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I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2727/75 OF THE COUNCIL

of 29 October 1975

on the common organization of the market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas since their adoption the basic provisions concerning the organization of the market in cereals have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, these texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas they should, therefore, be consolidated in a single text;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets which may take various forms depending on the product;

Whereas the common organization of the market in cereals must include a single price system for cereals in the Community; whereas such a system entails fixing annually for the principal products a target price valid for the whole Community, a single

intervention price or a basic intervention price from which are obtained various derived intervention prices at which the relevant agencies must buy in the cereals offered to them and a threshold price to which the price of imported products must be equated by means of a variable import levy;

Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas in the cereals sector, in order to stabilize markets and to ensure a fair standard of living for the agricultural community concerned, intervention agencies should be able to take intervention measures on the market;

Whereas free movement of cereals within the Community should enable shortages in deficit areas to be covered by surpluses in production areas; whereas, so as not to impede this in the case of common wheat, intervention prices derived from the basic price should be fixed in such a way that the differences between them reflect the disparities which, given a normal harvest, arise under natural conditions of price formation on the market, and that the forces of supply and demand may have free play; whereas, as regards the other basic products, shortages in deficit areas could be covered by surpluses in production areas if a single intervention price is fixed corresponding to the lowest intervention prices which would have been fixed in the Community had the system provided for in respect of common wheat been applied to those products;

Whereas, the intervention agencies must be able, in special circumstances, to take intervention measures suited to those circumstances; whereas, however, so that the required uniformity of intervention systems may be maintained, those special circumstances should be assessed and the appropriate measures determined at Community level;

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

Whereas, the target prices, intervention prices and threshold prices should, in the course of the marketing year, be subject to a certain number of monthly increases in order to take account, among other things, of storage costs and interest charges for storing cereals in the Community and of the need to ensure that the disposal of stocks conforms to market requirements;

Whereas it may prove impossible to give producers of durum wheat sufficient guarantees by fixing a price which takes into account the ratio existing normally on the world market between durum and common wheat prices; whereas this ratio should be respected so far as possible in the Community because of the interchangeability of these two products; whereas provision must therefore be made for the possibility of granting aid to producers of durum wheat;

Whereas in view of the special market situation for cereal starch, potato starch and glucose produced by the 'direct hydrolysis' process it may prove necessary to provide for a production refund of such a nature that the basic products used by this industry can be made available to it at a lower price than that resulting from the application of the system of levies and common prices;

Whereas the creation of a single Community market for cereals involves, apart from a single price system, the introduction of a single trading system at the external frontiers of the Community; whereas a trading system including levies and export refunds, combined with intervention measures, also serves to stabilize the Community market, in particular by preventing price fluctuations on the world market from affecting prices ruling within the Community; whereas, therefore, provision should be made for charging a levy on imports from third countries and for the payment of a refund on exports to these countries, both being designed to cover the difference between prices ruling outside and within the Community; whereas, moreover, in respect of products processed from cereals to which this Regulation applies, account should be taken of the need to ensure a measure of protection for the Community processing industry;

Whereas, in addition to the system described above, and to the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting totally or partially the use of 'inward processing

arrangements'; whereas, moreover, the refund should be fixed in such a way that operations under inward processing arrangements do not lead the Community processing industry to use, with a view to export, basic products imported from third countries in preference to Community basic products;

Whereas the competent authorities must be in a position constantly to follow trade movements in order to assess market trends and to apply the measures laid down in this Regulation as necessary; whereas, to that end, provision should be made for the issue of import and export licences accompanied by the provision of security guaranteeing that the transactions for which such licences are requested are effected;

Whereas the levy system makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas, however, the common price and levy machinery may in exceptional circumstances prove defective; whereas, in such cases, so as not to leave the Community market without defence against disturbances, the Community should be enabled to take all necessary measures without delay;

Whereas, in a situation of high prices on the world market, provision should be made for appropriate measures to be taken in order to safeguard Community supplies and to stabilize prices on Community markets;

Whereas the establishment of a single market based on a common price system would be jeopardized by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to cereals;

Whereas Italy should be authorized for some years to take measures to reduce the impact of the new system on the level of prices for feed grain in that Member State in order to facilitate the adjustment of the Italian market to that new system;

Whereas the common organization of the market in cereals must include the products of primary processing which contain cereals or certain products which do not contain cereals but which are directly

interchangeable in their use with cereals or with products obtained from cereals;

Whereas the Community is required under international obligations concerning cereals, to furnish certain information about the trends on its market; whereas, therefore, provision should be made for Member States to furnish the Commission with the necessary particulars;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between Member States and the Commission within a Management Committee;

Whereas the European Economic Community is a party to the International Wheat Agreement; whereas provisions for mobilizing food aid should be adopted; whereas it should be provided that, save in exceptional circumstances, products intended as food aid should be obtained on the Community market; whereas such products are to be purchased on that market, taken from cereal stocks held by intervention agencies or manufactured from such cereals;

Whereas the common organization of the market in cereals must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the expenditure incurred by the Member States as a result of the obligations arising out of the application of this Regulation fall on the Community in accordance with the provisions of Articles 2 and 3 of Council Regulation (EEC) No 729/70 ⁽¹⁾ of 21 April 1970 on the financing of the common agricultural policy, as amended by Regulation (EEC) No 1566/72 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The common organization of the market in cereals shall comprise a price and trading system and cover the following products:

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 167, 25. 7. 1972, p. 5.

CCT heading No	Description of goods
a) 10.01 A	Common wheat and meslin
10.02	Rye
10.03	Barley
10.04	Oats
10.05 B	Maize, other than hybrid maize for sowing
10.07	Buckwheat, millet, canary seed and grain sorghum; other cereals
b) 10.01 B	Durum wheat
c) 11.01 A	Wheat or meslin flour
11.01 B	Rye flour
ex 11.02 A	Wheat groats and meal (common wheat and durum wheat)
d)	the products listed in Annex A to this Regulation

TITLE I

Prices

Article 2

1. Simultaneously and before 1 August of each year the following prices shall be fixed for the Community for the marketing year beginning during the following calendar year:

- a target price for each of the following: common wheat, durum wheat, barley, maize and rye,
- a basic intervention price for common wheat,
- a guaranteed minimum price for durum wheat.

2. These prices shall be fixed for a standard quality to be determined for each of the above cereals.

3. The target price and the basic intervention price shall be fixed for Duisburg at the wholesale stage, goods delivered to warehouse, not unloaded.

The guaranteed minimum price for durum wheat shall be fixed for the marketing centre of the region with the largest surplus, at the same stage and under the same conditions as the target price.

4. The prices mentioned in this Article and the standard qualities for which they are fixed shall be determined in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 3

The marketing year for all products listed in Article 1 shall begin on 1 August and end on 31 July of the following year.

Article 4

1. In order to guarantee to producers that the market price does not fall below a minimum level, derived intervention prices for common wheat shall be fixed for the Community, in addition to the basic intervention price.

The derived intervention prices shall be fixed for the same standard quality, at the same stage and under the same conditions as the target price, for all marketing centres in the Community except Duisburg. The level of the derived intervention prices shall be fixed in such a way that the differences between them correspond to the disparities in prices to be expected in a normal harvest under natural conditions of price formation on the market and allow the free movement of cereals within the Community in accordance with the requirements of the market.

2. For barley, rye, durum wheat and maize, for which no basic intervention price is laid down, single intervention prices shall be fixed for the Community for all the marketing centres for those cereals. These prices shall correspond to the lowest derived intervention prices which would have been fixed in the Community, had paragraph 1 been applied in respect of the said cereals.

3. Intervention prices shall be valid from 1 August to 31 May of the following year. From 1 June to 31 July the intervention prices valid for August of the following marketing year shall apply.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down each year before 15 March for the following marketing year:

- (a) the marketing centre for common wheat to which the lowest intervention price applies and the price in question in respect of each Member State;
- (b) the principal marketing centres and the derived intervention prices to be applied in those centres;
- (c) the single intervention prices for barley, rye, durum wheat and maize.

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

- (a) determining marketing centres other than those mentioned in paragraph 4 (b);
- (b) deriving intervention prices valid both for the principal marketing centres and for other centres.

6. The marketing centres mentioned in paragraph 5 (a) and the derived intervention prices valid for those centres shall be determined, after consultation with the Member States concerned, before 15 May of each year for the following marketing year, in accordance with the procedure laid down in Article 26.

Article 5

1. In respect of common wheat, durum wheat, barley, maize and rye a threshold price shall be fixed for the Community in such a way that the selling price for the imported product on the Duisburg market shall be the same as the target price, differences in quality being taken into account.

The threshold price shall be fixed for the same standard quality as the target price.

2. For a standard quality of each of the products listed in Article 1 (a) which are not mentioned in paragraph 1 above, a threshold price shall be fixed for the Community in such a way that the price for those cereals mentioned in paragraph 1 which are in competition with these products shall reach the target price on the Duisburg market.

3. For a standard quality of each of the products listed in Article 1 (c) a threshold price shall be fixed for the Community, account being taken of the objective stated in paragraph 2 and of the need to protect the processing industry.

4. The threshold prices shall be calculated for Rotterdam.

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

- (a) the rules for fixing threshold prices for products referred to in paragraph 3 and the standard quality for products referred to in paragraphs 2 and 3;
- (b) before 15 March of each year, for the following marketing year, the threshold prices for products referred to in paragraphs 1 and 2.

6. Threshold prices for products referred to in paragraph 3 shall be fixed before 15 March of each year for the following marketing year in accordance with the procedure laid down in Article 26.

Article 6

1. The target prices, intervention prices and threshold prices shall be the subject of monthly increases phased over all or part of the marketing year.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall determine before 15 March of each year, for the following marketing year, the number and amount of the monthly increases and in what month they are to apply.

Article 7

1. Throughout the marketing year the intervention agencies designated by Member States shall be obliged to buy in cereals mentioned in Article 4 which are offered to them and have been harvested in the Community, provided that the offers comply with conditions, in particular in respect of quality and quantity, to be determined in accordance with paragraph 5.

2. The intervention agencies shall buy in at the intervention price for the marketing centre at which the cereal is offered, under conditions determined in accordance with paragraphs 4 and 5. If the quality of the cereal is different from the standard quality for which the intervention price has been fixed, the intervention price shall be adjusted in accordance with scales of price increases and reductions. These scales may also include special optional price increases in respect of barley of brewery quality and, in certain regions, in respect of rye of bread-making quality.

3. Under conditions to be laid down in accordance with paragraphs 4 and 5, the intervention agencies:

- shall offer for sale, for export to third countries or for supply to the internal market, the product bought in under the provisions of paragraph 1,
- may likewise offer for sale for the same purposes common wheat and also rye of bread-making quality in respect of which the special price increase has been granted, after having rendered them unfit for human consumption by denaturing.

They may also grant a denaturing premium for common wheat.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules governing intervention and denaturing.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26, in particular as regards:

- the minimum quality and quantity required of each cereal for it to be eligible for intervention,
- the scales of price increases and reductions applicable for the purposes of intervention,

- the procedures and conditions for taking over by the intervention agencies,
- the procedures and conditions for disposal of produce by the intervention agencies,
- the conditions for granting denaturing premiums and the amount thereof.

Article 8

The Council, acting by a qualified majority on a proposal from the Commission, shall determine the conditions under which intervention agencies may take special intervention measures to prevent substantial purchases being made in pursuance of Article 7 (1) in certain regions of the Community.

The nature and application of such intervention measures shall be determined in accordance with the procedure laid down in Article 26.

Article 9

1. A carry-over payment may be granted in respect of stocks remaining at the end of the marketing year of common wheat, durum wheat, rye, barley and maize harvested in the Community, and of malt.

However, for Member States in which the new harvest is usually available before the beginning of the new marketing year, it may be decided in accordance with the procedure referred to in paragraph 6, that the stock qualifying for the payment at the end of the marketing year may not be greater than that declared at an earlier date, to be determined in each year.

Before 15 March of each year the Council, acting by a qualified majority on a proposal from the Commission, shall decide whether a carry-over payment should be granted in respect of one or more of the abovementioned products, and, if so, to what extent.

2. Any carry-over payment for maize shall be granted only in respect of quantities in stock in areas of surplus production.

3. The carry-over payment for each cereal shall not exceed the difference between the target price valid for the last month of the marketing year and that valid for the first month of the next marketing year.

4. The carry-over payment shall be granted only in respect of stocks which reach a minimum quantity.

5. The amount of the carry-over payment shall be fixed in accordance with the procedure referred to in the third subparagraph of paragraph 1.

6. Detailed rules for the application of this Article, in particular the minimum quantity mentioned in paragraph 4 and the categories of those entitled to it, shall be adopted in accordance with the procedure laid down in Article 26.

Article 10

Where the intervention price for durum wheat valid for the marketing centre of the area with the largest surplus is lower than the guaranteed minimum price, aid shall be granted for the production of this cereal. This aid, of a uniform amount for the whole Community, shall be equal throughout the marketing year to the difference between the guaranteed minimum price and the abovementioned intervention price at the beginning of the marketing year.

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

Article 11

1. A production refund may be granted:

(a) for maize and common wheat used in the Community for the manufacture of starch;

(b) for potato starch;

(c) for maize groats and meal used in the Community for the manufacture of glucose by direct hydrolysis;

2. The payment of the production refund for potato starch shall be subject to the condition that the processor has paid a minimum free-at-factory price for the potatoes.

The minimum price to be received by the producer shall consist of the minimum price to be paid by the starch manufacturer plus an amount corresponding to the production refund.

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

TITLE II

Trade with third countries

Article 12

1. Imports into the Community or exports therefrom of any of the products listed in Article 1 shall be subject to the submission of an import or export licence which may be issued by Member States to any applicant irrespective of the place of his establishment in the Community. Where the levy or refund is fixed in advance, the advance fixing shall be noted on the licence which serves as supporting document for such advance fixing.

However, the issue of import licences for wheat and wheat flour shall be suspended in respect of imports from countries which are not parties to the Wheat Trade Convention when compliance with the obligations entered into within the framework of that convention so requires.

The import or export licence shall be valid throughout the Community.

The issue of such licences shall be conditional on the lodging of a deposit guaranteeing that importation or exportation will be effected during the period of validity of the licence; the deposit shall be forfeited in whole or in part if the transaction is not effected, or is only partially effected, within that period.

2. The period of validity of licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26.

Article 13

1. A levy equal for each product to the threshold price less the cif price shall be charged on imports of the products listed in Article 1 (a), (b) and (c).

2. The cif prices shall be calculated for Rotterdam on the basis of the most favourable purchasing opportunities on the world market, determined for each product on the basis of the quotations and prices of that market after adjustment for any differences in quality as compared with the standard quality for which the threshold price is fixed.

Differences in quality shall be expressed in coefficients of equivalence.

3. Where free quotations on the world market are not a determining factor for the offer price and where

this price is lower than world market prices, a special cif price calculated on the basis of the offer price shall be substituted for the cif price solely for the imports in question.

4. Detailed rules for the application of this Article, and in particular the coefficients of equivalence, the rules for determining cif prices and the margin within which variations in the factors used for calculating the levy do not require any alteration of the levy, shall be adopted in accordance with the procedure laid down in Article 26.

5. The Commission shall fix the levies mentioned in this Article.

Article 14

1. A levy shall be charged on the importation of products referred to in Article 1 (d), consisting of two components:

A. A variable component which may be fixed and revised on a flat-rate basis:

(a) corresponding, in respect of products processed from basic products listed in Article 1 (a), to the incidence on their prime cost of the levies on those basic products;

(b) increased, where appropriate, for processed products which contain both basic products listed in Article 1 (a) and other products, by the amount of the incidence on their prime cost of the levies or customs duties charged on those other products;

(c) fixed, for products which do not contain any basic products listed in Article 1 (a), with reference to market conditions for those Article 1 products which are in competition with them;

B. A fixed component designed to protect the processing industry.

2. Where actual offers from third countries of products referred to in Article 1 (d), do not correspond to the price which results from the price of basic products used in their manufacture plus processing costs, an amount fixed in accordance with the procedure laid down in Article 26 may be added to the levy fixed in accordance with paragraph 1.

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

4. The Commission shall fix the levies specified in paragraph 1.

Article 15

1. The levy to be charged shall be that applicable on the day of importation.

2. However, as regards imports of products listed in Article 1 (a) and (b), the levy applicable on the day on which application for a licence is lodged, adjusted on the basis of the threshold price which will be in force during the month of importation, shall be applied to an import to be effected during the period of validity of the licence, if the applicant so requests when applying for the licence. In this case, a premium, fixed at the same time as the levy, shall be added to the levy.

3. A decision may be taken in accordance with the procedure laid down in Article 26 to apply the provisions of paragraph 2, in whole or in part, to any of the products listed in Article 1 (c) and (d).

If the carry-over payment envisaged by Article 9 is not granted for malt and if an advance fixing of the levy has been prescribed for this product, the levy shall be adjusted during the first two months of the marketing year on the basis of the threshold price in force during the last month of the preceding marketing year.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for fixing the scale of premiums and adopt measures to be taken in exceptional circumstances.

5. Detailed rules for advance fixing shall be adopted in accordance with the procedure laid down in Article 26.

6. The scale of premiums shall be fixed by the Commission.

7. Where examination of the market situation shows that the application of the provisions concerning the advance fixing of the levy has given rise or may give rise to difficulties, a decision may be taken, in accordance with the procedure laid down in Article 26, to suspend the application of those provisions for the period strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation on the basis of all the information available to it, decide to suspend advance fixing for a maximum of three working days.

Applications for licences accompanied by applications for advance fixing lodged during the period of suspension shall be rejected.

Article 16

1. To the extent necessary to enable the products listed in Article 1 to be exported in the state referred to therein or in the form of goods listed in Annex B on the basis of quotations or prices for those products on the world market, the difference between those quotations or prices and prices in the Community may be covered by an export refund.

2. The refund shall be the same for the whole Community. It may be varied according to use or destination.

The refund shall be granted on application.

When the refund is being fixed particular account shall be taken of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 26.

Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

3. The amount of the refund applicable to the export of products listed in Article 1 and of goods listed in Annex B shall be that applicable on the day of exportation.

4. However, in the case of products listed in Article 1 (a) and (b), the refund applicable on the day on which application for the licence is lodged, adjusted for the threshold price which will be in force during the month of exportation, shall be applied to an export to be effected during the period of validity of the licence if the applicant so requests when applying for the licence.

A corrective amount may be fixed. It shall be applied to refunds fixed in advance. The corrective amount

shall be fixed at the same time as the refund according to the same procedure; however, where necessary the Commission may at the request of a Member State or on its own initiative, alter the corrective amounts in the intervening period.

The provisions of the preceding subparagraphs may be applied in whole or in part, to any of the products listed in Article 1 (c) and (d) and to any products listed in Article 1 which are exported in the form of goods specified in Annex B.

If the carry-over payment envisaged by Article 9 is not granted for barley and malt and if advance fixing of the refund has been laid down for malt, the refund on exports, during the first two months of the marketing year, of malt in stock at the end of the preceding marketing year or made from barley in stock at that time shall be adjusted for the threshold price in force in the last month of the preceding marketing year.

5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for granting export refunds and criteria for fixing the amount of such refunds.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26.

7. Where examination of the market situation shows that the application of the provision concerning the advance fixing of the export refund has given rise or may give rise to difficulties, a decision may be taken, in accordance with the procedure laid down in Article 26, to suspend the application of those provisions for the period strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation on the basis of all the information available to it, decide to suspend advance fixing for a maximum of three working days.

Applications for licences accompanied by applications for advance fixing lodged during the period of suspension shall be rejected.

Article 17

To the extent necessary for the proper working of the common organization of the market in cereals, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit in

whole or in part the use of inward processing arrangements:

- in respect of products listed in Article 1 which are intended for the manufacture of products listed in Article 1 (c) and (d),
- and, in special cases, in respect of products listed in Article 1 which are intended for the manufacture of goods listed in Annex B.

Article 18

1. Without prejudice to the provisions of Regulation (EEC) No 2729/75 ⁽¹⁾, the general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be incorporated in the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council, acting by a qualified majority on a proposal from the Commission, the following shall be prohibited:

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

The restriction of import or export licences to a specified category of those entitled to receive them shall be considered to constitute a measure having effect equivalent to a quantitative restriction.

Article 19

1. When the quotations or prices on the world market for one or more of the products mentioned in Article 2 reach the level of Community prices, and when that situation is likely to continue and to deteriorate, thereby disturbing or threatening to disturb the Community market, appropriate measures may be taken.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

3. The detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26.

⁽¹⁾ See page 18 of this Official Journal.

Article 20

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

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

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within 24 hours following receipt of the request.

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

TITLE III

General provisions

Article 21

Goods listed in Article 1 which are manufactured or obtained from products to which Article 9 (2) and 10 (1) of the Treaty do not apply shall not be admitted to free circulation within the Community.

Article 22

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

Article 23

1. When barley, oats, maize, grain sorghum or millet are imported by sea into the Italian Republic, that Member State may reduce the levy.

The amount of the reduction in the levy shall be fixed by the Council, acting by a qualified majority on a proposal from the Commission, at the same time as the prices for each marketing year.

This reduction may be made only if an equal subsidy is granted for deliveries of the same cereals by sea from Member States unless this subsidy has, at the request of the sender of the cereals, been paid to him by the Member State of origin which shall inform the Italian Republic forthwith. The Italian Republic shall keep all Member States informed at all times of the amount of subsidy in force.

2. If Italy makes use of the power conferred by paragraph 1, the Council, acting by a qualified majority on a proposal from the Commission, shall take the measures necessary to prevent discrimination between Community producers and distortions of competition in trade between denatured common wheat, on the one hand, and the cereals referred to in paragraph 1, in particular barley, on the other.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26.

Article 24

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation and for complying with the international obligations concerning cereals. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 26.

Article 25

1. A Management Committee for Cereals (hereinafter called the 'Committee') shall be established consisting of representatives of the Member States and presided over by a representative of the Commission.

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

Article 26

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

2. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its Opinion on the draft within a time limit set by the Chairman according to the urgency of the matter. An Opinion shall be delivered by a majority of 41 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

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

Article 27

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 28

1. Obligations arising under the food-aid conventions shall be met by the purchase on the Community market of the products specified in Article 1 or by the use of cereals held by intervention agencies.

2. The criteria for mobilizing the products, in particular those governing purchase on the Community market or the use of cereals held by intervention agencies, shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

3. In exceptional circumstances products specified in Article 1 may be mobilized by purchases on the world market. Detailed rules for the application of this paragraph shall be adopted in accordance with the procedure laid down in Article 26.

Article 29

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

Article 30

1. Council Regulation No 120/67/EEC ⁽¹⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by Council Regulation (EEC) No 665/75 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

A table is provided in Annex C for the purposes of correlating citations of and references to the Articles of that Regulation with those of this Regulation.

Article 31

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 72, 20. 3. 1975, p. 14.

ANNEX A

CCT heading No	Description of goods
07.06 A	Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes
ex 11.01	Cereal flours: C. Barley flour D. Oat flour E. Maize flour G. Buckwheat flour H. Millet flour IJ. Canary seed flour K. Grain sorghum flour L. Other
ex 11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground: ex A. Cereal groats and cereal meal, except groats and meal of wheat and rice B. Hulled grains (shelled or husked), whether or not sliced or kibbled C. Pearled grains D. Grains not otherwise worked than kibbled ex E. Rolled grains; flaked grains, except flaked rice ex F. Pellets, except rice pellets G. Germ of cereals, whole, rolled, flaked or ground
11.06	Flours and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06
11.07	Malt, roasted or not
ex 11.08 A	Starches: I. Maze starch III. Wheat starch IV. Potato starch V. Other
11.09	Wheat gluten, whether or not dried

CCT heading No	Description of goods
17.02 B	Glucose and glucose syrup: II. Other
17.05 B	Glucose and glucose syrup, flavoured or coloured
23.02 A	Bran, sharps and other residues derived from the sifting, milling or working of cereals
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product exceeding 40% by weight
23.07	Sweetened forage; other preparations of a kind used in animal feeding: ex B. Other, containing, separately or together and whether or not mixed with other products, starch, glucose or glucose syrup falling within subheadings 17.02 B and 17.05 B, or milk products (falling within heading No or subheading 04.01, 04.02, 04.03, 04.04, 17.02 A or 17.05 A), except preparations and feedingstuffs containing 50% or more by weight of milk products falling within one or more of the abovementioned headings or subheadings

ANNEX B

CCT heading No	Description of goods
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel: B. Glucose and glucose syrup: I. Containing, in the dry state, 99% or more by weight of the pure product
17.04	Sugar confectionery, not containing cocoa: B. Chewing gum C. White chocolate D. Other
18 06 C	Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
19.01	Malt extract
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa
19.03	Macaroni, spaghetti and similar products
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, corn flakes and similar products)
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
21.01	Roasted chicory and other roasted coffee substitutes; extracts, essences and concentrates thereof: A. Roasted chicory and other roasted coffee substitutes: II. Other (than roasted chicory) B. Extracts, essences and concentrates of the products described under subheading A: II. Other (than extracts, essences and concentrates of roasted chicory)
ex 21.05	Soups and broths in liquid, solid or powder form
21.07	Food preparations not elsewhere specified or included

CCT heading No	Description of goods
22.03	Beer made from malt
29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: C. Polyhydric alcohols: III. Sorbitol
29.10	Acetals and hemiacetals and single or complex oxygen-function acetals and hemiacetals, and their halogenated, sulphonated, nitrated or nitrosated derivatives: ex B. Other: — Methylglucosides
29.14	Monocarboxylic acids and their anhydrides, halides, peroxides and peracids and their halogenated, sulphonated, nitrated or nitrosated derivatives: ex A. Saturated acyclic monocarboxylic acids: — Esters of sorbitol ex B. Unsaturated acyclic monocarboxylic acids: — Esters of sorbitol
29.16	Carboxylic acids with alcohol, phenol, aldehyde or ketone function and other single or complex oxygen-function carboxylic acids and their anhydrides, halides, peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives: A. Carboxylic acids with alcohol function: V. Gluconic acid and its salts and esters ex VIII. Other: — Glyceric acid, glycolic acid, saccharonic acid, isosaccharonic acid, heptasaccharic acid and their salts and esters
29.35	Heterocyclic compounds; nucleic acids: ex Q. Other: Anhydric compounds of sorbitol (for example, sorbitans), excluding maltol and isomaltol
29.43	Sugars, chemically pure, other than sucrose, glucose and lactose; sugar ethers and sugar esters, and their salts, other than products of headings Nos 29.39, 29.41 and 29.42: ex B. Other: — Sorbose and its salts and esters
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues
35.06	Prepared glues not elsewhere specified or included; products suitable for use as glues put up for sale by retail as glues in packages not exceeding a net weight of 1 kg: — with a base of sodium silicate emulsions

CCT heading No	Description of goods
38.12	Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries: A. Prepared glazings and prepared dressings: I. With a basis of amylaceous substances
38.19	Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included: Q. Foundry core binders based on synthetic resins ex T. Other — Sorbitol cracking products
39.02	Polymerisation and copolymerisation products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumarone — indene resins): ex C. Other: — Adhesives with a base of resin emulsions
39.06	Other high polymers, artificial resins and artificial plastic materials, including alginic acid, its salts and esters; linoxyn: ex B. Other, excluding linoxyn

ANNEX C

Correlation

Regulation No 120/67/EEC

Article 22a

This Regulation

Article 28

REGULATION (EEC) No 2728/75 OF THE COUNCIL

of 29 October 1975

on aids for the production of and trade in potato starch and potatoes for starch manufacture

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas the system of production refunds to be granted in respect of potato starch is governed by Council Regulation (EEC) No 2727/75 ⁽²⁾ of 29 October 1975 on the common organization of the market in cereals;

Whereas operation of the system of prices and levies in respect of potato starch requires that the provisions of the Treaty which allow aids to be assessed and action to be taken against those which are incompatible with the common market be extended to aids granted for the production of and trade in potatoes for starch manufacture, without prejudice to the provisions which will be made for the common organization of the market in potatoes,

Article 1

If the system of levies on potato starch is applied, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in potatoes for starch manufacture.

