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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION OPINION

of 15 February 1973

to be sent to the Netherlands Government on the subject of the draft royal decree amending the 'Rijtijdenbesluit 1971'

(73/211/EEC)

1. By letter dated 17 October 1972 the Netherlands Government forwarded to the Commission the draft for a royal decree and an explanatory memorandum for the amendment of the Decree of 22 January 1971 ⁽¹⁾ to replace the 'Rijtijdenbesluit' and implement Council Regulation (EEC) No 543/69 ⁽²⁾ of 25 March 1969 on the harmonization of certain social provisions relative to road transport.

2. The draft decree utilizes the possibilities of derogation introduced by Council Regulation (EEC) No 514/72 and No 515/72 ⁽³⁾ of 28 February 1972. Its content is as follows:

Article 1

A. This point introduces definitions for the regional carriage of goods ('Streekvervoer van goederen') and for the mechanical recording equipment.

B. This text introduces definitions for the daily driving period and daily period of duty.

C. This clause adds to the list of categories to which Regulation (EEC) No 543/69 does not apply, tractors used solely for local agricultural and forestry work.

D. This text fixes the minimum age for lorry drivers at 16 and also stipulates that the person concerned must hold a certificate of enrolment in a drivers' training course in accordance with the possibility provided under Article 2 of Regulation (EEC) No 515/72.

E. This clause provides for derogations from the rule on the length of continuous driving time, in accordance with Article 5 of Regulation (EEC) No 515/72.

H. This clause replaces and clarifies the present clause relating to derogations from the rule on the daily rest period under Article 11 of Regulation (EEC) No 543/69.

L. This clause requires recording equipment conforming to a standard model to be used in vehicles of more than 3 500 kg laden weight which are not used for regular transport or for transport on behalf of public bodies.

O. This clause takes advantage of the provision of Article 2 of Regulation (EEC) No 514/72 whereby between 1 April and 30 September the weekly rest period of crews involved in international passenger transport may be replaced by a rest period of at

⁽¹⁾ Staatsblad van het Koninkrijk der Nederlanden, Stb. 25 of 22.1.1971.

⁽²⁾ OJ No L 77, 29.3.1969, p. 49.

⁽³⁾ OJ No L 67, 20.3. 1972, pp. 1 and 11.

least 60 consecutive hours to be taken before expiry of any period of 14 consecutive days.

Q. This clause provides for the temporary derogation from the daily driving period allowed by Article 5 of Regulation (EEC) No 514/72 in the case of vehicles registered in a third country.

R. The purpose of this clause is to introduce into Netherlands Law the provision relating to *force majeure* contained in Article 3 of Regulation (EEC) No 514/72.

Other paragraphs only make amendments to wording or do not relate to matters which are the subject of Community regulations.

Article 2

Concerns the date on which the decree comes into force

3. The Commission finds the text of the proposed royal decree in accord with the provisions of Regulations (EEC) Nos 543/69, 514/72 and 515/72.

It considers it necessary, however, to draw attention to the following points:

Article 1 L. It would be desirable to include in the Netherlands draft a reference to Regulation (EEC) No 1463/70 and in particular to Article 20 (2) thereof which sets the limits for the period of enforcement

of national provisions so that users are aware of the new obligation incumbent upon them as soon as the Community regulations come into force. Moreover, the Commission will only be in a position to pronounce finally on the regulations being considered for recording equipment when it has seen all the texts relating to the introduction of such equipment in the Netherlands under Article 20 of Regulation (EEC) No 1463/70 ⁽¹⁾.

Article 1 Q. This clause concerns transport vehicles registered in a third country and making journeys from or to a third country, as also those travelling from or to a third country which pass through one or more Member States. Hence Article 5 of Regulation (EEC) No 514/72 refers to 'Transport from *and/or* to third countries'.

Since the test of the draft might be interpreted in a more restrictive manner, it would be preferable to adopt the wording of Article 5.

4. Subject to the comments made in paragraph 3 above, the Commission approves the draft royal decree.

Done at Brussels, 15 February 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 164, 27. 7. 1970, p. 1.

COMMISSION DECISION

of 11 May 1973

relating to a procedure under Article 85 of the EEC Treaty (IV/791 - Société Commerciale des Potasses et de l'Azote (SCPA) - Kali und Salz (formerly VDK) and ex - 1373 - 1374 - 1498 - 1499 - 1500)

(Only the French and German texts are authentic)

(73/212/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof;

Having regard to Regulation No 17 ⁽¹⁾ of 6 February 1962, and in particular Articles 1, 3 and 5 thereof;

Having regard to the notification (IV/791) pursuant to Article 5 (1) of Regulation No 17, submitted on 22 October 1962 by GmbH Verkaufsgemeinschaft Deutscher Kaliwerke (VDK), Hannover (Federal Republic of Germany), and by the S.à.r.l. Société Commerciale des Potasses d'Alsace (SCPA), Paris (France), in respect of the cooperation agreement concluded verbally between these companies for the purpose *inter alia* of coordinating the commercial and industrial activities of the French and German potassium salts producers;

Having regard to the notifications (IV/ex- 1373 and 1499) submitted on 25 January 1963 by SCPA and VDK in respect of the exclusive sales agreements concluded verbally by each of these two companies with the Nederlandsche Kali-Import Maatschappij (NKIM), Amsterdam (Netherlands), and the notifications (IV/ex- 1374 and 1500) submitted on the same date in respect of similar agreements, the one concluded between SCPA and the Comptoir général des sels et engrais potassiques S.A. (Cogépotasse), Brussels, and the other between VDK and the Compagnie belge des engrais potassiques S.A. (Belcopotasse), likewise Brussels;

Having regard to the notification (IV/ex- 1498) submitted on 25 January 1963 by VDK in respect of the agreement whereby that company appointed SCPA its distributor in France;

Having, in accordance with Article 19 (1) of Regulation No 17 and with the provisions of Regulation

No 99/63/EEC ⁽²⁾, on 13 July 1971 heard the authorized representatives of SCPA and of Kali und Salz, the latter being, as explained below, the legal successor to VDK;

Having regard to the Opinion of the Advisory Committee on Restrictive Practices and Monopolies, obtained pursuant to Article 10 of Regulation No 17, on 22 March 1972;

I

WHEREAS:

The aforesaid Verkaufsgemeinschaft Deutscher Kaliwerke GmbH (VDK) was at the time of the notification the joint sales agency for the eight German producers of potassium salts, who were grouped together as the Gemeinschaft Deutscher Kalierzeuger, and consisted of the following:

1. Vereinigte Kaliwerke Salzdetfurth AG, Bad Salzdetfurth/Hanover,
2. Bergwerksgesellschaft Mariagluck GmbH, Höfer,
3. Wintershall AG, Celle/Kassel,
4. Gewerkschaft Wintershall, Celle,
5. Burbach-Kaliwerke AG, Kassel,
6. Kali-Chemie AG, Hanover,
7. Gewerkschaft Baden, Buggingen,
8. Gewerkschaft Markgräfler, Buggingen.

As a result of various reorganizations and mergers between 1967 and 1970 all the undertakings above listed, with the exception of Kali-Chemie AG, which belongs to the Belgian Solvay Group, were merged in a single company, Kali und Salz AG (Kassel), which is the successor to VDK and which was wound up on 31 December 1970.

Kali-Chemie has appointed Kali und Salz as agent for sales of the bulk of its production of potassium

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

salts, both domestic and export; in view of the low-volume imports of potassium salts into the Federal Republic of Germany, Kali und Salz may be regarded as holding a *de facto* monopoly in that country of sales of that product.

By letter of 15 January 1971 Kali und Salz informed the Commission that it had also succeeded VDK as party to the agreement with SCPA notified on 22 October 1962 on 1 January 1971.

The Société commerciale des potasses et de l'azote, which, following a regrouping in 1967, became the legal successor to the Société commerciale des potasses d'Alsace, has a monopoly by law of sales of potassium salts in France, including export and import sales of these products.

The agreement in question establishes close cooperation between SCPA and Kali und Salz, both at the commercial and at the industrial level, and involves, in particular, joint decisions on the quantities and qualities of salts to be exported by each company and coordination of deliveries and distribution of the products of both the companies on the world market and in particular within the common market.

Thus, SCPA and Kali und Salz, working on the basis of tonnages available, the state of the order books and information from their distributors as to the quantities and qualities of salts likely to be sold, coordinate their delivery programmes in the light of production capacity and stocks for the various qualities of salts and decide, yearly, by joint agreement what tonnage each shall export after satisfying the requirements of its own domestic market.

Moreover, the undertakings concerned have appointed joint selling agencies to distribute their products in the Netherlands and in Italy, namely: Nederlandsche Kali-Import Maatschappij (Amsterdam) and Sali Potassici (Milan) (a company). Since there were certain difficulties in appointing a single distributor for Belgium, each undertaking appointed its own distributor for the Belgo-Luxembourg market, with Cogépotasse (Brussels) acting for SCPA and Belcopotasse for VDK, now succeeded by Kali und Salz. Nevertheless, Cogépotasse and Belcopotasse maintain extremely close trading links, exchange information and coordinate their sales activities on the Belgo-Luxembourg market.

VDK (now Kali und Salz) appointed SCPA, which has the monopoly on imports, the distributor of its products in France, while the latter has for its part appointed the German company Henri Vallette (Hanover) its agent for the distribution of French products in the Federal Republic of Germany.

The capital of the distributing companies, sole dealers or agents of SCPA and Kali und Salz is held either wholly or in part by the same financial groups, whose interests are closely linked to those of the French and German potassium industries. Moreover, the entire capital of Henri Vallette, the agent for SCPA, is held by Kali-Union Verwaltungsgesellschaft, a subsidiary of Kali und Salz.

The distributors in Benelux and Italy apply the same prices and the same conditions of sale to the same kinds of potassium salts whatever their origin, including in particular those from SCPA and from Kali und Salz.

II

The cooperation agreement in respect of distribution described above, in so far as it involves or causes joint fixing of the quantities and qualities of potassium products to be exported by each undertaking and the coordination of deliveries and distribution within the common market of products from the two undertakings, constitutes a restriction on competition, in that it limits, to a material degree, the freedom of action of the two undertakings concerned as suppliers of the products in question, has the effect of unifying prices and conditions of sale of these products, and prevents each undertaking from taking normal steps, should the occasion arise, to manufacture products already supplied by the other.

