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Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Commission

74/67/EEC:

- ★ Commission Decision of 23 November 1973 granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the Kingdom of Belgium for expenditure on vocational retraining operations carried out by the Fonds National de Reclassement Social des Handicapés 1

74/68/EEC:

- ★ Commission Decision of 23 November 1973 granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the Federal Republic of Germany for expenditure on vocational retraining and resettlement operations carried out by the 'Berufsgenossenschaften', the social insurance organizations for employees and the Land North Rhine-Westphalia 3

74/69/EEC:

- ★ Commission Decision of 23 November 1973 granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the French Republic for expenditure on resettlement operations carried out by the Ministry of Agriculture 9

74/70/EEC:

- ★ Commission Decision of 23 November 1973 granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the Republic of Italy for expenditure on vocational retraining operations carried out by the Ministry of Labour and National Insurance and several other Italian bodies 11

Contents (continued)

74/71/EEC:

- ★ Commission Decision of 9 January 1974 concerning the Advisory Committee on Seeds 13

74/72/EEC:

- ★ Commission Decision of 9 January 1974 setting up a special Silkworm Section of the Advisory Committee on Flax and Hemp 15

74/73/EEC:

- ★ Third Commission Decision of 9 January 1974 amending the Decision of 23 May 1973 authorizing the Member States to approve for marketing reproductive material of certain forestry species subjected to reduced requirements 17

74/74/EEC:

- ★ Commission Decision of 10 January 1974 autonomously increasing imports into the Community of cotton textiles covered by the Trade Agreement between the EEC and India on cotton textiles 19

74/75/EEC:

Commission Decision of 14 January 1974 fixing the minimum selling price for butter for the 36th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 1259/72 20

74/76/EEC:

- ★ Commission Decision of 18 January 1974 authorizing the Federal Republic of Germany to permit, up to 31 May 1974, the marketing of certified tall oatgrass seed satisfying less stringent requirements 21

74/77/ECSC:

- ★ Commission Decision of 22 January 1974 authorizing an agreement between British steelmaking undertakings for the establishment of a joint buying agency for ferrous scrap and other steelmaking materials 22

74/78/EEC:

Commission Decision of 25 January 1974 fixing, for the purpose of the tendering procedure referred to in Regulation (EEC) No 3421/73, the maximum amount for the costs of delivery fob of skimmed-milk powder 25

74/79/EEC:

Commission Decision of 25 January 1974 concerning the annulment of the invitation to tender for deliveries fob of skimmed-milk powder to the World Food Programme referred to in Regulation (EEC) No 74/74 26

74/80/EEC:

Commission Decision of 28 January 1974 concerning the annulment of the 37th individual invitation to tender under the standing invitation to tender for butter provided for by Regulation (EEC) No 1259/72 27

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 November 1973

granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the Kingdom of Belgium for expenditure on vocational retraining operations carried out by the Fonds National de Reclassement Social des Handicapés

(ESF files Nos 71.065, 71.123, 72.020)

(Only the French and Dutch texts are authentic)

(74/67/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2396/71⁽¹⁾ of 8 November 1971 implementing the Council Decision of 1 February 1971⁽²⁾ on the reform of the European Social Fund, and in particular Article 12 thereof;

Whereas in its applications of 28 July 1971, 23 December 1971 and 31 May 1972 the Kingdom of Belgium requested assistance from the European Social Fund, as provided for in Article 125 of the Treaty, for expenditure on vocational retraining operations amounting to a total of Bfrs 1 829 612;

Whereas, pursuant to Article 12 of Regulation (EEC) No 2396/71, such assistance is granted for operations initialled before 1 May 1972 and terminated before 1 July 1972, and whereas the applications for assistance submitted must be examined pursuant to the provisions of Council Regulation No 9⁽³⁾ of 25 August 1960, as last amended by Council Regulation No 37/67/EEC⁽⁴⁾,

and to the provisions adopted pursuant to that Regulation;

Whereas, in accordance with Articles 1 and 3 of Regulation No 9, the applications referred to above from the Kingdom of Belgium relate to vocational retraining operations carried out on the responsibility and at the expense of the Fonds National de Reclassement Social des Handicapés, a body which was added to the list of public law bodies referred to in Article 18 of Regulation No 9 by a Commission Decision of 4 March 1966⁽⁵⁾ concerning the updating of that list;

Whereas the applications containing the information required under Article 20 of Regulation No 9 and relating to operations terminated during the period 30 July 1969 to 31 December 1970 inclusive, were properly submitted within the time limit laid down in Article 19 of Regulation No 9;

Whereas the examination of those applications and the checking of their material and financial aspects, carried out pursuant to the provisions of Commission Regulation No 113/63/EEC⁽⁶⁾ on the detailed rules for the examination and checking of applications for assistance submitted to the

⁽¹⁾ OJ No L 249, 10. 11. 1971, p. 54.

⁽²⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽³⁾ OJ No 56, 31. 8. 1960, p. 1189/60.

⁽⁴⁾ OJ No 33, 24. 2. 1967, p. 526/67.

⁽⁵⁾ OJ No 46, 17. 3. 1966, p. 631/66.

⁽⁶⁾ OJ No 153, 24. 10. 1963, p. 2563/63.

European Social Fund, revealed that these applications comply with the conditions laid down in the relevant rules, except, however, that certain sums have been wrongly included in the total expenditure as a result of an arithmetical error; whereas the correction involves the sum of Bfrs 7 367, which is to be deducted from the amount for which the application was submitted;

Whereas it was also revealed that three persons had not been registered, during their training period, at an employment agency as persons in search of employment, pursuant to Article 2 of Regulation No 9; whereas, moreover, the training given to those three persons formed part of the normal education system especially for young people, which is excluded from receiving assistance from the Fund by Article 3 (2) of the Regulation referred to above;

Whereas, consequently, no assistance from the Fund can be given for those three cases contained in the applications, expenditure for which amounted to Bfrs 282 972;

Whereas, consequently, the Fonds National de Reclassement Social des Handicapés is entitled to receive assistance from the Fund for its expenditure provided that a total of Bfrs 290 339 (Bfrs 7 367 plus Bfrs 282 972) is deducted, and whereas the amount of assistance to be granted by the Fund pursuant to Article 125 of the Treaty is therefore Bfrs 1 829 612 — Bfrs 290 339, i.e. Bfrs 1 539 273;

Whereas in its opinion of 3 May 1973 the Committee of the European Social Fund reached the same conclusions, for the reasons given above;

HAS ADOPTED THIS DECISION:

Article 1

The applications for assistance submitted to the European Social Fund by the Kingdom of Belgium for expenditure by the Fonds National de Reclassement Social des Handicapés on vocational retraining operations terminated during the period 30 July 1969 to 31 December 1970 inclusive, comply with the rules governing the operation of the Fund as regards the sum of Bfrs 1 539 273. The remainder of the expenditure contained in the applications does not comply with those rules.

Article 2

The amount of assistance from the European Social Fund to be granted pursuant to Article 125 of the Treaty to the Kingdom of Belgium for the Fonds National de Reclassement Social des Handicapés shall be Bfrs 1 539 273 (equivalent to 30 785·46 u.a.).

