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Contents

I *Acts whose publication is obligatory*

Regulation (EEC) No 1460/73 of the Commission of 16 May 1973 on applications for reimbursement of aid granted by Member States of recognized groups of hop producers	1
Regulation (EEC) No 1461/73 of the Commission of 16 May 1973 on the use of loading lists as the descriptive part of Community transit declarations	7
Regulation (EEC) No 1462/73 of the Commission of 16 May 1973 concerning requests for aid to the EAGGF, Guidance Section, for conversion of the cod-fishing sector	11

II *Acts whose publication is not obligatory*

Council

73/113/EEC:

Council Decision of 5 March 1973 concluding an Agreement between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries	17
--	----

Agreement between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries	18
---	----

Information concerning the signature of the Agreement on the supply of food aid between the European Economic Community and the World Food Programme (WFP)	22
--	----

73/114/ECSC, EEC, Euratom:

Council Decision of 19 February 1973 giving a discharge to the Commission in respect of the implementation of the budget and the supplementary budgets of the European Communities for the financial year 1970	23
--	----

73/115/Euratom:

Council Decision of 19 February 1973 giving a discharge to the Commission in respect of the implementation of the research and investment budget of the EAEC for the financial year 1970	27
--	----

European Parliament

73/116/ECSC, EEC, Euratom:

Decision of the European Parliament of 9 May 1973 on the giving of a discharge to the Commission in respect of the implementation of the European Communities' budget for the financial year 1970 and on the Report of the Audit Board 30

Commission

73/117/EEC:

Commission Opinion of 24 January 1973 addressed to the French Government on a Draft Law amending and supplementing, in the interests of road safety, Order No 58 1310 of 23 December 1958 concerning working conditions in public and private road transport 34

73/118/EEC:

Commission Decision of 6 April 1973 amending the Commission Decision of 22 December 1972 authorizing the Federal Republic of Germany to sell butter at reduced price in the form of concentrated butter 35

73/119/EEC:

Commission Decision of 11 April 1973 authorizing the temporary continuance by the United Kingdom of the two systems of minimum prices for certain fishery products 37

73/120/EEC:

Commission Opinion of 13 April 1973 addressed to the Government of the Grand Duchy of Luxembourg on the Draft Regulation of the Grand Duchy implementing Regulation No 117/66/EEC and Regulation (EEC) No 1016/68 38

73/121/EEC:

Commission Decision of 30 April 1973 issuing a standing invitation to tender for the export of 100 000 metric tons of common wheat held by the French intervention agency 39

73/122/EEC:

Commission Decision of 7 May 1973 exempting the Federal Republic of Germany and the Grand Duchy of Luxembourg from applying to certain species the Directive of Council of 29 September 1970 concerning the marketing of vegetable seed 41

73/123/EEC:

Commission Decision of 7 May 1973 modifying the Decision of 16 October 1970 exempting the French Republic from the application to certain species, of the Council Directive of 30 June 1969 concerning the marketing of seed of oil and fibre plants 43

I

(Acts whose publication is obligatory)

REGULATION (EEC) No 1460/73 OF THE COMMISSION

of 16 May 1973

on applications for reimbursement of aid granted by Member States to recognized groups of hop producers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1696/71 ⁽¹⁾ of 26 July 1971 on the common organization of the market in hops, and in particular Article 17 (7) thereof;

Whereas applications for reimbursement of aid granted to recognized groups of hop producers by Member States, 25 % or 50 % of which, depending on the nature of the aid, may be reimbursed by the Guidance Section of the European Agricultural Guidance and Guarantee Fund, must contain certain information which should be set out in a uniform manner by Member States; whereas this would make it easier to decide on such applications, after checking whether they comply with Regulation (EEC) No 1696/71 and Council Regulation (EEC) No 879/73 ⁽²⁾ of 26 March 1973 on the granting and reimbursement of aid granted by Member States to recognized groups of hop producers;

Whereas, to enable applications for reimbursement to be verified thoroughly, Member States must hold the supporting documents on the basis of which the aid was calculated for inspection by the Commission for

a period of two years from the date of the applications;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Fund Committee;

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for reimbursement made by Member States as provided in Article 17 (4) of Regulation (EEC) No 1696/71 shall be submitted in accordance with the Tables set out in Annex I to this Regulation.

2. The information set out in Annex II to this Regulation shall be provided in respect of each recognized producer group so that the Commission may decide on the initial reimbursement of aid granted to those groups.

Article 2

Each Member State shall hold for inspection by the Commission for a period of two years from the date of the applications for reimbursement the supporting documents in its possession — or certified copies thereof — on the basis of which the aid provided for in Articles 8 and 9 of Regulation (EEC) No 1696/71 was calculated.

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ No L 86, 31. 3. 1973, p. 26.

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

Done at Brussels, 16 May 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX I A

A. APPLICATION FOR REIMBURSEMENT

Member State:

Summary of aid granted to groups of hop producers in 19.....

PART 1

(Aid granted under Article 8 of Regulation (EEC) No 1696/71)

Serial No ⁽¹⁾	Producer group	Amount of aid granted under Article 8 of Regulation (EEC) No 1696/71	Amount to be reimbursed
Aid granted for the first year following the date on which the producer group was recognized			
Aid granted for the second year following the date on which the producer group was recognized			
Aid granted for the third year following the date on which the producer group was recognized			
Totals			

PART 2

(Aid granted under Article 9 of Regulation (EEC) No 1696/71)

Serial No ⁽¹⁾	Producer group	Amount of aid granted under Article 9 of Regulation (EEC) No 1696/71	Amount to be reimbursed

⁽¹⁾ Continuous numbering from year to year.

ANNEX I B

TABLE RELATING TO AID GRANTED TO PRODUCER GROUPS UNDER ARTICLE 8 OF REGULATION (EEC) No 1696/71

Member State:

To be submitted each year in respect of each producer group

Serial No ⁽¹⁾:

Producer group (name and address)

Date of formation

Date of the recognition

Date of granting aid

AID GRANTED FOR THE YEAR FOLLOWING THE DATE ON WHICH THE PRODUCER GROUP WAS RECOGNIZED

I. B 1. Calculation of aid

Number of members, in accordance with Article 1 of Regulation (EEC) No 879/73	Varieties	Output marketed, in accordance with Article 3 of Regulation (EEC) No 879/73			Producer price, in accordance with Article 4 of Regulation (EEC) No 879/73			Average value, in accordance with Article 2 of Regulation (EEC) No 879/73
		19....	19....	19....	19....	19....	Average of 3 years	

It is confirmed that:

(a) the above-named group fulfils the conditions laid down in Annex II to this Regulation,

(b) the average value of the output marketed is calculated in accordance with Regulation (EEC) No 879/73.

⁽¹⁾ Numbering corresponding to that in Annex I A.

I. B 2. Calculation of Aid

Average value of output marketed, in accordance with Article 2 of Regulation (EEC) No 879/73	Amount of administrative costs, in accordance with Article 8 of Regulation (EEC) No 1696/71 ⁽¹⁾	In respect of associations already existing on the entry into force of Regulation (EEC) No 1696/71, amount of adaptation costs ⁽²⁾		Amount of aid granted under Article 8 of Regulation (EEC) No 1696/71	Observations

⁽¹⁾ It is confirmed the amount of the administrative costs referred to in Article 8 of Regulation (EEC) No 1696/71 has been approved by the competent authorities of Member States.

⁽²⁾ It is confirmed that the costs were incurred in respect of adaptation to the conditions laid down in Article 7 of Regulation (EEC) No 1696/71.

ANNEX I C

TABLE RELATING TO AID GRANTED TO PRODUCER GROUPS UNDER ARTICLE 9 OF REGULATION (EEC)
No 1696/71

Member State:

To be submitted each year in respect of each producer group receiving aid

Serial No ⁽¹⁾

Producer group (name and address)

Date of recognition

Date of granting aid

Nature of operations ⁽²⁾	Date of beginning and end of operations	Cost of operations, in accordance with Article 10 of Regulation (EEC) No 879/73	Number of hectares involved	Amount of aid granted	Observations

It is confirmed that the conditions laid down in Articles 7, 8, 9, 11 (2) and 12 of Regulation (EEC) No 879/73 have been complied with.

