sup>, as last amended by Regulation (EEC) No 707/78<sup>(6)</sup>, to third countries and the use of basic products from such countries admitted under inward processing arrangements pursuant to Council Directive 69/73/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing<sup>(7)</sup>, as last amended by Directive

76/119/EEC<sup>(8)</sup>, an amount equal to the export refund should be paid as soon as the Community basic products, from which processed products or goods intended for export are obtained, are placed under customs control;

Whereas products covered by a common market organization and imported from third countries may, under certain conditions, be brought under a customs warehousing or a free zone procedure, collection of the import duties being suspended; whereas provision should be made for payment of an amount equal to the export refund as soon as Community products or goods intended for export are brought under such a procedure;

Whereas the payment of an amount equal to the export refund does not in any way affect the conditions under which the right to an export refund is established; whereas a security should be lodged to guarantee the reimbursement of a sum not less than the amount paid where it is subsequently established that there was no right to the export refund or that the products or goods to which these measures were applied were not actually exported from the Community within the time limits laid down,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down general rules for paying in advance of export an amount equal to the export refunds on the products covered by the following Regulations:

- Regulation No 136/66/EEC (oils and fats),
- Regulation (EEC) No 804/68 (milk and milk products),
- Regulation (EEC) No 805/68 (beef and veal),
- Regulation (EEC) No 727/70 (raw tobacco),
- Regulation (EEC) No 1035/72 (fruit and vegetables),
- Regulation (EEC) No 3330/74 (sugar),
- Regulation (EEC) No 2727/75 (cereals),
- Regulation (EEC) No 2759/75 (pigmeat),
- Regulation (EEC) No 2771/75 (eggs),
- Regulation (EEC) No 2777/75 (poultrymeat),
- Regulation (EEC) No 100/76 (fishery products),
- Regulation (EEC) No 1418/76 (rice),
- Regulation (EEC) No 516/77 (products processed from fruit and vegetables),
- Regulation (EEC) No 337/79 (wine).

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

<sup>(2)</sup> OJ No L 188, 26. 7. 1979, p. 1.

<sup>(3)</sup> OJ No L 59, 10. 3. 1969, p. 1.

<sup>(4)</sup> OJ No L 40, 10. 2. 1978, p. 7.

<sup>(5)</sup> OJ No L 289, 27. 12. 1972, p. 13.

<sup>(6)</sup> OJ No L 94, 8. 4. 1978, p. 7.

<sup>(7)</sup> OJ No L 58, 8. 3. 1969, p. 1.

<sup>(8)</sup> OJ No L 24, 30. 1. 1976, p. 58.

*Article 2*

For the purposes of this Regulation :

- (a) 'products' means the products referred to in Article 1 ; 'basic products' means products intended to be exported after processing into processed products or into goods ;
- (b) 'processed products' means products :
  - obtained from the processing of basic products, and
  - to which an export refund is applicable ;
- (c) 'goods' means the goods listed in Annexes B and C to Regulation (EEC) No 2682/72.

*Article 3*

Products for which a refund equal to or greater than 0 has been fixed shall be eligible to benefit from this Regulation.

*Article 4*

1. An amount equal to the export refund shall, at the request of the party concerned, be paid as soon as the basic products are placed under customs control ensuring that the processed products or the goods will be exported within a set time limit.

2. The arrangement provided for in this Article shall apply to processed products and goods obtained from basic products provided that inward processing arrangements are not prohibited for comparable products.

However, the arrangement shall not apply in exceptional cases where the processed products or the goods are obtained from basic products which can be disposed of without difficulty.

3. As regards control procedures and the rate of yield, the basic products shall be subject to the same rules as apply in respect of inward processing to products of the same nature.

4. The export refund referred to in paragraph 1 shall be :

- (a) in the case of processed products, the refund applicable to the processed product ;
- (b) in the case of goods, the refund specifically fixed for basic products when :
  - used, or
  - considered, under Community provisions, to be used
 for the manufacture of such goods.

5. The rate of the export refund shall, unless it is fixed in advance, be that in force on the day on which the basic products are brought under customs control.

6. Where the export refund is fixed in advance, the day on which the basic products are brought under customs control shall be the operative date for determining any adjustment to be made to the rate of refund applicable.

7. Where the export refund varies according to use or destination, the rate to be applied shall be the lowest rate. However, if the use or destination is declared, the rate to be applied shall be that fixed for the use or destination for which the processed products or the goods are intended.

*Article 5*

1. An amount equal to the export refund shall, at the request of the party concerned, be paid as soon as the products or goods have been brought under the customs warehousing or free zone procedure with a view to their being exported within a set time limit.

2. The arrangement provided for in this Article shall apply to products and goods intended for export without further processing when the products or goods are of a kind that can be stored.

However, the arrangement shall not apply in exceptional cases where the products or goods concerned can be disposed of without difficulty.

3. Where the export refund varies according to use or destination, the rate to be applied shall be the lowest rate. However, if the use or destination is declared, the rate to be applied shall be that fixed for the use or destination for which the products or goods are intended.

*Article 6*

The benefit of the arrangements provided for in this Regulation shall be subject to the lodgment of a security guaranteeing reimbursement of an amount equal to the amount paid, plus an additional amount.

Without prejudice to cases of *force majeure*, this security shall be forfeited in whole or in part :

- where reimbursement has not been made when export has not taken place within the period referred to in Articles 4 (1) and 5 (1), or
- if there proves to be no right to the export refund, or if there was a right to a smaller refund.



*Article 7*

The competent authorities of the Member States may refuse to grant the benefit of the arrangement provided for in this Regulation if the character of the applicant is not such as to guarantee that the whole transaction will be effected in accordance with the provisions in force.

In each Member State, this power shall be exercised in accordance with the principles currently applicable in that State governing non-discrimination between applicants and the freedom of trade and industry.

*Article 8*

If necessary, the basic products, products and goods which do not benefit from the arrangements provided for in this Regulation shall be set out in a list to be determined.

*Article 9*

Regulation (EEC) No 441/69 is hereby repealed with effect from 1 April 1980. It shall, however, continue to apply to transactions entered into under that Regulation.

*Article 10*

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 April 1980 to basic products, products and goods which are brought under control from that date.

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

Done at Brussels, 4 March 1980.

*For the Council*

*The President*

G. MARCORA

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## COMMISSION REGULATION (EEC) No 566/80

of 6 March 1980

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1547/79<sup>(2)</sup>, and in particular Article 13<sup>(5)</sup> thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 2543/73<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 1658/79<sup>(5)</sup> and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within

a band of 2.25 %, a rate of exchange based on their effective parity;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 5 March 1980;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1658/79 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

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 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 March 1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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

<sup>(2)</sup> OJ No L 188, 26. 7. 1979, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 193, 1. 8. 1979, p. 5.

## ANNEX

## to the Commission Regulation of 6 March 1980 fixing the import levies on cereals and on wheat or rye flour, groats and meal

*(ECU/tonne)*

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	82.12
10.01 B	Durum wheat	106.72 <sup>(1)</sup> <sup>(5)</sup>
10.02	Rye	75.07 <sup>(6)</sup>
10.03	Barley	72.67
10.04	Oats	66.93
10.05 B	Maize, other than hybrid maize for sowing	92.95 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	39.80 <sup>(4)</sup>
10.07 C	Grain sorghum	88.08 <sup>(4)</sup>
10.07 D	Canary seed ; other cereals	0 <sup>(5)</sup>
11.01 A	Wheat or meslin flour	129.64
11.01 B	Rye flour	118.81
11.02 A I a)	Durum wheat groats and meal	178.82
11.02 A I b)	Common wheat groats and meal	138.50

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

<sup>(2)</sup> In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

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

<sup>(5)</sup> Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

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

**COMMISSION REGULATION (EEC) No 567/80**  
**of 6 March 1980**

**fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organ-  
ization of the market in cereals <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1547/79 <sup>(2)</sup>, and in particular  
Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the  
value of the unit of account and the exchange rates to  
be applied for the purposes of the common agricul-  
tural policy <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73 <sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary  
Committee,

Whereas the premiums to be added to the levies on  
cereals and malt were fixed by Regulation (EEC) No  
1659/79 <sup>(5)</sup> and subsequent amending Regulations ;

Whereas, if the levy system is to operate normally,  
levies should be calculated on the following basis :

— in the case of currencies which are maintained in  
relation to each other at any given moment within

a band of 2.25 % a rate of exchange based on  
their effective parity ;

— for other currencies, an exchange rate based on the  
arithmetic mean of the spot market rates of each  
of these currencies in relation to the Community  
currencies referred to in the previous indent ;

Whereas these exchange rates being those recorded on  
5 March 1980 ;

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 to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

The premiums referred to in Article 15 of Regulation  
(EEC) No 2727/75 to be added to the import levies  
fixed in advance in respect of cereals and malt shall  
be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 March  
1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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

<sup>(2)</sup> OJ No L 188, 26. 7. 1979, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 193, 1. 8. 1979, p. 7.

