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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 4 March 1974

on the application of Article 5 of Council Directive No 69/73/EEC on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing

(74/147/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

packaging or marketable quality, without any restrictions of an economic nature;

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Directive No 69/73/EEC ⁽¹⁾ of 4 March 1969 on the harmonization of provisions laid down by law, regulation, or administrative action in respect of inward processing, and in particular Article 29 thereof;

Having regard to the proposal from the Commission;

Whereas Article 5 of Council Directive No 69/73/EEC, provides that the benefit of inward processing arrangements may be granted on condition that this should contribute towards providing the most favourable conditions for the export of the goods resulting from such processing without conflicting with essential interests of Community producers;

Whereas Article 9 (1) of Council Directive No 69/74/EEC ⁽²⁾ of 4 March 1969 on the harmonization of provisions laid down by law, regulation, or administrative action relating to customs warehousing procedure, allows goods deposited in customs warehouses to undergo there such usual forms of handling as are needed to ensure preservation or to improve

Whereas Article 1 (1) of Council Directive No 71/235/EEC ⁽³⁾ of 21 June 1971 on harmonization of the provisions laid down by law, regulation or administrative action relating to the usual forms of handling which may be carried out in customs warehouses and in free zones sets out the common list of the usual forms of handling referred to in Article 9 (1) of Council Directive No 69/74/EEC;

Whereas, these forms of handling are processes of inward processing within the meaning of Article 2 (3) of Council Directive 69/73/EEC when they are carried out under the inward processing arrangements;

Whereas, in these circumstances it may be admitted that they do not conflict with essential interests of Community producers, and the conditions of Article 5 of Council Directive No 69/73/EEC are fulfilled in the case of such handling;

Whereas, it would be an unnecessary administrative complication to require the competent authorities to assess the economic effect of such handling,

⁽¹⁾ OJ No L 58, 8. 3. 1969, p. 1.

⁽²⁾ OJ No L 58, 8. 3. 1969, p. 7.

⁽³⁾ OJ No L 143, 29. 6. 1971, p. 28.

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Processes which are regarded as usual forms of handling within the meaning of Article 1 (1) of Council Directive No 71/235/EEC, shall, when carried out under inward processing arrangements, be deemed for the purposes of Article 5 (1) of Council Directive No 69/73/EEC, to contribute towards the most favourable conditions for exports without conflicts with the essential interests of Community producers.

2. The processes referred to in paragraph 1 may be carried out only in accordance with any Community or national rules applicable.

Article 2

1. The Member States shall bring into force the measures necessary to comply with this Directive at the latest by 1 April 1974.

2. Each Member State shall inform the Commission of the provisions which it adopts for the implementation of this Directive. The Commission shall communicate this information to the other Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 4 March 1974.

For the Council

The President

W. SCHEEL

COUNCIL DIRECTIVE

of 4 March 1974

on the approximation of the laws of the Member States relating to weights of from
1 mg to 50 kg of above-medium accuracy

(74/148/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community; and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas the manufacture and the procedures for inspection of weights of above-medium accuracy are subject to strict regulations which differ between Member States and thus hinder trade in these weights; whereas these regulations must therefore be aligned;

Whereas the Council Directive of 26 July 1971 ⁽¹⁾ on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control laid down the EEC pattern approval procedure and the EEC initial verification procedure; whereas, pursuant to that Directive, the technical specifications which weights of above-medium accuracy must satisfy in order to be put freely on the market and into service, after verifications and affixing of the EEC initial verification mark, must be laid down;

Whereas account should be taken of the draft international recommendation, 'valeur conventionnelle du résultat des pesées dans l'air', of the International Organization of Legal Metrology, May 1973, in respect of the concept of conventional mass,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns weights of above-medium accuracy the nominal value of which is equal to 1 mg or more and less than or equal to 50 kg.

This Directive does not apply to metric carat weights or to special weights covered by other directives.

Article 2

Weights which may receive the EEC marks and signs are listed in the Annex. They are not subject to EEC pattern approval; they must undergo EEC initial verification.

Article 3

No Member State may prevent, prohibit or restrict the placing on the market or entry into service of weights referred to in Article 1 and bearing the EEC initial verification mark.

Article 4

1. Member States shall put into force the laws, regulations and administrative provisions needed in order to comply with this Directive within eighteen months of its notification and shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 4 March 1974.

For the Council

The President

W. SCHEEL

⁽¹⁾ OJ No L 202, 26. 7. 1971, p. 1.

ANNEX

1. Definitions

1.1. Weight

A physical measure of mass, whose constructional and metrological characteristics are determined by shape, size, material, finish, nominal value and maximum permissible error.

1.2. Sets of weights

Series of weights generally presented in a box, in such a combination as to allow weighings of all loads from the smallest nominal weight up to the sum of all the weights in the set, in a sequence of which the smallest nominal weight in the set is the unit.

The sequence in a set of weights is generally as follows:

$(1; 1; 2; 5) \times 10^n \text{ kg}$
 $(1; 1; 1; 2; 5) \times 10^n \text{ kg}$
 $(1; 2; 2; 5) \times 10^n \text{ kg}$
 $(1; 1; 2; 2; 5) \times 10^n \text{ kg}$

In these expressions, n represents either zero, or a positive or negative whole number.

1.3. Standard weights

Weights used in the inspection of weighing machines and weights are known as standard weights.

2. Nominal values of the weights

The nominal value of the weights must be equal to $1 \times 10^n \text{ kg}$, or $2 \times 10^n \text{ kg}$, or $5 \times 10^n \text{ kg}$; in these expressions n represents either zero or a positive or negative whole number.

3. Conventional mass

3.1. For a weight taken at 20° C, the conventional mass is the mass of a reference weight of a density of 8 000 kg/m³ which it balances in air of a density of 1.2 kg/m³.

3.2. The maximum permissible errors, mentioned in point 4, relate to the conventional mass.

4. Maximum permissible errors for EEC initial verification

4.1. The maximum permissible error, plus or minus, for each individual weight is given in milligrammes in the table below:

Nominal Values	Class E ₁	Class E ₂	Class F ₁	Class F ₂	Class M ₁
50 kg	25	75	250	750	2 500
20 kg	10	30	100	300	1 000
10 kg	5	15	50	150	500
5 kg	2.5	7.5	25	75	250
2 kg	1.0	3.0	10	30	100

Nominal Values	Class E ₁	Class E ₂	Class F ₁	Class F ₂	Class M ₁
1 kg	0.50	1.5	5	15	50
500 g	0.25	0.75	2.5	7.5	25
200 g	0.10	0.30	1.0	3.0	10
100 g	0.05	0.15	0.5	1.5	5
50 g	0.030	0.10	0.30	1.0	3.0
20 g	0.025	0.080	0.25	0.8	2.5
10 g	0.020	0.060	0.20	0.6	2.0
5 g	0.015	0.050	0.15	0.5	1.5
2 g	0.012	0.040	0.12	0.4	1.2
1 g	0.010	0.030	0.10	0.3	1.0
500 mg	0.008	0.025	0.08	0.25	0.8
200 mg	0.006	0.020	0.06	0.20	0.6
100 mg	0.005	0.015	0.05	0.15	0.5
50 mg	0.004	0.012	0.04	0.12	0.4
20 mg	0.003	0.010	0.03	0.10	0.3
10 mg	0.002	0.008	0.025	0.08	0.25
5 mg	0.002	0.006	0.020	0.06	0.20
2 mg	0.002	0.006	0.020	0.06	0.20
1 mg	0.002	0.006	0.020	0.06	0.20

5. General shape of weights

A one-gramme weight may have the shape of multiples of one gramme or the shape of the sub-multiples.

5.1. Weights of one gramme and multiple gramme weights.

5.1.1. Grade M₁ weights should have the shape of weights of the medium accuracy class.

5.1.2. Weights of the other accuracy classes may have the external dimensions of weights of the medium accuracy class. 10 kg to 1 gramme weights may also be cylindrical or in the shape of a slightly truncated cone surmounted by a knob.

5.1.2.1. The height of the body shall be roughly equal to the mean diameter, the permissible difference between the mean diameter and the height being between 3/4 and 5/4 of this diameter.

5.1.2.2. On all weights the height of the knob should lie between the mean diameter and the mean half-diameter of the body.

5.1.3. Class E₁, E₂ and F₁ weights do not have to have a knob; they may consist of a single cylindrical body.

5.1.4. Class E₁ and E₂ weights must be cast in one piece; other weights may have an adjustment cavity closed by the knob or any other suitable device. The volume of the adjustment cavity shall not exceed 1/5 of the total volume of the weights.

5.2. Weights of one gramme and sub-multiple weights of the gramme. Weights of one gramme and sub-multiple weights of the gramme shall be polygonal laminated strips or wires suitably shaped to permit easy handling.

The shapes of the weights shall give an indication of their nominal value.

Polygonal laminated strips, their shape and values:

triangle for 1 — 10 — 100 — 1 000 mg

quadrilateral for 2 — 20 — 200 mg

pentagon for 5 — 50 — 500 mg

Polygonal wire segments and their values:

1 segment for 1 — 10 — 100 — 1 000 mg

2 segments for 2 — 20 — 200 mg

5 segments for 5 — 50 — 500 mg

Where two or three weights in the set are identical, they shall be distinguished by one or two asterisks or dots respectively in the case of laminated strips and one or two hooks respectively in the case of wires.

- 5.3. Weights of 20 and 50 kg, other than those in class M_1 , may have a shape suited to their method of handling.

6. Constituents of the weights

- 6.1. Weights shall be made of metal or metal alloy. Such metal or alloy shall be of such quality that under normal conditions of use the deterioration of the weights shall be negligible in relation to the maximum permissible errors in their accuracy class.

- 6.1.1. The density of the weight shall be such that a deviation of 10% of the air density in relation to that specified (1.2 kg/m^3) will lead to an error of not more than 1/4 of the maximum permissible error.

- 6.1.2. The metal or alloy of class E_1 , E_2 and F_1 weights shall be virtually non-magnetic.

- 6.2. The resistance to corrosion and flaking of the constituent metal or alloy of 5 to 50 kg class M_1 weights of parallelepiped shape shall be at least equal to that of grey cast iron.

- 6.3. Class M_1 weights of cylindrical, shape having nominal values less than or equal to 10 kg shall be made of brass or of a material at least equal in quality to brass.

- 6.4. The qualities set out in points 6.2. and 6.3 may be obtained by means of a suitable surface treatment.

7. Surface state

- 7.1. The surface of the weights, including their bases and edges, shall be entirely smooth. The surface of class E_1 , E_2 , F_1 and F_2 weights shall show no porosity when examined by the naked eye, and shall be carefully polished.

The surface of class M_1 10 kg to 1 kg cylindrical weights shall be polished, and shall show no porosity to the naked eye. The surface condition of class M_1 50, 20, 10 and 5 kg parallelepiped weights shall be comparable to that of grey cast iron carefully cast in a fine sand mould.

- 7.2. The surface of class E_1 , E_2 , F_1 and F_2 weights of one gramme and multiples of a gramme may be protected by a metal coating.

- 7.3. The surface of class M_1 weights of one gramme and multiples of a gramme may be protected by a suitable coating.

8. Adjustment material

Weights of F_1 and F_2 accuracy classes with an adjustment cavity shall be adjusted either with the same material as that of which they are constituted, or with pure tin, or with molybdenum.

Class M_1 weights may be adjusted with lead.

9. Inscriptions

9.1. Laminated strip or wire weights having nominal values less than or equal to one gramme shall bear no indication of nominal value.

9.2. Weights having nominal values equal to or more than one gramme:

- in classes E_1 and E_2 shall bear no indication of their nominal value;
- in class F_1 shall bear only the indication of nominal value as laid down in point 9.2.1.; this indication shall be burnished or engraved;
- in class F_2 shall bear the inscriptions of class F_1 accompanied by the letter F;
- in class M_1 shall bear the nominal value marked in figures followed by the symbol of the appropriate unit, either recessed or embossed, on the upper face of the body or knob of the weights.

Cylindrical weights shall be marked with the letter M, either recessed or embossed; parallelepiped weights shall be marked with the letter M which need not be recessed or embossed.

9.2.1. The nominal values of the weights shall be indicated in:

- kilogrammes for weights of 1 kilogramme or more,
- grammes for weights of 1 gramme to 500 grammes.

9.2.2. Weights appearing two or three times in the sequences shall be distinguished by one or two asterisks or by one or two dots.

10. EEC final verification mark

Boxes containing E_1 , E_2 , and F_1 class weights, and all boxes containing the gramme and sub-multiples of the gramme, shall be sealed with the EEC final verification mark.

For class F_2 weights the EEC final verification mark shall be affixed to the cover of the adjustment cavity, and where there is no adjustment cavity, upon the base of the weight. For class M_1 weights of one gramme to 50 kg the EEC final verification mark shall be placed upon the lead sealing the adjustment cavity opening, or upon the base in the case of weights having no adjustment cavity.