In particular, the undertakings in question have appointed the same sole dealer in the Netherlands and the same sole agent in Italy to distribute their products in those countries. The appointment in these two cases of the same distributor by two normally competing undertakings of the size of VDK (now Kali und Salz) and SCPA necessarily implies agreement on their part not to compete on the markets in question. This joint appointment must therefore be regarded as the effect of a concerted practice between the two undertakings with a view to preventing or restricting competition between themselves in the Netherlands and in Italy.

A similar argument applies to the appointment by SCPA of Henri Vallette as its agent for the distribution of French products in the Federal Republic of Germany since, as explained above, the capital of that company is held by the Kali-Union Verwaltungsgesellschaft, which at the time of the appointment was itself a dependent company of the members of the VDK group, its capital being held by those member companies. It is thus virtually inconceivable that Henri Vallette could conduct a sales policy on the German market running counter to the interests of the group to which it belonged. This appointment, therefore, also implied a concerted intention on the part of SCPA and the association of German potassium producers, represented by VDK, not to compete and was thus also based from the start on a concerted practice between those undertakings. The member companies of VDK subsequently merged to form Kali und Salz, which holds the entire capital of Kali-Union Verwaltungsgesellschaft. This new situation could only be to place Henri Vallette, as a subsidiary of Kali-Union Verwaltungsgesellschaft, under still closer and more direct control. The concerted practice as found above must, therefore, be regarded as having been continued between SCPA and Kali und Salz.

It is, furthermore, inconceivable that the parties could coordinate deliveries without passing information to each other concerning, in particular, the state of stocks, current production, production forecasts, orders received, and forecasts of trends in demand. Such exchange of information constitutes the means for carrying out the cooperation in question and thus likewise comes within the prohibition laid down in Article 85 (1). Further, such exchange leads in practice to joint planning of production and to market sharing, both of which are likewise contrary to Article 85 (1).

The cooperation agreement described above and the concerted practices supplementing it may affect trade between Member States, in that they directly influence trade flows between those states in such a way as might prejudice the realization of the objectives of a single market.

The agreement and concerted practices in question between SCPA and Kali und Salz thus fall within the terms of the prohibition laid down in Article 85 (1) of the EEC Treaty.

The undertakings concerned have argued, in support of their application under Article 85 (3), that as a result of their cooperation agreement, demand is

being satisfied under optimum conditions, since the agreement:

- (i) enables a wider range of products to be made available to consumers than SCPA and Kali und Salz would be able to offer acting separately,
- (ii) increases security of supply for consumers where one undertaking alone might find it impossible to provide the goods required, and
- (iii) allows deliveries to be more closely adjusted to the particular requirements of demand.

In reply to the argument that the agreement makes a wider range of products available to consumers and increases security of supply, it should be pointed out that an increasing proportion of the tonnage produced is being delivered to large-scale manufacturers of compound fertilizers, who are well able to go direct to SCPA, Kali und Salz, or other suppliers for the varieties and quantities they require. As regards deliveries to other consumers, there are a sufficient number of middlemen on the market capable of supplying the whole range of SCPA and Kali und Salz products and of procuring, where required, from one of the two companies any quantity which the other might be unable to supply.

The undertakings concerned have failed to show, nor is it established from the evidence obtained, that the effect of the agreement, in so far as it involves coordination of deliveries, is to adjust such deliveries more closely to the particular requirements of demand. In any event, the size of the undertakings is such as to enable them to make such adjustments individually, while the many middlemen on this market are also capable of making such adjustments.

The undertakings have further argued in support of their application that their cooperation agreement, by making it unnecessary for each of them to manufacture the full range of products in demand, thus allows them to concentrate production and thereby to sell their own products at lower prices. However, in view of the favourable supply situation as outlined above, there is no reason to suppose that, were each undertaking acting on its own, it would be obliged, under pressure of its customers' requirements, to manufacture products whose cost of production would either in itself be excessive or would have an unfavourable effect on the undertaking's prices.

In these circumstances it is clear that the cooperation agreement and the concerted practices supplementing it contribute no improvement either to distribution or to production, nor has the agreement resulted in any technical or economic progress;

There are accordingly no grounds for declaring Article 85 (1) inapplicable pursuant to Article 85 (3) to the cooperation agreement and concerted practices between SCPA and Kali und Salz, successor to VDK.

The said agreement and concerted practices therefore constitute a breach of Article 85 of the Treaty establishing the European Economic Community and an order for their termination must be made.

The exclusive sales agreements concluded by SCPA and VDK with Nederlandsche Kali-Import Maatschappij, Cogépotasse and Belcopotasse and that concluded by SCPA and VDK between themselves are closely connected with the said cooperation agreement and concerted practices, as a result of which they possess a scope and effects which, taken in isolation, they would lack. It would therefore be premature to rule on these agreements as long as the cooperation agreement between SCPA and Kali und Salz and the concerted practices arising therefrom are still in being.

HAS ADOPTED THIS DECISION:

Article 1

The verbal agreement for commercial and industrial cooperation concluded between SCPA and VDK, of which the latter, Kali und Salz, is the successor, to the extent that its objects or effects are the joint determination of the quantities and qualities of potash products to be exported by each of the undertakings concerned, and the coordination of their delivery programmes and of the distribution of the products from these two sources within the common market, together with the concerted practices by which these same undertakings have appointed joint distributors in the Netherlands and Italy, and the concerted practice by which SCPA has appointed to represent it in the Federal Republic of Germany an

undertaking wholly controlled by its main competitor, Kali und Salz, constitute infringements of Article 85 of the Treaty establishing the EEC.

Article 2

The application by SCPA and VDK (now Kali und Salz) for exemption under Article 85 (3) in respect of the agreement and the concerted practices referred to in Article 1 is refused.

Article 3

SCPA and Kali und Salz shall:

1. terminate the cooperation agreement referred to in Article 1, and in particular all exchange of information in respect of distribution and production;
2. cease selling in the Netherlands and in Italy through a joint distributor.

Article 4

SCPA shall cease distributing its products in the Federal Republic of Germany through the agency of the Henri Vallette company or through any other undertaking directly or indirectly controlled by Kali und Salz.

Article 5

This Decision is addressed to the following companies: Société Commerciale des Potasses et de l'Azote, S.à.r.l., Paris, Kali und Salz, A.G., Kassel.

Done at Brussels, 11 May 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 24 May 1973

amending various Commission Decisions making special provisions for the sale of butter

(73/213/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 various implementing Decisions taken by the Commission should be brought into line with Decisions adopted by the Council for the 1973/74 milk year;

Whereas, in view of the extension of the period of operation of Commission Regulation (EEC) No 349/73 ⁽⁵⁾ of 31 January 1973 in the sale at reduced prices of intervention butter for direct consumption as concentrated butter, as last amended by Regulation (EEC) No 898/73 ⁽⁶⁾, the quantities of butter fixed by the following Decisions should be altered:

- Commission Decision of 8 December 1972 ⁽⁷⁾ authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands to sell butter at reduced price in the form of concentrated butter as amended by the Decision of 30 March 1973 ⁽⁸⁾;

- Commission Decision of 22 December 1972 ⁽⁹⁾ authorizing the Federal Republic of Germany to sell butter at reduced price in the form of concentrated butter as amended by the Decision of 6 April 1973 ⁽¹⁰⁾;

Whereas provision should also be made for adjusting, in the light of the alteration of the intervention price from 14 May 1973, the amount of the processing security fixed for individual invitations to tender issued before that date pursuant to:

- Article 9 of Commission Regulation (EEC) No 1259/72 ⁽¹¹⁾ of 16 June 1972 on the disposal of butter at a reduced price to certain Community processing undertakings, as last amended by Regulation (EEC) No 1237/73 ⁽¹²⁾;
- Article 10 of Commission Regulation (EEC) No 1519/72 ⁽¹³⁾ of 14 July 1972 on the sale by tender of butter at reduced prices for the exportation of certain fat compounds, as last amended by Regulation (EEC) No 1008/73 ⁽¹⁴⁾;

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 Commission Decision of 8 December 1972 is amended as follows:

⁽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 40, 13. 2. 1973, p. 1.

⁽⁶⁾ OJ No L 88, 4. 4. 1973, p. 10.

⁽⁷⁾ OJ No L 303, 31. 12. 1972, p. 4.

⁽⁸⁾ OJ No L 120, 5. 5. 1973, p. 25.

⁽⁹⁾ OJ No L 303, 31. 12. 1972, p. 41.

⁽¹⁰⁾ OJ No L 145, 2. 6. 1973, p. 35.

⁽¹¹⁾ OJ No L 139, 17. 6. 1972, p. 18.

⁽¹²⁾ OJ No L 128, 15. 5. 1973, p. 1.

⁽¹³⁾ OJ No L 162, 18. 7. 1972, p. 1.

⁽¹⁴⁾ OJ No L 100, 14. 4. 1973, p. 28.

1. In the first indent of Article 1, '3 600 metric tons' is replaced by '5 000 metric tons',
2. In Article 2, '1 June 1972' is replaced by '1 May 1973'.

Article 2

The Commission Decision of 22 December 1972 is amended as follows:

1. In Article 1, '5 000 metric tons' is replaced by '10 000 metric tons'.
2. In Article 2, '1 June 1972' is replaced by '1 May 1973'.

Article 3

The amount of the security fixed by Commission Decisions pursuant to Article 9 of Regulation (EEC)

No 1259/72 and to Article 10 of Regulation (EEC) No 1519/72 for individual invitations to tender issued before 14 May 1973 may, if the buyer so requests, be reduced by 10 units of account as regards the butter which has not been taken over by that date.

Article 4

This Decision is addressed to all Member States.

Done at Brussels, 24 May 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION OPINION

of 4 June 1973

addressed to the Government of the Grand Duchy of Luxembourg on an amendment to Article 4 (a) of the amended Grand-Ducal Decree of 23 November 1955 governing traffic on all public highways

(73/214/EEC)

In accordance with Article 1 of the Council Decision of 21 March 1962 ⁽¹⁾ instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States, the Luxembourg Government communicated to the Commission by letter of 27 April 1973 from its Permanent Representative to the European Communities, the amendments which it proposes to make to Article 4 (a) of the amended Grand-Ducal Decree of 23 November 1955 governing traffic on all public highways.

