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I

(Acts whose publication is obligatory)

REGULATION (EEC) No 1473/75 OF THE COUNCIL

of 20 May 1975

amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail,
road inland waterway

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 75 and 94 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 ⁽¹⁾;

Whereas, pursuant to Article 4 of Council Regulation (EEC) No 1107/70 ⁽²⁾ of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway, and until the entry into force of Community rules adopted pursuant to Article 8 of Council Decision No 65/271/EEC ⁽³⁾ of 13 May 1965 on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway, payments may be made to railway undertakings by States and public authorities by reason of any failure to achieve harmonization, as laid down in the said Article 8, of the rules governing the financial relations between railway undertakings and States, the purpose of such harmonization being to make those undertakings financially independent; whereas Article 5 (2) of the abovementioned Regulation provides that the aids referred to in Article 4 shall be exempt from the procedure laid down in Article 93 (3) of the Treaty and that details of such aids shall be communicated to the Commission in the form of estimates at the beginning of each year and subsequently, in the form of a report, after the end of the financial year;

Whereas, following the adoption, pursuant to Article 8 of Decision No 65/271/EEC, of Council Decision No 75/327/EEC ⁽⁴⁾ of 20 May 1975 on the improvement of the situation of railway undertakings and the harmonization of rules governing financial relations between such undertakings and States, Article 4 of Regulation (EEC) No 1107/70 is no longer applicable to national railway undertakings; whereas on the other hand Member States may give financial assistance to such undertakings within the framework of the business plans of the latter in accordance with Article 5 (1) of Decision No 75/327/EEC, and also deficit subsidies in accordance with Article 13 of that Decision;

Whereas, in view of the special nature of these financial measures, it is advisable to retain, pursuant to Article 94 of the Treaty, the special procedure for informing the Commission provided for in Article 5 (2) of Regulation (EEC) No 1107/70;

Whereas, for this purpose, Article 4 of Regulation (EEC) No 1107/70 should be amended,

HAS ADOPTED THIS REGULATION:

Sole Article

Article 4 of Regulation (EEC) No 1107/70 is replaced by the following:

'Article 4

1. Until the expiry of the period laid down for attaining financial balance in accordance with Article 15 (1) of Council Decision No 75/327/EEC ⁽¹⁾ of 20 May 1975 on the improvement of the situation of railway undertakings and the

⁽¹⁾ OJ No C 62, 15. 3. 1975, p. 27.

⁽²⁾ OJ No L 130, 15. 6. 1970, p. 1.

⁽³⁾ OJ No 88, 24. 5. 1965, p. 1500/65.

⁽⁴⁾ See page 3 of this Official Journal.

harmonization of rules governing financial relations between such undertakings and States, and without prejudice to Regulations (EEC) No 1191/69 and (EEC) No 1192/69 Article 3 shall apply neither to financial assistance given to railway undertakings within the framework of their business plans in accordance with Article 5 (1) of that Decision nor to the deficit subsidies granted to them in accordance with Article 13 of that Decision.

2. In the absence of Community Regulations on the harmonization of the rules governing the

financial relations between States and railway undertakings other than those referred to in Article 1 of Decision No 75/327/EEC and without prejudice to Regulations (EEC) No 1191/69 and (EEC) No 1192/69, Article 3 shall not apply to payments by States and public authorities to these undertakings made by reason of any failure to achieve harmonization.

(¹) OJ No L 152, 12. 6. 1975, p. 3.'

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

Done at Brussels, 20 May 1975.

For the Council

The President

R. RYAN

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 May 1975

on the improvement of the situation of railway undertakings and the harmonization of rules governing financial relations between such undertakings and States

(75/327/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Decision No 65/271/EEC ⁽¹⁾ of 13 May 1965 on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway, and in particular Article 8 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽²⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽³⁾;

Whereas one of the objectives of the common transport policy must be to eliminate disparities liable to cause substantial distortion in competition in the transport sector;

Whereas the railways of Europe, both generally and more especially in their capacity as public undertakings, play an important part in the transport system; whereas they operate in a way relatively

favourable to the environment and are economical in their use of space and of energy; whereas they are often the most effective means of carrying out many transport operations and, accordingly, in most European countries, are irreplaceable from both the economic and the socio-political point of view;

Whereas, in this context, it is necessary to harmonize the rules governing the relations, especially as regards finance, between railway undertakings and States;

Whereas the Council laid down guidelines to govern financial relations between national railway undertakings and Member States in its resolution of 27 June 1974 ⁽⁴⁾ on the proposal for a Council Decision on Article 8 of the Council Decision of 13 May 1965;

Whereas the gradual improvement of the financial situation of railway undertakings could appreciably improve the situation on the transport market; whereas this improvement should result in an improvement of the financial results of these undertakings with a view to achieving financial balance; whereas such balance may be achieved only by increasing their financial independence and commercial responsibility to the extent compatible with their role as a public service;

⁽¹⁾ OJ No 88, 24. 5. 1965, p. 1500/65.

⁽²⁾ OJ No C 70, 1. 7. 1972, p. 16.

⁽³⁾ OJ No C 89, 23. 8. 1972, p. 1.

⁽⁴⁾ OJ No C 111, 23. 9. 1974, p. 1.

Whereas, however, the amount of financial assistance from the State should be kept commensurate with the services provided by the railways and with their importance; whereas disclosure of how these public funds are being used and what services are being provided by the railways should, as far as possible, prevent political intervention in the commercial management not justified by socio-economic considerations;

Whereas to this end it is important to establish the principle of the division of responsibility between the undertaking and the State; whereas the respective responsibilities of the undertaking and the State should be defined;

Whereas, therefore, provision should be made for drawing up business plans of the railway undertakings under a consultation procedure; whereas the State may make give financial assistance to railway undertakings;

Whereas financial and accounting rules based as far as possible on the principles applicable to industrial and commercial undertakings should be laid down for railway undertakings; whereas provision should be made for the necessary measures to achieve comparability of the accounting systems and annual accounts of all railway undertakings; whereas uniform costing principles should also be laid down; whereas improved presentation of the accounts will also increase the responsibility and independence of the management of these undertakings;

Whereas the managerial independence of railway undertakings should mean that, within the framework of general policy on prices and taking into account both national and Community rules on transport rates and conditions, the undertakings fix their own rates with the aim of optimising financial results and achieving financial balance;

Whereas improved cooperation between railway undertakings would assist in optimising their financial results; whereas Member States, in conjunction with the Commission, should consequently seek to promote such cooperation;