Article 2

1. Council Regulation No 56 ⁽³⁾ on aids for the production of and trade in potato starch and potatoes for starch manufacture, as amended by Regulation No 120/67/EEC ⁽⁴⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No 54, 2. 7. 1962, p. 1591/62.

⁽⁴⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

REGULATION (EEC) No 2729/75 OF THE COUNCIL

of 29 October 1975

on the import levies on mixtures of cereals, rice and broken rice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas, to ensure the proper working of the levy system applicable to imports of cereals, rice and broken rice from third countries introduced by Council Regulation (EEC) No 2727/75 ⁽²⁾ of 29 October 1975 on the common organization of the market in cereals, and Council Regulation No 359/67/EEC ⁽³⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75 ⁽⁴⁾, suitable rules should be applied to trade in mixtures of cereals, rice and broken rice;

Whereas the import levy on such mixtures results from their tariff classification, which is normally determined in accordance with the general rules for the interpretation of the Common Customs Tariff;

Whereas, in the case of mixtures of cereals, rice and broken rice, the tariff classification may give rise to difficulties if determined in accordance with these rules; whereas in fact such classification sometimes results in a low import levy being charged on mixtures which, however, contain a substantial proportion of products subject to a high import levy;

Whereas, in order to avoid such difficulties, special provisions should be adopted for determining the import levy on mixtures of cereals, rice and broken rice,

Article 1

1. The import levy applicable to mixtures composed of two of the cereals falling within Article 1 (a) and (b) of Regulation (EEC) No 2727/75 shall be that applicable:

- to the component cereal predominating by weight, when that cereal represents at least 90% of the weight of the mixture,
- to the component cereal liable to the higher import levy, when neither of the two component cereals represents at least 90% of the weight of the mixture.

2. Where a mixture is composed of more than two of the cereals falling within Article 1 (a) and (b) of Regulation (EEC) No 2727/75, and where several cereals each represent more than 10% by weight of the mixture, the import levy applicable to the mixture shall be the highest of the import levies applicable to such cereals, even when the amount of the import levy is the same for two or more of the cereals.

Where only one cereal represents more than 10% of the weight of the mixture, the import levy to be applied shall be that applicable to this cereal.

3. The import levy applicable to mixtures composed of the cereals falling within Article 1 (a) and (b) of Regulation (EEC) No 2727/75 and not governed by the above rules, shall be the higher or the highest of the import levies applicable to the cereals composing the mixture concerned, even when the amount of the import levy is the same for two or more of the cereals.

Article 2

1. The import levy applicable to mixtures composed of one or more of the cereals falling within Article 1 (a) and (b) of Regulation (EEC) No 2727/75 and of one or more of the products specified in Article 1 (a) and (b) of Regulation No 359/67/EEC shall be that applicable to the component cereal or product liable to the higher or highest import levy.

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 72, 20. 3. 1975, p. 18.

2. The import levy applicable to mixtures composed either of rice classifiable under several different processing groups or stages or of rice classifiable under one or more different processing groups or stages and of broken rice shall be that applicable:

- to the component predominating by weight, when that component represents at least 90% of the weight of the mixture,
- the component liable to the higher or highest import levy, when no component represents at least 90% of the weight of the mixture.

Article 3

Where this method of assessing the import levy laid down in Articles 1 and 2 cannot be applied, the levy to be applied to such mixtures covered by this

Regulation shall be that determined by the tariff classification of the mixtures.

Article 4

1. Council Regulation No 156/66/EEC ⁽¹⁾ of 25 October 1966 on the levies on mixtures of cereals, rice and broken rice, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation

Article 5

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 192, 27. 10. 1966, p. 3278/66.

REGULATION (EEC) No 2730/75 OF THE COUNCIL

of 29 October 1975

on glucose and lactose

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas, in order to avoid technical difficulties as regards customs treatment, the Council Decision of 12 December 1964 ⁽²⁾ on the introduction of some amendments to the Common Customs Tariff, provided for glucose, glucose syrup, lactose and lactose syrup to fall within one heading and for chemically pure glucose and lactose to fall within another;

Whereas, however, glucose and lactose falling respectively within subheadings 17.02 B II and 17.02 A II are listed in Annex II to the Treaty and are therefore subject to the system of trade with third countries provided for under the common organization of the markets to which they belong, while chemically pure glucose and lactose not listed in Annex II to the Treaty are subject to the system of customs duties, the economic incidence of which can be appreciably different;

Whereas this situation creates difficulties which are the greater in that the products in question, whatever their degree of purity, are derived from the same basic products; whereas the criterion for customs classification between those products which are and those which are not chemically pure is a 99% degree of purity; whereas products with a slightly higher or slightly lower degree of purity may have the same economic use; whereas, therefore, the application of different systems leads to distortions of competition

which are all the greater because of interchangeability;

Whereas the only solution to these difficulties is to follow the Council Decision of 12 December 1964 by giving the products the same economic treatment whatever their degree of purity or, to the extent that this would appear adequate, by harmonizing the treatment given to the two groups of products;

Whereas the Treaty does not specifically provide the authority needed to take such action; whereas in these circumstances the necessary measures should be taken on the basis of Article 235 of the Treaty; whereas the most appropriate measures are to extend to chemically pure glucose the treatment given to other glucose under Council Regulation (EEC) No 2727/75 ⁽³⁾ of 29 October 1975 on the common organization of the market in cereals, and to extend to chemically pure lactose the treatment given to other lactose under Council Regulation (EEC) No 804/68 ⁽⁴⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 740/75 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The treatment given to glucose and glucose syrup falling within subheading 17.02 B II of the Common Customs Tariff under Regulation (EEC) No 2727/75 and under the provisions adopted for the application of that Regulation shall be extended to glucose and glucose syrup falling within subheading 17.02 B I of the Common Customs Tariff.

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽²⁾ OJ No 220, 31. 12. 1964, p. 3741/64.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁵⁾ OJ No L 74, 22. 3. 1975, p. 1.

Article 2

The treatment given to lactose and lactose syrup falling within subheading 17.02 A II of the Common Customs Tariff under Regulation (EEC) No 804/68 and under the provisions adopted for the application of that Regulation shall be extended to lactose and lactose syrup falling within subheading 17.02 A I of the Common Customs Tariff.

Article 3

When the treatment given to glucose and glucose syrup or to lactose and lactose syrup falling respectively within subheadings 17.02 B II and 17.02 A II of the Common Customs Tariff is amended pursuant to Article 43 of the Treaty or in accordance with procedures established for the application of that Article, such amendments shall extend as appropriate to glucose and glucose syrup or to lactose and lactose syrup falling respectively within

subheadings 17.02 B I and 17.02 A I of the Common Customs Tariff, unless, in accordance with the same procedures, other measures are taken for the harmonizing of the treatment applicable to these products with the treatment applicable to those already mentioned.

Article 4

1. Council Regulation No 189/66/EEC ⁽¹⁾ of 24 November 1966 on glucose and lactose, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 218, 28. 11. 1966, p. 3713/66.

REGULATION (EEC) No 2731/75 OF THE COUNCIL

of 29 October 1975

fixing standard qualities for common wheat, rye, barley, maize and durum wheat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 2 (4) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽²⁾;

Whereas the common prices for common wheat, rye, barley, maize and durum wheat must be fixed with reference to specific standard qualities; whereas these should correspond as far as possible to the average qualities of those cereals harvested within the Community;

Whereas the standard qualities were fixed by Council Regulation No 865/67/EEC ⁽³⁾ of 14 November 1967; whereas the definitions contained in that Regulation of matter other than basic cereals of unimpaired quality have been difficult to apply; whereas they should therefore be made more specific and, moreover, the methods of determining such matter and the moisture content should be supplemented and harmonized,

HAS ADOPTED THIS REGULATION:

Article 1

The standard quality for which the target price and the intervention prices for common wheat are fixed is defined as follows:

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽³⁾ OJ No 279, 18. 11. 1967, p. 2.

(a) common wheat of a sound and fair marketable quality, free from abnormal smell and live pests, of a colour proper to this cereal and of a quality corresponding to the average quality of common wheat harvested under normal conditions in the Community;

(b) moisture content: 16%;

(c) total percentage of matter other than basic cereals of unimpaired quality: 5%, of which:

— percentage of broken grains: 2%,

— percentage of grain impurities: 1.5% ('grain impurities' means shrivelled grains, grains of other cereals, grains damaged by pests and grains showing discoloration of the germ),

— percentage of sprouted grains: 1%,

— percentage of miscellaneous impurities: 0.5% ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, ergot, decayed grains, dead insects and fragments of insects);

(d) specific weight: 75 kilogrammes per hectolitre.

Article 2

The standard quality for which the target price and the intervention price for rye are fixed is defined as follows:

(a) rye of a sound and fair marketable quality, free from abnormal smell and live pests, of a colour proper to this cereal and of a quality corresponding to the average quality of rye harvested under normal conditions in the Community;

(b) moisture content: 16%;

(c) total percentage of matter other than basic cereals of unimpaired quality: 5%, of which:

— percentage of broken grains: 2%,

— percentage of grain impurities: 1.5% ('grain impurities' means shrivelled grains, grains of other cereals and grains damaged by pests),

- percentage of sprouted grains: 1%,
- percentage of miscellaneous impurities: 0.5% ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, ergot, dead insects and fragments of insects);

(d) specific weight: 71 kilogrammes per hectolitre.

Article 3

The standard quality for which the target price and the intervention price for barley are fixed is defined as follows:

- (a) barley of a sound and fair marketable quality, free from abnormal smell and live pests, of a colour proper to this cereal and of a quality corresponding to the average quality of barley harvested under normal conditions in the Community;
- (b) moisture content: 16%;
- (c) total percentage of matter other than basic cereals of unimpaired quality: 4%, of which:
 - percentage of grain impurities: 2% ('grain impurities' means shrivelled grains, grains of other cereals and grains damaged by pests),
 - percentage of sprouted grains: 1%,
 - percentage of miscellaneous impurities: 1% ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects);
- (d) specific weight: 67 kilogrammes per hectolitre.

Article 4

The standard quality for which the target price and the intervention price for maize are fixed is defined as follows:

- (a) maize of a sound and fair marketable quality, free from abnormal smell and live pests;
- (b) moisture content: 15%;
- (c) total percentage of matter other than basic cereals of unimpaired quality: 8%, of which:
 - percentage of broken grains: 2% ('broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4.5 millimetres in diameter),
 - percentage of grain impurities: 4% ('grain impurities' means grains of other cereals, grains damaged by pests and grains of

abnormal coloration, the latter being grains which have acquired through heating a darkish brown colour on a fairly substantial part of the tegument and of the kernel and are not damaged grains),

- percentage of sprouted grains: 1%,
- percentage of miscellaneous impurities: 1% ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects).

Article 5

The standard quality for which the target price, the intervention price and the guaranteed minimum price for durum wheat are fixed is defined as follows:

- (a) durum wheat of a sound and fair marketable quality, free from abnormal smell and live pests, dry, amber yellow to brown in colour, with a vitreous section of translucent, horny appearance and of a quality corresponding to the average quality of durum wheat harvested under normal conditions in the Community;
- (b) total percentage of matter other than durum wheat grains of unimpaired quality: 24.5%, of which:
 - percentage of durum wheat grains which have wholly or partly lost their vitreous aspect (mitadiné) and common wheat grains: 20%, of which not more than 4% of common wheat grains,
 - percentage of broken grains: 2%,
 - percentage of grain impurities: 1.5% ('grain impurities' means shrivelled grains, grains of cereals other than durum wheat and common wheat, grains damaged by pests, grain, in which the germ is discoloured or moulded grains),
 - percentage of sprouted grains: 0.5%,
 - percentage of miscellaneous impurities: 0.5% ('miscellaneous impurities' consist of weed seeds, damaged grains, extraneous matter, husks, ergot, decayed grains, dead insects and fragments of insects);
- (c) specific weight: 78 kilogrammes per hectolitre.

Article 6

For the purpose applying this Regulation:

- (a) the matter other than basic cereals of unimpaired quality is defined in Annex I A, save as otherwise

defined in this Regulation, and is determined according to the method laid down in Annex I B;

(b) moisture content shall be determined by reference to the method shown in Annex II;

(c) the method for determined 'mitadiné' durum wheat grains shall be determined according to the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Article 7

1. Council Regulation (EEC) No 768/69 ⁽¹⁾ of 22 April 1969 fixing standard qualities for common wheat, rye, barley, maize and durum wheat, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 8

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 100, 28. 4. 1969, p. 8.

ANNEX I

A. MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1. Broken grains:

All grains of which endosperm is partially uncovered shall be considered as broken grains. Grains damaged by threshing and grains from which the germ has been removed also belong to this group.

This definition does not apply to maize.

2. Grain impurities:

(a) Shrivelled grains:

Grains which, after elimination from the sample of all other matter referred to in this Annex, pass through sieves with apertures of the following dimensions: common wheat 2 millimetres, rye 1.8 millimetres, durum wheat 1.9 millimetres, barley 2.2 millimetres, shall be considered as shrivelled grains.

In addition, grains damaged by frost and unripe grains (green) belong to this group.

(b) Other cereals:

'Other cereals' means all grains which do not belong to the species of grain sampled. In the case of a sample of durum wheat, all common wheat grains exceeding 4 % shall count as 'other cereals'.

(c) Grains damaged by pests:

Grains damaged by pests are those which have been nibbled. Bug-ridden grains also belong to this group.

(d) Grains in which the germ is discoloured and mottled grains:

Grains in which the germ is discoloured are those of which the tegument is coloured brown to brownish black and of which the germ is normal and not sprouting. For common wheat, grains in which the germ is discoloured shall be disregarded up to 8 %. For durum wheat, grains which show a brown to brownish black discoloration elsewhere than on the germ itself shall be considered as mottled grains.

3. Sprouted grains:

Sprouted grains are those in which the radicle or plumule is clearly visible to the naked eye.

However, account must be taken of the general appearance of the sample when its content, of sprouted grains is assessed. In some kinds of cereals the germ is protuberant, e.g. in durum wheat, and the germ tegument splits when the batch of cereals is shaken. These grains resemble sprouted grains but must not be included in that group. Sprouted grains are only those where the germ has undergone clearly visible changes which make it easy to distinguish the sprouted grain from the normal grain.

4. Miscellaneous impurities (Schwarzbesatz):

(a) Weed seeds

(b) Damaged grains:

Damaged grains are those rendered unfit for human consumption and, as regards feed grain, for consumption by cattle, owing to putrefaction, mildew, or bacterial or other causes.

Grains which have deteriorated through spontaneous generation of heat also belong to this group; these 'heated' or 'smutty' grains are fully grown grains in which the tegument is coloured greyish brown to black, while the cross-section of the kernel is coloured yellowish grey to brownish black.

Grains attacked by wheat-midge shall be considered as damaged grains only when more than half the surface of the grain is coloured grey to black as a result of secondary cryptogamic attack. Where discoloration covers less than half the surface of the grain, the latter must be classed with grains damaged by pests.

(c) Extraneous matter:

All matter in a sample of cereals retained by a sieve with apertures of 3.5 millimetres (with the exception of grains of other cereals and particularly large grains of the basic cereal) and that passing through a sieve with apertures of 1 millimetre shall be considered as extraneous matter.

Also included in this group are stones, sand, fragments of straw and other impurities in the samples which pass through a sieve with apertures of 3.5 millimetres and are retained by a sieve with apertures of 1 millimetre.

This definition does not apply to maize. For that cereal, all matter in a sample which passes through a sieve with apertures of 1 millimetre, as well as all the impurities mentioned in the preceding subparagraph, must be considered as extraneous matter.

(d) Husks (for maize: cob fragments)

(e) Ergot

(f) Decayed grains

(g) Dead insects and fragments of insects

5. Live pests

B. STANDARD METHOD FOR DETERMINING MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1. For *common wheat, durum wheat, rye and barley*, an average sample of 250 grammes is passed through two sieves, one with apertures of 3.5 millimetres and the other with apertures of 1 millimetre, for half a minute each.

In order to ensure constant sifting, it is advisable to use a mechanical sieve, e.g. a vibrating table with fitted sieves.

The matter retained by the sieve with apertures of 3.5 millimetres and that passing through the sieve with apertures of 1 millimetre must be weighed together and considered as extraneous matter. Where the matter retained by the sieve with apertures of 3.5 millimetres includes parts of the 'other cereals' group or particularly large grains of the basic cereal, those parts or grains shall be returned to the sifted sample. During sifting, in the sieve with apertures of 1 millimetre, a close check must be made for live pests.

From the sifted sample, a sample of 50 to 100 grammes shall be taken using a separator. This partial sample must be weighed.

Then, this partial sample should be spread out on a table with tweezers or a horn spatula and broken grains, other cereals, sprouted grains, grains damaged by pests, grains damaged by frost, grains in which the germ is discoloured, mottled grains, weed seeds, ergots, damaged grains, decayed grains, husks and live pests and dead insects must be extracted.

Where the partial sample includes grains still in the husk, they shall be husked by hand, the husks so obtained being considered as pieces of husks. Stones, sand and fragments of straw shall be considered as extraneous matter.

The partial sample shall be sifted for half a minute in a sieve with apertures of 2 millimetres for common wheat, 1.8 millimetres for rye, 1.9 millimetres for durum wheat and

2.2 millimetres for barley. Matter which passes through this sieve shall be considered as shrivelled grain. Grains damaged by frost and unripe green grains belong to the 'shrivelled grains' group.

2. For *maize*, an average sample of 500 grammes is shaken for half a minute in a sieve with apertures of 1 millimetre. Check for live pests and dead insects.

Using tweezers or a horn spatula, extract from the matter retained by the sieve with aperture of 1 millimetre, stones, sand, fragments of straw and other extraneous matter.

Add the extraneous matter thus extracted to the matter which has passed through the sieve with apertures of 1 millimetre and weigh them together.

Using a separator, prepare a sample of 100 to 200 grammes from the sample passed through the sieve. Weigh this partial sample.

Spread it out in a thin layer on a table. Using tweezers or a horn spatula, extract the pieces of other cereals, grain damaged by pests, grains damaged by frost, sprouted grains, weed seeds, damaged grains, husks, live pests and dead insects.

Next, pass this partial sample through a sieve with a 4.5 millimetre round mesh. Matter which passes through this sieve shall be considered as broken grains.

3. Groups of matter other than basic cereals of unimpaired quality, determined according to the methods referred to in 1 and 2, the percentages of which are laid down in Article 1 to 5, must be weighed very carefully to the nearest 0.01 grammes and distributed according to percentage over the average sample. The particulars entered in the analyses report shall be to the nearest 0.1%. Check for live pests.

As a general rule, two analyses must be made for each sample. They must not differ by more than 10% in respect of the total of the abovementioned matter.

4. The apparatus to be used for the operations referred to in 1, 2 and 3 is as follows:

(a) sample separator, e.g. a conical or grooved apparatus;

(b) precision or assay balance;

(c) sieves with apertures of 1 millimetre, 1.8 millimetres, 1.9 millimetres, 2 millimetres, 2.2 millimetres, and 3.5 millimetres and a sieve with a 4.5 millimetre round mesh. The sieves may be fitted to a vibrating table.

ANNEX II

STANDARD METHOD OF TESTING FOR MOISTURE CONTENT

1. Principle:

The product is dried at a temperature of 130 to 133 °C, under normal atmospheric pressure, for a period of time fixed by rule of thumb according to the size of the particles.

2. Field of application:

This drying method applies to cereals crushed into particles of which at least 50 % pass through a sieve with 0.5 millimetre mesh and leave not more than 10 % residue on the sieve with a 1 millimetre round mesh.

It also applies to flour.

3. Apparatus:

Precision balance.

Crusher made of a material which does not absorb moisture, is easy to clean, enables crushing to be effected quickly and evenly without overheating, limits contact with the outside air to the minimum, and meets the requirements mentioned in 2 (e.g. a detachable roller mill).

Receptacle made of non-corrodible metal or glass, fitted with a ground lid; working surface allowing distribution of the test sample at 0.3 grammes per square centimetre.

Electrically heated isothermic heating chamber, set at a temperature of 130 to 133 °C ⁽¹⁾, having adequate ventilation ⁽²⁾.

Dryer with a metal or, failing metal, porcelain plate, thick, perforated, containing silica gel impregnated with cobalt chloride or any other suitable dehydrator.

4. Method:

(a) Drying:

Weigh at least 5 grammes of the crushed substance in the pre-weighed receptacle. Place the receptacle in a heating chamber heated to 130 °C. To prevent too great a drop in temperature the receptacle must be introduced in as short a time as possible. Leave to dry for two hours after the heating chamber regains a temperature of 130 °C. Remove the receptacle from the heating chamber, quickly replace the lid, leave to cool for 30 to 45 minutes in a dryer and weigh (weighing must be accurate to 1 milligramme).

(b) Pre-drying:

Grains with a moisture content higher than 17 % must be pre-dried as follows:

Weigh 50 grammes of unground grain in a suitable receptacle (e.g. a 20 × 12 centimetre aluminium plate with a 0.5 centimetre rim), leave to dry in a heating chamber for seven to ten minutes at a temperature of 130 °C, remove from the heating chamber, leave the grains uncovered to cool in the laboratory for two hours and weigh (weighing must be accurate to 10 milligrammes). Crush the partially dried grains and determine the remaining moisture content as described in (a).

⁽¹⁾ Air temperatures inside the heating chamber.

⁽²⁾ Its heating capacity should be such that, when it has been pre-set to 131 °C, that temperature can be regained in less than 45 minutes after the maximum number of test samples have been placed in the chamber to dry simultaneously. Ventilation should be such that, when all test samples of common wheat it can hold are dried for two hours, the results differ by no more than 0.15 % from the results obtained after drying for four hours.

5. Method of calculation and formulae:

E = the initial mass, in grammes, of the test sample;

M = the mass, in grammes, of the test sample after preparation;

M' = the mass, in grammes, of the test sample after crushing;

m = the mass, in grammes, of the dry test sample.

The moisture content as a percentage of the product is equal to:

— without previous preparation $(E - m) \times \frac{100}{E}$

— with previous preparation

$$\left[\frac{(M' - m) M}{M'} + E - M \right] \times \frac{100}{E} = 100 \left(1 - \frac{M m}{E M'} \right)$$

Tests to be made in duplicate at least.

6. Accuracy of test:

The difference between two tests made on the same sample must not exceed $\pm 0.1\%$ of moisture.

REGULATION (EEC) No 2732/75 OF THE COUNCIL

of 29 October 1975

fixing cereal prices for the 1975/76 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 2 (4) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽²⁾;

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

Whereas, moreover, cereals play a major part in the agricultural economy of the Community and the price of cereals affects the price of many agricultural products and therefore the incomes of persons engaged in agriculture;

Whereas the target prices of the main cereals must be fixed at rates which take account of the levels and intended trends of production, the uses made of the products and the improvement of farm incomes;

Whereas application of these criteria entails fixing prices at levels higher than those adopted for the preceding marketing year,

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

Done at Luxembourg, 29 October 1975.