The letter from the Permanent Representative reached the Commission on 2 May 1973 and the Luxembourg Government has also notified the other Member States of the proposed amendments.

The Commission has not considered it necessary to consult the other Member States under Article 2 (3) of the Council Decision of 21 March 1962.

I.

Pursuant to Article 2 of the Council Decision of 21 March 1962, the Commission hereby delivers the following Opinion:

1. The proposed amendments concern Article 4 (a) of the amended Grand-Ducal Decree of 23 November 1955 governing traffic on all public highways, which concerns the maximum length, including the attaching device, of laden or unladen vehicles registered for the first time in the Grand Duchy of Luxembourg after 31 December 1966.

2. Amendment changing the maximum length of single-axle trailers and of interlinked tandem-axle vehicles

The Commission notes that the purpose of the proposed amendment is to increase the maximum length of single-axle trailers from 8 to 10 m where the permissible maximum weight is greater than 2 500 kg.

This special type of vehicle is not mentioned in the Commission proposal of 21 June 1971 ⁽²⁾ for a Council Directive concerning the weights and sizes of commercial road vehicles and certain additional technical requirements.

Moreover, the Commission has not yet proposed any harmonized rules governing this type of vehicle under point 2.4.1 of Annex II B of the Council Directive of 6 February 1970 ⁽³⁾ on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers.

The Commission considers that, in the case at issue, the amendment of the existing Luxembourg regulations, which, in fact, aims at alignment with the regulations of other Community countries, does not create a situation contrary to the interests of the Community. But it would point out that a single-axle trailer is one of the two components of a vehicle combination; it would therefore draw the attention of the Luxembourg Government to the fact that the adoption of a Community solution in respect of weights and sizes of vehicles, in particular as regards the length and turning circle of vehicle combinations, might require an adaptation of the measures now proposed.

3. Amendment changing the maximum length of articulated vehicles composed of a tractive unit and a semi-trailer

The Commission notes that the purpose of the proposed amendment is to increase the maximum length of articulated vehicles from 15 to 15.50 m.

⁽¹⁾ OJ No 23, 3. 4. 1962, p. 720/62.

⁽²⁾ OJ No C 90, 11. 9. 1971, p. 25.

⁽³⁾ OJ No L 42, 23. 2. 1970, p. 1.

This amendment is in accordance with the relevant provision of the Commission proposal of 21 June 1971 referred to under 2 above. It is also in accordance with the Council guidelines on the subject, formulated at the meeting of 17 and 18 May 1972 and restated at the meeting of 6 and 7 November 1972.

The Commission considers that, although negotiations are at present taking place between the nine Member States with a view to arriving at an agreement on weights and sizes, the application of the amendment proposed by the Luxembourg Government relating to the length of articulated vehicles is not in the circumstances such as to impede the search for a Community solution.

II

4. In conclusion, the Commission raises no objections to the amendments proposed by the Luxembourg Government.

5. The Commission is informing the other Member States of this Opinion.

Done at Brussels, 4 June 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION OPINION

of 4 June 1973

addressed to the Government of the Kingdom of the Netherlands regarding an amendment to Article 65 of the amended order of 28 August 1950 regulating road traffic (Wegenverkeersreglement)

(73/215/EEC)

In accordance with the first Article of the Council Decision of 21 March 1962 ⁽¹⁾ which set up a preliminary examination and consultation procedure for certain legislative provisions, regulations or statutory requirements proposed by the Member States in the field of transport, the Dutch Government, through its Permanent Representative attached to the European Communities, informed the Commission, by letter dated 25 April 1973, of the amendments which it intended to introduce to Article 65 and to the amended order of 28 August 1950 regulating road transport.

The letter from the Permanent Representative reached the Commission on 3 May 1973 and the Dutch Government also informed the other Member States of the proposed amendments.

The Commission did not consider it necessary to initiate consultation with the other Member States, in the sense of Article 2 (3) of the Council Decision of 21 March 1962.

I

Under Article 2 of the Council Decision of 21 March 1962 the Commission has formulated the following Opinion:

1. The proposed amendments concern the provisions of Article 65 subparagraph (e) and (g) I under 1 of the amended order of 28 August 1950, regulating road traffic. This Article prescribes the technical conditions relating to equipping and loading motor vehicles and their trailers.

2. Article 65 (e) I — amendment of the maximum length of a single-axle trailer

The Commission notes that the proposed amendment aims to increase the maximum length of single-axle

trailers from 8 to 10 m, as long as the maximum authorized weight is over 2 500 kg.

This special type of vehicle is not mentioned in the Commission's proposal of 21 June 1971 ⁽²⁾ for a Council Directive relating to the weight and size of commercial road vehicles and also to certain supplementary technical conditions.

Moreover the Commission has not yet put forward any harmonized provisions which might relate to this type of vehicle, in accordance with point 2.4.1 of Annex II B to the Council Directive of 6 February 1970 ⁽³⁾ regarding the harmonization of Member States' legislation relating to the registration of motor vehicles and to their trailers.

For the case in point the Commission considers that an amendment to the existing Dutch regulations, with a view to aligning them to the regulations of the other common market countries, does not create a situation which is contrary to Community interests. However the Commission points out that the single-axle trailer is only one of the elements forming the complete vehicle; the Commission therefore draws the Dutch Government's attention to the fact that the adoption of a Community solution as regards the weights and size of the vehicles, and more particularly relating to the length and the curve-taking characteristics of compound vehicles, could necessitate alteration of the provisions now proposed.

3. Article 65 (g) I under 1 — amendment in the maximum length of an articulated vehicle composed of a towing vehicle and a semi-axle trailer

The Commission has established that the proposed amendment aims to increase the maximum length of a vehicle composed of a towing vehicle and a semi-trailer from 15 to 15.50 m.

⁽¹⁾ OJ No 23, 3. 4. 1962, p. 720/62.

⁽²⁾ OJ No C 90, 11. 9. 1971, p. 25.

⁽³⁾ OJ No L 42, 23. 2. 1970, p. 1.

This amendment is in accordance with the provision on this subject in the Commission's proposal of 21 June 1971, quoted under 2 above. It is also in accordance with the Council guidelines on the subject, which were formulated at the meetings of 17 and 18 May 1972 and repeated at the meetings on 6 and 7 November 1972.

The Commission considers that the application of the Dutch Government's proposed modification relating to the length of the articulated vehicle is not, in these circumstances, likely to impede research into a Community solution, even though negotiations between the nine Member States are continuing at the present time in order to reach agreement on the weight and dimensions.

II

4. To conclude, the Commission does not raise any objections to the amendments proposed by the Dutch Government.

5. The Commission informs the other Member States of this Opinion.

Done at Brussels, 4 June 1973.

For the Commission

The President

François-Xavier ORTOL

COMMISSION DECISION

of 8 June 1973

authorizing the Federal Republic of Germany to apply special intervention measures
for rye

(Only the German text is authentic)

(73/216/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 the second
paragraph of Article 8 thereof;

Having regard to Council Regulation No 174/67/
EEC ⁽³⁾ of 27 June 1967 on special intervention
measures for cereals, as amended by Regulation (EEC)
No 445/68 ⁽⁴⁾, and in particular Article 1 thereof;

Having regard to the request submitted by the Federal
Republic of Germany to the Commission on 16 May
1973 describing the particularly difficult situation
experienced by German holders of rye of bread-
making quality at the end of the 1972/73 marketing
year as a result of the introduction of the new price
system for rye for the 1973/74 marketing year, and
requesting that special intervention measures be
applied;

Whereas the stock of rye of bread-making quality
required by the German milling industry to ensure
that it continues to operate normally during the
transition from one marketing year to the next is
generally about 100 000 metric tons;

Whereas, as a single intervention price has been
fixed for rye with effect from 1 August 1973, the
amount of compensation granted at the end of the
1972/73 marketing year for rye of bread-making
quality will be minimal in comparison with that
granted (for rye) at the end of the previous marketing

year; whereas, as compensation does not cover the
whole of the difference between the prices prevailing
during one marketing year and the next, holders of
rye of bread making quality will be inclined to offer
their stocks for intervention before 31 May;

Whereas, in view of the size of stocks held at present
in the Federal Republic of Germany by the intervention
agency, a situation which would require the German
intervention agency to buy in large quantities of rye
of bread-making quality before the end of the marketing
year should not be permitted to arise; whereas flat-rate
compensation should be granted to holders of rye
of bread-making quality in the Federal Republic of
Germany to induce them to retain the stocks in their
mills until 31 July 1973;

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the Manage-
ment Committee for Cereals;

HAS ADOPTED THIS DECISION:

Article 1

In pursuance of Article 1 of Regulation No 174/67/EEC
the Federal Republic of Germany may authorize its
intervention agency to take special intervention
measures for rye.

Those measures shall take the form of the grant of
compensation at a flat rate of 2.75 units of account
per metric ton, up to a total quantity of 100 000 metric
tons, to holders whose stocks of rye of bread-making
quality satisfy the requirements of Commission
Regulation (EEC) No 1554/73 ⁽⁵⁾ of 7 June 1973
on the conditions for the granting of compensation
in respect of common wheat, rye of bread-making

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

⁽²⁾ OJ No L 141, 28. 5. 1973, p. 8.

⁽³⁾ OJ No 130, 28. 6. 1967, p. 2609/67.

⁽⁴⁾ OJ No L 91, 12. 4. 1968, p. 3.

⁽⁵⁾ OJ No L 156, 13. 6. 1973, p. 13.

quality and maize held in storage at the end of the 1972/73 marketing year.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Article 2

Done at Brussels, 8 June 1973.

The Federal Republic of Germany shall keep the Commission informed of the progress of the measures provided for in this Decision.