## ANNEX

to the Commission Regulation of 6 March 1980 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	12.22	12.22	12.24
10.02	Rye	0	0	0	0
10.03	Barley	0	2.04	2.04	2.04
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
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

(ECU/tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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	3.63	3.63	3.63	3.63
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	2.71	2.71	2.71	2.71
11.07 B	Roasted malt	0	3.16	3.16	3.16	3.16

## COMMISSION REGULATION (EEC) No 568/80

of 6 March 1980

## fixing minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 590/79<sup>(2)</sup>, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 2749/78 of 23 November 1978 on trade in oils and fats between the Community and Greece<sup>(3)</sup>, and in particular Article 5 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria<sup>(4)</sup>, as amended by Regulation (EEC) No 2761/78<sup>(5)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco<sup>(6)</sup>, as last amended by Regulation (EEC) No 2761/78, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia<sup>(7)</sup>, as amended by Regulation (EEC) No 2761/78, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey<sup>(8)</sup>, as amended by Regulation (EEC) No 2766/78<sup>(9)</sup>, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon<sup>(10)</sup>,

Whereas by Regulation (EEC) No 3131/78 of 28 December 1978<sup>(11)</sup> the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender<sup>(12)</sup> specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world or Greek markets and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 3 and 4 March 1980 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION :

*Article 1*

The minimum levies on olive oil imports are fixed in Annex I.

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

<sup>(2)</sup> OJ No L 78, 30. 3. 1979, p. 1.

<sup>(3)</sup> OJ No L 331, 28. 11. 1978, p. 1.

<sup>(4)</sup> OJ No L 169, 28. 6. 1976, p. 24.

<sup>(5)</sup> OJ No L 332, 29. 11. 1978, p. 13.

<sup>(6)</sup> OJ No L 169, 28. 6. 1976, p. 43.

<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.

<sup>(8)</sup> OJ No L 142, 9. 6. 1977, p. 10.

<sup>(9)</sup> OJ No L 332, 29. 11. 1978, p. 26.

<sup>(10)</sup> OJ No L 181, 21. 7. 1977, p. 4.

<sup>(11)</sup> OJ No L 370, 30. 12. 1978, p. 60.

<sup>(12)</sup> OJ No L 331, 28. 11. 1978, p. 6.

*Article 2*

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

*Article 3*

This Regulation shall enter into force on 7 March 1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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## ANNEX I

## Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Greece	Non-member countries
15.07 A I a)	8.00 <sup>(1)</sup>	27.40 <sup>(1)</sup>
15.07 A I b)	3.50 <sup>(1)</sup>	20.25 <sup>(1)</sup>
15.07 A I c)	7.80 <sup>(1)</sup>	31.90 <sup>(1)</sup>
15.07 A II a)	4.50	34.20 <sup>(2)</sup>
15.07 A II b)	18.00	61.20 <sup>(3)</sup>

<sup>(1)</sup> For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

(a) Greece, Spain and Lebanon: 0.60 ECU/100 kg;

(b) Turkey: 22.36 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Algeria, Morocco, Tunisia: 24.78 ECU/100 kg provided that the operator furnishes proof of having paid the export tax applied by those countries; however, the repayment may not exceed the amount of the tax in force.

<sup>(2)</sup> For imports of oil falling within this tariff subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3.86 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3.09 ECU/100 kg.

<sup>(3)</sup> For imports of oil falling within this tariff subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7.25 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5.80 ECU/100 kg.

## ANNEX II

## Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Greece	Non-member countries
07.01 N II	0.77	4.46
07.03 A II	0.77	4.46
15.17 B I a)	1.75	10.13
15.17 B I b)	2.80	16.20
23.04 A II	0.62	2.55



## COMMISSION REGULATION (EEC) No 569/80

of 6 March 1980

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1547/79<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds<sup>(3)</sup>, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice<sup>(4)</sup>, as last amended by Regulation (EEC) No 2245/78<sup>(5)</sup>, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas, if the refund system is to operate normally, refunds 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 indent;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 March 1980.

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

<sup>(2)</sup> OJ No L 188, 26. 7. 1979, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 273, 29. 9. 1978, p. 1.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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*ANNEX*

**to the Commission Regulation of 6 March 1980 fixing the export refunds on malt**

	<i>(ECU / tonne)</i>
CCT heading No	Refund
11.07 A I b)	61.18
11.07 A II b)	82.18
11.07 B	95.77

## COMMISSION REGULATION (EEC) No 570/80

of 6 March 1980

amending Regulation (EEC) No 2700/79 fixing the special levy applicable to New Zealand butter imported into the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession, and in particular Protocol 18 thereto,

Having regard to Council Regulation (EEC) No 1655/76 of 29 June 1976 extending the transitional arrangements for the import of New Zealand butter into the United Kingdom<sup>(1)</sup>, and in particular Article 8 thereof,

Whereas, by virtue of Article 3 (1) of Regulation (EEC) No 1655/76, a special levy is applied to New Zealand butter imported into the United Kingdom under that Regulation ;

Whereas the special levy applicable with effect from 30 November 1979 is fixed by Commission Regulation (EEC) No 2700/79<sup>(2)</sup> at 83.68 ECU per 100 kg ; whereas this rate of special levy takes into account the aid of 45.94 ECU per 100 kg granted in the United Kingdom under Council Regulation (EEC) No 1269/79<sup>(3)</sup> for butter of Community origin intended for direct consumption ; whereas, in order to prevent New Zealand butter qualifying for the said special levy from being used for industrial purposes at a lower price than butter of Community origin intended for the same purposes, it is laid down that the New Zealand butter in question may only be used for direct consumption ;

Whereas it seems necessary to provide for recovery of an amount equal to the aforementioned subsidy in the case of unauthorized use of the butter ; and to provide that such recovered funds are regarded as own resources of the Community within the meaning of the first paragraph of Article 2 (a) of Council Decision 70/243/ECSC, EEC, Euratom of 21 April 1970 on the

replacement of financial contributions from Member States by the Communities' own resources<sup>(4)</sup> ;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

Article 2 of Regulation (EEC) No 2700/79 is amended to read as follows :

*'Article 2*

The United Kingdom shall take the measures necessary to ensure that New Zealand butter imported subject to the levy fixed in Article 1 is not used for processing but only for direct consumption within the meaning of Article 1 (a) of Regulation (EEC) No 1269/79 on the territory of the United Kingdom and to require payment of an amount equal to the aid granted under Regulation (EEC) No 1269/79 in the event of unauthorized use.

The amounts thus collected shall be considered as a levy within the meaning of the first indent of Article 2 (a) of Council Decision 70/243/ECSC, EEC, Euratom of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources.'

*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, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

(1) OJ No L 185 9. 7. 1976, p. 1.

(2) OJ No L 305, 1. 12. 1979, p. 70.

(3) OJ No L 161, 29. 6. 1979, p. 8.

(4) OJ No L 94, 28. 4. 1970, p. 19.

**COMMISSION REGULATION (EEC) No 571/80**

of 6 March 1980

**clarifying Regulation (EEC) No 2908/79 with regard to protective measures  
applicable to imports of preserved mushrooms**THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,Having regard to the Treaty establishing the European  
Economic Community,Having regard to Council Regulation (EEC) No  
516/77 of 14 March 1977 on the common organiza-  
tion of the market in products processed from fruit  
and vegetables<sup>(1)</sup>, as last amended by Regulation  
(EEC) No 2999/79<sup>(2)</sup>, and in particular Article 14 (2)  
thereof,Whereas Commission Regulation (EEC) No 2908/79  
of 21 December 1979<sup>(3)</sup> temporarily provided for  
certain derogations from Regulation (EEC) No  
1102/78<sup>(4)</sup>, with the aim of determining the quanti-  
ties of preserved mushrooms which may be imported  
in the short term from the People's Republic of China  
and from the Republic of Korea;Whereas, however, experience has revealed certain  
difficulties of interpretation with regard to Article 1  
(2) of Regulation (EEC) No 2908/79 which have arisen  
in particular from differences among the various  
language versions; whereas it is necessary, therefore,  
to clarify the relevant Article,

HAS ADOPTED THIS REGULATION:

*Article 1*Article 1 (2) of Regulation (EEC) No 2908/79 is  
replaced by the following:

'2. Where applications for licences are made by  
persons who did not import the product in ques-  
tion from the People's Republic of China or from  
the Republic of Korea in 1977, such applications  
shall be granted in each Member State up to a  
limit of 2 % of the overall quantity in respect of  
which import licences may be issued in that  
Member State pursuant to paragraph 1.'

*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 with effect from 1 January 1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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<sup>(1)</sup> OJ No L 73, 21. 3. 1977, p. 1.<sup>(2)</sup> OJ No L 341, 31. 12. 1979, p. 1.<sup>(3)</sup> OJ No L 326, 22. 12. 1979, p. 28.<sup>(4)</sup> OJ No L 139, 26. 5. 1978, p. 26.