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 23 November 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 23 November 1973

granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the Federal Republic of Germany for expenditure on vocational retraining and resettlement operations carried out by the 'Berufsgenossenschaften', the social insurance organizations for employees and the Land North Rhine-Westphalia

(ESF files Nos 71.052, 71.130, 72.049 B, 72.051, 72.052, 72.055, 72.060, 72.115, 72.116, 72.117, 72.125)

(Only the German text is authentic)

(74/68/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2396/71 ⁽¹⁾ of 8 November 1971 implementing the Council Decision of 1 February 1971 ⁽²⁾ on the reform of the European Social Fund, and in particular Article 12 thereof;

Whereas in its applications of 16 June and 28 December 1971, 19 June, 23 June, 21 December and 27 December 1972 and 20 February 1973 the Federal Republic of Germany requested assistance from the European Social Fund, as provided for in Article 125 of the Treaty, for expenditure on vocational retraining operations amounting to DM 43 636 561.75 and on resettlement operations amounting to DM 111 155.78;

Whereas, pursuant to Article 12 of Regulation (EEC) No 2396/71, such assistance is granted for operations initiated before 1 May 1972, the date on which that Regulation entered into force, and terminated before 1 July 1972, and whereas the applications for assistance must be examined pursuant to the provisions of Council Regulation No 9 ⁽³⁾ of 25 August 1960, as last amended by Council Regulation No 37/67/EEC ⁽⁴⁾, and to the provisions adopted pursuant to that Regulation;

Whereas, in accordance with Articles 1, 3 and 6 of Regulation No 9, the applications referred to above from the Federal Republic of Germany relate to vocational retraining operations carried out on the responsibility and at the expense of the 'Berufsgenossenschaften (BG)', the 'Bundeskknappschaft', the 'Landesversicherungsanstalten (LVA)', the 'Bundesbahnversicherungsanstalt' and the 'Seekasse', and to resettlement operations carried out by the Land North Rhine-Westphalia; whereas the total amount requested for those operations is to be allocated as follows:

<i>Authority or body</i>	<i>Amount requested</i>	
	<i>Vocational retraining DM</i>	<i>Resettlement DM</i>
1. Zentralstelle für den Bergmannsversorgungsschein of the Land North Rhine-Westphalia		111 155.78
2. Berufsgenossenschaften (BG)		
(a) Trade associations in industry:		
— Bau-BG Frankfurt	208 554.15	
— Bau-BG Hamburg	202 338.03	
— Bau-BG Hannover	615 518.84	
— Bau-BG Wuppertal	669 987.93	
— Bayerische Bau-BG, München	475 890.39	
— Bergbau-BG Bochum, Bonn, Clausthal-Zellerfeld, München, Saarbrücken	1 342 908.75	
— BG der chemischen Industrie, Heidelberg	184 719.51	

⁽¹⁾ OJ No L 249, 10. 11. 1971, p. 54.

⁽²⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽³⁾ OJ No 56, 31. 8. 1960, p. 1189/60.

⁽⁴⁾ OJ No 33, 24. 2. 1967, p. 526/67.

	DM	DM
— BG Druck und Papierverarbeitung, Wiesbaden	239 546·18	
— BG für den Einzelhandel, Bonn	136 769·78	
— BG für Fahrzeughaltungen, Hamburg	124 233·07	
— BG für Feinmechanik und Elektrotechnik, Köln	404 381·24	
— BG für Gesundheitsdienst und Wohlfahrtspflege, Hamburg	78 984·50	
— BG der keramischen und Glasindustrie, Würzburg	82 457·16	
— BG Nahrungsmittel und Gaststätten, Mannheim	1 161 775·80	
— BG der Straßen-, U- und Eisenbahnen, Hamburg	17 948·13	
— Binnenschiffahrts-BG, Duisburg	147 991·35	
— Fleischerei-BG, Mainz	129 457·94	
— Großhandels- und Lagerei-BG, Mannheim	421 597·48	
— Hütten- und Walzwerks-BG, Essen	284 651·87	
— Lederindustrie-BG, Mainz	16 925·05	
— Maschinenbau- und Kleineisenindustrie-BG, Düsseldorf	731 270·57	
— Norddeutsche Holz-BG, Bielefeld	215 416·41	
— Nordwestliche Eisen- und Stahl-BG, Berlin, Bremen, Hamburg, Hannover	630 439·45	
— See-BG, Hamburg	129 566·69	
— Papiermacher-BG, Mainz	17 505·64	
— Steinbruchs-BG, Hannover	213 439·49	
— Süddeutsche Edel- und Unedelmetall-BG, Stuttgart	21 187·81	
— Süddeutsche Eisen- und Stahl-BG, Mainz	635 712·56	
— Süddeutsche Holz-BG, München	149 101·28	
— Südwestliche Bau-BG, Karlsruhe	176 962·49	
— Textil- und Bekleidungs-BG, Augsburg	77 746·84	
— Tiefbau-BG, München	488 545·58	
— Württembergische Bau-BG, Stuttgart	295 726·70	
— Zucker-BG, Hildesheim	18 614·82	

(b) Trade associations in agriculture:

— Badische landwirtschaftliche BG, Karlsruhe	1 058·92
— Gartenbau-BG, Kassel	42 252·02
— Landwirtschaftliche BG Oberbayern, München	11 064·50
— Landwirtschaftliche BG Niederbayern, Oberpfalz, Landshut	24 345·87
— Landwirtschaftliche BG Ober- und Mittelfranken, Bayreuth	40 278·53
— Landwirtschaftliche BG Rhein-Hessen, Pfalz, Speyer	1 789·00
— Landwirtschaftliche BG Württemberg, Stuttgart	54 514·56
— Landwirtschaftliche BG Saarland, Saarbrücken	19 033·47
— Hessisch-Nassauische landwirtschaftliche BG, Kassel	12 562·02
— Rheinische landwirtschaftliche BG, Düsseldorf	6 695·42
— Westfälische landwirtschaftliche BG, Münster	69 377·73
— Land- und forstwirtschaftliche BG, Darmstadt	36 965·48

	DM	DM
3. Bundesknappschaft	2 493 189.52	
4. Landesversicherungsanstalten (LVA)		
— LVA Baden	1 477 791.59	
— LVA Berlin	322 402.55	
— LVA Braunschweig	500 196.75	
— LVA Hamburg	1 216 315.27	
— LVA Hannover	2 611 186.52	
— LVA Hessen	1 577 987.16	
— LVA Niederbayern-Oberpfalz	690 699.96	
— LVA Oberbayern	861 510.70	
— LVA Ober- und Mittelfranken	826 922.05	
— LVA Oldenburg-Bremen	1 104 450.92	
— LVA Rheinland-Pfalz	1 713 019.29	
— LVA Rheinprovinz	7 900 233.97	
— LVA Saarland	278 479.01	
— LVA Schleswig-Holstein	1 648 232.79	
— LVA Schwaben	169 860.71	
— LVA Unterfranken	323 679.37	
— LVA Westfalen	4 324 368.77	
— LVA Württemberg	2 226 160.89	
5. Bundesbahnversicherungsanstalt	65 110.22	
6. Seekasse	236 952.74	

Whereas the 'Zentralstelle für den Bergmannsversorgungsschein' contained in the above list under No 1 is an authority in the Land North Rhine-Westphalia, and is in fact a decentralized regional authority within the meaning of Article 18 of Regulation No 9, and whereas the bodies listed under Nos 2 to 6 were included in or belong to a group of bodies added to the list of public law bodies referred to in the same Article of that Regulation by a Commission Decision of 13 December 1961 ⁽¹⁾ concerning the establishment of that list, and that of 18 December 1969 ⁽²⁾ updating it;

Whereas the applications containing the information required under Articles 20 and 21 of Regulation No 9 and relating to operations terminated during the period 1 January 1969 to 31 December 1971 inclusive, were properly submitted within the time limit laid down in Article 19 of Regulation No 9;

Whereas the examination of those applications and the checking of their material and financial aspects, carried out pursuant to the provisions of Commission Regulation No 113/63/EEC ⁽³⁾ on the detailed rules for the examination and checking of

applications for assistance submitted to the European Social Fund, revealed that these applications comply with the conditions laid down by the relevant rules, except, however, that in the part of the applications relating to the 'Bundesknappschaft' some trainees were re-employed after their training period by the public authority where they took part in the exercise of official authority within the meaning of Article 1 of Regulation No 9; whereas these cases are therefore excluded from receiving assistance from the Fund;

Whereas in the application relating to the 'Bundesknappschaft' the number of such cases, the percentage of which (1.89) was calculated on the basis of the results of the survey carried out pursuant to the provisions of Commission Regulation No 113/63/EEC referred to above, involves the sum of DM 47 121.28, which must therefore be deducted from the amount requested for that body;

Whereas, consequently, the authorities and bodies referred to above are entitled to receive assistance from the Fund for their expenditure provided that the sum of DM 47 121.28 is deducted, and whereas the total amount of assistance to be granted by the Fund pursuant to Article 125 of the Treaty is therefore DM 43 636 561.75 — DM 47 121.28 + DM 111 155.78, i.e. DM 43 700 596.25;

⁽¹⁾ OJ No 8, 1. 2. 1962, p. 144/62.