Article 1

For the 1975/76 marketing year, the target prices of cereals, the basic intervention price of common wheat and the guaranteed minimum price of durum wheat shall be as follows:

*u.a./metric ton**(a) Target price:*

Common wheat	139.44
Rye	138.74
Barley	126.99
Maize	126.41
Durum wheat	207.33

(b) Basic intervention price:

Common wheat	125.93
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(c) Guaranteed minimum price:

Durum wheat	215.45
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Article 2

1. Council Regulation (EEC) No 666/75 ⁽³⁾ of 4 March 1975 fixing cereal prices for the 1975/76 marketing year, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽³⁾ OJ No L 72, 20. 3. 1975, p. 16.

REGULATION (EEC) No 2733/75 OF THE COUNCIL

of 29 October 1975

laying down rules for deriving intervention prices for common wheat and for determining certain marketing centres for cereals

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 4 (5) thereof;

Having regard to the proposal from the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 2727/75 provides that derived intervention prices for common wheat should be fixed at a level which will allow the free movement of cereals within the Community in accordance with the needs of the market; whereas to this end intervention prices should be fixed in such a way that the differences between them correspond to the disparities in prices to be expected in a normal harvest under natural conditions of price formation on the market;

Whereas the level of market prices is not determined solely by the cost of transport to Duisburg, the marketing centre in the area of greatest deficit in the north-west of the Community; whereas account should also be taken of the geographical situation of the surplus and deficit areas of the Community, the requirements of other consumer areas, imports from third countries and export possibilities;

Whereas derived intervention prices for common wheat in the different marketing centres should be fixed at such a level that common wheat coming from other areas cannot be offered at a price below that level;

Whereas the calculation of derived intervention prices should be made with reference to the most favourable means of transport and existing tariffs;

and, moreover, where inland waterway or sea freight charges are not based on a tariff, the lowest freight charges recorded over a reference period should be taken into account;

Whereas intervention prices for the marketing centres to be determined by the Commission must not lead to disturbances in the normal pattern of trade;

Whereas, to ensure the proper working of the intervention system, the selection of marketing centres other than the principal centres should be based on a geographical situation and storage facilities which allow the assembly and disposal of large quantities of cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of fixing derived intervention prices for common wheat, market prices shall be considered as being established under natural conditions of price formation as follows:

- in deficit areas whose supplies depend to a certain extent on imports, on the basis of the price at which imported common wheat is offered in those areas,
- in production areas whose surpluses contribute to a certain extent to the supply of the above-mentioned areas, on the basis of the above-mentioned price and the cost of transport to those areas,
- in ports of shipment, on the basis of the price in the main production area for exports and the cost of transport to the main port of shipment for that area,
- in other production areas whose surpluses are likely to be exported to a certain extent, on the

⁽¹⁾ See page 1 of this Official Journal.

basis of the price ruling in the ports of shipment and the cost of transport to those ports,

- in deficit areas other than those mentioned above, on the basis of prices in the surplus area best placed from the freight point of view, and the cost of transport to the deficit area.

Article 2

Where transport costs enter into the calculation of derived intervention prices for common wheat, they shall be based on the most favourable means of transport or combination of means of transport and on existing tariffs.

Where inland waterway or sea freight charges are not based on a tariff, the lowest average of those freight charges recorded over a period of two months selected from the 12 months preceding the month during which the prices are fixed shall be taken into account.

Article 3

In all cases, derived intervention prices for common wheat shall be fixed in such a way that there is no discrimination between Community producers and in particular that common wheat coming from one region cannot be offered in another region for less than the intervention price applicable therein.

Article 4

Derived intervention prices for common wheat shall in no case be fixed above the basic intervention price.

Article 5

When the intervention price for maize provided for in Article 4 (2) of Regulation (EEC) No 2727/75 is calculated, the basic intervention price which would have been fixed for the Community if Article 4 (1) of that Regulation had applied shall be equal to the target price for maize reduced by the difference between the target price and the basic intervention price for barley for the marketing year in question.

Article 6

Derived intervention prices for common wheat for the marketing centres referred to in Article 4 (5) (a) of Regulation (EEC) No 2727/75 shall be fixed in such a way that they cannot disturb the normal pattern of trade.

Article 7

The marketing centres to be determined pursuant to Article 4 (5) (a) of Regulation (EEC) No 2727/75 shall meet one of the following conditions:

- (a) location in regions having an appreciable production of cereals which considerably exceeds the local demand either regularly or occasionally;
- (b) existence of substantial storage facilities;
- (c) special importance as a market for the goods inside and outside the Community.

Article 8

1. Of the centres situated in regions of the kind mentioned in Article 7 (a), only those centres shall be considered which have:

- (a) storage facilities with technical equipment permitting the taking over, handling and discharge of a sufficiently large quantity of cereals;
- (b) transport connections favourable to the taking over and, more important, the disposal of cereals.

2. Of the centres meeting the conditions mentioned in Article 7 (b) or (c), only those shall be considered whose storage facilities, technical equipment and advantageous geographical situation permit the assembly and, more important, the disposal of large homogeneous quantities of cereals.

Article 9

Each year the Council, acting on a report from the Commission, shall examine the results of the application of the rules laid down in the preceding Articles.

Article 10

1. Council Regulation (EEC) No 131/67/EEC ⁽¹⁾ of 13 June 1967 laying down rules for deriving intervention prices and for determining certain marketing centres for cereals, as last amended by Act of Accession ⁽²⁾, is hereby repealed.

⁽¹⁾ OJ No 120, 21. 6. 1967, p. 2362/67.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Articles of that Regulation with those of this Regulation.

Article 11

A table is provided in the Annex for the purposes of correlating citations of and references to the

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

ANNEX

Correlation

Regulation No 131/67/EEC

This Regulation

Article 8

Article 7

Article 9

Article 8

Article 10

Article 9

REGULATION (EEC) No 2734/75 OF THE COUNCIL

of 29 October 1975

fixing standard qualities for certain cereals and categories of flour, groats and meal
and the rules for fixing the threshold prices of these categories of 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 ⁽¹⁾ of 29 October 1975 on the common organiz-
ation of the market in cereals, and in particular
Article 5 (5) (a) thereof;

Having regard to the proposal from the Commission;

Whereas the threshold prices for oats, grain sorghum,
millet, buckwheat, canary seed and the kinds of flour,
groats and meal specified in Article 1 (c) of Regu-
lation (EEC) No 2727/75 should correspond to
specific standard qualities;

Whereas the standard qualities for which those prices
are fixed should correspond as far as possible to the
average qualities of those cereals harvested in the
Community;

Whereas, for the purposes of this Regulation, defi-
nitions should be established of matter other than basic
cereals of unimpaired quality, a standard method
for determining that matter introduced and the
method of testing for moisture content adapted to
the latest techniques; whereas, to that end, the
provisions to be adopted should be those set out
in Annexes I and II to Council Regulation (EEC)
No 2731/75 ⁽²⁾, of 29 October 1975 fixing the
standard qualities for common wheat, rye, barley,
maize and durum wheat;

Whereas the threshold prices for flour, groats and
meal should be so fixed as to enable the target prices
for basic cereals to be attained and the protection of
the processing industry to be ensured;

Whereas those objectives may be attained by fixing
a threshold price which allows for the cost of manu-
facturing these products and an adequate level of
protection for the processing industry;

Whereas manufacturing costs may be determined by
adding to the value of the cereal an amount represen-
ting the milling margin and by subtracting from
the total thus obtained, where appropriate, a fixed
amount for the value of meal or flour of inferior
quality and other residues of milling;

Whereas, however, when fixing the threshold price
for groats and meal of common wheat, a fixed ratio
representing the relationship between the price of
wheat flour and the prices of those products on
Community markets should be taken as a basis,

HAS ADOPTED THIS REGULATION:

Article 1

The standard quality for which the threshold price
for oats is fixed is defined as follows:

- (a) oats of a sound and fair marketable quality, free
from abnormal smell and live pests, of a colour
proper to this cereal and of a quality
corresponding to the average quality of oats
harvested under normal conditions in the Com-
munity;
- (b) moisture content: 16%;
- (c) total percentage of matter other than basic cereals
of unimpaired quality: 3%, of which:
 - grain impurities: 2% ('grain impurities' means
grains of other cereals and grains damaged
by pests),
 - percentage of miscellaneous impurities: 1%
(('miscellaneous impurities' means weed seeds,
damaged grains, extraneous matter, husks,
dead insects and fragments of insects);
- (d) specific weight: 49 kilogrammes per hectolitre.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ See page 22 of this Official Journal.

Article 2

The standard quality for which the threshold price for grain sorghum is fixed shall be that defined in the 'Official Grain Standards of the United States' for USA yellow grain sorghum No 2, but with a 15% moisture content.

Article 3

The standard quality for which the threshold price for millet is fixed is defined as follows:

- (a) millet corresponding to the average quality of millet grown in Argentina;
- (b) moisture content: 13%;
- (c) total percentage of matter other than basic cereals of unimpaired quality: 17%, of which:
 - percentage of broken grains or husked grains: 15%;
 - percentage of miscellaneous impurities: 2% ('miscellaneous impurities' means weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects).

Article 4

The standard quality for which the threshold price for buckwheat is fixed shall correspond to buckwheat of commercial grade 2 of the Republic of South Africa.

Article 5

The standard quality for which the threshold price for canary seed is fixed is defined as follows:

- (a) canary seeds of a sound and fair marketable quality;
- (b) moisture content: 16%;
- (c) total percentage of matter other than basic cereals of unimpaired quality: 3%, of which:
 - percentage of grain impurities: 2% ('grain impurities' means grains of other cereals and grains damaged by pests),
 - percentage of miscellaneous impurities: 1% ('miscellaneous impurities' means weed seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects);
- (d) specific weight: 70 kilogrammes per hectolitre.

Article 6

1. The standard quality for which the threshold price for wheat flour is fixed is defined as follows:

- wheat flour having an ash content of 550 milligrammes per 100 grammes of flour and a moisture content of 15.50%, called 'type 550 wheat flour'.

2. The threshold price referred to in paragraph 1 shall be calculated by adding together the components determined in accordance with paragraph 3 and subtracting from the amount thus obtained the factor determined in accordance with paragraph 4.

3. The components are the following:

- (a) the value of common wheat processed into flour, calculated from:
 - the quantity of common wheat, assessed at a fixed rate of 1 400 kilogrammes for the production of one metric ton of flour,
 - the threshold price for common wheat, taking into account the monthly graduation of this price;
- (b) an amount representing the milling margin, fixed at 25 units of account per metric ton of common wheat for processing;
- (c) an amount, intended to ensure protection of the processing industry, fixed at 18.75 units of account per metric ton of wheat flour.

4. The factor to be subtracted is the value of the residues, calculated from:

- the quantity of residues, assessed at a fixed rate of 372 kilogrammes per metric ton of flour obtained,
- a fixed price for residues, whether or not sorted, of 85 units of account per metric ton.

5. The threshold price for meslin flour shall be the same as that for wheat flour.

Article 7

1. The standard quality for which the threshold price for rye flour is fixed is defined as follows:

- rye flour having an ash content of 812 milligrammes per 100 grammes of flour and a moisture content of 15.50%.

2. The threshold price referred to in paragraph 1 shall be calculated in accordance with Article 6 (3) and (4), the word 'rye' being substituted for the words 'common wheat'. The fixed price for residues, whether or not sorted, shall be 80 units of account per metric ton.

Article 8

1. The standard quality for which the threshold price for groats and meal of common wheat is fixed is that of a product having a moisture content of 15.50%.
2. The threshold price referred to in paragraph 1 shall be equal to the threshold price for wheat flour plus 8%.

Article 9

1. The standard quality for which the threshold price for groats and meal of durum wheat is fixed is that of a product having a moisture content of 14.50%.
2. The threshold price referred to in paragraph 1 shall be calculated by adding together the components determined in accordance with paragraph 3 and subtracting from the amount thus obtained the factors determined in accordance with paragraph 4.
3. The components are the following:
 - (a) the value of durum wheat processed into groats and meal, calculated from:
 - the quantity of durum wheat, assessed at a fixed rate of 1 550 kilogrammes per metric ton of groats and meal obtained,
 - the threshold price for durum wheat, taking into account any monthly graduation of this price.
 - (b) the components specified in Article 6 (3) (b) and (c), the words 'durum wheat' and 'groats and meal of durum wheat' being substituted respectively for the words 'common wheat' and 'wheat flour'.
4. The factors to be subtracted are the following:
 - (a) the value of intermediate products, calculated from:
 - the quantity of intermediate products, assessed at a fixed rate of 162 kilogrammes per metric ton of groats and meal of durum wheat obtained,

— the price of these products, calculated by adding together the components determined in accordance with Article 6 (3) (a) and (b) and subtracting therefrom the factor determined in accordance with Article 6 (4), the amount thus obtained being reduced by 35%;

(b) the value of residues, calculated from:

- the quantity of residues, assessed at a fixed rate of 357 kilogrammes per metric ton of groats and meal of durum wheat obtained,
- the price of common wheat residues determined in accordance with the second indent of Article 6 (4), less 15%.

Article 10

For the purposes of this Regulation:

- (a) matter other than basic cereals of unimpaired quality shall be as defined in Annex I, Part A, saving any other definition contained in this Regulation, and shall be determined in accordance with the method laid down in Annex I, Part B;
- (b) the moisture content shall be determined in accordance with the method indicated in Annex II.

Article 11

1. Council Regulation (EEC) No 1397/69 ⁽¹⁾ of 17 July 1969 fixing standard qualities for certain cereals and categories of flour, groats and meal and the rules for fixing the threshold prices of these categories of products, as amended by Regulation (EEC) No 1172/75 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 12

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 179, 21. 7. 1969, p. 6.

⁽²⁾ OJ No L 117, 7. 5. 1975, p. 5.

ANNEX I

A. MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1. Broken grains:

All grains if which endosperm is partially uncovered shall be considered as broken grains.

Grains damaged by threshing and grains from which the germ has been removed also belong to this group.

This definition does not apply to maize.

2. Grain impurities:

(a) Shrivelled grains:

Grains which, after elimination from the sample of all other matter referred to in this Annex, pass through sieves with apertures of the following dimensions: common wheat 2 millimetres, rye 1.8 millimetres, durum wheat 1.9 millimetres, barley 2.2 millimetres, shall be considered as shrivelled grains.

In addition, grains damaged by frost and unripe grains (green) belong to this group.

(b) Other cereals:

'Other cereals' means all grains which do not belong to the species of grain sampled.

In the case of a sample of durum wheat, all common wheat grains exceeding 4% shall count as 'other cereals'.

(c) Grains damaged by pests:

Grains damaged by pests are those which have been nibbled. Bug-ridden grains also belong to this group.

(d) Grains in which the germ is discoloured and mottled grains:

Grains in which the germ is discoloured are those in which the tegument is coloured brown to brownish black and of which the germ is normal and not sprouting. For common wheat, grains in which the germ is discoloured shall be disregarded up to 8%. For durum wheat, grains which show a brown to brownish black discoloration elsewhere than on the germ itself shall be considered as mottled grains.

3. Sprouted grains:

Sprouted grains are those in which the radicle or plumule is clearly visible to the naked eye.

However, account must be taken of the general appearance of the sample when its content of sprouted grains is assessed. In some kinds of cereals the germ is protuberant, e.g. durum wheat, and the germ tegument splits when the batch of cereals is shaken. These grains resemble sprouted grains but must not be included in that group. Sprouted grains are only those where the germ has undergone clearly visible changes which make it easy to distinguish the sprouted grain from the normal grain.

4. Miscellaneous impurities (Schwarzbesatz):

(a) Weed seeds

(b) Damaged grains:

Damaged grains are those rendered unfit for human consumption and, as regards feed grain, for consumption by cattle, owing to putrefaction, mildew, or bacterial or other causes.

Grains which have deteriorated through spontaneous generation of heat also belong to this group; these 'heated' or 'smutty' grains are fully grown grains in which the tegument is coloured greyish brown to black, while the cross-section of the kernel is coloured yellowish grey to brownish black.

Grains attacked by wheat-midge shall be considered as damaged grains only when more than half the surface of the grain is coloured grey to black as a result of secondary cryptogamic attack. Where discoloration covers less than half the surface of the grain, the latter must be classed with grains damaged by pests.

(c) Extraneous matter:

All matter in a sample of cereals retained by a sieve with apertures of 3.5 millimetres (with the exception of grains of other cereals and particularly large grains of the basic cereal) and that passing through a sieve with apertures of 1 millimetre shall be considered as extraneous matter.

Also included in this group are stones, sand, fragments of straw and other impurities in the samples which pass through a sieve with apertures of 3.5 millimetres and are retained by a sieve with apertures of 1 millimetre.

This definition does not apply to maize. For that cereal, all matter in a sample which passes through a sieve with apertures of 1 millimetre, as well as all the impurities mentioned in the preceding subparagraph, must be considered as extraneous matter.

(d) Husks (for maize: cob fragments)

(e) Ergot

(f) Decayed grains

(g) Dead insects and fragments of insects

5. Live pests

B. STANDARD METHOD FOR DETERMINING MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1. For *common wheat, durum wheat, rye and barley*, an average sample of 250 grammes is passed through two sieves, one with apertures of 3.5 millimetres and the other with apertures of 1 millimetre, for half a minute each.

In order to ensure constant sifting, it is advisable to use a mechanical sieve, e.g. a vibrating table with fitted sieves.

The matter retained by the sieve with apertures of 3.5 millimetres and that passing through the sieve with apertures of 1 millimetre must be weighed together and considered as extraneous matter. Where the matter retained by the sieve with apertures of 3.5 millimetres includes parts of the 'other cereals' group or particularly large grains of the basic cereal, those parts or grains shall be returned to the sifted sample. During sifting in the sieve with apertures of 1 millimetre, a close check must be made for live pests.

From the sifted sample, a sample of from 50 to 100 grammes shall be taken using a separator. This partial sample must be weighed.

Then, this partial sample should be spread out on a table with tweezers or a horn spatula, and broken grains, other cereals, sprouted grains, grains damaged by pests, grains damaged by frost, grains in which the germ is discoloured, mottled grains, weed seeds, ergots, damaged grains, decayed grains, husks and live pests and dead insects must be extracted.

Where the partial sample includes grains still in the husk, they shall be husked by hand, the husks so obtained being considered as pieces of husks. Stones, sand and fragments of straw shall be considered as extraneous matter.

The partial sample shall be sifted for half a minute in a sieve with apertures of 2 millimetres for common wheat, 1.8 millimetres for rye, 1.9 millimetres for durum wheat and 2.2 milli-

metres for barley. Matter which passes through this sieve shall be considered as shrivelled grain. Grains damaged by frost and unripe green grains belong to the 'shrivelled grains' group.

2. For *maize*, an average sample of 500 grammes is shaken for half a minute in a sieve with apertures of 1 millimetre. Check for live pests and dead insects.

Using tweezers or a horn spatula, extract from the matter retained by the sieve with apertures of 1 millimetre stones, sand, fragments of straw and other extraneous matter.

Add the extraneous matter thus extracted to the matter which has passed through the sieve with apertures of 1 millimetre and weigh them together.

Using a separator, prepare a sample of 100 to 200 grammes from the sample passed through the sieve. Weigh this partial sample.

Spread it out in a thin layer on a table. Using tweezers or a horn spatula, extract the pieces of other cereals, grain damaged by pests, grains damaged by frost, sprouted grains, weed seeds, damaged grains, husks, live pests and dead insects.

Next, pass this partial sample through a sieve with a 4.5 millimetre round mesh. Matter which passes through this sieve shall be considered as broken grains.

3. Groups of matter other than basic cereals of unimpaired quality determined according to the methods set out in 1 and 2, the percentages of which are laid down in Articles 1 to 5, must be weighed very carefully to the nearest 0.01 gramme and distributed according to percentage over the average sample. The particulars entered in the analyses report shall be to the nearest 0.1 %. Check for live pests.

As a general rule, two analyses must be made for each sample. They must not differ by more than 10 % in respect of the total of the abovementioned matter.

4. The apparatus to be used for the operations specified in 1, 2 and 3 is as follows:

(a) sample separator, e.g. a conical or grooved apparatus;

(b) precision or assay balance;

(c) sieves with apertures of 1 millimetre, 1.8 millimetres, 1.9 millimetres, 2 millimetres, 2.2 millimetres and 3.5 millimetres and a sieve of 4.5 millimetres round mesh.
The sieves may be fitted to a vibrating table.

ANNEX II

STANDARD METHOD OF TESTING FOR MOISTURE CONTENT

1. Principle:

The product is dried at a temperature of 130 to 133 °C, under normal atmospheric pressure, for a period of time fixed by rule of thumb according to the size of the particles.

2. Field of application:

This drying method applies to cereals crushed into particles of which at least 50% pass through a sieve with a 0.5 millimetre mesh and leave not more than 10% residue on a sieve with a 1 millimetre round mesh.

It also applies to flour.

3. Apparatus:

Precision balance.

Crusher made of a material which does not absorb moisture, is easy to clean, enables crushing to be effected quickly and evenly without overheating, limits contact with the outside air to the minimum, and meets the requirements mentioned in 2 (e.g. a detachable roller mill). Receptacle made of non-corrodible glass or metal, fitted with a ground lid; working surface allowing distribution of the test sample at 0.3 gramme per square centimetre.

Electrically heated isothermic heating chamber, set at a temperature of 130 to 133 °C ⁽¹⁾ having adequate ventilation ⁽²⁾.

Dryer with a metal or, failing metal, porcelain plate, thick, perforated, containing silica gel impregnated with cobalt chloride or any other suitable dehydrator.

4. Method:

(a) Drying:

Weigh at least 5 grammes of the crushed substance in the pre-weighed receptacle. Place the receptacle in a heating chamber heated to 130 °C. To prevent a drop in temperature the receptacle must be introduced in as short a time as possible. Leave to dry for two hours after the heating chamber regains a temperature of 130 °C. Remove the receptacle from the heating chamber, quickly replace the lid, leave to cool for 30 to 45 minutes in a dryer and weigh (weighing must be accurate to 1 milligramme).

(b) Pre-drying:

Grains with a moisture content higher than 17% must be pre-dried as follows:

Weigh 50 grammes of unground grain in a suitable container (e.g. a 20×12 centimetre aluminium plate with a 0.5 centimetre rim), leave to dry in a heating chamber for seven to ten minutes at a temperature of 130 °C, remove from the heating chamber, leave the grains uncovered to cool in a laboratory for two hours and weigh (weighing must be accurate to 10 milligrammes). Crush the partially dried grains and determine the remaining moisture content as described in (a).

⁽¹⁾ Air temperature inside the heating chamber.

⁽²⁾ Its heating capacity should be such that, when it has been pre-set to 131 °C, that temperature can be regained in less than 45 minutes after the maximum number of test samples have been placed in the chamber to dry simultaneously. Ventilation should be such that when all the test samples of common wheat it can hold are dried for two hours, the results differ by no more than 0.15% from the results obtained after drying for four hours.

5. Method of calculation and formulae:

E = the initial mass, in grammes, of the test sample;

M = the mass, in grammes, of the test sample after preparation;

M' = the mass, in grammes, of the test sample after crushing;

m = the mass, in grammes, of the dry test sample.

The moisture content as a percentage of the product is equal to:

— without previous preparation $(E - m) \times \frac{100}{E}$

— with previous preparation

$$\left[\frac{(M' - m) M}{M'} + E - M \right] \times \frac{100}{E} = 100 \left(1 - \frac{M m}{E M'} \right)$$

Tests to be made in duplicate at least.

6. Accuracy of test:

The difference between two tests made on the same sample must not exceed $\pm 0.1\%$ of moisture.

REGULATION (EEC) No 2735/75 OF THE COUNCIL

of 29 October 1975

determining, for the 1975/76 marketing year, the single intervention prices for barley, rye, durum wheat and maize, and the principal marketing centres for common wheat and the derived intervention prices applicable at those centres

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

52 (2) (a) of the Act of Accession, be aligned with the common prices;

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty⁽¹⁾ concerning the accession of new Member States to the European Economic Community and the European Atomic Energy Community, and in particular the first subparagraph of Article 52 (3) of the Act annexed thereto;

Having regard to Council Regulation (EEC) No 2727/75⁽²⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 4 (4) thereof;

Having regard to the proposal from the Commission;

Whereas, pursuant to Article 4 (2) of Regulation (EEC) No 2727/75, a single intervention price shall be fixed respectively for barley, rye, durum wheat and maize; whereas these prices will apply to all marketing centres subsequently determined for each of these cereals;

Whereas, pursuant to Council Regulation (EEC) No 2733/75⁽³⁾ of 29 October 1975 laying down rules for deriving intervention prices for common wheat and for determining certain marketing centres for cereals, derived intervention prices for marketing centres of appreciable importance on the regional level must be fixed in line with the basic intervention price, taking into account natural price formation on the market and transport costs;

Whereas the prices of cereals in the new Member States for the 1975/76 marketing year which were fixed in line with and at the same time as the common prices must, in accordance with Article

Whereas experience in the last marketing year has shown that there is no need to change the procedure for deriving intervention prices; whereas, consequently, it is not necessary to alter the principal marketing centres determined for common wheat for the 1974/75 marketing year in Annexes A and B to Regulation (EEC) No 1128/74⁽⁴⁾, but the intervention prices for these centres should nonetheless be altered in the light of the price increases adopted, taking into account those increases applied in accordance with Commission Regulation (EEC) No 2518/74⁽⁵⁾ on the measures to be taken following the all-round increase with effect from 7 October 1974 of agricultural prices,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1975/76 marketing year for cereals, the single intervention prices shall be as follows:

	<i>u.a./metric ton</i>
Barley	110.96
Rye	119.76
Durum wheat	190.53
Maize	103.43

Article 2

For the 1975/76 marketing year, for common wheat:

— the marketing centre having the lowest intervention price for each Member State, and the price in question, are laid down in Annex A,

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ See page 31 of this Official Journal.

