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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 3 December 1973

on consultation and information procedures in matters of credit insurance, credit guarantees and financial credits

(73/391/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal from the Commission;

Whereas, by a Decision of 27 September 1960 ⁽¹⁾, the Council set up a Policy Coordination Group for Credit Insurance, Credit Guarantees and Financial Credits;

Whereas, by a Decision of 26 January 1965 ⁽²⁾, the Council set up a consultation procedure in matters of credit insurance, credit guarantees and financial credits;

Whereas it is advisable that, on the basis of the experience acquired in applying this consultation procedure, certain amendments be made thereto,

Article 1

The provisions of the Annex shall apply as from 1 January 1974.

These provisions shall be substituted for those formerly adopted by the Council as regards the procedure for consultation in matters of credit insurance, credit guarantees and financial credits.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 December 1973.

For the Council

The President

I. NØRGAARD

⁽¹⁾ OJ No 66, 27. 10. 1960, p. 1339/60.

⁽²⁾ OJ No 19, 5. 2. 1965, p. 255/65.

ANNEX

CONSULTATION AND INFORMATION PROCEDURES IN MATTERS OF
CREDIT INSURANCE, CREDIT GUARANTEES AND FINANCIAL CREDITS

TITLE I

GENERAL PROCEDURE

Section I

Scope

Article 1

Consultation in accordance with the procedure laid down in Section II shall take place where it is proposed — by the State, any other State organization or any body for credit insurance or finance — to grant or guarantee, fully or partially, foreign credits:

- linked to exports of goods or services
- which depart from the norms listed in Annex I or from any other norm adopted by the Member States.

Article 2

The consultation procedure shall be applicable:

- whether it concerns supplier credits or financial credits
- whether these credits form the subject-matter of individual contracts or global credit arrangements as described in Article 3
- whether the credits are purely private or are sponsored fully or partially, out of public funds.

Mixed credits combining public and private funds and global private credit arrangements combined with public fund interest subsidies shall for the purpose of this procedure be considered as public credits.

Article 3

1. 'Global credit arrangement' shall mean any understanding or statement, in whatever form, whereby the intention to guarantee supplier or financial credits or to open financial credits, up to a specified or ascertainable ceiling, and in respect of a connected series of transactions, is made known to a third country or to exporters or to financial institutions.

The consultation procedure shall be applicable to these global arrangements even where the nature of the transactions has not been specified and no formal commitment has been entered into, without prejudice to the right to decide on each particular contract.

2. If, in the course of a consultation on the granting of a global arrangement — whether public or private in nature — a Member State or the Commission should request oral consultation and if in the course of this oral consultation five Member States should request that all or some of the individual contracts to be charged to this global arrangement constitute the subject of prior consultations, consultation shall be applicable to such contracts.

3. Any Member State which has granted a global arrangement shall, at a date subsequent thereto, and every six months thereafter, give notification of the use made of that arrangement.

Section II

Procedure

Article 4

In the case of an individual contract, the Member State initiating consultation shall supply the following information:

- (a) country of destination;
- (b) location of the transaction or, failing that, address of head office of the contracting party in the country of destination;
- (c) characteristics of the transaction:
 - nature of transaction: type of material and approximate number of items to be supplied,
 - value rating according to the scale given in Annex 2,
 - whether buyers and any guarantors are public or private,
 - if transaction is to be put for international tender, closing date for submission of tenders;

- (d) principal credit terms applied for by proposed recipient;
- (e) credit terms the authorities in the exporting country propose to offer:
 - percentage payable on credit,
 - duration of credit and starting-point thereof (e.g. each delivery, last delivery, commissioning),
 - repayment rate,
 - where repayment is not to be effected by equal instalments at regular intervals between the starting-point and termination of the credit, exact details of how this is to be effected (percentage of each instalment and exact date of payment),
 - amount of effective interest subsidy, where it differs from that receivable under the normal system; interest rate if the credit is to be granted out of public funds,
 - credit insurance charges, where these differ from those payable under the normal system,
 - scope and terms of any support for local expenditure;
- (f) precise grounds cited for not applying, or departing from, the norms set out in Article 1. Where they obtain, the following circumstances must be specified: aid credit; competition from a third country (with indication whether or not supported); transaction to be charged to a global arrangement which has been the subject of previous consultation.

Article 5

In the case of global credit arrangements, the Member State initiating consultation shall supply the following information:

- (a) country of destination;
- (b) ceiling of global credit arrangement;
- (c) purpose of credit:
 - if known, place where transaction is to be carried out,
 - type of material, the supply of which is contemplated,
 - whether borrowers and any guarantors are public or private;

- (d) credit terms as under Article 4 (e) and eligibility requirements for individual contracts (e.g. closing dates for charging to global credit arrangement, minimum contract prices to be set, if any);

- (e) precise grounds cited for not applying, or departing from, the norms set out in Article 1. Where they obtain, the following circumstances must be specified: aid credit; competition from a third country (with indication whether or not supported).

Article 6

The following numbering shall be observed when transmitting information:

- individual contracts: letter corresponding to the consulting Member State followed by a serial number for each year; where a contract is charged to a global arrangement, the numbering of such global arrangement shall also be indicated;
- global private credit arrangements: letter 'X' followed by the letter corresponding to the consulting Member State and a serial number for each year;
- public or mixed credits: letter 'A' followed by the letter corresponding to the consulting Member State and a serial number for each year.

Article 7

In order to enable Member States to coordinate their attitudes in due and proper time, the information prescribed under Articles 4 and 5 must be transmitted as soon as possible after initiation of the study either of the guarantees and the proposed credits proper, or of any other decision which, under the terms of national regulations or national administrative practices, would constitute a prerequisite for the subsequent examination of such guarantees or credits.

Article 8

Where there are changes in the factors justifying departure from the norms or if new basic terms of the credit are proposed which differ from those initially specified by the consulting Member State, renewed consultation shall take place under a revised reference.

If, however, the new terms proposed are more restrictive, the Member State concerned shall be committed only to direct information under the initial reference.

Article 9

The information specified in Articles 4 and 5, the replies specified in Article 10 and the notification referred to in Article 15 shall be transmitted by telex to recipients designated by each Member State, the Commission and the Secretariat of the Council respectively.

All correspondence relating to a consultation shall bear the latter's number and an indication of the country of destination.

Article 10

1. Member States and the Commission may:

- indicate that the terms proposed by the consulting Member State do not call for any comments;
- request the consulting Member State to provide additional details;
- make comments and reservations or express an unfavourable opinion; only an opinion expressly stated to be an 'unfavourable opinion' shall be considered to be such;
- request a consultative meeting.

2. Where transactions subject to consultation receive an unfavourable opinion from five Member States, consultative meetings shall take place automatically.