11. Presentation

11.1. Individual weights and series of weights of classes E_1 , E_2 , F_1 and F_2 shall be contained in boxes.

11.2. For class M_1

- individual weights or series of weights up to a value of 500 grammes shall be contained in boxes,
- weights having a nominal value greater than 500 grammes may be contained in boxes, fitted in a stand or presented individually, without protection.

11.3. The lids of the boxes shall indicate the class of weights which they contain: E_1 ; E_2 ; F_1 ; F_2 ; M_1 .

COUNCIL DIRECTIVE

of 4 March 1974

amending the first Directive on the establishment of certain common rules for international transport (carriage of goods by road for hire or reward)

(74/149/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 (1) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas it is desirable that the rules applying to transport should be amended to take account of the development of trade among Member States; whereas in view of this need it is essential that, amongst others, certain types of carriage by low-tonnage vehicles should be exempted from any quota or authorization system; whereas, furthermore, it is desirable that Article 1 of the first Council Directive of 23 July 1962 ⁽¹⁾, on the establishment of certain common rules for international transport (carriage of goods by road for hire or reward), as amended by the Council Directive of 19 December 1972 ⁽²⁾, should no longer apply exclusively to carriage for hire or reward,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The title of the Directive of 23 July 1962 is replaced by the following:

'First Council Directive on the establishment of common rules for certain types of carriage of goods by road between Member States.'

⁽¹⁾ OJ No 70, 6. 8. 1962, p. 2005/62.

⁽²⁾ OJ No L 291, 28. 12. 1972, p. 155.

Article 2

The following subparagraph is added to Article 1 (1) of the Council Directive of 23 July 1962:

'Each Member State shall, in the manner laid down in paragraphs 2 and 3 of this Article, liberalize the types of international carriage of goods by road on own account involving other Member States listed in Annexes I and II to this Directive, where such carriage is performed to or from the territory of that Member State or passing in transit across the territory of that Member State.'

Article 3

The following points are added to Annex I to the Directive of 23 July 1962:

- '10. Carriage of goods in motor vehicles the permissible laden weight of which, including that of trailers, does not exceed 6 metric tons or the permissible payload of which, including that of trailers, does not exceed 3.5 metric tons.
11. Carriage of articles required for medical care in emergency relief, in particular for natural disasters.
12. Carriage of valuable goods (for example, precious metals) effected by special vehicles accompanied by the police or other security guards.'

Article 4

Annex II to the Council Directive of 23 July 1962 is amended as follows:

- (a) the first sentence of point 1 is replaced by the following:

'Carriage from a Member State into the frontier zone of an adjacent Member State, extending to a depth of 25 kilometres as the crow flies from their common frontier, and vice versa.'

(b) point 2 is deleted, and points 3, 4, 5 and 6 are renumbered 2, 3, 4 and 5 respectively,

(c) the following points are added:

‘6. Carriage of spare parts for sea-going vessels.

7. Carriage of live animals with the exception of cattle for slaughter and thoroughbred horses.’

Article 5

Member States shall take the necessary steps to liberalize, by 1 July 1974 at the latest, the types of transport referred to in Articles 2 and 3 and Article 4 (a) and (c) of this Directive.

Each Member State shall, within three months of notification of this Directive and in any event before 1 July 1974, inform the Commission of the measures taken to implement this Directive.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 4 March 1974.

For the Council

The President

W. SCHEEL

COUNCIL DIRECTIVE

of 4 March 1974

on the approximation of the laws of the Member States relating to the type-approval
of wheeled agricultural to forestry tractors

(74/150/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

market; whereas this check is carried out on tractor types;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Whereas the harmonized technical requirements applicable to individual tractor parts and characteristics should be specified in special Directives;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas at Community level it is necessary to introduce a Community type-approval procedure for each tractor type in order that compliance with the above requirements can be checked and that each Member State may recognize checks carried out by other Member States;

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾;

Whereas in each Member State tractors must comply with certain mandatory technical requirements; whereas such requirements differ from one Member State to another and consequently hinder trade within the European Economic Community;

Whereas that procedure must enable each Member State to ascertain whether a tractor type has been submitted to the checks laid down by special Directives and listed in a type-approval certificate; whereas that procedure must enable manufacturers to complete a certificate of conformity for all tractors which conform to an approved type; whereas a tractor accompanied by such a certificate must be considered by all Member States as conforming to their own laws; whereas each Member State should inform the other Member States of its findings by sending a copy of the type-approval certificate completed for each tractor type which has been approved;

Whereas such hindrances to the establishment and proper functioning of the common market can be reduced, and even eliminated, if all Member States adopt the same requirements, either in addition to or in place of their existing laws;

Whereas, as a transitional measure, it must be possible to grant type-approval on the basis of Community requirements as and when special Directives relating to the various tractor parts or characteristics enter into force, national requirements remaining applicable in respect of parts and characteristics still not covered by such Directives;

Whereas the requirements of this Directive apply to tractors fitted with pneumatic tyres and having a maximum design speed between 6 and 25 km/h; whereas these requirements are intended principally to improve safety on the road and at work in so far as the design of these vehicles is concerned; whereas, on the other hand, other tractors and, in particular, those with a maximum design speed in excess of 25 km/h will if necessary, be subject to special requirements;

Whereas it is the established practice of the Member States to check that tractors comply with the relevant technical requirements before they are placed on the

Whereas, without prejudice to Articles 169 and 170 of the Treaty, it is advisable within the framework of cooperation between the competent authorities of the Member States, to lay down provisions to help resolve disputes of a technical nature regarding the conformity of production models to an approved type;

⁽¹⁾ OJ No C 160, 18. 12. 1969, p. 29.

⁽²⁾ OJ No C 48, 16. 4. 1969, p. 17.

Whereas a tractor may conform to an approved type but nevertheless have certain features which are potential safety hazards on the road or at work; whereas it is therefore advisable to prescribe an appropriate procedure to preclude such hazards;

Whereas technical progress requires prompt adaption of the technical requirements specified in the special Directives; whereas, in order to facilitate implementation of the measures required for this purpose, a procedure should be prescribed for establishing close cooperation between the Member States and the Commission within the Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Agricultural or Forestry Tractor Sector,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Definitions

Article 1

1. 'Agricultural or forestry tractor' means any motor vehicle, fitted with wheels or caterpillar tracks, having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

2. This Directive shall apply only to tractors defined in paragraph 1 above which are fitted with pneumatic tyres and which have two axles and a maximum design speed between 6 and 25 km/h.

Article 2

For the purposes of this Directive:

(a) 'national type-approval' means the administrative procedure known as:

- 'agr  ation par type' and 'aanneming' in Belgian law;
- 'standardtypegodkendelse' in Danish law;
- 'allgemeine Betriebserlaubnis' in German law;
- 'r  ception par type' in French law;

- 'type-approval' in Irish law;
- 'omologazione' or 'approvazione del tipo' in Italian law;
- 'agr  ation' in Luxembourg law;
- 'typegoedkeuring' in Netherlands law;
- 'type-approval' in the law of the United Kingdom.

(b) 'EEC type-approval' means the procedure whereby a Member State certifies that a tractor type satisfies the technical requirements of the special Directives and the checks listed in the EEC type-approval certificate, the model of which is given in Annex II.

CHAPTER II

EEC tractor type-approval

Article 3

Application for EEC type-approval shall be submitted by the manufacturer or his authorized representative to a Member State. An application shall be accompanied by an information document, the model of which is given in Annex I, and by the documents referred to therein. No application in respect of any one type of tractor may be submitted to more than one Member State.

Article 4

1. A Member State shall approve all tractor types which satisfy the following conditions:

- (a) the tractor type must conform to the particulars in the information document;
- (b) the tractor type must satisfy the checks listed in the model, referred to in Article 2 (b), of the type-approval certificate.

2. The Member State which has granted type-approval shall take the necessary measures to verify, in so far as is necessary, and if need be in cooperation with the competent authorities of the other Member States, that production models conform to the approved prototype. Such verification shall be limited to spot checks.

The Member State shall complete all the sections of a type-approval certificate for each tractor type which it approves.

Article 5

1. The competent authorities of each Member State shall send within one month to the competent authorities of the other Member States a copy of the information document and approval certificate for each tractor type which they approve or refuse to approve.

2. The manufacturer or his authorized representative in the country of registration shall complete a certificate of conformity, the model of which is given in Annex III, for each tractor manufactured in conformity with the approved prototype.

3. Member States may, however, for purposes of tractor taxation or completion of its registration documents, ask for particulars not mentioned in Annex III to be given on the certificate of conformity, provided that such particulars are explicitly stated on the information document or can be derived therefrom by a straight-forward calculation.

Article 6

1. The Member State which has granted EEC type-approval must take the necessary measures to ensure that it is informed of any cessation of production and of any change in particulars appearing in the information document.

2. If the State in question considers that such a change does not require an amendment to the existing type-approval certificate, or completion of a new type-approval certificate, the competent authorities of that State shall inform the manufacturer thereof and shall send to the competent authorities of the other Member States, in periodic consignments, copies of amendments to information documents which have already been distributed.

3. If the State in question finds that an amendment to an information document warrants fresh checks or fresh tests and that it is accordingly necessary to amend the existing type-approval certificate or complete a new type-approval certificate, the competent authorities of that State shall inform the manufacturer thereof and shall, within one month of such new documents being completed, send them to the competent authorities of the other Member States.

4. Where a type-approval certificate is amended or replaced or production of the approved tractor type ceases, the competent authorities of the Member State which granted that type-approval shall, within one month, communicate to the competent authorities of the other Member States the serial numbers

of the last tractor produced in conformity with the old certificate and, where applicable, the serial numbers of the first tractor produced in conformity with the new or amended certificate.

Article 7

1. No Member State may refuse the registration or may prohibit the sale, entry into service or use of any new tractor on grounds relating to its construction or operation where that tractor is accompanied by a certificate of conformity.

2. Nevertheless, this certificate shall not prevent a Member State from taking such measures in respect of tractors which do not conform to the approved prototype.

Failure to conform to the approved prototype shall be established where deviations from the particulars in the information document are found to exist and where these deviations have not been authorized under Article 6 (2) or (3) by the Member State which granted the type-approval. A tractor shall not be considered to deviate from the approved type where tolerances are permitted by special Directives and these tolerances are respected.

Article 8

1. If the Member State which has granted EEC type-approval finds that a number of tractors accompanied by a certificate of conformity to a particular type do not conform to the type which it has approved, it shall take the necessary measures to ensure that production models conform to the approved type. The competent authorities of that State shall advise those of the other Member States of the measures taken, which may, where necessary, extend to withdrawal of EEC type-approval. The said authorities shall take like measures if they are informed by the competent authorities of another Member State of such failure to conform.

2. The competent authorities of the Member States shall inform one another, within one month, of any withdrawal of EEC type-approval, and of the reasons for such a measure.

3. If the Member State which has granted EEC type-approval disputes the failure to conform notified to it, the Member States concerned shall endeavour to settle the dispute.

The Commission shall be kept informed and shall, where necessary, hold appropriate consultations for the purpose of reaching a settlement.

Article 9

1. If a Member State finds that tractors of a particular type may be a hazard to safety on the road or at work, even though they are accompanied by a properly issued certificate of conformity, then that State may, for a maximum period of six months, refuse to register new tractors of that type or prohibit their sale, entry into service or use in its territory. It shall forthwith inform the other Member States and the Commission thereof, stating the reasons for its decision.

2. The Commission shall within six weeks consult the Member States concerned. It shall deliver an opinion without delay and take appropriate steps. Where the Commission considers that an amendment as envisaged in Article 11 is necessary, the period of time laid down in paragraph 1 of this Article shall be extended until the procedure set out in Article 13 has been completed.

CHAPTER III

Transitional provisions

Article 10

1. Once this Directive has entered into force and as the special Directives necessary for the granting of EEC type-approval become applicable:

- in Member States where tractors or a category of tractor are subject to national type-approval, such national type-approval shall be based on the harmonized technical requirements instead of on the corresponding national requirements if the applicant so requests;
- in Member States where tractors or a category of tractor are not subject to national type-approval, the sale, registration, entry into service or use of such tractors may not be refused or prohibited on the grounds that they comply with the harmonized technical requirements instead of the corresponding national requirements provided that the manufacturer or his authorized representative informs the competent authorities of those States that they do so comply;

— on application by a manufacturer or his authorized representative and on submission of the information document referred to in Article 3, the Member State concerned shall complete the sections of the type-approval certificate referred to in Article 2 (b). A copy of this certificate shall be issued to the applicant. Other Member States shall accept this document as proof that the requisite checks have been carried out on the same type of tractor.

2. The provisions of paragraph 1 of this Article shall be repealed once all the requirements necessary for the granting of EEC type-approval are applicable.

CHAPTER IV

General and final provisions

Article 11

Any changes which are necessary in order to adapt:

- Annexes I, II and III of this Directive; or
- the provisions contained in the special Directives referred to in Annex II and specified in each of those Directives,

to take account of technical progress shall be adopted in accordance with the procedure laid down in Article 13.