Whereas transitional measures should be taken until the railway undertakings achieve financial balance; whereas the date by which such balance should be achieved will be fixed subsequently taking account of experience gained and of the particular conditions

affecting the role and importance of the railways in each Member State; whereas provision should be made at the same time for the necessary adaptations to Council Regulation (EEC) No 1191/69 ⁽¹⁾ of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway, and to Council Regulation (EEC) No 1107/70 ⁽²⁾ of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway, taking into account the links which exist between transport and other economic and social sectors;

Whereas it is thus essential that the Commission and the Council should obtain all relevant information on the financial development of railway undertakings,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary steps to ensure that this Decision is applied to the following railway undertakings:

- Société Nationale des Chemins de Fer Belges (SNCB) / Nationale Mattschappij der Belgische Spoorwegen (NMBS),
- De danske Statsbaner (DSB),
- Deutsche Bundesbahn (DB),
- Société Nationale des Chemins de Fer Français (SNCF),
- Coras Iompair Eireann (CIE),
- Azienda Autonoma delle Ferrovie dello Stato (FS),
- Société Nationale des Chemins de Fer Luxembourgeois (CFL),
- Naamloze Vennootschap Nederlandse Spoorwegen (NS),
- British Railways Board (BRB),
- Northern Ireland Railways Company Ltd (NIR).

2. As regards the Société Nationale des Chemins de Fer Luxembourgeois (CFL), Belgium and France shall, together with Luxembourg, make such amendments to the constitutive acts as may be necessary to implement this Decision.

⁽¹⁾ OJ No L 156, 28. 6. 1969, p. 1.

⁽²⁾ OJ No L 130, 15. 6. 1970, p. 1.

Article 2

1. Within the framework of the overall policies laid down by each State and the discharge of public service obligations by the undertaking, each railway undertaking shall have sufficient independence as regards management, administration and internal control over administrative, economic and accounting matters with a view to achieving financial balance, taking into particular account the application of Regulation (EEC) No 1191/69, of Council Regulation (EEC) No 1192/69 ⁽¹⁾ of 26 June 1969 on common rules for the normalization of the accounts of railway undertakings, and of Regulation (EEC) No 1107/70.

This independence shall in any event include the separation of its assets, budgets and accounts from those of the State.

2. Railway undertakings are to be managed in accordance with economic principles. This shall apply also to their public service obligations with the view, in particular, of providing efficient and appropriate services at the lowest possible cost for the quality of service required.

Article 3

In accordance with Article 2, each railway undertaking shall, in particular:

- submit its business plans, possibly covering a number of years, including its investment and financing programmes within the framework of the overall policies laid down by the State and taking account of national transport planning, particularly with regard to infrastructure;
- implement its part of the business plans settled pursuant to Article 4;
- draw up its budget and annual accounts, having regard to Article 4 (3).

Article 4

1. The business plan submitted by a railway undertaking in accordance with Article 3 shall be settled in the context of a procedure decided by the State and based on consultation between the State and the undertaking. The plan shall be drawn up with the aim of achieving financial balance of the undertaking as well as the other technical, commercial and financial management objectives. The plan shall also lay down the method of implementation. The State shall keep the performance of this plan under review.

⁽¹⁾ OJ No L 156, 28. 6. 1969, p. 8.

Should the development of economic conditions jeopardize implementation of this plan or some unforeseen event occur or a government decision be made affecting a basic element thereof, the State and the railway undertaking shall, by the same process, review their objectives and the means of achieving them.

2. The State shall, in accordance with the conditions and the limits laid down in Regulations (EEC) No 1191/69 and (EEC) No 1107/70, determine the public service obligations to be met by the railway undertaking.

3. The State shall, in the light of Article 8, determine the layout of the budget and of the annual accounts of the railway undertaking and shall lay down the procedure and conditions for their approval.

Article 5

1. When the business plan is being drawn up in accordance with the procedure set out in Articles 3 and 4, the State and the railway undertaking shall settle:

- the procedures under which repayments, consolidations and conversion of previous loans are to be effected,
- the respective proportions in which new investments may be financed from internal sources, by borrowing or by direct State grants.

The State may lay down the amounts and the terms and conditions of loans which the railway undertaking is authorized to raise.

In order to enable the above transactions to be carried out, the State may give to the railway undertaking:

- (a) guarantees, with or without charge, on loans floated by the undertaking;
- (b) interest-bearing or interest-free loans;
- (c) direct grants.

2. The State may make to the railway undertaking capital grants consistent with the functions, the size and the financial needs of the undertaking. These grants must, however, be intended to increase the assets of the undertaking and must not constitute a deficit subsidy.

Article 6

The State may define the conditions under which the railway undertaking effects transactions involving movable or immovable property aimed at ensuring the best possible use of its assets or disposes of railway property no longer needed for railway operations.

Article 7

Pending implementation of the provisions referred to in Article 8 (2), the State shall, to the greatest extent possible, draw on the rules applicable to industrial and commercial undertakings, when defining the rules with which the railway undertaking will have to comply regarding:

- amortization and depreciation of assets,
- reserves.

Taking account of the provisions of Article 13, the State shall define the rules applicable to the railway undertaking with regard to:

- distribution of profits, if any, and, where appropriate, any other form of return on capital,
- covering of deficits.

Article 8

1. The accounting system, budget and annual accounts of the railway undertaking shall be separate from those of the State.

2. Before 1 January 1978, the Council, acting on a proposal from the Commission, shall adopt the necessary measures to achieve compatibility between the accounting systems and annual accounts of all railway undertakings and shall lay down uniform costing principles.

3. Until such time as the Community has adopted the measures provided for in paragraph 2, the railway undertaking must, in its accounting system, budget and annual accounts, show clearly and separately at least:

- (a) the expenditure and revenue relating to the operation of transport services and to each of the other activities in which the undertaking engages or participates;
- (b) the revenue relating to the following services, with separate entries for activities to which public service obligations apply:
 - (i) passenger transport:

- by rail (if possible subdivided into long and short distance or into high speed and express on the one hand and other rail services on the other),

- by road,

- by other means of transport;

(ii) goods transport:

- full trains and wagons,

- packages and parcels,

- by road.

4. The railway undertaking must provide the State with the necessary data to enable a detailed assessment to be made of the financial results of each of the categories of activity outlined in paragraph 3 (b).

