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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 954/79

of 15 May 1979

**concerning the ratification by Member States of, or their accession to, the
United Nations Convention on a Code of Conduct for Liner Conferences**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 84 (2)
thereof,

Having regard to the draft Regulation submitted by
the Commission,

Having regard to the opinion of the European Parlia-
ment ⁽¹⁾,

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

Whereas a Convention on a Code of Conduct for
Liner Conferences has been drawn up by a Confer-
ence convened under the auspices of the United
Nations Conference on Trade and Development and
is open for ratification or accession ;

Whereas the questions covered by the Code of
Conduct are of importance not only to the Member
States but also to the Community, in particular from
the shipping and trading viewpoints, and it is there-
fore important that a common position should be
adopted in relation to this Code ;

Whereas this common position should respect the
principles and objectives of the Treaty and make a
major contribution to meeting the aspirations of deve-
loping countries in the field of shipping while at the
same time pursuing the objective of the contin-
uing application in this field of the commercial princi-
ples applied by shipping lines of the OECD countries
and in trades between these countries ;

Whereas to secure observance of these principles and
objectives, since the Code of Conduct contains no
provision allowing the accession of the Community as
such, it is important that Member States ratify or

accede to the Code of Conduct subject to certain arran-
gements provided for in this Regulation ;

Whereas the stabilizing role of conferences in
ensuring reliable services to shippers is recognized,
but it is nevertheless necessary to avoid possible
breaches by conferences of the rules of competition
laid down in the Treaty ; whereas the Commission
will accordingly forward to the Council a proposal for
a Regulation concerning the application of those rules
to sea transport,

HAS ADOPTED THIS REGULATION :

Article 1

1. When ratifying the United Nations Convention
on a Code of Conduct for Liner Conferences, or when
acceding thereto, Member States shall inform the
Secretary-General of the United Nations in writing
that such ratification or accession has taken place in
accordance with this Regulation.

2. The instrument of ratification or accession shall
be accompanied by the reservations set out in Annex
I.

Article 2

1. In the case of an existing conference, each group
of shipping lines of the same nationality which are
members thereof shall determine by commercial nego-
tiations with another shipping line of that nationality
whether the latter may participate as a national ship-
ping line in the said conference.

If a new conference is created, the shipping lines of
the same nationality shall determine by commercial
negotiations which of them may participate as a
national shipping line in the future conference.

⁽¹⁾ OJ No C 131, 5. 6. 1978, p. 34.

⁽²⁾ OJ No C 269, 13. 11. 1978, p. 46.

2. Where the negotiations referred to in paragraph 1 fail to result in agreement, each Member State may, at the request of one of the lines concerned and after hearing all of them, take the necessary steps to settle the dispute.

3. Each Member State shall ensure that all vessel-operating shipping lines established on its territory under the Treaty establishing the European Economic Community are treated in the same way as lines which have their management head office on its territory and the effective control of which is exercised there.

Article 3

1. Where a liner conference operates a pool or a berthing, sailing and/or any other form of cargo allocation agreement in accordance with Article 2 of the Code of Conduct, the volume of cargo to which the group of national shipping lines of each Member State participating in that trade or the shipping lines of the Member States participating in that trade as third-country shipping lines are entitled under the Code shall be redistributed, unless a decision is taken to the contrary by all the lines which are members of the Conference and parties to the present redistribution rules. This redistribution of cargo shares shall be carried out on the basis of a unanimous decision by those shipping lines which are members of the conference and participate in the redistribution, with a view to all these lines carrying a fair share of the conference trade.

2. The share finally allocated to each participant shall be determined by the application of commercial principles, taking account in particular of:

- (a) the volume of cargo carried by the conference and generated by the Member States whose trade is served by it;
- (b) past performance of the shipping lines in the trade covered by the pool;
- (c) the volume of cargo carried by the conference and shipped through the ports of the Member States;
- (d) the needs of the shippers whose cargoes are carried by the conference.

3. If no agreement is reached on the redistribution of cargoes referred to in paragraph 1, the matter shall, at the request of one of the parties, be referred to conciliation in accordance with the procedure set out in Annex II. Any dispute not settled by the conciliation procedure may, with the agreement of the parties,

be referred to arbitration. In that event, the award of the arbitrator shall be binding.

4. At intervals to be laid down in advance, shares allocated in accordance with paragraphs 1, 2 and 3 shall be regularly reviewed, taking into account the criteria set out in paragraph 2 and in particular from the viewpoint of providing adequate and efficient services to shippers.

Article 4

1. In a conference trade between a Member State of the Community and a State which is a party to the Code of Conduct and not an OECD country, a shipping line of another Member State of the OECD wishing to participate in the redistribution provided for in Article 3 of this Regulation may do so subject to reciprocity defined at governmental or ship-owners' level.