For the Commission
The President
François-Xavier ORTOLI

COMMISSION DECISION

of 15 June 1973

fixing the minimum sale price for butter for the 19th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 1519/72 (73/217/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, pursuant to Commission Regulation (EEC) No 1519/72 ⁽⁵⁾ of 14 July 1972 on the sale of butter at a reduced price for the exportation of certain fat compounds, as last amended by Regulation (EEC) No 1008/73 ⁽⁶⁾, the intervention agencies have put up for sale by standing invitation to tender certain quantities of butter which they hold;

Whereas, Article 9 of that Regulation provides that for each individual invitation to tender, in the light of the tender received, a minimum selling price must be fixed for each of the uses referred to in Article 19 (2) (a) and (b) of the Regulation, or a decision must be taken not to proceed with the invitation to tender; whereas pursuant to Article 10 of that Regulation the amount of the processing and export security is to be fixed at the same time in the light of the minimum price and the market price for butter;

Whereas, having regard to the situation of the market for butter, in the light of the tender received in response

to the 19th individual invitation to tender, it is necessary to fix at the levels specified below, and the amounts of the processing and export security should be determined in consequence;

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

For the 19th individual invitation to tender under Regulation (EEC) No 1519/72, in respect of which the time limit for submission of tender expired on 12 June 1973, the minimum prices to be considered when awarding contracts and the amounts of the processing and export security shall be as follows:

Use of the butter	Minimum price in u.a./100 kg	Security in u.a./100 kg
(a) Article 19 (2) (a) of Regulation (EEC) No 1519/72	36	140
(b) Article 19 (2) (b) of Regulation (EEC) No 1519/72	the invitation to tender is not proceeded with	

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 15 June 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 162, 18. 7. 1972, p. 1.
⁽⁶⁾ OJ No L 100, 14. 4. 1973, p. 28.

COMMISSION DECISION

of 15 June 1973

fixing the maximum amounts for the deliveries fob of butteroil to the World Food Programme under the tender procedure referred to in Regulation (EEC) No 1312/73

(only the German text is authentic)

(73/218/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;

Whereas pursuant to Commission Regulation (EEC) No 1312/73 ⁽³⁾ of 17 May 1973 concerning the supply of butteroil for shipment to certain third countries as a measure of Community aid to the World Food Programme, the German intervention agency has called for tenders for the manufacture and delivery fob to the World Food Programme of 2 479 metric tons of butteroil;

Whereas the tendering procedure to be followed is set forth in Commission Regulation (EEC) No 2537/72 ⁽⁴⁾ of 4 December 1972 concerning invitations to tender for the supply of butteroil for the World Food Programme; whereas Article 7 of this Regulation provides that, account being taken of tenders received, a maximum amount should be set for the goods to be delivered fob in respect of which tenders are called for;

Whereas the aforesaid intervention agency has received, in response to the aforementioned invitations to tender, the tenders for the figures which may be set as the maximum amounts;

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 amounts for the contract put out to tender under Regulation (EEC) No 1312/73, are fixed at:

- (a) 1 704 919 units of account for 750 metric tons to the Arab Republic of Egypt;
- (b) 1 587 432 units of account for 700 metric tons to India;
- (c) 1 441 888 units of account for 629 metric tons to various third countries;
- (d) 919 127 units of account for 400 metric tons to various third countries.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 15 June 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 132, 19. 5. 1973, p. 21.

⁽⁴⁾ OJ No L 272, 5. 12. 1972, p. 15.

COMMISSION DECISION

of 15 June 1973

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

(73/219/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to 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 follow-
ing the temporary widening of the margin of
fluctuation for the currencies of certain Member
States, as last amended by Regulation No 1225/73/
EEC ⁽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,
and in particular Article 5 thereof;

Whereas Commission Regulation (EEC) No 1469/73 ⁽⁴⁾
of 30 May 1973, as last amended by Regulation (EEC)
No 1609/73 ⁽⁵⁾, fixed the monetary compensatory
amounts to be applied from 18 June 1973;

Whereas these compensatory amounts have been
fixed without taking account of Article 4a (2) of
Regulation No (EEC) 974/71 which provides that in
trade among the States and between the 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 meat, the Commission shall give
notice of the amounts by which the monetary compen-
satory 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 application of the said criteria results in a
fixing of the amounts by which the monetary compen-
satory amounts are to be adjusted to the level appearing
in the Annex hereto;

HAS ADOPTED THIS DECISION:

Article 1

With effect from 18 June 1973 the amounts, by which
the monetary compensatory amounts appearing in
the Annex to Regulation (EEC) No 1469/73, as last
amended by Regulation (EEC) No 1609/73, must be
reduced in accordance with Article 5 of Regulation
(EEC) No 1463/73, are fixed in Annex hereto.

Article 2

1. This Decision is addressed to all Member States.

Done at Brussels, 15 June 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽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 147, 4. 6. 1973, p. 17.

⁽⁵⁾ OJ No L 161, 18. 6. 1973, p. 1.

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⁾	13 086	2·636	2,636
ex 01.02 A II a) ⁽²⁾	7 336	2·636	2,636
ex 01.02 A II b) ⁽³⁾	10 873	2·187	2,187
ex 01.02 A II b) ⁽⁴⁾	6 748	2·187	2,187
	— Net weight —		
02.01 A II a) 1 aa) 11	9 201	4·112	4·112
02.01 A II a) 1 aa) 22	7 078	3·163	3·163
02.01 A II a) 1 aa) 33	11 325	5·061	5·061
02.01 A II a) 1 bb) 11	10 862	4·155	4·155
02.01 A II a) 1 bb) 22	8 689	3·324	3·324
02.01 A II a) 1 bb) 33	13 034	4·986	4·986
02.01 A II a) 1 cc) 11	16 811	7·513	7·513
02.01 A II a) 1 cc) 22	19 229	8·593	8·593
02.01 A II a) 2 aa)	10 738	3·361	3·361
02.01 A II a) 2 bb)	8 054	2·521	2·521
02.01 A II a) 2 cc)	13 422	4·201	4·201
02.01 A II a) 2 dd) 11	16 107	5·042	5·042
02.01 A II a) 2 dd) 22 aaa)	13 422	4·201	4·201
02.01 A II a) 2 dd) 22 bbb)	18 469	5·781	5·781
02.06 C I a) 1	1 597	0	0·529
02.06 C I a) 2	1 827	0	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⁾ Young male bovine animals other than those referred to in ⁽³⁾ above. Entry in this subheading is subject to the conditions to be determined by the competent authorities.

COMMISSION DECISION

of 15 June 1973

fixing the minimum sale price for butter for the 23rd individual invitation to tender
under the standing invitation to tender provided for by Regulation (EEC) No 1259/72

(73/220/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, pursuant to Commission Regulation (EEC)
No 1259/72 ⁽⁵⁾ of 16 June 1972 on the disposal of
butter at a reduced price to certain Community
processing undertakings, as last amended by Regu-
lation (EEC) No 1237/73 ⁽⁶⁾, the intervention agencies
have put up for sales by standing invitation to tender
certain quantities of butter which they hold;

Whereas Article 9 of that Regulation provides that a
minimum selling price must be fixed in the light of
tenders received, and the amount of the processing
security must be fixed in the light of the difference
between the minimum price and the market price of
butter, and that a decision may alternatively be taken
not to proceed with the invitation to tender;

Whereas in the light of the tenders received in response
to the 23rd individual invitation to tender the minimum
price should be fixed at the level specified below
and the processing security should be determined
in consequence;

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

For the 23rd individual invitation to tender under
Regulation (EEC) No 1259/72, in respect of which
the time limit for submission of tenders expired on
12 June 1973.

- (a) the minimum selling price to be considered when
awarding contracts shall be 55 units of account
per 100 kg of butter;
- (b) the processing security shall be 132 units of
account per 100 kg butter.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 15 June 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 139, 17. 6. 1972, p. 18.

⁽⁶⁾ OJ No L 128, 15. 5. 1973, p. 1.

COMMISSION DECISION

of 15 June 1973

fixing the maximum amounts for the deliveries fob of butteroil to the UNRWA under
the tender procedure referred to in Regulation (EEC) No 1412/73

(Only the German text is authentic)

(73/221/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation (EEC) 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;

Whereas pursuant to Commission Regulation (EEC)
No 1412/73 ⁽³⁾ of 25 May 1973 concerning the supply
of butteroil for shipment to certain third countries
as a measure of Community aid to the UNRWA, the
German intervention agency has called for tenders for
the manufacture and delivery fob to the UNRWA of
2 000 metric tons of butteroil;

Whereas the tendering procedure to be followed is
set forth in Commission Regulation (EEC) No
2537/72 ⁽⁴⁾ of 4 December 1972 concerning invitations
to tender for the supply of butteroil for the World
Food Programme; whereas Article 7 of this Regulation
provides that, account being taken of tenders received,
a maximum amount should be set for the goods to
be delivered fob in respect of which tenders are called
for;

Whereas the aforesaid intervention agency has received,
in response to the aforementioned invitations to tender,

the tenders for the figures which may be set as the
maximum amounts;

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 amounts for the award of the contract
put out to tender under Regulation (EEC) No 1412/73,
are fixed at:

- (a) 2 845 441 units of account for 1 200 metric tons
(port of Beirut);
- (b) 1 929 120 units of account for 800 metric tons
(port of Ashad).

Article 2

This Decision is addressed to the Federal Republic of
Germany.

Done at Brussels, 15 June 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 142, 29. 5. 1973, p. 20.

⁽⁴⁾ OJ No L 272, 5. 12. 1972, p. 15.