**COMMISSION REGULATION (EEC) No 572/80**  
**of 6 March 1980**  
**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<sup>(1)</sup>, as last amended by Regulation (EEC) No 590/79<sup>(2)</sup>, 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 419/80<sup>(3)</sup>, as amended by Regulation (EEC) No 511/80<sup>(4)</sup>;

Whereas in the absence of the indicative price for the 1980/81 marketing year for colza and rape seed in case of pre-fixation for the months of July and August 1980, the amount of subsidy on these products has been obtainable only on the basis of the indicative price for the months of July and August 1979; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price for the 1980/81 marketing year is known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 419/80 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. The amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC shall be as set out in the Annex hereto.
2. The amount of the subsidy for the months of July and August 1980 will, however, for colza and rape seed, be confirmed or replaced as from 7 March 1980 to take into account the indicative price which is fixed for these products for the 1980/81 marketing year.

*Article 2*

This Regulation shall enter into force on 7 March 1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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

<sup>(2)</sup> OJ No L 78, 30. 3. 1979, p. 1.

<sup>(3)</sup> OJ No L 48, 22. 2. 1980, p. 27.

<sup>(4)</sup> OJ No L 58, 1. 3. 1980, p. 43.

## ANNEX

to the Commission Regulation of 6 March 1980 fixing the amount of the subsidy on  
oil seeds

(ECU / 100 kg)

CCT heading No	Description	Subsidy
ex 12.01	Colza and rape seed	18.523
ex 12.01	Sunflower seed	20.618

(ECU / 100 kg)

CCT heading No	Description	Subsidy in the case of advance fixing for the month of					
		March 1980	April 1980	May 1980	June 1980	July 1980	August 1980
ex 12.01	Colza and rape seed	18.523	18.523	18.523	18.093	15.426 <sup>(1)</sup>	15.426 <sup>(1)</sup>
ex 12.01	Sunflower seed	20.618	22.026	22.026	21.811	—	—

<sup>(1)</sup> Subject to confirmation.

## COMMISSION REGULATION (EEC) No 573/80

of 6 March 1980

## 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 590/79 <sup>(2)</sup>,

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

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 <sup>(5)</sup>, as last amended by Regulation (EEC) No 336/80 <sup>(6)</sup>, 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 419/80 of 21 February 1980 fixing the amount of the subsidy

on oil seeds <sup>(7)</sup>, as last amended by Regulation (EEC) No 572/80 <sup>(8)</sup> ;

Whereas, if the price system is 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 indent ;

Whereas it follows from applying these provisions that the world market price for colza and rape seed should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

The world market price referred to in Article 9 (4) of Regulation (EEC) No 2300/73 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 March 1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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

<sup>(2)</sup> OJ No L 78, 30. 3. 1979, p. 1.

<sup>(3)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(4)</sup> OJ No L 116, 28. 4. 1978, p. 6.

<sup>(5)</sup> OJ No L 236, 24. 8. 1973, p. 28.

<sup>(6)</sup> OJ No L 37, 14. 2. 1980, p. 17.

<sup>(7)</sup> OJ No L 48, 22. 2. 1980, p. 27.

<sup>(8)</sup> See page 19 of this Official Journal.

## ANNEX

## to the Commission Regulation of 6 March 1980 fixing the world market price for colza and rape seed

(ECU/100 kg)<sup>(1)</sup>

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	20.554

(ECU/100 kg)<sup>(1)</sup>

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		March 1980	April 1980	May 1980	June 1980	July 1980	August 1980
ex 12.01	Colza and rape seed	20.554	20.554	20.554	20.984	20.984	20.984

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

1 ECU = DM	2.48208
1 ECU = Fl	2.74362
1 ECU = Bfr/Lfr	39.7897
1 ECU = FF	5.84700
1 ECU = Dkr	7.72336
1 ECU = I £	0.668201
1 ECU = £	0.618487
1 ECU = Lit	1 148.14



**COMMISSION REGULATION (EEC) No 574/80****of 6 March 1980****altering the basic amount of the import levy on syrups and certain other sugar products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 1396/78<sup>(2)</sup>, and in particular Article 15 (7) thereof,

Whereas the basic amount of the import levy on syrups and certain other sugar products was fixed by Regulation (EEC) No 499/80<sup>(3)</sup>, as last amended by Regulation (EEC) No 562/80<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 499/80 to the infor-

mation known to the Commission that the basic amount of the levy at present in force should be altered to the amount set out below,

HAS ADOPTED THIS REGULATION :

*Article 1*

The basic amount of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 3330/74 shall be, per 100 kilograms of product, 0.0443 ECU per percentage point of sucrose content.

*Article 2*

This Regulation shall enter into force on 7 March 1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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

<sup>(2)</sup> OJ No L 170, 27. 6. 1978, p. 1.

<sup>(3)</sup> OJ No L 58, 1. 3. 1980, p. 17.

<sup>(4)</sup> OJ No L 61, 6. 3. 1980, p. 22.

**COMMISSION REGULATION (EEC) No 575/80**  
**of 6 March 1980**  
**fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Regulation (EEC) No 1396/78 <sup>(2)</sup>, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1328/79 <sup>(3)</sup>, as last amended by Regulation (EEC) No 563/80 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1328/79 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies referred to in Article 15 (1) of Regulation (EEC) No 3330/74 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 March 1980.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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

<sup>(2)</sup> OJ No L 170, 27. 6. 1978, p. 1.

<sup>(3)</sup> OJ No L 162, 30. 6. 1979, p. 85.

<sup>(4)</sup> OJ No L 61, 6. 3. 1980, p. 23.

ANNEX

to the Commission Regulation of 6 March 1980 fixing the import levies on white sugar and raw sugar

*(ECU / 100 kg)*

CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form : A. White sugar ; flavoured or coloured sugar B. Raw sugar	4.43 2.29 <sup>(1)</sup>

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

## COMMISSION REGULATION (EEC) No 576/80

of 6 March 1980

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1547/79<sup>(2)</sup>, and in particular the first sentence of the fourth subparagraph of Article 16<sup>(2)</sup> thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation No (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds<sup>(3)</sup>, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas, furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas

these quantities were fixed in Regulation No 162/67/EEC<sup>(4)</sup>, as amended by Regulation (EEC) No 1607/71<sup>(5)</sup>;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, if the refund system is to operate normally, refunds 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 indent;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 March 1980.

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

<sup>(2)</sup> OJ No L 188, 26. 7. 1979, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No 128, 27. 6. 1967, p. 2574/67.

<sup>(5)</sup> OJ No L 168, 27. 7. 1971, p. 16.

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

Done at Brussels, 6 March 1980.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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## ANNEX

## to the Commission Regulation of 6 March 1980 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>		
CCT heading No	Description	Refund
10.01 A	Common wheat and meslin :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	46·00
	— the Iberian peninsula	54·00
	— other third countries	0
10.01 B	Durum wheat	—
10.02	Rye	35·00
10.03	Barley :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	48·00
	— the Iberian peninsula	56·00
	— other third countries	—
10.04	Oats :	
	— for exports to :	
	— Switzerland, Austria and Liechtenstein	45·00
	— other third countries	—
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour :	
	— of an ash content of 0 to 520 :	
	— for exports to the USSR	45·00
	— for exports to other third countries	75·00
	— of an ash content of 521 to 600 :	
	— for exports to the USSR	45·00
	— for exports to other third countries	75·00
	— of an ash content of 601 to 900 :	
	— for exports to the USSR	32·00
	— for exports to other third countries	62·00
	— of an ash content of 901 to 1 100 :	
	— for exports to the USSR	32·00
	— for exports to other third countries	62·00
	— of an ash content of 1 101 to 1 650 :	
	— for exports to the USSR	12·00
	— for exports to other third countries	42·00
	— of an ash content of 1 651 to 1 900 :	
	— for exports to the USSR	12·00
	— for exports to other third countries	42·00
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	60·00
	— of an ash content of 701 to 1 150	60·00
	— of an ash content of 1 151 to 1 600	60·00
	— of an ash content of 1 601 to 2 000	60·00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 950	—
	— of an ash content of 951 to 1 300	—
	— of an ash content of 1 301 to 1 500	—
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520 :	
	— for exports to the USSR	45·00
	— for exports to other third countries	75·00

*N.B.* The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

## II

*(Acts whose publication is not obligatory)*

**COMMISSION****COMMISSION DECISION**

of 8 February 1980

**relating to a proceeding under Article 65 of the ECSC Treaty in respect of a price-fixing system for the sale of rolled steel products ex stock by stockholders on the German market**

*(Only the German text is authentic)*

(80/257/ECSC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof,

Having regard to the result of inspections carried out pursuant to Article 47 of the Treaty,

Having heard the trade association concerned pursuant to Article 36 of the Treaty,

Whereas :

The Commission carried out checks pursuant to Article 47 of the ECSC Treaty at the Bundesverband Deutscher Stahlhandel (BDS) Düsseldorf, and 21 German steel stockholders between 4 December 1972 and 18 May 1973. The inquiries were undertaken in order to shed light on the activity of BDS, in particular its part in preparing certain 'net ex-stock price lists', and to scrutinize the way in which prices were arrived at by BDS and the stockholders in the light of Article 65 of the ECSC Treaty. It became clear that ex-stock price lists for the entire Federal Republic had been calculated on a uniform basis with the assistance of BDS and then distributed to dealers and consumers, thus helping to fix the ex-stock selling price of rolled steel products at a predetermined level.