⁽²⁾ OJ No L 6, 9. 1. 1970, p. 27.

⁽³⁾ OJ No 153, 24. 10. 1963, p. 2563/63.

Whereas in its Opinion of 3 May 1973 the Committee of the European Social Fund reached the same conclusions for the reasons given above,

December 1971 inclusive, comply with the rules governing the operation of the Fund as regards the sum of DM 43 700 596·25. The remainder of the expenditure does not comply with those rules.

HAS ADOPTED THIS DECISION:

Article 1

The applications for assistance submitted to the European Social Fund by the Federal Republic of Germany for expenditure by the authority and bodies referred to in Article 2 on vocational retraining and resettlement operations terminated or carried out during the period 1 January 1969 to 31

Article 2

The amount of assistance from the European Social Fund to be granted pursuant to Article 125 of the Treaty to the Federal Republic of Germany for the Authority and bodies listed below shall be DM 43 700 596·25 (equivalent to 11 940 053·63 u.a.). This sum shall be allocated as follows:

Authority or body	Assistance granted	
	Vocational training DM	Resettlement DM
1. Zentralstelle für den Bergmannsversorgungsschein of the Land North Rhine-Westphalia		111 155·78
2. Berufsgenossenschaften (BG)		
(a) Trade associations in industry:		
— Bau-BG Frankfurt	208 554·15	
— Bau-BG Hamburg	202 338·03	
— Bau-BG Hannover	615 518·84	
— Bau-BG Wuppertal	669 987·93	
— Bayerische Bau-BG, München	475 890·39	
— Bergbau-BG Bochum, Bonn, Clausthal-Zellerfeld, München, Saarbrücken	1 342 908·75	
— BG der chemischen Industrie, Heidelberg	184 719·51	
— BG Druck und Papierverarbeitung, Wiesbaden	239 546·18	
— BG für den Einzelhandel, Bonn	136 769·78	
— BG für Fahrzeughaltungen, Hamburg	124 233·07	
— BG für Feinmechanik und Elektrotechnik, Köln	404 381·24	
— BG für Gesundheitsdienst und Wohlfahrtspflege, Hamburg	78 984·50	
— BG der keramischen und Glasindustrie, Würzburg	82 457·16	
— BG Nahrungsmittel und Gaststätten, Mannheim	1 161 775·80	
— BG der Straßen-, U- und Eisenbahnen, Hamburg	17 948·13	
— Binnenschiffahrts-BG, Duisburg	147 991·35	
— Fleischerei-BG, Mainz	129 457·94	
— Großhandels- und Lagerei-BG, Mannheim	421 597·48	
— Hütten- und Walzwerks-BG, Essen	284 651·87	
— Lederindustrie-BG, Mainz	16 925·05	
— Maschinenbau- und Kleineisenindustrie-BG, Düsseldorf	731 270·57	
— Norddeutsche Holz-BG, Bielefeld	215 416·41	
— Nordwestliche Eisen- und Stahl-BG, Berlin, Bremen, Hamburg, Hannover	630 439·45	

	DM	DM
— See-BG, Hamburg	129 566·69	
— Papiermacher-BG, Mainz	17 505·64	
— Steinbruchs-BG, Hannover	213 439·49	
— Süddeutsche Edel- und Unedelmetall-BG, Stuttgart	21 187·81	
— Süddeutsche Eisen- und Stahl-BG, Mainz	635 712·56	
— Süddeutsche Holz-BG, München	149 101·28	
— Südwestliche Bau-BG, Karlsruhe	176 962·49	
— Textil- und Bekleidungs-BG, Augsburg	77 746·84	
— Tiefbau-BG, München	488 545·58	
— Württembergische Bau-BG, Stuttgart	295 726·70	
— Zucker-BG, Hildesheim	18 614·82	

(b) Trade associations in agriculture:

— Badische landwirtschaftliche BG, Karlsruhe	1 058·92
— Gartenbau-BG, Kassel	42 252·02
— Landwirtschaftliche BG Oberbayern, München	11 064·50
— Landwirtschaftliche BG Niederbayern, Oberpfalz, Landshut	24 345·87
— Landwirtschaftliche BG Ober- und Mittelfranken, Bayreuth	40 278·53
— Landwirtschaftliche BG Rheinhessen, Pfalz, Speyer	1 789·00
— Landwirtschaftliche BG Württemberg, Stuttgart	54 514·56
— Landwirtschaftliche BG Saarland, Saarbrücken	19 033·47
— Hessisch-Nassauische landwirtschaftliche BG, Kassel	12 562·02
— Rheinische landwirtschaftliche BG, Düsseldorf	6 695·42
— Westfälische landwirtschaftliche BG, Münster	69 377·73
— Land- und forstwirtschaftliche BG, Darmstadt	36 965·48

3. Bundesknappschaft 2 446 068·24

4. Landesversicherungsanstalten (LVA)

— LVA Baden	1 477 791·59
— LVA Berlin	322 402·55
— LVA Braunschweig	500 196·75
— LVA Hamburg	1 216 315·27
— LVA Hannover	2 611 186·52
— LVA Hessen	1 577 987·16
— LVA Niederbayern-Oberpfalz	690 699·96
— LVA Oberbayern	861 510·70
— LVA Ober- und Mittelfranken	826 922·05
— LVA Oldenburg-Bremen	1 104 450·92
— LVA Rheinland-Pfalz	1 713 019·29
— LVA Rheinprovinz	7 900 233·97
— LVA Saarland	278 479·01
— LVA Schleswig-Holstein	1 648 232·79
— LVA Schwaben	169 860·71

	DM	DM
— LVA Unterfranken	323 679·37	
— LVA Westfalen	4 324 368·77	
— LVA Württemberg	2 226 160·89	
5. Bundesbahnversicherungsanstalt	65 110·22	
6. Seekasse	236 952·74	
Total	43 589 440·47	111 155·78
	(11 909 683·19 u.a.)	(30 370·43 u.a.)

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 November 1973.