⁽¹⁾ Numbering corresponding to that in Annex I A.⁽²⁾ Changeover to different varieties or reorganization of hop gardens.

ANNEX II

INFORMATION PROVIDED BY MEMBER STATES RELATING TO GROUPS OF HOP PRODUCERS IN ACCORDANCE WITH ARTICLE 7 OF REGULATION (EEC) No 1696/71

Member State

- Serial Number ⁽¹⁾:
 - Producer group (name and address):
 - Date of formation:
 - It is confirmed that the group was recognized, in accordance with Regulation (EEC) No 1351/72:
1. How are the obligations provided for in the following paragraphs of Article 7 of Regulation (EEC) No 1696/71 fulfilled?
 - 1 (a) and (c),
 - 3 (a),
 - 3 (b), first two indents,
 - 3 (c),
 - 3 (d),
 - 3 (e),
 - 3 (f),
 - 3 (g).
 2. Where appropriate: What are the varieties and quantities which member producers themselves are authorized by the producer group to market?

⁽¹⁾ Continuous numbering from year to year.

REGULATION (EEC) No 1461/73 OF THE COMMISSION

of 16 May 1973

on the use of loading lists as the descriptive part of Community transit declaration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 542/69 ⁽¹⁾ of 18 March 1969 on Community transit, and in particular Article 58 (1) (c);

Whereas for certain operators the use of loading lists as the descriptive part of Community transit declarations is a considerable relaxation of the formalities relating to Community transit procedures; whereas it is therefore important to fix conditions for the use of such lists and to determine requirements with which they must comply;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Committee on Community Transit;

HAS ADOPTED THIS REGULATION:

Article 1

1. When a Community transit declaration is issued for a load comprising more than two lots of goods the particulars of the goods may be furnished on one or more loading lists instead of being given in boxes 30, 31, 35, 36 and 37 of form T1, accompanied by one or more forms T1 a, or of form T2, accompanied by one or more forms T2 a.

When loading lists are used, the boxes in question on forms T1 or T2 shall be crossed out and the forms need not be accompanied by forms T1 a or T2 a.

2. Loading list means any commercial document which complies with the conditions of Article 2 and 3 of this Regulation.

3. The loading list shall be produced in the same number of copies as the form T1 or T2 to which it relates: it shall be signed by the person signing the form T1 or T2.

4. When several lists accompany the same form T1 or T2, each must bear a serial number allotted by the principal, the number of accompanying lists must be shown in box 4 of the form.

5. A declaration on a form T1 or T2 accompanied by one or more loading lists complying with the conditions of this Regulation shall be, as appropriate, a T1 or a T2 declaration.

6. When the declaration is registered the loading list must be marked with the same register number as the form T1 or T2 to which it relates. This number must be complemented by the name of the issuing office either by a stamp or by hand. In the latter case the office name must be complemented by the office stamp.

The signature of the customs officer at the office of registration is optional.

Article 2

1. The loading list shall be completed on a form based on the specimen in the Annex. The form must include:

- (a) the heading 'loading list';
- (b) a box, 70 × 55 mm in height, divided into a top part 70 × 15 mm, intended for the reference to the document T1 or T2 to which the loading list refers and a lower part 70 × 40 mm for the references referred to in Article 1 (6).

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 1.

(c) columns, in the following order and headed as shown:

- Serial No,
- 30. No, kind, marks and numbers of packages.
- 31. Description of goods.
- 35. Country of consignment.
- 36. Gross weight in kg.
- Reserved for customs.

The width of the columns may be adapted as necessary except that the width of the column headed 'Reserved for customs' shall not be less than 30 mm. Spaces not reserved for a particular purpose under (a) to (c) above may also be used.

2. The paper used shall be dressed for writing purposes and weigh not less than 40 g/m². It must be sufficiently opaque for any commercial details which may eventually appear on the back not to affect the legibility of the information on the front. It must be sufficiently strong to ensure that under normal handling it will not tear or crumple.

3. The size of the form shall be 210 × 297 mm, a maximum tolerance of minus 5 or plus 8 mm being allowed for the length.

Article 3

1. Only the front of the form may be used as a loading list.

2. The form shall be printed and completed in one of the official languages of the Community to be designated by the competent authorities of the Member State in which the Community transit operation begins. The competent authorities of a Member State concerned in the Community transit operation may require a translation into the official language or one of the official languages of that Member State.

3. The form shall be completed in typescript or in legible handwriting; in the latter case it shall be completed in ink and in print. It must contain no erasures or alterations. Amendments shall be made by striking out the incorrect particulars and adding those required. All amendments must be initialled by

the responsible person and counter-initialled by the customs.

4. Each item shown on the loading list must be preceded by a serial number and, where appropriate, followed by any special reference required by Community regulations in particular in regard to the Common Agricultural Policy. A horizontal line must be drawn after the last entry and the remaining unused spaces barred so that any subsequent addition is impossible.

Article 4

1. When Regulation (EEC) No 304/71 ⁽¹⁾ on the simplification of Community transit procedures for goods carried by railways is applied, the provisions of Articles 2 and 3 of the present Regulation shall apply to the loading lists which accompany the International Consignment Note or the International Express Parcels Consignment Note.

In this case the number of the accompanying lists shall be shown, as appropriate, in box 32 of the Consignment Note or in the box 'Documents attached for customs clearance and other formalities' of the Express Parcels Consignment Note.

In addition the loading lists must include, as appropriate, the Control Label number of the accompanying International Consignment Note or in the case of the Express Parcels Consignment Note, the name of the station and the date on which the Consignment Note was accepted.

2. For transactions beginning within the Community comprising at the same time goods referred to in Article 1 (2) and in Article 1 (3) of Regulation (EEC) No 542/69 separate loading lists shall be used and the serial numbers of the loading lists relating to the goods referred to in Article 1 (2) of that Regulation inserted in the 'Description of goods' box on the International Consignment Note or, where appropriate, the International Express Parcels Note.

Article 5

1. The provisions of this Regulation in no way affect those obligations which concern the formalities for exporting, re-exporting, importing and

⁽¹⁾ OJ No L 35, 12. 2. 1971, p. 31.

re-importing or the forms used in connection therewith.

departure and destination in respect of goods transported under Community transit procedures.

2. This Regulation shall apply without prejudice to the application of the provisions of Commission Regulation (EEC) No 1226/71 ⁽¹⁾ of 11 June 1971, on reducing the formalities to be carried out at offices of

Article 6

This Regulation enters into force on 1 July 1973.

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

Done at Brussels, 16 May 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 129, 15. 6. 1971, p. 1.

ANNEX

LOADING LIST

Serial No	30. Number, marks and numbers of packages	31. Description of goods	35. Country of consignment	36. Gross weight (kgs)	Reserved for customs

(Signature)

REGULATION (EEC) No 1462/73 OF THE COMMISSION

of 16 May 1973

concerning requests for aid to the EAGGF, Guidance Section, for conversion of the cod-fishing sector

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community;

Having regard to Council Regulation (EEC) No
2722/72 ⁽¹⁾ of 19 December 1972, concerning the
financing by the European Agricultural Guidance and
Guarantee Fund, Guidance Section, of an Act of
Conversion of the sector of cod fishing, and in parti-
cular Article 22;

Whereas the requests for aid from the EAGGF,
Guidance Section, under the title of the above
Regulation, must contain certain data which are to be
presented in an identical form so as to facilitate the
examination of their conformity with the points
contained in Regulation (EEC) No 2722/72 as well as
the Decision to be taken with regard to them;

Whereas it is necessary to specify the moment when
the Member States transmit to the Commission the
information envisaged in Article 7 of Regulation
(EEC) No 2722/72;

Whereas to allow an efficient control of requests for
reimbursement referred to in Article 20 (2) of
Regulation (EEC) No 2722/72, the Member States
must hold available to the Commission for a period
of two years the justifying documents on the basis of
which the expenses, for which a reimbursement is
requested, have been calculated;

Whereas the measures provided for in this Regulation
are in accordance with the Opinion of the Fund
Committee;

HAS ADOPTED THIS REGULATION:

Article 1

1. The requests for aid from the European
Agricultural Guidance and Guarantee Fund,
Guidance Section, referred to in Article 14 (2) of
Regulation (EEC) No 2722/72 must contain data
corresponding to the headings of Annex I.