Article 12

1. A Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Agricultural and Forestry Tractors Sector, hereinafter called 'the Committee', is hereby set up; it shall consist of representatives of the Member States with a representative of the Commission as Chairman.

2. The Committee shall adopt its own rules of procedure.

Article 13

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the Chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its Opinion on the draft within a time limit set by the Chairman

having regard to the urgency of the matter. Opinions shall be adopted by a majority of 41 votes, the votes of Member States being weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged where they are in accordance with the Opinion of the Committee.
- (b) Where the measures envisaged are not in accordance with the Opinion of the Committee, or if no Opinion is adopted, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall act by a qualified majority.
- (c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 14

Any decisions taken pursuant to the provisions adopted in implementation of this Directive and refusing or withdrawing type-approval, or refusing registration or prohibiting sale or use, shall state in detail the reasons on which they are based. A decision shall be notified to the party concerned, who shall at the same time be informed of the remedies avail-

able to him under the laws in force in the Member States and of the time limits allowed for the exercise of such remedies.

Article 15

1. Member States shall put into force provisions containing the provisions necessary in order to comply with this Directive within eighteen months of its notification and shall forthwith inform the Commission thereof.
2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 16

This Directive is addressed to the Member States.

Done at Brussels, 4 March 1974.

For the Council
The President
W. SCHEEL

ANNEX I

MODEL INFORMATION DOCUMENT (a)

- 0. GENERAL
 - 0.1. Make (name of undertaking)
 - 0.2. Type and commercial description (mention any variants)
 - 0.3. Name and address of manufacturer
 - 0.4. Name and address of manufacturer's authorized representative (if any)
 - 0.5. Location of statutory plates and inscriptions and method of fixing:
 - 0.5.1. On the tractor itself
 - 0.5.2. On the engine
 - 0.6. The serial numbers of tractors of this type commence at No ...
- 1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE TRACTOR
(attach 3/4 front and 3/4 rear photographs and a dimensioned sketch of the whole tractor)
 - 1.1. Number of axles and wheels
 - 1.1.1. Number of axles with double tyres (if applicable)
 - 1.2. Powered wheels (number, position, connection to other axles)
 - 1.3. Position and arrangement of the engine
- 2. WEIGHTS AND DIMENSIONS (b) (in mm and kg)
 - 2.1. Wheelbase(s) (c)
 - 2.2. Width of track of each axle (measured between the symmetry planes of single or double tyres normally fitted) (to be stated by the manufacturer) (d)
 - 2.3. Maximum (or overall) tractor dimensions excluding optional accessories but including coupling unit
 - 2.3.1. length (e)
 - 2.3.2. width (f)
 - 2.3.3. height (g)
 - 2.3.4. forward overhang (h)
 - 2.3.5. rear overhang (i)
 - 2.3.6. ground clearance (i)
 - 2.4. Unladen weight of tractor in running order, i.e. excluding optional accessories but including coolant, oils, fuel, tools and driver (k)
 - 2.4.1. Distribution of this weight between the axles
 - 2.5. Ballast weights (description)
 - 2.5.1. Distribution of these weights between the axles
 - 2.6. Maximum weight technically permissible as stated by the manufacturer
 - 2.6.1. Maximum laden weight of the tractor according to the tyre specification
 - 2.6.1.1. Distribution of this weight between the axles
 - 2.6.2. Limits on the distribution of this weight between the axles (specify the minimum limits in percentages on the front axle ... and on the rear axle ...)

- 2.6.3. Maximum weight on each of the axles according to the tyre specification
- 2.6.4. Maximum towable weight
- 2.6.5. Maximum vertical load at the coupling point (hook or special threepoint linkage system) (l)
 - 2.6.5.1. Position of point of application of this vertical load.
 - 2.6.5.1.1. Height above the ground
 - 2.6.5.1.2. Distance between the vertical planes through the centre of the rear axle and the coupling point
- 3. ENGINE
 - 3.1. Manufacturer
 - 3.2. Name
 - 3.3. Type (spark-ignition, compression ignition etc.), cycle
 - 3.4. Number and arrangement of cylinders
 - 3.5. Bore, stroke and capacity of cylinders
 - 3.6. Maximum power output (specify the standard used e.g. ISO, BSI, CUNA, DIN, DGM, SAE) at rpm with the governor in operation
 - 3.7. Maximum torque at rpm (same standard as for 3.6)
 - 3.8. Normal fuel
 - 3.9. Fuel tanks (capacity and position)
 - 3.10. Reserve fuel tanks (capacity and position)
 - 3.11. Fuel supply system (type)
 - 3.12. Supercharger (if fitted) (type, control, supercharging pressure)
 - 3.13. Speed governor (if fitted) (operating principles)
 - 3.14. Electrical system (voltage, positive or negative earth)
 - 3.15. Generator (type and nominal output)
 - 3.16. Ignition (type of fittings, type of advance setting)
 - 3.17. Interference suppressor (description)
 - 3.18. Cooling system (air, water)
 - 3.19. External sound level
 - 3.20. Exhaust system (silencer) (sketch)
 - 3.21. Measures taken against air pollution
 - 3.22. Engine stopping device
- 4. TRANSMISSION (Sketch of the transmission plus drawing) (m)
 - 4.1. Type (mechanical, hydraulic, electrical etc.)
 - 4.2. Clutch (type)
 - 4.3. Gearbox (type, direct engagement, method of control)
 - 4.4. Transmission from engine to gearbox, rear axle(s), transfer or intermediate gears (if fitted)
 - 4.5. Gear ratio with or without transfer box(es) (n)

Gear	Gearbox ratios	Final drive ratio	Overall gear ratios
1			
2			
3			
.....			
Reverse			

- 4.6. Maximum tractor speed in top gear in kph (show factors used in calculation) (n)
- 4.7. Forward movement of powered wheels corresponding to one revolution
- 4.8. Speedometer, tachometer and hour meter (if fitted)
- 4.9. Differential lock (if fitted)
- 4.10. Power take-offs (revolutions per minute and ratio of this figure to that of the engine) (number and position):
 - 4.10.1. — main power take-off
 - 4.10.2. — others
- 4.11. Protection of power take-offs
- 4.12. Protection of engine parts, projecting parts and wheels
 - 4.12.1. singleface protection
 - 4.12.2. multiface protection
 - 4.12.3. total enclosure protection
- 5. SUSPENSION
 - 5.1. Tyres normally fitted (dimensions, characteristics, inflation pressure for road use and maximum permissible load)
 - 5.2. Type of suspension (if fitted) for each axle or wheel
 - 5.3. Other devices (if any)
- 6. STEERING (sketch)
 - 6.1. Type of mechanism and transmission to wheels, method of assistance (if any) (method and diagram of operation, make and type if necessary), and steering effort on the steering wheel
 - 6.2. Maximum turning angle of the wheels:
 - 6.2.1. to the right ... (degrees): number of steering wheel turns
 - 6.2.2. to the left ... (degrees): number of steering wheel turns
 - 6.3. Minimum turning circle (without braking) (o):
 - 6.3.1. to the right
 - 6.3.2. to the left
- 7. BRAKES (overall sketch and operating sketch) (p)
 - 7.1. Service braking device
 - 7.2. Secondary braking device (if fitted)
 - 7.3. Parking braking device
 - 7.4. Additional braking devices (if fitted) (including retarder)
 - 7.5. Calculation of the braking system: determination of the ratio between the total braking forces at the circumference of the wheels and the force applied to the braking control
 - 7.6. Linkage for left and right braking controls
 - 7.7. Sources of energy (if any) (characteristics, capacity of energy reservoirs, maximum and minimum pressure, pressure gauge and minimum pressure warning device on the dashboard, vacuum reservoirs and supply valve, supply compressors, compliance with provisions regarding pressure equipment)
 - 7.8. Tractors designed to pull a trailer:
 - 7.8.1. trailer brake actuating device
 - 7.8.2. connections, couplings, safety devices
- 8. FIELD OF VISION, REAR-VIEW MIRRORS, PROTECTIVE DEVICES IN THE EVENT OF OVERTURNING, WEATHER PROTECTION, SEATS AND LOAD PLATFORMS, SOUND LEVEL AT THE DRIVER'S EAR

- 8.1. Field of vision
- 8.2. Rear-view mirrors
- 8.3. Protective devices in the event of overturning
 - 8.3.1. Description (type, detachable or not, etc.)
 - 8.3.2. Internal and external dimensions
 - 8.3.3. Materials and method of construction
- 8.4. Cab, general provisions
 - 8.4.1. Doors (number, dimensions, direction of opening, latches and hinges)
 - 8.4.2. Windscreen and other windows (if any) (number and position, materials used)
 - 8.4.3. Windscreen wiper
- 8.5. Other weather protection arrangements
- 8.6. Seats and foot rests
 - 8.6.1. Driving seat (position and characteristics)
 - 8.6.2. Passenger seats (number, dimensions, position and characteristics)
 - 8.6.3. Foot rests
- 8.7. Load platform
 - 8.7.1. Dimensions
 - 8.7.2. Position
 - 8.7.3. Technically permissible load
 - 8.7.4. Distribution of load between the axles of the tractor
- 8.8. Sound level at the driver's ear
- 8.9. Means of access to the driving position
- 9. LIGHTING AND LIGHT SIGNALLING DEVICES
(Sketches of the exterior of the tractor showing the position of the illuminating surfaces of all devices: colour of lights)
 - 9.1. Compulsory devices
 - 9.1.1. Passing lights
 - 9.1.2. Front position lights
 - 9.1.3. Rear position lights
 - 9.1.4. Direction indicators
 - 9.1.5. Red rear reflex reflectors
 - 9.1.6. Rear registration plate lights
 - 9.2. Optional devices
 - 9.2.1. Driving lights
 - 9.2.2. Fog lights
 - 9.2.3. Stop lights
 - 9.2.4. Work lights
 - 9.2.5. Parking lights
- 10. OTHER FITTINGS
 - 10.1. Audible warning devices
 - 10.2. Coupling device for a maximum horizontal load of ... kg, and for a maximum vertical load (if any) of ... kg (q)
 - 10.3. Hydraulic lifting gear, three-point linkage
 - 10.4. Power connection for lighting and light signalling devices on trailer (if any)

- 10.5. Location and marking of controls
- 10.6. Location of registration plates
- 10.7. Front coupling device
- 10.8. Hazard warning device

Notes

For each item where drawings or photographs must be attached, the numbers of the corresponding attached documents should be given.

- (a) If a part has been type-approved, that part need not be described if reference is made to such approval. Similarly, a part need not be described if its construction is clearly apparent from the diagrams or sketches attached to this from.
- (b) ISO Recommendation R. 612 — 1967 and R. 1176 — 1970.
- (c) ISO Recommendation R. 789 — 1968 (term No A.3).
- (d) ISO Recommendation R. 789 — 1968 (term No A.2).
- (e) ISO Recommendation R. 789 — 1968 (term No A.5).
- (f) ISO Recommendation R. 789 — 1968 (term No A.6).
- (g) ISO Recommendation R. 789 — 1968 (term No A.7).
- (h) ISO Recommendation R. 612 — 1967 (term No 21).
- (i) ISO Recommendation R. 612 — 1967 (term No 22).
- (j) ISO Recommendation R. 612 — 1967 (term No 8).
- (k) The weight of the driver is assessed at 75 kg.
- (l) ISO Recommendation R. 1176 — 1970 (term No 4.14).
- (m) The specified particulars are to be given for any proposed variants.
- (n) A 5 % tolerance is permitted.
- (o) ISO Recommendation R. 789 — 1968 (term No A.14).
- (p) The following particulars are to be given for each braking device:
 - type and character of brakes (dimensional sketch) (drums or discs etc., wheels braked, transmission to the system, friction surfaces, their properties and effective areas, radius of drums, shoes or discs, weight of drums and adjustment devices);
 - transmission and control (attach diagram) (construction, adjustment, lever ratios, accessibility of control and its position, ratchet controls in the case of mechanical transmission, characteristics of the main parts of the transmission, control cylinders and pistons, brake cylinders).
- (q) Values in respect of the mechanical strength of the coupling device.

ANNEX II

EEC TYPE-APPROVAL CERTIFICATE

A. General

Type-approval certificates issued under the EEC type-approval procedure are to be completed as follows:

1. Fill in the relevant sections of the type-approval certificate, given under B of this Annex, on the basis of the particulars in the information document after verification of such particulars.
2. Enter the abbreviation(s) printed against each item of the model type-approval certificate after completing the relevant checks and tests:
 - 'CONF': check that the relevant part or characteristic conforms to the particulars in the information document;
 - 'SD': check that the part or characteristic in question conforms to the harmonized requirements adopted in implementation of the relevant special Directive;
 - 'R': compile the test report to be attached to the type-approval certificate;
 - 'S': check that a sketch and/or diagram has been attached.