For the Commission
The President
François-Xavier ORTOLI

COMMISSION DECISION

of 23 November 1973

granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the French Republic for expenditure on resettlement operations carried out by the Ministry of Agriculture

(ESF files Nos 71.127, 72.032)

(Only the French text is authentic)

(74/69/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2396/71 ⁽¹⁾ of 8 November 1971 implementing the Council Decision of 1 February 1971 ⁽²⁾ on the reform of the European Social Fund, and in particular Article 12 thereof;

Whereas in its applications of 28 December 1971 and 15 June 1972 the French Republic requested assistance from the European Social Fund, as provided for in Article 125 of the Treaty, for expenditure on resettlement operations amounting to a total of FF 233 374·00;

Whereas, pursuant to Article 12 of Regulation (EEC) No 2396/71, such assistance is granted for operations initiated before 1 May 1972, the date on which that Regulation entered into force, and terminated before 1 July 1972, and whereas the applications for assistance submitted must be examined pursuant to the provisions of Council Regulation No 9 ⁽³⁾ of 25 August 1960, as last amended by Council Regulation No 37/67/EEC ⁽⁴⁾, and to the provisions adopted pursuant to that Regulation;

Whereas, in accordance with Articles 1 and 6 of Regulation No 9, the applications referred to above from the French Republic relate to resettlement operations carried out on the responsibility and at the expense of the Ministry of Agriculture (Centre National pour l'aménagement des Structures des Exploitations Agricoles (CNASEA));

Whereas the applications containing the information required under Article 21 of Regulation No 9 and relating to operations terminated during the period 1

July 1969 to 30 June 1970 inclusive, were properly submitted within the time limit laid down in Article 19 of Regulation No 9;

Whereas the examination of those applications and the checking of their material and financial aspects, carried out pursuant to the provision of Commission Regulation No 113/63/EEC ⁽⁵⁾ on the detailed rules for the examination and checking of applications for assistance submitted to the European Social Fund, revealed that these applications comply with the conditions laid down in the relevant rules, except as regards the following points:

- (a) As a result of an arithmetical error certain sums were wrongly included in or omitted from the total expenditure; the correction involves the sum of FF 9 660·28, which is to be deducted from the amount for which the applications were submitted;
- (b) It has also been found that some employees were re-employed after their training period by the national police force where they took part in the exercise of official authority within the meaning of Article 1 of Regulation No 9; these cases are therefore excluded from receiving assistance from the Fund;

Whereas the number of such cases in the applications, the percentage of which (2·94) was calculated on the basis of the results of the survey carried out pursuant to the provisions of Commission Regulation No 113/63/EEC referred to above, involves the sum of FF 1 888·59, which must therefore be deducted from the amount requested and corrected in the way stated above;

Whereas, consequently, the Ministry of Agriculture is entitled to receive assistance from the Fund for its expenditure provided that the sum of FF 11 548·87 is deducted, and whereas the amount of assistance to be granted by the Fund pursuant to Article 125 of the Treaty is therefore FF 233 374·00 — FF 11 548·87 (FF 9 660·28 + FF 1 888·59), i.e. FF 221 825·13;

⁽¹⁾ OJ No L 249, 10. 11. 1971, p. 54.

⁽²⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽³⁾ OJ No 56, 31. 8. 1960, p. 1189/60.

⁽⁴⁾ OJ No 33, 24. 2. 1967, p. 526/67.

⁽⁵⁾ OJ No 153, 24. 10. 1963, p. 2563/63.

Whereas in its Opinion of 3 May 1973 the Committee of the European Social Fund reached the same conclusions for reasons given above,

HAS ADOPTED THIS DECISION:

Article 1

The applications for assistance submitted to the European Social Fund by the French Republic for expenditure by the Ministry of Agriculture on resettlement operations carried out during the period 1 July 1969 to 30 June 1970 inclusive, comply with the rules governing the operation of the Fund as far as the sum of FF 221 825·13 is concerned. The remainder of the expenditure contained in the applications does not comply with those rules.

Article 2

The amount of assistance from the European Social Fund to be granted pursuant to Article 125 of the Treaty to the French Republic shall be FF 221 825·13 (equivalent to 39 938·34 u.a.).

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 23 November 1973.

For the Commission
The President

François-Xavier ORTOLI

COMMISSION DECISION

of 23 November 1973

granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the Republic of Italy for expenditure on vocational retraining operations carried out by the Ministry of Labour and National Insurance and several other Italian bodies

(ESF files Nos 71.021, 71.022, 71.074, 71.075, 71.080, 71.086, 71.096, 72.014, 72.017, 72.022, 72.025, 72.026, 72.028, 72.036, 72.045, 72.069, 72.070, 72.076, 72.077, 72.078, 72.079, 72.088, 72.092, 72.099, 72.043)

(Only the Italian text is authentic)

(74/70/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2396/71 ⁽¹⁾ of 8 November 1971 implementing the Council Decision of 1 February 1971 ⁽²⁾ on the reform of the European Social Fund, and in particular Article 12 thereof;

Whereas in its applications of 21 May, 30 October, 4 December and 17 December 1971, 20 May, 29 May, 6 June, 7 June, 25 June, 26 June, 16 November, 17 November, 29 November, 9 December, 11 December and 21 December 1972, the Republic of Italy requested assistance from the European Social Fund, as provided for in Article 125 of the Treaty, for expenditure on vocational

retraining operations amounting to a total of Lit 4 727 911 796;

Whereas, pursuant to Article 12 of Regulation (EEC) No 2396/71, such assistance is granted for operations initiated before 1 May 1972, the date on which that Regulation entered into force, and terminated before 1 July 1972, and whereas the applications for assistance submitted must be examined pursuant to the provisions of Council Regulation No 9 ⁽³⁾ of 25 August 1960, as last amended by Council Regulation No 37/67/EEC ⁽⁴⁾, and to the provisions adopted pursuant to that Regulation;

Whereas, in accordance with Articles 1 and 3 of Regulation No 9, the applications referred to above from the Republic of Italy relate to vocational retraining operations carried out on the responsibility and at the expense of the bodies listed below:

<i>Authority or body</i>	<i>Amount requested Lit</i>
1. Ministero del Lavoro e della Previdenza Sociale	3 431 186 099
2. Regione siciliana	2 103 959
3. Cassa per le opere straordinarie di pubblico interesse nell'Italia Meridionale (Cassa per il Mezzogiorno)	484 006 125
4. Consorzio di gestione del Centro Addestramento Professionale (CAP) di Ravenna	473 072
5. Ente Minerario Siciliano	28 465 412
6. Ente Nazionale Idrocarburi (ENI)	587 036 718
7. Istituto Nazionale della Previdenza Sociale (INPS)	194 640 411

Whereas, apart from the state department referred to in the above list under No 1, the body contained in that list under No 2 is a decentralized regional authority within the meaning of Article 18 of Regulation No 9, and whereas the bodies mentioned under Nos 3 to 7 are all contained in the list of public law bodies referred to in the Article mentioned above or are administered by those bodies;

⁽¹⁾ OJ No L 249, 10. 11. 1971, p. 54.

⁽²⁾ OJ No L 28, 4. 2. 1971, p. 15.

Whereas the applications containing the information required under Article 20 of Regulation No 9 and relating to operations terminated during the period 1 January 1969 to 30 June 1971 inclusive, were properly submitted within the time limit laid down in Article 19 of Regulation No 9;

Whereas the examination of those applications and the checking of their material and financial aspects,

⁽³⁾ OJ No 56, 31. 8. 1960, p. 1189/60.

⁽⁴⁾ OJ No 33, 24. 2. 1967, p. 526/67.

carried out pursuant to the provisions of Commission Regulation No 113/63/EEC ⁽¹⁾ on the detailed rules for the examination and checking of applications for assistance submitted to the European Social Fund, revealed that these applications comply with the conditions laid down in the relevant rules, except, however, that in the part of the applications relating to the Cassa per il Mezzogiorno, certain sums have been wrongly included in the total expenditure as a result of an arithmetical error; whereas the correction involves the sum of Lit 351 549, which is to be deducted from the amount for which the application was submitted for the body concerned;

Whereas, consequently, the authority and the bodies referred to above are entitled to receive assistance from the Fund for their expenditure provided that the sum of Lit 351 549 is deducted, and whereas the amount of assistance to be granted by the Fund pursuant to Article 125 of the Treaty is therefore Lit 4 727 911 796 — 351 549, i.e. Lit 4 727 560 247;

Whereas in its Opinion of 3 May 1973 the Committee of the European Social Fund reached the same conclusions for the reasons given above,

HAS ADOPTED THIS DECISION:

Article 1

The applications for assistance submitted to the European Social Fund by the Republic of Italy for expenditure by the authority and the bodies referred to in Article 2 on vocational retraining operations terminated during the period 1 January 1969 to 30 June 1971 inclusive, comply with the rules governing the operation of the Fund as regards the sum of Lit 4 727 560 247. The remainder of the expenditure contained in the applications does not comply with those rules.