5. The table provided for in Article 10 of Regulation (EEC) No 1192/69 must be included in an Annex to the annual accounts and must show, in addition, all other sums granted to the railway undertaking during the year by way of financial assistance or compensation.

Article 9

1. Within the framework of general policy on prices and taking into account both national and Community rules on transport rates and conditions, railway undertakings shall determine their own rates with the aim of achieving optimum financial results and financial balance.

2. Pursuant to Article 3 (2) of Regulation (EEC) No 1107/70, compensation may be made in respect of tariff obligations imposed upon railway undertakings and not covered by Regulation (EEC) No 1191/69. Acting on a proposal from the Commission to be submitted not later than 1 January 1978, the Council shall harmonize the procedures for granting such compensation.

Article 10

The railway undertaking shall concentrate basically on activities which are appropriate to this mode of transport.

Bearing in mind the public nature of the undertaking, the State may however, in accordance with conditions it lays down, authorize the undertaking:

- to participate directly or indirectly in any undertaking engaged in operations outside its normal activities or to carry out such operations,
- to employ other transport techniques.

Article 11

1. Member States shall, in conjunction with the Commission, investigate measures likely to promote cooperation among railway undertakings.
2. Before 1 January 1979, the Commission will submit to the Council a report on the objectives to be pursued in the long term and the measures to be taken to promote partial or total integration of railway undertakings at Community level.

Article 12

The State shall lay down the procedures for appointing the members of the governing bodies of the railway undertaking.

Article 13

In conjunction with the railway undertaking, the State shall draw up a financial programme aimed at achieving the financial balance of the undertaking.

Under this programme the State may grant to the railway undertaking deficit subsidies which must be distinct:

- from compensation granted in respect of categories of public service obligations provided for by Article 2 of Regulation (EEC) No 1191/69, or of categories of normalization of accounts provided for by Article 4 (1) and (4) of Regulation (EEC) No 1192/69;
- from aid granted in respect of categories of aid provided for by Article 3 of Regulation (EEC) No 1107/70 and Article 9 (2) of this Decision.
- from the financial assistance provided for by Article 5 (1) of this Decision.

Article 14

1. Every two years, the Commission shall submit to the Council a report on the implementation by Member States of this Decision and of Regulations (EEC) No 1191/69, (EEC) No 1192/69 and (EEC) No 1107/70.

The report must clearly indicate the results achieved, with particular regard to any changes in the financial situation of the railway undertaking.

2. In order to enable the Commission to draw up the report referred to in paragraph 1, Member States shall, at the appropriate time, forward to it the necessary information and, in particular, the programmes referred to in Articles 4 and 13, together with any major changes made to them.

Article 15

1. Before 1 January 1980, the Commission, taking account of the particular conditions affecting the role and importance of the railways in each State, shall submit to the Council such proposals as it deems necessary to fix the time limit and conditions for achieving the financial balance of the railway undertakings.

2. By the same date, the Commission shall submit proposals to the Council concerning in particular the adaptation of Regulations (EEC) No 1191/69 and (EEC) No 1107/70 in order to take account, within the framework of the links which exist between transport and other economic and social sectors, of the obligations inherent in the concept of a public service to which railways could be subject.

Article 16

1. As soon as possible and not later than 1 January 1977, Member States shall, after consultation with the Commission, give effect, by law, regulation or administrative action, to such provisions as may be necessary for the implementation of this Decision.
2. Where a Member State so requests, or where the Commission considers it appropriate, the Commission shall consult the Member States concerned on the drafts for the provisions referred to in paragraph 1.

Article 17

This Decision is addressed to the Member States.

Done at Brussels, 20 May 1975.

For the Council

The President

R. RYAN

COUNCIL DECISION

of 20 May 1975

on the establishment of the joint undertaking 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK)

(75/328/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 49 thereof;

Having regard to the Opinion of the Commission;

Having regard to the report from the Commission;

Having regard to the proposal from the Commission;

Whereas the objects of 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK) are to construct, equip and operate a nuclear power station of the order of 300 MWe at Kalkar (Landkreis of Kleve) Land of North-Rhine-Westphalia in the Federal Republic of Germany;

Whereas SBK has for this purpose applied for establishment as a joint undertaking;

Whereas the statutes of SBK are compatible with the provisions of the Treaty which relate to joint undertakings, and whereas Article 13, in particular, of those statutes provides that, if SBK is established as a joint undertaking, it will be governed by the said provisions, by the acts adopted in implementation thereof and in particular by this Decision;

Whereas it is the task of the Community to contribute to the raising of the standard of living in the Member States and to the development of relations with other countries by creating the conditions necessary for the speedy establishment and growth of nuclear industries;

Whereas, notwithstanding the economic risks at present inherent in such an undertaking, it is important that a start be made forthwith on establishing this nuclear power station equipped with a fast-neutron reactor and benefiting from all the progress achieved hitherto;

Whereas the project put forward by SBK is therefore of prime importance to the development of nuclear industry in the Community now that nuclear techniques are being applied to the production of energy,

HAS ADOPTED THIS DECISION:

Article 1

'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK) is hereby established as a joint undertaking with the meaning of the Treaty for a period of 25 years from 1 January 1975.

The objects of SBK shall be to construct, equip and operate a nuclear power station of the order of 300 MWe in Kalkar (Landkreis of Kleve), Land of North-Rhine-Westphalia, Federal Republic of Germany.

Article 2

The statutes (memorandum and articles of association) of the SBK annexed to this Decision are hereby approved. The winding-up provided for in Article 8 of these statutes shall, however, be effected only after approval by the Council, acting on a proposal from the Commission, in accordance with Article 50 of the Treaty.

SBK shall add 'Gemeinsames Europäisches Unternehmen' after its name.

Article 3

This Decision is addressed to the Member States and to SBK.

Done at Brussels, 20 May 1975.

For the Council

The President

R. RYAN

ANNEX

(Translation)

STATUTES

of the Schnell-Brüter-Kernkraftwerksgesellschaft mit beschränkter Haftung

Article 1

Name

The name of the company is:

Schnell-Brüter-Kernkraftwerksgesellschaft mit beschränkter Haftung.

(c) SYNATOM, Société Anonyme, Brussels, subscriptions of:

DM 750 000

DM 3 000 000

DM 4 500 000

(d) Central Electricity Generating Board, London, a subscription of:

DM 2 000 000

Article 2

Seat

The seat of the company is at Essen.

One-quarter of the subscriptions to the capital shall be paid in cash before application is made for the entry of the company in the commercial register. The management may call up further amounts if necessary. Such amounts shall be paid within four weeks of receipt of the call.