2. Without prejudice to paragraph 3 of this Article, Article 2 of the Code of Conduct shall not be applied in conference trades between Member States or, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.

3. Paragraph 2 of this Article shall not affect the opportunities for participation as third country shipping lines in such trades, in accordance with the principles reflected in Article 2 of the Code of Conduct, of the shipping lines of a developing country which are recognized as national shipping lines under the Code and which are:

- (a) already members of a conference serving these trades; or
- (b) admitted to such a conference under Article 1 (3) of the Code.

4. Articles 3 and 14 (9) of the Code of Conduct shall not be applied in conference trades between Member States or, on a reciprocal basis, between such States and other OECD countries which are parties to the code.

5. In conference trades between Member States and between these States and other OECD countries which are parties to the Code of Conduct, the shippers and ship-owners of Member States shall not insist on applying the procedures for settling disputes provided for in Chapter VI of the Code in their mutual relationships or, on a reciprocal basis, in relation to shippers and ship-owners of other OECD countries where other procedures for settling disputes have been agreed between them. They shall in parti-

cular take full advantage of the possibilities provided by Article 25 (1) and (2) of the Code for resolving disputes by means of procedures other than those laid down in Chapter VI of the Code.

Article 5

For the adoption of decisions relating to matters defined in the conference agreement concerning the trade of a Member State, other than those referred to

in Article 3 of this Regulation, the national shipping lines of such State shall consult all the other Community lines which are members of the conference before giving or withholding their assent.

Article 6

Member States shall, in due course and after consulting the Commission, adopt the laws, regulations or administrative provisions necessary for the implementation of this Regulation.

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

Done at Brussels, 15 May 1979.

For the Council

The President

R. BOULIN

*ANNEX I***RESERVATIONS**

When ratifying the Convention or when acceding thereto, Member States shall enter the following three reservations and interpretative reservation :

1. For the purposes of the Code of Conduct, the term 'national shipping line' may, in the case of a Member State of the Community, include any vessel-operating shipping line established on the territory of such Member State in accordance with the EEC Treaty.
2. (a) Without prejudice to paragraph (b) of this reservation, Article 2 of the Code of Conduct shall not be applied in conference trades between the Member States of the Community or, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.

(b) Point (a) shall not affect the opportunities for participation as third country shipping lines in such trades, in accordance with the principles reflected in Article 2 of the Code, of the shipping lines of a developing country which are recognized as national shipping lines under the Code and which are :
 - (i) already members of a conference serving these trades ; or
 - (ii) admitted to such a conference under Article 1 (3) of the Code.
3. Articles 3 and 14 (9) of the Code of Conduct shall not be applied in conference trades between the Member States of the Community or, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.
4. In trades to which Article 3 of the Code of Conduct applies, the last sentence of that Article is interpreted as meaning that :
 - (a) the two groups of national shipping lines will coordinate their positions before voting on matters concerning the trade between their two countries ;
 - (b) this sentence applies solely to matters which the conference agreement identifies as requiring the assent of both groups of national shipping lines concerned, and not to all matters covered by the conference agreement.

*ANNEX II***CONCILIATION REFERRED TO IN ARTICLE 3 (3)**

The parties to the dispute shall designate one or more conciliators.

Should they fail to agree on the matter, each of the parties to the dispute shall designate a conciliator and the conciliators thus designated shall co-opt another conciliator to act as chairman. Should a party fail to designate a conciliator or the conciliators designated by the parties fail to reach agreement on the chairman, the President of the International Chamber of Commerce shall, at the request of one of the parties, make the necessary designations.

The conciliators shall make every endeavour to settle the dispute. They shall decide on the procedure to be followed. Their fees shall be paid by the parties to the dispute.

COUNCIL REGULATION (EEC) No 955/79

of 15 May 1979

imposing a definitive anti-dumping duty on a certain herbicide originating in Romania

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 459/68 of 5 April 1968 on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Economic Community ⁽¹⁾, as last amended by Regulation (EEC) No 1411/77 ⁽²⁾, and in particular Article 17 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee set up under Article 12 of Regulation (EEC) No 459/68,

Whereas the Commission has received a complaint submitted in the name of the Community industry producing DNBP technical (Dinoseb) setting out evidence as to the existence of dumping of the like product originating in Romania as well as material injury resulting therefrom;

Whereas, since the information received indicated that the complaint was admissible and that anti-dumping measures might be necessary, the Commission officially notified the importers and exporters known to be concerned, published in the *Official Journal of the European Communities* of 29 December 1978 a notice of the initiation of an anti-dumping procedure concerning imports of a certain herbicide originating in Romania ⁽³⁾, and commenced an examination of the facts;