⁽⁴⁾ OJ No L 128, 10. 5. 1974, p. 17.

⁽⁵⁾ OJ No L 270, 5. 10. 1974, p. 1.

— the principal marketing centres and derived intervention prices for these centres are laid down in Annex B.

Article 3

1. Council Regulation (EEC) No 1171/75 ⁽¹⁾ of 28 April 1975 determining, for the 1975/76 marketing year, the single intervention prices for barley, rye, durum wheat and maize, and the principal marketing centres for common wheat and the derived inter-

vention prices applicable at those centres, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 4

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 117, 7. 5. 1975, p. 1.

ANNEX A

Marketing centres	(u.a./metric ton)
	Common wheat
BELGIUM	
Liège	124.24
DENMARK	
Nakskov	116.54
GERMANY	
Aulendorf	121.00
FRANCE	
Châteauroux	117.02
IRELAND	
Enniscorthy	120.05
ITALY	
Udine	117.95
LUXEMBOURG	
Mersch	122.55
THE NETHERLANDS	
Rotterdam	125.15
UNITED KINGDOM	
Cambridge	94.41

ANNEX B

Marketing centres	(u.a./metric ton)
	Common wheat
Kiel	123.64
Hamburg	125.15
Bremen	125.15
Hannover	124.10
Bamberg	124.10
Stuttgart	124.46
Mannheim	125.93
Regensburg	121.73
Passau	121.73
Antwerpen	124.61

Marketing centres	(u.a./metric ton)
	Common wheat
Compiègne (Clairoix)	121.32
Chartres	117.45
Rouen	121.96
La Pallice	121.96
Poitiers	117.45
Marseille	125.93
Toulouse	120.00
Tours (Saint-Pierre-de-Corps)	117.29
Sète	124.84
Reggio di Calabria	125.93
Palermo	125.93
Napoli	125.93
Ancona	121.59
Grosseto	122.79
Ferrara	120.11
Vercelli	118.31
Bari	125.20
Aalborg	116.54
Aarhus	118.36
Esbjerg	118.36
Korsør	116.54
København	116.54
Kolding	118.36
Odense	118.36
Rønne	116.54
Dublin	121.43
Wexford	121.43
Waterford	121.43
Cork	121.43
Limerick	121.43
Avonmouth	99.31
Liverpool	99.31
Glasgow	99.31
Belfast	99.31
Aberdeen	97.99
Leith	97.99
Newcastle	97.99
Hull	97.99
King's Lynn	97.99
Tilbury	98.53
Southampton	97.99

REGULATION (EEC) No 2736/75 OF THE COUNCIL

of 29 October 1975

fixing, for the 1975/76 marketing year, the monthly price increases for cereals, wheat and rye flour and wheat groats and meal

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 6 (2) thereof;

Having regard to the proposal from the Commission;

Whereas, when the number and amount of the monthly increases and the first month during which these are to apply are fixed, account should be taken of the storage costs and interest charges for storing cereals in the Community and of the need to ensure that the disposal of stocks of cereals conforms to market requirements;

Whereas to this end it should be laid down that the monthly increases for all the cereals should commence on 1 September; whereas the monthly increases for all the cereals should be standardized, except those for durum wheat, for which, in view of the higher costs involved, these increases should be fixed at a level higher than that for the other cereals;

Whereas the monthly increases in the threshold prices for feed grain not subject to the fixing of prices for each marketing year should be fixed at the same level and for the same period as for the other cereals except durum wheat, so that the ratios established with these cereals are maintained for the whole of the marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1975/76 marketing year, the monthly increase to be applied to the target price, threshold price and intervention price for the products listed in Article 1

(a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in this Regulation.

Article 2

The monthly increases to be applied to the target price, threshold price, and intervention price for common wheat, rye, barley, maize, and durum wheat, operative for the first month of the marketing year, shall be as follows:

Period	(u.a./metric ton)	
	Common wheat, rye barley and maize	Durum wheat
August 1975	—	—
September	1.40	1.50
October	2.80	3.00
November	4.20	4.50
December	5.60	6.00
January 1976	7.00	7.50
February	8.40	9.00
March	9.80	10.50
April	11.20	12.00
May	12.60	13.50
June	(14.00)	(15.00)
July	(14.00)	(15.00)

The monthly increases in brackets shall not apply to the intervention price.

Article 3

The monthly increases to be applied to the threshold price for maslin, oats, buckwheat, millet, canary seed and sorghum, operative for the first month of the marketing year, shall be the same as those applicable to cereals other than durum wheat.

Article 4

The monthly increases to be applied to the threshold price for wheat, maslin and rye flour and to the threshold price for groats and meal of common or of durum wheat, operative for the first month of the marketing year, shall be as follows:

⁽¹⁾ See page 1 of this Official Journal.

(u.a./metric ton)

Article 5

Period	Wheat and maslin flour, common wheat groats and meal, rye flour	Groats and meal of durum wheat
August 1975	—	—
September	2·10	2·30
October	4·20	4·60
November	6·30	6·90
December	8·40	9·20
January 1976	10·50	11·50
February	12·60	13·80
March	14·70	16·10
April	16·80	18·40
May	18·90	20·70
June	21·00	23·00
July	21·00	23·00

1. Council Regulation (EEC) No 982/75 ⁽¹⁾ of 14 April 1975 fixing, for the 1975/76 marketing year, the monthly price increases for cereals, wheat and rye flour and wheat groats and meal, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 6

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 95, 17. 4. 1975, p. 4.

REGULATION (EEC) No 2737/75 OF THE COUNCIL

of 29 October 1975

on the transfer to and sale by the Italian intervention agency of common wheat held
by the German, French and Belgian intervention agencies

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 7 (4) thereof;

Having regard to Council Regulation (EEC) No 729/70 ⁽²⁾ of 21 April 1970 on the financing of the common agricultural policy, as last amended by Regulation (EEC) No 1566/72 ⁽³⁾, and in particular Article 3 (2) thereof;

Having regard to Council Regulation (EEC) No 2738/75 ⁽⁴⁾ of 29 October 1975 laying down general rules for intervention on the market in cereals, and in particular Article 4 thereof;

Whereas a number of areas of Italy are at present experiencing considerable difficulty in procuring supplies of wheat to feed the population; whereas a first step towards remedying this situation was taken with Council Regulation (EEC) 1984/73 ⁽⁵⁾ of 19 July 1973 defining special conditions for the sale of common wheat held by the Italian intervention agency, amended by Regulation (EEC) No 2103/73 ⁽⁶⁾, authorizing the sale by mutual agreement of the entire tonnage of common wheat held by the Italian intervention agency; whereas the tonnage of wheat thus sold on the Italian market has not proved sufficient to restore the supply situation to normal; whereas it seems that this can only be achieved by making some of the common wheat still held by intervention agencies of a number of other Member States available to the Italian intervention agency so that it can be put on the

market in areas where the supply situation is still unsatisfactory; whereas the German, French and Belgian intervention agencies are holding certain quantities of wheat;

Whereas detailed rules for taking over the wheat and for the transfer of responsibility should be laid down;

Whereas, to ensure that none of the intervention agencies concerned is required to part with virtually its entire stock of common wheat within a short space of time, it should be specified that the quantities of wheat taken over by the Italian intervention agency from each of the other intervention agencies should be in proportion to the tonnages that these agencies are making available to it;

Whereas provision should be made for this operation being integrated into the arrangements contained in Council Regulation (EEC) No 787/69 ⁽⁷⁾ of 22 April 1969 on the financing of intervention on the internal market in cereals and in rice, as last amended by Regulation (EEC) No 2092/70 ⁽⁸⁾;

Whereas this operation implies that the Guarantee Section of the European Agricultural Guidance and Guarantee Fund must assume responsibility for transport costs; whereas it should also be understood that the Community's monetary Regulations will not apply to this operation;

Whereas, to enable the wheat to be sold on the Italian market by the Italian intervention agency, the provisions governing the sale of cereals held by intervention agencies should be waived and special conditions analogous to those defined by Regulation (EEC) No 1984/73 adopted,

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 5.

⁽⁴⁾ See page 49 of this Official Journal.

⁽⁵⁾ OJ No L 201, 21. 7. 1973, p. 43.

⁽⁶⁾ OJ No L 214, 2. 8. 1973, p. 1.

⁽⁷⁾ OJ No L 105, 2. 5. 1969, p. 4.

⁽⁸⁾ OJ No L 232, 21. 10. 1970, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

The German, French and Belgian intervention agencies, shall, until 30 September 1973, hold 150 000, 47 000 and 3 000 metric tons respectively of common wheat at the disposal of the Italian intervention agency which may take delivery of it under the conditions specified in Articles 2 to 5.

Article 2

The Italian intervention agency shall take delivery of the wheat at the place in which it is stored, thereupon assuming responsibility for it.

Article 3

The Italian intervention agency shall, as far as possible, take over wheat from each of the intervention agencies referred to in Article 1 in proportion to the quantities put at its disposal by each of them.

In any event quantities taken over must be in proportion to quantities made available by 30 September 1973.

Article 4

1. The German, French and Belgian intervention agencies shall show the quantities of common wheat transferred under Article 1 as a zero debit on the account referred to in Article 3 (1) of Regulation (EEC) No 787/69.

2. The Italian intervention agency shall show wheat taken over by it under Article 1 as a zero credit on the account referred to in paragraph 1.

Article 5

The cost of transporting the quantities of common wheat specified in Article 1 shall be entered on the account referred to in Article 3 (1) of Regulation (EEC) No 787/69.

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

Done at Luxembourg, 29 October 1975.

Article 6

1. By way of derogation from Article 3 of Regulation (EEC) No 2738/75, the Italian Republic is hereby authorized to sell the wheat taken over, by mutual agreement, on the terms laid down in this Article.

2. The Italian Republic shall take all necessary steps to ensure that the wheat sold under this Regulation is used exclusively for the manufacture of foodstuffs to be supplied to the populations concerned.

3. Article 8 of Commission Regulation (EEC) No 376/70 ⁽¹⁾ of 27 February 1970 laying down the procedure and conditions for the disposal of cereals held by intervention agencies, as last amended by Regulation (EEC) No 129/73 ⁽²⁾, which specifies the information to be forwarded to the Commission shall apply by analogy.

4. The price at which the product shall be sold by the intervention agency shall be governed by Article 3 (2) (a) and (b) of Regulation (EEC) No 376/70.

However, when the sale relates to a delivery to a place other than the place in which it is stored, the selling price shall correspond to the local market price in the place where the product is stored, plus the cost of transporting it to the place of delivery.

Article 7

1. Council Regulation (EEC) No 2104/73 ⁽¹⁾ of 1 August 1973 on the transfer to and sale by the Italian intervention agency of common wheat held by the German, French and Belgian intervention agencies, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 8

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 47, 28. 2. 1970, p. 49.

⁽²⁾ OJ No L 17, 20. 1. 1973, p. 17.

⁽³⁾ OJ No L 214, 2. 8. 1973, p. 2.

REGULATION (EEC) No 2738/75 OF THE COUNCIL
of 29 October 1975
laying down general rules for intervention on the market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 7 (4) thereof;

Having regard to the proposal from the Commission;

Whereas the creation of a single market in cereals necessitates the application of Community intervention measures;

Whereas the introduction of Community intervention measures requires intervention agencies to take over cereals under conditions which take account of the regionalization of prices provided for in Council Regulation (EEC) No 2733/75 ⁽²⁾ of 29 October 1975 laying down rules for deriving intervention prices for common wheat and for determining certain marketing centres for cereals; whereas, to this end, the price to be paid to the seller should be the intervention price valid for a given marketing centre less any transport costs;

Whereas the introduction of the intervention system should follow rules which are as simple and as effective as possible; whereas, therefore, the number of marketing centres in respect of which an offer may be made from a given locality should be limited;

Whereas cereals held by intervention agencies should be offered without discriminating between buyers established in the Community and at price levels which do not hinder the normal development of market prices in the Community; whereas the tendering procedure enables these objectives to be attained,

Article 1

1. In pursuance of Article 7 of Regulation (EEC) No 2727/75, all offers for intervention shall be made to an intervention agency in respect of a marketing centre chosen from among the three centres nearest to the place where the cereals are when the offer is made.

2. The nearest marketing centres mean centres for which intervention prices have been fixed and to which the cereals can be sent at least cost. These transport costs shall be determined by the intervention agency.

Article 2

1. The intervention agency shall decide on the place where the cereals are to be taken over.

2. If the intervention agency takes over the cereals at any place other than the marketing centre indicated by the seller, the price to be paid shall be equal to the intervention price valid at the marketing centre indicated by the seller, less the most advantageous transport costs between the place where the cereals are when the offer is made and the marketing centre. These costs shall be determined by the intervention agency.

3. If the intervention agency takes over the cereals at a place other than the marketing centre indicated by the seller and other than the place where the cereals are when the offer is made, the cost of transport from the place where the cereals are to the place where they are taken over shall be borne by the intervention agency. In that case the price to be paid to the seller shall be determined in accordance with paragraph 2.

Article 3

1. Cereals held by the intervention agency shall be disposed of by invitation to tender:

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ See page 31 of this Official Journal.

(a) with a view to their being put back on the market on the basis of price conditions which are determined before the beginning of the marketing year, and are such as will not cause a deterioration of the market; where the common organization of the market is not functioning properly, these price conditions may however be amended during the marketing year;

(b) with a view to export on the basis of price conditions to be determined case by case according to market trends and requirements.

2. The terms of the invitation to tender shall ensure equality of access and treatment to all persons concerned irrespective of the place of their establishment within the Community.

3. If the tenders submitted do not reach the actual market value, the invitation to tender shall be cancelled.

Article 4

The Council, acting by a qualified majority on a proposal from the Commission, may establish a selling procedure other than that laid down in Article 3, if special circumstances require.

Article 5

1. Council Regulation No 132/67/EEC ⁽¹⁾ of 13 June 1967 laying down general rules for intervention on the market in cereals, as amended by Regulation (EEC) No 1938/70 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 6

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 120, 21. 6. 1967, p. 2364/67.

⁽²⁾ OJ No L 215, 30. 9. 1970, p. 1.

REGULATION (EEC) No 2739/75 OF THE COUNCIL**of 29 October 1975****on general rules governing the denaturing of common wheat and rye of bread-making quality**

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Articles 7 (4) and 16 (5) thereof;

Having regard to the proposal from the Commission;

Whereas methods of denaturing should be effective enough to prevent the denatured cereal being placed again on the market for human consumption in its original state or as a processed product; whereas it is therefore advisable to lay down technical methods offering minimum safeguards in that respect and to provide that in no case could the methods actually employed by Member States result in a lesser degree of denaturing;

Whereas in view of the aim pursued denaturing can only be justified for bread-making cereals of a certain minimum quality; whereas, moreover, the costs entailed by denaturing and the control thereof can only be justified for a minimum quantity of cereals;

Whereas the factors on which the premium is based may change considerably during the year and thus reduce or increase the incentive to denature cereals, thereby disturbing the balance of the market, in particular when the market situation obliges intervention agencies to buy in large quantities of cereals; whereas, therefore, although it is necessary to publish the amount of the premium before the beginning of the crop year, adjustments should be allowed where the balance of the market is likely to be disturbed by the factors referred to above;

Whereas denaturing by intervention agencies could be an advantageous way of marketing cereals which had been the subject of intervention; whereas, therefore, cereals denatured by them should be of the same minimum qualities as those which are the subject of a denaturing premium;

Whereas when they have been denatured, common wheat and rye have characteristics such that they could be substituted for barley or maize or certain uses; whereas, therefore, care must be taken to ensure that denaturing does not cause disturbances on the market for the two latter products;

Whereas owing to the interchangeability of denatured common wheat and barley, the refund for denatured common wheat should be fixed on the basis of that granted for barley;

Whereas, when Italy makes use of the power conferred by Article 23 of Regulation (EEC) No 2727/75, feed grain imported into that country subject to a reduced levy is placed in a more competitive position than the denatured common wheat which can be used in its place; whereas the purpose of Community rules is to enable denatured common wheat to compete with barley on the internal market; whereas, therefore, a system of subsidies should be established to restore the balance between the markets in denatured common wheat and in other feed grains;

Whereas to that end provision should be made, as in the case of feed grain, for exporting Member States to pay consignors on request the subsidy which Italy has to grant in respect of deliveries of denatured common wheat, it being for the exporting Member State to inform the Italian Republic of such payment,

⁽¹⁾ See page 1 of this Official Journal.

HAS ADOPTED THIS REGULATION:

such as not to cause disturbances on the barley and maize markets.

Article 1

This Regulation lays down the general rules governing the denaturing of common wheat and rye of bread-making quality, referred to in Article 7 (3) of Regulation (EEC) No 2727/75.

Article 6

In the case of exports of denatured common wheat, the refund shall be calculated on the basis of the refund granted on exports of barley.

Article 2

1. The methods employed for denaturing must ensure that denatured common wheat and rye can no longer be used for human consumption.

2. These methods must be at least as effective as a standard method to be determined.

Article 7

If Italy makes use of the power conferred by Article 23 (1) of Regulation (EEC) No 2727/75, that State shall grant a subsidy for denatured common wheat delivered by sea from other Member States equal to the reduction in the levy applied to barley imported by the same means, unless the subsidy has, at the request of the consignor, been paid to him by the exporting Member State which shall forthwith inform the Italian Republic. The latter shall regularly inform all Member States of the amount of the subsidy in force.

Article 3

Cereals for denaturing must be of a minimum quality and quantity to be determined.

Article 8

To qualify for the premium, denaturing must be effected in agreement with the intervention agency and under its supervision.

Article 4

1. The denaturing premium for common wheat, the amount of which may vary, shall be fixed before the beginning of and for the duration of each marketing year in accordance with conditions to be determined.

It may, however, be adjusted during the marketing year if the balance of the Community market in cereals is threatened with disturbance.

2. The premium shall be granted at the request of the interested party, provided the requirements of Articles 2, 3 and 8 are observed.

3. Intervention agencies may also undertake the denaturing of cereals held by them, if the requirements of Article 2 and the quality conditions provided for in Article 3 are observed.

Article 9

1. Council Regulation No 172/67/EEC⁽¹⁾ of 27 June 1967 on general rules governing the denaturing of wheat and rye of bread-making quality, as last amended by Regulation (EEC) No 2096/68⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

A table is provided in the Annex for the purpose of correlating citations of and references to the Articles of that Regulation with those of this Regulation.

Article 10

This Regulation shall enter into force on 1 November 1975.

Article 5

The price at which intervention agencies shall sell denatured common wheat and rye and the amount of the denaturing premium shall be fixed at a level

⁽¹⁾ OJ No 130, 28. 6. 1967, p. 2602/67.

⁽²⁾ OJ No L 308, 28. 12. 1968, p. 12.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

ANNEX

Correlation

Regulation No 172/67 EEC

Article 6a

Article 7

This Regulation

Article 7

Article 8

REGULATION (EEC) No 2740/75 OF THE COUNCIL

of 29 October 1975

on special intervention measures for cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular the first paragraph of Article 8 thereof;

Having regard to the proposal from the Commission;

Whereas the establishment of a common price system for cereals entails the introduction of a uniform Community intervention system;

Whereas harvests which in certain regions of the Community differed substantially from the average for previous years could in those regions temporarily bring about a change in market prices not found elsewhere in the Community;

Whereas in consequence intervention agencies might have to buy in large quantities in certain regions, without this measure being required by the long-term trend of markets in the Community;

Whereas provision should therefore be made for preventive measures to enable trade to ease the market in those regions for a given period;

Whereas, in view of the uniformity which should characterize the Community market in cereals, such measures should be assessed and decided upon from a Community viewpoint,

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

Done at Luxembourg, 29 October 1975.

Article 1

If, in any region of the Community, market prices show a fall or a weakness which, in view of the size of the harvest or the regional stocks and their geographical situation, could oblige the intervention agency to buy in large quantities, the Member State concerned may request the Commission to authorize the intervention agency, in accordance with the procedure provided for in Article 26 of Regulation (EEC) No 2727/75 to take special intervention measures, in accordance with Article 8 of that Regulation. The decision of the Commission shall be taken within 12 working days following that on which the request was made.

The Member State shall state the reasons for its request and for the measures it considers should be adopted and shall indicate the intended duration of their application.

Article 2

1. Council Regulation No 174/67/EEC ⁽²⁾ of 27 June 1967 on special intervention measures for cereals, as amended by Regulation (EEC) No 445/68 ⁽³⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 130, 28. 6. 1967, p. 2609/67.

⁽³⁾ OJ No L 91, 12. 4. 1968, p. 3.

REGULATION (EEC) No 2741/75 OF THE COUNCIL

of 29 October 1975

on aid for durum wheat

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 10 thereof;

Having regard to the proposal from the Commission;

Whereas it is for the Council to define the rules according to which the aid provided for in Article 10 of Regulation (EEC) No 2727/75 is to be granted to producers of durum wheat; whereas the administration of this aid should be entrusted to the producer Member States since they are best able to assume responsibility for the payment and supervision of the aids,

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall grant the aid for durum wheat provided for in Article 10 of Regulation (EEC) No 2727/75 only in respect of durum wheat harvested on their territory which has the minimum quality characteristics required for intervention.

2. For the purposes of this Regulation, durum wheat means wheat of the *Triticum durum* species and the hybrids derived from the interspecific crossing of *Triticum durum* with the same number of chromosomes as that species.

Durum wheat thus defined must be of a colour ranging from amber-yellow to brown and show a translucent horn-like vitreous fracture.

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

Done at Luxembourg, 29 October 1975.

Article 2

The aid shall be paid to producers on application. Applications must be accompanied by the necessary supporting documents.

Each Member State shall take the necessary steps to verify the claims on which applications are based and to prevent fraud.

Article 3

The producer Member States shall inform the Commission of the measures taken pursuant to this Regulation and, at the end of each half-year, of the quantities of durum wheat in respect of which aid has been granted.

Article 4

Detailed rules for the application of this Regulation shall be adopted if necessary in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Article 5

1. Council Regulation No 135/67/EEC ⁽²⁾ of 13 June 1967 on aid for durum wheat, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

A table is provided in the Annex for the purpose of correlating citations of and references to the Articles of that Regulation with those of this Regulation.

Article 6

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 122, 22. 6. 1967, p. 2393/67.

ANNEX**Correlation***Regulation No 135/67/EEC*

Article 2

Article 3

Article 4

Article 5

This Regulation

Article 1

Article 2

Article 3

Article 4

REGULATION (EEC) No 2742/75 OF THE COUNCIL

of 29 October 1975

on production refunds in the cereals and rice sectors

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 11 (3) thereof;

Having regard to Council Regulation No 359/67/EEC ⁽²⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75 ⁽³⁾, and in particular Article 9 (2) thereof;

Having regard to the proposal from the Commission;

Whereas, on account of the special situation on the market in starches and, in particular, the need for the starch industry to ensure that its prices are competitive with those of substitute products, Regulations (EEC) No 2727/75 and No 359/67/EEC provided for the granting of a production refund, in order that the starch industry might obtain the basic products it requires at a lower price than that which would result from the application of the rules of the common organization of the markets in the products in question;

Whereas an assessment of the situation resulting from the level of common prices and from the competition between, on the one hand maize starch, rice starch and potato starch and on the other, the substitute chemical products, indicates that the production refund on maize used in starch manufacture should be fixed at 10.00 units of account per metric ton; whereas a production refund of 16.30 units of account per metric ton of common wheat and of 12.30 units of account per metric ton of

broken rice used for starch manufacture would be aimed at ensuring a balance between the use of these products and the use of maize; whereas, however, the level of the abovementioned refunds should be guaranteed only in so far as the price of the basic products on the world market is situated below the threshold price for each of these products;

Whereas on account of the connection between the production prices of the raw materials used in the manufacture of cereal and potato starches and of the interchangeability of these two products, a balanced relationship should be maintained between the prices of these products; whereas the refund granted should therefore be the same for both of these products; whereas, however, the refund paid to producers of potato starch should be such as to assure Community potato producers of a price allowing them a fair income, while the market conditions for cereals used in starch manufacture and the common market organizations governing them are such as to ensure that their price is in fact held at the level of the threshold price; whereas steps should therefore be taken to ensure that potato producers ultimately benefit from the refund paid to producers of potato starch;

Whereas the production refund to be granted on groats and meal for the manufacture of glucose by the process known as direct hydrolysis should be fixed at such a level as to achieve a balance between glucose manufactured by such a process and glucose manufactured from starch;

Whereas, in the event of appreciable and persistent variations in the world price of maize, common wheat and broken rice, these refunds should be limited, so long as world market prices remain high, in such a way as to avoid disturbances in the Community market and to prevent the financial burden of production refunds from becoming excessive;

Whereas the abovementioned measures should not disturb the markets in third countries; whereas, therefore, in the event of an appreciable and persistent increase in prices on the said markets, provision should be made for compensatory measures

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽³⁾ OJ No L 72, 20. 3. 1975, p. 18.

consisting of the charging of a levy on exported products with a view to reducing the advantages granted to Community manufacturers to an appropriate level;

Whereas under Article 57 of the Act of Accession ⁽¹⁾ in fixing the level of the various elements of the price and intervention system, except for intervention prices, account is to be taken for the new Member States, to the extent necessary for the proper functioning of Community rules, of the difference in prices expressed by the compensatory amount; whereas, however, for the application of this provision, the compensatory amount may be reduced in accordance with Article 7 of Council Regulation (EEC) No 2757/75 ⁽²⁾ of 29 October 1975 laying down general rules for the system of accession compensatory amounts for cereals, and Article 5 of Council Regulation (EEC) No 243/73 ⁽³⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for rice and fixing these amounts for certain products, as last amended by Regulation (EEC) No 1999/74 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

TITLE I

Production refunds on cereal starch

Article 1

1. Member States shall grant a production refund on maize for the manufacture of starch of 10.00 units of account per metric ton less any accession compensatory amount applicable.
2. Member States shall grant a production refund on common wheat for the manufacture of starch of 16.30 units of account per metric ton, less any accession compensatory amount applicable for common wheat.
3. Member States shall grant a production refund on broken rice for the manufacture of starch of 12.30 units of account per metric ton, less any accession compensatory amount applicable for broken rice.