Article 3

Object of the company

The object of the company is to develop a series of fast breeder reactors to a stage at which they are ready for marketing, by construction and operation of a prototype nuclear power station with a sodium-cooled fast breeder reactor and by participating in energy-producing companies set up for the purpose of building and operating sodium-cooled fast breeder reactors.

Article 6

Disposal of shares

No shares or fractions thereof shall be assigned or mortgaged without the assent of all the members.

Article 4

Capital

The capital of the company is DM 57 000 000 (fifty-seven million German marks).

Article 7

Administrative organs

The administrative organs of the company shall be:

(a) the general meeting of the members,

(b) the management.

Article 5

Subscribed capital

The following companies and board have contributed to the capital:

(a) Rheinisch-Westfälisches Elektrizitätswerk Aktiengesellschaft, Essen, subscriptions of:

DM 3 500 000
DM 14 000 000
DM 21 000 000

(b) N. V. Samenwerkende Elektriciteits-Productiebedrijven, Arnhem, subscriptions of:

DM 750 000
DM 3 000 000
DM 4 500 000

Article 8

General meeting of members — Decisions

A general meeting of members shall be convened by the management not less than once a year by registered letter at least two weeks in advance specifying the place, date, time and agenda of the meeting. General meetings may take place anywhere within the country or, provided they do not require to be proved by a notary public, abroad.

At the written request of one of the members, the management shall forthwith convene a general meeting.

Each DM 10 000 shall carry entitlement to one vote in the general meeting.

The chair at the general meeting shall be taken by the representative of the Rheinisch-Westfälisches Elektrizitätswerk Aktiengesellschaft.

Unless otherwise required by law or the statutes, the general meeting shall take decisions by a simple majority of the votes cast.

Decisions concerning the construction of the prototype nuclear power station with a fast breeder reactor, amendment of the statutes, participation in other energy producing companies and winding-up of the company shall be taken by a majority of 90% of the voting entitlement.

Unless the decisions taken by the general meeting are certified by a notary public, the management shall prepare minutes of the decisions taken by general meetings and shall send them to all members after signature by the chairman of the general meeting.

Article 9

Management

The management may consist of one or more persons. The managers shall be appointed and dismissed by the general meeting, which may appoint one of the managers to the chairmanship of the management.

The management shall conduct the business of the company in accordance with the law, these statutes and the decisions of the general meeting of members.

Article 10

Representation

If there is more than one manager, the company shall be represented by two managers acting jointly or by a manager and the holder of a power of attorney.

Article 11

Financial year

The financial year shall run from 1 July in one year to 30 June in the next.

Article 12

Closing of accounts

Within five months after the end of each financial year, the management shall draw up the balance sheet, the profit and loss account and an annual report.

Article 13

Joint undertaking

If the company is granted the status of a joint undertaking within the meaning of the Treaty establishing the European Atomic Energy Community, it is subject, for the whole of its activity as such, to the provisions of the Euratom Treaty which relate to joint undertakings, and also to the decisions of the Council of Ministers of the European Atomic Energy Community establishing it as a joint undertaking and conferring on it any of the advantages listed in Annex III to the Euratom Treaty.

In particular:

- (a) amendments to these statutes shall not enter into force until they have been approved by the Council of Ministers, pursuant to Article 50 of the Euratom Treaty;
- (b) in accordance with Article 171 (3) of the Euratom Treaty, the company's profit and loss accounts and the balance sheet relating to the preceding financial year shall, within one month after their approval by the general meeting, be sent by the management to the Commission, which shall place them before the Council of Ministers and the European Parliament. The estimates of revenue and expenditure shall be submitted in accordance with the same procedure one month at the latest before the beginning of each financial year.

Subject to the foregoing provisions the company shall continue to be governed by German law and in particular the law relating to companies with limited liability.

Article 14

Notices

All notices of the company shall be published exclusively in the Bundesanzeiger.

Article 15

Costs of formation

The costs of forming the company, including the costs of certifying the statutes and registering the company, shall be borne by the company.

COUNCIL DECISION

of 20 May 1975

on the conferring of advantages on the 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK) joint undertaking

(75/329/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 48 and 124 thereof;

Having regard to the Opinion of the Commission;

Having regard to the report from the Commission;

Having regard to the proposal from the Commission;

Whereas the objects of the 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK) joint undertaking, which was established for a period of 25 years by Decision No 75/328/Euratom, are to construct, equip and operate a nuclear power station with a capacity of 300 MWe in Kalkar (Landkreis of Kleve), Land of North-Rhine-Westphalia, Federal Republic of Germany;

Whereas SBK has for this purpose applied for certain advantages listed in Annex III to the Treaty;

Whereas the Kalkar nuclear power station will be constructed by a consortium of undertakings from several Member States of the Community, and almost exclusively with components from the Community, and whereas the construction of this power station will enable the technical processes for the production of electricity on an industrial scale to be considerably improved;

Whereas the conferment on SBK, in respect of the period of construction and operation of the nuclear power station, of advantages listed in Annex III to the Treaty may, by lightening the financial burden, limit the economic risks inherent in such an undertaking;

Whereas it is desirable to confer the said advantages on SBK only if the latter makes available to the Community the non-patentable information it collects in the course of implementing the nuclear power station project,

Article 1

The Member States shall confer on the 'Schnell-Brüter-Kernkraftwerksgesellschaft mbH' (SBK) joint undertaking in the first place for a period of three years dating after final acceptance of the power station by the undertaking, the following advantages listed in Annex III to the Treaty:

1. under paragraph 3 of the said Annex, exemption from the Kapitalverkehrsteuer (Gesellschaftssteuer) (capital transaction tax — company tax) on assets contributed to SBK by members (Stammeinlagen), up to a total of DM 120 000 000;
2. under paragraph 5 of the said Annex:
 - exemption from tax on capital;
 - derogation from the deadline set for the deduction of losses pursuant to Article 10d of the Einkommensteuergesetz (income tax law);
 - exemption from that part of the industrial or commercial profits tax which is levied in pursuance of Article 8, point 1 of the Gewerbesteuer-gesetz (trade tax law) on the interest due under long-term financial commitments;
 - derogation from the deadline set for the deduction of operating losses in pursuance of Article 10a of the Gewerbesteuer-gesetz;
 - exemption from that part of the tax on operating capital which is levied in pursuance of paragraph 2, point 1 of Article 12 of the Gewerbesteuer-gesetz on long-term financial commitments;
 - exemption from that part of the tax on operating capital which is levied on the *pro rata* value of the plant financed through public subsidies;
3. the advantages provided for in paragraph 6 (a) of the said Annex;

4. the advantages provided for in paragraph 7 of the said Annex.