Whereas, since preliminary examination of the matter showed that there was dumping, that there was sufficient evidence of injury and that the interests of the Community called for immediate intervention, the Commission, by Regulation (EEC) No 322/79 ⁽⁴⁾, imposed a provisional anti-dumping duty for the abovementioned herbicide;

Whereas, in the course of the subsequent examination of the matter, completed after the imposition of the provisional anti-dumping duty, the Commission gave interested parties the opportunity to make known their views in writing, heard the interested parties and gave the parties directly concerned the opportunity

orally to develop their views and to meet and to present opposing views and rebuttal arguments;

Whereas the information received after the imposition of the abovementioned duty did not significantly affect the result of the preliminary investigation but merely provided corroborating evidence;

Whereas in order to determine the existence of dumping with regard to the abovementioned imports, the Commission had to take account of the fact that in Romania trade is on a basis of near or total monopoly and that prices are fixed by the State; whereas, therefore, a comparison between the export price of the product to the Community and its domestic price is not appropriate;

Whereas, in these circumstances, the Commission has decided to base its dumping calculations on the prices at which a like product of a market economy country is sold for consumption on the home market of that country;

Whereas, according to the information obtained by the Commission, the United States is the only market economy country apart from the Member States in which DNBP technical is produced; whereas for this reason the Commission chose the prices of this country as a basis calculation;

Whereas the calculations were made at ex-factory level, and in respect of sales made as nearly as possible at the same time and due allowance was made, on their merits, for transport and ancillary costs, packaging, duties and taxation and for other factors affecting price comparability;

Whereas this examination of the matter shows that dumping has taken place, the margin of which exceeds 40 % in markets principally concerned;

Whereas, with regard to injury to the industry concerned, the evidence available to the Commission shows that imports into the Community of DNBP technical originating in Romania began in 1978 only and by the end of that year had reached a level of approximately 350 to 400 tonnes;

Whereas the imports concerned represent a market share which in the Community amounts to approximately 40 % and in the two main countries of importation to 49 % and 68 % respectively;

⁽¹⁾ OJ No L 93, 17. 4. 1968, p. 1.

⁽²⁾ OJ No L 160, 30. 6. 1977, p. 4.

⁽³⁾ OJ No C 311, 29. 12. 1978, p. 2.

⁽⁴⁾ OJ No L 44, 21. 2. 1979, p. 8.

Whereas the prices of these imports on the Community markets have been extremely low, thus exercising a depressive effect on the Community producers' prices ;

Whereas this development has taken place to the detriment of the Community industry which is thus in an extremely difficult situation, characterized by sales at prices far below the European costs of production, by a decline in production of approximately 60 %, by a significant loss of sales and market shares, by almost complete absence of new orders for 1979, and by the imminent loss of jobs ;

Whereas, therefore, the facts as finally established show that, due consideration having been given to the other factors having a bearing on the situation of this industry, as, for example, the decline of exports to countries outside the Community, the dumped imports are causing and threatening to cause substantial injury to the Community production concerned ;

Whereas in these circumstances, protection of the Community's interests calls for the definitive collection of the amounts secured by way of provisional duty in respect of DNBП technical of Romanian origin and for the imposition of a definitive anti-dumping duty the rate of which, having regard to the extent of injury caused, should approximate to the dumping margins established,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on DNBП technical (Dinoseb) falling within Common Customs Tariff subheading ex 29.07 C III or ex 38.11 D and corresponding to NIMEXE codes ex 29.07-59 or ex 38.11-50, 70, originating in Romania and exported by Chimimportexport, Bucharest. The provisions in force for the application of customs duties shall apply for the application of this duty.

2. The duty referred to in paragraph 1 shall be at a rate of 40 % on the basis of the value declared in accordance with Commission Regulation (EEC) No 375/69 of 27 February 1969 on the declaration of particulars relating to the value of goods for customs purposes ⁽¹⁾.

Article 2

The amounts secured by way of provisional duty under Regulation (EEC) No 322/79 shall be definitively collected.

Article 3

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

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

Done at Brussels, 15 May 1979.

For the Council

The President

R. BOULIN

⁽¹⁾ OJ No L 52, 3. 3. 1969, p. 1.

COMMISSION REGULATION (EEC) No 956/79**of 16 May 1979****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 2724/78 ⁽³⁾ and subsequent amending
Regulations ;

Whereas Council Regulation (EEC) No 652/79 of 29
March 1979 ⁽⁴⁾ laid down the coefficient for
expressing amounts, fixed in units of account, in
ECU ;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2724/78 to today's
offer prices and quotations known to the Commission
that the levies at present in force should be altered to
the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in
Article 1 (a), (b) and (c) of Regulation (EEC) No
2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May
1979.