2. They must be presented in three copies to the
Commission.

Article 2

At the same time as the first request for aid from the
Fund is transmitted to the Commission, the Member
State must communicate to it the measures that it has
provided for in order to ensure the respect of the
arrangements of Article 2 (c) of Regulation (EEC) No
2722/72. As soon as their adoption it must then
communicate any possible complementary measures.

Article 3

1. The requests for reimbursement referred to in
Article 20 (2) of Regulation (EEC) No 2722/72 must
be presented in conformity with the Tables in Annex
II.

2. The Member States shall hold available to the
Commission during a period of two years from the
date of submitting requests for reimbursement, the
justifying documents, or a certified copy of them
which is in his possession, on the basis of which the
expenses made within the context of the
arrangements envisaged by Article 8 of the
Regulation (EEC) No 2722/72, have been calculated.

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

Done at Brussels, 16 May 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 291, 28. 12. 1972, p. 30.

ANNEX I

DATA CONCERNING REQUESTS FOR AID PRESENTED FOR ACTION EFFECTED IN
THE CONTEXT OF MEASURES RELATING TO THE CONVERSION OF STRUCTURES
IN THE SECTOR OF COD FISHING

A. DATA TO BE GIVEN BY THE APPLICANT

1. Applicant ⁽¹⁾

- (a) Name or name of company,
- (b) Address or address of company's head-office,
- (c) If the applicant is a company:
 - juridical form,
 - reference to legislation and regulation which govern its existence,
 - statutes,
 - rules of control to which it is subject,
 - if applicable, extract of the register of commerce,
- (d) Object and scope of the principal activities of the applicant,
- (e) Quality of applicant with regard to the project,
- (f) If applicable, designation of the organization in the name of which the request for aid is presented.

2. Beneficiaries according to the meaning of Article 13 ⁽²⁾(a) *Company*:

- name,
- address or address of company's head-office,
- juridical form,
- reference to legislation and regulations which govern its existence,
- statutes,
- rules of control to which it is subject,
- if applicable, extract of the register of commerce,
- object and scope of the principal activities of the beneficiary,
- economic situation (for example, last balance sheet available with analysis),
- juridical, economic and financial connections with the applicant ⁽³⁾.

(b) *Individual person(s)*:

- name,
- address,
- object and scope of the principal activities of the beneficiary,
- economic and social position,
- juridical, economic and financial connections with the applicant ⁽³⁾.

⁽¹⁾ In the case where the applicant is a person other than the beneficiary.

⁽²⁾ The articles mentioned in Annexes I and II refer to Regulation (EEC) No 2722/72.

⁽³⁾ In the case where the beneficiary is a person other than the applicant.

3. Action envisaged within the meaning of Article 1

- (a) Does the action envisaged concern the commissioning of equipment referred to:
 - in Article 1 (3) (a),
 - in Article 1 (3) (b),
 - or in Article 1 (3) (c)?
- (b) Description of the actual position so as to enable the importance of the action to be judged:
 - what needs does the project answer?
 - to what degree are these needs satisfied at present?
- (c) Summary description and geographical characteristics of the action envisaged (geographic location and/or geographic area where the equipment will be requested to be used).
- (d) Detailed technical description of the work envisaged (especially to demonstrate that the conditions envisaged by Article 5 are respected).
- (e) Global estimate of total costs of action or work ⁽¹⁾ (indicate the basis of calculation and the date of the estimates, attach justifying documents). If applicable, when the action envisaged includes work other than that relating to the commissioning of equipment referred to in Article 1 (3), specify them clearly in the estimate presented.
- (f) Expected dates of the realization of the action or work envisaged:
 - expected dates of the beginning and end of the work,
 - for the equipment referred to in Article 1 (3) (a):
 - date of placing on site,
 - date of commissioning.

4. Economic analysis within the meaning of Article 4

This analysis must clearly demonstrate the profitability of the project envisaged.

5. Financing envisaged

- (a) *Distribution of resources by origin and by nature:*
 - contribution of the beneficiary:
 - in own funds (with indication of their origin),
 - by loans (with indication of their conditions),
 - by payments in kind (with indication of the basis of calculation),
 - contribution of the Member State:
 - capital subsidies,
 - interest rebates (with indication of their characteristics),
 - loans at reduced rates,
 - other aids,
 - aid requested from FAGGF and the desired timing,
 - other possible contributions and their conditions.

⁽¹⁾ The amounts which figure in the request for aid should be expressed in national currency.

- (b) confirmation that the beneficiaries will bear the financial charges of the realization of the action (depreciation charges and interest), and the dates when payment should be made.

6. **Criteria**

(a) *General criteria:*

- in what way does the project aim at an adaptation or at a guidance of the sector of cod fishing rendered necessary by the economic consequences of the common fishing policy or tending to meet the requirements of this?
- in what way does the project offer a sufficient guarantee of a lasting economic effect of improving the structure envisaged?

(b) *Particular criteria:*

- is the execution of the project within the context of an investment programme agreed between several beneficiaries, which reduces the productive capacity of the cod fleet?
In the affirmative, indicate the main characteristic of this programme (juridical nature, participants, means of implementing, period, etc. . .),

- do the beneficiaries belong to an organization of producers of fish products for the products obtained by means of the equipment which is the subject of the request for aid?

In the affirmative, indicate the principal characteristics of the group and attach to the request for aid a certificate of association taking special care to give the date of association,

- are the beneficiaries committed to associating themselves with an organization of producers of fish products for the products obtained by means of the equipment which is the subject of the request for aid?

In the affirmative:

- indicate the principal characteristics of the group to which the beneficiary has the intention of belonging,
- attach to the request for aid the undertaking of the beneficiary to adhere to the organization of producers, with details of the date when this association is to take effect,
- undertake to send to the Commission without delay after association a certificate of association with details of the date of association.

7. Attach the written undertaking referred to in Article 14 (3).

B. DATA TO BE GIVEN BY THE MEMBER STATE

1. Opinion of the interested Member State (Article 12 (1)).
2. Designation of the organization(s) through the intermediary of which the remittance of funds will be made (Article 18 (1)).
3. Designation of the organization(s) through the intermediary of which control will be effected during the execution of the project (Article 18 (2)).
4. Justificative economic study:
 - permitting the envisaged action to be placed in its general economic context,
 - permitting the assurance that the conditions referred to in Article 6 are respected,
 - detailing the expected effects on the technical, economic and social levels as well as where applicable on the revenue, the volume of production and employment.

Country	Number of persons who have attended a training centre	Cost of training of beneficiaries	Amount of reimbursement requested from the EAGGF
Totals			

Annex II B

INDIVIDUAL INFORMATION CARD RELATING TO PERSONS REFERRED TO BY
ARTICLE 8 PARAGRAPH I AND WHO HAS ATTENDED AN AVANCED TRAINING
CENTRE

Member State:

Province/Country:

1. National No of file:

Name and address of the beneficiary of the indemnity:

Date of birth:

2. Is the beneficiary

— a sea fisherman?

— a person working in a drying plant?

Name and address of the firm which employs the beneficiary:

If applicable, how is the drying plant affected by the reduction in the productive capacities
of the cod-fishing fleet?

Training centre attended:

Dates of beginning and end of course:

Nature of course:

3. Cost of beneficiary's training:

Nature of expenses (indemnity, bonuses, etc.):

Amount of reimbursement requested from

the EAGGF

IT IS CONFIRMED THAT:

1. The act of professional qualification for which a reimbursement is requested from the EAGGF is for the purpose of perfecting the professional qualification of the interested persons as a result of the new activities imposed on workers by the conversion of the sector of cod fishing;
2. The interested persons for whom a reimbursement is requested from the EAGGF have followed a complete cycle of courses contributing to their training.