COMMISSION DECISION

of 20 June 1973

authorizing the French Republic to apply special intervention measures for rye

(Only the French text is authentic)

(73/222/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 establishing a common
market for cereals, as last amended by Regulation
(EEC) No 1346/73 ⁽²⁾, and in particular Article 8,
second paragraph thereof;

Having regard to Council Regulation No 174/67/
EEC ⁽³⁾ of 27 June 1967 on special intervention
measures for cereals, as amended by Regulation
(EEC) No 445/68 ⁽⁴⁾, and in particular Article 1
thereof;

Having regard to the request of the French Republic,
made to the Commission on 7 June 1973, in which
this Member State points out the particularly difficult
situation of its nationals holding stocks of rye of
bread-making quality at the end of the 1972/73
season because of the implementation of the new
method for determining the price of rye for the
1973/74 season, and requests that special intervention
measures be applied;

Whereas the stock of rye of bread-making quality
required by the French milling trade to ensure the
normal functioning of trade between one season and
the next is generally about 2 000 metric tons;

Whereas, because a single intervention price has been
fixed for rye from 1 August 1973, the compensatory
allowance for rye of bread-making quality at the
end of the 1972/73 season will be far less than the
corresponding allowance at the end of the preceding

season; and whereas because the compensatory
allowance cannot, overall, cover the difference in
prices between the last season and the new season,
the stockholders of rye of bread-making quality will
be inclined to deliver their stock to the intervention
agencies;

Whereas, if the intervention agency in France is not to
be obliged to purchase, before the end of the season,
excessive amounts of rye of bread-making quality
compared with the amount marketed, it will be
necessary to grant a lump-sum allowance to the
stockholders of rye of bread-making quality in this
Member State in order to encourage them to retain
their stocks until 31 July 1973;

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

In pursuance of the provisions of Article 1 of
Council Regulation No 174/67/EEC, the intervention
agency of the French Republic may apply special
measures for rye.

These measures consist of granting a lump-sum
allowance of 2.75 units of account per metric ton in
respect of a total quantity not exceeding 2 000 metric
tons to stockholders whose stocks of rye of bread-mak-
ing quality comply with the conditions laid down in
Commission Regulation (EEC) No 1554/73 ⁽⁵⁾ of 7 June
1973 on the conditions for granting compensatory
allowances for common wheat, rye of bread-making

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

⁽²⁾ OJ No L 141, 28. 5. 1973, p. 9.

⁽³⁾ OJ No L 130, 28. 6. 1967, p. 2609/67.

⁽⁴⁾ OJ No L 91, 12. 4. 1968, p. 3.

⁽⁵⁾ OJ No L 156, 13. 6. 1973, p. 13.

quality and maize in stock at the end of the 1972/73 season.

Article 3

This Decision is addressed to the French Republic.

Article 2

Done at Brussels, 20 June 1973.

The French Republic shall keep the Commission informed of the progress of the operations provided for in this Decision.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 20 June 1973

modifying the Decision of 18 May 1973 on the urgent supply of skimmed-milk powder to countries of the Sahel as Community aid

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

(73/223/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 the Commission Decision of 18 May 1973 ⁽³⁾ concerning the urgent supply of skimmed-milk powder to countries of the Sahel as Community aid, provides in Article 5 (b) for the delivery to Mali of 390 metric tons of skimmed-milk powder by the French intervention agency; whereas, because of the urgency, and in order to take advantage of the convoy of Belgian military lorries going to Gao, 51 metric tons of skimmed-milk powder taken from the stocks of the Belgian Intervention Agency, have been delivered to Mali in accordance with the prescribed conditions;

Whereas, it is necessary to formalize this operation and deduct this quantity from that to be delivered by the French Intervention Agency;

Whereas, besides, Mali and Chad have asked for urgent supplementary supplies of 1 700 metric tons and 100 metric tons respectively; whereas it is necessary as a consequence to modify the quantities provided for initially for these countries together with the global quantity to be supplied;

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 1 (1) first subparagraph of the Commission Decision of the 18 May 1973, the quantity of '9 000 metric tons' is replaced by '10 800 metric tons'.

- The quantity of '400 metric tons' after the fourth hyphen is replaced by the quantity of '2 100 metric tons';
- the quantity of '100 metric tons' after the sixth hyphen is replaced by the quantity of '200 metric tons'.

Article 2

In Article 5 of the Commission Decision of the 18 May 1973, the text under (b) is replaced by the following:

- '(b) by sea before 15 June 1973
for 339 metric tons from the French Intervention Agency to one of the ports provided in Article 8;
- (c) by Belgian military lorry
for 51 metric tons from the Belgian Intervention Agency destined for Gao;
- (d) by sea before the 30 July 1973
for 1 700 metric tons from the Belgian Intervention Agency to one of the ports provided in Article 8.'

Article 3

In Article 7 of the Commission Decision of 18 May 1973, the quantity of '90 metric tons' in (b) is replaced by the quantity of '190 metric tons'.

Article 4

This Decision is addressed to Kingdom of Belgium and French Republic.

Done at Brussels, 20 June 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 182, 5. 7. 1973, p. 32.

COMMISSION DECISION

of 20 June 1973

fixing the maximum amount of the refund for the 7th partial invitation to tender for
white sugar issued under Regulation (EEC) No 1101/73

(Only the French text is authentic)

(73/224/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 organ-
ization of the market in sugar, as last amended by
Regulation (EEC) No 174/73 ⁽²⁾, and in particular
Article 10 (3) thereof;

Whereas, in accordance with Commission Regulation
(EEC) No 1101/73 ⁽³⁾, as last amended by Regulation
(EEC) No 1477/73 ⁽⁴⁾ of 26 April 1973 on a standing
invitation to tender for the sale for export of white
sugar held by the French intervention agency, the said
agency is to issue partial invitations to tender for the
sale of white sugar which it holds and for determining
the export refund on such sugar;

Whereas, in accordance with Article 7 of Commission
Regulation (EEC) No 258/72 ⁽⁵⁾ of 3 February 1972
laying down detailed rules concerning the sale by
tender of sugar by intervention agencies, where the
terms of the invitation to tender do not specify a
maximum amount for the refund, that amount shall
be fixed in accordance with the procedure laid down
in Article 40 of Regulation No 1009/67/EEC, after
examination of the tenders, account being taken of

market conditions and potential outlets; whereas,
applying these criteria, the maximum amount for
the 7th partial invitation to tender should be fixed
as provided in Article 1;

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the Manage-
ment Committee for Sugar;

HAS ADOPTED THIS DECISION:

Article 1

For the 7th partial invitation to tender issued under
Regulation (EEC) No 1101/73, for which the period
for submission of tenders expired on 20 June 1973,
the maximum amount of the export refund allowed
upon the award of tender shall be 5.104 units of
account per 100 kg of white sugar.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 20 June 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 308, 18. 12. 1967, p. 1.

⁽²⁾ OJ No L 25, 30. 1. 1973, p. 1.

⁽³⁾ OJ No L 112, 28. 4. 1973, p. 20.

⁽⁴⁾ OJ No L 148, 5. 6. 1973, p. 15.

⁽⁵⁾ OJ No L 31, 4. 2. 1973, p. 22.

COMMISSION DECISION

of 25 June 1973

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

(73/225/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to 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 margin 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, and in particular Article 5 thereof;

Whereas Commission Regulation (EEC) No 1469/73 ⁽⁴⁾
of 30 May 1973 at last amended by Regulation (EEC)
No 1667/73 ⁽⁵⁾ fixed the monetary compensatory
amounts to be applied from 25 June 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 States and between the States
and third countries the compensatory amounts appli-
cable 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 meat, the Commission shall give
notice of the amounts by which the monetary com-
pensatory 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, for the calves and young bovine animals
referred to in Article 11 of Regulation (EEC) No
805/68, the amounts by which the monetary com-
pensatory amounts are to be reduced are liable to
adjustment in line with the amendments made to the
arrangements applicable to these animals from 25 June
1973;

Whereas application of the said criteria results in a
fixing of the amounts by which the monetary com-
pensatory amounts are to be adjusted to the level
appearing in the Annex hereto;

HAS ADOPTED THIS DECISION:

Article 1

1. With effect from 25 June 1973 the amounts, by
which the monetary compensatory amounts appearing
in the Annex to Regulation (EEC) No 1469/73, as
amended by Regulation (EEC) No 1667/73 of 21 June
1973 must be reduced in accordance with Article 5
of Regulation (EEC) No 1463/73, are fixed in the
Annex hereto.

2. However, the amounts for the calves and young
bovine animals referred to in Article 11 of Regulation
(EEC) No 805/68 shall be replaced with effect from
25 June 1973 to take account of changes in the arrange-
ments applicable to these animals.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 25 June 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽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 147, 4. 6. 1973, p. 17.

⁽⁵⁾ OJ No L 168, 25. 6. 1973, p. 1.

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⁾	15 981	3·134	3·134
ex 01.02 A II a) ⁽²⁾	10 231	3·134	3·134
ex 01.02 A II b) ⁽³⁾	13 278	2·601	2·601
ex 01.02 A II b) ⁽⁴⁾	9 153	2·601	2·601
— Net weight —			
02.01 A II a) 1 aa) 11	13 717	4·889	4·889
02.01 A II a) 1 aa) 22	10 552	3·761	3·761
02.01 A II a) 1 aa) 33	16 884	6·017	6·017
02.01 A II a) 1 bb) 11	15 431	4·942	4·942
02.01 A II a) 1 bb) 22	12 345	3·954	3·954
02.01 A II a) 1 bb) 33	18 518	5·930	5·930
02.01 A II a) 1 cc) 11	25 062	8·932	8·932
02.01 A II a) 1 cc) 22	28 667	10·217	10·217
02.01 A II a) 2 aa)	14 434	3·997	3·997
02.01 A II a) 2 bb)	10 826	2·998	2·998
02.01 A II a) 2 cc)	18 042	4·996	4·996
02.01 A II a) 2 dd) 11	21 651	5·996	5·996
02.01 A II a) 2 dd) 22 aaa)	18 042	4·996	4·996
02.01 A II a) 2 dd) 22 bbb)	24 827	6·875	6·875
02.06 C I a) 1	8 451	0	1·079
02.06 C I a) 2	9 667	0	1·709

⁽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⁾ Young male bovine animals other than those referred to in ⁽³⁾ above. Entry in this subheading is subject to the conditions to be determined by the competent authorities.