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 329, 24. 11. 1978, p. 1.

⁽⁴⁾ OJ No L 84, 4. 4. 1979, p. 1.

ANNEX

to the Commission Regulation of 16 May 1979 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	94.95
10.01 B	Durum wheat	153.06 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	101.51 ⁽⁶⁾
10.03	Barley	100.28
10.04	Oats	100.81
10.05 B	Maize, other than hybrid maize for sowing	89.69 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0.76
10.07 B	Millet	95.67 ⁽⁴⁾
10.07 C	Grain sorghum	99.83 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	147.53
11.01 B	Rye flour	156.70
11.02 A I a)	Durum wheat groats and meal	250.75
11.02 A I b)	Common wheat groats and meal	157.40

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

⁽²⁾ Where maize originating in the ACP or OCT is imported into the French overseas departments the levy is reduced by 7.25 ECU/tonne as provided for in Regulation (EEC) No 706/76.

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

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

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

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

COMMISSION REGULATION (EEC) No 957/79**of 16 May 1979****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2725/78 ⁽³⁾ and subsequent amending Regulations ;

Whereas Council Regulation (EEC) No 652/79 of 29
March 1979 ⁽⁴⁾ laid down the coefficient for
expressing amounts, fixed in units of account, in
ECU ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 17 May
1979.

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

⁽³⁾ OJ No L 329, 24. 11. 1978, p. 4.

⁽⁴⁾ OJ No L 84, 4. 4. 1979, p. 1.

ANNEX

to the Commission Regulation of 16 May 1979 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8
10.01 A	Common wheat, and meslin	0	0.18	0.18	0.94
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0.26	0.26	1.31

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0.32	0.32	1.67	1.67
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0.24	0.24	1.25	1.25
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 958/79**of 16 May 1979****fixing the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1260/78 ⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Regulation (EEC) No 2364/78 ⁽³⁾, as last amended by Regulation (EEC) No 907/79 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979 ⁽⁵⁾ laid down the coefficient for expressing amounts, fixed in units of account, in ECU;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2364/78 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May 1979.

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 11.

⁽³⁾ OJ No L 286, 12. 10. 1978, p. 5.

⁽⁴⁾ OJ No L 115, 9. 5. 1979, p. 5.

⁽⁵⁾ OJ No L 84, 4. 4. 1979, p. 1.

to the Commission Regulation of 16 May 1979 fixing the import levies on rice and broken rice

CCT heading No	Description	Third countries ⁽³⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
10.06	Rice :		
	A. Paddy rice ; husked rice :		
	I. Paddy rice :		
	a) Round grain	120·27	56·51
	b) Long grain	132·46	62·60
	II. Husked rice :		
	a) Round grain	150·34	71·54
	b) Long grain	165·57	79·16
	B. Semi-milled or wholly milled rice :		
	I. Semi-milled rice :		
	a) Round grain	194·57	85·32
	b) Long grain	319·55	147·85
	II. Wholly milled rice :		
	a) Round grain	207·22	91·22
	b) Long grain	342·56	158·89
	C. Broken rice :	63·55	28·76

(²) The import levy on rice entering the overseas department of Reunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 959/79

of 16 May 1979

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice ⁽¹⁾, as last amended by Regu-
lation (EEC) No 1260/78 ⁽²⁾, and in particular Article
13 (6) thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 3107/78 ⁽³⁾, as last amended by Regulation (EEC)
No 908/79 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 652/79 of 29
March 1979 ⁽⁵⁾ laid down the coefficient for
expressing amounts, fixed in units of account, in
ECU;

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

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May
1979.

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 11.

⁽³⁾ OJ No L 370, 30. 12. 1978, p. 7.

⁽⁴⁾ OJ No L 115, 9. 5. 1979, p. 7.

⁽⁵⁾ OJ No L 84, 4. 4. 1979, p. 1.

ANNEX

to the Commission Regulation of 16 May 1979 fixing the premiums to be added to the import levies on rice and broken rice

(ECU/tonne)					
CCT heading No	Description	Current 5	1st period 6	2nd period 7	3rd period 8
10.06	Rice :				
	A. Paddy rice ; husked rice :				
	I. Paddy rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	II. Husked rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	B. Semi-milled or wholly milled rice :				
	I. Semi-milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	II. Wholly milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	C. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 960/79

of 16 May 1979

fixing the export refunds on white sugar and raw sugar, exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 3330/74 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾;

Whereas the world market situation or the specific requirements of certain markets may make it neces-

sary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

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

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979⁽⁸⁾ laid down the coefficient for expressing amounts, fixed in units of account, in ECU;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 3330/74, undenatured and exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May 1979.

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 84, 4. 4. 1979, p. 1.