By its letter of 31 October 1975 the Commission informed BDS that it regarded this behaviour as an infringement of Article 65 and, pursuant to Article 36 (1) of the Treaty, gave the association the opportunity to submit its comments. BDS submitted written comments in a letter of 9 February 1976 and oral comments at a hearing on 7 October 1976. Up to this point the Commission's proceeding was concerned primarily with measures which the BDS adopted and put into effect from 1970 to 1972 for the purpose of stabilizing prices by means of 'ex-stock price lists'.

Nevertheless, the Commission has been able in the course of the proceeding to establish that BDS currently takes an active part in the price formation of its members by working out model calculations and circulating price lists. By letter of 19 November 1976, as requested by the Commission, BDS submitted details of the policy which it pursues in that field.

Accordingly, the Commission has decided to bring these activities within the same proceeding. With its letter of 30 January 1979 it gave BDS a further opportunity to submit its comments; these were submitted by letter of 25 May 1979.

**I. THE FACTS**

1. With over 1 100 members, BDS represents virtually the entire German steel stockholding trade. This

number includes approximately 450 companies not solely concerned with steel, whose ex-stock sales of rolled products amount to fewer than 1 000 tonnes a year. The 25 largest stockholders account for two-thirds of the total volume of ex-stock sales.

In 1977 20.1 million tonnes of rolled steel products were supplied on the German market; 12.8 million tonnes were produced in Germany and 7.3 million tonnes were imported, 4.6 million tonnes of this from the other (eight) Community countries.

Ex-stock sales accounted for 8.9 million tonnes. A total of 2.5 million tonnes of this was supplied to other dealers and 6.2 million tonnes to steel-using industries. Ex-stock sales thus covered approximately 31 % of German market requirements. The remainder was supplied by steelworks direct to steel-users, or via what are called direct transactions (*Streckengeschäfte*) where a dealer acts as intermediary but the producer in fact delivers the goods directly to the user. Sections, merchant bars, concrete reinforcing bars, broad flanged beams and heavy plates accounted for some 82 % of ex-stock sales.

BDS is a highly organized body. Its corporate structure consists of: regional and members' meetings, a management board, a board of directors and an executive board. The management board can call on the services of six advisory committees (one for each group of products) and six general committees (dealing with various questions such as market research, statistics and sales, tax problems and law and competition). BDS's day-to-day activity is handled by its head office and the eight regional offices. BDS also has its own distribution company which, amongst other things, is responsible for printing the individual price lists for the member undertakings.

#### **A. The ex-stock price lists (NSP lists) at the time of the investigation**

The Commission's investigations were concerned chiefly with the 'net ex-stock price lists for rolled steel products' (NSP lists) and their effect on pricing on the German steel market.

2. These NSP lists varied according to type of product (flat products and long products) and area (seven areas divided according to freight charges). The calculations for the ex-stock prices were based on producer prices, i.e. the German steel producers'

published list prices (basic prices excluding any temporary discount). BDS worked on the assumption that producer prices were uniform, due allowance being made for the various basing points (Oberhausen, Essen, Siegen and Saarbrücken) specified in the works' price lists. Included in the May 1972 edition of the NSP lists were extra charges for small quantities, freight charges up to and beyond first destination, overheads (27.5 % inclusive of 5 % profit) and a discount margin of DM 60 per tonne. The executive board of BDS stated that BDS had helped in calculating these price lists, which were intended for dealers and users alike and were based on the varying ex-works prices charged by any one of a number of large distributors active over several regions. According to BDS, these were non-compulsory guide prices for ex-stock sales and were intended merely to improve market transparency.

3. The investigation revealed, however, that BDS had in fact been responsible for preparing and publishing the May 1972 edition of the price lists. The committee on market research, statistics and sales had met several times to discuss the subject, and had agreed on detailed guidelines for price increases and changes in pricing methods 'with a view to reflecting recent cost increases in the ex-stock price lists and progressively unifying the calculation system for the whole of the Federal Republic' (from a file note on the meeting of the BDS committee on market research, statistics and sales, held on 8 March 1972 in Düsseldorf, and a BDS circular dated (in manuscript) 10 March 1972 and appended to the minutes).

4. The management board also received regular reports on the preparation of the price lists, and was informed of 'the calculation scheme of an inter-regional dealer supplying industrial users'. The scheme included such items as 'differentiation according to rate of turnover of prices charged by works for small deliveries; overall costs increase of 27.5 %; new freight rates; three price categories for quantities of up to 100 kg, 101 to 500 kg and over 500 kg; cutting charges more closely related to costs for merchant bars, sections and broad flanged beams, each listed separately; weights per metre for merchant bars'. The board was also kept informed of 'events subsequent to publication of the ex-stock prices by member companies' (Minutes of the management board meeting held on 18 April 1972).

5. The 'inter-regional' dealer in question, Carl Spaeter GmbH, Duisburg, which at that time arranged for the printing of the new price lists, stated that it had taken no part in calculating the prices. However, it was in regular correspondence with BDS and its

distribution company concerning publication of the lists, and agreed with BDS to inform its competitors of the new prices and/or send them copies of the lists on request (letters of 21 March and 4 May 1972 to BDS, and letter of 28 March 1972 to BDS's distribution company, copied to BDS).

6. The printing and distribution of the NSP lists were undertaken by the BDS distribution company based in Bochum, and (for the northern region) by Druckerei Ebeling, Hamburg. BDS informed its members by circular of the publication of the new lists, generally notifying them of the changes they contained. The BDS members kept standing orders with the distribution company for new issues. According to the company, in the case of the May 1972 edition dealers and steel users were circularized with a total of 117 000 NSP lists for long products, and 70 000 for flat products.

7. According to the firms in question the NSP lists were not binding and merely served as a basis for freely negotiated ex-stock prices. Research has revealed that between April/May 1972 and February/March 1973 dealers rarely set their prices as high as the list prices. The list prices did, however, normally indicate the basic price, with discounts of different values being offered by dealers according to the business situation and sales structure. When the market improved in March 1973 and the following months, discounts tended towards a greater similarity.

8. Furthermore, BDS pressed hard for uniform pricing, based on the NSP lists. It attempted actively to 'stabilize' prices, especially when trade was depressed. To this end BDS encouraged dealers to negotiate regional price and discount agreements, as can be seen from numerous records and circulars produced by the association in 1971 and 1972.

The regional boards reported that following recommendations made by the board of directors on 1 and 11 June 'all the regions held discussions with a view to halting the drop in prices. The management board considers that our efforts should continue with talks at regional level and with correspondence through BDS'.

It was stressed that recommendations to stockholders to follow the published regional prices should be observed for all transactions (see the item 'Market situation of individual product groups' from the BDS management board meeting of 7 July 1970).

On 11 June 1970 the board of directors exhorted a number of important stockholders to 'lend their active

support to these measures, which are designed to stabilize the market'. At the same time regional and inter-regional discussions between BDS members were being held in the various areas to 'obtain transparency in pricing behaviour and in anticipation of individual companies actually behaving in accordance with their own expressed intentions' (BDS circular 'Marktinformation', 16 July 1970).

At management board meetings on 2 December 1970 and 27 January 1971 members representing the areas reported that 'efforts to stabilize ex-stock prices, made on the initiative of producer-linked stockholding companies, have resulted in an improvement of the price situation at regional level' and should be continued, along with the exchange of market information.

Finally, it was agreed at a BDS meeting on 9 September 1971, in the course of a discussion on ways of improving stockholders' profits, that 'the only possible or practicable approach to this problem, particularly when cost factors are taken into account, is at regional level. Stockholders should resume talks at district or regional level with a view to publishing maximum discount rates (firms have already commenced these discussions).'

9. An investigation necessarily confined to a few areas also revealed that discussions or meetings were held from 1970 to 1972 in the Mannheim/Ludwigshafen, Frankfurt, Saarbrücken and Stuttgart areas, nearly always with the same stockholding firms or individuals present. The initiative for these meetings came partly from BDS itself and partly from its members, chiefly the regional spokesmen, and the meetings were as a rule arranged with the assistance of BDS. The main objective was to agree on minimum prices or maximum discounts on NSP list prices for ex-stock sales of rolled steel products. It was agreed that the absolute limit would correspond to the list prices of the producers' group sales organizations ('Kontore') or of the works.

The minimum prices were fixed above market levels. On some occasions participants at the meetings, particularly independent merchants, referred to these prices as unrealistic', and in a period of recession they were regularly undercut. Attempts were made to enforce the new minima, particularly by the producers' own stockholding companies, which are required by the works or parent companies not to undercut works prices. In the Mannheim/Ludwigshafen area, producer-owned stockholders protested at the independent stockholders' attempt to set minimum prices at a more realistic level.



10. It was also discovered that BDS had sent its members a number of circulars entitled 'Marktbeobachtungen/Marktinformationen', which amounted in practice to publication of the minimum prices worked out or adopted in the various areas. But the publication or market information revealing undercutting of producers' list prices was forbidden by BDS as 'clearly detrimental to the stabilization of market price levels'.