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽²⁾ See page 104 of this Official Journal.

⁽³⁾ OJ No L 29, 1. 2. 1973, p. 26.

⁽⁴⁾ OJ No L 209, 31. 7. 1974, p. 5.

TITLE II

Production refunds on potato starch

Article 2

Member States shall grant a production refund of 10.00 units of account per metric ton of potato starch, less any accession compensatory amounts applicable for maize and multiplied by the coefficient 1.61.

Article 3

1. The price to be paid to the producer at the delivered-to-factory stage for the quantity of potatoes required to manufacture a metric ton of potato starch shall be equal to the amount of the production refund mentioned in Article 2, increased by an amount of not less than 162.00 units of account.

2. The production refund shall be calculated on the basis of the quantity of potatoes delivered to starch manufacturers, account being taken of the starch content of the potatoes at the time of delivery.

It shall be paid in full to the starch manufacturer if he furnishes proof:

- of the quantities of potatoes delivered to him and their starch content at the time of delivery,
- of payment to the producer of an amount not less than the price fixed in paragraph 1, account being taken of the starch content of the potatoes.

Where the price to the producer is less than the minimum referred to in the second indent of the second paragraph, the refund paid to the starch manufacturer shall be reduced by the difference in question.

TITLE III

Production refunds on maize groats and meal and broken rice

Article 4

Member States shall grant a production refund on maize groats and meal for the manufacture of glucose

under subheading 17.02 B II of the Common Customs Tariff ⁽¹⁾ by the process known as direct hydrolysis.

The production refund per metric ton of maize groats and meal so used shall be 10.00 units of account less any applicable accession compensatory amount for maize and multiplied by the coefficient 1.23.

Article 5

Member States shall take all necessary measures to ensure that the refund referred to in Article 4 is limited to the quantities of maize groats and meal actually used in the Community by the glucose industry.

TITLE IV

General provisions

Article 6

1. If the prices of the basic products mentioned in Article 1 show appreciable and persistent variations on the world market in relation to their respective threshold prices less the production refund, the production refunds specified in Articles 1, 2 and 4 may be altered by the Council acting on a qualified majority on a proposal from the Commission.

2. If the world market price of maize, common wheat or broken rice appreciably and persistently exceeds its respective threshold price less the production refund, an export levy shall be introduced for products falling within heading No or subheadings 11.08 A, 11.09, 17.02 B II, 17.05 B and 23.03 A I of the Common Customs Tariff to compensate for this excess. The Commission shall fix the export levy.

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

Done at Luxembourg, 29 October 1975.

Article 7

Member States shall inform the Commission not later than four months after the end of the marketing year of the quantity of products for which production refunds have been paid.

Article 8

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and Article 26 of Regulation No 359/67/EEC in particular as regards:

- (a) the export levy referred to in Article 6 (2);
- (b) the granting of advances on production refunds which may involve the giving of security;
- (c) the calculation, in accordance with a scale drawn up in terms of the starch content of the product, of the quantity of potatoes required to manufacture one metric ton of starch;
- (d) the conditions under which potatoes are accepted and paid for and the conditions under which the proof mentioned in the second subparagraph of Article 3 (2) must be furnished.

Article 9

1. Council Regulation (EEC) No 1955/75 ⁽²⁾ of 22 July 1975 on production refunds in the cereals and rice sectors, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 10

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ Pursuant to Regulation (EEC) No 2730/75, the products falling within tariff subheading 17.02 B I are subject to the same arrangements as those laid down for products falling within tariff subheading 17.02 B II.

⁽²⁾ OJ No L 200, 31. 7. 1975, p. 1.

REGULATION (EEC) No 2743/75 OF THE COUNCIL**of 29 October 1975****on the system to be applied to cereal-based compound feedingstuffs**

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Articles 14 (3) and 16 (5) thereof;

Having regard to the proposal from the Commission;

Whereas the forage preparations covered by heading No 23.07 of the Common Customs Tariff fall, depending on their composition, within the scope either of Regulation (EEC) No 2727/75 or of Council Regulation (EEC) No 804/68 ⁽²⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 740/75 ⁽³⁾; whereas for products governed by the first of these Regulations the levy to be charged consists of a fixed component and a variable component which may be calculated by taking account also of ingredients of forage preparations containing products not governed by Regulation (EEC) No 2727/75, by Council Regulation No 359/67/EEC ⁽⁴⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75 ⁽⁵⁾, or by Regulation (EEC) No 804/68;

Whereas the variable component of the levy must be fixed on the basis of the most generally used ingredients of feedingstuffs, namely cereals and milk products; whereas it follows that this variable component should consist of two standard amounts, one representing each of these categories of products; whereas the calculation of the standard amount representing milk products should take account of the levies fixed in accordance with the provisions

laid down in Regulation (EEC) No 804/68 and in the Regulations adopted in application thereof;

Whereas maize and skimmed-milk powder (spray process) are among the raw materials most commonly used in the manufacture of compound feedingstuffs; whereas, consequently, the levies applicable to them should be used in calculating the standard amounts comprising the variable component;

Whereas the fixed component of the levy should be established taking account of the need to ensure protection of the processing industry; whereas that component should be calculated on the basis of the most representative processing costs;

Whereas Article 16 of Regulation (EEC) No 2727/75 provides for the granting of an export refund on products listed in Annex A to that Regulation; whereas this refund is intended in particular to offset the difference between the prices for basis products within the Community and on the world market; whereas general rules for the granting of this refund should be laid down;

Whereas the refund should as a general rule be that which is applicable on the day when the transaction is effected; whereas, however, in view of the requirements of the international market in compound feedingstuffs provision should be made for fixing the refund in advance,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levies and export refunds for products falling within subheading 23.07 B of the Common Customs Tariff and mentioned in Annex A to Regulation (EEC) No 2727/75 (hereinafter called 'cereal-based compound feedingstuffs') shall be fixed in accordance with the provisions of this Regulation.

2. The cereal-based compound feedingstuffs shall be shown in the subheadings of the Common Customs Tariff listed in Annex I.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽³⁾ OJ No L 74, 22. 3. 1975, p. 1.

⁽⁴⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽⁵⁾ OJ No L 72, 20. 3. 1975, p. 18.

TITLE I

Levies

Article 2

The levy applicable to cereal-based compound feedingstuffs listed in Annex I shall be composed of a variable component and a fixed component.

Article 3

For the calculation of the variable component, the cereal-based compound feedingstuffs shall be classified in Annex II as follows:

- in table A according to their starch content,
- in table B according to their milk products content.

Article 4

1. The variable component shall be equal to the sum of the following two amounts:

- (a) a first amount equal to the average of the levies per metric ton of maize, adjusted by the coefficient corresponding to the cereal-based compound feedingstuff in question, as set out in column 3 of table A of Annex II;
- (b) a second amount equal to the average of the levies applicable per metric ton of the pilot product from Group 2, defined in Annex I to Council Regulation (EEC) No 823/68⁽¹⁾ of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products, as last amended by Council Regulation (EEC) 823/75⁽²⁾ (hereinafter called 'milk powder'), adjusted by the coefficient corresponding to the cereal-based compound feedingstuff in question, as set out in column 3 of table B of Annex II.

2. The averages for maize and milk powder mentioned in paragraph 1 shall be calculated for the first 25 days of the month preceding the month of importation. Each average shall be adjusted where necessary on the basis of the threshold price ruling in the month of importation.

Article 5

If a cereal-based compound feedingstuff contains substantial quantities of products which are not

covered by Regulation (EEC) No 2727/75, Regulation No 359/67/EEC or Regulation (EEC) No 804/68, the conditions under which the variable component may be increased by the amount specified in Article 14 (1) A (b) of Regulation (EEC) No 2727/75, shall be adopted in accordance with the procedure laid down in Article 26 of that Regulation.

Article 6

The fixed component shall be nine units of account per metric ton.

TITLE II

Refunds

Article 7

1. The export refund shall be fixed taking into account only certain products used in the manufacture of compound feedingstuffs for which an export refund may be fixed.

2. Where the world market situation or the special requirements of certain markets make it necessary, the refund may be varied according to destination.

3. The refund shall be paid when proof has been furnished that the products in question have been exported outside the Community.

Where paragraph 2 applies, the refund shall be paid in accordance with the preceding subparagraph and on condition that proof is furnished that the product has reached the destination for which the refund was fixed.

Derogations from this rule may nevertheless be made, in accordance with the procedure referred to in paragraph 5, provided conditions are laid down which offer equivalent guarantees.

4. Refunds shall be fixed once monthly.

5. Additional provisions may be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Article 8

1. The refund shall be fixed in advance, at the request of the party concerned at the time when the application for an export licence is lodged, for a transaction to be completed during the period of validity of the licence.

⁽¹⁾ OJ No L 151, 30. 6. 1968, p. 3.

⁽²⁾ OJ No L 79, 28. 3. 1975, p. 3.

2. The amount of the refund shall be that which is applicable on the day on which the application for a licence is lodged adjusted where necessary on the basis of the threshold prices for maize and for milk powder ruling in the month of exportation. A corrective amount shall be fixed for the latter product in order to take account of the amount of aid granted in the month of exportation for milk powder intended for feedingstuffs.

3. The adjustment mentioned in paragraph 2 shall be effected in accordance with the detailed rules adopted under Article 16 (6) of Regulation (EEC) No 2727/75.

TITLE III

General provisions

Article 9

The milk products content of cereal-based feedingstuffs shall be determined for the calculation of the levy by applying the coefficient 2 to the lactose content per metric ton of the product in question. It may be determined by the same method for the calculation of the refund.

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

Done at Luxembourg, 29 October 1975.

Article 10

Where the starch or lactose content has to be determined in application of this Regulation, analytical methods shall be established, for starch in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, and for lactose in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 11

1. Council Regulation (EEC) No 968/68 ⁽¹⁾ of 15 July 1968 on the system to be applied to cereal-based compound feedingstuffs, amended by Regulation (EEC) No 2196/69 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

A table is provided in Annex III for the purposes of correlating citations of and references to the Articles of that Regulation with those of this Regulation.

Article 12

This Regulation shall enter into force on 1 November 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 166, 17. 7. 1968, p. 2.

⁽²⁾ OJ No L 279, 6. 11. 1969, p. 1.

ANNEX I

CCT heading No	Description of goods
23.07	<p data-bbox="594 691 1549 730">Sweetened forage; other preparations of a kind used in animal feeding:</p> <p data-bbox="594 759 1587 899">B. Other, containing, separately or together and whether or not mixed with other products, starch, glucose or glucose syrup falling within subheadings 17.02 B and 17.05 B and milk products falling within headings or subheadings 04.01, 04.02, 04.03, 04.04, 17.02 A and 17.05 A:</p> <p data-bbox="636 923 1310 961">I. Containing starch or glucose or glucose syrup:</p> <p data-bbox="667 970 1587 1038">ex a) Containing no starch or containing 10% or less by weight of starch:</p> <p data-bbox="758 1047 1587 1115">1. Containing no milk products or containing less than 10% by weight of such products</p> <p data-bbox="758 1124 1587 1193">2. Containing 10% or more but less than 50% by weight of milk products</p> <p data-bbox="667 1202 1587 1270">ex b) Containing more than 10% but not more than 30% by weight of starch:</p> <p data-bbox="758 1279 1587 1347">1. Containing no milk products or containing less than 10% by weight of such products</p> <p data-bbox="758 1356 1587 1424">2. Containing 10% or more but less than 50% by weight of milk products</p> <p data-bbox="667 1433 1430 1472">ex c) Containing more than 30% by weight of starch:</p> <p data-bbox="758 1481 1587 1549">1. Containing no milk products or containing less than 10% by weight of such products</p> <p data-bbox="758 1558 1587 1626">2. Containing 10% or more but less than 50% by weight of milk products</p>

ANNEX II

TABLE A

Heading No used in Annex I	Starch content	Coefficient
1	2	3
23.07 B I a) 1 23.07 B I a) 2	10% or less	0.16
23.07 B I b) 1 23.07 B I b) 2	More than 10% but not more than 30%	0.50
23.07 B I c) 1 23.07 B I c) 2	More than 30%	1.00

TABLE B

Heading No used in Annex I	Milk products content	Coefficient
23.07 B I a) 1 23.07 B I b) 1 23.07 B I c) 1	Less than 10%	0.00
23.07 B I a) 2 23.07 B I b) 2 23.07 B I c) 2	10% or more but less than 50%	0.50

ANNEX III

Correlation

Regulation (EEC) No 968/68

Article 10

Article 11

This Regulation

Article 9

Article 10

REGULATION (EEC) No 2744/75 OF THE COUNCIL

of 29 October 1975

on the import and export system for products processed from cereals and from rice

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Articles 14 (3), 16 (5), 17 and 23 (2) thereof;

Having regard to Council Regulation No 359/67/EEC ⁽²⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Council Regulation (EEC) No 668/75 ⁽³⁾, and in particular Articles 12 (3), 17 (5) and 18 thereof;

Having regard to the proposal from the Commission;

Whereas under Articles 14 (3) and 16 (5) of Regulation (EEC) No 2727/75 and Articles 12 (3) and 17 (5) of Regulation No 359/67/EEC rules should be adopted for the application of the system of levies and refunds applicable in trade with third countries in products processed from cereals and from rice, excluding compound feedingstuffs for which special rules have been laid down in Regulation (EEC) No 2743/75 ⁽⁴⁾;

Whereas the variable component of the levy must correspond to the incidence on the prime costs of processed products of the levies on basic products; whereas that incidence may be calculated on the basis of the average of the levies applicable during a representative period to the quantity of the basic product deemed necessary for the manufacture of one unit of the processed product;

Whereas in respect of products subject to the common organization of the market in cereals, but containing no cereals, the variable component should be calculated with reference to market conditions for products which are in competition with them;

Whereas the fixed component of the levy must be designed to protect the processing industry; whereas that component should be determined on the basis of the most representative processing costs;

Whereas, for some residues of processing, protection for the industry is already assured through the protection enjoyed by the main processed product; whereas in that case the fixed component can be equal to zero;

Whereas the object of the refund should be to cover the difference between the prices of products within the Community and on the world market; whereas, for that purpose, criteria should be established for determining the refund essentially on the basis of prices of the basic products within and outside the Community and the outlets and conditions for the sale of processed products on the world market;

Whereas provision should be made for granting, at the beginning of the marketing year, a refund which takes into account the actual cost of the supply of basic products in so far as they were purchased at the end of the previous marketing year at a higher price than that ruling for the product at the beginning of the new marketing year;

Whereas, in addition to the system described above, the use of inward processing arrangements should be regulated in order to ensure a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽³⁾ OJ No L 72, 20. 3. 1975, p. 18.

⁽⁴⁾ See page 60 of this Official Journal.

Whereas, for certain products such as roasted malt or roasted gluten the levy has to be determined without it being possible to ascertain the raw material from which they were obtained; whereas, in order to avoid any possible deflections of trade because of the different systems at present existing for glucose falling within heading No 17.02 and glucose falling within heading No 17.05, the latter products should be subject to the same rules as the former,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of this Regulation, 'processed products' means the products or groups of products listed:

(a) in Annex A to Regulation (EEC) No 2727/75, excluding the products falling within subheading ex 23.07 B of the Common Customs Tariff;

(b) in Article 1 (1) (c) of Regulation No 359/67/EEC.

2. For the purposes of this Regulation, 'basic products' means the cereals listed in Article 1 (a) and (b) of Regulation (EEC) No 2727/75 and broken rice.

TITLE I

Levies

Article 2

1. The variable component of the levy shall, during the course of a given month, be equal to the average of the levies applicable for the first 25 days of the month preceding that of importation per metric ton of the basic product or products listed in column 3 of Annex I, multiplied by the coefficient which appears against the product in question in column 4 of Annex I. However, for products falling within tariff heading No 23.02, the variable component of the levy shall be obtained by adding together the averages of the levies applicable to one metric ton of common wheat, one metric ton of barley and one metric ton of maize and multiplying that total by the coefficient which appears against each of these basic products in column 4.

In order to adjust the abovementioned averages to the threshold price valid for the basic product in question during the month of importation, they shall be increased or reduced by the difference between that threshold price and the threshold price valid during the preceding month. However, that adjustment shall not be made if the average of the levies applicable for the first 25 days of the month preceding that of importation of the basic product is equal to zero.

2. Revision of the variable component during the course of the month, to take account of a variation in the levy applicable to basic products, shall be effected by the Commission at a flat rate. The margin of variation beyond which that revision is effected shall be determined for each of the basic products in question in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and Article 26 of Regulation No 359/67/EEC.

3. The variable component applicable to a processed product manufactured from durum wheat shall be equal to that applicable to a similar product manufactured from common wheat.

Article 3

The fixed component of the levy shall be equal to the amount which appears against the product in question in column 5 of Annex I.

Article 4

1. In order to prevent disturbances on the market in products listed in Annex I, in processed products obtained from those products and in products in competition with either the former or the latter, amendments may be made in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 to:

(a) the coefficients shown in column 4 of Annex I;

(b) the rates shown in column 2 of Annex I, expressing the starch content of the products falling within subheading 23.02 A;

(c) the percentages shown in footnote 1 to Annex I, relating to the starch content and the ash content of products falling within heading Nos 11.01 and 11.02.

2. The levy applicable to the products falling within subheading 07.06 A listed in Annex I shall be limited to the amount resulting from the application of the rate of duty bound under GATT.

Article 5

1. When calculating the variable component of the levy applicable to the products listed in Annex I under tariff heading No or subheadings 11.06 B, 11.08 A, 11.09, 17.02 B II, 17.05 B and 23.03 A I and intended at the time of importation for the same uses as those laid down for the granting of production refunds on:

- potato starch,
- common wheat, maize and broken rice used in the Community for the manufacture of starch,

the production refunds granted shall be taken into account.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and in Article 26 of Regulation No 359/67/EEC.

TITLE II

Refunds

Article 6

1. The refund which may be granted on processed products shall be determined with particular reference to:

- (a) the prices of the basic products used in calculating the variable component of the levy;
- (b) the quantities of basic products used in calculating the variable component of the levy;
- (c) the possible duplication of refunds applicable to various products obtained from one and the same process and one and the same product;
- (d) outlets and conditions of sale for processed products on the world market.

2. If, in the case of an export to be effected between the start of the marketing year and dates to be determined, the processed product was manufactured from a basic product harvested in the Community, in stock at the end of the preceding marketing year and not benefiting from a carry-over payment, the threshold price valid during the last month of the preceding marketing year for the basic products used in calculating the variable component of the levy may be taken into account when applying paragraph 1 (a).

3. Where the world market situation or the specific requirements of certain markets so require, the refund may be varied according to destination.

4. Where paragraph 3 applies, the refund shall be paid provided it is proved that the product has been exported from the Community, as laid down in the first indent of Article 8 (1) of Regulation (EEC) No 2746/75 ⁽¹⁾ and has reached the destination for which the refund was fixed.

However, exceptions may be made to this rule in accordance with the procedure referred to in paragraph 5, provided conditions are laid down which offer equivalent guarantees.

5. Additional provisions may be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and Article 26 of Regulation No 359/67/EEC.

6. The refunds shall be fixed once per month.

Article 7

The refund in force on the day on which the application for a licence is lodged shall be applied to a transaction to be carried out during the period of validity of the licence, at the request of the applicant, such request to be lodged at the same time as the application for a licence.

In the case referred to in the foregoing paragraph the refund shall be adjusted by reference to the threshold price in force during the month of exportation for the basic product or products. The adjustment shall be effected by increasing or reducing the refund by the difference between the threshold prices valid for one metric ton of the basic product during, respectively, the month in which the licence was applied for and the month of exportation, multiplied by the coefficients which appear against the processed product in question in column 4 of Annex I.

However, for exports taking place under the conditions provided for in Article 6 (2) the adjustment may be effected on the basis of the threshold price valid during the last month of the preceding marketing year.

A corrective amount may be fixed for malt falling within heading No 11.07 of the Common Customs Tariff. It shall be applied to the refund where this is fixed in advance. The corrective amount shall be fixed at the same time as the refund and according to the same procedure; at the request of a Member

⁽¹⁾ See page 78 of this Official Journal.

State or on its own initiative, the Commission may, however, when necessary, modify the corrective amounts in the intervening period.

Article 8

When calculating the amount of the export refund applicable to the products listed in Annex I under tariff heading No or subheadings 11.06 B, 11.08 A, 11.09, 17.02 B II, 17.05 B and 23.03 A I, account shall be taken of the production refunds granted in respect of:

- potato starch,
- common wheat, maize and broken rice used in the Community for the manufacture of starch.

TITLE III

Processing trade

Article 9

1. The quantity of basic products, of assimilated products within the meaning of Regulation (EEC) No 1059/69 ⁽¹⁾ or of products processed from them on which Member States do not impose levies in view of or in consequence of the exportation of the products listed in the Annex I under tariff heading No or subheadings 07.06 A, 11.01 C to L, 11.02 A II to E, 11.06 A, 11.07, 11.08 A, 17.02 B II and 17.05 B, manufactured from these basic products, from these assimilated products or from products processed from them, may not exceed the quantity taken into account for determining the variable component of the levy.

2. The abovementioned quantity may be reduced, in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and in Article 26 of Regulation No 359/67/EEC, in order to take account of the need to establish a balance

between the conditions for exporting processed products qualifying for an export refund and inward processing arrangements.

3. Use of inward processing arrangements shall be prohibited in respect of products listed in Annex I under heading No or subheadings 11.02 G, 11.06 B, 11.09, 23.02 A and 23.03 A I, if they are to be used in the manufacture of processed products.

TITLE IV

General provisions

Article 10

The methods used for assessing the ash content, the fat content and the starch content, the denaturing process and any other method of analysis necessary for the application of this Regulation shall be determined in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and Article 26 of Regulation No 359/67/EEC.

Article 11

1. Council Regulation (EEC) No 1052/68 ⁽²⁾ of 23 July 1968 on the import and export system for products processed from cereals and from rice, as last amended by Regulation (EEC) No 980/75 ⁽³⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

A table is provided in Annex II for the purposes of correlating citations of and reference to the Articles of that Regulation with those of this Regulation.

Article 12

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽²⁾ OJ No L 179, 25. 7. 1968, p. 8.

⁽³⁾ OJ No L 95, 17. 4. 1975, p. 1.

ANNEX II

CCT heading No	Description of goods	Basic product	Coefficient	Fixed component u.a./metric ton
1	2	3	4	5
07.06	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes, and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith:			
	A. Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes	Barley	0.18	—
11.01	Cereal flours ⁽¹⁾ :			
	C. Barley flour	Barley	1.80	5
	D. Oat flour	Oats	1.80	5
	E. Maize flour:			
	I. Of a fat content not exceeding 1.5% by weight	Maize	1.80	5
	II. Other	Maize	1.02	2.5
	F. Rice flour	Broken rice	1.06	2.5
	G. Buckwheat flour	Buckwheat	1.80	5
	H. Millet flour	Millet	1.02	2.5
	IJ. Canary seed flour	Canary seed	1.02	2.5
	K. Sorghum flour	Sorghum	1.02	2.5
	L. Other	Canary seed	1.02	2.5
11.02	Cereals groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole rolled, flaked, or ground ⁽¹⁾ :			
	A. Cereal groats and cereal meal:			
	II. Rye	Rye	1.80	5
	III. Barley	Barley	1.80	5
	IV. Oats	Oats	1.80	5

⁽¹⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 are those having both of the following:

— a starch content (determined by the modified Ewer's polarimetric method) exceeding 45% by weight referred to dry matter
 — an ash content by weight, referred to dry matter (after deduction of any added mineral matter) not exceeding 1.6% for rice, 2.5% for wheat and rye; 3% for barley, 4% for buckwheat, 5% for oats and 2% for other cereals.

Germ of cereals, whole rolled, flaked or ground, falls in all cases within heading No 11.02.