Signed at, the

(signature and stamp of the competent authority of the Member State)

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 5 March 1973

concluding an Agreement between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries

(73/113/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113, 114 and 228 thereof;

Having regard to the recommendation from the Commission;

Whereas the European Economic Community has filed a declaration of provisional application of the 1971 Food Aid Convention; whereas that Convention takes effect from 1 July 1971;

Whereas the World Food Programme has given notice of its requirements in cereals for the purpose of meeting emergency food requirements and of carrying out projects for economic and social development in developing countries, and whereas for that purpose a quantity of products equivalent to 15 000 metric tons of unprocessed cereals should be made available to the World Food Programme, under the 1971/72 Community Food Aid Programme;

Article 1

The Agreement between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries, the text of which is annexed, is hereby concluded on behalf of the European Economic Community.

Article 2

The President of the Council is authorized to designate the persons empowered to sign the Agreement and to confer upon them the powers required in order to bind the Community.

Done at Brussels, 5 March 1973.

For the Council

The President

R. VAN ELSLANDE

AGREEMENT

between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

on the one hand, and

THE WORLD FOOD PROGRAMME, a Programme undertaken jointly by the United Nations and the Food and Agriculture Organization of the United Nations,

on the other hand;

WHEREAS the aim of the World Food Programme is to make use of contributions received under the Programme to meet with emergency food requirements and to carry out projects involving the use of foodstuffs for economic and social development purposes;

WHEREAS the European Economic Community, whose Members are the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, who are all members of the United Nations or the Food and Agriculture Organization of the United Nations, filed a declaration of provisional application of the 1971 Food Aid Convention; whereas that Convention is applicable on 1 July 1971,

HAVE DECIDED to conclude this Agreement and have appointed as their representatives for this purpose:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

THE WORLD FOOD PROGRAMME:

WHO HAVE AGREED UPON THE FOLLOWING PROVISIONS:

Article I

Under its Food Aid Programme (cereals) for the year 1971/72, and in accordance with the Decision taken by the Council on 23 May 1972, the European Economic Community undertakes to supply to the World Food Programme as a free gift the equivalent

of 15 000 metric tons of unprocessed cereals for developing countries.

Article II

The World Food Programme undertakes to use the cereals supplied as aid for emergency or for economic

and social development and food projects which shall be subject to prior approval by the European Economic Community.

Article III

1. For each delivery, the European Economic Community, taking into account the information received from the World Food Programme, shall notify the latter in good time of the port or ports of shipment and the dates of availability at the said port or ports.

2. Only seaports accessible to ocean-going vessels and utilized for international freight may be named as ports of shipment.

Article IV

The 15 000 metric tons of unprocessed cereals shall be supplied in the natural state or in the form of products of the first processing stage, as requested by the World Food Programme and agreed by the European Economic Community. Deliveries shall be made in bulk or packed in jute or cotton sacks with a gross content of 50 kg net, in accordance with the requirements of the projects.

Article V

1. The European Economic Community shall arrange for delivery fob port of shipment. The responsibilities of the European Economic Community and the World Food Programme with regard respectively to delivery fob and to taking delivery shall be laid down in an exchange of letters between the Contracting Parties.

2. The World Food Programme shall take delivery of the goods delivered and be responsible, in accordance with its general rules, for their transport, insurance and distribution in the country of destination.

3. For the expenses referred to in paragraph 2, the European Economic Community shall make to the World Food Programme a contribution of 14.28 US dollars per metric ton chargeable to it. The European

Economic Community undertakes to pay this contribution within thirty days following each acceptance of delivery of goods by the World Food Programme.

Article VI

The World Food Programme undertakes to inform the European Economic Community of the conditions under which this Agreement is implemented. To this end it shall make available to the Commission of the European Communities:

- (a) with regard to transport: within a reasonable period after unloading, reports indicating the dates of arrival of the vessels at the ports of destination, quantities and qualities of products unloaded, and the dates on which unloading was completed;
- (b) with regard to the use made of products: periodic information on the progress made with projects for which Community assistance has been provided; on the use made of the products; on the quantity distributed and on the number of beneficiaries together with details of the methods used for distributing the products, and in particular of the measures taken to prevent the products from being drawn into commercial channels.

Article VII

In the event of fresh circumstances arising, the World Food Programme and the European Economic Community shall together decide on any amendments to be made to this Agreement.

Article VIII

This Agreement shall enter into force thirty days after the date of signature.

Article IX

This Agreement is drawn up in two copies in the Danish, Dutch, English, French, German, Italian and Spanish languages, these texts being equally authentic.

EXCHANGE OF LETTERS

I. Letter from the Representative of the World Food Programme

With reference to the Agreement between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries, and particularly to Article V (1) of that Agreement, I would propose that the following procedure be applied for delivery fob by the European Economic Community (EEC), and acceptance of delivery by the World Food Programme (WFP), of 15 000 metric tons of cereals:

- on the basis of information received from the WFP concerning transport, the EEC shall notify the WFP, for each delivery, of the supplier or suppliers and shall indicate a period of fifteen days within which the WFP may fix the date of delivery;
- not less than fifteen days before the date laid down for each delivery, the WFP shall notify the EEC of the estimated date of arrival of the vessel in port;
- the WFP shall also notify the supplier or suppliers, not less than five days in advance, of the exact date of arrival of the vessel in the designated port of shipment;
- the goods shall be delivered by the EEC to the place of shipment and on the date of availability indicated pursuant to Article III of the Agreement;
- delivery shall be deemed to have been effected once the goods effectively pass the ship's rail at the port of shipment, all costs of stowage being borne by the WFP;
- at the moment of delivery, risks shall pass from the EEC to the WFP, all costs prior to delivery being borne by the EEC and all costs after delivery being borne by the WFP;
- should the EEC fail to deliver the goods at the place and date indicated, where the WFP has rendered it possible, any consequences resulting from this shall be borne by the EEC;
- should the WFP fail to take delivery of the goods at the place and date indicated, where the EEC has rendered it possible, any consequences resulting from this shall be borne by the WFP;
- the EEC and the WFP reserve the right to nominate one or more agents to implement the Agreement. To deal with any eventualities, the WFP shall nominate a representative in each port of shipment.

II. Letter from the Representative of the European Economic Community

I acknowledge herewith receipt of your letter dated worded as follows:

'With reference to the Agreement between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries, and particularly to Article V (1) of that Agreement, I would propose that the following procedure be applied for delivery fob by the European Economic Community (EEC), and acceptance of delivery by the World Food Programme (WFP), of 15 000 metric tons of cereals:

- on the basis of information received from the WFP concerning transport, the EEC shall notify the WFP, for each delivery, of the supplier or suppliers and shall indicate a period of fifteen days within which the WFP may fix the date of delivery;
- not less than fifteen days before the date laid down for each delivery, the WFP shall notify the EEC of the estimated date of arrival of the vessel in port;

-
- the WFP shall also notify the supplier or suppliers, not less than five days in advance, of the exact date of arrival of the vessel in the designated port of shipment;
 - the goods shall be delivered by the EEC to the place of shipment and on the date of availability indicated pursuant to Article III of the Agreement;
 - delivery shall be deemed to have been effected once the goods effectively pass the ship's rail at the port of shipment, all costs of stowage being borne by the WFP;
 - at the moment of delivery, risks shall pass from the EEC to the WFP, all costs prior to delivery being borne by the EEC and all costs after delivery being borne by the WFP;
 - should the EEC fail to deliver the goods at the place and date indicated, where the WFP has rendered it possible, any consequences resulting from this shall be borne by the EEC;
 - should the WFP fail to take delivery of the goods at the place and date indicated, where the EEC has rendered it possible, any consequences resulting from this shall be borne by the WFP;
 - the EEC and the WFP reserve the right to nominate one or more agents to implement the Agreement. To deal with any eventualities, the WFP shall nominate a representative in each port of shipment.'

I would inform you that the EEC agrees to your proposals regarding the procedure for delivery and acceptance of delivery of the cereals.

I request you to consider this procedure as settled between the WFP and the EEC, in implementation of Article V (1) of the said Agreement.

Information concerning the signature of the Agreement on the supply of food aid between the European Economic Community and the World Food Programme (WFP)

The Agreement between the European Economic Community and the World Food Programme on the supply of cereals as food aid to developing countries, which the Council decided to conclude on 5 March 1973, was signed at Brussels on 23 March 1973 on behalf of the European Communities by:

Mr Louis Georges Rabot, Director-General for Agriculture of the Commission of the European Communities, and on behalf of the WFP by:

Mr Thomas C. M. Robinson, Assistant Executive Director of that body.