COMMISSION DECISION

of 27 June 1973

fixing the maximum amount of the refund for the 8th partial invitation to tender for
white sugar issued under Regulation (EEC) No 1101/73

(Only the French text is authentic)

(73/226/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 174/73 ⁽²⁾, and in particular
Article 10 (3) thereof;

Whereas, in accordance with Commission Regulation
(EEC) No 1101/73 ⁽³⁾ as last amended by Regulation
(EEC) No 1477/73 ⁽⁴⁾ of 26 April 1973 on a standing
invitation to tender for the sale for export of white
sugar held by the French intervention agency, the said
agency is to issue partial invitations to tender for the
sale of white sugar which it holds and for determining
the export refund on such sugar;

Whereas, in accordance with Article 9 of Commission
Regulation (EEC) No 258/72 ⁽⁵⁾ of 3 February 1972
laying down detailed rules concerning the sale by
tender of sugar by intervention agencies, where the
terms of the invitation to tender do not specify a
maximum amount for the refund, that amount shall
be fixed in accordance with the procedure laid down
in Article 40 of Regulation No 1009/67/EEC, after
examination of the tenders, account being taken of
market conditions and potential outlets; whereas,

applying these criteria, the maximum amount for the
8th partial invitation to tender should be fixed as
provided in Article 1;

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the Manage-
ment Committee for Sugar;

HAS ADOPTED THIS DECISION:

Article 1

For the 8th partial invitation to tender issued under
Regulation (EEC) No 1101/73, for which the period
for submission of tenders expired on 27 June 1973,
the maximum amount of the export refund allowed
upon the award of tender shall be 5.083 units of
account per 100 kg of white sugar.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 27 June 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 308, 18. 12. 1967, p. 1.

⁽²⁾ OJ No L 25, 30. 1. 1973, p. 1.

⁽³⁾ OJ No L 112, 28. 4. 1973, p. 20.

⁽⁴⁾ OJ No L 148, 5. 6. 1973, p. 15.

⁽⁵⁾ OJ No L 31, 4. 2. 1972, p. 22.

COMMISSION DECISION

of 29 June 1973

fixing the minimum sale price for butter for the 20th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 1519/72

(73/227/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, pursuant to Commission Regulation (EEC) No 1519/72 ⁽⁵⁾ of 14 July 1972 on the sale of butter at a reduced price for the exportation of certain fat compounds, as last amended by Regulation (EEC) No 1008/73 ⁽⁶⁾, the intervention agencies have put up for sale by standing invitation to tender certain quantities of butter which they hold;

Whereas Article 9 of this Regulation provides that for each individual invitation to tender, in the light of the tender received, a minimum selling price must be fixed for each of the uses referred to in Article 19 (2) (a) and (b) of the Regulation or a decision must be taken not to proceed with the invitation to tender; whereas pursuant to Article 10 of this Regulation the amount of the processing and export security is to be fixed at the same time in the light of the minimum price and the market price of butter;

Whereas having regard to the situation of the market for butter, in the light of the tender received in

response to the 20th individual invitation to tender, it is necessary to fix at the levels specified below, and the amounts of the processing and export security should be determined in consequence;

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

For the 20th individual invitation to tender under Regulation (EEC) No 1519/72, in respect of which the time limit for submission of tenders expired on 26 June 1973, the minimum prices to be considered when awarding contracts and the amounts of the processing and export security shall be as follows:

Use of the butter	Minimum price in u.a./100 kg	Security in u.a./100 kg
(a) Article 19 (2) (a) of Regulation (EEC) No 1519/72	36	140
(b) Article 19 (2) (b) of Regulation (EEC) No 1519/72	the invitation to tender is not proceeded with	

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 29 June 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. 15.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 162, 18. 7. 1972, p. 1.

⁽⁶⁾ OJ No L 100, 14. 4. 1973, p. 28.

COMMISSION DECISION

of 29 June 1973

fixing the minimum selling price for butter for the 24th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 1259/72

(73/228/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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, pursuant to Commission Regulation (EEC) No 1259/72 ⁽⁵⁾ of 16 June 1972 on the disposal of butter at a reduced price to certain Community processing undertakings, as last amended by Regulation (EEC) No 1237/73 ⁽⁶⁾, the intervention agencies have put up for sale by standing invitation to tender certain quantities of butter which they hold;

Whereas Article 9 of this Regulation provides that a minimum selling price must be fixed in the light of tenders received, and the amount of the processing security must be fixed in the light of the difference between the minimum price and the market price of butter, and that a decision may alternatively be taken not to proceed with the invitation to tender;

Whereas in the light of the tenders received in response to the 24th individual invitation to tender the minimum price should be fixed at the level specified below and the processing security should be determined in consequence;

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

For the 24th individual invitation to tender under Regulation (EEC) No 1259/72, in respect of which the time limit for submission of tenders expired on 26 June 1973:

- (a) the minimum selling price to be considered when awarding contracts shall be 55 units of account per 100 kg of butter;
- (b) the processing security shall be 132 units of account per 100 kg of butter.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 29 June 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 139, 17. 6. 1972, p. 18.

⁽⁶⁾ OJ No L 128, 15. 5. 1973, p. 1.

COMMISSION DECISION

of 29 June 1973

derogating from High Authority Recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community

(Fifty-fifth derogation)

(73/229/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community;

Having regard to High Authority Recommendation No 1/64 ⁽¹⁾ of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community, and in particular Article 3 thereof;

Whereas by the Decision of 25 June 1973 the Representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council acting in agreement with the Commission decided to reduce autonomously, for the period from 1 July 1973 to 31 December 1974 at the latest, the import duties on products covered by the Treaty originating in the Kingdom of Norway;

Whereas the purposes of that Decision was to implement, on the date originally envisaged, the tariff reductions resulting from the Agreement signed on 14 May 1973 between the third country specified above on the one part and the Member States of the Community, and the Community itself, on the other part; whereas notification of completion of the procedures required to bring that Agreement into force has in fact not yet been made;

Whereas the products affected include pig-iron, high carbon ferromanganese and the iron steel products falling within Chapter 73 of the Common Customs Tariff for which minimum duties were created by High Authority Recommendation No 1/64 and by the instruments amending it; whereas, however, in

respect of special cases, such as where commercial policy or customs procedure so requires, Article 3 of the Recommendation makes provision for derogations from the minimum rates, such derogations to be made by Commission Decision; whereas such a special commercial policy situation arises from the conclusion of trade Agreements or from the adoption of autonomous Decisions implementing the provisions thereof relating to tariffs on the date provided for in the Agreements;

HAS ADOPTED THIS DECISION:

Article 1

The Member States are authorized to derogate from the obligations arising under High Authority Recommendation No 1/64 to the extent necessary for the application of the reduced duties, provided for by the Decision of 25 June 1973 of the Representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council, to imported iron and steel products originating in the Kingdom of Norway.

Article 2

1. This Decision is addressed to all Member States.
2. This Decision shall apply until 31 December 1974.

Done at Brussels, 29 June 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

COMMISSION DECISION

of 29 June 1973

fixing the maximum amounts for the deliveries fob of butteroil to the World Food Programme under the tender procedure referred to in Regulation (EEC) No 1555/73

(Only the German text is authentic)

(73/230/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;

Whereas pursuant to Commission Regulation (EEC) No 1555/73 ⁽³⁾ of 5 June 1973 concerning the supply of butteroil for shipment to certain third countries as a measure of Community aid to the World Food Programme, the German intervention agency has called for tenders for the manufacture and delivery fob to the World Food Programme of 2 720 metric tons of butteroil;

Whereas the tendering procedure to be followed is set forth in Commission Regulation (EEC) No 2537/72 ⁽⁴⁾ of 4 December 1972 concerning invitations to tender for the supply of butteroil for the World Food Programme; whereas Article 7 of this Regulation provides that, account being taken of tenders received, a maximum amount should be set for the goods to be delivered fob in respect of which tenders are called for;

Whereas the aforesaid intervention agency has received, in response to the aforementioned invitations to tender, the tenders for the figures which may be set as the maximum amounts;

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 amounts for the award of the contract put out to tender under Regulation (EEC) No 1555/73, are fixed at:

- (a) 1 773 116 units of account for 780 metric tons to various third countries;
- (b) 996 613 units of account for 440 metric tons to India;
- (c) 1 946 175 units of account for 850 metric tons to the Arab Republic of Egypt;
- (d) 1 486 476 units of account for 650 metric tons to India.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 June 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 156, 13. 6. 1973, p. 17.

⁽⁴⁾ OJ No L 272, 5. 12. 1972, p. 15.

COMMISSION DECISION

of 2 July 1973

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

(73/231/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to 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 follow-
ing the temporary widening of the margin of fluctu-
ation 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, and
in particular Article 5 thereof;

Whereas Commission Regulation (EEC) No 1469/73 ⁽⁴⁾
of 30 May 1973, as last amended by Regulation (EEC)
No 1774/73 ⁽⁵⁾, fixed the monetary compensatory
amounts to be applied from 2 July 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 States and between the 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 meat, the Commission shall give
notice of the amounts by which the monetary com-
pensatory 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 necess-
ary;

Whereas application of the said criteria results in a
fixing of the amounts by which the monetary com-
pensatory amounts are to be adjusted to the level
appearing in the Annex hereto;

HAS ADOPTED THIS DECISION:

Article 1

With effect from 2 July 1973 the amounts, by which
the monetary compensatory amounts appearing in
the Annex to Regulation (EEC) No 1469/73 as last
amended by Regulation (EEC) No 1774/73 must be
reduced in accordance with Article 5 of Regulation
(EEC) No 1463/73, are fixed in the Annex hereto.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 2 July 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽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 147, 4. 6. 1973, p. 17.

⁽⁵⁾ OJ No L 178, 2. 7. 1973, p. 1.

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⁾	8 603	3·562	3·562
ex 01.02 A II a) ⁽²⁾	8 603	3·562	3·562
ex 01.02 A II b) ⁽³⁾	7 800	2·955	2·955
ex 01.02 A II b) ⁽⁴⁾	7 800	2·955	2·955
— Net weight —			
02.01 A II a) 1 aa) 11	11 178	5·557	5·557
02.01 A II a) 1 aa) 22	8 599	4·274	4·274
02.01 A II a) 1 aa) 33	13 758	6·839	6·839
02.01 A II a) 1 bb) 11	12 861	5·615	5·615
02.01 A II a) 1 bb) 22	10 288	4·492	4·492
02.01 A II a) 1 bb) 33	15 433	6·737	6·737
02.01 A II a) 1 cc) 11	20 422	10·152	10·152
02.01 A II a) 1 cc) 22	23 360	11·612	11·612
02.01 A II a) 2 aa)	12 659	4·541	4·541
02.01 A II a) 2 bb)	9 495	3·406	3·406
02.01 A II a) 2 cc)	15 824	5·676	5·676
02.01 A II a) 2 dd) 11	18 988	6·812	6·812
02.01 A II a) 2 dd) 22 aaa)	15 824	5·676	5·676
02.01 A II a) 2 dd) 22 bbb)	21 774	7·811	7·811
02.06 C I a) 1	4 595	0	2·718
02.06 C I a) 2	5 257	0	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⁾ Young male bovine animals other than those referred to in ⁽³⁾ above. Entry in this subheading is subject to the conditions to be determined by the competent authorities.