3. Except where Article 13 applies, the consulting Member State shall suspend its decision until the expiry of the periods prescribed in Article 11, or, where a consultative meeting is due to take place automatically under paragraph 2, until such meeting has been held.

Article 11

The procedure prescribed in Article 10 (1) must be initiated within a period of 7 calendar days from the date of the introductory communication from the consulting Member State.

Where requests for additional details are addressed to the consulting Member State, by the date of expiry of the 7 calendar-day time limit at the latest, the latter must reply within 5 calendar days at the latest.

Participants in the aforementioned procedure shall be allowed a maximum period of three working days following receipt of such additional details within which to express their opinion.

Article 12

Failure on the part of the Member States consulted or of the Commission to reply within the periods prescribed in Article 11 shall be deemed an absence of comments as defined in Article 10 (1) (1).

As soon as a Member State requesting additional details has notified the recipients referred to in Article 9 of failure to receive a reply by the date of expiry of the period prescribed in Article 11 (2) a consultative meeting shall take place automatically and Article 10 (3) shall apply.

Article 13

As an exceptional measure, the consulting Member State may take an immediate decision on the transaction proposed if it considers that such decision can no longer be delayed.

However, except in the case of public credits, this provision shall not apply:

- in the case of the decision to grant or guarantee the credit being based only on intra-Community competition. However, the possibility of taking an immediate decision on transactions shall be permitted on terms which another Member State has already decided to support;
- to the extent that any procedure laid down in an international context and to which all Member States are parties affords all participants, only the sole alternative, in cases of urgency, of reducing the normal periods for reply.

Article 14

Consultative meetings shall be held on the occasion of any meeting of the Policy Coordination Group for Credit Insurance, Credit Guarantees and Financial Credits set up by the Council Decision of 27 September 1960, or of its subgroups. Further, if any Member State so requests, special meetings shall be convened in between meetings of the Group or of its subgroups.

Member States and the Commission shall communicate to the recipients referred to in Article 9, if possible four calendar days before the consultative meetings, lists of the matters which they intend to submit for discussion.

Consultative meetings shall be held at the seat of the Secretariat of the Council.

Article 15

In all cases the final decision taken in respect of each transaction shall be made known to the other Member States. The notification of such decision shall be accompanied by a statement of the reasons for which the consulting Member State was unable to take account of any comments, reservations or unfavourable opinions expressed by the partners consulted.

TITLE II

SPECIAL PROCEDURES

Article 16

Any Member State may ask any other Member State whether it has knowledge of a transaction which until then has not been the subject of consultation and, in particular, of the credit terms alleged by an exporter or a financial institution. Should no reply to these requests for details be forthcoming within seven calendar days, the enquiring Member State shall be entitled to consider that the Member State consulted has knowledge of this matter and that the alleged credit terms are deemed to have been established. In accordance with the procedure prescribed under Title I, the enquiring Member State shall have the right to institute a consultation while indicating expressly that it is motivated by a competitive situation which is deemed to have been established.

If consultation has already been initiated by a Member State and another Member State which is called upon to support the same transaction questions the first-mentioned State as to its final position, failure to reply to such questioning on the expiry of a period of five working days shall authorize the enquiring Member State to consider that the Member State thus questioned has supported the matter on the terms indicated during consultation.

Article 17

Untied credits departing from the norms set out in Annex I or from any other norm adopted by the

Member States shall, within the framework of the Policy Coordination Group for Insurance Credit, Credit Guarantees and Financial Credits, entail notification:

- of the basic components of credits granted in the course of the preceding quarter;
- of the use made of untied credits at the close of the preceding year.

Article 18

When a Member State concludes with a third country an agreement which refers to the possible grant of credits without specifying the precise terms thereof:

- in the case of tied credits, it shall on conclusion of the agreement communicate the main features thereof to the recipients referred to in Article 9;
- in the case of untied credits, the notifications provided for in Article 17 shall equally apply to such credits.

Where grants of untied credits are concerned, these shall also be subject to notification as provided in Article 17.

TITLE III

PERIODIC REPORTS

Article 19

The Policy Coordination Group for Credit Insurance, Credit Guarantees and Financial Credits shall submit half-yearly reports on the application of the procedure referred to in Titles I and II.

These periodic reports notwithstanding, supplementary reports shall also be drawn up, if the nature and importance of the difficulties encountered in the application of the relevant procedure so require.

ANNEX 1

COMMUNITY NORMS WHICH CANNOT BE DEPARTED FROM WITHOUT CONSULTATION

A. Duration of credits

The duration of any credit granted, whether supplier credit or financial credit, must not exceed five years calculated from the following starting-points:

1. *Capital goods consisting of individual items usable in themselves:*

(for example, locomotives): the mean date, or actual dates, on which the buyer is to take physical possession of the goods in his own country;

2. *Capital goods for complete plants or factories:*

the date on which the buyer is to take physical possession of the entire goods (excluding spare parts) supplied under the contract;

3. *Construction or installation contracts:*

the earlier of the following:

- either the date on which the seller should have constructed or completed the installation of the plant; or
- twelve months after the date on which the entire goods (excluding spare parts) to be supplied under the contract have been delivered on site.

B. *Percentage of local expenditure*

In the case of guaranteed private credits, the balance of the local portion payable on credit must not exceed 5 % of the contract price:

- however, consultation shall not be instituted in the case of contracts which provide for payment of the local portion to be made, at the latest, upon the expiry of a period of three months calculated from the final completion of the works or deliveries;
- for the proper interpretation of this rule:
 - 'balance payable on credit' shall mean the balance outstanding after charging against the local portion all payments made on account in connection with the contract;
 - 'local portion' shall mean that portion of the contract price representing the expenditure the exporter expects to incur on the spot in the way of payments to employees and others and payments for goods and materials;
 - 'contract' shall mean any type of contract for the supply of goods and materials; for the carrying out of work; mixed (i.e., supply and works) contracts;
 - 'payments on account' shall mean all the sums payable between the placing of the order and final completion of the works or deliveries.

C. *Leasing contracts*

For the purposes of application of the rules, which are the subject of the present Decision, leasing contracts shall be treated as credits. Where their total duration is not expressly restricted, such duration shall be regarded as being in excess of five years.

ANNEX 2

SCALE OF VALUES TO BE USED

category I:	up to	750 000 u.a.
category II:	from	600 000 to 1 500 000 u.a.
category III:	from	1 250 000 to 3 000 000 u.a.
category IV:	from	2 500 000 to 5 000 000 u.a.
category V:	from	4 500 000 to 10 000 000 u.a.
category VI:	from	8 000 000 to 22 000 000 u.a.
category VII:	from	20 000 000 to 44 000 000 u.a.
category VIII:	over	40 000 000 u.a.