Article 2

The advantages conferred on SBK by this Decision shall apply to the rights and obligations at the time of its incorporation as a joint undertaking.

Article 3

The conferment of the advantages listed in Article 1 on SBK is subject to the condition that the Commission shall have access to all the industrial, technical and economic information, including that relating to safety, acquired by SBK throughout the period of design, construction and operation of the nuclear power station. This duty extends to all the information which SBK is entitled to receive from

its major supplier and pass on in accordance with the contracts concluded with him.

The Commission shall determine which information must be communicated to it, as well as the manner in which such communication shall be made. The Commission shall ensure its dissemination among the Member States, persons and undertakings in accordance with Title 2 of Chapter II of the Treaty.

Article 4

This Decision is addressed to the Member States and to the joint undertaking SBK.

Done at Brussels, 20 May 1975.

For the Council

The President

R. RYAN

COUNCIL DECISION

of 20 May 1975

amending Decision No 71/237/Euratom adopting a five-year research and training programme of the European Atomic Energy Community in the field of fusion and plasma physics

(75/330/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof;

Having regard to the proposal from the Commission submitted after consultation with the Scientific and Technical Committee;

Whereas by Decision No 71/237/Euratom ⁽¹⁾, as last amended by Decision No 74/36/Euratom ⁽²⁾, the Council adopted a five-year research and training programme in the field of fusion and plasma physics;

Whereas the results already obtained in the course of this programme show that it is desirable to undertake detailed studies to serve as a basis for a possible subsequent decision to provide the Community with a large machine of the Tokamak type (JET: 'Joint European Torus'); whereas to avoid delay it is desirable to start on the preparatory phase of the project during 1975, without prejudice, however, to a final decision to proceed to the construction phase;

Whereas, in order to ensure the continuity of the said five-year programme which, moreover, takes its place in the wider context of the security of the long-term energy supplies of the Community, it must be adequately supplemented with regard to the operations to be conducted during 1975;

Whereas the abovementioned developments call for increased staff mobility,

HAS DECIDED AS FOLLOWS:

Article 1

The programme set out in the Annex to Decision No 71/237/Euratom shall be replaced by the programme annexed to this Decision.

Article 2

Article 2 of Decision No 71/237/Euratom shall be replaced by the following:

'The maximum amount of expenditure commitments and the staff necessary for the implementation programme shall be fixed at 73 100 000 units of account and 112 Community servants plus 20 temporary Community servants, the unit of account being defined in Article 10 of the Financial Regulation of 25 April 1973 ⁽¹⁾ applicable to the general budget of the European Communities.

⁽¹⁾ OJ No L 116, 1. 5. 1973, p. 1.'

Done at Brussels, 20 May 1975.

*For the Council**The President*

R. RYAN

⁽¹⁾ OJ No L 143, 29. 6. 1971, p. 33.

⁽²⁾ OJ No L 30, 4. 2. 1974, p. 18.

ANNEX

FUSION AND PLASMA PHYSICS

1. An amount of 73 100 000 units of account shall be allocated to this programme and the upper limit for staff shall be fixed at 112 permanent servants and 20 temporary servants. This amount is intended to cover:

- the expenditure on equipment concerned with operations already undertaken or to be undertaken during the last two years of the programme which are accorded priority status and specified in point 5;
- the expenditure relating to the design phase and the preparatory phase of the large Tokamak JET project;
- the cost of staff mobility;
- the other expenditure relating to operations to be carried out under this programme.

2. The subject-matter of the programme which will be executed by the associated laboratories shall be:

- general physics in the sector concerned, in particular studies of a basic character or relating to confinement of plasma with suitable devices and to methods for producing and heating plasma;
- research on the confinement in closed and open-ended configurations of plasma of widely varying density and temperature;
- production of and research on plasma of high and very high density;
- improvement of diagnostic methods;
- investigation of technological problems connected with current research and of problems relating to thermonuclear reactor technology;
- the design phase and the preparatory phase of the JET project.

This work shall be carried out by means of association contracts.

3. The programme set out in point 2 shall be part of a long-term cooperative project embracing all work carried out in the Member States in the field of fusion and plasma physics. It is designed to lead in due course to the joint construction of prototypes with a view to their industrial scale production and marketing.

4. Within the upper limit of 73 100 000 units of account:

- (a) a maximum amount of 17 800 000 units of account shall be allocated to the financing of equip-

ment for the operations specified in point 5 which have been or are to be undertaken, a standard preferential rate of participation not exceeding 44% being applied. In return, all members of the association shall have the right to take part in the experiments carried out with this equipment;

- (b) a maximum amount of 1 250 000 units of account shall be set aside for expenditure for ensuring mobility of research staff of the Member States in order to enable them to work in the associated laboratories of the JET Working Party;

- (c) a maximum amount of 3 600 000 units of account shall be set aside for expenditure incurred in the first design phase and the preparatory phase of the JET project. This amount shall be used to enable the work carried out by way of contracts other than association contracts to be entirely financed by the Commission, and to provide up to 600 000 units of account so as to increase its participation in the work carried out for the JET project in the associated laboratories to about 44%;

- (d) the amount not set aside for the operations and expenditure referred to in sections (a), (b) and (c) shall form the upper limit of financial participation by the Community in other expenditure of the associations, in their management and in support of the JET project. This participation shall be at a standard rate of about 25%. By way of derogation from this principle, this rate shall be increased to a maximum of 30% for the Euratom-CNEN-CNR Association, which will further benefit from the assumption by the programme of the expenses in respect of the Euratom staff seconded thereto.