B. Model type-approval certificate for a tractor

0. GENERAL
 - 0.1. Make (name of undertaking)
 - 0.2. Type and commercial description (mention any variants)
 - 0.3. Name and address of manufacturer
 - 0.4. Name and address of manufacturer's authorized representative (if any)
 - 0.5. Location of statutory plates and inscriptions and method of fixing such details to the tractor SD
 - 0.6. The serial numbers of tractors of this type commence at No ...
1. WEIGHTS AND DIMENSIONS (in mm and kg)

1.1.	Wheelbase	CONF
1.2.	Length	SD
1.3.	Width	SD
1.4.	Height unladen	SD
1.5.	Ballast weights	SD
1.6.	Technically permissible maximum laden weight	CONF
1.6.1.	Distribution of this weight between the axles	CONF
1.7.	Permissible maximum laden weight	SD
1.7.1.	Distribution of this weight between the axles	SD
1.8.	Technically permissible maximum weight on each axle	CONF
1.9.	Permissible maximum weight on each axle	SD
1.10.	Technically permissible limits on the distribution of weight between the axles	CONF
1.11.	Permissible limits for the distribution of weight between the axles	SD
1.12.	Maximum towable weight	SD

1.13.	Maximum vertical load at the coupling point	SD
2.	ENGINE	
2.1.	Manufacturer	
2.2.	Maximum power output at rpm (specify the standard used)	CONF
2.3.	Fuel tanks	SD
2.3.1.	Reserve fuel tanks (if fitted)	SD
2.4.	Interference suppressor	SD-R
2.5.	Speed governor (if fitted)	SD
2.6.	External sound level	SD-R
2.7.	Exhaust system (silencer)	SD-R-S
2.8.	Air pollution	
2.8.1.	Smoke density of diesel engines	SD-R
2.9.	Engine stopping device	SD
3.	TRANSMISSION	
3.1.	Theoretical maximum speed calculated in top gear (in kph)	CONF
3.2.	Maximum speed measured in top gear (in kph)	SD
3.3.	Reserve	SD
3.4.	Power take-offs	SD
3.5.	Protection of engine parts, projecting parts and wheels	SD
4.	SUSPENSION	
4.1.	Tyres normally fitted	CONF
5.	STEERING	
5.1.	Type of mechanism and transmission to wheels	SD
5.2.	Method of assistance and steering effort on the steering wheel	SD
6.	BRAKES	
6.1.	Service braking device	SD
6.2.	Parking braking device	SD
6.3.	Additional braking devices (if fitted)	CONF
6.4.	Trailer brake control (if fitted)	SD
6.5.	Test conditions	R
6.6.	Test results	R
7.	FIELD OF VISION, REAR-VIEW MIRRORS, PROTECTIVE DEVICES IN THE EVENT OF OVERTURNING, WEATHER PROTECTION, SEATS AND LOAD PLATFORMS AND SOUND LEVEL AT THE DRIVER'S EAR	
7.1.	Field of vision	SD
7.2.	Rear-view mirrors	SD
7.3.	Protective devices in the event of overturning	
7.3.1.	Safety roll-bar	SD

7.3.2.	Safety frame	SD
7.3.3.	Safety cab	SD
7.3.4.	Any other protective devices	SD
7.4.	Cab, general provisions	
7.4.1.	Doors	SD
7.4.2.	Windscreen, and other windows	SD
7.4.3.	Windscreen wipers	SD
7.5.	Other weather arrangements	SD
7.6.	Seats and foot-rests	
7.6.1.	Driving seat	SD
7.6.2.	Passenger seats	SD
7.6.3.	Foot-rests	SD
7.7.	Load platform	SD
7.8.	Sound level at the driver's ear	SD
7.9.	Means of access to driving position	SD
8.	LIGHTING AND LIGHT SIGNALLING DEVICES	
8.1.	Compulsory devices	
8.1.1.	Passing lights	SD
8.1.2.	Front position lights	SD
8.1.3.	Rear position lights	SD
8.1.4.	Direction indicators	SD
8.1.5.	Red rear reflex reflectors	SD
8.1.6.	Rear registration plate lights	SD
8.2.	Optional devices	
8.2.1.	Driving lights	SD
8.2.2.	Fog lights	SD
8.2.3.	Stop lights	SD
8.2.4.	Work lights	SD
8.2.5.	Parking lights	SD
9.	OTHER FITTINGS	
9.1.	Audible warning devices	SD
9.2.	Coupling between tractor and trailer	SD
9.3.	Power connection for lighting and light signalling devices on the trailer	SD
9.4.	Location and marking of controls	SD
9.5.	Location of registration plates	SD
9.6.	Front coupling device	SD
9.7.	Hazard warning device	SD

I, the undersigned, hereby certify the accuracy of the manufacturer's description in Information Document No of the tractor serial No having the engine No ⁽¹⁾, such tractor having been submitted by the manufacturer as a prototype of model

The checks carried out at the request of the manufacturer,, show that the tractor specified above, which has been submitted as a series prototype, satisfies all requirements in respect of each and every item in this certificate.

Done at,

.....
(signature)

⁽¹⁾ If indicated by the manufacturer.

ANNEX III

MODEL

CERTIFICATE OF CONFORMITY

I, the undersigned,
(name of manufacturer or his authorized representative)

hereby certify that the tractor

1. Make

2. Type

3. Type serial number

conforms in all respects with the type approved

at, on

by

and described in Type-Approval Certificate No

and in Information Document No

Done at,
(date) (signature)

.....
(position)

COUNCIL DIRECTIVE

of 4 March 1974

on the approximation of the laws of the Member States relating to certain parts and characteristics of wheeled agricultural or forestry tractors

(74/151/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾;

Whereas the technical requirements with which tractors must comply pursuant to national laws relate, *inter alia*, to the maximum permissible laden weight, the location and fitting of rear registration plates, fuel tanks, ballast weights, audible warning devices and permissible sound level and exhaust systems (silencer);

Whereas these requirements differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements either in addition to or in place of their existing rules, in order, in particular, to allow the EEC type-approval procedure which was the subject of the Council Directive of 4 March 1974 ⁽³⁾ on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors to be applied in respect of each type of tractor,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. 'Agricultural or forestry tractor' means any motor vehicle, fitted with wheels or caterpillar tracks and having at least two axles, the main function of which lies in its tractive power and which is specially

designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

2. This Directive shall apply only to tractors defined in the preceding paragraph which are fitted with pneumatic tyres and which have two axles and a maximum design speed of between 6 and 25 km/h.

Article 2

No Member State may refuse to grant EEC type-approval or national type-approval of a tractor on grounds relating to:

- the maximum permissible laden weight,
- the location and fitting of the rear registration plates,
- fuel tanks,
- ballast weights,
- audible warning devices,
- the permissible sound level and exhaust system (silencer),

is these satisfy the requirements set out in the relevant Annexes.

Article 3

No Member State may refuse the registration or prohibit the sale, entry into service or use of tractors on grounds relating to the parts and characteristics listed in Article 2 if these satisfy the requirements set out in the relevant Annexes.

Article 4

The amendments necessary for adapting to technical progress the requirements of the Annexes, apart from those set out at points I.1 and I.4.1.2 of Annex VI,

⁽¹⁾ OJ No 28, 17. 2. 1967, p. 462/67.

⁽²⁾ OJ No 42, 7. 3. 1967, p. 620/67.

⁽³⁾ See p. 10 of this Official Journal.

shall be adopted in accordance with the procedure laid down in Article 13 of the Council Directive on the type-approval of wheeled agricultural or forestry tractors.

Article 5

1. Member States shall put into force the provisions necessary in order to comply with this Directive within eighteen months of its notification and shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the main provisions of national law which they adopt

in the field covered by this Directive are communicated to the Commission.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 4 March 1974.

For the Council

The President

W. SCHEEL

ANNEX I**MAXIMUM PERMISSIBLE LADEN WEIGHT**

1. The technically permissible maximum laden weight as stated by the manufacturer shall be accepted by the competent administration as the maximum permissible laden weight provided that:
 - 1.1. the results of any tests which that administration makes, in particular those in respect of braking and steering, are satisfactory.
 - 1.2. the maximum permissible laden weight does not exceed 14 metric tons and the maximum permissible weight per axle does not exceed 10 metric tons.
2. Whatever the state of loading of the tractor, the weight transmitted to the road by the wheels on the forward axle must not be less than 20 % of the unladen weight of that tractor.

ANNEX II**1. SHAPE AND DIMENSIONS OF THE SPACE FOR MOUNTING REAR REGISTRATION PLATES**

The space for mounting shall comprise an even or virtually even rectangular surface with the following minimum dimensions:

- length 240 mm;
- height 165 mm.

2. LOCATION OF THE SPACE FOR MOUNTING AND THE FIXING OF THE PLATES

The space for mounting shall be such that, after correct fixing, the plates shall have the following characteristics:

2.1. Position of the plate in relation to the width of the vehicle

The centre point of the plate may not be situated to the right of the plane of symmetry of the tractor in Member States where traffic drives on the right or to the left of that plane where traffic drives on the left.

In Member States where traffic drives on the right, the left-hand edge of the plate may not be situated to the left of the vertical plane which is parallel to the plane of symmetry of the tractor and which touches the extreme outer edge of the vehicle.

In Member States where traffic drives on the left, the right-hand edge of the plate may not be situated to the right of the vertical plane which is parallel to the plane of symmetry of the tractor and which touches the extreme outer edge of the vehicle.

2.2. Position of the plate in relation to the longitudinal plane of symmetry of the tractor

The plate shall be perpendicular or practically perpendicular to the plane of symmetry of the tractor.

2.3. Position of the plate in relation to the vertical plane

The plate shall be vertical within a tolerance of 5°. However, where the shape of the tractor so requires, it may be inclined to the vertical:

- 2.3.1. at not more than 30° when the surface bearing the registration number is inclined upwards, provided that the height of the upper edge of the plate is not more than 1.20 metres from the ground;
- 2.3.2. at not more than 15° when the surface bearing the registration number is inclined downwards, provided that the height of the upper edge of the plate is more than 1.20 metres from the ground.

2.4. Height of the plate from the ground

The height of the lower edge of the plate from the ground shall not be less than 0.30 metres: the height of the upper edge of the plate from the ground shall be not more than 1.20 metres. However, where it is impossible in practice to comply with this latter provision, the height may exceed 1.20 metres, but it must then be as close to that limit as the constructional characteristics of the tractor allow, and must in no case exceed 2.5 metres.

2.5. Determination of the height of the plate from the ground

The heights given in 2.3 and 2.4 shall be measured with the tractor unladen.

ANNEX III**TANKS FOR LIQUID FUEL**

1. Fuel tanks must be made so as to be corrosion resistant. They must satisfy the leakage tests carried out by the manufacturer at a pressure equal to double the working pressure but in any event not less than 1.3 bars. Any excess pressure or any pressure exceeding the working pressure must be automatically compensated by suitable devices (vents, safety valves etc.). The vents must be designed in such a way as to prevent any fire risk. The fuel must not escape through the fuel-tank cap or through the devices provided to compensate excess pressure even if the tank is completely overturned: a drip shall be tolerated.
2. Fuel tanks must be installed in such a way as to be protected from the consequences of an impact to the front or to the rear of the tractor; there shall be no protruding parts, sharp edges etc. near the tanks.

ANNEX IV**BALLAST WEIGHTS**

If, in order to satisfy the provisions laid down for EEC type-approval, a tractor has to be fitted with ballast weights, these weights must be provided by the manufacturer, be made of metal, designed for fixing to the tractor, and bear the mark of the firm manufacturing them and an indication of their approximate weight in kilograms.

ANNEX V**AUDIBLE WARNING DEVICE**

1. The warning device must bear the EEC approval mark prescribed by the Council Directive of 27 July 1970 on the approximation of the laws of Member States relating to audible warning devices for motor vehicles ⁽¹⁾.
2. **Characteristics of the Audible Warning Device when fitted to the tractor**

⁽¹⁾ OJ No L 176, 10. 8. 1970, p. 12.

2.1. Acoustic tests

When a tractor is type approved, the characteristics of the warning device fitted to that type of tractor shall be tested as follows:

- 2.1.1. The sound pressure level of the device when fitted to the tractor shall be measured at a point 7 metres in front of the tractor, at a site which is open and as level as possible. The engine of the tractor shall be stopped. The effective voltage shall be that laid down in point 1.2.1. of Annex I to the Directive referred to at 1 above.
- 2.1.2. Measurements shall be made on the 'A' weighting scale of the IEC (International Electro-technical Commission) standard.
- 2.1.3. The maximum sound pressure level shall be determined at a height between 0.5 and 1.5 metres above ground level.
- 2.1.4. The said maximum must be not less than 93 dB (A).

ANNEX VI**I. PERMISSIBLE SOUND LEVELS****I.1. Limits**

The sound level of the tractors referred to in Article 1 of this Directive, when measured under the conditions set out in this Annex, may not exceed the following levels:

- 89 dB (A) for tractors with an unladen weight exceeding 1.5 metric tons;
- 85 dB (A) for tractors with an unladen weight not exceeding 1.5 metric tons.

I.2. Measuring instruments

The noise emitted by tractors shall be measured by means of a sound-level meter of the type described in Publication 179, 1st Edition (1965) of the International Electro-technical Commission.