COUNCIL DECISION

of 19 February 1973

giving a discharge to the Commission in respect of the implementation of the budget and the supplementary budgets of the European Communities for the financial year 1970

(73/114/ECSC, EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 78 (d) thereof;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206 thereof;

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 180 thereof;

Having regard to the accounts of revenue and expenditure and the financial statements relating to the implementation of the budget for the financial year 1970;

Having regard to the Report ⁽¹⁾ of the Audit Board on the accounts for the financial year 1970, to which report are annexed the replies of the institutions to the comments concerning them;

Whereas Regulation No 25 ⁽²⁾ on the financing of the common agricultural policy lays down certain rules of financial and budgetary policy concerning

the European Agricultural Guidance and Guarantee Fund; whereas similar rules for the European Social Fund were laid down in the Financial Regulation ⁽³⁾ on the methods and procedure for making available to the Commission the financial contributions of Member States referred to in Article 200 (1) and (2) of the Treaty establishing the European Economic Community and on the technical conditions for carrying out the financial operations relating to the European Social Fund (Article 209 (b)) of the Treaty;

Whereas the Council has adopted the budget ⁽⁴⁾ and the additional budget for the financial year 1970;

Whereas certain appropriations available at the close of the abovementioned financial year have been carried forward to the following financial year;

Whereas the observations and comments in the report of the Audit Board on the accounts for the financial year 1970 include the noting of certain irregularities and certain mistakes; whereas suitable action must be taken on this matter;

Whereas, however, the general implementation by the Commission of the budgets for the financial year 1970 was such as to entitle it to be given a discharge in respect of the implementation of these budgets;

HAS DECIDED AS FOLLOWS:

Article 1

The views of the Council on the observations and comments of the Audit Board are as set out in the Annex.

⁽¹⁾ This Report is available from the institutions of the European Communities.

⁽²⁾ OJ No 30, 20. 4. 1962, p. 991/62.

⁽³⁾ OJ No 22, 30. 3. 1961, p. 509/61.

⁽⁴⁾ OJ No L 60, 16. 3. 1970, p. 1.
OJ No L 218, 3. 10. 1970, p. 39.
OJ No L 8, 11. 1. 1971, pp. 1 and 20.

Article 2

The Council closes at the sum of 116 774 857.52 u.a. (a)
 the total administrative expenditure ⁽¹⁾ of the Communities
 paid out during the financial year 1970, that sum being
 made up as follows:

	Payment from appropriations carried forward from the financial year 1969 u.a.	Payment from appropriations for the financial year 1970 u.a.
— European Parliament	265 944.68	9 010 723.96
— Council	305 484.26	10 139 208.86
— Commission	7 202 004.30	87 686 221.68
— Court of Justice	24 796.80	2 140 472.98
	7 798 230.04	108 976 627.48

Since a sum of 11 023 933.62 u.a. (b)
 was carried forward from the financial year 1970 to the
 financial year 1971, under the heading of administrative
 expenditure, that sum being made up as follows:

	u.a.
— European Parliament	330 641.64
— Council	944 152.08
— Commission	9 703 054.90
— Court of Justice	46 085.00

while a sum of 10 332 237.25 u.a. (c)
 had been carried forward from the financial year 1969 to
 the financial year 1970, that sum being financed from
 revenue for the financial year 1969,

the Council closes at the sum of 117 466 553.89 u.a.
 (a+b—c)

the total revenue to cover administrative expenditure ⁽¹⁾ for
 the financial year 1970 accruing as follows:

11 189 580.52 u.a. from own revenue
 18 000 000.00 u.a. from ECSC levies
 88 276 973.37 u.a. from contributions from the Member
 States

Article 3

The Council closes at the sum of 37 041 700.72 u.a.
 the total expenditure paid out during the financial year
 1970 in respect of the European Social Fund.

⁽¹⁾ Expenditure relating to the European Social Fund and the EAGGF is not included in this total.

Article 4

The Council closes at the sum of 2 366 766 775.00 u.a.
the total expenditure paid out during the financial year
1970 in respect of the European Agricultural Guidance and
Guarantee Fund.

Article 5

The Council gives a discharge to the Commission in respect of the implementation of
the budget and the supplementary budgets of the European Communities for the
financial year 1970.

Done at Brussels, 19 February 1973.

For the Council

The President

A. LAVENS

ANNEX

**A. MATTERS CONCERNING THE APPLICATION OF THE PROVISIONS OF THE
FINANCIAL REGULATIONS**

COMMISSION

Need for more careful accounting administration

(No 68 — point (b) in the Report)

The Council acknowledges the temporary confidential nature of the study of the rational-
invites the Commission to take all necessary measures to prevent such irregularities in the
future.

**Refusal to communicate to the Audit Board a study on the administrative procedures for
implementing the budgets**

(No 70 — point (a) in the Report)

The Council acknowledges the temporary confidential nature of the study of the rational-
ization of budgetary procedures carried out for the Commission by a team of management
consultants. The Council would however like the Audit Board to see this study during the
next financial year in order to ascertain how the Commission plans to improve the administration
of its services.

Need for more extensive documentation on the use of appropriations

(No 193 in the Report)

The Council draws the Commission's attention to the need for each Commission service to
draw up regularly the documents which should make it possible to obtain an overall view
of the administration of the service.

**B. MATTERS RELATING TO THE INTERPRETATION AND APPLICATION OF THE
PROVISIONS CONCERNING STAFF**

GENERAL OBSERVATIONS AND CONSIDERATIONS

COMMISSION

Need to draw up a complete organigramme of the services

(No 196 in the Report)

The Council invites the Commission to provide the Audit Board in future with an organigramme giving comprehensive information on the number, functions and composition of the services.

**Absence of an implementing Regulation for the provisions relating to cover against the risks
from accident and occupational diseases**

(No 200 in the Report)

The Council urges that the implementing Regulations to Article 73 of the Staff Regulations be adopted.

In the meantime it invites the Commission to take action against third parties responsible for accidents to its staff, in order to obtain reimbursements of the sums paid to its staff during periods of unfitness for work.

C. MATTERS RELATING TO EFFICIENT FINANCIAL ADMINISTRATION

COMMISSION

Need for better administration of the computing centre

(No 75 in the Report)

The Council considers, like the Audit Board, that the administration of the computing centre should be based on a work survey and a breakdown of the time and cost involved in each large-scale programme. It notes the measures adopted by the Commission in the interim in order to make these surveys.

COUNCIL DECISION

of 19 February 1973

giving a discharge to the Commission in respect of the implementation of the research and investment budget of the EAEC for the financial year 1970

(73/115/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 180 thereof;

Having regard to the accounts of revenue and expenditure and the part of the financial statements relating to the implementation of the research and investment budget for the financial year 1970;

Having regard to the Report ⁽¹⁾ of the Audit Board on the accounts for the financial year 1970, to which report are annexed the replies of the Commission;

Whereas the Council has adopted the budget ⁽²⁾ for the financial year 1970;

Whereas certain appropriations available at the close of the abovementioned year have been carried forward to the following financial year;

Whereas the general implementation by the Commission of the budget for the financial year 1970 was such as to entitle it to be given a discharge in respect of the implementation of this budget;

HAS DECIDED AS FOLLOWS:

Article 1

The Council closes at the following sums the total expenditure and the total revenue to cover that expenditure under the research and investment budget for the financial year 1970:

Expenditure (units of account)

1. Commitments:

(a) contracted during the financial year 1970, at	58 308 400.00
(b) still unsettled at 31. 12. 1969, at	35 439 866.95
(c) released from previous financial years, at	793 152.78
(d) total commitments for 1970 (a+b—c), at	92 955 114.17
(e) paid in 1970, at	64 942 916.17
(f) cancelled in 1970	867 614.47
(g) still unsettled at 31. 12. 1970 (d—(e+f)), at	27 144 583.53

2. Payments, at 64 942 916.17

⁽¹⁾ This Report is available from the institutions of the European Communities.

⁽²⁾ OJ No L 92, 27. 4. 1970, p. 1.