CCT heading No	Description of goods	Basic product	Coefficient	Fixed component u.a./metric ton
1	2	3	4	5
11.02 (cont'd)	V. Maize:			
	a) Of a fat content not exceeding 1.5% by weight:			
	1. For the brewing industry (a)	Maize	1.80	5
	2. Other	Maize	1.80	5
	b) Other	Maize	1.02	2.5
	VI. Rice	Broken rice	1.06	2.5
	VII. Buckwheat	Buckwheat	1.80	5
	VIII. Millet	Millet	1.02	2.5
	IX. Grain sorghum	Sorghum	1.02	2.5
	X. Other	Canary seed	1.02	2.5
	B. Hulled grains (shelled or husked) whether or not sliced or kibbled:			
	I. Barley, oats, buckwheat and millet:			
	a) Hulled (shelled or husked):			
	1. Barley	Barley	1.60	2.5
	2. Oats:			
	aa) Clipped oats	Oats	1.02	2.5
	bb) Other	Oats	1.80	2.5
	3. Buckwheat	Buckwheat	1.60	2.5
	4. Millet	Millet	1.60	2.5
	b) Hulled and sliced or kibbled ('Grütze' or 'grutten')			
	1. Barley	Barley	1.60	2.5
	2. Oats	Oats	1.80	2.5
	3. Buckwheat	Buckwheat	1.60	2.5
	4. Millet	Millet	1.60	2.5
	II. Other cereals:			
	a) Wheat	Common wheat	1.33	2.5
	b) Rye	Rye	1.33	2.5
	c) Maize	Maize	1.60	2.5
	d) Grain sorghum	Sorghum	1.60	2.5
	e) Other	Canary seed	1.60	2.5

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CCT heading No	Description of goods	Basic product	Coefficient	Fixed component u.a./metric ton
1	2	3	4	5
11.02 (cont'd)	C. Pearled grains:			
	I. Wheat	Common wheat	1·60	2·5
	II. Rye	Rye	1·60	2·5
	III. Barley	Barley	2·5	5
	IV. Oats	Oats	1·60	2·5
	V. Maize	Maize	1·60	2·5
	VI. Buckwheat	Buckwheat	1·60	2·5
	VII. Millet	Millet	1·06	2·5
	VIII. Grain sorghum	Sorghum	1·60	2·5
	IX. Other	Canary seed	1·60	2·5
	D. Grains not otherwise worked than kibbled:			
	I. Wheat	Common wheat	1·02	2·5
	II. Rye	Rye	1·02	2·5
	III. Barley	Barley	1·02	2·5
	IV. Oats	Oats	1·02	2·5
	V. Maize	Maize	1·02	2·5
	VI. Buckwheat	Buckwheat	1·02	2·5
	VII. Millet	Millet	1·02	2·5
	VIII. Grain sorghum	Sorghum	1·02	2·5
	IX. Other	Canary seed	1·02	2·5
	E. Rolled grains; flaked grains:			
	I. Barley, oats, buckwheat and millet:			
	a) Rolled:			
	1. Barley	Barley	1·02	2·5
	2. Oats	Oats	1·02	2·5
	3. Buckwheat	Buckwheat	1·02	2·5
	4. Millet	Millet	1·02	2·5
	b) Flaked:			
	1. Barley	Barley	2·00	5

CCT heading No	Description	Basic product	Coefficient	Fixed component u.a./metric ton
1	2	3	4	5
11.02 (cont'd)	2. Oats	Oats	2.00	5
	3. Buckwheat	Buckwheat	1.80	5
	4. Millet	Millet	1.80	5
	II. Other cereals:			
	a) Wheat	Common wheat	1.80	5
	b) Rye	Rye	1.80	5
	c) Maize	Maize	1.80	5
	d) Grain sorghum	Sorghum	1.80	5
	e) Other:			
	1. Flaked rice	Broken rice	1.80	5
	2. Other	Canary seed	1.80	5
	F. Pellets:			
	I. Wheat	Common wheat	1.80	5
	II. Rye	Rye	1.80	5
	III. Barley	Barley	1.80	5
	IV. Oats	Oats	1.80	5
	V. Maize	Maize	1.80	5
	VI. Rice	Broken rice	1.06	2.5
	VII. Buckwheat	Buckwheat	1.80	5
	VIII. Millet	Millet	1.02	2.5
	IX. Grain sorghum	Sorghum	1.02	2.5
	X. Other	Canary seed	1.02	2.5
	G. Germ of cereal, whole, rolled, flaked or ground:			
	I. Wheat	Common wheat	0.75	5
	II. Other	Maize	0.75	5
11.06	Flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06:			
	A. Denatured	Barley	0.18	2.5
	B. Other	Maize	1.61	17

CCT heading No	Description of goods	Basic product	Coefficient	Fixed component u.a./metric ton
1	2	3	4	5
11.07	Malt, roasted or not: A. Unroasted: I. Obtained from wheat: a) In the form of flour b) Other II. Other: a) In the form of flour b) Other B. Roasted	Common wheat Common wheat Barley Barley Barley	1.78 1.33 1.78 1.33 1.55	9 9 9 9 9
11.08	Starches; inulin: A. Starches: I. Maize starch II. Rice starch III. Wheat starch IV. Potato starch V. Other	Maize Broken rice Common wheat Maize Maize	1.61 1.52 2.20 1.61 1.61	17 25.5 17 17 17
11.09	Wheat gluten, whether or not dried: A. Dried B. Other	Common wheat Common wheat	4.00 4.00	150 150
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel: B. Glucose and glucose syrup: II. Other: a) Glucose in the form of white crystalline powder, whether or not agglomerated b) Other	Maize Maize	2.10 1.61	80 55
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion: B. Glucose and glucose syrup: I. Glucose in the form of white crystalline powder, whether or not agglomerated II. Other	Maize Maize	2.10 1.61	80 55

CCT heading No	Description of goods	Basic product	Coefficient	Fixed component u.a./metric ton
1	2	3	4	5
23.02	<p>Bran, sharps and other residues derived from the sifting, milling or working of cereals or of leguminous vegetables:</p> <p>A. Of cereals:</p> <p>I. Of maize or rice:</p> <p>a) With a starch content not exceeding 35 % by weight</p> <p>b) Other:</p> <p>1. With a starch content exceeding 35 % but not exceeding 45 % by weight and having undergone a denaturing process</p> <p>2. Other</p> <p>II. Of other cereals:</p> <p>a) Of which the starch content does not exceed 28 % by weight, and of which the percentage which passes through a sieve with an aperture of 0.2 mm does not exceed 10 % by weight or of which the sieved product has an ash content, calculated on the dry product, of 1.5 % or more by weight</p> <p>b) Other</p>	<p>Common wheat Barley Maize</p> <p>Common wheat Barley Maize</p> <p>Common wheat Barley Maize</p> <p>Common wheat Barley Maize</p> <p>Common wheat Barley Maize</p>	<p>0.10 0.10 0.10</p> <p>0.16 0.16 0.16</p> <p>0.32 0.32 0.32</p> <p>0.08 0.08 0.08</p> <p>0.32 0.32 0.32</p>	<p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p>
23.03	<p>Beet-pulp, bagasse and other waste of sugar manufacture; brewing and distilling dregs and waste; residues of starch manufacture and similar residues:</p> <p>A. Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, referred to dry matter:</p> <p>I. Exceeding 40 % by weight</p>	Maize	2.00	150

ANNEX II

Correlation

Regulation (EEC) No 1052/68

Article 11

This Regulation

Article 10

REGULATION (EEC) No 2745/75 OF THE COUNCIL
of 29 October 1975
on rules for the advance fixing of levies on cereals

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 15 (4) thereof;

Having regard to the proposal from the Commission;

Whereas the common threshold price is the Community market's sole protection; whereas, if imports were to enter this market at prices below the threshold price, the normal disposal of home-grown cereals would be seriously threatened; whereas it is therefore necessary, where the levy has been fixed in advance, to fix the premium provided for in Article 15 (2) of Regulation (EEC) No 2727/75 so that the product imported under this procedure may enter the Community market under conditions which cannot disturb its balance;

Whereas to this end it is necessary that this premium should cover the difference between the cif price and a cif forward delivery price, where the latter is lower than the former, determined on the basis of offers reflecting the real trend of the future market;

Whereas there are exceptional cases where special circumstances cause substantial price fluctuations on the cereals market; whereas, in order to prevent such fluctuations from adversely affecting the Community market in cereals, provision should be made in such a case for fixing the premium at a higher level than that resulting from application of the usual rules so as to cover the difference between the cif price and the cif forward delivery price, or for suspending temporarily the advance fixing of the levy, or for reducing the period for which it is possible to obtain advance fixing of the levy;

Whereas it is desirable, by means of the premium system, to induce the importer to respect the period indicated by him when applying for the advance

fixing of a levy in accordance with Article 15 (2) of Regulation (EEC) No 2727/75 although allowance should be made for the fact that the conditions of purchase customary in the international cereal trade and uncertainty about delivery time will often prevent the import from being effected during the month indicated on the import licence,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the premiums provided for in Article 15 (2) of Regulation (EEC) No 2727/75 expressed in units of account per metric ton shall be the same for the entire Community.

The scale of premiums shall include a premium for the current month and a premium for each of the following months until the licence expires.

Article 2

When, for one of the products specified in Article 1 (a) and (b) of Regulation (EEC) No 2727/75, the cif price is higher than the cif forward delivery price for the same product, the rate of the premium shall, subject to the provisions set out below, be equal to the difference between the prices.

Article 3

1. The cif price shall be the cif price as determined, in accordance with Article 13 of Regulation (EEC) No 2727/75, on the day the scale of premiums is fixed.

2. The cif forward delivery price shall be the cif price, determined in accordance with Article 13 of Regulation (EEC) No 2727/75, but calculated on the basis of offers at North Sea ports valid as follows:

- (a) in the case of imports to be effected during the month in which the licence was issued, for shipment during that month;
- (b) in the case of imports to be effected during the month following that in which the licence was

⁽¹⁾ See page 1 of this Official Journal.

issued, for shipment during the month following that in which the import licence was issued;

- (c) in the case of imports to be effected during the last months for which the licence is valid, for shipment during the month preceding the intended month of importation.

Article 4

If the cif price is equal to the cif forward delivery price or exceeds the latter by not more than 0.125 unit of account per metric ton, the premium shall be equal to 0 unit of account.

Article 5

1. The amount of the premium shown in the scale in force for a particular product and period shall be adjusted where application of the rules laid down in the preceding Articles entails a change in that amount of more than 0.125 unit of account.

2. The scale shall remain in force until a new scale is brought into force by the Commission.

Article 6

1. If, in view of prospective imports, serious difficulties threaten to affect the Community market in the relevant product, the amount of the premium may temporarily be fixed at a higher level than that resulting from the preceding Articles.

2. However, for the month in which the import licence was issued, the amount of the premium may not exceed the amount resulting from the preceding Articles.

3. The amount of the premium may not exceed the amount resulting from the preceding Articles by more than:

- (a) 0.50 unit of account for the month following that in which the licence was issued;
- (b) 0.75 unit of account for the other months for which the licence is valid, with the exception of the last month, for which the increase in the premium may go up to 1.25 unit of account.

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

Done at Luxembourg, 29 October 1975.

Article 7

1. In exceptional cases where special circumstances cause considerable price fluctuations on the cereals market, which could not be foreseen in the light of supply and demand on the world market, the premium may be fixed at a level higher than that resulting from the provisions of the preceding Articles.

2. The premium shall not be increased by more than the difference between the cif price fixed for each product and the last cif price fixed for each product before prices began to be affected by the special circumstances mentioned in paragraph 1.

Article 8

In the cases mentioned in Article 7, the advance fixing of the levy, in accordance with Article 15 (2) of Regulation (EEC) No 2727/75, may be suspended, or the period for which it is possible to obtain advance fixing of the levy may be reduced, in accordance with the procedure provided for in Article 26 of Regulation (EEC) No 2727/75.

Article 9

Rules regarding the premium from the scale laid down to be applied in exceptional cases shall be adopted as necessary, in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Article 10

1. Council Regulation No 140/67/EEC ⁽¹⁾ of 21 June 1967 on rules for the advance fixing of levies on cereals, as amended by Regulation (EEC) No 2435/70 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 11

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No 125, 26. 6. 1967, p. 2456/67.

⁽²⁾ OJ No L 262, 3. 12. 1970, p. 3.

REGULATION (EEC) No 2746/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds

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⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 16 (5) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organization of the market in cereals must be fixed in accordance with certain criteria which would make it possible to cover the difference between quotations and prices for those products within the Community and on the world market, while respecting the general aims of the common organization; whereas to this end the supply situation and prices for cereals within the Community and the price situation on the world market for cereals and cereal products must be taken into account;

Whereas, in view of the considerable fluctuations in quotations for cereals on the world market over periods of time and the disparity between the prices at which cereals are offered by various countries on that market, a refund should be fixed which, for the purpose of covering the difference between world prices and prices ruling within the Community, particularly in view of costs incurred in placing these products on the market, would take the difference between representative prices within the Community and the most favourable quotations on the world market into account;

Whereas to enable flour, groats and meal to be exported, the prices and quantities of cereals used in the manufacture of these products within the

Community, the value of by-products and the possibilities and conditions for the sale of these products on the world market should be taken into account when the amount of the refund is being fixed;

Whereas the second subparagraph of Article 16 (4) of Regulation (EEC) No 2727/75 provides for the advance fixing of export refunds on flour, groats and meal; whereas, in view of the existence of a future market in international trade in these products, provision should be made for the advance fixing of the refund in respect of exports to be effected at a later date;

Whereas provision must be made for varying the amount of the refund according to the destination of the products, since markets in the countries of destination are at varying distances from Community markets and special conditions apply to imports in certain countries of destinations;

Whereas it is important in certain situations, and particularly in periods of uncertainty or of large price fluctuations on the world markets, to ensure more precise management of exports; whereas the fixing of the refund by means of the tendering procedure seems to be a suitable method for attaining this objective;

Whereas to avoid distortions of competition between individual Community traders, the administrative conditions under which they operate must be identical throughout the Community;

Whereas to ensure Community traders sufficient stability in the amount of the refund, the period for which the amounts may remain unchanged should be fixed subject to any alterations which may be made in the intervening period pursuant to the second sentence of the fourth subparagraph of Article 16 (2) of Regulation (EEC) No 2727/75;

Whereas there does not appear to be any justification for granting a refund on cereals imported from third

⁽¹⁾ See page 1 of this Official Journal.

countries and re-exported to third countries; whereas the reimbursement, under certain conditions, of the levy collected on importation is sufficient to allow these cereals to be placed on the world market again,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules for fixing and granting export refunds on the products specified in Article 1 of Regulation (EEC) No 2727/75.

Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and the future trend with regard to:
 - prices and availabilities of cereals on the Community market,
 - prices for cereals and cereal products on the world market;
- (b) the aims of the common organization of the market in cereals, which are to ensure equilibrium and the natural development of prices and trade on this market;
- (c) the need to avoid disturbances on the Community market; and
- (d) the economic aspect of the proposed exports.

Article 3

Refunds on the products specified in Article 1 (a) and (b) of Regulation (EEC) No 2727/75 shall be fixed in accordance with the following specific criteria:

- (a) cereal prices ruling on the various representative export markets of the Community;
- (b) the most favourable quotations recorded on the various markets of importing third countries; and
- (c) marketing costs and the most favourable transport charges from the Community markets referred to in (a) to ports or other points of export in the Community serving these markets, as well as costs incurred in placing the goods on the world market.

Article 4

1. For the products specified in Article 1 (c) of Regulation (EEC) No 2727/75 the refund applicable on the day on which the application for an export licence is lodged, adjusted on the basis of the threshold price in force during the month of exportation, shall be applied to exports to be effected during the period of validity of the export licence if the applicant so requests when applying for the licence.

A corrective amount may be fixed. It shall be applied to the refund where this is fixed in advance. The corrective amount shall be fixed at the same time as the refund according to the same procedure; however, when necessary, the Commission, following a request from a Member State or on its own initiative, may modify the corrective amounts in the intervening period.

2. Refunds shall be fixed in accordance with the following specific criteria:

- (a) cereal prices ruling on the various Community markets;
- (b) the quantities of cereals required for the manufacture of the products in question and the value of by-products;
- (c) possibilities and conditions for the sale of those products on the world market.

Article 5

1. The refund for the products specified in Article 1 (a) and (b) of Regulation (EEC) No 2727/75 may be fixed, where appropriate, by means of the tendering procedure. Tenders shall relate to the amount of the refund.

2. Detailed rules for the application of paragraph 1 shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Article 6

1. The refund may be increased by a compensatory amount in respect of stocks of common wheat, durum wheat, rye, barley and maize harvested within the Community in hand at the end of the marketing year and forming part of that year's crop which are exported in the natural state or in the form of products specified in Article 1 (c) of Regulation (EEC) No 2727/75 between the beginning of the following marketing year and dates still to be determined.

Before 15 March of each year the Council, acting by a qualified majority on a proposal from the Commission, shall, if necessary, determine the cereals to which the provisions of the preceding subparagraph shall apply.

2. The compensatory amount for each cereal shall be equal to the difference between the target price valid for the last month of the marketing year and that valid for the first month of the new marketing year.

This amount shall however be reduced by the amount of the carry-over payment already granted pursuant to Article 9 (2), and, where appropriate, Article 9 (1) of Regulation (EEC) No 2727/75.

3. The compensatory amount shall be granted only if stocks reach a minimum level.

Article 7

Where the world market situation or the specific requirements of certain markets make this necessary, the refund for the Community on the products specified in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 may be varied according to destination.

Article 8

1. The refund shall be paid upon proof:

- that the products have been exported from the Community, and
- that the products specified in Article 1 (a) and (b) of Regulation (EEC) No 2727/75 are of Community origin, except where Article 10 of this Regulation applies.

2. Where Article 7 applies, the refund shall be paid under the conditions laid down in paragraph 1 of this Article, provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3 of this Article, provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Article 9

The refunds for the products specified in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be fixed at least once a month.

Article 10

No export refund shall be granted on products specified in Article 1 (a) and (b) of Regulation (EEC) No 2727/75, which are imported from third countries and re-exported to third countries, unless the exporter proves:

- that the product to be exported and the product previously imported are one and the same, and
- that the levy was collected on importation.

In such cases the refund for each product shall be equal to the levy collected on importation where this levy is lower than the refund applicable on the day of exportation; the refund shall be equal to the refund applicable on the day of exportation where the levy collected on importation is higher than this refund.

Article 11

1. Council Regulation No 139/67/EEC ⁽¹⁾ of 21 June 1967 laying down general rules for granting export refunds for cereals and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 87/75 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

A table is provided in the Annex for the purposes of correlating citations of and references to the Articles of that Regulation with those of this Regulation.

Article 12

This Regulation shall enter into force on 1 November 1975.

⁽¹⁾ OJ No 125, 26. 6. 1967, p. 2453/67.

⁽²⁾ OJ No L 11, 16. 1. 1975, p. 3.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

ANNEX

Correlation

Regulation No 139/67/EEC

Article 4a

Article 5

Article 6

Article 7

Article 8

Article 9

This Regulation

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

REGULATION (EEC) No 2747/75 OF THE COUNCIL

of 29 October 1975

laying down general rules to be applied in the event of the cereals market being disturbed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular the second paragraph of Article 19 thereof;

Having regard to the proposal from the Commission;

Whereas Article 19 of Regulation (EEC) No 2727/75 provides that, when the quotations or prices on the world market of one or more of the products mentioned in Article 2 of that Regulation reach the level of Community prices, and if that situation is likely to continue and deteriorate, thereby disturbing or threatening to disturb the Community market, the necessary measures may be taken;

Whereas the general rules for applying these provisions, and in particular the criteria for establishing whether quotations or prices on the world market have reached the level of Community prices and for deciding whether the situation is likely to continue, should be laid down;

Whereas, to avoid disturbances on the Community market, it is necessary to ensure an adequate supply of cereals; whereas, to this end, levies could be charged on exports and the issue of export licences could be totally or partially suspended;

Whereas it is also necessary to establish criteria for calculating the export levies, having regard to the economic situation;

Whereas Community obligations to supply food aid are such that exports of products for that purpose should be excluded from the scope of this Regulation,

Article 1

1. For the purposes of Article 19 of Regulation (EEC) No 2727/75 quotations or prices on the world market shall be regarded as having reached the level of Community prices when they approach or exceed the threshold price.

2. The situation referred to in paragraph 1 shall be regarded as being likely to continue and deteriorate when an imbalance between supply and demand is established and where this imbalance is likely to persist, having regard to foreseeable production and market price trends.

3. The Community market shall be regarded as being disturbed or threatened with disturbance, as a result of the situation referred to in paragraph 1 and 2, where international trade prices are so high as to impede the importation of products mentioned in Article 2 of Regulation (EEC) No 2727/75 into the Community, or provoke the exportation of such products from the Community, so as to put at risk the stability of the market or the security of supplies.

Article 2

1. Where the conditions specified in Article 19 of Regulation (EEC) No 2727/75 are met, in accordance with the criteria laid down in Article 1, the following measures may be taken:

- application of an export levy; in addition, a special export levy may be the subject of a tendering procedure in respect of a fixed quantity,
- fixing of a time limit for the issue of export licences,
- total or partial suspension of the issue of export licences,
- total or partial rejection of outstanding applications for the issue of export licences.

⁽¹⁾ See page 1 of this Official Journal.

2. The measures provided for in paragraph 1 may be taken in respect of one or more of the products specified in Article 1 of Regulation (EEC) No 2727/75 where this is made necessary by market situation or the relationship between those products.

3. The measures provided for in paragraph 1 shall be repealed at the latest as soon as it is found that, for a period of three consecutive weeks, the condition referred to in Article 1 (1) is no longer fulfilled.

Article 3

1. The following shall be taken into account when the export levy is being fixed for the products specified in Article 1 (a) and (b) of Regulation (EEC) No 2727/75:

(a) situation and trends:

- as regards cereal prices and available quantities on the Community market,
- as regards cereal prices and prices of products falling within the cereals sector on the world market;

(b) the objectives of the common organization of the market in cereals, namely to balance that market both as regards supplies and as regards trade;

(c) the need to avoid disturbances on the Community market;

(d) the economic aspect of the exports.

2. The factors listed in paragraph 1 shall apply when the export levy is being fixed for the products specified in Article 1 (c) and (d) of Regulation (EEC) No 2727/75, excluding products falling within heading No or subheadings 11.08 A I, 11.08 A III, 11.08 A IV, 11.08 A V, 11.09, 17.02 B II, 17.05 B and 23.03 A I of the Common Customs Tariff. In addition, the following specific factors shall be taken into account:

- (a) prices ruling for cereals on the various Community markets;
- (b) quantity of cereals required to manufacture the products concerned and, where appropriate, the value of by-products;
- (c) possibilities and conditions of sale on the world market for those products.

3. Where the situation on the world market or the specific requirements of certain markets so require, the export levy may be differentiated.

4. The export levy to be charged shall be that in force on the day of exportation.

However, the export levy in force on the day on which the licence is applied for may, on application from the interested party lodged at the same time as the application for a licence, be applied to exports to be effected during the period of validity of that licence.

5. No levy shall be applied to exports effected by way of food aid under Article 28 of Regulation (EEC) No 2727/75.

Article 4

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75

2. Following the same procedure and for each product:

— the decision to institute the measures provided for in Article 2 and to discontinue the measures provided for in the second and third indents of Article 2 (1) shall be taken,

— the export levy shall be fixed at regular intervals.

3. If necessary, the Commission may introduce or modify the export levy.

Article 5

In an emergency the Commission may take the measures provided for in the third and fourth indents of Article 2 (1). It shall notify its decision to the Member States and shall publish it on the notice boards at its headquarters.

The measures shall, by virtue of such decision, be applied to the relevant products from the date specified to this end; this day shall be subsequent to that of notification.

The decision on the measures provided for in the third indent of Article 2 (1) shall be applicable for a period not exceeding seven days.

Article 6

1. Council Regulation (EEC) No 1968/73 ⁽¹⁾ of 19 July 1973 laying down general rules to be applied in the event of the cereals market being disturbed, as last amended by Regulation (EEC) No 86/75 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 7

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 201, 21. 7. 1973, p. 10.

⁽²⁾ OJ No L 11, 16. 1. 1975, p. 2.

REGULATION (EEC) No 2748/75 OF THE COUNCIL

of 29 October 1975

laying down conditions for applying protective measures in the market in cereals

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 20 (1) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽²⁾;

Whereas Article 20 (1) of Regulation (EEC) No 2727/75 makes provision for the application of appropriate measures if, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 thereof experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas these measures relate to trade with third countries; whereas they will no longer apply when the disturbance or threat of disturbance has ceased;

Whereas it is for the Council to adopt detailed rules for the application of Article 20 (1) of that Regulation and define the cases in which and the limits within which Member States may take interim protective measures;

Whereas, therefore, the main factors to be used in assessing whether the Community market is seriously disturbed or threatened with disturbance should be determined;

Whereas, since recourse to protective measures depends on the effect of trade with third countries on

the Community market, the situation on this market must be assessed by taking account not only of the factors peculiar to the market itself but also of the factors connected with the development of that trade;

Whereas the measures which may be taken in application of Article 20 of Regulation (EEC) No 2727/75 should be laid down; whereas those measures must be such as to put an end to serious disturbances on the market and the threat of such disturbances; whereas they must be suited to the circumstances if they are not to have other than the desired effects;

Whereas the organization of the market in cereals includes a system of licences and a system of fixing levies and refunds in advance; whereas in view of the existence of these systems rules should be laid down whereby interim protective measures at Community level can be decided upon after a summary examination of the situation;

Whereas recourse by a Member State to Article 20 of Regulation (EEC) No 2727/75 should be limited to a case in which the market of that State, following an assessment based on the abovementioned factors, is regarded as fulfilling the conditions of that Article; whereas the measures which may be taken in that case should be designed to prevent the market situation from deteriorating further; whereas, however, they must be of an interim nature; whereas this interim nature of national measures justifies their application only until the entry into force of a Community decision on the subject;

Whereas the Commission is required to take a decision on Community protective measures to be applied in response to a request from a Member State within 24 hours following receipt of the request; whereas, in order that the Commission may assess the situation on the market with the greatest effectiveness, provision should be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas, therefore, provision should be made for the Commission to be notified of any such measures as soon as they

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

have been adopted and for such notification to be treated as a request within the meaning of Article 20 (2) of Regulation (EEC) No 2727/75,

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products listed in Article 1 of Regulation (EEC) No 2727/75 is, by reason of imports or exports, experiencing or threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, particular account shall be taken of:

- (a) the quantities of products for which import or export licences have been issued or applied for;
- (b) the quantities of products available on the Community market;
- (c) the prices recorded on the Community market or the foreseeable trend of these prices and in particular any excessive upward trend thereof, or in the case of products for which no intervention price has been fixed, any excessive downward trend thereof;
- (d) the quantities of products for which intervention measures have been taken or may need to be taken if the abovementioned situation arises as a result of imports.