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 16 May 1979 fixing the export refunds on white sugar and raw sugar, exported in the natural state

(ECU / 100 kg)

CCT heading No	Description	Refund
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar ; flavoured or coloured sugar	24.50
	B. Raw sugar :	
	(a) Candy sugar	25.37 ⁽¹⁾
	(b) Other raw sugar	21.50 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

COMMISSION REGULATION (EEC) No 961/79

of 16 May 1979

laying down conditions for invitations to tender for colza and rape seed held by the Belgian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 590/79⁽²⁾, and in particular Article 26 (3) thereof,

Whereas during the 1978/79 marketing year the Belgian intervention agency bought in certain quantities of colza and rape seed pursuant to Article 26 of Regulation No 136/66/EEC;

Whereas Commission Regulation (EEC) No 189/68⁽³⁾, as last amended by Regulation (EEC) No 1687/76⁽⁴⁾, laid down the conditions for sale by tender on the Community market of oil seeds held by intervention agencies; whereas, in view of the present situation on the Community oil seeds market, it is unlikely that the quantities held by the Belgian intervention agency can be sold in accordance with the price conditions laid down in Article 5 of Regulation (EEC) No 189/68; whereas, therefore, special measures must be taken to dispose of these oil seeds;

Whereas colza and rape seed can at present be marketed in the Community at a price which accords more closely with the actual market situation than that fixed in accordance with the said Article 5;

Whereas a security should be required in order to ensure compliance with the obligations involved in the submission of a tender; whereas, moreover, that security should be such as to prevent the seeds sold by tender from being offered for intervention a second time; whereas the security should therefore be forfeited unless the successful tenderer provides proof that the seeds have been placed under control at an oil mill pursuant to Article 2 of Council Regulation (EEC) No 2114/71⁽⁵⁾, as last amended by Regulation (EEC) No 851/78⁽⁶⁾, or have been exported;

Whereas the minimum selling price that most closely corresponds to the actual market situation may be determined on the basis of the tenders received;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be put up for sale by tender on the Community market one lot of a total quantity of approximately 60 tonnes of colza and rape seed held by the Belgian intervention agency and bought in during the 1978/79 marketing year.

2. The provisions of Regulation (EEC) No 189/68 shall apply, subject to those of this Regulation.

Article 2

The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than 10 days before the final date for the submission of tenders. This date shall be 29 May 1979, at 2 p.m. (local time).

Article 3

1. No tender shall be accepted unless it states a price per lot, delivery ex storage depot.

The costs of weighing, sampling and analysis shall be borne by the intervention agency. Any other exit costs arising shall be borne by the purchaser.

2. Tenders shall be valid only if accompanied by a security of 2 ECU per 100 kilograms.

The security may be provided in cash or in the form of a guarantee satisfying the criteria laid down in the Kingdom of Belgium.

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

⁽²⁾ OJ No L 78, 30. 3. 1979, p. 1.

⁽³⁾ OJ No L 43, 17. 2. 1968, p. 7.

⁽⁴⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁵⁾ OJ No L 222, 2. 10. 1971, p. 2.

⁽⁶⁾ OJ No L 116, 28. 4. 1978, p. 4.

Article 4

The security referred to in Article 3 (2) shall be released where :

- (a) the tenderer has not withdrawn his tender before the award of the contract and the tender has been unsuccessful ;
- (b) the successful tenderer, save in case of *force majeure*, has paid to the intervention agency the amount corresponding to his tender, has taken over the oil seeds awarded to him under the tender and has given proof that the oil seeds have been placed under control at an oil mill pursuant to Article 2 of Regulation (EEC) No 2114/71 or have been exported.

Article 5

In the light of the tenders submitted, a minimum price for the seeds shall be fixed in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

The price shall be fixed, ex storage depot, for oil seeds of the standard quality for which intervention prices

are fixed. Where the oil seeds offered for sale are not of the said standard quality, their weight shall be determined by the method described in the Annex to Commission Regulation (EEC) No 1204/72 ⁽¹⁾, as last amended by Regulation (EEC) No 2980/78 ⁽²⁾, and the selling price shall be increased or reduced as specified in the Annex to Commission Regulation No 282/67/EEC ⁽³⁾, as last amended by Regulation (EEC) No 1512/78 ⁽⁴⁾.

Article 6

Subject to the minimum price referred to in Article 5, the contract shall be awarded to the highest bidder.

If two or more tenderers tender at the same price, the successful tenderer shall be chosen by lot.

Article 7

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

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 133, 10. 6. 1972, p. 1.

⁽²⁾ OJ No L 355, 19. 12. 1978, p. 17.

⁽³⁾ OJ No 151, 13. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 178, 1. 7. 1978, p. 58.