Revenue (u.a.) ⁽¹⁾

	<i>1st part of the budget</i>			<i>2nd part of the budget</i>
	Joint Programme 1969/70 previous Programmes and other joint expenditure	Additional Programmes 1969/70	Total of first part of budget	
At the sum of	30 345 949.13	25 257 501.01	55 603 450.14	3 825 062.95

This sum corresponds to:

— payments made in 1970	35 955 606.70	25 162 246.52	61 117 853.22	3 825 062.95
— payment appropriations carried forward from the financial year 1970 to the financial year 1971	10 884 722.64	3 034 902.76	13 919 625.40	[1 000 000.00]
— the available surplus entered in the table of revenue of the 1971 budget	—	—	—	—
Total	46 840 329.34	28 197 149.28	75 037 478.62	3 825 062.95

To be deducted from this total:

— the payment appropriations carried forward from the financial year 1969 to the financial year 1970	10 494 380.21	2 939 648.27	13 434 028.48	—
— the available surplus entered in the statement of revenue of the budget for the financial year 1970	6 000 000.00	—	6 000 000.00	—
financed by contributions from the financial year 1969	16 494 380.21	2 939 648.27	19 434 028.48	

⁽¹⁾ The revenue is made up as follows:

	<i>1st part of the budget</i>			<i>2nd part of the budget</i>
	Joint Programme 1969/70 previous Programmes and other joint expenditure	Additional Programmes 1969/70	Total of first part of budget	
— own revenue (less available surplus entered in the statement of revenue of the 1970 budget)	1 956 682.16	1 951 760.89	3 908 443.05	
— proceeds of loans contracted	—	—	—	3 744 283.19
— work requested and paid for	—	—	—	80 779.76
— contributions from Member States	28 389 266.97	23 305 740.12	51 695 007.09	

Article 2

The Council gives a discharge to the Commission in respect of the implementation of the research and investment budget for the financial year 1970.

Done at Brussels, 19 February 1973.

For the Council

The President

A. LAVENS

EUROPEAN PARLIAMENT

DECISION OF THE EUROPEAN PARLIAMENT

of 9 May 1973

on the giving of a discharge to the Commission in respect of the implementation of the European Communities' budget for the financial year 1970 and on the Report of the Audit Board

(73/116/ECSC, EEC, Euratom)

THE EUROPEAN PARLIAMENT,

Having regard to the accounts and statements for the financial year 1970 and the accounts of the Euratom Supply Agency (Doc. 163/71-II and IV);

Having regard to the Report of the Committee on Budgets (Doc. 38/73);

Having regard to the Council Decision of 20 February 1973 ⁽¹⁾ on the giving of a discharge to the Commission, and to the reservations continued in the Annex to the Council Decision which it endorses;

Having regard to the Report of the Audit Board on the accounts for the financial year 1970 and the answers of the institutions to that Report (Doc. 163/71-III A and B);

I

Decision on a discharge

1. Establishes the total of the Communities' expenditure for the financial year 1970 at 2 521 275 009·61 u.a., made up as follows:

— Administrative expenditure	117 466 553·89 u.a.
— European Social Fund	37 041 700·72 u.a.
— EAGGF	2 366 766 755·00 u.a.

2. Decides to give the Commission a final discharge in respect of the implementation of the 1970 budget and refers to the following critical remarks:

II

The accounting procedures of the Funds, of the administrative budget and of the research and investment budget

(a) EAGGF

3. Notes again with great regret that the largest single expenditure heading of the European Budget, namely the expenditure of the 'Guarantee' section of the Agricultural Fund, is not subject to adequate external control and that the Audit Board is unable to give the official bodies binding information on the financial management of the Fund (Section 110, paragraph 7, of the Audit Report for the financial year 1970);

⁽¹⁾ See p. 23 of this Official Journal.

4. Regrets once again the inadequate local supervision by EAGGF services; this situation must be remedied in view of the new financial regulations for the common agricultural policy and the transition to the Communities' own resources;
5. Finds it intolerable that there are still delays in meeting the due dates for closure of the accounts; as a result the Fund's expenditure is only audited five years after the measures in question are put into effect;
6. Urges the Commission to present an immediate report on the frequent instances of fraud which still occur in the agricultural sector, on their budgetary significance and on the consequences of measures taken up to now by the Commission of the European Communities and by the Member States, and reminds the Commission of its obligations deriving from Article 10 of Regulation (EEC) No 729/70;
7. Urges the Commission to concentrate on spot-check auditing operations covering individual projects in all their aspects on a random sample basis;
8. Believes, in view of the constantly recurring shortcomings in EAGGF financial management and the difficulty of supervising them, that the Commission must make considerably greater efforts to achieve substantial progress in this matter;
9. States therefore now that it can give the Commission of the European Communities no further discharge for future financial years, unless progress is made in the financial administration and control of the Agricultural Fund and the Commission moves closer to the Parliament's views on auditing procedures;

(b) *European Social Fund*

10. Deplores the long delays even in 1970 in the submission and examination of applications for assistance, the inadequate cooperation with national administrations, the shortage of staff in the Social Fund, the low rate of utilization of funds and, as a result, the fact that they are allowed to lie unused, and the difficulty of controlling expenditure calculated in lump sums;
11. Is astonished by the differences between the average costs of retraining programmes, which vary between the different Member States in a ratio of 1 to 9, and by the alleged difficulty of levelling out these differences within the overall activities of the Social Fund;
12. Believes that control by the Audit Board ought not to be restricted by Commission procedures which the Audit Board stated are the reasons why it can no longer satisfactorily perform its duties in regard to the expenditure of the Social Fund;
13. Considers therefore that the Parliament's positive decision on a discharge for the Social Fund's accounts for future financial years must be withheld if matters of auditing procedure cannot be clarified with the Commission and the remarks of the budgetary authorities are not taken into account;
14. Gives the final discharge in respect of the accounts of the Social Fund for the financial year 1969 on the basis of the judgment handed down in the meantime by the Court of Justice;

(c) *The Administrative Budget of the Institutions*

15. Urges the Commission to take note of the observations of the Audit Board, with particular reference to:
 - (a) the over-frequent entries of funds in accounts outside the budget which at times make subsequent auditing of certain budget transactions impossible;

- (b) the annually recurring over-spending and transfer of funds under certain budget headings which falsify the appropriations authorized by the budget authorities;
- (c) the strict application of the principle of separation of the power of authorization from accounting;
- (d) the criticism that deposited and cash holdings in securities and funds cannot be supervised;
- (e) the lack of opportunity to determine the results of investigations and surveys and the use to which they can be put;
- (f) the availability of realistic revenue accounts;

16. Demands an immediate report from the Commission on the correction of the shortcomings in the Luxembourg computer centre, which, according to the Audit Board, appear to be in striking contrast to the requirements of sound financial management;

17. Is therefore setting up an investigating committee within the framework of the Committee on Budgets with the task of working out a constructive solution with the Commission;

(d) *The research and investment budget*

18. Urges the Commission to ensure that the departments responsible for the research and investment budget submit to the Audit Board or prepare the documents which the latter regards as necessary for the performance of its duties; this applies in particular to:

- (a) the checking of the classification of expenditure according to different programme measures for which only material accuracy of the calculations could be determined and not the accuracy of the content;
- (b) the list of code numbers for payment orders; although these were changed during the financial year, the audit board was either not informed of this or informed only subsequently;
- (c) the entry of a large number of transactions in accounts other than the normal ones;
- (d) the lack of documentation on the progress of research work and the execution of contracts (the Audit Board had raised these matters in its 1965 Report);

19. Notes that infringements of the principle that the budget is restricted to one year are contrary to the existing rules and bypass the decisions of the budget authorities;

20. Urges the Commission, when presenting the operational budget, to prepare full details on the administration of the various funds, an essential precondition for making an evaluation;

III

European Development Fund

21. Urges the Council to give the Commission a discharge in respect of the implementation of the 1970 budget after agreeing to the remarks and reservations contained hereinafter;

22. Expresses its earnest desire that, in harmony with the evolution of the right to audit and give discharges in respect of the implementation of the general budget as a result of the Treaty of 22 April 1970, it will also be authorized to give discharges in respect of the budgetary measures of the EDF;