COMMISSION

COMMISSION DECISION

of 5 November 1973

amending several Commission Decisions on the sale of butter at reduced prices as concentrated butter

(Only the French, German and Dutch texts are authentic)

(73/392/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act ⁽²⁾ concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 6 (7) thereof;

Having regard to Council Regulation (EEC) No 985/68 ⁽³⁾ of 15 July 1968 laying down general rules for intervention on the market in butter and cream, as last amended by Regulation (EEC) No 2714/72 ⁽⁴⁾, and in particular Article 7a thereof;

Whereas only butter which has been taken into storage before 1 May 1973 may be used for the purposes of the following Decisions:

- Commission Decision ⁽⁵⁾ of 8 December 1972 authorizing the Kingdom of Belgium, The Grand Duchy of Luxembourg and the Kingdom of the Netherlands to sell butter at reduced prices as concentrated butter, as last amended by the Decision ⁽⁶⁾ of 24 May 1973;
- Commission Decision ⁽⁷⁾ of 22 December 1972 authorizing the Federal Republic of Germany to sell butter at reduced prices as concentrated butter, as last amended by the aforementioned Decision of 24 May 1973;

Whereas since part of the butter covered by the abovementioned authorizations has not yet been taken over and there remains no further butter taken into storage before 1 May 1973, and in view of the state of the public stock of butter in the Community, the date of entry into storage fixed for the butter in question should be amended;

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of the Decisions of 8 December 1972 and of 22 December 1972 the date '1 May 1973' is replaced in each case by '1 August 1973'.

Article 2

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 5 November 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 303, 31. 12. 1972, p. 4.

⁽⁶⁾ OJ No L 217, 6. 8. 1973, p. 7.

⁽⁷⁾ OJ No L 303, 31. 12. 1972, p. 41.

COMMISSION DECISION

of 7 November 1973

issuing a standing invitation tender for the export of 50 000 metric tons of barley held
by the German intervention agency

(Only the German text is authentic)

(73/393/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community;

Having regard to Council Regulation No 120/67/
EEC ⁽¹⁾ of 13 June 1967 on the common
organization of the market in cereals, as last
amended by Regulation (EEC) No 1346/73 ⁽²⁾, and
in particular Article 7 (5) thereof;

Having regard to Commission Regulation (EEC) No
376/70 ⁽³⁾ of 27 February 1970 laying down the
procedure and conditions for the disposal of cereals
held by the intervention agencies, as last amended
by Regulation (EEC) No 129/73 ⁽⁴⁾ and in particular
Articles 5 (1) and (7) thereof;

Whereas the Federal Republic of Germany in its
communication of 12 October 1973 informed the
Commission of the intention of the German
intervention agency to issue an invitation to tender
for the export of barley;

Whereas the 50 000 metric tons of barley to be
rendered for will be exported from the frontier
crossing posts for which the tenders are made by the
tenderers; whereas the barley is stored elsewhere;
whereas the German intervention agency, in order to
place all those participating in the tendering
procedure in the same competitive position shall sell
at the same price; whereas in order to do this it will
bear the cost of transport from the place of storage
to the frontier crossing point stipulated;

Whereas under Article 5 (5) of Regulation (EEC) No
376/70 it may be provided that a tender shall only
be valid if it is accompanied by an application for
an export licence and by an application for advance
fixing of the refund for the destination in question;
whereas the intention of this provision is to allow
for better assessment of the tender lodged by the
tenderer;

Whereas Council Regulation (EEC) No 1968/73 ⁽⁵⁾
of 19 July 1973, laying down general rules to be
applied in the event of the cereals market being
disturbed, as amended by Regulation (EEC) No
2632/73 ⁽⁶⁾, provided for the possibility of fixing an
export levy; whereas, according to Article 3 (4) of
that Regulation, this levy may be subject to advance
fixing;

Whereas it is only possible to make a proper
assessment of a tender if the tender is linked with
the export levy applicable on the day on which it is
lodged; whereas, in order to take account of this, it
is appropriate to apply to the export levy by
analogy the rules of Article 5 (5) of Regulation
(EEC) No 376/70 and to extend the application of
all the provisions made under this Article to the
export levy;

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the
Management Committee for Cereals,

HAS ADOPTED THIS DECISION:

Article 1

The German intervention agency, may under the
conditions hereinafter laid down, issue a standing
invitation to tender for the export of barley held by it.

Article 2

1. The invitation to tender refers to a quantity of
50 000 metric tons of barley.
2. The places in which the 50 000 metric tons of
barley are stored are listed in the Annex.

Article 3

1. The minimum selling price is to be fixed for
the following places in accordance with Article 5 (7)
of Regulation (EEC) No 376/70:

North Sea or Baltic ports of export and/or frontier
crossing points in the Federal Republic of Germany,
Rotterdam, Amsterdam and Antwerp.

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

⁽²⁾ OJ No L 141, 28. 5. 1973, p. 8.

⁽³⁾ OJ No L 47, 28. 2. 1970, p. 49.

⁽⁴⁾ OJ No 17, 20. 1. 1973, p. 17.

⁽⁵⁾ OJ No L 201, 21. 7. 1973, p. 10.

⁽⁶⁾ OJ No L 272, 29. 9. 1973, p. 18.

2. Tenders must be made for one or more of these ports or exit points. The tenderer shall specify the port or ports or exit points for which the tender is made.

The tenders shall be for barley

— which is in harbour silos from which it can be loaded directly onto a seagoing vessel or canal barge or

— which is supplied undischarged at the place of embarkation at the port or exit point.

3. In cases where an export refund or levy is applicable on the day on which tenders are lodged, the tenders shall only be valid if they are accompanied by an application for an export licence lodged by the tenderer and a corresponding application

— for advance fixing of the refund for the destination in question or

— for advance fixing of the export levy. In this case the provisions made under Article 5 (5) of Regulation (EEC) No 376/70 shall apply.

4. As regards the quantities of barley which are not at the places referred to in the first and second indents of paragraph 2, the most advantageous

transport costs between the place of storage and the place of embarkation at the port or exit point which may be reached at the most advantageous costs, shall be reimbursed to the exporter-tenderer by the German intervention agency.

Article 4

The German intervention agency shall lay down in the notice of invitation to tender the dates on which tenders may be submitted.

There must be at least 10 days between publication of the notice of invitation to tender and the first date laid down for submission of tenders. The last date on which tenders may be submitted is 24 June 1974.

Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 7 November 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Place of storage	Quantities stored
Schleswig-Holstein / Hamburg	ca. 8 749 metric tons
Niedersachsen / Bremen	ca. 25 000 metric tons
Nordrhein-Westfalen	ca. 16 251 metric tons

COMMISSION DECISION

of 12 November 1973

on the reimbursement by the Guidance Section of the EAGGF to the Kingdom of Belgium of premiums paid during 1972 for grubbing apple trees, pear trees and peach trees

(Only the French and the Dutch texts are authentic)

(73/394/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2517/69 ⁽¹⁾ of 9 December 1969 laying down certain measures for reorganizing Community fruit production, as last amended by Regulation (EEC) No 2456/72 ⁽²⁾;

Having regard to Council Regulation (EEC) No 2093/70 ⁽³⁾ of 20 October 1970 adopting general rules for the application of Articles 6 and 7 (1) of Regulation (EEC) No 2517/69, and in particular Article 2 (2) thereof;

Whereas the Kingdom of Belgium has made an application for the reimbursement of all expenditure in respect of premiums granted during 1972;

Whereas this application is in accordance with the provision of Commission Regulation (EEC) No 1096/71 ⁽⁴⁾ of 27 May 1971 on applications for the reimbursement of premiums granted by the Member States for grubbing apple trees, pear trees and peach trees;

Whereas an examination of information communicated shows that premiums of a total amount of 1 662 322 units of account were paid under the conditions laid down in Regulation (EEC) No 2517/69 and its rules of application; that this total comprises:

- 804 044 units of account concerning the total of the complementary payments necessary to bring the premiums granted in 1970 to 800 units of account per hectare grubbed;

- 111 082 units of account concerning the total of the complementary payments necessary to bring the premiums granted in 1971 to 800 units of account per hectare grubbed;

- 747 196 units of account concerning the new grubbing operations;

that it is opportune, therefore that the Guidance Section of the EAGGF reimburse 50 % of this total, that is 831 161 units of account;

Whereas the Fund Committee has been consulted on the financial aspects and in particular on the funds available,

HAS ADOPTED THIS DECISION:

Article 1

The contribution by the Guidance Section of the European Agricultural Guidance and Guarantee Fund towards the expenditure incurred by the Kingdom of Belgium during 1972 in respect of premiums for grubbing apple trees, pear trees and peach trees is fixed at 831 161 units of account.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 12 November 1973.

For the Commission
The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 318, 18. 12. 1969, p. 15.

⁽²⁾ OJ No L 266, 25. 11. 1972, p. 9.

⁽³⁾ OJ No L 232, 21. 10. 1970, p. 5.

⁽⁴⁾ OJ No L 116, 28. 5. 1971, p. 35.

COMMISSION DECISION

of 14 November 1973

approving additional aid from the Kingdom of Belgium for the benefit of undertakings in the coal industry

(Only the French and Dutch texts are authentic)

(73/395/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC ⁽¹⁾ of 22 December 1970 on Community rules for intervention by Member States for the benefit of the coal industry;

Having regard to Decision No 70/1/ECSC of 19 December 1969 on coking coal and coke, and in particular Article 9 (1) ⁽²⁾ thereof;

Having consulted the Council;

Having considered the following grounds;

Whereas the Commission of the European Communities adopted Decision No 72/373/ECSC ⁽³⁾ on 19 October 1972; whereas this Decision approved the aid intended by the Belgian Government to be granted for the benefit of the Coal Industry in respect of 1972 to the extent that in had been included and examined by the Commission in the 'Memorandum on financial interventions by Member States for the benefit of the Coal Industry 1972' ⁽⁴⁾;

Whereas during the preparations for consultations with the Council on 6 September 1972 concerning the memorandum on financial interventions in respect of 1972 by Member States for the benefit of the coal industry, the representative of the Commission was informed by the Belgian government of the intention to effect an increase for 1972 in the originally planned aid, in order to cover the remaining operating losses; whereas all other aid originally planned for 1972 and approved by the Commission remains unchanged;

Whereas, in accordance with Article 2 of Decision No 3/71/ECSC, the Belgian government communicated to the Commission the additional amounts it intended to pay in respect of 1972 for the benefit of the coal industry; whereas it is planned to increase for 1972 the aid intended to cover operating losses of the mining industry by Bfrs 2 198 700 000, making an increase of Bfrs 211 per ton of coal extracted compared with the amounts already approved;

Whereas the aforementioned aid is in accordance with the criteria laid down in Article 9 of Decision No 3/71/ECSC for the admissibility of such state aid;

Whereas the reason for such a drastic increase in aid was the result of the very unfavourable development of the financial position of the Belgian mining industry; whereas the Belgian government states that some factors that had served as a basis for the estimates made by it in the autumn of 1971 in respect of operating losses liable to be incurred by the mining industry have not developed as had been presumed;

Whereas at the end of 1971 it was assumed that the output per manshift in the Belgian coal industry would rise by 8 to 9 % in 1972 in comparison with 1971, the actual trend to date indicates that an increase in the output per manshift for 1972 is hardly to be expected;

Whereas the basic costs, in particular wages and other labour costs, have risen considerably through the application of the social programmes in the mining industry and in line with the rise in the consumer price index; whereas initially a rise of 14 % in wages was expected, the trend to date indicates a rise of 18 % (including a 5-point rise in consumer price index);

Whereas instead of the estimated stability of revenue in the collieries, a decline is discernible in view of developments in 1972; in the Midi coalfield this will amount to approximately 10 to 15 % and in the Kempen coalfield to approximately 2 to 3 %; whereas the steam-raising coal (lowgrade) of the Midi coalfield must henceforth be sold at prices in line with those of heavy fuel oil, the price of which dropped by 15 to 20 % in 1972 in comparison with 1971;

⁽¹⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽²⁾ OJ No L 2, 6. 1. 1970, p. 10.

⁽³⁾ OJ No L 256, 14. 11. 1972, p. 16 *et seq.*

⁽⁴⁾ Doc. No XVII/52/2/72.

Whereas the fundamental factor in the decline in revenue was the devaluation of the US dollar in December 1971, a factor which could not be foreseen in the autumn of 1971;

Whereas the discontinuance of aid payments would result in the immediate closure of all pits and the redundancy of approximately 30 000 employees; whereas the Belgian mining industry will be able to cover from its revenue for 1972 only 64 % of the full cost of production in the case of the Kempen coalfield and only 43 % in the case of the Midi coalfield;

Whereas the Commission acknowledges that the Belgian Government must take account of compelling economic and social circumstances of regional order in the areas in which the two Belgian coalfields are situated, and that for this reason the additional aid applied for in respect of 1972 to cover operating losses is compatible with the provisions of point 1, Article 9 (1) of Decision No 3/71 (ECSC), since it is intended to prevent severe social and economic disturbances in regions where there are not as yet sufficient opportunities for re-employment;

Whereas, furthermore, it must be pointed out that the increase in aid to cover operating losses in the mining industry must not exceed the estimated operating losses for the mining industry; whereas the increase is thus also in accordance with the provisions of Article 9 (2) of Decision No 3/71 (ECSC);