5. After conducting a technical examination of the various projects the Commission may finance, within the following upper limits, the operations mentioned below, which are accorded priority status:

	<i>units of account</i>
— low-beta stellarator and Tokamak	11 800 000
— screw pinch and high-beta stellarator	3 300 000
— heating and injection processes	1 900 000
— very high density processes	1 400 000
— open-ended configurations	500 000
— reactor technology	900 000

COMMISSION

COMMISSION DECISION

of 15 May 1975

fixing minimum selling prices for boned beef put up for tender by the Irish intervention agency pursuant to Regulation (EEC) No 79/75

(Only the English text is authentic)

(75/331/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 805/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74 ⁽²⁾, and in particular Article 7 (3) thereof;

Whereas Article 11 of Commission Regulation (EEC) No 216/69 ⁽³⁾ of 4 February 1969 on detailed rules of application for the disposal of frozen beef and veal bought in by intervention agencies, provides that minimum selling prices for the products tendered for must be fixed in the light of the tenders received;

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 79/75 ⁽⁴⁾ of 14 January 1975 on the sale by periodic tendering procedure of boned beef held by the intervention agencies, a certain quantity of boned beef has been put up for tender by the Irish intervention agency ⁽⁵⁾; whereas, having regard to the tenders received for forequarters excluding the cube rolls, the cube rolls, the butts, the fillets, the insides, the knuckles, the outsides, the plates and flanks and the striploins from Steers 1 and

2 and Heifers 2 and for forequarters excluding the cube rolls, the cube rolls, hindquarters excluding the fillets and striploins, fillets and striploins from Cows 1 and to the market situation, it is appropriate to fix the minimum selling prices for those products at the levels given below;

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

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of contracts awarded pursuant to Regulation (EEC) No 79/75 the minimum selling prices for boned beef held by the Irish intervention agency shall be as follows:

u.a./metric ton

Steers 1 and 2 and Heifers 2:

— forequarters excluding cube rolls	1 034
— cube rolls	2 835
— butts	1 969
— fillets	3 983
— insides	2 051
— knuckles	1 848
— outsides	1 848

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 195, 18. 7. 1975, p. 14.

⁽³⁾ OJ No L 28, 5. 2. 1969, p. 10.

⁽⁴⁾ OJ No L 10, 15. 1. 1975, p. 9.

⁽⁵⁾ OJ No C 85, 17. 4. 1975, p. 8.

— plates and flanks	493
— striploins	2 717

Article 2

This Decision is addressed to Ireland.

Cows 1:

— forequarters excluding cube rolls	930
— cube rolls	2 513
— hindquarters excluding fillets and striploins	1 228
— fillets	3 803
— striploins	1 908

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION DECISION

of 15 May 1975

fixing minimum selling prices for boned beef put up for tender by the Danish intervention agency pursuant to Regulation (EEC) No 79/75

(Only the Danish text is authentic)

(75/332/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 805/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74 ⁽²⁾, and in particular Article 7 (3) thereof;

Whereas Article 11 of Commission Regulation (EEC) No 216/69 ⁽³⁾ of 4 February 1969 on detailed rules of application for the disposal of frozen beef and veal bought in by intervention agencies, provides that minimum selling prices for the products tendered for must be fixed in the light of the tenders received;

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 79/75 ⁽⁴⁾ of 14 January 1975 on the sale by periodic tendering procedure of boned beef held by the intervention agencies, a certain quantity of boned beef has been put up for tender by the Danish intervention agency ⁽⁵⁾; whereas, having regard to the tenders received for forequarters, for hindquarters without sirloin or tenderloin, and for sirloin and tenderloin, from first quality 'Ungtyre', from 'Køer' first quality and for tenderloin, from first quality 'Køer med Kalvetaender' and to the market situation, it is appropriate to fix the minimum selling prices for those products at the levels given below;

Whereas, on the other hand, the offers received for sirloin from first quality 'Køer med Kalvetaender' being insufficient to enable a minimum selling price

to be fixed, no award should be made on tenders for this product;

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

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of contracts awarded pursuant to Regulation (EEC) No 79/75 the minimum selling prices for boned beef held by the Danish intervention agency shall be as follows:

u.a./metric ton

'Ungtyre', first quality:

— forequarters	1 451
— hindquarters without sirloin or tenderloin	2 058
— sirloin	2 936
— tenderloin	4 024

'Køer med Kalvetaender', first quality:

— tenderloin	4 882
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'Køer', first quality:

— forequarters	1 266
— hindquarters without sirloin or tenderloin	1 782
— sirloin	2 784
— tenderloin	4 882

Article 2

No award shall be made in respect of tenders submitted, in response to the invitation to tender provided for in Regulation (EEC) No 79/75 for the following

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 195, 18. 7. 1974, p. 14.

⁽³⁾ OJ No L 28, 5. 2. 1969, p. 10.

⁽⁴⁾ OJ No L 10, 15. 1. 1975, p. 9.

⁽⁵⁾ OJ No C 85, 17. 4. 1975, p. 1.

product held by the Danish intervention agency:
sirloin, from 'Køer med Kalvetaender', first quality.

Done at Brussels, 15 May 1975.

Article 3

This Decision is addressed to the Kingdom of
Denmark.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION DECISION

of 15 May 1975

fixing minimum selling prices for boned beef put up for tender by the French intervention agency pursuant to Regulation (EEC) No 79/75

(Only the French text is authentic)

(75/333/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 805/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74 ⁽²⁾, and in particular Article 7 ⁽³⁾ thereof;

Whereas Article 11 of Commission Regulation (EEC) No 216/69 ⁽³⁾ of 4 February 1969 on detailed rules of application for the disposal of frozen beef and veal bought in by intervention agencies, provides that minimum selling prices for the products tendered for must be fixed in the light of the tenders received;

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 79/75 ⁽⁴⁾ of 14 January 1975 on the sale by periodic tendering procedure of boned beef held by the intervention agencies, a certain quantity of boned beef has been put up for tender by the French intervention agency ⁽⁵⁾; whereas, having regard to the tenders received for forequarters from steers and cows presented in 'caisses B' and 'caisses M' and for hindquarters from cows presented as 'bavette', 'boules de gîtes/jarrets', 'entrecôtes', 'faux-filets', 'filets', 'gîtes à la noix', 'rumstecks', 'tendes des tranches' and 'tranches grasses', and to the market situation, it is appropriate to fix the minimum selling prices for those products at the levels given below; whereas, on the other hand, the offers received for 'caisses A' being insufficient to

enable a minimum selling price to be fixed, no award should be made on tenders for this product;

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

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of contracts awarded pursuant to Regulation (EEC) No 79/75 the minimum selling prices for boned beef held by the French intervention agency shall be as follows:

u.a./metric ton

Forequarters from steers and cows presented as follows:

— caisses B	807
— caisses M	2 343

Hindquarters from cows presented as follows:

— bavette	2 524
— boules de gîtes/jarrets	1 452
— entrecôtes	3 042
— faux-filets	3 062
— filets	4 422
— gîtes à la noix	2 243
— rumstecks	2 307
— tendes de tranches	2 504
— tranches grasses	2 281

Article 2

No award shall be made in respect of tenders submitted, in response to the invitation to tender provided for in Regulation (EEC) No 79/75 for 'caisses A',

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 195, 18. 7. 1974, p. 14.