Article 2

The amount of assistance from the European Social Fund to be granted, pursuant to Article 125 of the Treaty to the Republic of Italy for the authority and the bodies listed below shall be Lit 4 727 560 247 (equivalent to 7 564 096.40 u.a.). This sum shall be allocated as follows:

<i>Authority or body</i>	<i>Assistance granted Lit</i>
1. Ministero del Lavoro e della Previdenza Sociale	3 431 186 099
2. Regione siciliana	2 103 959
3. Cassa per le opere straordinarie di pubblico interesse nell'Italia Meridionale (Cassa per il Mezzogiorno)	483 654 576
4. Consorzio di gestione del Centro Addestramento Professionale (CAP) di Ravenna	473 072
5. Ente Minerario Siciliano	28 465 412
6. Ente Nazionale Idrocarburi (ENI)	587 036 718
7. Istituto Nazionale della Previdenza Sociale (INPS)	194 640 411

Article 3

This Decision is addressed to the Republic of Italy.

Done at Brussels, 23 November 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 153, 24. 10. 1963, p. 2563/63.

COMMISSION DECISION

of 9 January 1974

concerning the Advisory Committee on Seeds

(74/71/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Whereas an Advisory Committee on Seeds was set up by the Commission Decision of 4 October 1972 ⁽¹⁾;

Whereas it is considered desirable, as a result of the Accession of new Member States to the Community, to alter the rules fixing the number and apportionment of seats on this Committee;

Whereas, moreover, the text of the Decision aforesaid requires certain minor alterations and it is therefore necessary for the sake of clarity to produce a completely new version of the text,

HAS DECIDED AS FOLLOWS:

Article 1

The text of the Decision of 4 October 1972 setting up an Advisory Committee on Seeds is replaced by the following:

'Article 1

1. There shall be attached to the Commission an Advisory Committee on Seeds, hereinafter called the "Committee".
2. The Committee shall be composed of representatives of the following interests: agricultural producers and cooperatives, industries, seed producers, breeders, traders and distributors, agricultural workers, consumers.

Article 2

1. The Committee may be consulted by the Commission on any problem concerning the operation of Regulations on the common organization of the market in seeds and in particular on measures to be adopted by the Commission under those Regulations.
2. The Chairman of the Committee may indicate to the Commission the desirability of consulting the Committee on any matter within the latter's competence but on which its opinion

has not been sought. He shall do so, in particular, at the request of one of the interests represented.

Article 3

1. The Committee shall consist of thirty-eight members.
2. Seats on the Committee shall be apportioned as follows:
 - nineteen to representatives of agricultural producers and agricultural cooperatives, of whom seven or more shall represent seed-producing cooperatives;
 - fourteen to representatives of seed producers, breeders, traders and distributors of whom:
 - one shall represent producers, breeders, traders and distributors of flax seed;
 - two shall represent producers, breeders, traders and distributors of maize seed;
 - eleven shall represent producers, breeders, traders and distributors of fodder plant and other seed;
 - one to a representative of industry;
 - three to representatives of agricultural workers;
 - one to a consumers' representative.

Article 4

1. Members of the Committee shall be appointed by the Commission on proposals from the trade, and workers' organizations set up at Community level which are most representative of the interests specified in Article 1 (2) and whose activities come within the scope of the common organization of the market in seeds. Consumers' representatives shall be appointed on proposals from the Consumers' Advisory Committee.

Those bodies shall for each seat to be filled put forward the names of two candidates of different nationality.

⁽¹⁾ OJ No L 236, 18. 10. 1972, p. 14.

2. The term of office for members of the Committee shall be three years. Their appointments may be renewed. Members shall not be remunerated for their services.

After expiry of the three years members of the Committee shall remain in office until they are replaced or until their appointments are renewed.

A member's term of office may be terminated before expiry of the three years by death or resignation.

It may also be terminated where the body which the member represents requests that he be replaced.

A person shall be appointed, in accordance with the procedure laid down in paragraph 1, to replace such member for the remainder of the term of office.

3. A list of the members of the Committee shall be published by the Commission, for information purposes, in the *Official Journal of the European Communities*.

Article 5

The Committee shall, by a two-thirds majority of the members present, elect a Chairman and two Vice-Chairmen for a period of three years.

The Committee may, by the like majority, elect further officers from among the other members. In that case, the officers other than the Chairman shall consist at most of one representative of each interest represented on the Committee.

The officers shall prepare and organize the work of the Committee.

Article 6

At the request of any of the interests represented, the Chairman may invite a person delegated by the interest concerned to be present at meetings. He may likewise on such request invite any person with special qualifications in any subject on the agenda to take part in an expert capacity in the deliberations of the Committee. Experts shall take part only in discussions of those questions on account of which they were invited.

Article 7

The Committee may set up working groups to assist them in carrying out their work.

Article 8

1. The Committee shall be convened by the Commission and shall meet at Commission

headquarters. Meetings of the officers shall be convened by the Chairman by arrangement with the Commission.

2. Representatives of the Commission departments concerned shall take part in meetings of the Committee, its officers and working groups.

3. Secretarial services for the Committee, its officers and working groups shall be provided by the Commission.

Article 9

The Committee shall discuss matters on which the Commission has requested an opinion. No vote shall be taken.

The Commission may, when seeking the opinion of the Committee, set a time limit within which such opinion shall be given.

The views expressed by the various interests represented shall be included in a report forwarded to the Commission.

In the event of unanimous agreement being reached in the Committee on the opinion to be given, the Committee shall formulate joint conclusions and attach them to the report.

The outcome of the Committee's discussions shall on request be communicated by the Commission to the Council and to the Management Committees.

Article 10

Without prejudice to the provisions of Article 214 of the Treaty, where the Commission informs them that the opinion requested or the question raised is on a matter of a confidential nature, members of the Committee shall be under an obligation not to disclose information which has come to their knowledge through the work of the Committee or of its working groups.

In such cases, only Committee members and representatives of the Commission departments concerned may be present at meetings.

Article 2

This Decision shall enter into force on 9 January 1974.

Done at Brussels, 9 January 1974.

For the Commission
The President

François-Xavier ORTOLI

COMMISSION DECISION

of 9 January 1974

setting up a special Silkworm Section of the Advisory Committee on Flax and Hemp

(74/72/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Whereas under point V of its final resolution the Agricultural Conference of Member States, which met at Stresa from 3 to 12 July 1958, noted with satisfaction 'the intention expressed by the Commission, of maintaining close and continuous cooperation with ... trade and workers' organizations, in particular for the purpose of carrying out the tasks provided for in this resolution';

Whereas in its Opinion of 6 May 1960 the Economic and Social Committee requested the Commission 'to set up advisory committees for the purpose of involving at Community level in the work of these various offices and funds the producers', traders' and workers' organizations concerned and also consumers';

Whereas it is necessary that the Commission obtain the views of the various sections of the industry and of consumers on the special measures to be taken to encourage silkworm rearing;

Whereas all sections of the industry directly affected by the implementation of those measures, and also consumers, should have the possibility of participating in the formulation of opinions requested by the Commission;

Whereas the various representative bodies in the agricultural industry and consumer associations in the Member States have formed organizations at Community level,

HAS DECIDED AS FOLLOWS:

Article 1

1. There shall be attached to the Commission a special Silkworm Section of the Advisory Committee on Flax and Hemp, hereinafter called the 'Section'.
2. The Section shall be composed of representatives of the following interests: silkworm rearers and cooperatives, the silk industry, the silk trade, workers in the sectors concerned, consumers.