Whereas the increase in aid planned by the Belgian Government for 1972 is not such as to impair the proper functioning of the Common Market, although the total amount of aid to be calculated in accordance with Articles 6 to 9 of Decision No 3/71/ECSC now yields a figure of 499 Bfrs/t (10 u.a./t) produced and is thus the highest in comparison with the other Community coal producers;

Whereas these findings are based on the following results of investigations:

- the consistency of the quantitative estimates determined for 1972 by the individual Belgian coalfields or undertakings within the framework of the total overall supply position in respect of coal and coke is not impaired by the increase in aid;

- an adverse effect on coal trade between Belgium and the other Member States in 1972 is not discernible;

- industrial consumers receive no indirect aid as a result of artificially low price formation for Belgian coal;

Whereas it can be assumed, in view of these findings that the increase planned by the Belgian Government in aid for 1972 in order to cover operating losses will not impair the proper functioning of the common market (points 1 and 2, Article 3 (1) of Decision No 3/71 (ECSC));

Whereas in accordance with Article 11 (1) of Decision No 3/71/ECSC the Commission must satisfy itself that the approved aid is used for the purpose stated in Article 9 of this Decision; whereas to this end it must be informed in particular of the amount and distribution of the relevant payments,

HAS ADOPTED THIS DECISION:

Article 1

The Government of the Kingdom of Belgium is hereby empowered to pay in respect of 1972 an additional aid to the total amount of Bfrs 2 198 700 000 to the Belgian coal mining industry to cover operating losses.

Article 2

The Government of the Kingdom of Belgium shall communicate to the Commission not later than 31 December 1973 full particulars of aid granted pursuant to this Decision, and in particular of the amount and distribution of the relevant payments.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 14 November 1973.

For the Commission
The President

François-Xavier ORTOLI

COMMISSION DECISION

of 14 November 1973

approving additional aid from the Republic of France for the benefit of the coal industry in 1972

(Only the French text is authentic)

(73/396/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC ⁽¹⁾ of 22 December 1970 on Community rules for intervention by Member States for the benefit of the coal industry;

Having regard to Decision No 70/1/ECSC ⁽²⁾ of 19 December 1969 on coking coal and coke, and in particular Article 9 (1) thereof;

Having consulted the Council;

Having considered the following grounds;

Whereas the Commission of the European Communities adopted Decision No 72/374/ECSC on 19 October 1972 ⁽³⁾; whereas this Decision approved the aid intended by the French Government to be granted for the benefit of the coal industry in respect of 1972 to the extent that it had been included and examined by the Commission in the 'Memorandum on financial interventions by Member States for the benefit of the coal industry 1972' ⁽⁴⁾;

Whereas during the preparations for consultations with the Council on 6 September 1972 concerning the Memorandum on financial interventions by Member States for the benefit of the coal industry, the representative of the Commission was informed by the French Government of the intention to effect an increase for 1972 in the originally planned aid, in order to cover the remaining operating losses; whereas all other aid originally planned for 1972 and approved by the Commission remains unchanged;

Whereas in accordance with Article 2 of Decision No 3/71/ECSC, the French Government communicated to the Commission the additional amounts it intended to pay in respect of 1972 for

the benefit of the coal industry; whereas it is planned to grant additional aid to the amount of FF 150 000 000 to the French coal industry for 1972, which in the opinion of the French Government guarantees that the economic reorganization of the coalfields will proceed on appropriate lines; whereas the total amount consists of the aids granted to the individual coalfields: Nord/Pas-de-Calais — FF 25 000 000; Lorraine — FF 23 000 000; and Centre-Midi — FF 102 000 000; whereas in comparison with the aids already approved for 1972, the increase amounts to approximately 8 % in the case of the Nord/Pas-de-Calais coalfield and 15 % in the case of the Lorraine coalfield; whereas in the case of the Centre-Midi coalfield there is an considerable increase of almost 65 %;

Whereas the aforementioned aid is in accordance with the criteria laid down in Article 9 of Decision No 3/71/ECSC for the admissibility of such state aid;

Whereas the reason for the increase in aid is that the estimate of the trend of costs and revenue proved too optimistic;

Whereas the decline in fuel oil prices in 1972 resulted in a loss in revenue in the Nord/Pas-de-Calais and Centre-Midi coalfields, since the main products of these coalfields are steam-raising coal and domestic coal; whereas in the Lorraine coalfield, the chief product of which is coking coal, the revenue of the collieries in 1972 was more or less stable in comparison with 1971. Production costs, on the other hand, rose more rapidly in 1972 than had been anticipated by the French Government, this being attributed in particular to the fact that production dropped more rapidly (by approximately 2 000 000 metric tons) than had been allowed for in production planning;

Whereas in spite of the increase requested, the aggregate of the aids for 1972 is less than that for 1971; whereas the Commission consequently believes that the attention of the French Government should be directed to developments of the Centre-Midi coalfield, in respect of which the aids granted in order to cover losses in 1972 will amount to the relatively high figure of almost 42 FF/t; whereas in view the relatively small increase in aids there seems to be no need for a fresh scrutiny of the relevant provisions of Commission Decision No 72/374/

⁽¹⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽²⁾ OJ No L 2, 6. 1. 1970, p. 10.

⁽³⁾ OJ No L 256, 14. 11. 1972, p. 19 *et seq.*

⁽⁴⁾ Doc. No XVII/52/2/72.

ECSC ⁽¹⁾ of 19 October 1972 (prevention of severe economic and social disturbances in regions where there are still insufficient opportunities for re-employment); whereas the French Government has not communicated any new aspects to the Commission;

Whereas the requested increase in aids in respect of 1972 to cover operating losses is therefore in accordance with the provisions of point 1, Article 9 (1) of Decision No 3/71/ECSC;

Whereas, furthermore, it must be pointed out that the increase in aid to cover operating losses in the mining industry must not exceed the estimated operating losses; whereas the increase is thus also in accordance with the provisions of Article 9 (2) of Decision No 3/71/ECSC;

Whereas the increase in aid planned by the French Government for 1972 is not such as to impair the proper functioning of the common market, although the total amount of aid to be calculated in accordance with Articles 6 to 9 of Decision No 3/71/ECSC yields a figure of FF 34·24 (6·16 u.a.) per metric ton produced and is thus relatively high in comparison with the aids for the German coal industry;

Whereas these findings are based on the following results of investigations:

- an adverse effect on coal trade between France and the other Member States as a result of increase in aid to cover operating losses in the coal mining industry is not discernible;
- industrial consumers of coking coal and steam-raising coal receive no indirect aid as a result of the formation of artificially low prices for French coal. The revenue from the Nord/Pas-de-Calais coalfield and the Centre-Midi coalfield, of which the main products are steam-raising coal and domestic coal shows a drop of 6 to 7 % for 1972 in comparison with 1971, which is in line with the downward tendency in fuel oil prices;