COMMISSION DECISION

of 3 July 1973

relating to proceedings under Article 85 of the Treaty (IV/25.9 63 'Gas water-heaters and bath-heaters')

(Only the French and the Dutch texts are authentic)

(73/232/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 85 thereof;

Having regard to Council Regulation No 17 ⁽¹⁾ of 6 February 1962;

Having regard to the notification of the 'Agreement regulating the sale in Belgium of instantaneous gas water-heaters and bath-heaters' submitted to the Commission on 3 January 1966 pursuant to Article 4 (1) of of Regulation No 17;

Having heard the parties concerned pursuant to Article 19 (1) of Regulation No 17 and in accordance with Regulation No 99/63/EEC ⁽²⁾;

Having regard to the Opinion delivered by the Advisory Committee on Restrictive Practices and Dominant Positions, pursuant to Article 10 of Regulation No 17 on 22 November 1972.

1. Whereas the 'Agreement regulating the sale in Belgium of instantaneous gas water-heaters and bath-heaters', hereinafter referred to as 'the Agreement' was concluded on 29 December 1965 between the following undertakings, hereinafter referred to as 'the member undertakings':

- (i) SPRL LE RENOVA, Forest,
- (ii) SA CONTIGEA, Brussels,
- (iii) SNCR JOSKI et FILS, Ghent,
- (iv) SA ETABLISSEMENTS GUILLAUME PRIST, Antwerp,
- (v) SAB CHAFFOTEaux et MAURY, Brussels;

2. Whereas the declared aim of the Agreement is, *inter alia*, to promote the sale and use of the appliances concerned; whereas undertakings which produce a minimum of 2 000 appliances per year of a sufficient standard to carry the trade mark 'Benor', are automatically admitted to the agreement; whereas undertakings are admitted as 'manufacturer members' if they have a registered factory in Belgium, and as 'importer members' if they represent undertakings whose registered places of business are outside Belgium; whereas the ruling body of the Agreement is a Board of Managers to which each member delegates one Manager, whereas these Managers are divided into two groups: 'manufacturers' and 'importers', with each of these groups having five votes;

3. Whereas the Agreement prohibits its members from granting to various categories of clients, discounts, allowances, or special advantages not provided for by the marketing rules laid down in the Agreement; from supplying goods to customers on sale or return; from giving guarantees for longer than one year from the date of installation; and from giving after-sales service on terms other than those laid down by common agreement; whereas the members must undertake, *inter alia*, to inform the secretary of the Agreement of any known or suspected breaches, and to send him, within one week of their date of issue, copies of all invoices and corresponding credit notes relating to the appliances covered by the Agreement; whereas once any breach of any duty imposed by the Agreement has been established by expert enquiry and confirmed by a Decision of the Board of Managers, it must be penalized by a fine of Bfrs 25 000 for the first offence and Bfrs 50 000 for all subsequent offences; whereas to guarantee the payment of these penalties the members of the Agreement must place on permanent deposit in a bank the sum of Bfrs 25 000; whereas all disputes are to be settled by arbitration;

4. Whereas the marketing rules laid down by the Agreement are as follows:

A. The only purchasers to whom manufacturer members of the Agreement may sell are divided into

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

categories which must meet the following requirements:

(a) Distributors, appearing on a list drawn up by the secretary and sent to all members of the Agreement, must be entered in the Commercial Register; trade as wholesale dealers in sanitary appliances; have a minimum annual turnover in sanitary appliances of Bfrs 6 000 000; have shops and salerooms with a minimum floor surface of 500 m² and 300 m² respectively (this criterion was abolished at the resolution of the undertakings party to the Agreement during the meeting on 11 January 1966); furnish all the necessary references as to solvency, good character and business capabilities; not have any interests, either direct or indirect, in undertakings which install the products in question and grant fitters the usual discount,

(b) Distributors of bottled gas appearing on a list drawn up by the secretary and sent to all parties to the Agreement must be appointed as such by the petrol companies; sell water- and bath-heating appliances; and undertake to grant the usual discount to the fitters,

(c) Gas and petrol companies must be companies supplying town gas which hire out or companies which distribute gas in bottles and which sell appliances to their customers,

(d) Installers must be recognized installers of sanitary appliances,

(e) Other customers are builders of housing estates and blocks of flats; contractors or foremen ordering more than 20 appliances at the same time for fitting out a specific work-site (cheap housing firms (HBM) or small landholding undertakings (PPT), also all bodies financially dependent, even partially, on the Treasury, on quasi State bodies or on bodies with delegated powers, which are not subject to the marketing rules); private purchasers;

B. The following discounts are granted to the above-mentioned customers:

(a) A basic discount on the 'list' price, inclusive of tax for appliances and accessories):

- | | |
|--------------------------------------|------|
| (i) to distributors | 37 % |
| (ii) to gas and petrol companies | 37 % |
| (iii) to distributors of bottled gas | 34 % |

(b) A fixed discount on the gross list price:

- | | |
|--|------|
| (i) to builders of housing estates and blocks of flats | 20 % |
|--|------|

(ii) to installers	20 %
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(iii) to private purchasers	5 %
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(c) A quantity discount granted on deliveries to the same address or for appliances collected at the same time from the factory or the importer (inclusive of tax but less basic discount):

(i) to distributors

(ii) to gas and petrol companies

(iii) to distributors of bottled gas

on deliveries of Bfrs 50 000 to 100 000	1 %
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of Bfrs 100 000 to 150 000	1.5 %
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of Bfrs 150 000 to 250 000	2 %
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exceeding Bfrs 250 000	3 %
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(iv) to installers

on an order of more than five appliances delivered and invoiced at one and the same time, an additional discount of 4%,

(d) A turnover allowance, granted to distributors, gas and petrol companies and distributors of bottled gas, on the total purchases (net amount, inclusive of tax), paid for during the previous financial year for the appliances concerned, whether or not the suppliers were members of the Agreement:

from Bfrs 500 000 to 1 000 000	1 %
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from Bfrs 1 000 000 to 1 500 000	1.5 %
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from Bfrs 1 500 000 to 2 000 000	2 %
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from Bfrs 2 000 000 to 3 000 000	2.5 %
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from Bfrs 3 000 000 to 4 000 000	3 %
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from Bfrs 4 000 000 to 5 000 000	3.5 %
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exceeding Bfrs 5 000 000	4 %
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C. Uniform terms relating to payment and contract periods are applied in respect of all categories of customers;

5. Whereas the undertakings Le Renova, Contigea and Joski are manufacturer members of the Agreement and whereas the undertakings Prist and Chaffoteaux and Maury are importer members of the Agreement, Prist for German appliances and Chaffoteaux and Maury for French appliances; whereas all are members of the Union des fabricants belges de chauffage et chauffe-bains, an association governed by Belgian law, hereinafter referred to as the 'Union', which is responsible for implementing the Agreement;

6. Whereas the member undertakings and almost all the dealers who sell their products were bound between 1947 and 1966 (when the Agreement entered into force) by collective reciprocal exclusivity in buying and selling;

7. Whereas the appliances in question are of a relatively homogeneous type; whereas for each appliance, the selling prices charged to the consumer by the member undertakings are uniform:

Whereas, the market share of total Belgian sales of the member undertakings exceeds 70%; whereas each of the member undertakings obtained on average, during the years 1967 to 1969, the following percentages of this market share:

Le Renova (manufacturer)	36.30 %
Contigea (manufacturer)	34.35 %
Joski (manufacturer)	0.91 %
Prist (importer)	26.22 %
Chaffote aux et Maury (importer)	2.22 %

Whereas, during the same three years, the 'distributors' obtained 94.25% of their supplies from member undertakings and 5.75% from other manufacturers;

8. Whereas after the Commission had notified its objections to the Union and to the member undertakings on 3 March 1972, the Union informed the Commission by letter on 17 March 1972, that on 31 December 1970 the member undertakings had terminated the Agreement and dissolved the Union; whereas, however, on 30 March 1972 the Union made certain replies to the objections sent to it, and asked for an additional period in order to examine these objections more thoroughly; whereas, therefore, the request submitted by the undertakings concerned for the application of Article 85 (3), should be treated as still in existence;

II

1. Whereas the provisions of the Agreement set out below have as their object and effect the perceptible restriction and distortion of competition within the common market:

(a) Whereas the Agreement establishes a distribution network through which the member undertakings must sell the products in question on the Belgian market; whereas dealers such as large shops, co-operatives, and chain stores are excluded from this network; whereas, consequently, the member undertakings, in particular the two importers, cannot sell their products to these dealers, whose business capacity is not in question;

Whereas this provision perceptibly restricts the two importers' possibilities of selling in Belgium; whereas they cannot supply the aforementioned dealers who are important buyers; whereas this provision deprives these dealers of some important sources of supply situated within the common market, since the importer members of the Agreement hold approximately a 20% share of the Belgian market;

(b) Whereas the marketing rules and the 'basic discounts' laid down by the Agreement oblige the member undertakings and the dealers included in the distribution network 'distributors', 'gas and petrol companies', 'distributors of bottled gas') to grant their customers discount allowances and other standardized conditions of sale; whereas, consequently, these provisions deprive these undertakings, in particular the importers and these dealers, of the possibility of determining all their conditions of sale in accordance with their own judgement and according to the services which the buyers do in fact give, quite apart from the category in which they are classed by the Agreement;

Whereas these provisions perceptibly restrict the competitiveness of these importers and dealers on the Belgian market; whereas no competition by the offering of more favourable conditions is possible, either between the importer with regard to, all their sales, nor between the dealers with regard to purchases from the importers (26% of their turnover), nor on the part of the importers and dealers *vis-à-vis* their respective competitors;