COMMISSION REGULATION (EEC) No 962/79

of 16 May 1979

amending for the third time Regulation (EEC) No 68/79 fixing countervailing charges on seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽¹⁾, as last amended by Regulation (EEC) No 234/79⁽²⁾, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 68/79⁽³⁾, as last amended by Regulation (EEC) No 582/79⁽⁴⁾, fixed countervailing charges on seeds in respect of a certain type of hybrid maize for sowing;

Whereas, since that time, a further significant variation has been recorded in the free-at-frontier offer prices; whereas under the terms of Article 4 (2) of Commission Regulation (EEC) No 1665/72⁽⁵⁾, it is consequently necessary to alter the said charges;

Whereas Council Regulation (EEC) No 652/79⁽⁶⁾, laid down the coefficient for expressing in ECU amounts fixed in units of account;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 68/79 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽³⁾ OJ No L 11, 17. 1. 1979, p. 5.

⁽⁴⁾ OJ No L 77, 29. 3. 1979, p. 21.

⁽⁵⁾ OJ No L 175, 2. 8. 1972, p. 49.

⁽⁶⁾ OJ No L 84, 4. 4. 1979, p. 1.

ANNEX

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CCT heading No	Description	Amount of countervailing charge ⁽¹⁾	Country of origin
10.05	Maize :		
	A. Hybrids for sowing :		
	I. Double hybrids and top cross hybrids	1.8	Yugoslavia
		1.9	Austria
		4.5	Hungary
		4.6	USA
		13.3	Romania
		13.3	Other countries
	II. Three-cross hybrids	11.8	USA
		13.3	Romania
		18.1	Hungary
		21.2	Canada
		21.2	Other countries ⁽²⁾
	III. Single hybrids	2.7	Romania
		4.1	Yugoslavia
		8.4	USA
		21.2	Hungary
		30.0	Canada
		30.0	Other countries ⁽³⁾

⁽¹⁾ The countervailing charge may not exceed 4 % of the customs value.⁽²⁾ With the exception of Yugoslavia.⁽³⁾ With the exception of Spain.

COMMISSION REGULATION (EEC) No 963/79
of 16 May 1979
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as amended by Regulation (EEC) No 369/76⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices

for poultrymeat products other than slaughtered poultry and halves or quarters indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979⁽⁵⁾ laid down the coefficient for expressing amounts, fixed in units of account, in ECU;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

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

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 84, 4. 4. 1979, p. 1.

ANNEX

Additional amounts applicable to poultrymeat products with the exception of live and slaughtered poultry and halves or quarters

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen : B. Poultry cuts (excluding offals) : I. Boned or boneless II. Unboned (bone-in) : e) Legs and cuts of legs : 3. Of other poultry	35.00 35.00	Origin : People's Republic of China Origin : United States of America

COMMISSION REGULATION (EEC) No 964/79

of 16 May 1979

introducing a countervailing charge on tomatoes originating in Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 912/79⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0.50 unit of account below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 827/79 of 26 April 1979 fixing until the end of the 1979 marketing year the reference price for tomatoes⁽³⁾, fixed the reference price for products of Class I for the month of May 1979 at 98.51 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available, less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 668/78⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficients fixed in Article 1 (2) (a) first indent of Regulation (EEC) No 827/79;

Whereas, for Romanian tomatoes, the entry price calculated in this way has remained at least 0.50 unit of account below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

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

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979⁽⁶⁾ laid down the coefficient for expressing amounts, fixed in units of account, in ECU,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 11.04 ECU per 100 kilograms net is applied to tomatoes (subheading 07.01 M of the Common Customs Tariff) originating in Romania.

Article 2

This Regulation shall enter into force on 18 May 1979.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 116, 11. 5. 1979, p. 1.

⁽³⁾ OJ No L 105, 27. 4. 1979, p. 20.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 90, 5. 4. 1978, p. 5.

⁽⁶⁾ OJ No L 84, 4. 4. 1979, p. 1.

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 965/79

of 16 May 1979

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1550/78 ⁽³⁾, as last amended by Regulation (EEC) No 953/79 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979 ⁽⁵⁾, laid down the coefficient for expressing amounts, fixed in units of account, in ECU;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1550/78 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 May 1979.

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

Done at Brussels, 16 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 182, 5. 7. 1978, p. 17.

⁽⁴⁾ OJ No L 120, 16. 5. 1979, p. 16.

⁽⁵⁾ OJ No L 84, 4. 4. 1979, p. 1.