#### B. The extent of BDS's current involvement in the price formation of its members

BDS's current policy on price formation consists of informing its members of new producer prices, providing its own experts to produce model calculations for its member companies and circularizing its members with price lists drawn up by individual dealers. The following description is based on information provided by those concerned.

##### (i) Information on producer price changes

11. Steel producers prepare lists showing the current prices of their products. These works price lists form a basis for the conduct of business between the producer and the direct stockholders, as well as works-to-customer deliveries arranged between these stockholders and smaller stockholders that cannot purchase direct. The works' price lists also form a basis for the calculation of ex-stock price lists.

According to the German works' price lists only those stockholders that are able to buy a certain tonnage of each product annually in the common market are recognized as 'direct stockholders'. There are currently about 110 or 120 stockholders, including subsidiaries, that are in a position to buy all their rolled finished products direct from the producers; some 90 or 100 firms are direct stockholders for certain products only.

In the event of a change in works prices the producer normally sends the new price list only to the small number of stockholders with whom he deals direct. However, since the importance of these works price lists means that other stockholders too need to receive copies without delay, BDS has made a practice of supplying the necessary information.

When there is any change in the extras included in the producer price lists, the BDS distribution

company has copies printed and sent out on request to interested steel merchants. BDS informs its members in its monthly information bulletin of any change in basic prices.

##### (ii) The role of BDS in the compilation of model calculations

12. Ex-stock price lists are calculated on the basis of the works price lists. BDS has maintained that, in view of the large number of rolled steel products, the variations in dimensions and qualities, the subclassification to take account of extras and discounts and the gradation of ex-stock prices according to freight zones, any change in producer prices requires a complex and expensive recalculation. The main difficulty, it says, is that stockholders' costs consist largely of overheads, which in each case have to be related to the contract weight before the ex-stock price can be worked out; this is the only way to be sure of avoiding error and losses. This complex costing process apparently means that only major merchants with their superior technical and staff resources can perform the calculations made necessary by each change in producer prices; firms with a smaller turnover are ill-equipped to handle changes in producer price lists and their implications for the calculations.

BDS maintains that it is for this reason that it has been involved in the preparation of model calculations for several years.

There are points of difference between the stock model calculations produced since 1972, but all those examined have certain elements in common. Model calculation No 7 of 5 November 1974 deals with 'free ex-stock prices', calculated on the basis of an 'effective component price' (i.e. the basic price inclusive of quality extra). The ex-stock price for long products and flat products (subdivided in some cases into product groups) here includes, *inter alia*:

- an extra for small quantities, based on average reference figures; this is expressed in DM/t units and graded into four 'turnover frequency groups',
- a similarly graded 'works dimensional extra', also varying according to turnover rate,

and similarly for all products :

- 'contract/overhead costs' calculated on lots of 1 000 kg for contract weights of : more than 500 kg, 101 to 500 kg (average 300 kg), 100 kg and below,
- a profit margin of 5 % of the total cost components.

The product surcharge rates included in the calculation of the ex-stock prices took account of an analysis by the BDS of turnover frequency.

According to BDS, familiarity with costing parameters has developed only in the last few years and is restricted to a small number of companies. Model calculations are therefore worked out nowadays by individual stockholders, with BDS experts available to give assistance if required. If works' prices alter and a company is obliged to modify its NSP list prices, it will use the model to calculate the new selling prices.

(iii) *Information about revised ex-stock price lists and their dissemination*

13. As a rule, stockholders have their new NSP lists printed by the BDS distribution company. Since small stockholders, for the reasons described above, have an interest in learning as soon as possible of the larger stockholding companies' new price calculations, the distribution company treats these new calculations in the same way as new works price lists.

Once it has printed a major dealers' newly calculated stock price list, the distribution company advises BDS's members and obtains the consent of the originating company to distribution of the lists to other major dealers.

Conditional on this consent the distribution company then sends copies of the new list to other dealers. They can decide to adopt the new calculations in whole, in part or not at all.

As regards the scope and importance of ex-stock price lists, BDS has stated that they are used directly for medium-sized orders (approximately 100 to 500 kg), which account for a large percentage by number but only a small proportion by volume of all ex-stock sales, and that the NSP basic prices are in any case

normally modified by negotiated discounts. It adds that for other size categories the NSP lists are used simply as a guide — for sales involving large quantities (e.g. over 5 000 kg) prices are negotiated per thousand kilograms for sales under 100 kg, per kilogram.

14. In its written and oral comments BDS has agreed that the Commission's findings, as set out above, are substantially accurate. It does, however, take issue with the conclusion that it has infringed the ECSC competition rules. Its argument can be summarized as follows : its system of price formation takes account of actual circumstances on the steel market. It helps chiefly to stabilize the market in times of recession — an aim actively pursued by the Community institutions themselves. Its compatibility with the Treaty is further supported by the fact that it furthers market transparency. It offers steel distributing undertakings a chance of publicizing their prices similar to that available to steel producers under Article 60 (2).

## II. APPLICABILITY OF ARTICLE 65 (1)

15. Article 65 (1) of the ECSC Treaty reads : 'All agreements between undertakings, decisions by associations of undertakings and concerted practices tending directly or indirectly to prevent, restrict or distort normal competition within the common market shall be prohibited...'

The effect of this provision is not restricted to such formal decisions as are taken in accordance with the procedure laid down in the association's constitution, in conformity with its objects as defined in that constitution, and are legally binding on all its members. If a decision by an association aims at or even only tends towards determining or influencing its members' competitive behaviour it is caught by Article 65 (1), regardless of whether the decision is binding or simply a recommendation. The actual conduct of an association of undertakings, its bodies or its subsidiary organs is the same thing as a 'decision' for the purposes of Article 65 (1), since it must be assumed that the association does not act without the express or tacit approval of its members. If such actions tend in themselves to restrict or distort competition they are automatically caught by the prohibition.

This interpretation is fully in accordance with the letter, the spirit and the purpose of Article 65, which is generally to prohibit all agreements, decisions and practices tending to prevent, restrict or distort normal competition. By the same token it applies to associations to the extent that their own activity or that of their member undertakings tends to produce the effects which the Article seeks to prevent. This is confirmed by a reading of Article 48, which allows associations to engage in any activity not contrary to the provisions of the Treaty<sup>(1)</sup>.

16. As an association of undertakings, BDS is subject to the provisions of Article 65 since its members are undertakings covered by Article 80.

**A. Restrictions resulting from the ex-stock price lists (NSP lists) at the time of the investigation**

17. Between 1970 and 1972 BDS continually acted in infringement of Article 65 (1) by arranging the compilation and distribution amongst its members of 'net ex-stock price lists' for sales of rolled steel products (see I. A).

It is clear from their contents alone that these NSP lists were apt to restrict competition since the dealers' price they contained were all based on a uniform system of calculations. Not only were these prices based on standardized producer prices, but the other price components, such as freight charges up to and beyond first destination, dealers' overheads, extra charges for small quantities and profits, were included in detail. The only differences were between groups of products and distribution zones, and the NSP lists themselves defined the relevant products and zones in their own terms, as well as the special rates applicable to each. In addition, the lists indicated a uniform discount margin. The distribution of this type of net price list to members of the association inevitably encouraged them to adopt a uniform pricing method and, by extension, a uniform pricing policy, which entirely ignored the situation of each individual steel stockholder, especially his own particular structure and competitive position.

18. BDS has declared, and has demonstrated by its behaviour, that it consciously intended to achieve this result. BDS itself has remarked that the prime purpose

<sup>(1)</sup> Judgment of the Court of Justice, 19 March 1964: Case 67/63 (SOREMA v. High Authority) [1964] ECR 151, 162.

of the NSP lists was to help stabilize prices on the German steel market; it was therefore not designed to help small and medium-sized member undertakings to work out their own individual calculations and set their own individual selling prices. The fact that new NSP lists were drawn up and distributed whenever ex-works prices altered is a clear indication that BDS introduced the lists to weaken competition in prices.

The logic of this conclusion is further indicated by the practical steps taken by BDS to push up stockholders' profits generally. These include repeated attempts to introduce agreements on prices and discounts at regional level, to prevent undercutting of ex-works prices by laying down minimum prices or maximum discounts and to suppress market information revealing undercutting of minimum prices. These moves were designed to standardize members' behaviour on the market, even in those areas in which the NSP lists allowed the undertakings a certain degree of individual room for manoeuvre in setting their own prices and discounts.

19. For the purpose of Article 65 (1) it is immaterial whether and to what extent BDS's ideas were accepted by its member undertakings. The line is crossed as soon as the steps taken by an association are objectively found to be apt to restrict competition between its members. This is evidently the case, for the reasons set out above. However, according to the Commission's findings, BDS did actually succeed in restricting competition, if only partially. The selling prices given in the NSP lists were regularly recognized by dealers as basic prices, on which they subsequently gave their own discounts. Thus, whilst the BDS system may not have totally suppressed price competition between German steel stockholders between 1970 and 1972, it nevertheless weakened it.