(c) Whereas, moreover, the Agreement obliges the member undertakings to grant to 'distributors', 'gas and petrol companies' and 'distributors of bottled gas', an allowance on the turnover of each customer in respect of purchases from all his suppliers, whether or not they are members of the Agreement;

Whereas the distinctive feature of this type of aggregated rebate system is that the amount of the allowance granted by each supplier is calculated by applying the relevant rate to the total turnover of the customer whatever the annual amount of his purchases from the supplier concerned; whereas consequently, this aggregated rebate system:

(i) makes it pointless for these customers to render services to individual suppliers (such as off-season purchasing, stocking-up, promotion),

- (ii) dissociates the selling price from the cost price and artificially places all suppliers in the same position with regard to the relationship between these two prices;

Whereas the abovementioned distinctive feature has the effect of:

- (i) making it a matter of no consequence to the customers whether they render services to individual suppliers and therefore concentrating their interest solely on the product (lack of product differentiation, differences in selling price, range of consumer choice),
- (ii) supplementing the amount of the reduction which each supplier must grant by an additional unjustified charge which assumes larger proportions where the amount of purchases made annually by a customer from any one supplier is small by comparison with his total turnover;

Whereas, in this specific case, the two importer members of the Agreement account respectively for approximately 18.50% and 1.50% of total sales of the products in question on the Belgian market; whereas, by reason of the application of this type of aggregated rebate system, they are obliged to grant the abovementioned dealers a turnover discount which involves a further appreciable discount on the selling price without any services being rendered in return;

Whereas this provision, therefore, perceptibly distorts competition on the Belgian market in the products concerned;

Whereas these abovementioned dealers display but little interest in the appliances sold by other manufacturers; whereas since 1947 they have been closely bound to the member undertakings from whom they obtain the supplies for 94% of their sales; whereas the three manufacturer members of the Agreement represent almost the total national production and whereas with the two importer members they offer a varied range of appliances which are relatively homogeneous, have fairly similar prices, and to which customers have been accustomed for a long time; whereas no services are requested from individual dealers in return for the range of discounts granted by the member undertakings; whereas in order, therefore, to interest these dealers in products from other sources, in particular in products originating in another member country and whose launching would necessitate promotion and additional risks, manufacturers who are not members of the Agreement must grant these dealers bigger reductions than those granted to them by the member undertakings of the Agreement for 94% of their total turnover;

Whereas, consequently, manufacturers who are not members of the Agreement, in particular those from other member countries, who wish to make inroads into the Belgian market but who can only obtain initially at least, a very small share of the Belgian market, will find themselves faced with the alternative of giving up selling to the other dealers who have only 30% of the total sales, or if they also wish to sell to the abovementioned dealers, granting them a greater reduction than all those granted by the member undertakings;

Whereas, consequently, the provision of the Agreement which obliges the member undertakings to grant an allowance on each customer's turnover on purchases from all his suppliers whether or not they are members of the Agreement, perceptibly restricts or distorts competition on the Belgian market for the products in question, the same also holding true for manufacturers who are not members of the Agreement, in particular those from other member countries;

2. Whereas the abovementioned restrictions on competition are liable perceptibly to affect trade between Member States;

Whereas this is the result of the restrictions on competition referred to above, affecting not only the importer members of the Agreement but also manufacturers from Community countries other than Belgium who are not members of the Agreement; whereas these restrictions affect imports into Belgium of appliances manufactured in the other member countries;

Whereas it follows that this Agreement directly jeopardizes free trade between the Member States in a way which is harmful to the realization of the objectives of a single inter-State market;

III

Whereas the Agreement does not fulfil the conditions required by Article 85 (3); whereas it does not contribute to improving production or distribution or to promoting technical or economic progress within the meaning of these provisions;

Whereas the submissions of those who notified the Commission of the Agreement contain no indication that the restrictions examined in Part II would be better

than competition itself for the purpose of improving production and distribution and technical and economic progress; whereas the facts with which the Commission is acquainted do not permit the conclusion that such a situation exists;

Whereas the need to adhere to certain technical standards has no connection with the imposition of standardized reductions and other conditions of sale and after-sales service or with the exclusion of certain categories of purchaser;

Whereas, furthermore, it is not apparent in what manner the obligations imposed by the Agreement could improve sales of the products in question better than competition itself; whereas the exclusion of certain categories of qualified purchasers and the restricted opportunities to attract orders of the dealers allowed into the distribution network, are both likely to obstruct, rather than contribute to the improvement of sales of the products concerned;

Whereas, therefore, the Agreement, compared with the situation which would exist without it, does not give rise to any perceptible objective advantages for the distribution of the products in question which could compensate for the inconveniences resulting therefrom as regards competition;

HAS ADOPTED THIS DECISION:

Article 1

The 'Agreement regulating the sale on the Belgian market of instantaneous gas water-heaters and bath-heaters' concluded between the undertakings:

- (i) SPRL Le Renova, Forest
- (ii) SA Contigea, Brussels
- (iii) SNCR Joski et Fils, Ghent
- (iv) SA Etablissements Guillaume Prist, Antwerp
- (v) SAB Chaffoteaux et Maury, Brussels

providing for standard discounts and other conditions of sale and after-sales service, and an allowance on the annual turnover of customers on purchases from all suppliers, whether members of the Agreement or not, constitutes, at least for the period from 29 December 1965 to 31 December 1970, a breach of Article 85 (1) of the Treaty establishing the European Economic Community.

Article 2

The request for exemption pursuant to Article 85 (3), submitted by the undertakings referred to in Article 1, in respect of the Agreement referred to in Article 1, is refused.

Article 3

This Decision is addressed to the undertakings referred to in Article 1.

Done at Brussels, 3 July 1973.

For the Commission

The President

François-Xavier ORTOL

COMMISSION DECISION

of 3 July 1973

amending the Decision of 25 June 1973 fixing the amounts by which the monetary compensatory amounts for beef and veal are to be reduced

(73/233/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 laying down detailed rules for the application of monetary compensatory amounts, and in particular Article 5 thereof;

Whereas Commission Regulation (EEC) No 1469/73 ⁽⁴⁾ of 30 May 1973, as amended by Regulation (EEC) No 1667/73 ⁽⁵⁾, fixed the monetary compensatory amounts applicable from 25 June to 1 July; whereas the Commission Decision of 25 June 1973 fixed the amounts by which the monetary compensatory amounts for beef and veal are to be reduced; whereas, however, for the calves and young bovine animals referred to in Article 11 of Regulation (EEC) No 805/68 ⁽⁶⁾, the amounts to be deducted were provisionally fixed to take account of changes in the arrangements applicable to these animals;

Whereas Council Regulation (EEC) No 1695/73 ⁽⁷⁾ of 25 June 1973 specified the extent to which monet-

ary compensatory amounts applicable to beef and veal, as from 25 June 1973 by reason of a currency depreciation, could exceed the charge on imports from third countries; whereas the Commission Decision of 25 June 1973 must be amended to take account of the provisions of this Regulation;

HAS ADOPTED THIS DECISION:

Article 1

For the period from 25 June 1973 to 1 July 1973 the amounts, set out in the Annex to the Commission Decision of 25 June 1973, by which the monetary compensatory amounts set out in the Annex to Regulation (EEC) No 1469/73, as amended by Regulation (EEC) No 1667/73, are to be reduced are hereby amended as shown in the Annex to this Decision in respect of the calves and young bovine animals referred to in Article 11 of Regulation (EEC) No 805/68.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 3 July 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽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 147, 4. 6. 1973, p. 18.

⁽⁵⁾ OJ No L 168, 25. 6. 1973, p. 1.

⁽⁶⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁷⁾ OJ No L 173, 28. 6. 1973, p. 1.

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⁾	10 231	3·134	3·134
ex 01.02 A II a) ⁽²⁾	10 231	3·134	3·134
ex 01.02 A II b) ⁽³⁾	9 153	2·601	2·601
ex 01.02 A II b) ⁽⁴⁾	9 153	2·601	2·601

⁽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⁾ Young male bovine animals other than those referred to in ⁽³⁾ above. Entry in this subheading is subject to the conditions to be determined by the competent authorities.

COMMISSION DECISION

of 4 July 1973

fixing the maximum amount of the refund for the 9th partial invitation to tender for
white sugar issued under Regulation (EEC) No 1101/73

(Only the French text is authentic)

(73/234/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 174/73 ⁽²⁾, and in particular
Article 10 (3) thereof;Whereas, in accordance with Commission Regulation
(EEC) No 1101/73 ⁽³⁾, as last amended by Regulation
(EEC) No 1477/73 ⁽⁴⁾, of 26 April 1973, on a standing
invitation to tender for the sale for export of white
sugar held by the French intervention agency, the said
agency is to issue partial invitations to tender for the
sale of white sugar which it holds for determining the
export refund on such sugar;Whereas, in accordance with Article 7 of Commission
Regulation (EEC) No 258/72 ⁽⁵⁾ of 3 February 1972
laying down detailed rules concerning the sale by
tender of sugar by intervention agencies, where the
terms of the invitation to tender do not specify a
maximum amount for the refund, that amount shall
be fixed in accordance with the procedure laid down
in Article 40 of Regulation No 1009/67/EEC, after
examination of the tenders, account being taken of
market conditions and potential outlets; whereas,applying these criteria, the maximum amount for
the 9th partial invitation to tender should be fixed
as provided in Article 1;Whereas the measures provided for in this Decision
are in accordance with the Opinion of the Manage-
ment Committee for Sugar;

HAS ADOPTED THIS DECISION:

*Article 1*For the 9th partial invitation to tender issued under
Regulation (EEC) No 1101/73, for which the period
for submission of tenders expired on 4 July 1973, the
maximum amount of the export refund allowed upon
the award of tender shall be 4.762 units of account
per 100 kg of white sugar.*Article 2*

This Decision is addressed to the French Republic.

Done at Brussels, 4 July 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 308, 18. 12. 1967, p. 1.⁽²⁾ OJ No L 25, 30. 1. 1973, p. 1.⁽³⁾ OJ No L 112, 28. 4. 1973, p. 20.⁽⁴⁾ OJ No L 148, 5. 6. 1973, p. 15.⁽⁵⁾ OJ No L 31, 4. 2. 1972, p. 22.