23. Welcomes the recent speeding up of the allocation of the resources of the third European Development Fund;

24. Appreciates the fact that all records of administrative accounts and balances are being kept on cards so that accounts can be balanced every month, thus facilitating the task of auditing;

25. Considers that, if certain errors and omissions to which attention was drawn in the Audit Board's Report for 1970 are to be avoided:

- (a) the Commission of the European Communities should ensure painstaking and strict application of the regulations governing the working procedure of the Development Fund and also of its financial regulations, both of which have already been supplemented and improved by the Commission;
- (b) a more precise definition of the terms of reference and division of responsibilities of the various auditors, authorizing officers, accounting officers, bookkeepers and officials empowered to authorize advances, would help to create the best possible conditions for financing and administering Community aid;
- (c) it is essential, pursuant to Article 49 of the Financial Regulations, for normal conditions of competition to be ensured when contracts are awarded;
- (d) the choice of consultancy offices to assist with technical aid related to investments and with the general technical cooperation for which the Commission is responsible, should be made under conditions which allow of a minimum of competition, and if the projects are not carried out or not completed by the agreed time limit financial penalties should be laid down;
- (e) the present percentage figure for over-spending due to technical difficulties and to the use of quantities of supplies exceeding those estimated for the execution of projects must be lowered;

26. Is convinced that greater vigilance and stringency in applying the current regulations would have enabled many of the problems encountered in the financing of the three programmes for the training of supervisory staff for the operation and management of OTRACO to be avoided; regrets that these projects were marred by several of the problems referred to above, but recognizes that the Commission did try to remedy the situation;

27. Requests the Commission to remedy the delays which have occurred in submitting the accounts of the European Cooperation Association and also to improve the provisions for the payment of scholarship funds.

Done at Strasbourg, 9 May 1973.

For the European Parliament

Maurice DEWULF

Vice-President

COMMISSION

COMMISSION OPINION

of 24 January 1973

addressed to the French Government on a Draft Law amending and supplementing, in the interests of road safety, Order No 58 1310 of 23 December 1958 concerning working conditions in public and private road transport

(73/117/EEC)

1. Pursuant to Article 18 of Council Regulation (EEC) No 543/69⁽¹⁾ of 25 March 1969 and Article 21 of Council Regulation (EEC) No 1463/70⁽²⁾ of 20 July 1970, the French Government notified the Commission by letter dated 18 October 1972 of a Draft Law amending and supplementing, in the interests of road safety, Order No 58 1310 of 23 December 1958 concerning working conditions in public and private road transport. The purpose of this Draft Law is to supplement existing provisions on controls and penalties to ensure compliance with the abovementioned Community Regulations.

vehicles, temporary or definitive withdrawal of '*Licences de transports*' or '*cartes grises*' — on enterprises found guilty of repeated contraventions of the regulations; it also makes provision for apportioning responsibility for breaches of the regulations between paid drivers and their employers.

2. The Commission finds that the proposed text meets the requirements of Regulations (EEC) No 543/69 and (EEC) No 1463/70 and hereby delivers a favourable Opinion on this Draft Law.

The Draft Law includes the following provisions:

- Article 1 authorizes additional categories of officials or agents to establish that breaches of the rules and regulations on driving time and rest periods in road transport have occurred;
- Article 2 makes provision for the imposition of administrative penalties — impounding of

Done at Brussels, 24 January 1973.

For the Commission,

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ OJ No L 164, 27. 7. 1970, p. 1.

COMMISSION DECISION

of 6 April 1973

amending the Commission Decision of 22 December 1972 authorizing the Federal Republic of Germany to sell butter at reduced price in the form of concentrated butter

(Only the German text is authentic)

(73/118/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⁾ annexed to the Treaty⁽³⁾ concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 6 (7) thereof;

Having regard to Council Regulation (EEC) No 985/68⁽⁴⁾ 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⁽⁵⁾, and in particular Article 7a thereof;

Whereas, pursuant to Commission Regulation (EEC) No 2561/72⁽⁶⁾ of 6 December 1972 on the sale at reduced prices of intervention butter for direct consumption as concentrated butter, replaced by Regulation (EEC) No 349/73⁽⁷⁾, the Commission Decision of 22 December 1972⁽⁸⁾ authorizing the Federal Republic of Germany to sell butter at reduced price in the form of concentrated butter, as

amended by the Decision of 8 February 1973⁽⁹⁾, fixed the quantity of butter to be processed by that Member State at 4 000 metric tons, taking account of the possibilities of disposal fixed on the basis of previous action;

Whereas, following the extension of the period of application from 31 March to 30 April 1973 of Commission Regulation (EEC) No 349/73⁽⁷⁾ of 31 January 1973 on the sale at reduced prices of butter for direct consumption as concentrated butter, as amended by Regulation (EEC) No 898/73⁽¹⁰⁾, the quantity aforesaid should be raised to 5 000 metric tons;

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

1. Article 1 of the Decision of 22 December 1972 is replaced by the following:

Article 1

The Federal Republic of Germany is authorized to apply Regulation (EEC) No 349/73 in respect of a quantity of butter not exceeding 5 000 metric tons.'

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁵⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁶⁾ OJ No L 274, 7. 12. 1972, p. 12.

⁽⁷⁾ OJ No L 40, 13. 2. 1973, p. 1.

⁽⁸⁾ OJ No L 303, 31. 12. 1972, p. 41.

⁽⁹⁾ OJ No L 83, 30. 3. 1973, p. 41.

⁽¹⁰⁾ OJ No L 88, 4. 4. 1973, p. 10.

2. In Article 2 of the said Decision the reference to 'Regulation (EEC) No 2561/72' is replaced by a reference to 'Regulation (EEC) No 349/73'.

Done at Brussels, 6 April 1973.

Article 2

This Decision is addressed to the Federal Republic of Germany.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 11 April 1973

authorizing the temporary continuance by the United Kingdom of the two systems of minimum prices for certain fishery products

(73/119/EEC)

(Only the English text is authentic)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty ⁽¹⁾ concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 63 of the Act ⁽²⁾ annexed thereto;

Whereas Council Regulation (EEC) No 2142/70 ⁽³⁾ of 20 October 1970 on the common organization of the market in fishery products as last amended by Regulation (EEC) No 220/73 ⁽⁴⁾, has provided for the formation of producers' organizations which impose on their members the obligation of conforming to certain rules, in particular of promoting the stabilization of market prices; whereas in fact, they lead to the fixing of prices below which the producers organizations do not sell the products bought by their members;

Whereas before the application in the United Kingdom of the relevant Community regulation, two minimum prices schemes had been applied in this Member State with the aim of stabilizing prices in the fishery sector; whereas the Community regime, which must replace these schemes cannot in the short term assure the same degree of stabilization;

Whereas in order not to endanger the attempts undertaken in this Member State under these

conditions, it is required to authorize it, as a transitional measure, to maintain during the year 1973 its two present minimum prices schemes;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Fishery Products;

HAS ADOPTED THIS DECISION:

Article 1

With effect from 1 February 1973, the United Kingdom is authorized to maintain, until 31 December 1973, the system of minimum prices formerly applying for herring, cod, haddock, whiting, plaice and saithe.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 11 April 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 236, 27. 10. 1970, p. 5.

⁽⁴⁾ OJ No L 27, 1. 2. 1973, p. 1.

COMMISSION OPINION

of 13 April 1973

addressed to the Government of the Grand Duchy of Luxembourg on the Draft Regulation of the Grand Duchy implementing Regulation No 117/66/EEC and Regulation (EEC) No 1016/68

(73/120/EEC)

The Permanent Representative of the Grand Duchy of Luxembourg has sent the Commission, by letters dated 16 January 1973 and 9 March 1973, a Draft Regulation of the Grand Duchy laying down provisions implementing Council Regulation No 117/66/EEC ⁽¹⁾ of 28 July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus, and Commission Regulation (EEC) No 1016/68 ⁽²⁾ of 9 July 1968 prescribing the model documents referred to in Articles 6 and 9 of Council Regulation No 117/66/EEC.