**B. Restrictions resulting from BDS's current involvement in the price formation of its members**

20. BDS's involvement in price formation since 1973 is likewise incompatible with Article 65 (1) of the Treaty, since it has been directed towards standardizing the prices charged by its members for ex-stock sales, and thus towards setting the balance of prices at a level differing from that which would have been obtained in normal competition conditions.

*(i) Information on producer price changes*

21. No objection can, however, be taken to the fact that BDS informed its members of changes in producer prices (see I B (i)). Under Article 60 (2) of the Treaty, steel producers are obliged to publish their price scales and conditions of sale in the common market. Thus details of ex-works prices are available to everyone, including stockholders, be they supplied direct by the producer or by direct-dealing stockholders. In re-printing and distributing ex-works price lists BDS aims to make it easier for those of its members who do not deal direct to obtain information, and to even out any advantage the directly-supplied dealers may gain from obtaining their information at source. This policy is also in line with the objectives embodied in Article 60 (2) in that it encourages market transparency at production level. To this extent it is, for the purposes of the third sentence of the first paragraph of Article 48, a legitimate activity for an association to pursue. There is no risk of a distortion of the normal conditions of competition to the detriment of the direct-dealing stockholder as long as the expense involved in reprinting and distributing price lists is met in its entirety by those BDS member companies that benefit from it.

*(ii) The role of BDS in the compilation of model calculations*

22. On the other hand, BDS's involvement in producing model calculations for its members constitutes, at least in the form it has taken to date (see I. B (ii)), an infringement of Article 65 (1) of the Treaty.

23. The Commission considers that model calculations shared by a number of firms are unobjectionable for the purposes of anti-trust law only where they go no further than indicating, analysing, explaining and classifying the separate cost components recognized as essential to price formation, and working out methods for imputing expenditure to the various cost headings (products or services). Model calculations containing specific values are, on the contrary, to be viewed as recommendations capable of restricting competition<sup>(1)</sup>.

24. This applies to the model used since 1973 for determining 'free ex-stock prices'. The form and the

construction of this model are admittedly unobjectionable: the classification of individual rolled steel products according to product types and groups, the attention paid to size and quality, the variations in stocking costs according to turnover frequency for the products in question and the distribution of fixed costs according to contract weights appear to be appropriate and a useful way of helping the user of the calculating system to make a realistic calculation of his costs. The model calculations supplied by BDS do, however, overstep the permissible limits in that they set actual values on the individual components. The same applies to the graduated extras for small quantities calculated according to average reference figures and to the 'works dimensional extra', which varies according to turnover rate. Both types of extra vary according to product and type of product (long and flat products) and are graded into four groups ('very popular', 'popular', 'less popular', 'unpopular'); they are imposed in terms of DM per tonne. The 'contract/overhead costs' are also imputed to the various cost headings at a fixed rate in DM per tonne. Lastly, the lists include a profit margin of 5% for all stockholders.

25. Model calculations of this type have the effect of recommendations. They encourage the user companies to work from the figures contained in the model, or at least to keep close to them, when calculating their costs and thus indirectly when setting their selling prices. To this extent it is immaterial whether the cost components are expressed in straight figures or in the form of percentage surcharges. Either way, what may once have been offered as a service to explain to companies the various ways of achieving cost-related price formation has become a means of exerting a real, powerful influence on their pricing policy.

26. Contrary to what BDS asserts, there is no justification for giving specific cost components in model costings for 'free ex-works prices', even if these components express the average costs borne by German stockholders, obtained by a comparison of business. In a trade where average values exist, these tend to be used as standard values and are followed by a large proportion of undertakings. The inclusion of such data in model calculations leads many users to rely on fictitious quantities when calculating their operating costs rather than working from their actual costs and thereby to arrive at misleading figures.

<sup>(1)</sup> Notice concerning agreements, decisions and concerted practices relating to cooperation between undertakings Section II (1) (OJ No C 75, 29. 7. 1968, p. 3 — corrected by OJ No C 93, 18. 9. 1968, p. 3).

27. There is an alternative means of catering for firms' interest in having a realistic analysis of costing comparisons and interfirm comparisons. It would be sufficient simply to compare the highest and the lowest cost actually observed for each cost component, or to take a selection of the data submitted and offer them as examples; the latter method must not, however, amount in practice to disguised publication of a scatter diagram. There would be no objection to relating the figures thus published to classes of firms classified by size; this would be particularly appropriate in view of the varied structure of the German steel stockholding trade.

28. The use of the existing model calculation restricts price competition between German steel stockholders. It is freely admitted that the models are available to all BDS members, and actually used many of the undertakings for which they are designed. These undertakings are encouraged to base their own calculations on the exact figures used in the model with the result that, rather than assessing their operating costs independently on the basis of their own experience, they follow a common, standardized set of values. This parallelism of cost calculating methods results in the harmonization of the pricing policy followed by the undertakings concerned. The model calculations provided by BDS offer exact figures for most price components including a profit margin. The remaining components which are not specified in the model ('effective basic price' or 'effective component price, freight costs, constant cost headings') are by nature predetermined and largely beyond the stockholders control. Furthermore, the cost price to the dealer, which is by far the most important cost component, varies only slightly owing to the uniform pricing policy followed by the producers. Given the circumstances, competition in the stockholding trade is restricted almost entirely to the choice of discounts the dealer may offer his customers.

29. BDS bears a substantial amount of the responsibility for the restriction of pricing competition between German steel stockholders. BDS approved the model calculations in question and distributed them for use by its member firms. It should therefore be considered as the originating force behind its members' concerted pricing policy. It is not necessary to establish whether the model calculations were produced by the individual dealers themselves or with the active cooperation of BDS experts, or whether they were prepared by the association's specialized committees; either way the question is of no practical significance. Nor is it necessary to determine whether the model calculations were the result of a formal decision, and whether they were expressly described as 'recommendations'. As explained above (paragraph 15), the prohibition in Article 65 (1) of the Treaty extends to actions taken by an association of undertakings, its organs, its committees or its working groups

where such activities are liable to prevent, restrict or distort normal competition in the common market.

(iii) *Information about revised ex-stock price lists and their dissemination*

30. Finally, BDS commits an infringement of Article 65 (1) in informing its members about the new ex-stock price lists, drawn up by individual dealers and printed by its distribution organization, and in circulating them to the other members (see I. B (iii)).

31. The information system chosen is designed to restrict price competition between German steel stockholders. The subject matter and the timing of the information on prices is of decisive importance to this proceeding. The members of the association are informed of the revised price lists put out by major dealers. They receive this information as soon as BDS's distribution company has printed the lists. Thus the originating company's competitors are immediately informed of any price changes it intends to make before the lists have even been published or distributed to its customers. Recipients can thus be sure of their main competitors' future conduct on the market, which enables them immediately to realign their own prices accordingly. Firms which take the lead in increasing prices also benefit from including themselves in the information system, i.e., by consenting to the circulation of their new price lists. They know from experience that the other dealers will fall in with their pricing policy all the more readily if they are informed sufficiently well in advance of the intended price changes. This substantially reduces the risk of losing customers.

32. The operation of this system results in the coordination of the market conduct of a number of undertakings contrary to Article 65 (1). In place of price competition and its attendant risks, the system introduces practical cooperation between German stockholders which leads to conditions of competition which do not correspond to the normal conditions of the market, having regard to the nature of the product, the importance and number of the undertakings and the size and nature of the stockholding trade.

33. By taking part in the information system, BDS's member firms are induced to determine their prices in concert, instead of at their own discretion. Dealers who receive the new price lists decided on by the price leaders regularly follow their example. The price leaders themselves actively encourage this process of alignment by consenting to the circulation of their price lists; furthermore, as soon as they

decide on price changes they can predict and allow for their competitors' reactions, particularly since they themselves largely determine these reactions, simply by giving advance notice of their market strategy.

This type of system is in conflict with the basic principle underlying the rules on competition in the Treaty, which is that each commercial operator must determine independently the policy he intends to adopt on the common market. This requirement of independence does not deprive undertakings of the right to adapt themselves intelligently to the existing and anticipated conduct of their competitors. It does, however, strictly preclude any direct or indirect contact between undertakings, the object or effect whereof is either to influence the conduct on the market of an actual or potential competitor or to disclose to such a competitor the course of conduct which they themselves have decided to adopt or contemplate adopting on the market<sup>(1)</sup>.

34. The coordination of selling prices results in a considerable distortion of the competitive relations between steel stockholders on the German market. BDS supplies all its members with the major dealers' revised ex-stock price lists. These price lists are in considerable demand, which is a sufficient reason to justify their being reprinted by BDS's distribution company from purely commercial considerations. It follows that many, if not most, of BDS's members have advance warning of the pricing policy the major dealers are about to follow, and adjust their own price lists accordingly. Thus, as an inevitable result of the information system described above, the member firms determine their prices to a large extent by reference to uniform criteria which bear no relation to the differing cost structures experienced by each, nor to the prevailing regional or local market conditions, which in turn has the effect of setting prices for ex-stock deliveries at an artificial level. This applies to all ex-stock sales of steel products.