Article 2

1. The Section may be consulted by the Commission on any problem concerning the operation of the Regulation laying down special measures to encourage silkworm rearing and in particular on measures to be adopted by the Commission under that Regulation.

2. The Chairman of the Section may indicate to the Commission the desirability of consulting the Section on any matter within the latter's competence on which its opinion has not been sought. He shall do so, in particular, at the request of one of the interests represented.

Article 3

1. The Committee shall consist of twelve members.
2. Seats on the Committee shall be apportioned as follows:
 - six to representatives of silkworm rearers and cooperatives,
 - two to representatives of the silk industry,
 - one to a representative of the silk trade,
 - two to representatives of agricultural workers and of workers in the silk industry,
 - one to a consumers' representative.

Article 4

1. Members of the Section shall be appointed by the Commission on proposals from the trade and workers' organizations set up at Community level which are most representative of the interests specified in Article 1 (2) and whose activities come within the scope of the special measures to encourage silkworm rearing. Consumers' representatives shall be appointed on proposals from the Consumers' Advisory Committee.

Those bodies shall for each seat to be filled put forward the names of two candidates of different nationality.

2. The term of office for members of the Section shall be three years. Their appointments may be renewed. Members shall not be remunerated for their services.

After expiry of the three years members of the Section shall remain in office until are replaced or until their appointments are renewed.

A member's term of office may be terminated before expiry of the three years by death or resignation.

It may also be terminated where the body which the member represents requests that he be replaced.

A person shall be appointed, in accordance with the procedure laid down in paragraph 1, to replace such member for the remainder of the term of office.

3. A list of the members of the Section shall be published by the Commission, for information purposes, in the *Official Journal of the European Communities*.

Article 5

The Section shall, by a two-thirds majority of the members present, elect a chairman and two vice-chairmen for a period of three years.

Article 6

At the request of any of the interests represented, the Chairman may invite a person delegated by the interest concerned to be present at meetings of the Section. He may likewise on such request invite any person with special qualifications in any subject on the agenda to take part in an expert capacity in the deliberations of the Section. Experts shall take part only in discussions of those questions on account of which they were invited.

Article 7

1. The Section shall be convened by the Commission and shall meet at Commission headquarters.

2. Representatives of the Commission departments concerned shall take part in meetings of the Section.

3. Secretarial services for the Section shall be provided by the Commission.

Article 8

The Section shall discuss matters on which the Commission has requested an opinion. No vote shall be taken.

The Commission may, when seeking the opinion of the Section, set a time limit within which such opinion shall be given.

The views expressed by the various interests represented shall be included in a report forwarded to the Commission.

In the event of unanimous agreement being reached in the Section on the opinion to be given, the Section shall formulate joint conclusions and attach them to the report.

The outcome of the Section discussions shall on request be communicated by the Commission to the Council and to the Management Committees.

Article 9

Without prejudice to the provisions of Article 214 of the Treaty, where the Commission informs them that the opinion requested or the question raised is on a matter of a confidential nature, members of the Section shall be under an obligation not to disclose information which has come to their knowledge through the work of the Section.

In such cases, only members of the Section and representatives of the Commission departments concerned may be present at meetings.

Article 10

This Decision shall enter into force on 9 January 1974.

Done at Brussels, 9 January 1974.

For the Commission

The President

François-Xavier ORTOLI

THIRD COMMISSION DECISION

of 9 January 1974

amending the Decision of 23 May 1973 authorizing the Member States to approve for marketing reproductive material of certain forestry species subjected to reduced requirements

(74/73/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive of 14 June 1966 ⁽¹⁾ on the marketing of forest reproductive material, as last amended by the Act ⁽²⁾ annexed to the Treaty ⁽³⁾ on the Accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed in Brussels on 22 January 1972, and in particular Article 15 (1) thereof;

Having regard to the application submitted by the Kingdom of Denmark and the United Kingdom;

Whereas the production of reproductive material of certain forestry species at present shows a deficit in all Member States and so cannot supply the requirements of these countries for reproductive material of the said species;

Whereas third countries are not in a better position to supply sufficient quantities of reproductive material of the species concerned giving the same guarantees as reproductive material produced in the Community and corresponding to the provisions of the abovementioned Directive;

Whereas for this reason the Member States have already been authorized by the Commission

Decision of 23 May 1973 ⁽⁴⁾, amended by the Decision of 18 July 1973 ⁽⁵⁾ and of 4 December 1973, to approve for marketing reproductive material of certain forestry species subjected to reduced requirements;

Whereas the Kingdom of Denmark and the United Kingdom were unable to communicate the extent of their needs for certain species within the required time;

Whereas the quantities of reproductive material communicated by the aforesaid Member States should, therefore, be included in the Decision of 23 May 1973;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The provisions, listed under the headings *Abies alba* Mill., *Larix decidua* Mill., *Picea abies* Karst., *Quercus borealis* Michx., *Quercus pedunculata* Ehrh. and *Quercus sessiliflora* Sal. in the Annex to the Commission Decision of 23 May 1973 authorizing the Member States to approve for marketing reproductive forestry material of certain forestry species subjected to reduced requirements, in respect of the following countries are completed as follows:

Abies alba Mill.

Member State	kg	Origin	Crop from/to
Denmark	1 000	Romania	1. 7. 1972 to 30. 6. 1973

Larix decidua Mill.

Member State	kg	Origin	Crop from/to
United Kingdom	200	Federal Republic of Germany, United Kingdom, Poland, Czechoslovakia	before 30. 6. 1973

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 172, 28. 6. 1973, p. 22.

⁽⁵⁾ OJ No L 253, 10. 9. 1973, p. 1.

Picea abies Karst.

Member State	kg	Origin	Crop from/to
Denmark	500	Romania	1. 7. 1972 to 30. 6. 1973

Quercus borealis Michx.

Member State	kg	Origin	Crop from/to
United Kingdom	3 500	Belgium, Federal Republic of Germany, Netherlands, Austria	1. 7. 1972 to 30. 6. 1973

Quercus pedunculata Ehrh.

Member State	kg	Origin	Crop from/to
United Kingdom	7 500	Belgium, Federal Republic of Germany, France, Netherlands, Democratic Republic of Germany, Norway	1. 7. 1972 to 31. 12. 1973

Quercus sessiliflora Sal.

Member State	kg	Origin	Crop from/to
United Kingdom	5 500	Belgium, Federal Republic of Germany, France, Netherlands, Democratic Republic of Germany, Norway	1. 7. 1972 to 31. 12. 1973

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 9 January 1974.

For the Commission
The President
François-Xavier ORTOLI

COMMISSION DECISION

of 10 January 1974

autonomously increasing imports into the Community of cotton textiles covered by
the Trade Agreement between the EEC and India on cotton textiles

(74/74/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community;

Having regard to Council Regulation (EEC) No
1471/70 ⁽¹⁾ of 20 July 1970 establishing a common
procedure for the autonomous increase of imports
into the Community of products subject to measures
of voluntary restraint by exporting countries;

Having regard to Council Regulation (EEC) No
1023/70 ⁽²⁾ of 25 May 1970 establishing a common
procedure for administering quantitative quotas, and
in particular Article 11 thereof;

Whereas on 12 March 1971 the Community
concluded a Trade Agreement with India on cotton
textiles;

Whereas that Agreement provides for the voluntary
restraint of Indian exports at a level agreed upon by
the two parties;

Whereas by the Decisions of 8 March 1973 ⁽³⁾,
1 August 1973 ⁽⁴⁾, 25 May 1973 ⁽⁵⁾ and 2 August
1973 ⁽⁶⁾ the Community autonomously increased the
voluntary restraint ceilings set out in the Agreement
between the Community and India on cotton
textiles; whereas the first two such increases were
made to take account of the Accession of the new
Member States to the Community and to avoid
disturbing existing trade flows;

Whereas it appears from an examination of the most
recent statistical data that a further such increase
should be made to take account of Danish import
requirements;

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

HAS ADOPTED THIS DECISION:

Article 1

The voluntary restraint ceiling laid down for
products falling within Group II (fibres other than
bleached, or unbleached fibres, and manufactured
articles) in the Trade Agreement on cotton textiles
concluded on 12 March 1971 between the European
Economic Community and India is autonomously
increased until 30 September 1973 from 6 185 to
6 335 metric tons.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 10 January 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 164, 27. 7. 1970, p. 41.