I.3. Conditions of measurement

Measurements shall be made on unladen tractors in a sufficiently silent and open area (ambient noise and wind noise at least 10 dB (A) below the noise being measured).

This area may take the form, for instance, of an open space of 50 metre radius having a central part of at least 20 metres radius which is practically level; it may be surfaced with concrete, asphalt, or similar material and may not be covered with powdery snow, tall grass, loose soil or ashes.

The surface of the test track shall be such as not to cause excessive tyre noise. This condition applies only to measurement of the noise made by tractors in motion.

Measurement shall be carried out in fine weather with little wind. No person other than the observer taking the readings from the apparatus may remain near the tractor or the microphone, as the presence of spectators near either the tractor or the microphone may considerably affect the readings from the apparatus. Marked fluctuations of the pointer which appear to be unrelated to the characteristics of the general sound level shall be ignored in taking readings.

I.4. Method of measurement**I.4.1. Measurement of noise of tractors in motion (for type-approval).**

At least two measurements shall be made on each side of the tractor. Preliminary measurements may be made for adjustment purposes but shall be disregarded.

The microphone shall be situated 1.2 metres above ground level at a distance of 7.5 metres from the path of the tractor's centre line, CC, measured along the perpendicular PP' to that line (figure 1).

Two lines AA' and BB', parallel to line PP' and situated respectively 10 metres forward and 10 metres rearward of the line, shall be marked out on the test track. Tractors shall approach line AA' at a steady speed, as specified below. The throttle shall then be

fully opened as rapidly as practicable and held in the fully opened position until the rear of the tractor ⁽¹⁾ crosses line BB'; the throttle shall then be closed again as rapidly as possible.

The maximum sound level recorded shall constitute the result of the measurement.

- I.4.1.1. The test speed shall be three-quarters of the maximum speed which can be attained in the highest gear used for road movement.
- I.4.1.2. Interpretation of results
 - I.4.1.2.1. To take account of inaccuracies in the measuring instruments, the result obtained from each measurement shall be determined by deducting 1 dB (A) from the meter reading.
 - I.4.1.2.2. Measurements shall be considered valid if the difference between two consecutive measurements on the same side of the tractor does not exceed 2 dB (A).
 - I.4.1.2.3. The highest sound level measured shall constitute the test result. Should that result exceed by 1 dB (A) the maximum permissible sound level for the category of tractor tested, two further measurements shall be made. Three of the four measurements thus obtained must fall within the prescribed limits.

Measuring positions for tractors in motion

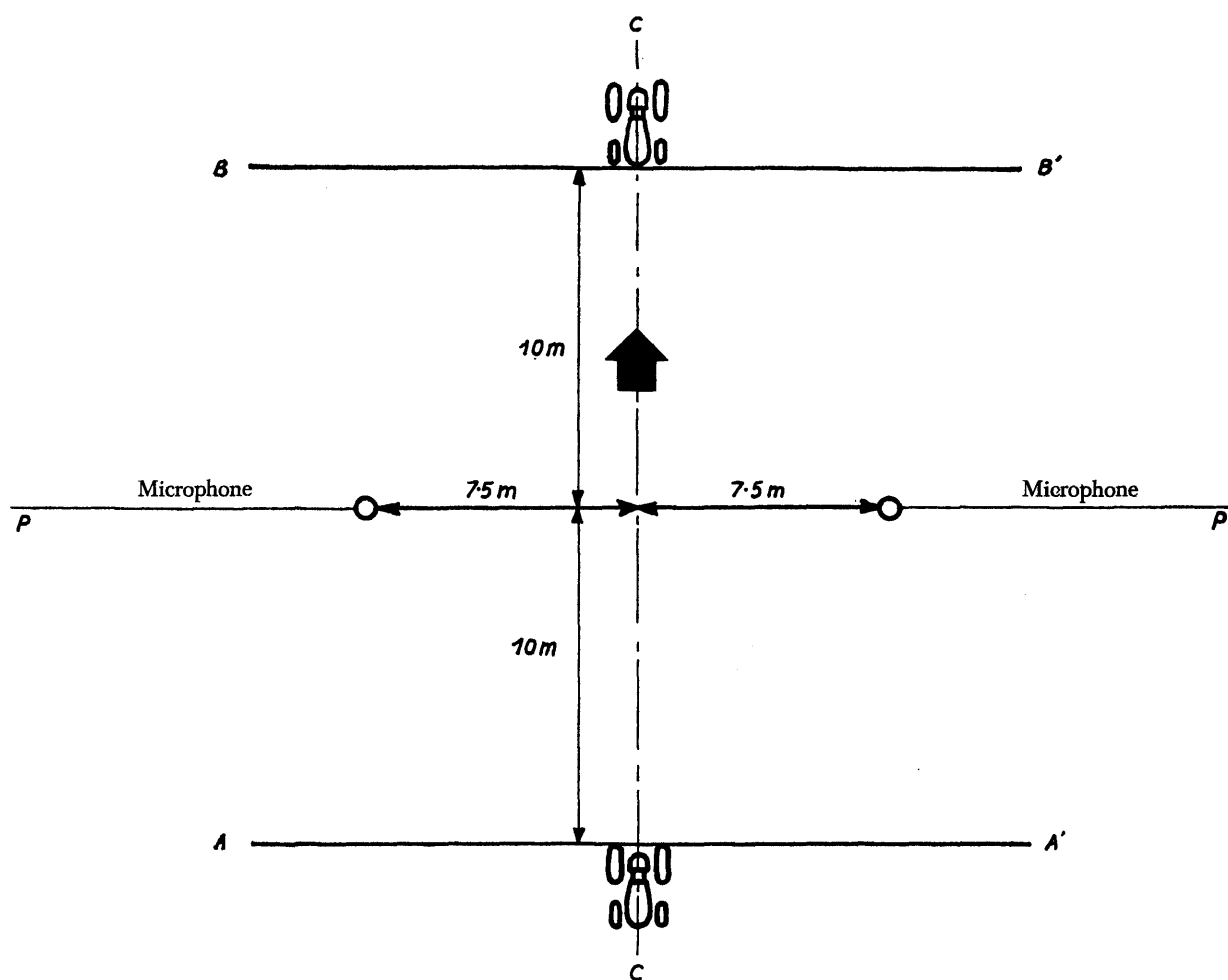


Figure 1

⁽¹⁾ If the tractor includes a trailer, this shall not be taken into account in determining when line BB' is crossed.

I.4.2. Measurement of noise of stationary tractors (not required for type-approval).

I.4.2.1. Position of sound-level meter

Measurements shall be made at point X (shown in figure 2) at a distance of 7 metres from the nearest surface of the tractor.

The microphone shall be situated 1.2 metres above ground level.

I.4.2.2. Number of measurements

At least two measurements shall be made.

I.4.2.3. Tractor test conditions

The engine of a tractor without a speed governor shall be run at three-quarters of the rpm speed at which, according to the tractor manufacturer, it develops its maximum power. The rpm speed of the engine shall be measured by means of an independent instrument, e.g. a roller bed and a tachometer. If the engine is fitted with a governor preventing the engine from exceeding the speed at which it develops its maximum power, it shall be run at the maximum speed permitted by the governor.

Before taking any measurements, the engine shall be brought to its normal running temperature.

I.4.2.4. Interpretation of results

All sound-level readings recorded shall be given in the report.

The method used to calculate the engine power shall also be shown where possible. The state of loading of the tractor must also be given.

The measurements shall be considered valid if the difference between two consecutive measurements on the same side of the tractor does not exceed 2 dB (A).

The maximum figure recorded shall constitute the result of the measurement.

Measuring positions for stationary tractors

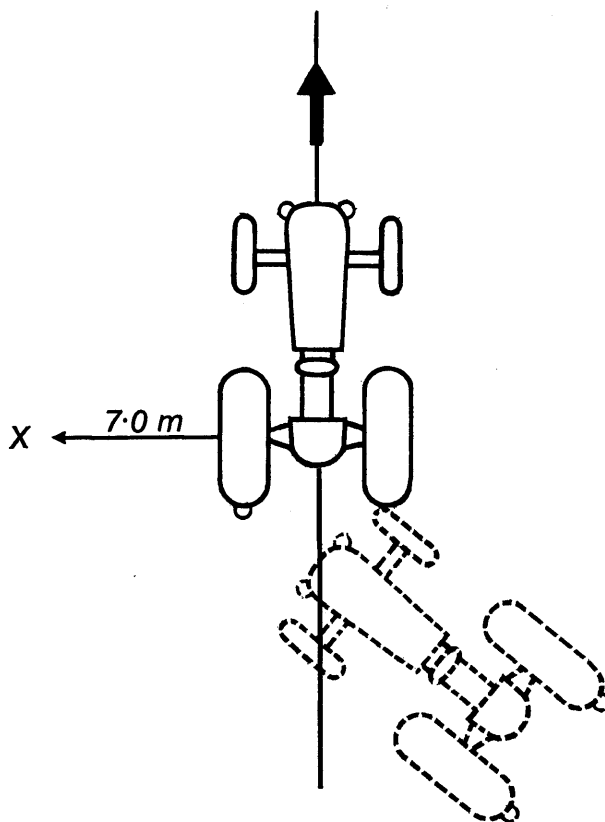


Figure 2

II. EXHAUST SYSTEM (SILENCER)

- II.1. If the tractor is fitted with a device designed to reduce the exhaust noise (silencer), the requirements of this Item II shall apply. If the inlet of the engine is fitted with an air filter which is necessary in order to ensure compliance with the permissible sound level, the filter shall be considered to be part of the silencer, and the requirements of this Item II shall also apply to that filter.
 - II.2. A drawing of the exhaust system must be annexed to the tractor type-approval certificate
 - II.3. The silencer must be marked with a reference to its make and type which is clearly legible and indelible.
 - II.4. The use of fibrous absorbent material is permitted in the construction of silencers only if the following conditions are fulfilled:
 - II.4.1. The fibrous absorbent material may not be placed in those parts of the silencer through which gases pass;
 - II.4.2. Suitable devices must ensure that the fibrous absorbent material is kept in place for the whole time that the silencer is being used;
 - II.4.3. The fibrous absorbent material must be resistant to a temperature at least 20 % higher than the operating temperature (degrees C) which may occur in the region of the silencer where those fibrous absorbent materials are situated.
-

COUNCIL DIRECTIVE

of 4 March 1974

on the approximation of the laws of the Member States relating to the maximum design speed of and load platforms for wheeled agricultural or forestry tractors

(74/152/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾;

Whereas the technical requirements with which tractors must comply pursuant to national laws relate, *inter alia*, to the maximum design speed and load platforms;

Whereas these requirements differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements either in addition to or in place of their existing rules in order, in particular, to allow the EEC type-approval procedure which was the subject of the Council Directive of 4 March 1974 ⁽³⁾ on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors to be applied in respect of each type of tractor,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. 'Agricultural or forestry tractor' means any motor vehicle, fitted with wheels or caterpillar tracks and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or

forestry use. It may be equipped to carry a load and passengers.

2. This Directive shall apply only to tractors defined in the preceding paragraph which are fitted with pneumatic tyres and which have two axles and a maximum design speed of between 6 and 25 km/h.

Article 2

No Member State may refuse to grant EEC type-approval or national type-approval of a tractor on grounds relating to the maximum design speed or the load platforms if these satisfy the requirements set out in the Annex.

Article 3

No Member State may refuse the registration or prohibit the sale, entry into service, or use of tractors on grounds relating to the maximum design speed or the load platforms if these satisfy the requirements set out in the Annex.

Article 4

1. No Member State may prohibit the fitting of load platforms or require that tractors must be fitted with one or more such platforms.

2. No Member State may prohibit the carriage on such platforms of products which they permit to be carried on trailers used for agriculture or forestry purposes; within the limits laid down by the manufacturer, a maximum load of at least 80 % of the weight of the tractor in running order is authorized.

Article 5

The amendments necessary for adopting to technical progress the requirements of the Annex shall

⁽¹⁾ OJ No 28, 17. 2. 1967, p. 462/67.

⁽²⁾ OJ No 42, 7. 3. 1967, p. 620/67.

⁽³⁾ See p. 10 of this Official Journal.

be adopted in accordance with the procedure laid down in Article 13 of the Council Directive on the type-approval of wheeled agricultural or forestry tractors.

Article 6

1. Member States shall put into force the provisions necessary in order to comply with this Directive within eighteen months of its notification and shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the main provisions of national law which they adopt in

the field covered by this Directive are communicated to the Commission.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 4 March 1974.