35. BDS fails in its counter-argument that dealers receiving the new price lists can choose whether to align themselves with the major dealers' policies or ignore them. It is sufficient for the purposes of Article 65 (1) of the Treaty if the firms concerned are influenced in favour of uniform pricing. This goes without saying in the present case, since it cannot seriously be denied that the knowledge of the pricing behaviour about to be adopted by the most important firms provides the other steel stockholders with valuable information with which they can determine their own

pricing policy. Even a system of 'guide prices' affects normal competition since it enables all the participants to predict with a reasonable degree of certainty what the pricing policy pursued by their competitors will be<sup>(2)</sup>.

36. Furthermore, Article 65 (1) is applicable despite the fact that the stockholders generally do not keep to their list prices, but give discounts on these prices or else use them as a guide for setting prices to be charged on individual dealings. Collective practices which lead to indirect price-fixing are also covered by the prohibition. This applies as soon as essential price components are artificially approximated in such a way as to place effective selling prices on a level differing from that which would result from a competitive situation. This artificial price level need not necessarily be adhered to by all the firms involved. For the purposes of Article 65 (1) price competition need not be completely suppressed; the provision applies as soon as competition between a number of undertakings is restricted or distorted.

37. The prohibition in Article 65 (1) applies not only to the concerted activities in which BDS's members engaged when determining their selling prices, but also to the association's own activities which enabled the pricing agreement to be organized in the first place. BDS's role is crucial to the success of the information system. It is responsible for all the arrangements needed to circulate the revised ex-stock price lists of leading steel stockholders to the other members of the association as quickly as possible. These arrangements include: informing members of the existence of a new price list, obtaining consent for its circulation, reproducing the price lists and distributing the copies to the relevant dealers. Thus all the most important steps towards a uniform pricing policy for German steel stockholders were taken by BDS. To this extent BDS's activities in the field of price information go far beyond the bounds of the activities that association may engage in according to the third sentence of the first paragraph of Article 48 of the Treaty, for they amount to practices which have the object of restricting or distorting competition in the common market. When followed, if only *de facto*, by an association of undertakings, such practices are prohibited by anti-trust law (paragraph 15).

38. BDS fails in its submission that the printing and distribution of new ex-stock price lists are undertaken by its distribution company and are by their very nature commercial activities. The BDS distribution company is a separately accountable undertaking working on behalf of the association and controlled by it. BDS must therefore be considered fully responsible for any anticompetitive practices pursued by its marketing company. The fact that BDS's distribution company sold its copies of major dealers' price lists to

<sup>(1)</sup> Judgment of the Court of 16 December 1975: Joined Cases 40 to 48, 50, 54 to 56, 111, 113 and 114/73 (Suiker Unie *et al.* v. Commission): [1975] ECR 1663, 1942.

<sup>(2)</sup> Judgment of the Court of Justice, 17 October 1972: Case 8/72 (Vereniging van Cementhandelaren v. Commission): [1972] ECR 977, 990.

the other members of the association for profit is likewise immaterial to the competition law assessment in this case. The third sentence of the first paragraph of Article 48 certainly permits associations of undertakings to engage in commercial activities, but such activities must, like their other activities, be kept within the limits laid down in the Treaty. In view of Article 65 this means that they must not affect competition. This rule is broken by the activities of the BDS distribution company.

39. A price information system is unobjectionable for the purposes of anti-trust law and does not amount to a concerted pricing practice only where at the very least it does not enable an individual party to the system to identify the competitive behaviour of the other parties. If a trade association intends to play a role in that field, it has in principle to restrict itself in reporting on general price trends on the relevant product markets in a period of time without disclosing the course of price conduct which individual firms have decided to adopt or contemplate adopting. In its current form, however, which is based on the dissemination among the members of individual price lists, the BDS information system does not meet this requirement and tends to produce the effects which Article 65 seeks to prevent.

40. BDS cannot claim in its defence that the information system set up by it and used since 1970 increases market transparency in the stockholding trade and thus helps to realize one of the general objectives of the Treaty. The reference made in this connection to the principle of price publicity, as being a guiding principle of the legal order introduced by the Treaty and thus an integral part of normal conditions of competition on the steel market, is out of place since in no circumstances may dealers or associations of dealers be authorized to make concerted arrangements to ensure greater market transparency in the stockholding trade and thereby restrict or distort competition.

The fact that the Commission has taken no step pursuant to Article 63 (2) of the ECSC Treaty in order to establish for sales from stock the prior notification of price lists laid down by Article 60 (2) for producers does not affect the right of steel stockholders to draw up and publish their individual price lists in an independent way. Nevertheless, the exercise of this right may in no way become, without being caught by the prohibition of Article 65 (1), the object, the means or the result of concerted behaviour by dealers when publishing uniform price lists for sales ex stock or when fixing the level of effective prices for sales from

stock. In the same way, to be kept within the bounds of Article 48, BDS's activities relating to price information may not tend to encourage or even make possible such concerted behaviour of its members in the field of pricing policy. Accordingly, a distinction has to be drawn, for the purposes of Article 65 (1), between the individual exercise of this right by steel dealers and the setting up of a collective price information system at the distribution stage, such as that organized by BDS with the participation of its members.

41. Finally, none of the measures taken by the Commission to help the Community steel market through its present difficulties can justify BDS's behaviour. The steel stockholders were requested, by letter of 28 October 1977, voluntarily to draw up their own price lists, based on the producer's price lists, and submit them to the Commission. The purpose of these arrangements was to encourage merchants to keep to the minimum or recommended guidance prices prescribed at regular intervals for producers. The abovementioned letter from the Commission in no way implied an invitation to the merchants to indulge in concerted practices when drawing up their ex-stock price lists or fixing their effective selling prices. Commission Decision No 3002/77/ECSC of 28 December 1977<sup>(1)</sup> requires Community iron and steel merchants making sales of concrete reinforcing bars, merchant bars and hot-rolled wide strip to charge for such products prices which are not lower than the Community producers' list prices. Even this Decision in other respects leaves unaffected the freedom of the merchants concerned to decide independently on their selling prices for ex-stock deliveries.

42. It follows from the facts and considerations set out above that from 1970 onwards BDS has continually infringed Article 65 (1) of the Treaty. From 1970 to 1972 the infringement consisted in preparing uniform net ex-stock price lists and distributing them amongst its member firms. From then on it consisted in sending detailed model calculations, complete with specific values for each cost component, to all its members and, furthermore, in distributing the price lists of leading steel stockholders amongst its remaining members before the lists had taken effect. The transition from the system of producing uniform net ex-stock price lists to the system of uniform model calculations and specific pricing information was merely a cosmetic change which failed to alter the content, let alone the objectives of BDS's policy. BDS's behaviour ever since the beginning of 1970 has been directed towards restricting and distorting competition in prices between German steel stockholders.

<sup>(1)</sup> OJ No L 352, 31. 12. 1977, p. 8, as last amended by Decision No 3071/78/ECSC (OJ No L 366, 28. 12. 1978, p. 20).

43. In order to clarify for the parties concerned and for interested third parties the appreciation in law of the practices dealt with in this proceeding, it is opportune to state in a formal Decision what infringements the BDS has committed. Furthermore, it is appropriate to require the association of undertakings concerned to terminate the infringements forthwith, in so far as they are still being practised. Finally, to ensure that this Decision is carried into effect, it is necessary to impose on BDS the obligation to bring the text of the Decision to the notice of all its members,

HAS ADOPTED THIS DECISION :

*Article 1*

It is hereby declared that the association of undertakings Bundesverband Deutscher Stahlhandel e.V. has continually contravened Article 65 (1) of the ECSC Treaty :

- (a) from 1970 to 1972, in that it prepared uniform ex-stock price lists of rolled steel products and distributed them among its member firms ;
- (b) from 1973 up to the present time, in that it drew up and sent to interested members model calculations, complete with specific values for each cost component, and, furthermore, in that it informed

its members of revised ex-stock price lists drawn up by individual dealers and circulated them to the other members.

*Article 2*

The association of undertakings concerned is required to terminate the infringements declared in Article 1 (b) forthwith.

*Article 3*

The association of undertakings concerned is required to bring the complete text of this Decision to the attention of all its members.

*Article 4*

This Decision is addressed to the association of undertakings Bundesverband Deutscher Stahlhandel e.V., Graf-Adolf-Platz 12, D-4000 Düsseldorf.

Done at Brussels, 8 February 1980.

*For the Commission*

Raymond VOUEL

*Member of the Commission*

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## CORRIGENDA

**Corrigendum to Council Regulation (EEC) No 1162/79 of 12 June 1979 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial products**

*(Official Journal of the European Communities No L 147 of 15 June 1979)*

Page 6 and 16, Table II:

*for:*

'ex 28.48 B III	Dialuminium hexamagnesium carbonate decahydroxide tetrahydrate	0
and		
ex 39.02 C XIV a)	Poly (1-ethylethylene) in one of the forms mentioned in Note 3 (b) to Chapter 39	0'
<i>read:</i>		
'ex 28.48 B III	Dialuminium hexamagnesium carbonate hexadeca-hydroxide tetrahydrate	0
and		
ex 39.02 C XIV a)	Poly (1-ethylethylene) (Polybutene-1) in one of the forms mentioned in Note 3 (b) to Chapter 39	0'.