⁽³⁾ OJ No L 28, 5. 2. 1969, p. 10.

⁽⁴⁾ OJ No L 10, 15. 1. 1975, p. 9.

⁽⁵⁾ OJ No C 87, 18. 4. 1975, p. 5.

coming from forequarters from steers and cows, held
by the French intervention agency.

Done at Brussels, 15 May 1975.

Article 3

This Decision is addressed to the French Republic.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION DECISION

of 15 May 1975

fixing the maximum export refund for wholly milled round grain rice under the invitation
to tender issued in Regulation (EEC) No 586/75

(75/334/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean Economic Community;

Having regard to Council Regulation No 359/67/
EEC ⁽¹⁾ of 25 July 1967 on the common organiza-
tion of the market in rice, as last amended by Regu-
lation (EEC) No 476/75 ⁽²⁾;

Having regard to Council Regulation No 366/67/
EEC ⁽³⁾ of 25 July 1967 laying down general rules
for granting export refunds on rice and criteria for
fixing the amount of such refunds, as last amended
by Regulation (EEC) No 478/75 ⁽⁴⁾, and in particular
Article 3a thereof;

Having regard to Commission Regulation (EEC)
No 586/75 ⁽⁵⁾ of 6 March 1975 on an invitation to
tender for the levy and/or the refund for the export
of wholly milled round grain rice to third countries,
and in particular Article 9 (1) and 9a thereof;

Whereas an invitation to tender for the export levy
and/or refund on wholly milled round grain rice
was issued under Regulation (EEC) No 586/75;
whereas the notice of invitation to tender ⁽⁶⁾, as
amended on 19 April 1975 ⁽⁷⁾, associated with this
Regulation specified that the total tonnage for which
the export levy and/or refund could be fixed was
approximately 20 000 metric tons;

Whereas Article 9 (1) of Regulation (EEC) No 586/75
allows the Commission in accordance with the proce-
dure laid down in Article 26 of Regulation No 359/
67/EEC, to fix a maximum export refund; whereas,
when this maximum refund is being fixed, account
must be taken of the criteria set out in Articles 2 and

3 of Regulation No 366/67/EEC; whereas Article 9
(2) of Regulation (EEC) No 586/75 stipulates that
the award is made to any tenderer whose tender
indicates a rate of refund equal to or less than such
maximum export refund and any tenderer who has
tendered for an export levy;

Whereas it follows from applying these rules to the
present situation on the market for the rice in
question that the maximum export refund should be
fixed as shown in Article 1; whereas the tonnage to
which this maximum applies is 225 metric tons;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund for wholly milled round
grain rice fixed on the basis of tenders submitted for
15 May 1975 is hereby fixed at 6.278 units of account
per metric ton. The rates to be used for conversion
to national currencies are those given in the Annex
to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 31.

⁽³⁾ OJ No 174, 31. 7. 1967, p. 34.

⁽⁴⁾ OJ No L 52, 28. 2. 1975, p. 34.

⁽⁵⁾ OJ No L 61, 7. 3. 1975, p. 31.

⁽⁶⁾ OJ No C 56, 8. 3. 1975, p. 24.

⁽⁷⁾ OJ No C 88, 19. 4. 1975, p. 7.

ANNEX

The rates to be used for the conversion to national currencies of the export refund given in Article 1

1 Bfr	=	0.0205519 u.a.
1 Dkr	=	0.131956 u.a.
1 DM	=	0.310580 u.a.
1 Fl	=	0.298056 u.a.
1 £	=	1.67815 u.a.
1 Lit	=	0.00114145 u.a.
1 FF	=	0.177177 u.a.

COMMISSION DECISION

of 15 May 1975

fixing the maximum export refund for husked round grain rice under the invitation to tender issued in Regulation (EEC) No 783/75

(75/335/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 359/67/EEC ⁽¹⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 476/75 ⁽²⁾;

Having regard to Council Regulation No 366/67/EEC ⁽³⁾ of 25 July 1967 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 478/75 ⁽⁴⁾, and in particular Article 3a thereof;

Having regard to Commission Regulation (EEC) No 783/75 ⁽⁵⁾ of 26 March 1975 on an invitation to tender for the levy and/or the refund for the export of husked round grain rice to third countries, and in particular Articles 9 (1) and 10 thereof;

Whereas an invitation to tender for the export levy and/or refund on husked round grain rice was issued under Regulation (EEC) No 783/75; whereas the notice of invitation to tender ⁽⁶⁾ associated with this Regulation specified that the total tonnage for which the export levy and/or refund could be fixed was approximately 3 000 metric tons;

Whereas Article 9 (1) of Regulation (EEC) No 783/75 allows the Commission in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC, to fix a maximum export refund; whereas, when this maximum refund is being fixed, account must be taken of the criteria set out in Articles 2 and 3 of Regulation No 366/67/EEC; whereas Article 9 (2)

of Regulation (EEC) No 783/75 stipulates that the award is made to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund and to any tenderer who has tendered for an export levy;

Whereas it follows from applying these rules to the present situation on the market for the rice in question that the maximum export refund should be fixed as shown in Article 1; whereas the tonnage to which this maximum applies is 40 metric tons;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund for husked round grain rice fixed on the basis of tenders submitted for 15 May 1975 is hereby fixed at 5.707 units of account per metric ton. The rates to be used for conversion to national currencies are those given in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 31.

⁽³⁾ OJ No 174, 31. 7. 1967, p. 34.

⁽⁴⁾ OJ No L 52, 28. 2. 1975, p. 34.

⁽⁵⁾ OJ No L 78, 27. 3. 1975, p. 3.

⁽⁶⁾ OJ No C 71, 28. 3. 1975, p. 5.

ANNEX

The rates to be used for the conversion to national currencies of the export refund given in Article 1

1 Bfr	=	0.0205519 u.a.
1 Dkr	=	0.131956 u.a.
1 DM	=	0.310580 u.a.
1 Fl	=	0.298056 u.a.
1 £	=	1.67815 u.a.
1 Lit	=	0.00114145 u.a.
1 FF	=	0.177177 u.a.