For the Council

The President

W. SCHEEL

ANNEX

1. MAXIMUM DESIGN SPEED

- 1.1. For the type-approval tests, the average speed shall be measured on a straight track, which the tractor shall traverse in both directions from a flying start. The soil of the track shall be stabilized; the track shall be flat and at least 100 metres long; however it may include slopes of not more than 1.5 %.
- 1.2. During the test, the tractor shall be unladen and in running order without ballast weights or special equipment and the tyre pressures shall be those specified for road use.
- 1.3. During the test, the tractor shall be fitted with new tyres of the maximum dimensions specified for the tractor by the manufacturer.
- 1.4. The gear ratio used during the test shall be that producing the maximum vehicle speed and the throttle shall be fully open.
- 1.5. To take account of various unavoidable errors due, in particular, to the measuring technique and the increase in running speed of the engine with a partial load, a result 10 % higher than the 25 km/h value shall be acceptable for the type-approval test.
- 1.6. So that the authorities competent for the type-approval of tractors may calculate their maximum theoretical speed, the manufacturer shall specify as a guide the gear ratio, the actual forward movement of the powered wheels corresponding to one complete revolution, and the rpm at maximum power output with the throttle fully open and the speed governor, if fitted, adjusted as laid down by the manufacturer.

2. LOAD PLATFORMS

- 2.1. The centre of gravity of the platform shall be situated between the axles.
 - 2.2. The dimensions of the platform shall be such that:
 - the length does not exceed 1.4 times the front or rear track of the tractor, whichever is the larger;
 - the width does not exceed the maximum overall width of the tractor without equipment.
 - 2.3. The platform shall be laid out symmetrically in relation to the longitudinal median plane of the tractor.
 - 2.4. The height of the load platform above the ground shall be not more than 150 cm.
 - 2.5. The type of platform and the way it is fitted shall be such that, with a normal load, the driver's field of vision remains adequate and the various compulsory lighting and light-signalling devices may continue to fulfil their proper function.
 - 2.6. The load platform shall be detachable; it shall be attached to the tractor in such a way as to avoid any risk of accidental detachment.
-

COMMISSION

COMMISSION DECISION

of 20 December 1973

approving the acquisition by August-Thyssen-Hütte AG of a majority shareholding in Rheinstahl AG

(Only the German text is authentic)

(74/153/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 66 thereof;

Having regard to High Authority Decision No 24/54 ⁽¹⁾ of 6 May 1954 laying down in implementation of Article 66 ⁽¹⁾ of the Treaty a Regulation on what control constitutes control of an undertaking;

Having regard to the application from August-Thyssen-Hütte AG of 19 February 1973 for authorization to acquire a majority of the shares of Rheinstahl AG;

After obtaining the comments of the Government of the Federal Republic of Germany:

Whereas:

I

1. August-Thyssen-Hütte Aktiengesellschaft of Duisburg-Hamborn (ATH) is an undertaking within the meaning of Article 80 of the Treaty having a share capital of DM 1 010 million. ATH is active in the production of steel and in the manufacture of end products from steel. As parent company of the Thyssen Group it holds shares in 166 domestic and foreign undertakings, including the following steel producing or using undertakings:

Undertaking	Nominal capital (DM million)	ATH holding %
— Mannesmannröhren-Werke AG, Düsseldorf	300	33.3
— Deutsche Edelstahlwerke GmbH, Krefeld	150	100
— Thyssen Niederrhein AG Hütten- und Walzwerke, Oberhausen	125	100
— Westfälische Union AG, Hamm	65	100
— Rasselstein AG, Neuwied	56	50
— Stahlwerke Bochum AG, Bochum	24.2	48.5
— Walzwerk 'Grillo Funke' GmbH, Gelsenkirchen	10	100
— NKF Staal BV, Alblasserdam	20 (Fl.)	49
— Wälzlagerrohr AG, Krefeld	20	50
— Blohm + Voss AG, Hamburg	61.4	64.7
— Baustahlgewebe GmbH, Düsseldorf	20	42
— Thyssen Industrie GmbH, Düsseldorf	17	100
— Vereinigte Schraubenwerke GmbH, Ratingen	12.9	50
— Thyssen Handelsunion AG, Düsseldorf	46	96
— Ets. Jouret Fers et Métaux SA, Pont-à-Celles	100 (Bfrs)	49

⁽¹⁾ OJ ECSC No 9, 11. 5. 1954, p. 345.

2. ATH is in a position either alone, or jointly with other shareholders, to exercise control within the meaning of Decision No 24/54 over the companies listed above. These companies are accordingly to be regarded as forming, with ATH and with each other, a concentration within the meaning of Article 66 (1).

3. In 1971/72 ex-group sales of the Thyssen Group

were DM 10 700 million. The average number of persons employed was 92 000.

4. Rheinstahl Aktiengesellschaft of Essen (Rheinstahl) is a steel producing and using undertaking with a share capital of DM 470 million. As parent company of the Rheinstahl Group, it has holdings in 83 domestic and foreign steel producing and using undertakings, including the following:

Undertaking	Nominal capital (DM million)	Rheinstahl holding %
— Rheinstahl Hüttenwerke AG, Essen	104.1	100
— Edelstahlwerk Witten AG, Witten	41.4	62.8
— Bergische Stahlindustrie KG, Remscheid	15	58.4
— Guß-Stahlwerk Oberkassel GmbH, Düsseldorf	5.75	100
— Rheinstahl Gießerei AG, Mülheim	21	100
— Rheinstahl Concordiahütte GmbH, Bendorf	6	100
— Rheinstahl Schmiedetechnik GmbH, Wattenscheid	8	100
— Rheinstahl Nordseewerke GmbH, Emden	18	100
— Waggon Union GmbH, Siegen und Berlin	10	50
— Rheinstahl Eggers-Kehrhahn GmbH, Hamburg	6	100
— R. Stahl Aufzüge GmbH, Stuttgart	6	75

5. Rheinstahl is in a position, either alone or jointly with other shareholders, to control the undertakings listed above. Accordingly these undertakings are to be regarded as forming a concentration with Rheinstahl and with each other.

6. In 1971, ex-group sales of the Rheinstahl Group were DM 5 100 million. The average number of persons employed was 67 000.

7. By acquiring a majority holding in Rheinstahl, ATH would obtain control over Rheinstahl. Such acquisition would therefore bring about a concentration between ATH and Rheinstahl and the companies composing the two Groups.

II

8. The position of the two undertakings on the steel market must be assessed primarily by reference to the nature and size of their respective outputs, to their shares of total production and of the market and to their future production capacity.

9. The output of the Thyssen and Rheinstahl Groups for 1971 is shown in the table on page 58.

It can be seen that the Rheinstahl Group's steel production is small by comparison with that of the Thyssen Group while its production of foundry pig iron is substantial. Rheinstahl production of finished products is concentrated on a limited range of products, in particular plate and sheet, wire rod, bars, and special steels.

10. The table on page 39 shows the combined share of the two undertakings in total production for, respectively, the Federal Republic of Germany, the Community of Six and, where statistics are available, the Community of Nine ⁽¹⁾:

⁽¹⁾ Since statistics in the six original states and three new Member States are not yet prepared in the same fashion, it is not possible to provide comparable figures for all product groups.

Production 1971 ⁽¹⁾

(1 000 t)

Product group	Total production		of which Special steel	
	Thyssen ⁽¹⁾	Rheinstahl	Thyssen	Rheinstahl
Pig iron	8 880	1 386		
of which:				
Pig iron for steelmaking	8 534	916		
Foundry pig iron	184	451		
Ferro-manganese etc.	162	19		
Crude steel	11 676	1 474	858	666
of which:				
High-grade carbon steels			178	111
Alloy steels			680	555
Hot-rolled wide coils (total)	4 965			
Finished products	8 628	867	439	265
of which:				
Permanent way material	107			
Broad-flanged beams	234			
Other angles, shapes and other sections	187			
Tube rounds	240	5	60	5
Wire rod	1 555	126	234	103
Bars	682	140	74	126
Universal plates	138			
Strip	268		1	
Plate and sheets (more than 3 mm)	1 271	596	32	31
Sheets (less than 3 mm)	3 152		34	
Coils (as finished products)	794		4	
End products				
Tinplate and other tinned sheet	496			
Blackplate	3			
Galvanized sheets and other coated sheets	674			
Electrical sheets	241			

⁽¹⁾ Not including Mannesmann's production which is used for its own tube production.

Production 1971 Thyssen + Rheinstahl

Product group	as % of FRD		as % of EC (6)		as % of EC (9)	
	Total	Special steels	Total	Special steels	Total	Special steels
Pig iron	34.2		13.6		11.3	
of which						
Pig iron for steelmaking	33.8		13.3			
Foundry pig iron	37.3		17.7			
Ferro-manganese etc.	53.6		17.2			
Crude steel	31.7	23.9	12.7	13.4	10.3	
of which:						
High-grade carbon steel		16.1		8.3		
Alloy steels		25.6		15.6		12.8
Hot-rolled wide coils (total)	46.8		16.8		13.5	
Finished products	32.6	29.2	12.6	13.8	10.1	
of which:						
Permanent way material	23.8	—	9.2	—	7.4	
Broad-flanged beams	39.1	—	12.4	—	6.0	
Other angles, shapes and other sections	13.2	—	5.0	—		
Tube rounds	21.9	27.2	11.8	14.2		
Wire rod	42.8	42.2	20.7	27.3	17.0	
Bars	16.7	25.9	4.8	9.7	4.2	
Universal plates	34.3	—	23.0	—	12.3	
Strip	10.0	1.1	4.6	0.3	3.6	
Plate and sheet (more than 3 mm)	40.1	34.7	18.7	9.8	14.3	
Sheets (less than 3 mm)	48.0	29.8	15.8	9.5	12.3	
Coils (as finished products)	34.0	5.1	15.6	.	.	
End products						
Tinplate and other tinned sheet	63.7		18.3		12.5	
Blackplate	4.8		2.9			
Galvanized sheets and other coated sheets	51.4		22.4			
Electrical sheets	79.8		32.2			

Thus, as a result of the proposed merger, the new Group would increase its share of production, in some cases substantially, of foundry pig iron, crude steel, wire rod, plates and sheets and special steels. For the moment, in the absence of relevant statistics for the new Member States, it is only possible to

assess the market share of the Group on the basis of supplies to the markets of the Community as originally constituted and of the Federal Republic of Germany — the main sales area of the company. It must however be presumed that the Group's share of the overall market in the Community of

Nine would necessarily be smaller — and thus more favourable in terms of the proposed merger — than in the Community of Six.

11. In foundry pig iron production the new Group, with a 14 % share (Thyssen 4 % + Rheinstahl 10 %), would be the third largest producer in the enlarged Community, coming behind two undertakings with 15 % and 14 % respectively and followed by three undertakings with 12, 11 and 9 %. The next four undertakings hold shares of 6, 5, 3 and 1 % respectively. Overall the 10 largest undertakings account for 90 %; the remaining 10 % is produced by 11 other firms.

In 1971 Thyssen-Rheinstahl's share of the market of the Community as originally constituted was also 14 % (of which one-third for its own consumption). On the foundry pig iron market of the Community there is considerable competition as a result of low-price imports from non-Member countries. In the Federal Republic of Germany, the two companies account for 33 % of the market (of which some two-fifths are for their own consumption). Four further German producers account for 58 % of the market. Imports into the Federal Republic of Germany from other Community countries and from non-Member countries account for the remaining 9 %.

12. As regards crude steel, the new Group would be the second largest producer of all steel products in the enlarged Community, accounting for 10 % (Thyssen 9 % + Rheinstahl 1 %), ranking below a producer accounting for 17 % and above six undertakings accounting respectively for 9, 8, 8, 7, 7 and 6 % and four others with between 2 and 3 %. These 12 largest steel producers account together for 83 % of crude steel production in the Community. The remaining 17 % is produced by a large number of small undertakings.

In special steels, the new Group, taken alone and ignoring production of companies in the three new Member States⁽¹⁾ is the largest producer in the Community of Six, accounting for 13 % of the market (Thyssen 7 % and Rheinstahl 6 %), and is followed by four undertakings accounting respectively for 12, 11, 9 and 7 %. Seven further firms produce between 3.4 and 4.6 % each. The 12 largest producers account for some 80 % of total Community production. The remaining 20 % is produced by more than 60 firms, including 29 German firms.

⁽¹⁾ Comparable figures for special steel production in the new Member States are not available. Production of special steels was therefore determined by reference to the Community of Six only.

13. As regards wire rod (all products), Thyssen/Rheinstahl would be the largest Community producer, with a share of 17 % (Thyssen 16 % + Rheinstahl 1 %), followed by four firms producing 13, 10, 9 and 9 % respectively. Seven further undertakings have production figures of between 2 and 3.5 %. The 12 largest undertakings account for 78.5 % of total Community production. The remainder is produced by 34 companies.

In 1971, the two undertakings accounted for 17 % of the market in the Community as originally constituted, of which almost half was for their own consumption. In the Federal Republic of Germany they held some 29 % of the market. There are nine other German suppliers on the Federal German market, and 25 % of market demand is met by imports of wire rod from Community countries and from non-Member countries.

In the case of wire rod manufactured from special steels, the Group would be the largest producer in the original Community accounting for 27 % (Thyssen 18 % + Rheinstahl 9 %) of production. It would be followed by six firms producing 12, 9, 9, 8, 7 and 7 % respectively. The 12 largest firms account for 94 % of total Community production. At 17 % the Group's share of the market in the Community as originally constituted would be considerably lower than its share of production owing to its substantial exports to non-Member countries.