Whereas in respect of the other criteria for the proper functioning of the common market, the provisions of Commission Decision No 72/374/ECSC ⁽²⁾ of 19 October 1972 do not give rise to any new aspects through the increasing of French aid to cover operating losses in the mining industry;

Whereas it can therefore be established that the increase in French aid is not such as to impair the proper functioning of the common market referred to the Article 3 (1) of Decision No 3/71/ECSC;

Whereas in accordance with Article 11 (1) of Decision No 3/71/ECSC the Commission must satisfy itself that the approved aid is used for the purpose stated in Article 9 of this Decision; whereas to this end it must be informed in particular of the amount and distribution of the relevant payments,

HAS ADOPTED THIS DECISION:

Article 1

The Government of the Republic of France is hereby empowered to grant in respect of 1972 additional aid to the total amount of FF 150 000 000 to the coal mining industry to cover operating losses, and to distribute this amount among the individual coalfields as follows:

Nord/Pas-de-Calais	FF 25 000 000
Lorraine	FF 23 000 000
Centre-Midi	FF 102 000 000

Article 2

The Government of the Republic of France shall communicate to the Commission not later than 31 December 1973 full particulars of aids granted pursuant to this Decision, and in particular the amount and distribution of the relevant payments, as well as of the progress of the economic reorganization of the coalfields.

Article 3

This Decision is addressed to the Republic of France.

Done at Brussels, 14 November 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 256, 14. 11. 1972, p. 20.

⁽²⁾ OJ No L 256, 14. 11. 1972, p. 20.

COMMISSION DECISION

of 14 November 1973

approving new aids from the Federal Republic of Germany for the year 1972 for the benefit of the undertakings in the coal industry

(Only the German text is authentic)

(73/397/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC ⁽¹⁾ of 22 December 1970 on Community rules for intervention by Member States for the benefit of the coal industry;

Having regard to the Decision No 70/1/ECSC ⁽²⁾ of 19 December 1969 on coking coal and coke, and in particular Article 9 (1) thereof;

Having consulted the Council;

Having considered the following grounds;

Whereas the Commission of the European Communities adopted Decision No 72/372/ECSC ⁽³⁾ on 19 October 1972; whereas this Decision approved for the aids intended by the Government of the Federal Republic of Germany to be granted for the benefit of the coal industry in respect of 1972 to the extent that they had been included and examined by the Commission in the 'Memorandum on financial interventions by Member States for the benefit of the coal industry in 1972' ⁽⁴⁾;

Whereas during the preparation for consultations with the Council on 6 September 1972 concerning the Memorandum on financial interventions in respect of 1972 by the Member States' Governments for the benefit of the coal industry, the representative of the Commission was informed by the Government of the Federal Republic of Germany that new measures should be adopted for 1972 because the situation on the German coal market had deteriorated much further than expected during 1972 owing to an appreciable drop in sales accompanied by rising costs; whereas as a result, the most important mining undertaking in the Federal Republic of Germany, Ruhrkohle AG (RAG), was faced with increasing difficulties as regards profits and liquidity; whereas intervention measures

therefore became necessary which, with one exception, relate specifically to RAG;

Whereas the Government of the Federal Republic of Germany informed the Commission, pursuant to Article 2 of Decision No 3/71/ECSC, of the new or supplementary interventions which it proposes to implement directly or indirectly for the benefit of the coal industry in respect of the year 1972; whereas, of these interventions, the following aids require approval pursuant to the aforementioned Decision:

Millions of DM

The transfer during the years 1972 to 1975 of RAG's redemption moneys to the former proprietors' guaranteed claims account, with the effect of extinguishing pro rata the amount of the guarantee	53.7
Grant of a debt register claim to RAG	1 000.0
Grant to the entire German coal industry of a guarantee for financing pithead stocks	720.0
Revolving utilization of the hitherto existing guarantee limit for the joint and several debts of RAG	200.0

Whereas the aforementioned aids are in accordance with the criteria laid down in Articles 6 to 9 of Decision No 3/71/ECSC for the admissibility of such State assistance;

Whereas when RAG was founded in 1969, the former colliery owners received claims against RAG for the fixed assets contributed; whereas the public authorities took over the deficiency guarantee for this; whereas, because of the undertaking's unfavourable financial situation, the losses in the financial years 1970 and 1971 greatly exceeded RAG's share capital; whereas in 1972 the profit-and-loss position again showed no improvement; whereas, on the contrary, the financial losses increased even further;

Whereas the economic and social situation in Land of North Rhine-Westphalia, where RAG carries out

⁽¹⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽²⁾ OJ No L 2, 6. 1. 1970, p. 10.

⁽³⁾ OJ No L 256, 14. 11. 1972, p. 13.

⁽⁴⁾ Doc. No XVII/52/2/72.

the greater part of its activities, is at present relatively favourable, although there are still problems in certain fields, mostly to do with coal-mining ⁽¹⁾; however, that this situation would change if, in the event of discontinuance of the aids granted by the German authorities, RAG had to cease its activities and dismiss overnight the 170 000 employees whose jobs it at present provides; whereas in the circumstances it follows that the transfer of redemption moneys (DM 53.7 million) is compatible with the provisions of point 1, Article 9 (1), since the effect of this is to prevent a drop in production due to market forces which would result in serious economic and social difficulties in an area where, in the short term, there are insufficient opportunities of employment for such a large number of workers;

Whereas, as regards the allocation of the aid according to the difference between production costs and revenue, it can be seen that the aid will cover only about 10 % of the expected RAG operating losses for 1972; whereas the operating losses stem almost exclusively from the collieries and are due to the fact that on the one hand the revenue does not cover the production costs and on the other hand that high costs are incurred for the maintenance of pithead stocks; whereas the aids therefore comply with the provisions of Article 9 (2) of Decision No 3/71/ECSC; whereas it therefore follows from the foregoing that the transfer of RAG's redemption moneys by the public authorities to the guaranteed claims account is consistent with the provisions of Article 9 of Decision No 3/71/ECSC;

Whereas, with the guarantee of a debt register claim about DM 1 000 million, the Federal Government and the Government of the Land of North Rhine-Westphalia are endeavouring to strengthen the basic capital and liquid assets of RAG; whereas the capital sum is not being paid out all at once, but the public authorities are paying RAG 8 % interest and 2 % redemption annually; whereas for 1972 the total amount of interest and redemption was DM 46.7 million; whereas in order to pay interest and redemption on the total debt register claim, annual payments are to be continued until 1997; whereas provided that the total debt register claim is not eroded by operating losses, RAG is in a position to borrow money from the banks against the debt register claim guaranteed by the public authorities, but must then itself pay interest and redemption to the banks; whereas these terms show that interest-free capital of DM 1 000 million was placed at the disposal of RAG by the German authorities in order

to improve the liquidity of the undertaking and to provide it with an interest advantage;