⁽²⁾ OJ No L 124, 8. 6. 1970, p. 1.

⁽³⁾ OJ No L 94, 10. 4. 1973, p. 20.

⁽⁴⁾ OJ No L 253, 10. 9. 1973, p. 20.

⁽⁵⁾ OJ No L 182, 5. 7. 1973, p. 37.

⁽⁶⁾ OJ No L 253, 10. 9. 1973, p. 22.

COMMISSION DECISION

of 14 January 1974

fixing the minimum selling price for butter for the 36th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 1259/72

(74/75/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⁾ on 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 2248/73 ⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

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

Whereas, in the light of the tenders received in response to the 36th individual invitation to tender, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly;

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 36th individual invitation to tender under Regulation (EEC) No 1259/72, in respect of which the time limit for the submission of tenders expires on 8 January 1974,

(a) the minimum selling price to be considered when awarding contracts shall be

— 60 u.a./100 kg butter with a fat content of 82 % or more,

— 58.70 u.a./100 kg butter with a fat content of less than 82 %;

(b) the processing security shall be 129 u.a./100 kg butter without prejudice to the provisions of the second and third subparagraphs of Article 12 (1) of Regulation (EEC) No 1259/72.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 14 January 1974.

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 230, 18. 8. 1973, p. 14.

COMMISSION DECISION

of 18 January 1974

authorizing the Federal Republic of Germany to permit, up to 31 May 1974, the marketing of certified tall oatgrass seed satisfying less stringent requirements

(Only the German text is authentic)

(74/76/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive ⁽¹⁾ of 14 June 1966 on the marketing of fodder plant seed, as amended by the Council Directive ⁽²⁾ of 6 December 1972, and in particular Article 17 thereof;

Having regard to the request from the Federal Republic of Germany;

Whereas the Federal Republic of Germany produces insufficient quantities of *Arrhenatherum elatius* (L.) *J and C Presl.* seed of the category 'certified seed' satisfying the requirements as to minimum germination;

Whereas needs cannot be adequately met by importing certified tall oatgrass seed satisfying all the requirements necessary for certification from other Member States;

Whereas the Federal Republic of Germany should therefore be authorized to permit, up to and including 31 May 1974, the marketing of certified tall oatgrass seed satisfying less stringent requirements;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is authorized to permit the marketing in its territory, up to and

including 31 May 1974, of 325 metric tons of tall oatgrass (*Arrhenatherum elatius*) seed of the category 'certified seed' harvested in 1973 which does not satisfy the requirements set out in Annex II to the Council Directive of 14 June 1966 as to minimum germination, provided the following requirements are satisfied:

- (a) germination must be at least 75 % of pure seed;
- (b) the official label must state that the germination properties of the seed are reduced: minimum germination — 75 %.

Article 2

The Federal Republic of Germany shall notify the Commission by 1 November 1974 of the quantity of certified tall oatgrass seed marketed in its territory pursuant to this Decision. The Commission shall inform the other Member States.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 January 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 287, 26. 12. 1972, p. 22.

COMMISSION DECISION

of 22 January 1974

authorizing an agreement between British steelmaking undertakings for the establishment of a joint buying agency for ferrous scrap and other steelmaking materials

(Only the English text is authentic)

(74/77/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof;

Having regard to the request submitted by the undertakings concerned on 3 May 1973;

1. Whereas the private sector steelmaking companies:

- Balfour Darwins Ltd., Sheffield,
- Brown Bayley Steels Ltd., Sheffield,
- Dunford Hadfield's Ltd., Sheffield,
- Duport Steel Works Ltd., Llanelli, Carmarthen-shire,
- Thos. Firth & John Brown Ltd., Sheffield,
- Osborn Steels Ltd., Ecclesfield,
- The Patent Shaft Steel Works Ltd., Wednesbury, Staffordshire,
- Round Oak Steel Works Ltd., Brierley Hill, Staffordshire,
- Sanderson Kayser Ltd., Sheffield,
- Sheerness Steel Co. Ltd., Sheerness, Kent,
- Spartan Steel & Alloys Ltd., Aston, Birmingham,
- Spear & Jackson Ltd., Sheffield,
- Wolsingham Steel Co. Ltd., Wolsingham,

have, by their letter of 3 May 1973, requested the Commission of the European Communities to authorize, in accordance with Article 65 (2) of the ECSC Treaty, the conclusion of an agreement in relation to ferrous scrap and other steelmaking raw materials;

2. Whereas the parties to the agreement wish to cooperate to protect their interest in the purchase of ferrous scrap and other steelmaking raw material by the creation of a joint buying and consultative agency which is to be registered as a limited company in the UK under the name of 'Steelmaking Supplies Limited' (SSL);

3. Whereas the essence of the proposed agreement is as follows: 'The parties or such of them as may so agree shall employ SSL to make joint purchases of ferrous scrap and other steelmaking raw materials as may be determined on their behalf by the management committee of SSL, especially by entering into contracts or making other arrangements for the purchase and acquisition of ferrous scrap or other steelmaking raw materials within the ECSC or elsewhere which could not be more satisfactorily achieved by the parties acting independently. The parties may also engage SSL on their behalf in similar collective activities for their mutual benefit, for example:

- (i) by entering into contracts for the import of ferrous scrap or other steelmaking raw material,
- (ii) by entering into contracts for ship-breaking and the disposal of scrap material thereby produced';

Whereas in order to determine the need for the employment of SSL, the parties are to regularly exchange information on the prices paid for ferrous scrap according to grade and quality, and are also to exchange similar information on such other steelmaking raw materials as may be agreed by them from time to time;

Whereas SSL may also be employed by the parties to further their studies of the direct reduction of iron ore for use as a steelmaking raw material and to make arrangements for the supply of such material;

4. Whereas each party to the proposed agreement shall have the power to appoint a representative to the management committee of SSL which is to have the power to direct SSL to take action under the agreement;

5. Whereas the proposed agreement is to remain in existence for a period of three years from the date of authorization by the Commission, and shall continue thereafter as may be agreed subject to the right of any party to give six months' notice of withdrawal at any time;

6. Whereas this agreement concerns undertakings engaged in production or distribution in the steel industry, as defined in Article 80 and within the area laid down thereby;

Whereas this agreement restricts normal competition within the common market in that the parties undertake to allocate products and sources of supply by the use of SSL and the common consultation procedure it provides;

Whereas this agreement is therefore prohibited by Article 65 (1);

7. Whereas in accordance with Article 65 (2) authorization may be given to specialization agreements or joint buying or joint selling agreements or to agreements which are strictly analogous in nature and effect to these if the Commission finds that such agreements fulfil the requirements laid down in the said Article 65 (2);

Whereas the proposed agreement is to be considered as strictly analogous in nature and effect to a joint buying agreement;

8. Whereas the proposed agreement can be authorized under the provisions of Article 65 (2) in so far as it makes a substantial improvement in production or distribution and is essential to achieve these results without being of a more restrictive nature than is necessary for the achievement of this purpose; furthermore, the agreement must not be liable to give the undertakings concerned the power to determine the prices or to control or restrict the production or marketing of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings within the common market;