On the Federal German market the Group, with a share of production of 42 %, would also be the largest producer, followed by nine other producers, of which three produce 23, 21 and 7 % respectively. The market share of the Group would amount to 45 %, half of this however being accounted for by the Group's own consumption.

14. On the market for plate and sheet the two companies would together be the second largest producer of the nine Member States, with a 14 % share (Thyssen 10 % + Rheinstahl 4 %). The largest producer accounts for 22 %; they would be followed by five producers with 9, 9, 9, 7 and 6 % respectively and five more accounting for shares of between 2.5 and 4 %. The 12 largest firms in the enlarged Community account for 93 % of total production, the remaining 7 % being distributed among a large number of producers.

The market share of the Thyssen/Rheinstahl Group in the Community of Six would be some 12 % (of which one-fifth for own consumption). In the Federal Republic of Germany the two companies account for some 20 % of the market. Seven other German producers supply the market, while 30 % of the market is accounted for by imports.

As regards plates and sheets of special steels, the quantities concerned are very small in absolute terms and decreasing each year, so that the figures for market shares are of little evidential value. With 10% of Community production (Thyssen 5 % + Rheinstahl 5 %), the Group would be the third largest producer, coming behind two producers of 43 % and 11 % respectively and followed by five with 7, 5, 4, and 3 %. The 12 largest producers of the original Community thus account for 95 %.

15. As regards the other products shown in the table on page 39 the proposed merger would produce no significant changes.

16. The following summary makes it possible to compare the production capacity of the Thyssen/Rheinstahl Group within the Community of Six for 1971 and for 1977. It shows that the position of the Thyssen/Rheinstahl Group, both in the Community and in the Federal Republic of Germany, is likely to fall back somewhat.

17. The result of the proposed merger will be that Rheinstahl will cease to exist as an independent supplier of the steel market. On certain submarkets, particularly in the Federal Republic of Germany, the Thyssen/Rheinstahl Group will be in a very strong position. In spite of tendency towards concentration of the present oligopoly situation, there remain sufficient potential competitors on the steel market within the enlarged Community. Seven of these are of the same order of size as Thyssen/Rheinstahl, while the remaining 130 are for the most part undertakings specializing in particular products (e.g. special steels).

Having regard to the large number and to the nature of the German and foreign firms supplying the steel market in the Federal Republic of Germany, where one-third of supplies are obtained from imports, and to the resulting wide choice of supplier available to German buyers, it may be said that the undertakings involved in the concentration are not in a position to hinder effective competition, whether in their main sales area or anywhere else in the Community steel market.

Production capacity

Product	1971				1977			
	million metric tons per year		Thyssen + Rheinstahl as %		million metric tons per year		Thyssen + Rheinstahl as %	
	Community of Six	FRG	Community of Six	FRG	Community of Six	FRG	Community of Six	FRG
Pig iron	99	42	15.7	36.8	126	52	13.7	33.3
Crude steel	136	58	14.9	34.2	169	67	12.2	30.1
Coils — Total production	38	15	17.5	44.8	56	19	12.4	37.2
Finished products	108	46	15.3	34.8	135	54	13.5	32.6
Heavy sections	15	8	14.9	29.5	16	6	6.8	16.7
Bars	23	8	6.2	17.7	28	10	7.1	19.6
Wire rod	11	5	22.5	45.6	14	6	18.1	35.2
Strip (including tube strip)	8	4	7.6	16.0	9	4	7.6	17.2
Plates and sheets (to more than 3 mm) ⁽¹⁾	17	9	22.9	42.1	21	10	21.4	42.3
Sheets (less than 3 mm)	27	10	17.6	49.1	37	13	17.5	48.1
Coils (finished product)	7	3	16.4	32.7	11	4	9.8	24.5

⁽¹⁾ Including Universal plates.

Source: Survey of investment in the Community coal and steel industries, 1972 and 1973.

III

18. In 1971 the Thyssen Group used 792 000 metric tons of finished products; of these, 78 000 were obtained from outside sources, including 4 000 metric tons from Rheinstahl. Total production of finished products by the Thyssen Group was 8 600 000 metric tons.

In the same year the Rheinstahl Group used 280 000 metric tons of finished products; of these, 185 000 were obtained from outside the Group, including supplies of some 60 000 metric tons from the Thyssen Group. Rheinstahl's total production of finished products was 867 000 metric tons.

If the Thyssen and Rheinstahl Groups merged, the total tonnage of its own finished products used by the new Group would be 873 000 metric tons, or 9 % of the Group's total output of 9.5 million metric tons. Given the two companies combined annual consumption of some 1.1 million metric tons, the new Group, assuming that it was in a position to produce the necessary products itself, would be able to raise its internal consumption by the relatively slight amount of 127 000 metric tons to approximately 11 % of its output of finished products. The Group would still depend on the market for sales of 89 % of its production.

In the Community steel industry the processing by producers of their own finished products is a relatively widespread practice, involving an annual tonnage of some 1 million metric tons (undertakings active in this field include BSC, USINOR, Finsider, Fiat and ESTEL). Among medium and large-size undertakings, the Thyssen/Rheinstahl Group, with an internal consumption of some 11 % of its output of finished products, could hardly be said, even after the proposed merger, to show an undue degree of vertical integration.

Thus the increase in the scope for intra-Group sales would not be such as to give the Group a position in relation to suppliers or to the market which might be described as 'artificially privileged' within the meaning of Article 66 (2).

19. In 1971/72 the Thyssen Group's total turnover was DM 13 900 million, of which ex-Group sales accounted for DM 10 700 million. Of these, steel sales accounted for DM 6 400 million (i.e. 60 %) and the other sectors (notably special steel forging and casting, wire and sheet making, manufacture of structural members and containers, shipbuilding and production of non-metallic minerals) for DM 4 300 million (40 %).

In 1972 turnover of the Rheinstahl Group was DM 5 500 million, and ex-Group sales totalled DM 5 100 million, of which DM 800 million (15.7 %) were accounted for by steel and DM 4 300 million (84.3 %)

by the other sectors (notably: iron and steel founding, mechanical engineering, construction of complete plant, shipbuilding, and manufacture of mining, transport, construction and heating materials and equipment).

The combined turnover of the two Groups was thus DM 19 400 million. Of ex-Group sales of DM 15 800 million, DM 7 200 million, or 45.6 % related to steel and DM 8 600 million, or 54.4 %, to other sectors.

The result of the proposed merger would be to reduce the percentage of Thyssen's ex-Group sales accounted for by steel from 60 % to 45.6 %, while the share accounted for by the other sectors would increase correspondingly from 40 % to 54.4 %.

The more diversified structure of the new Group as a result of this 15 % change in the pattern of ex-Group sales would however not put it in a position, either on the steel market or on its other submarkets, where it would be able to operate a strategy independent of the market whereby it might evade the competition rules of the Treaty by some means other than through the possession of an artificially privileged position.

20. In order to preserve effective competition on oligopolistic markets the Commission must ensure that the independence and autonomy of major groups are not affected by interlocking holdings or other links;

21. ATH holds one-third of the share capital (DM 300 million) of Mannesmannröhren-Werke AG (MRW). The other two-thirds are held by Mannesmann AG. On 16 December 1969 Mannesmann and ATH entered into an Agreement establishing an unincorporated association called 'Vereinigung Mannesmannröhren-Werke AG (Vereinigung MRW)'. The purpose of the association is to enable the two partners to exercise joint control over MRW on the basis of consensus reached in a Partnership Committee consisting of representatives of each of them. The day-to-day management of the association is in the hands of the Board of Directors of Mannesmann. Mannesmann is responsible for procuring consensus decisions as to the exercise of joint control and for issuing instructions to MRW

. (1).

Under the arrangements just described there was concluded with MRW on 13/16 March 1970 a control and Profit Transfer Agreement.

(1) The undisclosed data with respect to Vereinigung MRW form part of the trade relations between Mannesmann and ATH which are covered by trade secrecy.

Mannesmann's production consists entirely of semi-finished products for the manufacture of tubes. Part (an estimated 500 000 metric tons per year) of this production is processed under contract by ATH for MRW into hot-rolled strip and plate. Apart from this contract-processing arrangement there are no operational links or significant overlapping of markets between ATH/Rheinstahl and Mannesmann.

Through their shareholdings and Agreements Mannesmann and ATH are in a position to exercise joint control over MRW. This joint control enables the parties to coordinate their conduct as regards the production of crude steel and of products for the manufacture of tubes, and competition between them is thereby accordingly restricted. The establishment of that joint control was authorized by a Commission Decision of 21 January 1970.

22. There has been a substantial change in the circumstances on the basis of which that Decision was adopted. Mannesmann has acquired control of DEMAG and thereby increased the degree of diversification of the Group. As a result of the proposed transaction ATH will for its part greatly increase the degree of diversification of its production and will strengthen its position on the steel market.

The financial and economic power and high degree of diversification of the new ATH/Rheinstahl Group, which will be one of three largest industrial undertakings in Germany, will place it in a commanding position within the steel market oligopoly.

Having regard to the increased power of the ATH Group and to the extensive diversification of the Thyssen and Mannesmann Groups, as a result of which these Groups will become competitors in numerous markets, including markets downstream of the steel market, it is clear that the already existing opportunities for ATH to influence decisions by the Mannesmann Group will be substantially increased.

Admittedly it can be assumed for the moment that there is no significant competition between Mannesmann and Thyssen on the finished product market, since Mannesmann has withdrawn from production of finished products by transferring its rolling plant to ATH. It is impossible to tell whether Mannesmann will become a competitor again in this field, either by new investment or by acquiring control over steel producing undertakings; however, this possibility cannot be excluded. As long as joint control continues to be exercised over MRW, ATH can obstruct any move by Mannesmann in this direction and thereby keep Mannesmann out of competition on the steel market.

The arrangement for joint control over MRW consequently restricts the independence of the Mannesmann Group in relation to the ATH/Rheinstahl Group. Concerted action between Thyssen and Mannesmann, which given their present relationship is unavoidable, would result in coordinated conduct on the part of the two Groups and restrict competition between them. If competition between the two Groups is to be preserved, ATH must be largely divested of its powers in relation to the Mannesmann Group, while Mannesmann must be placed in a position where it enjoys full freedom of decision as regards its business operations. A minimum requirement for this purpose is the discontinuance of the joint control exercised by ATH and Mannesmann over MRW.

One means of achieving this is for ATH to reduce its shareholding in MRW from the present one-third to one-quarter, while at the same time provision is made to ensure that Mannesmann acquires a three-quarter holding. To the same end the unincorporated association 'Vereinigung MRW' should be dissolved and the Control and Profit Transfer Agreement between 'Vereinigung MRW' and MRW should be terminated. ATH should be prohibited from entering into any future agreements of the same kind involving MRW.

Authorization for the proposed transaction should therefore be conditional on ATH:

- reducing its shareholding in MRW to 25 %, by offering for sale to Mannesmann AG that part of its shareholding which exceeds that percentage;
- terminating the Agreement establishing the unincorporated association known as 'Vereinigung MRW', procuring the termination of the Control and Profit Transfer Agreement concluded between 'Vereinigung MRW' and MRW, and refraining from entering into similar agreements involving MRW.

ATH should be given a time limit in which to comply with these conditions. A period of one year from the date of the merger, subject to a deadline of 31 December 1974, would seem appropriate. ATH should be required to give immediate notice of such compliance. The Commission should reserve the right to review these conditions if, on the expiry of the period specified, ATH has not reduced its shareholding in MRW to 25 % and transferred the balance to Mannesmann AG.

ATH should also be prohibited from acquiring any share or shares in Mannesmann AG or in any undertaking controlled, whether alone or jointly with other shareholders, by Mannesmann AG.

23. The Thyssen Group has concluded specialization and joint-selling agreements with Fried. Krupp Hüttenwerken (FKH), Theodor Wuppermann, Ibach Stahlwerken, Eisen- und Stahlwerke Rötzel and Fürstliche Hohenzollernsche Hüttenverwaltung of Laucherthal ('West' Rationalization Group) ⁽¹⁾.

The Rheinstahl Group has concluded specialization and joint-selling agreements with Hoesch AG and Siegerner AG, of Weiswald ('Westfalen' Rationalization Group) ⁽¹⁾.

Since the Thyssen Group companies belong to the 'West' Rationalization Group and the Rheinstahl Group companies to the 'Westfalen' Group, the result of the proposed merger would be that the new Thyssen/Rheinstahl Group would belong to two competing organizations. There would then be a danger that normal competition between the Thyssen/Rheinstahl Group, Estel (Hoesch-Hoogovens) and Krupp Groups would be prevented. These three Groups account for some 22 % of crude steel production in the Community.

The proposed concentration would thus bring about a fundamental change in the circumstances on the basis of which authorization under Article 65 (2) was granted. In order to re-establish the independence and autonomy of these Groups, the Commission must require ATH and the undertakings controlled by it to withdraw, by 31 March 1974, from the West and Westfalen Rationalization Groups.