Whereas the advantages of the improvement in liquidity cannot be qualified as an aid; whereas there are also no figures available for determining the interest advantage, since the debt register claim was only allocated to RAG on 14 November 1972 by a decision of the German authorities;

Whereas for an appraisal of these interventions in the context of Decision No 3/71/ECSC, the same observations apply as were made earlier with reference to the transfer of redemption moneys to the guaranteed claims account and according to which the interventions measures is compatible with the provisions laid down in point 1, Article 9 (1), of Decision No 3/71/ECSC; whereas this appraisal applies only to the aforementioned case of improvement in liquidity or granting of an interest advantage; whereas where the RAG's 1972 debt register claims is used to write off accumulated operating losses, the covering of losses would have been the object of fresh examination by the Commission;

Whereas the guarantee for the financing of pithead stocks enables the German coal industry to borrow money from the banks against its stocks of coking coal and coke in order to increase its own liquidity;

Whereas this intervention does not affect the production costs, revenue or results of the collieries; whereas it has connection with the net costs of maintaining pithead stocks, which must be borne entirely by the undertakings themselves; whereas if the coal industry receives bank loans against pithead stocks, it has to pay the relevant interest itself; whereas the advantages of improved liquidity as a form of aid cannot be quantified;

Whereas for an appraisal of this intervention the same observations apply as were made earlier with reference to the transfer of redemption moneys to the guaranteed claims account and according to which the intervention measure is compatible with the provisions laid down in point 1, Article 9 (1), of Decision No 3/71/ECSC;

Whereas in order to improve RAG's liquidity and to ensure the undertaking's credit-worthiness at the banks, the Federal Government has stated that it is now prepared not to reduce the guarantee limit of DM 3 700 million set in 1969 but to retain it unchanged; whereas this means that if RAG were to reduce its previously incurred debts by making redemption payments, it would be able to raise new

⁽¹⁾ See Commission Decision of 17 December 1971 on investment premiums in the German coal-producing areas (OJ No L 57, 10. 3. 1971, p. 19).

loans from the banks which would automatically be guaranteed by the Federal Republic as long as they did not exceed the limit of DM 3 700 million; whereas this utilization of revolving loans totals approximately DM 200 million in 1972;

Whereas the advantages of improved liquidity as a form of aid cannot be calculated;

Whereas for an appraisal of these interventions the same observations apply as were made earlier with reference to the transfer of redemption moneys to the guaranteed claims account and according to which the intervention measure is compatible with the provisions laid down in point 1, Article 9 (1), 1 of Decision No 3/71/ECSC;

Whereas for an examination of the compatibility of the new German aids with the proper functioning of the common market, it is only the transfer of redemption moneys to the guaranteed claims account by the public authorities that can be assessed quantitatively; whereas all other new interventions serve to increase liquidity or constitute non-quantifiable interest advantage for the undertaking;

Whereas an amount of DM 53.7 million is involved in the transfer of redemption moneys to the guaranteed claims account; whereas if this amount is added to the aids already approved for 1972, the total aids to RAG in 1972 are increased by 0.65 DM (= 0.18 u.a./t); whereas in relation to the aids received by coal producers in other Member States those granted to RAG, per metric ton produced would still be considerably less;

Whereas considering the low amount of 0.18 u.a./t no important effects are expected on the conditions of competition between RAG and the other German coal-producing areas or between the former and the Ruhr collieries which do not belong to it; whereas the new aid measure is designed to suit the specific circumstances of RAG, which apply only to that undertaking;

Whereas the new measures proposed by the German Government for 1972 are therefore not likely to be prejudicial to the proper functioning of the common market pursuant to Article 3 (1) of Decision No 3/71/ECSC;

Whereas the Commission in accordance with Article 11 (1) of Decision No 3/71/ECSC must ensure that the aids it has approved are used for the purpose specified in Article 9 of that Decision;

Whereas in order to do so the Commission must be informed in particular of the amount and the apportionment of these aids.

HAS ADOPTED THIS DECISION:

Article 1

The Government of the Federal Republic of Germany shall be authorized to grant the following new aids for the benefit of the undertakings of the German coal industry:

1. Transfer of RAG's redemption moneys to the guaranteed claims of the former proprietors against RAG for the value of the fixed assets contributed to the undertaking, up to an amount of DM 53 700 000.
2. Transfer of a guarantee to the amount of DM 720 000 000 for the financing of pithead stocks.
3. Granting of a debt register claim amounting to DM 1 000 000 000 for the purpose of strengthening the base capital and the liquidity of RAG.
4. Utilization of revolving credits up to an amount of DM 200 000 000 for the purpose of improving the liquidity and safeguarding the creditworthiness of RAG at the banks.

Article 2

The Federal Government shall notify the Commission by 31 December 1973 of the details of the aids granted pursuant to this Decision, especially as regards the amount and apportionment of the payments made.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 November 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 14 November 1973

fixing the maximum amount of the denaturing premium for white sugar for the 5th partial invitation to tender issued under Regulation (EEC) No 2711/73

(73/398/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 1009/67/EEC⁽¹⁾ of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 1928/73⁽²⁾, and in particular Article 9 (8) thereof;

Whereas Commission Regulation (EEC) No 2711/73⁽³⁾ of 4 October 1973 on the opening of a standing invitation to tender for the purpose of determining denaturing premiums for white sugar for feeding to bees provides that Member States are to issue partial invitations to tender for the purpose of determining the said premiums;

Whereas Article 4 (3) of Council Regulation (EEC) No 2049/69⁽⁴⁾ of 17 October 1969 laying down general rules on the denaturing of sugar for animal feed, as last amended by Regulation (EEC) No 1640/73⁽⁵⁾, provides that where denaturing premiums are fixed following an invitation to tender the criteria set out in Article 3 thereof must be taken into account in fixing a maximum amount of the premium; whereas, having regard to the criteria and following examination of the tenders submitted, the maximum

amount of the denaturing premium should be fixed at the level specified in Article 1 of this Decision;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Sugar,

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount of the denaturing premium for the 5th partial invitation to tender issued under Regulation (EEC) No 2711/73, the time limit for the submission of tenders having expired on 14 November 1973, is hereby fixed at 8 units of account per 100 kilogrammes of white sugar.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 November 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 308, 18. 12. 1967, p. 1.

⁽²⁾ OJ No L 199, 19. 7. 1973, p. 7.

⁽³⁾ OJ No L 279, 5. 10. 1973, p. 23.

⁽⁴⁾ OJ No L 263, 21. 10. 1969, p. 1.

⁽⁵⁾ OJ No L 165, 22. 6. 1973, p. 6.