This communication constitutes a consultation within the meaning of Article 10 of Council Regulation No 117/66/EEC, to which Article 6 of Regulation (EEC) No 1016/68 also refers.

The Commission notes that the Draft Regulation of the Grand Duchy lays down the implementing measures which the Member States are required to take under the aforesaid Council and Commission Regulations. As regards Regulation No 117/66/EEC such measures must cover, *inter alia*, the organization of, procedure for and measures of control, and the penalties for any breach; as regards Regulation (EEC)

No 1016/68, they must cover the period of validity of the book of passenger waybills, the processing and filing of the original and copy of passenger waybills and may also relate to any stamping of passenger waybills by authorized inspecting officers.

The Commission delivers the following Opinion on the Draft Regulation of the Grand Duchy:

The Commission finds that, subject to the delay of the Government of the Duchy of Luxembourg in putting them into force, the provisions laid down fulfil the obligations devolving upon the Member States by virtue of Article 10 of Council Regulation No 117/66/EEC and of Article 6 of Commission Regulation (EEC) No 1016/68.

Done at Brussels, 13 April 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 147, 9. 8. 1966, p. 2688/66.

⁽²⁾ OJ No L 173, 22. 7. 1968, p. 8.

COMMISSION DECISION

of 30 April 1973

issuing a standing invitation to tender for the export of 100 000 metric tons of common wheat held by the French intervention agency

(Only the French text is authentic)

(73/121/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 the Act ⁽²⁾ annexed to the Treaty ⁽³⁾ concerning the Accession of the new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 7 ⁽⁵⁾ thereof;

Having regard to Commission Regulation (EEC) No 376/70 ⁽⁴⁾ 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 ⁽⁵⁾ and in particular Article 5 ⁽¹⁾ and ⁽⁷⁾ thereof;

Whereas the French Republic in its communication of 11 April 1973 informed the Commission of the intention of the French intervention agency to issue an invitation to tender for the export of 100 000 metric tons of common wheat;

Whereas the 100 000 metric tons of common wheat to be tendered for will be exported from the frontier crossing posts for which the tenders are made by the tenderers; whereas the common wheat is stored elsewhere; whereas the French 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 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 French intervention agency may, under the conditions hereinafter laid down, issue a standing invitation to tender for the export of common wheat held by it.

Article 2

1. The invitation to tender refers to a quantity of 100 000 metric tons of common wheat.
2. The places in which the 100 000 metric tons of common wheat 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: Atlantic, Channel or North Sea ports of exportation and/or frontier crossing points in the French Republic.
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 common wheat:
 - (a) which is in harbour silos from which it can be loaded directly onto a seagoing vessel or canal barge, or
 - (b) which is supplied undischarged at the place of embarkation at the port or exit point.

Tenders shall be valid only if they are accompanied by an application for an export licence and by an

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

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 47, 28. 2. 1970, p. 49.

⁽⁵⁾ OJ No L 17, 20. 1. 1973, p. 17.

application for advance fixing of a refund submitted by the tenderer for the amount tendered for, in accordance with Article 5 (5) of Regulation (EEC) No 376/70.

3. As regards the quantities of common wheat which are not at the places referred to in the first and second subparagraphs 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 French intervention agency.

Article 4

The French 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 ten 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 31 July 1973.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 30 April 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Place of storage	Quantities stored
Châlons-sur-Marne	16 165.04 metric tons
Givet	13 100.00 metric tons
Neuf-Brisach	2 000.00 metric tons
Neuillé-Pont-Pierre	9 952.05 metric tons
Arleux	17 487.70 metric tons
Gennevilliers	33 000.00 metric tons
Saint-Ouen-l'Aumône	8 295.21 metric tons

COMMISSION DECISION

of 7 May 1973

exempting the Federal Republic of Germany and the Grand Duchy of Luxembourg from applying to certain species the Council Directive of 29 September 1970 concerning the marketing of vegetable seed

(Only the German and French texts are authentic)

(73/122/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive of 29 September 1970 ⁽¹⁾ concerning the marketing of vegetable seed, last modified by the Council Directive of 6 December 1972 ⁽²⁾ and particularly Article 42 thereof;

Having regard to the requests made by the Federal Republic of Germany and the Grand Duchy of Luxembourg;

Whereas the Directive makes it possible to grant exemption for the species concerned, and at the same time does not lay down any particular requirements;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Agricultural, Horticultural and Forestry Seeds and Plants;

HAS ADOPTED THIS DECISION:

Article 1

1. The Federal Republic of Germany is exempted from applying the Council Directive of 29 September 1970 concerning the marketing of vegetable seed, with the exception of the provisions of Article 16 (1) and of Article 30 (1), to the species listed below:

- | | |
|---|--------------|
| (a) <i>Anthriscus cerefolium</i> (L.) Hoffm. | Chervil |
| (b) <i>Asparagus officinalis</i> L. | Asparagus |
| (c) <i>Beta vulgaris</i> L. var. <i>cycla</i> (L.) Ulrich | Spinach beet |
| (d) <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>italica</i> Plenck | Broccoli |
| (e) <i>Cichorium intybus</i> L. var. <i>foliosum</i> Bisch. | Endive |
| (f) <i>Citrullus vulgaris</i> L. | Water melon |
| (g) <i>Foeniculum vulgare</i> P. Mill. | Fennel |
| (h) <i>Scorzonera hispanica</i> L. | Scorzonera |

2. The Grand Duchy of Luxembourg is exempted from applying the Council Directive of 29 September 1970 concerning the marketing of vegetable seed, with the exception of the provisions of Article 16 (1) and of Article 30 (1), to the species listed below:

- | | |
|---|--------------|
| (a) <i>Anthriscus cerefolium</i> (L.) Hoffm. | Chervil |
| (b) <i>Asparagus officinalis</i> L. | Asparagus |
| (c) <i>Beta vulgaris</i> L. var. <i>cycla</i> (L.) Ulrich | Spinach beet |
| (d) <i>Brassica oleracea</i> L. var. <i>acephala</i> D.C. subvar. <i>laciniata</i> L. | Curly kale |
| (e) <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i> | Cauliflower |

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 7.

⁽²⁾ OJ No L 287, 26. 12. 1972, p. 22.

- (f) *Brassica oleracea* L. convar.
botrytis (L.) Alef. var. *italica*
Plenck

Broccoli

Article 2

This Directive is addressed to the Federal Republic of Germany and to the Grand Duchy of Luxembourg.

- (g) *Cichorium intybus* L. var.
foliosum Bisch.

Endive

Done at Brussels, 7 May 1973.

- (h) *Citrullus vulgaris* L.

Water melon

For the Commission

- (i) *Foeniculum vulgare* P. Mill.

Fennel

The President

- (j) *Scorzonera hispanica* L.

Scorzonera

François-Xavier ORTOLI

COMMISSION DECISION

of 7 May 1973

modifying the Decision of 16 October 1970 exempting the French Republic from the application to certain species, of the Council Directive of 30 June 1969 concerning the marketing of seed of oil and fibre plants

(Only the French text is authentic)

(73/123/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive of 30 June 1969 ⁽¹⁾ concerning the marketing of seed of oil and fibre plants, as last modified by the Directive of 6 December 1972 ⁽²⁾ and in particular, Article 22 thereof;

Having regard to the request from the French Republic;

Whereas, by its Decision of 16 October 1970 ⁽³⁾, the Commission has exempted the French Republic from the application to certain species of the Directive referred to above; that the French government has informed the Commission that, henceforth, there will be multiplication of soya (*Soia hispida* L.) in its territory intended for the production of seed; that the application of control of the production of certified seed of this species is then capable of being introduced;

Whereas since the conditions governing the right for exemption are no longer fulfilled concerning the species *Soia hispida* L. and that, in consequence it is appropriate to modify the aforesaid Decision;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Agricultural, Horticultural and Forestry Seeds and Plants;

HAS ADOPTED THIS DECISION:

Article 1

The Commission Decision of 16 October 1970 is modified as follows:

In Article 1 the subparagraph '*f Soia hispida* L. Soya' is deleted.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 7 May 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽²⁾ OJ No L 287, 26. 12. 1972, p. 22.

⁽³⁾ OJ No L 237, 28. 10. 1970, p. 29.