Article 2

1. The measures which may be taken under Article 20 (2) and (3) of Regulation (EEC) No 2727/75 should the situation mentioned in Article 20 (1) arise, shall be:

- (a) the total or partial suspension of the advance fixing of levies or refunds, including the refusal of fresh applications;
- (b) the total or partial suspension of the issue of import or export licences, including the refusal of fresh applications;
- (c) the total or partial rejection of outstanding applications for the advance fixing of levies or refunds and for the issue of licences.

2. These measures may only be taken to such extent and for such length of time as is strictly necessary.

They may not extend to products other than those imported from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular qualities or types of presentation. They may be restricted to imports intended for particular regions of the Community or to exports from such regions.

3. The rejection of applications mentioned in paragraph 1 shall apply to those submitted during the periods in which the suspensions mentioned in Article 3 or Article 4 have been in force.

However, if as a result of unexpected circumstances there is or is likely to be a variation in prices such that it is clear that the levy or refund no longer fulfils its purpose, the rejection may relate to applications submitted from the time when such circumstances become apparent.

Article 3

After a summary examination of the situation based on the factors set out in Article 1, the Commission may establish by decision that the conditions for applying Article 20 (2) of Regulation (EEC) No 2727/75 are fulfilled. The Commission shall notify Member States of its decision and shall publish it on a notice board at its headquarters.

The consequence of that decision for the products in question shall be the temporary suspension of the advance fixing of levies or refunds and of the issue of licences from the time fixed for the purpose, that time being subsequent to the notification.

The decision shall apply for not more than 48 hours, without prejudice to the provisions of the second sentence of Article 20 (2) of Regulation (EEC) No 2727/75.

Article 4

1. A Member State may take one or more interim protective measures if, after an assessment based on the factors set out in Article 1, it considers that the situation foreseen in Article 20 (1) of Regulation (EEC) No 2727/75 has arisen in its own territory.

Interim protective measures may comprise:

- (a) the total or partial suspension of the advance fixing of levies or refunds;
- (b) the total or partial suspension of the issue of import or export licences.

The provisions of Article 2 (2) shall apply.

2. The Commission shall be notified by telex of the interim protective measures as soon as they have been decided on. Such notification shall be treated as a request within the meaning of Article 20 (2) of Regulation (EEC) No 2727/75. These measures shall apply only until the decision taken by the Commission on this matter enters into force.

Article 5

1. Council Regulation (EEC) No 2591/69 ⁽¹⁾ of 18 December 1969 laying down conditions for

applying protective measures in the market in cereals, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 6

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 1.

REGULATION (EEC) No 2749/75 OF THE COUNCIL

of 29 October 1975

on the reduction in the levy applicable to certain imports of feed grain into the Italian Republic as from the 1973/74 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular the second subparagraph of Article 23 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Article 23 of the abovementioned Regulation provides that, for marketing years following the 1972/73 marketing year, the amount by which the levy applicable to feed grain imported by sea into Italy may be reduced shall be fixed by the Council at the same time as the prices are fixed for each marketing year;

Whereas, in order to allow the Italian market to adjust to the common system, it is appropriate to provide for a phased reduction of this amount over five marketing years as from the 1973/74 marketing year,

Article 1

When barley, oats, maize, sorghum or millet are imported by sea into the Italian Republic during the 1973/74 marketing year, that Member State may reduce the levy by an amount of six units of account per metric ton. This amount shall be reduced successively by 1.50 units of account at the beginning of each of the following four marketing years.

Article 2

1. Council Regulation (EEC) No 1359/73 ⁽²⁾ of 15 May 1973 on the reduction in the levy applicable to certain imports of feed grain into the Italian Republic as from the 1973/74 marketing year, is hereby repealed.

2. Reference to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 141, 28. 5. 1973, p. 32.

REGULATION (EEC) No 2750/75 OF THE COUNCIL

of 29 October 1975

fixing criteria for the mobilization of cereals intended as food aid

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 28 thereof;

Having regard to Council Regulation No 359/67/EEC ⁽²⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75 ⁽³⁾, and in particular Article 23a thereof;

Having regard to the proposal from the Commission;

Whereas Regulations (EEC) No 2727/75 and No 359/67/EEC provide in their Articles 28 and 23a respectively for the Council to fix the criteria according to which products intended as food aid must be mobilized on the Community market;

Whereas disturbance of the market in cereals caused by withdrawals of cereals intended as food aid should be avoided;

Whereas the possibility should be provided for cereals to be mobilized in Community regions in order to relieve the regional market, when the market situation in those regions is likely to cause intervention agencies to buy in large quantities of cereals; whereas, when certain intervention agencies hold quantities of cereals, mobilization of all or part of the cereals held by them may help to improve their situation;

Whereas, when such specific cases do not arise, cereals should be mobilized on the Community market as a whole;

Whereas the procedure of issuing invitations to tender best enables cereals to be effectively mobilized; whereas for emergency operations, however, it may be decided to use different procedures for the sake of speed,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation 'cereals' shall be products referred to:

- (a) in Article 1 of Regulation (EEC) No 2727/75;
- (b) in Article 1 of Regulation No 359/67/EEC.

Article 2

Cereals intended as food aid shall be mobilized on the Community market in accordance with the following provisions.

Article 3

1. When, in a Community region, trends in cereal market prices register a decline or slump which, in view of the volume of the harvest or of regional stocks and their geographical situation, is likely to force the intervention agency to buy in large quantities of cereals, cereals may be bought in on the market of the region concerned.

2. When an intervention agency holds stocks these stocks may be used.

3. When the conditions referred to in paragraph 1 or 2 are not fulfilled or when use is not made of the possibilities provided for in those paragraphs, cereals shall be bought in on the Community market as a whole.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽³⁾ OJ No L 72, 20. 3. 1975, p. 18.

Article 4

1. The buying in operations referred to in Article 3 (1) and (3) shall be carried out by the intervention agencies by inviting tenders for the supply of the product delivered either fob or at a corresponding stage.
2. Where cereals held by the intervention agencies are used, tenders shall be invited for loading, transportation, processing where necessary and delivery either fob or at a corresponding stage.
3. When it is decided that cereals will be supplied, under a Community action, at a stage later than either fob or a stage corresponding to fob, the invitation to tender referred to in paragraph 1 or 2 shall cover supply up to that later stage.
4. The terms of the invitation to tender must ensure equal access and treatment for all persons concerned irrespective of their place of establishment within the Community.

Article 5

1. For a national action, the Member State concerned shall communicate to the Commission the date on which it intends to initiate its action, the financial year against which this would be charged, the proposed intervals between deliveries, the country of destination, the quantity and the product concerned, the port of loading and the envisaged method of mobilization.
2. On receipt of this Communication, the Commission shall examine, in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, where appropriate, of Regulation No 359/67/EEC and in the light of the overall situation of the Community market, whether the envisaged method of mobilization meets the conditions referred to in Article 3 and shall suggest if necessary that the Member State concerned modify the envisaged method of mobilization.

Article 6

For a Community action, the Commission shall, after considering the market situation and in accordance with the procedure laid down in Article

26 of Regulation (EEC) No 2727/75 or, where appropriate, of Regulation No 359/67/EEC, determine the conditions governing mobilization, taking into account in particular the criteria laid down in Article 3.

Article 7

1. For the purposes of emergency Community actions concerning cereals in the unaltered state, Member States shall hold available for delivery at any time certain quantities of those products which have been taken over by the intervention agency, or else immediately make available the necessary quantities of products drawn from stocks existing on their market if the intervention agency does not have the necessary quantities.
2. For the purposes of emergency Community actions concerning the processed cereals referred to in Article 1 and rice other than paddy rice, each Member State designated in accordance with paragraph 4 shall invite tenders by a quick procedure for the supply of the products delivered either fob or at a corresponding stage.
3. To enable products to be transported rapidly from the place where they are held or made available, in the case of the products referred to in paragraph 1, or from the fob or corresponding stage, in the case of the products referred to in paragraph 2, each Member State designated in accordance with paragraph 4 may have recourse to procedures other than the invitation to tender.
4. As soon as the principle of an emergency Community action has been adopted, the Commission shall decide which Member State or States shall be responsible for carrying out the action, fix the date thereof, determine the place where the products must be made available within the Community or within the recipient country, as appropriate, and finally determine any other elements necessary for carrying out this action.
5. The quantity and nature of the products referred to in paragraph 1 shall be determined by the Council, acting by qualified majority on a proposal from the Commission.
6. Detailed rules for applying this Article, and in particular the criteria according to which the Commission is to take the decisions referred to in paragraph 4, shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, where appropriate, of Regulation No 359/67/EEC.

Article 8

1. Council Regulation (EEC) No 1693/72 ⁽¹⁾ of 3 August 1972 fixing criteria for the mobilization of cereals intended as food aid, is hereby repealed.

2. References to the Regulation repealed by virtue

of paragraph 1 shall be construed as references to this Regulation.

Article 9

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 178, 5. 8. 1972, p. 3.

REGULATION (EEC) No 2751/75 OF THE COUNCIL

of 29 October 1975

derogating from Regulation (EEC) No 1693/72 in respect of the procedures laid down
for the mobilization of food aid to the countries of the Sahel

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 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 28 thereof;

Having regard to Council Regulation No 359/67/EEC ⁽²⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75 ⁽³⁾, and in particular Article 23a thereof;

Whereas, in view of the transportation difficulties facing the countries of the Sahel, it would be advisable to adopt a system which is sufficiently flexible to enable the products supplied as food aid to be forwarded to their distribution points as soon as possible upon arrival in the ports of discharge in Africa;

Whereas, by the Council Decision of 28 December 1973 ⁽⁴⁾ concerning the financing by the Community of certain expenditure on food aid supplied under the 1973/74 programme, it was provided in respect of Community food-aid action for the countries of the Sahel that Community financing should extend to the cost of delivering the products to their distribution points;

Whereas recourse to the tendering procedure provided for in Article 4 of Council Regulation (EEC) No 2750/75 ⁽⁵⁾ of 29 October 1975 laying down the criteria for the mobilization of cereals intended as food aid, does not always enable the

desired flexibility and speed to be attained in delivering the goods from the cif stage to the distribution points; whereas consequently it is advisable to provide for the possibility of having recourse to other procedures, such as direct agreement,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 4 (3) of Regulation (EEC) No 2750/75, recourse may be had, where necessary, to procedures other than invitation to tender, for the provision of transport from the cif stage to the distribution points of cereals and rice made available to the countries of the Sahel by way of food aid in the context of the 1973/74 programme.

Article 2

1. Council Regulation (EEC) No 3581/73 ⁽⁶⁾ of 28 December 1973 derogating from Regulation (EEC) No 1693/72 in respect of the procedures laid down for the mobilization of food aid to the countries of the Sahel, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽³⁾ OJ No L 72, 20. 3. 1975, p. 18.

⁽⁴⁾ OJ No L 359, 28. 12. 1973, p. 53.

⁽⁵⁾ See page 89 of this Official Journal.

⁽⁶⁾ OJ No L 359, 28. 12. 1973, p. 49.

REGULATION (EEC) No 2752/75 OF THE COUNCIL

of 29 October 1975

derogating from Regulation (EEC) No 1693/72 in respect of the procedures laid down for the mobilization of food aid to the countries of the Sahel and Ethiopia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

the possibility of having recourse to another procedure,

Having regard to the Treaty establishing the European Economic Community;

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 28 thereof;

Article 1

Notwithstanding Article 4 (3) of Regulation (EEC) No 2750/75, recourse may be had to procedures other than invitation to tender for forwarding cereals and rice made available to the countries of the Sahel and Ethiopia as food aid under the 1974/75 programme from the Community to the points of destination.

Having regard to Council Regulation No 359/67/EEC ⁽²⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75 ⁽³⁾, and in particular Article 23a thereof;

Article 2

Having regard to the proposal from the Commission;

Whereas, in view of the difficulties of transport to the countries of the Sahel and Ethiopia, it would be advisable to adopt a system for forwarding the food aid which is sufficiently flexible to cope with these difficulties as quickly as possible;

1. Council Regulation (EEC) No 3233/74 ⁽⁵⁾ of 17 December 1974 derogating from Regulation (EEC) No 1693/72 in respect of the procedures laid down for the mobilization of food aid to the countries of the Sahel and Ethiopia, is hereby repealed.

Whereas recourse to the tendering procedure provided for in Article 4 (3) of Council Regulation (EEC) No 2750/75 ⁽⁴⁾ of 29 October 1975 laying down the criteria for the mobilization of cereals intended as food aid, does not always enable the desired flexibility and speed to be attained in forwarding the products to the points of destination; whereas consequently it is advisable to provide for

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽³⁾ OJ No L 72, 20. 3. 1975, p. 18.

⁽⁴⁾ See page 89 of this Official Journal.

⁽⁵⁾ OJ No L 346, 24. 12. 1974, p. 1.

REGULATION (EEC) No 2753/75 OF THE COUNCIL

of 29 October 1975

on imports of durum wheat from Morocco

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas Article 8 of Annex 1 to the Agreement establishing an Association between the European Economic Community and the Kingdom of Morocco lays down special arrangements for imports of durum wheat falling within subheading 10.01 B of the Common Customs Tariff and originating in Morocco within the meaning of the Protocol on the definition of the concept of 'originating products' and on methods of administrative cooperation; whereas the implementation of these arrangements necessitates the adoption of rules of application,

HAS ADOPTED THIS REGULATION:

Article 1

The levy on imports of durum wheat into the Community, falling within subheading 10.01 B of the Common Customs Tariff and originating in Morocco within the meaning of the Protocol on the definition of the concept of 'originating products'

and on methods of administrative cooperation annexed to the Agreement establishing an association between the European Economic Community and the Kingdom of Morocco, which are shipped direct from that country to the Community, shall be that fixed in pursuance of Article 13 of Regulation (EEC) No 2727/75 ⁽²⁾, less 0.5 unit of account per metric ton.

Article 2

The provisions of this Regulation shall apply from the date of entry into force of the Agreement establishing an association between the European Economic Community and the Kingdom of Morocco and throughout the period of application of that Agreement.

Article 3

1. Council Regulation (EEC) No 1464/69 ⁽³⁾ of 23 July 1969 on imports of durum wheat from Morocco, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 4

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 197, 8. 8. 1969, p. 91.

REGULATION (EEC) No 2754/75 OF THE COUNCIL

of 29 October 1975

on imports of certain cereals from Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas Article 12 of Annex 5 to the Interim Agreement between the European Economic Community and Turkey and Article 12 of Annex 6 to the Additional Protocol to the Agreement establishing an association between the European Economic Community and Turkey provides that the levy on imports of durum wheat flour and canary seed flour produced in Turkey and shipped direct from there to the Community shall be the levy calculated in accordance with Article 13 of Council Regulation (EEC) No 2727/75 ⁽²⁾ of 29 October 1975 on the common organization of the market in cereals, minus 0.50 unit of account per metric ton;

Whereas Article 13 of the abovementioned Annexes provides that, on condition that Turkey charges a special tax on rye exports to the Community, the levy on imports of this product into the Community, calculated in accordance with Article 13 of Regulation (EEC) No 2727/75, is reduced by an amount equal to the tax charged but not exceeding eight units of account per metric ton;

Whereas, pursuant to the provisions of the Interim Agreement and of the Additional Protocol, the special tax mentioned above will be reflected in the price of rye imported into the Community; whereas, in order to ensure the correct application of the system, it is necessary to adopt measures so that, when importing rye, the importer supplies proof that the special export tax has been paid by the exporter;

Whereas implementation of this system requires the adoption of rules of application,

HAS ADOPTED THIS REGULATION:

Article 1

The levies applied to Community imports of durum wheat flour and canary seed flour, produced in Turkey and shipped from there to the Community, which fall within subheadings 10.01 B and 10.07 ex D of the Common Customs Tariff respectively, shall be those calculated in accordance with Article 13 of Regulation (EEC) No 2727/75, each minus 0.50 unit of account per metric ton.

Article 2

The levy on imports of rye falling within heading No 10.02 of the Common Customs Tariff which is produced in Turkey and shipped direct from there to the Community, shall be that calculated in accordance with Article 13 of Regulation (EEC) No 2727/75, minus an amount equal to the special tax charged by Turkey on exports to the Community of the said product but not exceeding eight units of account per metric ton.

Article 3

The provisions of Article 2 shall apply to all imports in respect of which the importer supplies proof of payment by the exporter of the special export tax, up to an amount exceeding neither the levy fixed in accordance with Article 13 of Regulation (EEC) No 2727/75 on imports of rye into the Community nor eight units of account per metric ton.

Article 4

Detailed rules for the application of this Regulation, and in particular Article 3 thereof, shall be adopted, in accordance with Article 26 of Regulation (EEC) No 2727/75.

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽²⁾ See page 1 of this Official Journal.

Article 5

The system laid down by this Regulation shall apply from the date of entry into force of the Interim Agreement.

2. References to the Regulation repealed by virtue of paragraph 1 shall be considered as references to this Regulation.

Article 6

1. Council Regulation (EEC) No 1234/71 ⁽¹⁾ of 7 June 1971 on imports of certain cereals from Turkey, is hereby repealed.

Article 7

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 130, 16. 6. 1971, p. 53.

REGULATION (EEC) No 2755/75 OF THE COUNCIL

of 29 October 1975

on the importation into the Community of certain agricultural products originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas by its Decision No 1/73 the EEC-Turkey Association Council, acting pursuant to Article 35 (3) of the Additional Protocol, as amended by Article 6 of the Supplementary Protocol signed in Ankara on 30 June 1973, of which under the Interim Agreement signed on 30 June 1973 certain provisions were put into force in advance of the appointed date, laid down the arrangements to be applied to the importation into the Community of certain agricultural products originating in Turkey, with effect from the entry into force of the Interim Agreement;

Whereas with regard to hazelnuts the Community tariff quota of 18 700 metric tons from which Turkey benefited on the original Community market must be increased by 3 000 metric tons to supply, at the reduced rates applicable to this quota, the markets of the new Member States whose duties will be aligned with the preferential rate provided for the quota in accordance with the timetable laid down by the Interim Agreement;

Whereas the implementation of that Decision requires the adaptation of the relevant Community rules,

HAS ADOPTED THIS REGULATION:

Article 1

The customs duties applicable on importation into the Community of products listed in Annex I, originating in Turkey, shall be reduced to the extent indicated in the said Annex.

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

Article 2

The fixed component charged on importation into the Community of products listed below originating in Turkey shall be reduced by 50%.

CCT heading No	Description of goods
11.07	A. Malt, roasted or not: II. Other: a) In the form of flour B. Roasted

Article 3

The fixed component of the duty charged on importation into the Community of products listed in Annex II originating in Turkey shall be reduced to the extent indicated for each of them.

Article 4

Without prejudice to Article 2 (1) and (3) of the Interim Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the European Community, the products listed hereafter originating in Turkey shall be allowed into the Community at a 2.5% *ad valorem* duty within the limit of an annual Community tariff quota of 21 700 metric tons.

CCT heading No	Description of goods
08.05	Nuts other than those falling within heading No 08.01, fresh or dried, shelled or not: ex G. Other — Hazelnuts

Article 5

1. Council Regulation (EEC) No 3375/73 ⁽¹⁾ of 10 December 1973 on the importation into the Community of certain agricultural products originating in Turkey, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 6

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 345, 15. 12. 1973, p. 1.

ANNEX I

CCT heading No	Description of goods	Amount of Reduction
03.01	<p>Fish, fresh (live or dead), chilled or frozen:</p> <p>A. Freshwater fish:</p> <p>II. Eels</p> <p>B. Saltwater fish:</p> <p>I. Whole, headless or in pieces:</p> <p>e) Sharks</p> <p>f) Redfish (<i>Sebastes marinus</i>)</p> <p>g) Halibut (<i>Hippoglossus vulgaris</i>, <i>Hippoglossus reinhardtius</i>)</p> <p>h) Cod (<i>Gadus morrhua</i> or <i>Gadus callarias</i>)</p> <p>ij) Coalfish (<i>Pollachius virens</i> or <i>Gadus virens</i>)</p> <p>k) Haddock</p> <p>l) Whiting (<i>Merlangus merlangus</i>)</p> <p>m) Mackerel</p> <p>o) Plaice</p> <p>p) Sea-bream of the species <i>Dentex dentex</i> and <i>Pagellus</i></p> <p>q) Other</p>	<p>70 %</p> <p>60 %</p>
03.03	<p>Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water:</p> <p>B. Molluscs:</p> <p>IV. Other:</p> <p>a) Frozen:</p> <p>1. Squid:</p> <p>aa) <i>Ommastrephes sagittatus</i> and <i>Loligo</i> sp.p.</p> <p>bb) Other</p> <p>2. Cuttlefish of the species <i>Sepia officinalis</i>, <i>Rossia macrosoma</i> and <i>Sepiola rondeleti</i></p> <p>3. Octopus</p> <p>4. Other</p> <p>b) Other:</p> <p>1. Squid (<i>Ommastrephes sagittatus</i> and <i>Loligo</i> sp.p.)</p> <p>2. Other</p>	<p>60 %</p> <p>60 %</p> <p>60 %</p> <p>60 %</p> <p>60 %</p>
06.01	<p>Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower:</p> <p>B. In growth or in flower</p>	<p>50 %</p>

(¹) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CCT heading No	Description of goods	Amount of Reduction
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05:	
	A. Apricots	60 %
	B. Peaches, including nectarines	60 %
	D. Apples and pears	60 %
	E. Papaws	60 %
	F. Fruit salads:	60 %
	I. Not containing prunes	
	G. Other	60 %
12.03	Seeds, fruit and spores, of a kind used for sowing:	
	C. Grass and other herbage seeds:	
	ex I. Vetches ⁽¹⁾	50 %
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard:	
	ex B. Other:	
	— Prepared or preserved by vinegar or acetic acid, whether or not containing salt, spices or mustard, but not containing sugar, excluding gherkins	60 %
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid:	
	F. Capers and olives	60 %
	ex H. — Other, excluding carrots and mixtures	60 %
	— 'Türlü' mixtures containing French beans, aubergines, courgettes and various other vegetables	50 %
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar:	
	C. Other:	
	ex III. Other:	
	— Fig. purée	60 %
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:	
	A. Nuts (including groundnuts), roasted	60 %

⁽¹⁾ This concession applies only to commercial seed as defined in Article 2 (D) of Directive No 66/401/EEC of 14 June 1966 (OJ No 125, 11. 7. 1966).

ANNEX II

CCT heading No	Description of goods	Amount of Reduction
19.03	Macaroni, spaghetti and similar products	75 %
21.07	<p>Food preparations not elsewhere specified or included:</p> <p>A. Cereals in grain or ear form, pre-cooked or otherwise prepared</p> <p>E. Cheese fondues</p> <p>F. Other:</p> <p>ex I b) 2 cc)</p> <p>ex I c) 2 cc) — Crushed maize grains, pressure-cooked in water, containing added malt extracts, sugar and salt, intended for use as intermediary products in the manufacture of cornflakes and similar preparations</p> <p>ex I a) 2 bb)</p> <p>ex I a) 2 cc) — Products known as 'Bulgur wheat groats', namely partially husked, coarsely ground grains with a small quantity of whole grains, having undergone pre-cooking</p> <p>ex I a) 2 aa)</p> <p>ex I a) 2 bb)</p> <p>ex I b 2 aa)</p> <p>ex I b) 2 bb) — Sweet potatoes for human consumption, prepared or preserved otherwise than by sugar or syrup</p> <p>ex I e) 1</p> <p>ex I e) 2</p> <p>ex I f) — Food preparations consisting of natural honey enriched with royal jelly</p>	<p>50 %</p> <p>50 %</p> <p>50 %</p> <p>50 %</p> <p>50 %</p>

REGULATION (EEC) No 2756/75 OF THE COUNCIL

of 29 October 1975

fixing the threshold prices for cereals for the 1975/76 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES, HAS ADOPTED THIS REGULATION :

Article 1

Having regard to the Treaty establishing the European Economic Community;

For the 1975/76 marketing year, the threshold prices for cereals shall be as follows:

Having regard to Council Regulation (EEC) No 2727/75 ⁽¹⁾ of 29 October 1975 on the common organization of the market in cereals, and in particular Article 5 (5) (b) thereof;

Having regard to the proposal from the Commission;

Whereas, in accordance with Article 5 (1) of Regulation (EEC) No 2727/75, the threshold price for the principal cereals must be fixed in such a way that the selling price for the imported product on the Duisburg market will be the same as the target price; whereas, by deducting from the target price the most advantageous transport costs between Rotterdam and Duisburg, transshipment charges at Rotterdam and a trading margin, this objective may be attained; whereas the target prices have been fixed for the 1975/76 marketing year by Regulation (EEC) No 2732/75 ⁽²⁾;

Whereas the threshold prices for other cereals for which no target price is fixed must, in accordance with Article 5 (2) of Regulation (EEC) No 2727/75 be so determined that the target price for the principal cereals in competition with these products may be reached on the Duisburg market,

u.a. metric ton

Common wheat and meslin	136.45
Rye	135.75
Barley	124.00
Maize	123.40
Durum wheat	204.35
Oats	119.00
Buckwheat	121.50
Sorghum	121.50
Millet	121.50
Canary seed	121.50

Article 2

1. Council Regulation (EEC) No 1173/75 ⁽³⁾ of 28 April 1975 fixing the threshold prices for cereals for the 1975/76 marketing year, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ See page 30 of this Official Journal.