ANNEX

to the Commission Regulation of 16 May 1979 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar ; flavoured or coloured sugar B. Raw sugar	31.87 26.28 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 April 1979

authorizing the French Republic not to apply Community treatment to gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, falling within heading No 60.02 of the Common Customs Tariff, (NIMEXE codes 60.02-40, 50, 60, 70, 80) (categories 10 and 11), originating in Hong Kong and in free circulation in the other Member States

(Only the French text is authentic)

(79/471/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 17 April 1979 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, falling within heading No 60.02 of the Common Customs Tariff (NIMEXE codes 60.02-40, 50, 60, 70, 80) (categories 10 and 11), originating in Hong Kong and in free circulation in the other Member States,

Whereas the importation into the Community of the products in question originating in Hong Kong is covered by an Agreement negotiated between the Community and that country;

Whereas under that Agreement Hong Kong has undertaken to take all necessary steps to limit its exports of the products in question to the Community up to the amount of certain ceilings allocated among the Member States;

Whereas it was not possible on that occasion to allocate these ceilings on the basis of the needs of the individual markets; whereas there are therefore disparities existing between the import conditions in the various Member States; whereas uniformity can only be achieved progressively;

Whereas it appears from the application submitted that there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment;

Whereas further direct imports, in addition to those already made or proposed, would be likely to aggravate these difficulties;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down in Commission Decision 71/202/EEC of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof;

Whereas, however, the application for a licence which gave rise to the application in question does not need to be covered by such an authorization in view of the small amount involved,

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, where they originate in Hong Kong and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 12 April 1979 :

CCT heading No	Description
60.02 (NIMEXE codes 60.02-40, 50, 60, 70, 80) (categories 10 and 11)	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubber- ized

Article 2

This Decision shall apply until 30 June 1979.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 26 April 1979.

For the Commission

Antonio GIOLITTI

Member of the Commission

COMMISSION DECISION

of 26 April 1979

authorizing the French Republic not to apply Community treatment to handkerchiefs of woven fabrics, of a value of not more than 15 EUA/kg, falling within subheading ex 61.05 B of the Common Customs Tariff (NIMEXE codes 61.05-30, 99) (category 19), originating in Hong Kong and in free circulation in the other Member States

(Only the French text is authentic)

(79/472/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 17 April 1979 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to handkerchiefs of woven fabrics, of a value of not more than 15 EUA/kg, falling within subheading ex 61.05 B of the Common Customs Tariff (NIMEXE codes 61.05-30, 99) (category 19), originating in Hong Kong and in free circulation in the other Member States,

Whereas the importation into the Community of the products in question originating in Hong Kong is covered by an Agreement negotiated between the Community and that country;

Whereas under that Agreement Hong Kong has undertaken to take all necessary steps to limit its exports of the products in question to the Community up to the amount of certain ceilings allocated among the Member States;

Whereas it was not possible on that occasion to allocate these ceilings on the basis of the needs of the individual markets; whereas there are therefore disparities existing between the import conditions in the various Member States; whereas uniformity can only be achieved progressively;

Whereas it appears from the application submitted that there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment;

Whereas further indirect imports, in addition to those already made or proposed, would be likely to aggravate these difficulties;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down in Commission Decision 71/202/EEC of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof;

Whereas, however, the application for a licence which gave rise to the application in question does not need to be covered by such an authorization,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, where they originate in Hong Kong and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 12 April 1979:

CCT heading No	Description
(NIMEXE codes 61.05-30, 99) (category 19)	Handkerchiefs of woven fabrics, of a value of not more than 15 EUA/kg.

Article 2

This Decision shall apply until 30 September 1979.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 26 April 1979.

For the Commission

Antonio GIOLITTI

Member of the Commission

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 27 April 1979

authorizing the French Republic not to apply Community treatment to handkerchiefs of woven fabrics, of a value of not more than 15 EUA/kg, falling within subheading 61.05 B of the Common Customs Tariff (NIMEXE codes 61.05-30, 99) (category 19), originating in the People's Republic of China and in free circulation in the other Member States

(Only the French text is authentic)

(79/473/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 20 April 1979 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to handkerchiefs of woven fabrics of a value of not more than 15 EUA/kg, falling within subheading 61.05 B of the Common Customs Tariff (NIMEXE codes 61.05-30, 99) (category 19), originating in the People's Republic of China and in free circulation in the other Member States,

Whereas in France the importation of the products in question originating in the People's Republic of China is, in accordance with Council Decision 79/252/EEC of 21 December 1978 ⁽¹⁾, subject to an annual quota;

Whereas the disparities which exist in the commercial policy measures applied in connection with these products by the Member States are causing deflection of trade, thereby preventing the execution of those commercial policy measures which are in force because of the difficult economic situation in the sector concerned;

Whereas it appears from the application submitted that there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment;

Whereas further indirect imports, in addition to those already made, would be likely to aggravate these difficulties;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down in Commission Decision 71/202/EEC of 12 May 1971 ⁽²⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, where they originate in the People's Republic of China and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 10 April 1979:

CCT heading No	Description
61.05 B (NIMEXE codes 61.05-30, 99) (category 19)	Handkerchiefs of woven fabrics of a value of not more than 15 EUA/kg.