COMMISSION DECISION

of 15 May 1975

to take no action on tenders submitted for 15 May 1975 in response to the invitation
to tender issued in Regulation (EEC) No 784/75

(75/336/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean Economic Community;

Having regard to Council Regulation No 359/67/
EEC ⁽¹⁾ of 25 July 1967 on the common organization
of the market in rice, as last amended by Regulation
(EEC) No 476/75 ⁽²⁾;

Having regard to Council Regulation (EEC) No
2737/73 ⁽³⁾ of 8 October 1973 laying down general
rules to be applied in the event of the rice market
being disturbed, as last amended by Regulation (EEC)
No 477/75 ⁽⁴⁾, and in particular Article 4 (2) thereof;

Having regard to Council Regulation No 366/67/
EEC ⁽⁵⁾ of 25 July 1967 laying down general rules
for granting export refunds on rice and criteria for
fixing the amount of such refunds, as last amended
by Regulation (EEC) No 478/75 ⁽⁶⁾, and in particular
Article 3a thereof;

Having regard to Commission Regulation (EEC)
No 784/75 ⁽⁷⁾ of 26 March 1975 on an invitation to
tender for the levy and/or the refund for the export
of long grain husked rice to third countries, and in
particular Article 9 (1) thereof;

Whereas an invitation to tender for the export levy
and/or refund on long grain husked rice was issued
under Regulation (EEC) No 784/75;

Whereas Article 9 (1) of Regulation (EEC) No 784/75
allows the Commission to decide, in accordance with
the procedure laid down in Article 26 of Regulation
No 359/67/EEC, and on the basis of tenders submit-
ted, either to fix a maximum export refund, taking
account in particular of the criteria laid down in
Articles 2 and 3 of Regulation No 366/67/EEC, or
to fix a minimum export levy, taking account in

particular of the criteria laid down in Article 3 (1) (b)
and (d) of Regulation (EEC) No 2737/73, or to
discontinue the invitation to tender;

Whereas none of the tenders submitted make it
possible, given the present market situation for the
rice in question, to fix a maximum refund in accord-
ance with the criteria laid down in Articles 2 and 3
of Regulation No 366/67/EEC or a minimum levy in
accordance with the criteria laid down in Article 3 (1)
(b) and (d) of Regulation (EEC) No 2737/73; whereas
the invitation, to tender should therefore be
discontinued;

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

HAS ADOPTED THIS DECISION:

Article 1

No action shall be taken on the tenders submitted for
15 May 1975 in response to the invitation to tender
for the export levy and/or refund on long grain
husked rice referred to in Regulation (EEC)
No 784/75.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 52, 28. 2. 1975, p. 31.

⁽³⁾ OJ No L 282, 9. 10. 1973, p. 13.

⁽⁴⁾ OJ No L 52, 28. 2. 1975, p. 33.

⁽⁵⁾ OJ No 174, 31. 7. 1967, p. 34.

⁽⁶⁾ OJ No L 52, 28. 2. 1975, p. 34.

⁽⁷⁾ OJ No L 78, 27. 3. 1975, p. 7.

COMMISSION DECISION

of 20 May 1975

fixing the minimum selling prices for butter for the seventh individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 232/75

(75/337/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 740/75 ⁽²⁾, and in particular Article 6 (7) thereof;

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

Whereas, pursuant to Commission Regulation (EEC) No 232/75 ⁽⁵⁾ of 30 January 1975 on the sale of butter at reduced prices for use in the manufacture of pastry products and ice cream, as amended by Regulation (EEC) No 522/75 ⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

Whereas Article 9 of that Regulation provides that, in the light of the tenders received, a minimum selling price must be fixed which may vary according to the

use to which the butter is to be put and according to the fat content of the butter; whereas alternatively a decision may be taken not to proceed with the invitation to tender; whereas the amounts of the processing security must be fixed in the light of the difference between the minimum selling prices and the market prices of the butter;

Whereas, in the light of the tenders received in response to the seventh individual invitation to tender, the minimum selling prices should be fixed at the level specified below and the processing securities determined accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

For the seventh individual invitation to tender under Regulation (EEC) No 232/75, in respect of which the time limit for the submission of tenders expires on 13 May 1975, the minimum selling prices and without prejudice to the provisions of the second subparagraph of Article 12 (1) of the said Regulation, the processing securities shall be as follows:

Fat content of the butter	Use to which the butter is to be put (Article 6 (1) (c) of Regulation (EEC) No 232/75)	Minimum selling price in u.a. per 100 kg butter	Processing security in u.a. per 100 kg butter
82 % or more	Formula A	95	125
	Formula B	120	100

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 74, 22. 3. 1975, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 24, 31. 1. 1975, p. 45.

⁽⁶⁾ OJ No L 55, 1. 3. 1975, p. 69.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

COMMISSION DECISION

of 21 May 1975

on the issue of import licences for beef and veal products originating in Botswana,
Kenya, Madagascar and Swaziland

(75/339/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean Economic Community;

Having regard to Council Regulation (EEC) No 805/
68 ⁽¹⁾ of 27 June 1968 on the common organization
of the market in beef and veal, as last amended by
Regulation (EEC) No 1855/74 ⁽²⁾, and in particular
Article 21 (2) thereof;

Whereas Commission Regulation (EEC) No 780/75 ⁽³⁾
of 25 March 1975 concerning the arrangements
for the importation, during the period of application
of protective measures, of beef and veal products
originating in Botswana, Kenya, Madagascar and
Swaziland provides for the issue of import licences
for beef and veal products; whereas, however, the
quantities imported must not exceed those provided
for in respect of each exporting third country;

Whereas the granting of import certificates for the
applications submitted from 28 March to 7 April
1975 has been authorized by the Commission
Decision of 11 April 1975 ⁽⁴⁾ and the remaining
quantity for which certificates can be requested from
1 May 1975 have been fixed;

Whereas the quantities for which applications for
licences were submitted between 1 and 10 May 1975,
expressed as boned meat in accordance with the
second paragraph of Article 1 of Regulation (EEC)
No 780/75, are less than quantities provided for in
Article 2 of the aforementioned Decision; whereas it
must therefore be possible to deliver the import
certificates for the quantities requested,

HAS ADOPTED THIS DECISION:

Article 1

The import certificates provided for in Regulation
(EEC) No 780/75 are given for all the quantities for
which requests for certificates have been deposited
from 1 to 10 May 1975.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 May 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 195, 18. 7. 1974, p. 14.

⁽³⁾ OJ No L 77, 26. 3. 1975, p. 34.

⁽⁴⁾ OJ No L 109, 29. 4. 1975, p. 31.