⁽³⁾ OJ No L 117, 7. 5. 1975, p. 6.

REGULATION (EEC) No 2757/75 OF THE COUNCIL

of 29 October 1975

laying down general rules for the system of accession compensatory amounts for cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty ⁽¹⁾ concerning the accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed on 22 January 1972, and in particular Articles 55 (6) and 62 (1) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas Articles 51 and 52 of the Act provide that the prices to be applied in the new Member States shall be fixed at a level different from that of the common prices; whereas under Article 55 of the Act the differences in price levels are to be compensated by a system of compensatory amounts;

Whereas, pursuant to Article 73 of the Act, Articles 51 and 52 of the Act apply to the derived intervention prices for cereals;

Whereas the compensatory amounts fixed for the products in question and applicable in trade between the Community as originally constituted and the new Member States, and between the new Member States and third countries, are equal to the difference between the prices fixed for the new Member State in question and the common prices;

Whereas the rules for determining the level of compensatory amounts for other cereals must, in the light of Article 74 (1) of the Act, be so drawn up as to achieve a progressive alignment on the price ratio in the Community-

Whereas it should be made clear that the application of Article 55 (1) (b) of the Act involves deduction of the compensatory amount from the import levy or export refund;

Whereas it is necessary to provide for the possible introduction, should the necessity arise, of a system of rules for advance fixing of the compensatory amount.

Whereas Article 55 (3) of the Act provides that the compensatory amounts applicable in trade between the new Member States shall be determined by direct reference to the compensatory amounts fixed for each of those States; whereas these provisions should be clarified by specifying that in each case the amount should be equal to the price difference between the Member States in question used for determining the compensatory amounts applicable in trade with the Community as originally constituted;

Whereas, in accordance with Article 74 (2) of the Act, the compensatory amounts for products covered by Council Regulation (EEC) No 2727/75 ⁽²⁾ of 29 October 1975 on the common organization of the market in cereals, are derived from the compensatory amount for the cereals to which they relate with the aid of the coefficients or rules used in determining the levy, or the variable component of the levy, on these products; whereas the coefficients in question were determined in Council Regulation (EEC) No 2743/75 ⁽³⁾ of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs, in Council Regulation (EEC) No 2744/75 ⁽⁴⁾ of 29 October 1975 on the import and export system for products processed from cereals and from rice, and in Council Regulation (EEC) No 2734/75 ⁽⁵⁾ of 29 October 1975 fixing the standard qualities for certain cereals and categories of flour, groats and meal and the rules for fixing the threshold prices of these categories of products; whereas it is, however, necessary to specify that they are applicable in certain cases;

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ See page 60 of this Official Journal.

⁽⁴⁾ See page 65 of this Official Journal.

⁽⁵⁾ See page 34 of this Official Journal.

Whereas, since the purpose of compensatory amounts in intra-Community trade is to promote the satisfactory circulation of products between Member States with different price levels, a compensatory amount should be levied on imports to a Member State with a higher price level, and conversely, such an amount should be granted on exports to a Member State with a lower price level;

Whereas, therefore, it follows from Article 55 (1) (a) of the Act, according to which compensatory amounts are levied by the importing Member State or granted by the exporting Member State, that it is for the Member State with the highest price level to grant or levy these amounts;

Whereas Article 56 of the Act provides that appropriate measures may be taken with a view to ensuring the proper functioning of the common organization of markets if the world market price is higher than the price used in calculating the import charge introduced under the common agricultural policy, less the compensatory amount; whereas the measures aforesaid may in particular provide for the limited charge or grant of compensatory amounts, depending on the fluctuations in prices on the world market; whereas the terms on which these are to be limited must be fixed; whereas the limitation should be reflected equally in the compensatory amounts applicable to products processed from cereals;

Whereas appropriate measures must be taken to avoid deflection of trade where, in trade between a new Member State and third countries, the compensatory amount is to be deducted from the export refund or where that refund, if fixed at all, is lower than the compensatory amount;

Whereas detailed rules for levying and granting compensatory amounts should be such as to avoid deflections in trade caused, in particular, by differences in their levels;

Whereas for the sake of clarity the Commission should be authorized to publish the compensatory amounts fixed by the Council in the Annex listing those fixed by the Commission,

HAS ADOPTED THIS REGULATION :

Article 1

The compensatory amounts applicable until 31 July 1976 in trade between the Community as originally constituted and the new Member States, and between the new Member States and third countries, shall, for the following products, be as follows:

	Trade with		
	Denmark u.a./metric ton	Ireland u.a./metric ton	United Kingdom u.a./metric ton
Common wheat	6.00	4.50	26.62
Barley	5.15	8.80	25.08

Article 2

1. The compensatory amounts applicable until 31 July 1976 in trade between the Community as originally constituted and the new Member States, and between the new Member States and third countries shall be calculated by applying the following coefficients to the compensatory amounts for the reference cereals:

Compensatory amounts for	Reference cereal	Coefficients applicable in trade with		
		Denmark	Ireland	United Kingdom
Durum wheat	Common wheat	1.266	2.126	1.456
Rye	Barley	—	1.097	1.168
Oats	Barley	0.960	0.953	0.902
Maize	Barley	—	1.269	0.931
Millet	Barley	—	0.966	0.925
Grain sorghum	Barley	—	1.329	0.930

2. For subsequent calculations, the difference in the price ratio between the reference cereal and each of the cereals in question in the new Member States on the one hand and the Community as originally constituted on the other shall be gradually eliminated at the rate specified in Article 52 (2) of the Act.

The price levels on which the calculation is based shall, for each new Member State, be that resulting from the application of the compensatory amount for the preceding marketing year and, for the Community, that used for fixing the threshold prices for the new marketing year.

3. The compensatory amount for common wheat rendered unfit for human consumption by denaturing as specified in Article 7 of Regulation (EEC) No 2727/75 shall be that applicable to barley.

No compensatory amount shall be fixed for products:

- (a) falling within subheadings 10.07 A and D of the Common Customs Tariff;
- (b) falling within heading No 10.02 and subheadings 10.05 B and 10.07 B and C of the Common Customs Tariff in trade between the Community as originally constituted and Denmark.

Article 3

The compensatory amounts applicable in trade between two new Member States shall be equal to:

- the compensatory amounts applicable in trade with the Community as originally constituted where there is no compensatory amount fixed in trade between the Community and one of the Member States in question,

- the difference between the amounts applicable in trade between each of these new Member States and the Community as originally constituted in other cases.

Article 4

The compensatory amounts applicable to the products specified in Article 1 (c) and (d) of Regulation (EEC) No 2727/75 shall be determined with the aid of the coefficients given in Regulations (EEC) No 2743/75, (EEC) No 2744/75 and (EEC) No 2734/75.

Article 5

In trade between new Member States and between those States and the Community as originally constituted, the compensatory amounts shall be levied or granted by that one of the two Member States in question whose price level used in determining the compensatory amounts is the higher.

In trade between new Member States and third countries, the compensatory amounts shall be deducted from the import levy or export refund.

Article 6

1. The compensatory amount applicable shall be that ruling on the day of importation or exportation.

2. However, should the necessity arise, the decision may be made, in accordance with the procedure referred to in Article 9 (1), to institute a system of advance fixing of the compensatory amount.

Article 7

1. If for any product referred to in Article 1 or Article 2 (1) the import levy is lower than the compensatory amount fixed for that product or calculated in respect thereof by applying Article 2, the Commission shall apply the scale set out in the Annex to determine the amount applicable by way of compensatory amount in trade between the Community as originally constituted and the new Member States and between those States and third countries.

Where, however, the amount of import levy lies within the range of values which includes the compensatory amount fixed in Article 1 or resulting from the application of Article 2, that compensatory amount shall continue to apply.

2. For the products referred to in Article 1 (c) of Regulation (EEC) No 2727/75 the amount applicable by way of compensatory amount shall be determined by the Commission in accordance with the terms and on the conditions set out in the foregoing paragraph, the amount to be taken for purposes of import levy being in this case the levy chargeable in respect of the product in question reduced by the amount representing the component for protection of the processing industry referred to in Regulation (EEC) No 2734/75.

3. For the products referred to in Article 1 (d) of Regulation (EEC) No 2727/75 the amount applicable by way of compensatory amount shall be determined by the Commission by reference to the variations in the amount or amounts determined under paragraph 1 for the basic cereals concerned.

4. The provisions of Article 3 shall apply to determination of these amounts in respect of trade between two new Member States.

Article 8

Where, for a given product, a compensatory amount is fixed and the export refund, if fixed at all, is lower than the compensatory amount, then, when

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

Done at Luxembourg, 29 October 1975.

the product in question is exported to a third country, an amount not exceeding the difference between the compensatory amount and the refund or, as the case may be, not exceeding the compensatory amount may be levied in the new Member State in question.

Article 9

Detailed rules for granting, levying and recovering compensatory amounts shall be such as to avoid possible deflections of trade and distortions of competition, and adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Detailed rules for the application of this Regulation, and in particular the compensatory amounts other than those determined in Article 1, shall be adopted by the same procedure.

The Commission shall be authorized to publish the compensatory amounts together with those fixed in Articles 1 and 2 (3).

Article 10

1. Council Regulation (EEC) No 229/73 ⁽¹⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for cereals and fixing these for certain products, as last amended by Regulation (EEC) No 1602/75 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 11

This Regulation shall enter into force on 1 November 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 27, 1. 2. 1973, p. 25.

⁽²⁾ OJ No L 164, 27. 6. 1975, p. 2.

ANNEX

Amount of Community import levy (u.a./metric ton)	Amounts applicable by way of accession compensatory amount (u.a./metric ton)
from 100·00 to 96·01	98·00
from 96·00 to 92·01	94·00
from 92·00 to 88·01	90·00
from 88·00 to 84·01	86·00
from 84·00 to 80·01	82·00
from 80·00 to 76·01	78·00
from 76·00 to 72·01	74·00
from 72·00 to 68·01	70·00
from 68·00 to 64·01	66·00
from 64·00 to 60·01	62·00
from 60·00 to 56·01	58·00
from 56·00 to 52·01	54·00
from 52·00 to 48·01	50·00
from 48·00 to 44·01	46·00
from 44·00 to 40·01	42·00
from 40·00 to 36·01	38·00
from 36·00 to 32·01	34·00
from 32·00 to 28·01	30·00
from 28·00 to 24·01	26·00
from 24·00 to 20·01	22·00
from 20·00 to 16·01	18·00
from 16·00 to 12·01	14·00
from 12·00 to 8·01	10·00
from 8·00 to 4·01	6·00
from 4·00 to 0·01	2·00
0	0

REGULATION (EEC) No 2758/75 OF THE COUNCIL

of 29 October 1975

laying down general rules concerning the components designed to ensure, within the cereals and rice sectors, the protection of the processing industry, and fixing those components in respect of the new Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty⁽¹⁾ concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972, and in particular Article 61 (2) of the Act⁽²⁾, annexed thereto;

Having regard to the proposal from the Commission;

Whereas Article 61 (2) of the said Act provides that the amount of the component for the protection of the processing industry in the new Member States is to be determined in respect of products covered by Council Regulation (EEC) No 2727/75⁽³⁾ of 29 October 1975 on the common organization of the market in cereals, and Council Regulation No 359/67/EEC⁽⁴⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75⁽⁵⁾, by separating out, from the total charge on imports from third countries applied by the new Member States on 1 January 1972, the component or components designed to ensure the protection of their processing industry;

Whereas, in order to obtain a complete table of the components designed to ensure the protection of the processing industry within the enlarged Community, the components for the protection of industry in the Community as originally constituted should be reprinted alongside the components applicable by the new Member States;

Whereas account must be taken of the more favourable conditions enjoyed by certain third countries in their trade with the new Member States within the framework of the system of preferences;

Whereas it is necessary to determine those products for which no fixed component shall be payable, pursuant to the Agreement referred to in Article 64 of the Act, in trade between Ireland and the United Kingdom;

Whereas the component for the protection of the processing industry of a new Member State may take a different form from the component applied in the Community as originally constituted; whereas the change necessary in the form of protection during the period of alignment should be effected in the best possible conditions,

HAS ADOPTED THIS REGULATION:

Article 1

1. The components mentioned in Article 61 of the Act which are designed to ensure the protection of the processing industry and are hereinafter referred to as 'fixed components' levied in respect of products covered by Regulation (EEC) No 2727/75 and Regulation No 359/67/EEC on imports from the new Member States into the Community as originally constituted and on imports from the other Member States into each new Member State, or which replace for the new Member States the Community protective component of the charge on imports from third countries are fixed or reprinted, as the case may be, in Annex I.

2. Without prejudice to the application of Article 59 (4) of the Act, the fixed components provided for in paragraph 1 above shall be applicable until 31 July 1973 in respect of products covered by Regulation (EEC) No 2727/75 and until 31 August 1973 in respect of products covered by Regulation No 359/67/EEC.

3. For subsequent marketing years:

— as regards imports into the new Member States from third countries, the former shall determine the fixed components provided for in paragraph 1 above, adjusted in accordance with Article 59 (2) of the Act, account being taken, where appropriate, of Article 4 of this Regulation.

If the Community fixed component is altered or suspended, the new Member States shall

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽⁵⁾ OJ No L 72, 20. 3. 1975, p. 18.

simultaneously alter or suspend the basic fixed component applicable to imports from third countries to the extent envisaged under Article 59 (2) of the Act,

- as regards trade within the Community, the Commission shall determine the fixed components provided for in paragraph 1 above, adjusted in accordance with Article 59 (1) of the Act, account being taken, where necessary, of any authorizations granted under Article 59 (4) of that Act.

Article 2

Notwithstanding Article 1 (1), those new Member States which, under preferential agreements, applied before their accession more favourable arrangements to imports from the third countries with which those agreements were concluded shall, in accordance with Article 59 (2) of the Act, account being taken of Article 4 of this Regulation, adjust the reduced fixed components applicable to those third countries, the components in force on 1 January 1972 being considered as basic duties.

Article 3

No fixed component shall be levied:

- (a) on importation into the United Kingdom of the products referred to in Article 1 (2), coming from and originating in Ireland;
- (b) on the importation into Ireland of malt and products falling within subheading 23.07 ex B of the Common Customs Tariff, designated as 'balancer meals, mineral mixtures and concentrates', coming from and originating in the United Kingdom;
- (c) in trade between the United Kingdom and Denmark in malt, whether roasted or not, falling within heading No 11.07 of the Common Customs Tariff and originating in those Member States.

Article 4

Where in a new Member State the fixed component is *ad valorem*, it shall be aligned on the specific fixed component applied in the Community as

originally constituted, in accordance with the following provisions:

- in the first stage, the new Member State shall apply as the fixed component:
 - (a) a specific amount equal to one-fifth of the Community fixed component;
 - (b) an *ad valorem* amount equal to the original *ad valorem* amount which was applied in that Member State on 1 February 1973 reduced by one-fifth;
- at each subsequent stage the specific amount shall be increased by one-fifth of the Community fixed component and the *ad valorem* amount shall be reduced by one-fifth of the original *ad valorem* component;
- if the Community component is altered, the increase or reduction of the specific amount provided for in (a) shall be so calculated as to remain constant at each subsequent stage.

Article 5

Detailed rules for the application of this Regulation shall be adopted, as and when necessary, in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 and Regulation No 359/67/EEC.

Article 6

1. Council Regulation (EEC) No 224/73 ⁽¹⁾ of 31 January 1973 laying down general rules concerning the components designed to ensure, within the cereals and rice sectors, the protection of the processing industry, and fixing those components in respect of the new Member States, as amended by Regulation (EEC) No 1070/74 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

A table is provided in Annex II for the purpose of correlating citations of and references to Articles of that Regulation with those of this Regulation.

Article 7

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

⁽¹⁾ OJ No L 27, 1. 2. 1973, p. 8.

⁽²⁾ OJ No L 120, 1. 5. 1974, p. 10.

ANNEX I

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
07.06	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith: A. Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes	0	0	0	manioc 0 other 5 %
10.06	Rice: B. Semi-milled or wholly milled rice: I. Semi-milled rice: a) Round grain b) Long grain II. Wholly milled rice: a) Round grain b) Long grain	5.16 5.13 5.50 5.50	0 0 0 0	0 0 0 0	6.4 6.4 6.4 6.4
11.01	Cereal flours: A. Wheat or meslin flour B. Rye flour C. Barley flour D. Oat flour E. Maize flour: I. Of a fat content not exceeding 1.5 % by weight II. Other F. Rice flour G. Buckwheat flour H. Millet flour IJ. Canary seed flour K. Grain sorghum flour L. Other	18.75 18.75 5 5 5 2.5 2.5 5 2.5 2.5 2.5 2.5	25.5 7 5 5 5 2.5 2.5 0 0 0 0 0	40 0 0 0 0 0 0 0 0 0 0	10 % 10 % 10 % 10.65 10 % 10 % 10 % 10 % 10 % 10 % 10 %

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground:				
	A. Cereal groats and cereal meal:				
	I. Wheat:				
	a) Durum wheat	18.75	18.75	18.75	10 %
	b) Common wheat	18.75	18.75	40	10 %
	II. Rye	5	5	0	10 %
	III. Barley	5	5	0	10 %
	IV. Oats	5	5	5	10.65
	V. Maize:				
	a) Of a fat content not exceeding 1.5 % by weight:				
	1. For the brewing industry (a) ..	5	0	0	10 %
	2. Other	5	0	0	10 %
	b) Other	2.5	0	0	10 %
	VI. Rice	2.5	0	0	10 %
	VII. Buckwheat	5	0	0	10 %
	VIII. Millet	2.5	0	0	10 %
	IX. Grain sorghum	2.5	0	0	10 %
	X. Other	2.5	0	0	10 %
	B. Hulled grains (shelled or husked), whether or not sliced or kibbled:				
	I. Barley, oats, buckwheat and millet:				
	a) Hulled (shelled or husked):				
	1. Barley	2.5	2.5	0	10 %
	2. Oats:				
	aa) Clipped oats	2.5	2.5	0	10 %
	bb) Other	2.5	2.5	0	10 %
	3. Buckwheat	2.5	0	0	10 %
	4. Millet	2.5	0	0	10 %
	b) Hulled and sliced or kibbled ('Grütze' or 'grutten'):				

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
11.02 (cont'd)	1. Barley	2.5	0	0	10 %
	2. Oats	2.5	0	0	10 %
	3. Buckwheat	2.5	0	0	10 %
	4. Millet	2.5	0	0	10 %
	II. Other cereals:				
	a) Wheat	2.5	2.5	0	10 %
	b) Rye	2.5	2.5	0	10 %
	c) Maize	2.5	2.5	0	10 %
	d) Grain sorghum	2.5	0	0	10 %
	e) Other	2.5	0	0	10 %
	C. Pearled grains:				
	I. Wheat	2.5	2.5	0	10 %
	II. Rye	2.5	2.5	0	10 %
	III. Barley	5	5	0	20 %
	IV. Oats	2.5	2.5	0	10 %
	V. Maize	2.5	2.5	0	10 %
	VI. Buckwheat	2.5	0	0	10 %
	VII. Millet	2.5	0	0	10 %
	VIII. Grain sorghum	2.5	0	0	10 %
	IX. Other	2.5	0	0	10 %
	D. Grains not otherwise worked than kibbled:				
	I. Wheat	2.5	2.5	0	10 %
	II. Rye	2.5	2.5	0	10 %
	III. Barley	2.5	2.5	0	10 %
	IV. Oats	2.5	2.5	0	10 %
	V. Maize	2.5	2.5	0	10 %
	VI. Buckwheat	2.5	0	0	10 %
	VII. Millet	2.5	0	0	10 %
	VIII. Grain sorghum	2.5	0	0	10 %
	IX. Other	2.5	0	0	10 %
	E. Rolled grains; flaked grains:				
	I. Barley, oats, buckwheat and millet:				
	a) Rolled:				
	1. Barley	2.5	2.5	0	10 %
	2. Oats	2.5	2.5	2.5	10.65
	3. Buckwheat	2.5	0	0	10 %
	4. Millet	2.5	0	0	10 %

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
11.02 (cont'd)	b) Flaked:				
	1. Barley	5	5	0	20 %
	2. Oats	5	5	5	10·65
	3. Buckwheat	5	0	0	10 %
	4. Millet	5	0	0	10 %
	II. Other cereals:				
	a) Wheat	5	5	0	10 %
	b) Rye	5	5	0	10 %
	c) Maize	5	5	0	10 %
	d) Grain sorghum	5	0	0	10 %
	e) Other:				
	1. Flaked rice	5	0	0	10 %
	2. Other	5	0	0	10 %
	F. Pellets:				
	I. Wheat	5	5	0	10 %
	II. Rye	5	5	0	10 %
	III. Barley	5	5	0	10 %
	IV. Oats	5	5	0	10 %
	V. Maize	5	5	0	10 %
	VI. Rice	2·5	0	0	10 %
	VII. Buckwheat	5	0	0	10 %
	VIII. Millet	2·5	0	0	10 %
	IX. Grain sorghum	2·5	0	0	10 %
	X. Other	2·5	0	0	10 %
	G. Germ of cereals, whole, rolled, flaked or ground:				
	I. Wheat	5	5	0	10 %
	II. Other	5	5	0	10 %
11.06	Flours and meal of sago and of manioc, arrow- root, salep and other roots and tubers falling within heading No 07.06:				
	A. Denatured	2·5	2·5	0	Manioc } 0 Sago } Other 10 %
	B. Other				Manioc } 0 Sago } Other 10 %
	I. For the manufacture of starches (a) .	17	17	7	Manioc } 0 Sago } Other 10 %
	II. Other	17	17	7	Manioc } 0 Sago } Other 10 %

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
11.07	Malt, roasted or not:				
	A. Unroasted:				
	I. Obtained from wheat:				
	a) In the form of flour	9	9	9	10 %
	b) Other	9	9	9	10 %
	II. Other:				
	a) In the form of flour	9	9	9	10 %
	b) Other	9	9.	9	10 %
	B. Roasted	9	0	9	10 %
11.08	Starches; inulin:				
	A. Starches:				
	I. Maize starch	17	17	0	7·5 %
	II. Rice starch	25·5	25·5	0	16
	III. Wheat starch	17	17	17	10 %
	IV. Potato starch	17	34	10	0
	V. Other	17	17	0	(a) Millet and Buck- wheat starches 16 (b) Sorghum starch 7·5 % (c) Sago 5 % (d) Manioc 0 (e) Other 10 %
11.09	Wheat gluten, whether or not dried:				
	A. Dried	150	18·75	150	10 %
	B. Other	150	18·75	150	10 %
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); Caramel:				
	B. Glucose and glucose syrup:				
	II. Other:				
	a) Glucose in the form of white crystalline powder, whether or not agglomerated	80 ⁽¹⁾	11 ⁽¹⁾	70·9 ⁽¹⁾	7·88 ⁽¹⁾
	b) Other	55 ⁽¹⁾	32 ⁽¹⁾	70·9 ⁽¹⁾	5·67 ⁽¹⁾

⁽¹⁾ Pursuant to Regulation (EEC) No 2730/75 the products falling within subheading 17.02 B I are subject to the same treatment as products falling within subheading 17.02 B II.

However, the fixed component applicable to imports into Ireland of products falling within tariff subheading 17.02 B I a) is fixed at zero; for subsequent marketing years this component is to be adjusted, in respect of imports from third countries, in accordance with Article 59 (2) of the Act.

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion: B. Glucose and glucose syrup: I. Glucose in the form of white crystalline powder, whether or not agglomerated II. Other	80 55	11 32	70.9 70.9	7.88 5.67
23.02	Bran, sharps and other residues derived from the sifting, milling or working of cereals or of leguminous vegetables: A. Of cereals: I. Of maize or rice: a) With a starch content not exceeding 35% by weight b) Other: 1. With a starch content exceeding 35% but not exceeding 45% by weight, and having undergone a denaturing process (a) 2. Other II. Of other cereals: a) Of which the starch content does not exceed 28% by weight, and of which the percentage which passes through a sieve with an aperture of 0.2 mm does not exceed 10% by weight or of which the sieved product has an ash content, calculated on the dry ash product, of 1.5% or more by weight b) Other	0 0 0 0	0 0 0 0	0 0 0 0	10% 10% 10% 10% 10%
23.03	Beet-pulp, bagasse and other waste of sugar manufacture; brewing and distilling dregs and waste; residues of starch manufacture and similar residues:				

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
23.03 (cont'd)	A. Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product:				
	I. Exceeding 40% by weight	150	18.75	0	10 %
23.07	Sweetened forage; other preparations of a kind used in animal feeding:				
	B. Other, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 17.05 B, or milk products falling within heading No or subheading 04.01, 04.02, 04.03, 04.04, 17.02 A or 17.05 A:				
	I. Containing starch or glucose or glucose syrup:				
	ex a) Containing no starch or containing 10% or less by weight of starch:				
	1. Containing no milk product or containing less than 10% by weight of such products	9	9	9	10 %
	2. Containing not less than 10% but less than 50% by weight of milk products ..	9	9	9	10 %
	ex b) Containing more than 10% but not more than 30% by weight of starch:				
	1. Containing no milk products or containing less than 10% by weight of such products	9	9	9	10 %
	2. Containing not less than 10% but less than 50% by weight of milk products ..	9	9	9	10 %
	ex c) Containing more than 30% by weight of starch:				
	1. Containing no milk products or containing less than				

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed components (u.a./metric ton)			
23.07 (cont'd)	10% by weight of such products	9	9	9	10 %
	2. Containing not less than 10% but less than 50% by weight of milk products ..	9	9	9	10 %

*ANNEX II***Correlation***Regulation (EEC) No 224/73*

Article 1 (3)

This Regulation

Article 1 (2)