**Corrigendum to Council Regulation (EEC) No 2797/79 of 10 December 1979 establishing indicative ceilings and Community supervision for imports of certain products originating in Finland (1980)**

*(Official Journal of the European Communities No L 330 of 27 December 1979)*

Page 8, Annex I:

The entries relating to heading No 48.07 shall be replaced by the following:

	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets:		
		D. Other:		
I SF 11		— Coated printing or writing paper	48.07-57, 58, 59	52 964
		C. Bleached paper and paperboard, coated with kaolin, or coated or impregnated with artificial plastic materials, weighing 160 grams or more per m <sup>2</sup>	48.07-41, 45	} 210 252
I SF 12		D. Other:		
		— Other, excluding coated printing or writing paper	48.07-55, 56, 64, 67, 71, 73, 75, 77, 85, 91, 97, 99	

**Corrigendum to Council Regulation (EEC) No 2799/79 of 10 December 1979 establishing indicative ceilings and Community supervision for imports of certain products originating in Sweden (1980)**

*(Official Journal of the European Communities No L 330 of 27 December 1979)*

Page 17, Annex I:

The entries relating to heading No 48.07 shall be replaced by the following:

	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets:		
		D. Other:		
I S 10		— Coated printing or writing paper	48.07-57, 58, 59	47 302
		C. Bleached paper and paperboard coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 grams or more per m <sup>2</sup>	48.07-41, 45	129 156
I S 11		D. Other:		
		— Other, excluding coated printing or writing paper	48.07-55, 56, 64, 67, 71, 73, 75, 77, 85, 91, 97, 99	

**Corrigendum to Council Regulation (EEC) No 2999/79 of 20 December 1979 amending certain rates of customs duties for agricultural products, Regulation (EEC) No 950/68 on the Common Customs Tariff and Regulation (EEC) No 516/77 on the common organization of the market in products processed from fruit and vegetables**

*(Official Journal of the European Communities No L 341 of 31 December 1979)*

Page 17, subheading 20.06 B I:

The following shall be inserted:

'c) Grapes:

1. With a sugar content exceeding 13 % by weight

9

13'

**Corrigendum to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community**

*(Official Journal of the European Communities No L 339 of 31 December 1979)*

Page 4, Article 2 (10) (b), last subparagraph :

*for:* '... price for the smaller quantity ...',

*read:* '... price for which the smaller quantity ...'.

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**Corrigendum to the Community Cost Concertation Agreement annexed to Council Decision 80/177/EEC of 18 December 1979 concerning the conclusion of the Agreement on a concerted action project in the field of physico-chemical behaviour of atmospheric pollutants (COST project 61a bis)**

*(Official Journal of the European Communities No L 39 of 15 February 1980)*

Page 20, Article 6 (1) :

Article 6 (1) should read as follows :

'1. Each of the Contracting Parties shall, after signing this Agreement, notify the Secretary-General of the Council of the European Communities, as soon as possible, of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.'

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## EURONORMS

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

Sales prices valid from 1 July 1976.

			<i>Price in £</i>
(*)	EURONORM 21-78	General technical delivery requirements for steel and iron and steel products — second edition . . . . .	1.80
(*)	EURONORM 56-77	Hot-rolled equal angles (with radiused root and toes) — second edition . . . . .	0.60
(*)	EURONORM 57-78	Hot-rolled unequal angles (with radiused root and toes) — second edition . . . . .	0.80
(*)	EURONORM 58-78	Hot-rolled flats for general purposes — second edition . . . . .	0.80
(*)	EURONORM 59-78	Hot-rolled square bars for general purposes — second edition . . . . .	0.80
(*)	EURONORM 60-77	Hot-rolled round bars for general purposes — second edition . . . . .	0.60
(*)	EURONORM 67-78	Hot-rolled bulb flats — second edition . . . . .	0.80
(*)	EURONORM 75-78	Chemical analysis of ferrous materials — Determination of the molybdenum in steels and cast irons — Photometric method — . . . . .	0.80
(*)	EURONORM 124-77	Verification of Vickers hardness-testing machines . . . . .	0.80
(*)	EURONORM 125-77	Verification of Brinell hardness-testing machines . . . . .	0.60
(*)	EURONORM 126-77	Semi-processed steel strip for the construction of magnetic circuits . . . . .	1.60
(*)	EURONORM 127-77	Calibration of reference blocks for use with Vickers hardness-testing machines . . . . .	0.80
(*)	EURONORM 128-77	Calibration of reference blocks for use with Brinell hardness-testing machines . . . . .	0.80
(*)	EURONORM 134-78	Chemical analysis of ferrous materials — Determination of aluminium in non-alloy steels — Method by atomic absorption spectrophotometry — . . . . .	0.80
(*)	EURONORM 145-78	Tinplate and blackplate in sheet form — Qualities, dimensions and tolerances — . . . . .	2.65

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

(*)	Information circular No 1	Standard samples for the chemical analysis of iron and steel products, second edition (1974) . . . . .	1.85
	EURONORM 1-55	Fontes et ferro-alliages . . . . .	1.35
	EURONORM 2-57	Essai de traction pour l'acier . . . . .	0.85
	EURONORM 3-55	Essai de dureté Brinell pour l'acier . . . . .	0.60
	EURONORM 4-55	Essai de dureté Rockwell, échelles B et C pour l'acier . . . . .	0.60
	EURONORM 5-55	Essai de dureté Vickers pour l'acier . . . . .	0.60
	EURONORM 6-55	Essai de pliage pour l'acier . . . . .	0.60
	EURONORM 7-55	Essai de résilience Charpy pour l'acier . . . . .	0.60
	EURONORM 8-55	Valeurs de conversion approximatives de la durée et de la résistance à la traction de l'acier . . . . .	0.60
	EURONORM 9-55	Valeurs de conversion approximatives des allongements après rupture de l'acier . . . . .	0.60
	EURONORM 11-55	Essai de traction sur tôles et feuillards en acier d'une épaisseur de 0,5 mm inclus à 3 mm exclus . . . . .	0.75
	EURONORM 12-55	Essai de pliage des tôles et feuillards en acier d'épaisseur inférieure à 3 mm . . . . .	0.60
	EURONORM 13-55	Essai de pliage alterné des tôles et feuillards en acier d'épaisseur inférieure à 3 mm . . . . .	0.60
	EURONORM 14-67	Essai d'emboutissage à flans bloqués . . . . .	0.60
	EURONORM 15-70	Fil machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Examen de la surface . . . . .	0.60
	EURONORM 16-70	Fil machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Nuances et qualités . . . . .	0.75
	EURONORM 17-70	Fil machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Dimensions et tolérances . . . . .	1.60
	EURONORM 18-57	Prélèvements et préparation des échantillons et des éprouvettes . . . . .	0.60
	EURONORM 19-57	Poutrelles IPE — Poutrelles à ailes parallèles . . . . .	0.60
(*)	EURONORM 20-74	Definition and classification of grades of steel, second edition . . . . .	1.20
	EURONORM 21-62	Conditions générales techniques de livraison pour les produits en acier . . . . .	0.60
	EURONORM 22-70	Détermination ou vérification de la limite d'élasticité de l'acier à température élevée . . . . .	0.75
	EURONORM 23-71	Essai de trempabilité par trempe en bout de l'acier — Essai Jominy . . . . .	1.35
	EURONORM 24-62	Poutrelles normales et profilés en U normaux — Tolérances de laminage . . . . .	0.60
	EURONORM 25-72	Aciers de construction d'usage général . . . . .	1.85
(*)	EURONORM 27-74	Designation of steels, third edition . . . . .	1.80
	EURONORM 28-69	Tôles et bandes en aciers non alliés pour chaudières et appareils soumis à pression — Nuances et qualités . . . . .	1.20
	EURONORM 29-69	Tôles en acier laminées à chaud d'épaisseur égale ou supérieure à 3 mm — Tolérances sur les dimensions, la forme et le poids . . . . .	0.85
	EURONORM 30-69	Demi-produits pour forges en aciers de construction d'usage général — Nuances et qualités . . . . .	1.00
	EURONORM 31-69	Demi-produits pour forges — Tolérances sur les dimensions, la forme et le poids . . . . .	0.60

EURONORM 33-70	Tôles et larges bandes d'épaisseur inférieure à 3 mm, en acier doux non allié pour emboutissage ou pliage à froid — Tolérances sur les dimensions et sur la forme . . . . .	0-75
EURONORM 34-62	Poutrelles à larges ailes à faces parallèles — Tolérances de laminage . . . . .	0-60
EURONORM 36-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone total dans les aciers et les fontes — Méthode gravimétrique après combustion dans un courant d'oxygène . . . . .	0-60
EURONORM 37-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone total dans les aciers et les fontes — Méthode gazométrique après combustion dans un courant d'oxygène . . . . .	0-75
EURONORM 38-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone de trempe et du graphite dans les aciers et les fontes — Méthode gravimétrique et volumétrique après combustion dans un courant d'oxygène . . . . .	0-60
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