Article 2

This Decision shall apply until 30 June 1979.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 27 April 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 60, 12. 3. 1979, p. 1.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 27 April 1979

authorizing the French Republic not to apply Community treatment to woven table linen, toilet and kitchen linen other than of cotton terry fabric, falling within subheading ex 62.02 B of the Common Customs Tariff (NIMEXE codes 62.02-41, 43, 47, 65, 73, 77) (category 39), originating in the People's Republic of China and in free circulation in the other Member States

(Only the French text is authentic)

(79/474/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 20 April 1979 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to woven table linen, toilet and kitchen linen other than of cotton terry fabric, falling within subheading ex 62.02 B of the Common Customs Tariff (NIMEXE codes 62.02-41, 43, 47, 65, 71, 77) (category 39), originating in the People's Republic of China and in free circulation in the other Member States,

Whereas in France the importation of the products in question originating in the People's Republic of China is, in accordance with Council Decision 79/252/EEC of 21 December 1978⁽¹⁾, subject to an annual quota;

Whereas the disparities which exist in the commercial policy measures applied in connection with these products by the Member States are causing deflection of trade, thereby preventing the execution of those commercial policy measures which are in force because of the difficult economic situation in the sector concerned;

Whereas it appears from the application submitted that there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment;

Whereas further indirect imports, in addition to those already made or proposed, would be likely to aggravate these difficulties;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should accordingly be given for the application of protective measures under the

first paragraph of Article 115, subject to the conditions laid down in Commission Decision 71/202/EEC of 12 May 1971⁽²⁾, and in particular Article 1 thereof;

Whereas, however, the application for a licence which gave rise to the application in question does not need to be covered by such an authorization in view of the small amount involved,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, where they originate in the People's Republic of China and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 17 April 1979:

CCT heading No	Description
ex 62.02 B (NIMEXE codes 62.02-41, 43, 47, 65, 73, 77) (category 39)	Woven table linen, toilet and kitchen linen other than of cotton terry fabric.

Article 2

This Decision shall apply until 30 June 1979.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 27 April 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 60, 12. 3. 1979, p. 1.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 3 May 1979

allowing admission free of Common Customs Tariff duties the scientific apparatus described as 'Aero Vironment — Monostatic/Bistatic Acoustic Radar System'

(79/475/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 27 October 1978, the Government of the United Kingdom requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether or not the apparatus described as 'Aero Vironment — Monostatic/Bistatic Acoustic Radar System', used for research into the role of atmospheric conditions on the concentrations of air pollutants, should be considered to be scientific apparatus, and if the reply is in the affirmative, whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all of the Member States met on 7 February 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus is a detector complete with a recorder, an acoustic antenna and a fan beam; whereas its objective technical characteristics such as the frequency and the use to which it is put make it specially suited to pure scientific research; whereas it must, therefore, be considered to be a scientific apparatus;

Whereas information obtained from the Member States has shown that apparatus of equivalent scientific value and capable of being used for the same purpose cannot be considered as being currently manufactured in the Community within the meaning of Article 3 (3) of Regulation (EEC) No 1798/75;

whereas since 1 January 1979 this applies in particular to the apparatus 'Sodar numérisé Doppler tridimensionnel' manufactured by the firm Bertin & Cie, 78370 Plaisir/France;

Whereas the apparatus which was the subject of a request by the British Government was ordered in December 1977; whereas it was not possible at that time for Community manufacturers to supply equipment of equivalent scientific value to that of the apparatus for which duty-free admission is requested; whereas exemption from import duty is therefore justified in respect of the apparatus in question; whereas granting of such exemption must, however, be limited to cases where the order for the apparatus was placed prior to 1 January 1979,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus designated 'Aero Vironment — Monostatic/Bistatic Acoustic Radar System', must be considered to be a scientific apparatus.
2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the scientific apparatus described in paragraph 1 are fulfilled.

Article 2

The provisions of Article 1 (2) are applicable only to those units of the apparatus in question for which an order was placed before 1 January 1979.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 May 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 3147/78 of 21 December 1978 on the total or partial suspension of Common Customs Tariff duties on certain agricultural products originating in Turkey (1979)

(Official Journal of the European Communities No L 373 of 30 December 1978)

Page 31, subheading 20.06 B II a) 9 ex aa), indent :

for: '— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons',

read: '— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09 excluding melons and watermelons'.

Page 32, subheading 20.06 B II b) 9 ex aa), indent :

for: '— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons',

read: '— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09 excluding melons and watermelons'.