COMMISSION DECISION

of 15 November 1973

fixing the amount by which the monetary compensatory amounts for beef and veal are to be reduced

(73/399/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 974/71⁽¹⁾ of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States, as last amended by Regulation (EEC) No 1225/73⁽²⁾;

Having regard to Commission Regulation (EEC) No 1463/73⁽³⁾ of 30 May 1973, as to the detailed rules for applying the monetary compensatory amounts as last amended by Regulations (EEC) No 2575/73⁽⁴⁾, and in particular Article 5, paragraph 2 thereof;

Having regard to the Opinion of the Monetary Committee;

Whereas Commission Regulation (EEC) No 2102/73⁽⁵⁾ of 31 July 1973, as last amended by Regulation (EEC) No 3110/73⁽⁶⁾ fixed the monetary compensatory amounts to be applied from 19 November 1973;

Whereas these compensatory amounts have been fixed without taking account of Article 4a (2) of Regulation (EEC) No 974/71 which provides that in trade among the Member States and between the Member States and third countries the compensatory amounts applicable because of a depreciation of the currency concerned cannot exceed the tax on imports from third countries;

Whereas, in order that this rule may be observed, Article 5 of Regulation (EEC) No 1463/73 has stated

that for the application of Article 4a (2) of Regulation (EEC) No 974/71 to beef meat, the Commission shall give notice of the amounts by which the monetary compensatory amounts are to be reduced; whereas the amounts fixed in accordance with this rule are periodically altered when changes in the tax on imports from third countries make this necessary;

Whereas Council Regulation (EEC) No 1695/73⁽⁷⁾ of 25 June 1973 as amended by Regulation (EEC) No 1824/73⁽⁸⁾ has determined to what extent the monetary compensatory amounts applicable to beef and veal by reason of the depreciation of a currency may be higher than the tax on imports from third countries;

Whereas, if the system is to operate normally, world market prices 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 %, at rate of exchange based on their effective parity;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph;

Whereas pursuant to the second subparagraph of Article 5 (2) of Regulation (EEC) No 1463/73 if the monetary compensatory amount for certain products has to be reduced by a higher amount in the United Kingdom than in Ireland, the amount of the reduction fixed for the United Kingdom shall apply to Ireland.

Whereas application of the said criteria results in a fixing of the amounts by which the monetary compensatory amounts are to be reduced at the level appearing in the Annex hereto;

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 125, 11. 5. 1973, p. 49.

⁽³⁾ OJ No L 146, 4. 6. 1973, p. 1.

⁽⁴⁾ OJ No L 266, 22. 9. 1973, p. 14.

⁽⁵⁾ OJ No L 213, 1. 8. 1973, p. 1.

⁽⁶⁾ OJ No L 317, 19. 11. 1973, p. 1.

⁽⁷⁾ OJ No L 173, 28. 6. 1973, p. 1.

⁽⁸⁾ OJ No L 185, 7. 7. 1973, p. 1.

HAS ADOPTED THIS DECISION:

*Article 2**Article 1*

With effect from 19 November 1973 the amounts by which the monetary compensatory amounts appearing in the Annex to Regulation (EEC) No 2102/73, as last amended by Regulation (EEC) No 3110/73 must be reduced in accordance with Article 5 of Regulation (EEC) No 1463/73, are fixed in the Annex hereto.

This Decision is addressed to all Member States.

Done at Brussels, 15 November 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Amounts to be deducted from the monetary compensatory amounts

CCT heading No	Italy (Lit/100 kg)	Ireland (£/100 kg)	United Kingdom (£/100 kg)
— Live weight —			
ex 01.02 A II a) ⁽¹⁾	0	0	0
ex 01.02 A II a) ⁽²⁾	0	3.149	3.149
ex 01.02 A II b) ⁽³⁾	0	0	0
ex 01.02 A II b) ⁽⁴⁾	0	2.842	2.842
— Net weight —			
02.01 A II a) 1 aa) 11	0	3.733	3.733
02.01 A II a) 1 aa) 22	0	2.759	2.759
02.01 A II a) 1 aa) 33	0	4.708	4.708
02.01 A II a) 1 bb) 11	0	4.322	4.322
02.01 A II a) 1 bb) 22	0	3.360	3.360
02.01 A II a) 1 bb) 33	0	5.284	5.284
02.01 A II a) 1 cc) 11	0	4.322	4.322
02.01 A II a) 1 cc) 22	0	2.141	2.141
02.01 A II a) 2 aa)	0	3.569	3.569
02.01 A II a) 2 bb)	0	2.758	2.758
02.01 A II a) 2 cc)	0	4.584	4.584
02.01 A II a) 2 dd) 11	0	3.569	3.569
02.01 A II a) 2 dd) 22 aaa)	0	2.314	2.314
02.01 A II a) 2 dd) 22 bbb) ⁽⁵⁾	0	2.314	2.314
02.01 A II a) 2 dd) 22 ccc)	0	2.314	2.314
02.06 C I a) 1	0	3.734	3.734
02.06 C I a) 2	0	0.415	0

⁽¹⁾ Calves for fattening weighing less than 80 kg.⁽²⁾ Calves other than those referred to in ⁽¹⁾ above.

Entry in this subheading is subject to the conditions to be determined by the competent authorities.

⁽³⁾ Young male bovine animals for fattening of a minimum weight of 220 kg and a maximum weight of 300 kg.⁽⁴⁾ Cattle other than those referred to in ⁽³⁾ above.

Entry in this subheading is subject to the conditions to be determined by the competent authorities.

⁽⁵⁾ Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

COMMISSION DECISION

of 19 November 1973

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 2840/73, the maximum amount for the costs of delivery cif of skimmed-milk powder to Bangladesh

(Only the French and the Dutch texts are authentic)

(73/400/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act ⁽²⁾ concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 7 (5) thereof;

Whereas, pursuant to Commission Regulation (EEC) No 2840/73 ⁽³⁾ of 17 October 1973 opening an invitation to tender for the costs of delivery of skimmed-milk powder to the Republic of Bangladesh as food aid, the Belgian intervention agency has invited tenders for the costs of delivery cif to Chittagong of 2 000 metric tons of skimmed-milk powder;

Whereas Article 7 of Commission Regulation (EEC) No 1885/73 ⁽⁴⁾ of 12 July 1973 concerning invitations to tender for the costs of delivery, as food aid, of skimmed-milk powder held by the intervention agencies, provides that in the light of the tenders received a maximum amount is to be fixed or the tendering procedure is to be cancelled;

Whereas, on the basis of the tenders received, the maximum amount should be that specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount to be set for the purposes of awarding a contract pursuant to Regulation (EEC) No 2840/73, shall, in respect of the delivery in question, be 180 050 units of account.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 19 November 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 292, 19. 10. 1973, p. 29.

⁽⁴⁾ OJ No L 192, 13. 7. 1973, p. 31.