24. The existence of interlocking directorates as between the steel producing and dealing undertakings involved and other undertakings in the same sector could have an adverse effect on competition on the steel market. The dangers involved in such links are all the greater in that they might expose other groups

to the influence of the Thyssen/Rheinstahl Group, substantially strengthened as it will be as a result of the merger.

The Commission must accordingly attach to its authorization an obligation that there shall be no links by way of interlocking directorates between the steel producing and dealing companies directly or indirectly concerned and competing undertakings. This will not apply to the Mannesmannröhren-Werke AG.

In the case of steel producing or dealing undertakings controlled jointly by the Thyssen/Rheinstahl Group with other undertakings, the latter must nonetheless be free to appoint members of their management organs to the management organs of the jointly controlled undertaking.

25. In view of the size, position on the steel market and strongly diversified production structure of the Thyssen/Rheinstahl Group, any new, substantial holdings which it acquired in steel producing or dealing undertakings, or in processing undertakings using steel in large quantities, might lead to further restrictions on competition, in particular by enabling the Group to establish an artificially privileged position involving a substantial advantage in access to supplies or markets. To enable the Commission to assess the probable effects of such holdings on competition, the acquisition thereof, where 10 % or more of the shares of the undertaking concerned are involved and, in the case of an undertaking not coming within Article 80 of the Treaty, its annual steel consumption exceeds 50 000 metric tons, should be made subject to prior authorization from the Commission.

26. Subject to these obligations, the Commission finds that the proposed concentration will not give the undertakings concerned the power to determine prices, to control or restrict production or distribution or to hinder effective competition in a substantial part of the steel market, or to evade the rules of competition instituted under the Treaty, in particular by establishing an artificial privileged position involving a substantial advantage in access to supplies or markets.

The proposed transaction accordingly meets the requirements for authorization laid down in Article 66 (2) and may therefore be authorized,

⁽¹⁾ Decision Nos 71/312/ECSC and 71/313/ECSC, (OJ No L 201, 5. 9. 1971, pp. 1 and 12).

HAS ADOPTED THIS DECISION:

Article 1

August-Thyssen-Hütte AG is authorized to acquire a majority of the shares of Rheinstahl AG.

Article 2

This authorization is given upon the following conditions:

1. August-Thyssen-Hütte shall, by offering for sale to Mannesmann AG that part of its shareholding in Mannesmannröhren-Werke AG which exceeds 25 %, reduce its shareholding in that company to the said percentage; and
2. August-Thyssen-Hütte AG shall terminate the Agreement of 16 December 1969 establishing the unincorporated association known as Vereinigung Mannesmannröhren-Werke AG, shall procure the termination of the Control and Profit Transfer Agreement concluded with Mannesmannröhren-Werke AG on 13/16 March 1970, and may not enter into any similar agreement involving Mannesmannröhren-Werke AG.

August-Thyssen-Hütte AG shall comply with these conditions by not later than a date one year from the completion of the proposed transaction or 31 December 1974 whichever is the sooner. August-Thyssen-Hütte AG shall notify the Commission that it has so complied. If on the appointed date August-Thyssen-Hütte AG has failed to transfer to Mannesmann AG the shareholding specified in condition (1) above, the Commission shall adopt a new Decision as to the conditions to which the concentration authorized by Article 1 is to be subject.

Article 3

The following obligations are attached to the authorization:

1. It shall be prohibited for August-Thyssen-Hütte AG to acquire any share or shares in Mannesmann AG or in any undertaking controlled by Mannesmann AG.
2. August-Thyssen-Hütte AG and the undertakings controlled by it shall by not later than 31 March 1974 withdraw from the Rationalisierungsgruppen West and Westfalen. The Commission shall be notified that this obligation has been met.
3. No member of a management organ of any steel producing or dealing undertaking involved in the proposed transaction may be a member of a management organ of any undertaking of a like nature not involved therein. This prohibition shall not apply in respect of Mannesmannröhren-Werke AG.

In the case of a steel producing or dealing undertaking controlled, whether directly or indirectly, jointly by August-Thyssen-Hütte AG with one or more other undertakings, it shall be permitted for a member of a management organ of any such other undertaking to be a member of a management organ of the undertaking jointly so controlled.

4. The acquisition of 10 % or more of the share capital of any steel producing or dealing undertaking, or of any steel processing undertaking whose annual consumption of steel exceeds 50 000 metric tons, shall be subject to prior authorization by the Commission.

Article 4

This Decision is addressed to August-Thyssen-Hütte AG of Duisburg-Hamborn.

Done at Brussels, 20 December 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 20 December 1973

determining the amount to be financed by the Community of expenditure incurred by the French Republic in respect of the supply to the World Food Programme of skimmed-milk powder for food aid

(Only the French text is authentic)

(74/154/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Regulation (EEC) No 442/72 of 28 February 1972 on the supply of milk products under the Title 'Food Aid' ⁽¹⁾;

Whereas, by applying Article 5 of Regulation (EEC) No 442/72, the French Republic has presented supporting statements in respect of expenditure incurred as a result of supplying skimmed-milk powder for food aid;

Whereas the actual expenditure of the French Republic to be financed by the Community amounts FF 3 004 729·68 being 540 984·32 units of account;

Whereas, according to Article 4 of Regulation (EEC) No 442/72, this expenditure is chargeable to Title 9, 'Food Aid and Other Expenditure', of the budget of the European Communities,

HAS ADOPTED THIS DECISION:

Article 1

The amount to be financed by the Community of expenditure incurred by the French Republic in respect of the supply of skimmed-milk powder for food aid totals FF 3 004 729·68 being 540 984·32 units of account.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 20 December 1973.

*For the Commission**The President*

François-Xavier ORTOLI

⁽¹⁾ OJ No L 54, 3. 3. 1972, p. 1.

COMMISSION DECISION

of 20 December 1973

determining the amount to be financed by the Community of expenditure incurred by the Kingdom of the Netherlands in respect of the supply to the World Food Programme of skimmed-milk powder for food aid

(Only the Dutch text is authentic)

(74/155/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Regulation (EEC) No 442/72 of 28 February 1972 on the supply of milk products under the Title 'Food Aid' ⁽¹⁾;

Whereas, by applying Article 5 of Regulation (EEC) No 442/72, the Kingdom of the Netherlands has presented supporting statements in respect of expenditure incurred as a result of supplying skimmed-milk powder for food aid;

Whereas the actual expenditure of the Kingdom of the Netherlands to be financed by the Community amounts to Fl 5 772 289 being 1 594 554.97 units of account;

Whereas, according to Article 4 of Regulation (EEC) No 442/72, this expenditure is chargeable to Title 9, 'Food Aid and Other Expenditure', of the budget of the European Communities,

HAS ADOPTED THIS DECISION:

Article 1

The amount to be financed by the Community of expenditure incurred by the Kingdom of the Netherlands in respect of the supply of skimmed-milk powder for food aid totals Fl 5 772 289 being 1 594 554.97 units of account.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 20 December 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 54, 3. 3. 1972, p. 1.

COMMISSION DECISION

of 20 December 1973

determining the amount to be financed by the Community of expenditure incurred by the Kingdom of Belgium in respect of the supply to the World Food Programme of skimmed-milk powder for food aid

(Only the French and Dutch texts are authentic)

(74/156/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Regulation (EEC) No 442/72 of 28 February 1972 on the supply of milk products under the Title 'Food Aid' ⁽¹⁾;

Whereas, by applying Article 5 of Regulation (EEC) No 442/72, the Kingdom of Belgium has presented supporting statements in respect of expenditure incurred as a result of supplying skimmed-milk powder for food aid;

Whereas the actual expenditure of the Kingdom of Belgium to be financed by the Community amounts to Bfrs 952 141 347 being 19 042 826.94 units of account;

Whereas, according to Article 4 of Regulation (EEC) No 442/72, this expenditure is chargeable to Title 9, 'Food Aid and Other Expenditure', of the budget of the European Communities,

HAS ADOPTED THIS DECISION:

Article 1

The amount to be financed by the Community of expenditure incurred by the Kingdom of Belgium in respect of the supply of skimmed-milk powder for food aid totals Bfrs 952 141 347 being 19 042 826.94 units of account.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 20 December 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 54, 3. 3. 1972, p. 1.

COMMISSION DECISION

of 20 December 1973

determining the amount to be financed by the Community of expenditure incurred by the Kingdom of the Netherlands in respect of the supply to the World Food Programme of egg products for food aid

(Only the Dutch text is authentic)

(74/157/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1577/71 of 20 July, 1971 on the supply of egg products to the World Food Programme ⁽¹⁾;

Whereas, by applying Article 4 of Regulation (EEC) No 1577/71, the Kingdom of the Netherlands has presented supporting statements in respect of the expenditure incurred as a result of supplying egg products for food aid;

Whereas the actual expenditure of the Kingdom of the Netherlands to be financed by the Community amounts to Fl 4 565 376·34 being 1 261 153·69 units of account;

Whereas, according to the said Article 4 of Regulation (EEC) No 1577/71, this expenditure is chargeable to the Title 'Food Aid' of the budget of the European Communities,

HAS ADOPTED THIS DECISION:

Article 1

The amount to be financed by the Community of expenditure incurred by the Kingdom of the Netherlands in respect of the supply of egg products for food aid totals Fl 4 565 376·34 being 1 261 153·69 units of account.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 20 December 1973.

*For the Commission**The President*

François-Xavier ORTOLI

⁽¹⁾ OJ No L 167, 26. 7. 1971, p. 9.

COMMISSION DECISION

of 20 December 1973

determining the amount to be financed by the Community of expenditure incurred by the Kingdom of the Netherlands in respect of the supply of sugar to the UNRWA under the Title 'Food Aid'

(Only the Dutch text is authentic)

(74/158/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1475/72 of 10 July 1972 on the supply of sugar to the UNRWA under the Title 'Food Aid' ⁽¹⁾;

Whereas, by applying Article 3 of Regulation (EEC) No 1475/72, the Kingdom of the Netherlands has presented supporting statements in respect of the expenditure incurred as a result of supplying sugar for food aid;

Whereas the actual expenditure of the Kingdom of the Netherlands to be financed by the Community amounts to Fl 3 808 642.13 being 1 052 111.09 units of account;

Whereas, according to Article 2 (2) of Regulation No 1475/72, this expenditure is chargeable to Title 9 'Food Aid and Other Expenditure' of the budget of the European Communities,

HAS ADOPTED THIS DECISION:

Article 1

The amount to be financed by the Community of expenditure incurred by the Kingdom of the Netherlands in respect of the supply of sugar for food aid totals Fl 3 808 642.13 being 1 052 111.09 units of account.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 20 December 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 157, 13. 7. 1972, p. 3.

COMMISSION DECISION

of 20 December 1973

determining the amount to be financed by the Community of expenditure incurred by the Federal Republic of Germany in respect of the supply to the World Food Programme of egg products for food aid

(Only the German text is authentic)

(74/159/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1577/71 of 20 July 1971 on the supply of egg products to the World Food Programme ⁽¹⁾;

Whereas, by applying Article 4 of Regulation (EEC) No 1577/71, the Federal Republic of Germany has presented supporting statements in respect of the expenditure incurred as a result of supplying egg products for food aid;

Whereas the actual expenditure of the Federal Republic of Germany to be financed by the Community amounts to DM 578 565 being 158 077·86 units of account;

Whereas, according to the said Article 4 of Regulation (EEC) No 1577/71, this expenditure is chargeable to the Title 'Food Aid' of the budget of the European Communities,

HAS ADOPTED THIS DECISION:

Article 1

The amount to be financed by the Community of expenditure incurred by the Federal Republic of Germany in respect of the supply of egg products for food aid totals DM 578 565 being 158 077·86 units of account.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 December 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 167, 26. 7. 1971, p. 9.

COMMISSION DECISION

of 20 December 1973

determining the amount to be financed by the Community of expenditure incurred by the French Republic in respect of the supply to the World Food Programme of egg products for food aid

(Only the French text is authentic)

(74/160/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1577/71 of 20 July 1971 on the supply of egg products to the World Food Programme ⁽¹⁾;

Whereas, by applying Article 4 of Regulation (EEC) No 1577/71, the French Republic has presented supporting statements in respect of the expenditure incurred as a result of supplying egg products for food aid;

Whereas the actual expenditure of the French Republic to be financed by the Community amounts to FF 369 909·37 being 66 600·06 units of account;

Whereas, according to the said Article 4 Regulation (EEC) No 1577/71, this expenditure is chargeable to the Title 'Food Aid' of the budget of the European Communities,

HAS ADOPTED THIS DECISION:

Article 1

The amount to be financed by the Community of expenditure incurred by the French Republic in respect of the supply of egg products for food aid totals FF 369 909·37 being 66 600·06 units of account.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 20 December 1973.

*For the Commission**The President*

François-Xavier ORTOLI

⁽¹⁾ OJ No L 167, 26. 7. 1971, p. 9.