9. Whereas the parties are small and medium-sized undertakings who utilize open hearth and electric furnaces for their crude steelmaking and are entirely reliant upon the supplies of scrap for their ferrous raw material;

Whereas stability of the supply of scrap and market conditions are essential for the parties to enable them to maintain a continuous and efficient production of crude steel;

Whereas this is particularly important for the eight parties who also produce special steel and who are reliant upon purchases of high grade low residual scrap for which demand is higher in relation to supply than is the case for lower grades of scrap;

Whereas the particular situation in the British scrap market has to be taken into consideration where one undertaking uses 80 % of the supplies of scrap and has, therefore, a dominant position as a buyer on the British scrap market; whereas for many years the distribution of scrap in the UK has been stabilized by means of a tripartite scrap agreement between the British Steel Corporation (BSC), the British Independent Steel Producers' Association (BISPA) and the British Scrap Federation; whereas this agreement has been put to an end on 1 July 1973 by the parties concerned as not being compatible with the dispositions of Article 65;

Whereas the scrap market is a highly speculative market which shows great price fluctuations dependent on economic activity;

Whereas the proposed agreement and in particular the joint buying agency SSL will provide a collective and more effective means of intervention in the scrap market to ensure the stability of supply and price for the parties, especially in times of shortage; whereas the agreement can obviate the need for the individual parties to carry unduly high stocks of scrap in order to ensure a consistent supply thereof;

Whereas under the abovementioned circumstances the joint buying agreement is to be considered as contributing to a substantial improvement in the production of crude steel and its derivatives for the parties involved;

10. Whereas the agreement is essential to achieve the required result — an improvement in supplies of ferrous scrap — taking into consideration the size of the parties and the particular structure of the British scrap market;

Whereas the agreement is not more restrictive than is necessary for the achievement of its purpose as the agreement confines the joint buying activity to transactions which could not be more satisfactorily achieved by the parties acting individually, the parties being free to participate in the joint purchases and the power of SSL being accordingly limited;

Whereas the stipulated possibility to extend the agreement to 'other steelmaking raw materials' is not more restrictive than necessary as it concerns particularly the eventual supply of a substitute material for ferrous scrap, namely pre-reduced ore, joint studies of the production and supply of which are being undertaken by certain of the parties;

whereas for the parties the conditions of supply of this or other raw material for steelmaking will be analogous to those for scrap;

11. Whereas in relation to total common market production, the private sector producers concerned are responsible for 2 % of total crude steel production and their impact on total Community purchases of scrap is about 5 %;

Whereas the parties produce 10 % of the total UK crude steel production and purchase approximately 20 % of the total weight of ferrous scrap for steelmaking purposes in the UK;

Whereas the parties' main competitor for steelmaking scrap in the UK is the British Steel Corporation, as is shown by the following statistics:

Receipts of home-bought steelmaking scrap — 1972	Private Sector	BSC	National
Low residual grades	257.1	271.5	528.6
Other grades	1 497.2	4 929.4	6 426.6
Total	1 754.3	5 200.9	6 955.2

Whereas the proposed agreement is therefore not liable to give the undertaking concerned the power to determine the prices or to control or restrict the production or marketing of a substantial part of the products in question within the common market or to shield them against effective competition from other undertakings within the common market;

12. Whereas the proposed agreement can be authorized for the planned initial period of three years to prove its expected favourable effects;

13. Whereas the proposed agreement conforms to the conditions laid down in Article 65 (2) and can, therefore, be authorized,

HAS ADOPTED THIS DECISION:

Article 1

Authorization is given for the conclusion of the agreement communicated to the Commission by

letter of 3 May 1973 establishing a joint buying agency for ferrous scrap and other steelmaking raw material between:

- Balfour Darwins Ltd., Sheffield,
- Brown Bayley Steels Ltd., Sheffield,
- Dunford Hadfield's Ltd., Sheffield,
- Duport Steel Works Ltd., Llanelli, Carmarthenshire,
- Thos. Firth & John Brown Ltd., Sheffield,
- Osborn Steels Ltd., Ecclesfield,
- The Patent Shaft Steel Works Ltd., Wednesbury, Staffordshire,
- Round Oak Steel Works Ltd., Brierley Hill, Staffordshire,
- Sanderson Kayser Ltd., Sheffield,
- Sheerness Steel Co. Ltd., Sheerness, Kent,
- Spartan Steel & Alloys Ltd., Aston, Birmingham,
- Spear & Jackson Ltd., Sheffield,
- Wolsingham Steel Co. Ltd., Wolsingham.

Article 2

The authorization of this Agreement is granted until 1 January 1977.

Article 3

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

Done at Brussels, 22 January 1974.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 25 January 1974

fixing, for the purpose of the tendering procedure referred to in Regulation (EEC) No 3421/73, the maximum amount for the costs of delivery fob of skimmed-milk powder

(Only the French text is authentic)

(74/78/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⁾ on the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 7 ⁽⁵⁾ thereof;

Whereas, in accordance with Commission Regulation (EEC) No 3421/73 ⁽³⁾ of 17 December 1973 concerning invitations to tender for the costs of delivery of skimmed-milk powder for the WFP, the French intervention agency has invited tenders in respect of the costs of delivery fob of 2 005 metric tons of skimmed-milk powder for the World Food Programme intended for various third countries;

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

Whereas, in view of the offers received, the maximum price should be fixed at the level stated below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount for the purpose of the award of contracts pursuant to Regulation (EEC) No 3421/73 shall be as follows:

— 71 657 units of account for the delivery in question.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 25 January 1974.

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 351, 20. 12. 1973, p. 13.

⁽⁴⁾ OJ No L 192, 13. 7. 1973, p. 31.

COMMISSION DECISION

of 25 January 1974

concerning the annulment of the invitation to tender for deliveries fob of skimmed-milk powder to the World Food Programme referred to in Regulation (EEC) No 74/74

(74/79/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2721/72 ⁽¹⁾ of 19 December 1972 on the supply of skimmed-milk powder as food aid, and in particular Article 4 thereof;

Whereas in accordance with Commission Regulation (EEC) No 74/74 ⁽²⁾ of 8 January 1974 concerning the issue of an invitation to tender for the supply as food aid of skimmed-milk powder which originates from the Community market, the Belgian, German, French, Dutch and British intervention agencies have invited tenders for the supply of various lots, amounting to a total of 4 852.7 metric tons of skimmed-milk powder, destined for India, to the World Food Programme (WFP);

Whereas Article 6 of Commission Regulation (EEC) No 1911/73 ⁽³⁾ of 13 July 1973 concerning invitations to tender for the supply as food aid of skimmed-milk powder bought on the Community market provides that, in the light of the tenders received, a maximum amount shall be fixed or the tendering procedure shall be cancelled;

Whereas having regard to the offers received, it is necessary not to proceed with the invitation to tender;

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 invitation to tender referred to in Regulation (EEC) No 74/74 shall not be proceeded with.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 25 January 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 291, 28. 12. 1972, p. 28.

⁽²⁾ OJ No L 9, 11. 1. 1974, p. 32.

⁽³⁾ OJ No L 196, 17. 7. 1973, p. 12.

COMMISSION DECISION

of 28 January 1974

concerning the annulment of the 37th individual invitation to tender under the standing invitation to tender for butter provided for by Regulation (EEC) No 1259/72

(74/80/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⁾ on 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 2248/73 ⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

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 or a decision must be taken not to proceed with the invitation to tender;

Whereas, having regard to the general situation on the fat market and in the light of the tenders submitted in response to the 37th individual invitation to tender, it is necessary not to proceed with this special invitation to tender;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS DECISION:

Article 1

The 37th individual invitation to tender under Regulation (EEC) No 1259/72, in respect of which the time limit or submission of tenders expired on 22 January 1974, is annulled.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 28 January 1974.

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 230, 18. 8. 1973, p. 14.